

# PLANNING COMMITTEE

## AGENDA



**Wednesday 31 January 2018**

**at 10.30am**

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

### MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Buchan, Cook, Fleming, James, Loynes, Martin-Wells, Morris and Sirs

#### 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 10<sup>th</sup> January 2018 *(to follow)*

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

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

1. H/2014/0428 Land South of Elwick Road, High Tunstall *(page 1)*
2. H/2015/0551 Land South of Elwick Road *(page 79)*
3. H/2015/0528 Land at Quarry Farm, Phase 2, Elwick Road *(page 155)*

#### 5. **ITEMS FOR INFORMATION**

No items

#### 6. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**



## 7. **FOR INFORMATION**

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 7 February 2018



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **10 January 2018**

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, Bob Buchan, Tim Fleming, Marjorie James, Brenda Loynes, Ray Martin-Wells and George Morris

In accordance with Council Procedure Rule 4.2 Councillor Kevin Cranney was in attendance as substitute for Councillor Stephen Akers-Belcher

Officers: Peter Devlin, Chief Solicitor  
Jim Ferguson, Planning and Development Manager  
Sarah Scarr, Heritage and Countryside Manager  
Adrian Hurst, Environmental Health Manager (Environmental Protection)  
Daniel James, Planning Team Leader (DC)  
Peter Frost, Highways, Traffic and Transport Team Leader  
Kieran Bostock, Principal Engineer (Environmental Engineering)  
Laura Chambers, Senior Planning Officer  
Ryan Cowley, Senior Planning Officer  
Jo Stubbs, Democratic Services Officer

## **70. Apologies for Absence**

Apologies were submitted by Councillors Stephen Akers-Belcher and Kaylee Sirs.

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

With reference to the planning application relating to Valley Drive (H/2017/0569) Councillor Ray Martin-Wells queried whether he should declare a prejudicial interest as he had done so previously. The Chief Solicitor advised this would be best for the sake of transparency. Councillor Martin-Wells therefore declared a prejudicial interest and announced his intention to leave the meeting during consideration of this item.

## 72. Confirmation of the minutes of the meeting held on 29<sup>th</sup> November 2017

Minutes confirmed

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

Planning Application H/2015/0281 (Seaview Park Homes, Easington Road) was deferred

**Number:** H/2017/0335

**Applicant:** MR H KANDOLA

**Agent:** SJD ARCHITECTS LTD MR STEVE DODDS TANNERS  
BANK DESIGN STUDIO AISLABY ROAD EAGLESCLIFFE  
STOCKTON ON TEES

**Date received:** 09/06/2017

**Development:** Change of use to 3 no. house in multiple occupation (sui generis) with partial ground floor demolition to rear and alteration to front elevation (Amended plans to retain partial commercial use at ground floor).

**Location:** 12 14 CHURCH STREET HARTLEPOOL

Members of the Committee had undertaken a site visit to the area prior to the commencement of the meeting.

The Agent, Steve Dodds, urged the Committee to support the application which would bring 3 vacant buildings into long term viable use. The developer had worked closely with the Council and statutory consultees to deliver the scheme in line with policy requirements resulting in no objections.

A member asked whether sprinklers would be included in the building. Mr Dodds advised that while this had not been confirmed it would be reviewed should permission be granted. However it was not a legal requirement.

Members were concerned that the development would cause significant parking problems in an already busy area and potentially have an economic impact on businesses by reducing parking provision. They felt unable to support the application.

They recorded the following reasons for departing from officer advise

- 1) The lack of on site parking would exacerbate the parking situation to the detriment of highway safety.

- 2) The lack of on site parking would have a detrimental impact on the economic viability of neighbouring businesses.

Members refused the application by a majority.

**Decision:** **REFUSED**

### **REASONS FOR REFUSAL**

1. In the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development by virtue of the lack of in curtilage car parking that would have the potential to exacerbate traffic and parking congestion in the area to the detriment of highway and pedestrian safety, contrary to saved policy GEP1 of the Hartlepool Local Plan (2006) and emerging policy QP3 of the emerging Hartlepool Local Plan (2016).
2. In the opinion of the Local Planning Authority, the proposal would have a detrimental impact on the economic viability of businesses in the area by virtue of the potential increase in traffic and parking congestion due to the lack of in curtilage car parking, contrary to saved policy GEP1 of the Hartlepool Local Plan (2006) and emerging policies RC2 and QP3 of the emerging Hartlepool Local Plan (2016).

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<b>Number:</b>	H/2017/0457
<b>Applicant:</b>	Mr Darab Rezai Dalton Piercy Road Dalton Piercy HARTLEPOOL
<b>Agent:</b>	Integra Residential 105 Harton House Road South Shields
<b>Date received:</b>	18/10/2017
<b>Development:</b>	Demolition of existing farm buildings and erection of 3 new dwellings with associated internal access road, parking and landscaping
<b>Location:</b>	THREE GATES FARM DALTON PIERCY ROAD DALTON PIERCY HARTLEPOOL

The Agent, Mr Dixon urged members to support the application. He disputed the officer assertion that this was an isolated development given the cluster of other buildings in the immediate vicinity. It would provide new housing opportunities and regenerate the area. Support for new housing on Brownfield land was a key objective of national planning policy and policies relating to the protection of rural land did not apply in this case. Statutory consultees had raised no objection.

The Planning and Development Manager concurred there had been much debate on the definition of isolated. However the current policy of the emerging local plan referred to dwellings outside development limits which this clearly was. The local plan was at an advanced stage and the allocations within it provided for the council's 5 year housing land supply. He disagreed with Mr Dixon in terms of national planning policy.

Members expressed their support for the application acknowledging that the site was not located within the village but neither was it in the middle of an empty field. 3 new buildings would not be detrimental and similar applications had been approved previously. By bringing more residents in the village would become more sustainable. The development would replace the existing farm building.

Members recorded the following reason for departing from policy and officer advice.

1) That the development would replace existing farm buildings on the site and lead to an improvement in the visual amenity of the area.

Members approved the application by a majority. Conditions to be delegated to officers and the Chair as per the usual process.

**Decision:** **APPROVED** subject to conditions to be delegated to Planning & Development Manager and Planning Committee Chair

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<b>Number:</b>	H/2017/0526
<b>Applicant:</b>	MR MRS ADAIR SOUTH CRESCENT HARTLEPOOL
<b>Agent:</b>	MR MRS ADAIR 4 SOUTH CRESCENT HARTLEPOOL
<b>Date received:</b>	16/10/2017
<b>Development:</b>	Replacement of roof, installation of UPVC windows at the rear and removal of the dining/lounge room ground floor internal wall (Retrospective Listed Building Consent Application)
<b>Location:</b>	4 SOUTH CRESCENT HARTLEPOOL

The Applicant, Mr Adair, urged members to support the application, saying a number of properties in the area had UPVC rear windows of varying styles. They had replaced the windows as a matter of urgency due to state of disrepair the windows were in at the time of purchase. He also noted that

these windows had been mismatched. The rear of the property was out of public view and did not affect the street scene. He also highlighted a number of previous applications when the Council had granted permission for other properties on South Crescent and Albion Crescent against their own policy.

The Heritage and Countryside Manager advised members that Council policy as agreed in 2009 states that consent should not be granted to the replacement of any windows or doors which had previously been altered using inappropriate materials or design. This applies on all listed buildings, regardless of whether they are located within or without a conservation area. In this case officers would have expected to see traditional sliding sash windows using traditional materials. Members queried whether environmental conditions were ever taken into account when considering which materials should be used. The Heritage and Countryside Manager confirmed that officers would always recommend materials which were suitable both in terms of appropriateness and sustainability. In this case however there was no leeway on the use of timber due to its Grade 2 status and location within a conservation area.

Members felt that as the windows were located at the back of the property the impact on the listed building and conservation area would be minimal. A member praised Mr Adair for modernising and maintaining a Grade 2 building. The Chair noted that plans were already in place to review policies regarding conservation areas and listed buildings.

Members approved the application by a majority.

Members recorded the following reason for departing from officer advise and policy

- 1) Given the existing window design members did not consider that the replacement windows would have a detrimental impact on the character and appearance of the listed building or Conservation Area.

**Decision:** **APPROVED** conditions delegated to the Planning & Development Manager.

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<b>Number:</b>	H/2017/0569
<b>Applicant:</b>	TAYLOR WIMPEY NORTH EAST COLIMA AVENUE SUNDERLAND
<b>Agent:</b>	TAYLOR WIMPEY NORTH EAST RAPIER HOUSE COLIMA AVENUE SUNDERLAND
<b>Date received:</b>	24/10/2017

**Development:** Variation of conditions 1, 4 and 5 to planning application H/2015/0422 to update plans showing boundary enclosure to northern boundary

**Location:** Land off Valley Drive Tunstall Farm HARTLEPOOL

Members queried why officers weren't insisting on soft hedging as a boundary rather than close bordered wooden fencing as they felt that the former would be preferable for those living adjacent to the development and help with flooding and other ecological matters. The Planning Team Leader acknowledged these comments but noted that a hedge would only be protected for 5 years by way of a standard planning condition after which time there would be no control by the LPA to prevent residents from removing the hedge if they so wished.

Councillor Ray Martin-Wells spoke against the application as Ward Councillor. This was another example of the developer ignoring conditions relating to aesthetics and would be detrimental to people living nearby who have had the development imposed on them by the planning inspector. Councillor Martin-Wells made a number of other comments which are detailed in the exempt minutes. **This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

**Councillor Martin-Wells left the meeting.**

Members felt that a hedge boundary would be preferable both aesthetically and in terms of wildlife. The Planning and Development Manager agreed that it would be nice to have a hedge but that was not what was proposed. Hereiterated the previous comments that a hedge could be removed by residents after 5 years and also highlighting that residents would be responsible for maintenance of a hedge. He pointed out that the developer could erect a fence of up to 2m in height without planning permission and advised that the type of fencing as proposed had been accepted on numerous other new housing developments in the town and was the standard treatment in such cases. A member felt that a wooden fence on both sides would have been acceptable but in this case only existing residents would be impacted upon. It was noted that the developer would pay more to install a wooden fence.

Members approved the application by a majority. **Councillor Marjorie James requested that her vote against the application be recorded.**

**Decision:** **APPROVE** subject to conditions



### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with Dwg No(s); 1N/TUN/SK-10 Rev R (LPE Layout), 90864/8026 Rev B, received 19/10/17 by the Local Planning Authority and additional plan 1N/TUN/PL-21, received 02/11/17 by the Local Planning Authority.  
For the avoidance of doubt.
3. Notwithstanding the details agreed via condition 2 above, the boundary fence hereby approved shall be finished in 'Tanatone' stain, as detailed in the manufacturer's specification received by Hartlepool Borough Council on 21/12/17.  
In the interests of a satisfactory form of development and for the avoidance of doubt.
4. This approval relates solely to this application for the variation of conditions 1, 4 and 5 in respect of the boundary enclosure to the northern boundary. The requirements of all the conditions (including conditions 1, 4 and 5) in all other respects attached to the reserved matters permission (approval reference H/2015/0422, dated 22/01/16) shall continue to apply to this consent and shall be complied with.  
For the avoidance of doubt.

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

#### **74. Appeal at 1 Serpentine Gardens, Hartlepool** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against the decision to refuse planning permission for the installation of a dormer window and patio at the front, balcony to the side, boundary wall/fence and gate along the frontage and alterations to the window and door arrangements.

##### **Decision**

That officers be authorised to contest the appeal.

#### **75. Appeal at 5 Chichester Close, Hartlepool** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against the decision to refuse planning permission for the erection of first floor extensions to the front and rear and the installation of a window.

##### **Decision**

That officers be authorised to contest the appeal.

**76. Appeal at 33 Silverwood Close, Hartlepool** *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal had been submitted against the decision to refuse planning permission for alterations to the boundary fence

**Decision**

That officers be authorised to contest the appeal.

**77. Appeal at Low Throston House, Netherby Gate, Hartlepool** *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal had been submitted against the decision to refuse a Lawful Development Certificate for existing use of land to a site chalet under Mobile Homes Act definition within the curtilage of Low Throston House for ancillary use.

**Decision**

That officers be authorised to contest the appeal.

**78. Review of One Stop Shop and Monitoring Fees** *(Assistant Director (Economic Growth and Regeneration))*

The Planning and Development Manager advised that officers were proposing a 20% increase in the fees charged for use of the One Stop Shop. Included in this would be the introduction of a £50 fee for householder advice, an increase in the advertisement advice fee from £60 to £144 and the removal of exemptions for advice relating to listed buildings and conservation areas. He noted that since the introduction of the fees in 2011 more than ten thousand pounds a year in additional income was estimated to have been received.

Members expressed their support for these increases, which they felt were reasonable given the benefits. In terms of the introduction of a fee for householder advice they felt this was acceptable given that any legitimate alterations would result in an increase in the property value. However concerns were raised at the proposals to include either a meeting or accompanied site visit in the cost for smallscale major developments and minor developments as it was felt that site visits were more costly than a meeting. The Planning and Development Manager noted that this had already been included in the schedule of fees but acknowledged these comments and confirmed that the new schedule would be amended to

increase the charge for a written response with an accompanied site visit by £100 for both categories.

### **Decision**

That the proposed revised schedule of fees for the provision of pre-application advice and monitoring of legal agreements be endorsed.

## **79. Update on Current Complaints** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised of the current status of investigations into 6 complaints and the completion of investigations into 9 complaints.

### **Decision**

That the report be noted

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

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

Minute 81 – (Complaint Cases to be closed) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person and (b) to make an order or direction under any enactment

Minute 82 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person and (b) to make an order or direction under any enactment

Minute 83 – (Non-Compliance with Condition) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person and (b) to make an order or direction under any enactment

- 81. Complaint Cases to be closed** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person and (b) to make an order or direction under any enactment

Members were asked to authorise the closure of an outstanding complaint case.

#### **Decision**

Detailed within the exempt minutes.

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

This item was withdrawn.

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

- 83. Non-Compliance with Condition** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by

virtue of which requirements are imposed on a person and (b) to make an order or direction under any enactment

Members were asked whether they wished to pursue formal enforcement action in respect of non-compliance with a planning condition. Further information is given in the exempt minutes.

### **Decision**

Detailed within the exempt minutes.

## **84. Additional Planning Committee**

Members were advised that an additional Committee had been scheduled for 10.30am on Wednesday 31<sup>st</sup> January. It had been proposed that a site visit be undertaken in order that members could familiarise themselves with the sites in question. Members were happy to approve this course of action.

The meeting concluded at 12:05pm.

CHAIR

**No:** 1  
**Number:** H/2014/0428  
**Applicant:** Tunstall Homes Ltd c/o Agent  
**Agent:** Prism Planning Ltd Mr Rod Hepplewhite Prism Planning  
 1st Floor 11 High Row Darlington DL3 7QQ  
**Date valid:** 02/10/2014  
**Development:** Outline application with all matters reserved for residential development comprising up to 1,200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting.  
**Location:** LAND SOUTH OF ELWICK ROAD HIGH TUNSTALL  
 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/RELEVANT PLANNING HISTORY

### Other relevant planning applications relating to site:

1.2 H/2015/0551 – A (hybrid) planning application made valid on 22.01.2016, on land South of Elwick Road, High Tunstall is currently pending consideration for *the erection of up to 153 dwellings (in detail) and up to 55 self build dwellings (in outline, all matters reserved), a sales area (in detail to include cabin and car parking) and associated access, landscaping and engineering works.*

1.3 This application is also before members on this agenda. In effect, the application (H/2015/0551) forms phase 1 of the 1200 dwellings (H/2014/0428, the current application) and falls within the draft allocated site HSG5 (High Tunstall Strategic Housing Site) of the 2018 emerging Hartlepool Local Plan.

### The following applications are considered to be relevant to the current application:

1.4 H/2015/0162 – Planning permission was granted on 09.05.2016 on land off Coniscliffe Road for *residential development comprising 39 dwellings and provision of a car park (and drop-off point) to serve West Park Primary School.*

1.5 The site is currently under construction. The site lies to the south east/east of the current application site and outside of the High Tunstall Strategic Housing Site/the current application site.

### Applications on land at Quarry Farm:

1.6 Land at Quarry Farm phase 1 (H/2014/0215) – Planning permission was allowed on appeal on 18.02.2015 for the erection of 81 dwellings on land at Quarry Farm, Elwick Road (LPA Ref H/2014/0215, Appeal Ref APP/H0724/A/14/2225471). The site is currently under construction. The site lies to the north of the current application site beyond Elwick Road.

1.7 Land at Quarry Farm phase 2 (H/2015/0528) – Planning permission is currently pending consideration for outline planning permission for up to 220 residential dwellings with associated access, all other matters reserved. The site is proposed to be accessed from Reedston Road. This application is also before members on this agenda.

## PROPOSAL

1.8 This planning application seeks outline permission with all matters reserved for residential development comprising up to 1,200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting on land to the south of Elwick Road/High Tunstall, Hartlepool.

1.9 Since the application was made valid in October 2014, there have been a number of significant amendments to the scheme including a reduction in the size of the application site (reduced from approximately 118ha to 82ha, reduction in the overall western boundary reduced by over 200m (approx) in width and removal of a previously proposed distributor road from the A179), a reduction in the overall dwelling numbers from 2000 to 1200 dwellings and the removal of a previously proposed care facilities. The site boundary was increased again (to approx. 92ha) in August 2016 to include further areas of Suitable Alternative Natural Greenspace (SANGS) with respect to ecological mitigation. Amended masterplans and additional supporting documents/plans were submitted.

1.10 As set out above, the application relates to the draft allocated High Tunstall Strategic Housing Site. Since the submission of the original application in October 2014, the above referenced application for 208 dwellings (H/2015/0551) on land to the South of Elwick Road was submitted and this falls within the overall site boundary of the current application.

1.11 The proposed masterplan relates to an overall area of approximately 92ha which would include the following elements which reflect the requirements of Policy HSG5 of the emerging Hartlepool Local Plan (2018);

- No more than 69.1ha of land to be development for new housing and associated housing infrastructure with residential development consisting of up to 1200 dwellings
- A centralised neighbourhood facilities site to include retail (up to 250sqm in A1 Use floorspace), a public house (up to 600sqm of A3/A4 Use floorspace), health facilities (up to 500sqm of D1 Use Class floorspace), a crèche (up to 100sqm of D1 Use floorspace) and a community centre (up to 500sqm of D1 Use floorspace)
- A site reserved for a two-form entry primary school with playing pitches

- 15ha of SANGS and multi functional green space including a large parcel of open space to the west of the site and to the south. The submitted masterplan includes screen planting along the western perimeter of the site
- Pedestrian and cycle linkages to the urban core, including provision for an access to Summerhill Country Park
- Provision for a future link road through the site (It is anticipated that this link along with other linkages would provide a future western relief road in the future)
- The scheme will make provision for SuDS

1.12 Amendments to Elwick Road in the north west corner of the site will be required to form a new access roundabout which will be the main access into the site (the above referenced site for 208 dwellings will be served by a separate access further east along Elwick Road). A main distributor road would serve the development running from the north west corner (Elwick Road) down and through the centre of the site, terminating in the south east corner (it is anticipated this will eventually form part of a western relief road for the town). The proposal includes a number of highway mitigation measures which will be discussed in the main body of the report.

1.13 The application has been accompanied by an Environment Impact Assessment in the form of an Environmental Statement (ES). In addition, reports submitted with the application include a Landscape and Visual Impact Assessment, a Transport Assessment, a Travel Plan, a Flood Risk & Drainage Assessment, a Geo Environmental Desk Report, a Planning Statement, a Design & Access Statement, a Statement of Community Involvement, an Air Quality Assessment, a Noise Assessment, Ecological Reports, Archaeological and Heritage Reports, a Sequential Assessment and an Arboricultural Impact Assessment. Addendum reports to the original ES were provided following the reduced size (and number of dwellings) of the application site.

1.14 The Environmental Information contained in the ES and the above information has been taken into account in reaching the recommendation outlined in this report.

## **SITE CONTEXT**

1.15 The application site relates to an approximately 92 hectares parcel of land to the south of Elwick Road. The site is primarily agricultural land. Beyond the site boundary to the east are existing residential properties and a primary school within the West Park area. As set out above, a site is currently under construction for the erection of 39 dwellings on land off Coniscliffe Road to the east of the application site.

1.16 Beyond the northern boundary is Elwick Road with 81 dwellings currently under construction on land at Quarry Farm (north east), agricultural land and a number of existing properties (Quarry Farm/Quarry Cottages) to the north. Existing residential properties are also present to the north east beyond Elwick Road. Beyond the western boundary of the application site is further agricultural land which is defined by field boundaries and hedgerows. A number of farms and other properties are present beyond the south west boundary. Elwick village and the A19 lie to the west of the application site with Dalton Piercy to the south west.



1.17 The topography of the site slopes from the highest point in the north and west site down towards the south and east of the site. The land undulates with localised rises and falls across numerous agricultural fields. A major hazardous gas pipeline runs along the northern and eastern boundaries of the site (as discussed within the main body of the report). A public right of way also runs from north to south beyond the eastern boundary of the application site/Tunstall Farm down to Duchy Road (Footpath No. 25, Hartlepool) and a public right of way cuts through the middle of the application site, running from east to west (Footpath No 7, Hartlepool).

## **PUBLICITY**

1.18 The application was originally advertised by way of site notices, a press advert and neighbour letters (more than 1000). Following the submission of amended plans (including amendments to the description and redline boundary), further re-consultations (on more than one occasion) have taken place by way of site notices, press adverts and neighbour re-consultation letters.

1.19 To date, 482 objections have been received (including a petition of 24 signatures, and more than one objection from the same person on many occasion). These objections and concerns have been summarised as follows;

1.20 The objections and concerns have been summarised as follows;

- Proposal will increase problems of congestion and increase in traffic and queuing
- Increase in traffic through Elwick village
- Existing issues of queuing on A19 and A179 resulting in increased highway safety issues/there have been fatalities at the junction
- Existing issue of queuing on A19 to access Elwick and Dalton Piercy
- Concern regarding proposed development and any access from Coniscliffe Road
- Increase in traffic and congestion at Elwick Road/Wooler Road/Park Road junction, Valley Drive/Egerton Road
- Concerns that a large number of dwellings will be permitted before the proposed Elwick bypass is put in place resulting in high volume of traffic through Elwick village and to the detriment of quality of life
- The proposed bypass needs to be put in place now
- Any traffic monitoring by HBC should be taken over a prolonged period
- Loss of farmland
- Impact on wildlife habitat and ecology
- Overdevelopment of site/high density
- Impact on amenity and privacy of surrounding residential properties in terms of noise disturbance, light pollution, overlooking/loss of privacy and overshadowing
- Construction noise and dust for a prolonged period/years
- Adverse visual impact
- Design out of keeping with area
- Increase in noise and air pollution
- Damage to existing roads

- Issues of road safety in respect of school children
- Increase in drainage and flooding issues
- Increase in littering and fly tipping
- Development of brown field sites would be more beneficial to Hartlepool
- The development was removed from 'the original town plan' and the reasons should be taken into account
- The Council has been slow to adopt a new local plan
- Impact on 'green belt'
- Increased pressure on schools
- Existing empty houses in town/large number of properties struggling to sell
- Loss of views
- Who will buy the properties
- The development is unnecessary given the approved developments at Quarry Farm
- Neighbour consultation is a waste of time
- There will be requests for council tax reductions
- Hartlepool has no accident and emergency unit
- Property devaluation/devaluation of 'exclusivity' of area
- Significant concerns regarding the environment and ecology
- The proposed local centre will be a magnet for anti-social behaviour
- Littering and fly tipping encroaching further into the countryside
- Overdevelopment
- Increased pressure on schools in the area
- Insufficient health care services in the town
- Loss of landscape view.

1.21 Two letters of support and 1 letter of 'no objection' were also received.

1.22 Those supporting the proposal raise the following reasons

- the proposal will deliver much needed new houses in Hartlepool
- the proposal will provide a diverse mix of housing types including executive homes

1.23 Copy Letters **A**

1.24 The period for publicity has expired.

## **CONSULTATIONS**

1.25 The following consultation responses have been received;

**HBC Traffic and Transport** (updated, received 02.01.2018)

### HIGH TUNSTALL – HIGHWAY COMMENTS

A joint transport assessment with the Quarry Farm 2 development was carried out and the scope of the assessment agreed with Hartlepool Borough Council. Other future committed developments were included in the assessments. Concerns were expressed that this development would have a detrimental impact on safety at the A19 Elwick junction particularly with the queue of right turning vehicles

extending beyond the queuing lane into the main running lane on the A19, which is addressed by the existing Holding Order imposed by Highways England on any further development which is likely to increase traffic movements at the three existing right turn junctions on the A19 at Elwick and Dalton Piercy.

In order to address these concerns, and to bring forward development prior to the construction of the Elwick by-pass and grade separated junction, the developer in conjunction with the proposed Quarry Farm 2 development have provided plans which propose the closure of the central gaps on the A19 at both Elwick junctions and at Dalton Piercy. This can only be done after extensive improvement / signalisation works at the Sheraton interchange to prevent traffic queuing back onto the A19 have been completed as the existing junction cannot accommodate the additional traffic that will be generated by preventing right turn manoeuvres at the three junctions. The signalisation of Sheraton is being delivered by Durham County Council and funded by Highways England under the Congestion Relief Programme announced as part of the 2016 Autumn Statement. The gap closure scheme would address concerns about right turning traffic on the A19. The scheme does not address the cumulative impact this and the High Tunstall Development will have on increased flows through Elwick village in the am peak heading south on the A19 and the increased travel time for residents of Elwick and Dalton who will not then be able to access the northbound carriageway on the A19 from the village due to the gap closures. The scheme should therefore only be considered a short term measure and the development should be required to pay a pro rata contribution towards the construction of the Elwick by-pass and Grade separated junction. This scheme is currently being developed by Hartlepool Borough Council.

It has been agreed that the above works can accommodate 208 houses on High Tunstall and 220 on Quarry Farm 2. There are concerns that if the A19 gaps are not closed prior to the commencement of the development there may be issues with construction traffic and operatives vehicles using the A19 / Elwick junctions. This would be detrimental to highway safety. It is understood that in order to allow development to commence prior to construction Highways England who are responsible for the junction will require the developer to produce a construction management plan in an attempt to direct construction traffic to alternative routes, however it will be the responsibility of Highways England to police this plan as the potentially dangerous manoeuvres will be taking place on highway for which they have responsibility. No further housing outside of the 208 dwellings on High Tunstall and 220 dwellings on Quarry Farm 2 can commence until the commencement of the Elwick By pass and the GSJ.

Comments specific to H/2015/0551 (but relevant to H/2014/0428)

The 228 properties will be accessed from Elwick Road, the junction will be a standard priority junction with a segregated right turn lane, and this is considered acceptable. The existing 30 mph speed limit would need to be repositioned at the developer's expense to a point west of the new junction, exact position to be agreed with Highway Authority. The street lighting along Elwick Road will also need to be extended to cover the junction.

A further roundabout junction will be constructed on Elwick Road west of the above access on commencement of the remaining 1200 dwellings (H/2014/0428) this will require the amendment of the current National speed Limit, the junction will also be required to be illuminated. This junction will provide access to the main local distributor road and this will form part of the proposed Hartlepool western by-pass. Several junctions on the local highway network were assessed for capacity. There will be a cumulative impact on the local highway network although this is not considered to be severe until after the 208<sup>th</sup> dwelling at High Tunstall and the 220<sup>th</sup> dwelling at Quarry Farm 2 development have been completed. This has been verified by specialist Transport consultants ARUP who were commissioned by Hartlepool Borough Council. There are therefore no requirements to carry out mitigation works to any junctions on the internal road network.

After the construction of 428 properties the impact on the Park Road / Wooler Road / Elwick Road junctions and Hart Lane / Serpentine Road junctions is considered to be severe. The developer has submitted outline designs to mitigate the completion of the 1200 dwellings proposed for the High Tunstall development (H/2014/0428). Hartlepool Borough Council will work with the developers to deliver appropriate works to mitigate the severe effect that additional development will have on the internal road network at the two junctions identified whether this be at the junctions themselves or in other areas of the town. It is expected that the s106 legal agreement will secure a financial contribution from the developer towards such schemes, which will be implemented by the Council.

Conditions to be applied to the 1200 Dwellings application (H/2014/0428);

1. *Prior to the commencement of development of the dwellings hereby approved, the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 shall have commenced development, to the satisfaction of the Local Planning Authority. For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551 (decision dated xxx). (For the avoidance of doubt the completion of the gap closures on the A19 would not constitute commencement of the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 for the purposes of this condition)*

*the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.*

2. *Notwithstanding the submitted plans, no development shall take place until a detailed scheme for the provision of a roundabout junction from Elwick Road (to be provided on a 1:500 scale plan, minimum) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided in general conformity with Drawing No. P101 Rev P ('Proposed Master plan') and details included within the Transport Assessment Version 1.1 (dated 18.02.2016). 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. For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551 (decision dated xxx).*

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

3. *No part of the development shall be occupied until the existing speed limit has been assessed along Elwick Road (between the proposed roundabout and the access to serve development approved under H/2015/0551), with a scheme to be first submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the speed reduction measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551 (decision dated xxx).*

*In the interests of highway and pedestrian safety.*

4. *No part of the development shall be occupied until a system of street lighting has been introduced on Elwick Road which covers the extent of roundabout junction to the satisfaction of the Local Planning Authority. For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551 (decision dated xxx).*

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

# **Highways England** (updated, received 12.01.2018)

Highways England can now replace our recommendation of non-determination on this application with a conditional response.

Please find attached our final formal response which includes our previously agreed condition for development of the Elwick bypass and A19 Junction.

Another condition has been added. In consideration of construction issues relating to the development of the Elwick Bypass and Junction, the wider development of the proposal beyond the original phase of 208 homes, possible traffic management on the A19 and the uncertainty related to timings of various development and details of the proposals not being completely confirmed, this condition is essentially to say that we require this issue to be revisited to ensure that Strategic Road Network safety is maintained beyond the initial phase. I would ideally foresee this as part of a general Construction Traffic Management Planning for the whole site for each subsequent phase of building.

## Formal Recommendation:

Notice is hereby given that Highways England's formal recommendation is that we recommend that conditions should be attached to any planning permission that may be granted;

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

1, Prior to the commencement of development of the dwellings hereby approved, the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 shall have commenced development, to the satisfaction of the Local Planning Authority. For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551 (decision dated

xxx).(For the avoidance of doubt the completion of the gap closures on the A19 would not constitute commencement of the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 for the purposes of this condition).

2, Prior to commencement of construction of the 209th house, a Construction Transport Management Plan addressing any outstanding issues affecting the Strategic Road Network (SRN) should be agreed with Hartlepool Borough Council in consultation with Highways England.

Reason(s) for the recommendation above:

In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard Application Reference H/2014/0428 and has been prepared by Chris Bell.

**HBC Public Protection** (received January 2018)

HBC Environmental Health Manager confirmed no objections to the development subject to the requirement for planning conditions relating to;

- A Construction Management Plan
- A control on hours of construction/building/demolition works or deliveries
- Noise insulation measures to properties directly adjacent to the access and spine roads of the development
- Restrict hours of use of retail and pub (limited to 2330 as per the local centres policy)
- Restrict hours of deliveries of retail and pub (limited to 2330 as per the local centres policy)
- Public house (A3/A4 Use) would require an extract ventilation condition to the kitchens.

**HBC Ecologist**

Comments received 11.08.2016 following the submission and consideration of a HRA stage 1 screening

I have reviewed the document entitled 'Information to inform a HRA' dated 19/07/2016. The HRA stage 1 has found that there is Likely Significant Effect and so has triggered the need for HBC as the competent authority to undertake a HRA stage 2 Appropriate Assessment (AA). My summary is as follows:

I have concluded that despite 1,200 households seeming a large number, actually the indirect impact of disturbance on the beach is fairly small – however, it is still significant. This basically covers two groups – the daily dog walkers and non dog-owning coastal visitors.

In terms of mitigation the SANGS and access to Summerhill CP covers the majority of the dog walkers, especially the daily dog exercise scenario (plus some of the non dog-owning walkers). That leaves a few dog walkers going to the coast and some of the other users still going to the coast.

I therefore need mitigation that directly addresses the visitors to the coast and the obvious option is for a financial contribution to be made to a wider SPA wardening project. This would be all year round rather than just for the little tern warden, so an increase on the INCA costings previously discussed with Geoff Barber. I need an additional fixed amount per house to satisfy the HRA Appropriate Assessment.

HRA Stage 2 Appropriate Assessment (summarised, August 2016)

HRA Stage 1 Screening for Likely Significant Effects (LSE) concluded that this project, alone, would cause LSE.

LSE would be through indirect increased public access/ disturbance.

This LSE only applies to one Natura 2000 (N2K) sites - the Teesmouth and Cleveland Coast SPA/ Ramsar.

LSE is not directly connected or necessary to the management of the site.

The stage 1 screening therefore concluded that there is LSE. This triggered the need for a HRA stage 2 Appropriate Assessment (AA) and Hartlepool Borough Council (HBC) as the competent authority has taken undertaken this.

Overall conclusion

While the figure of 1,200 new dwellings within 6 km of a Natura 2000 site raises immediate environmental concerns, the HRA process has shown that Likely Significant Effect is restricted to a single indirect process – that of increased public disturbance. The scope of this impact is minimised by the key issues of over 80% of householders expected to be Hartlepool residents re-locating, within the site, convenient access to Summerhill CP (especially important for dog walkers) and a relatively off-putting commute by car to the most accessible beach car park.

The residual impact is mitigated by the availability of an acceptable amount and distribution of SANGS (15ha), a commitment to provide promotional material (householder information packs) and a financial contribution to wardening the Teesmouth and Cleveland SPA and Ramsar (£300,000).

Comments on the Habitat Regulations Assessment (HRA) (received August 2017)

HBC submitted a HRA to NE for the whole site (1,200 houses) and this requires 15 Ha of SANGS, links to Summerhill Country Park and a sum of £300,000 (£250/dwelling) is suggested to cover additional costs to be borne by Summerhill CP and for coastal wardening and management. This has been approved by NE (Colin Godfrey on 12/08/2016).

Amendment for clarification:

The total number of houses is 1,200 – so the total HRA mitigation financial contribution recommended is £300,000.

The 153+55 is a full application and its proportion of the mitigation financial contribution is £52,000. Therefore, if the 153+55 application is approved, the sum of £52,000 will be paid.

If this outline application for the remaining 992 is approved, the outstanding sum is £248,000.

#### Ecology

I am satisfied with the amended indicative layout (proposed master plan Revision P and increase in red line boundary).

A comprehensive ecology assessment was undertaken by Naturally Wild Consultants Ltd in 2014 and this was incorporated into the planning application documents submitted by Prism Planning, as the Ecology chapter of the Environmental Statement (ES).

I am supportive of the recommendations described in the Naturally Wild ES Ecology Chapter Addendum Report (dated 01/04/2016).

In brief these are:

Modification of through road

Gas pipeline

SUDS features

Boundary woodland belt

Boundary planting

Hedgerows

Mature hawthorn stand

With regard to the modification of the through road, this has been based on the recommendations within the Naturally Wild report 'Ecological appraisal, Link road to A179, Proposed residential development, High Tunstall'.

I recommend that the descriptions as described in the Naturally Wild ES Ecology Chapter Addendum Report (dated 01/04/2016) are conditioned or set out in a S106 agreement.

#### Additional comments received 19.09.2017 - Consideration of the objections presented by Teesmouth Bird Club and response of the Naturally Wild.

The Teesmouth Bird Club (TBC) makes some valid points, which in general apply to all housing developments. However, it is my consideration that the applicant (via Naturally Wild) has largely satisfied the bird conservation concerns. I concur with Naturally Wild that further efforts should be made and recommend these are conditioned at the appropriate stage (see below).

The TBC is correct when stating that it is very difficult to compensate for the loss of breeding skylarks, as these are ground-nesting birds. The following is a written comment that I provided to policy colleagues recently.

*'The issue of the loss of farmland birds is more difficult to compensate as these are species that require arable and/or pasture with associated hedges and field edges.'*



*These are lost (other than hedges) in developments and it has not been possible to ascertain to what extent displaced farmland species (such as skylark and brown hare) are able to integrate on to other farmland which already has these species present (and are possibly at capacity). In most cases the loss of species has been at the level of one or two pairs (e.g. skylark, yellowhammer) and assessed as being of low significance, but 'in-combination' this could potentially exacerbate the on-going decline of some farmland species (though it is interesting to note that tree sparrows have recovered recently, thought to be due to some long-term aspect of their life cycle). To date, the Council has accepted this loss as long as enhancements have been made for other species, e.g. the building of swift nesting bricks into new houses. This has been deemed as reasonable given the economic and social benefits provided by development'.*

In terms of nesting habitat, while the development will result in some open grassy spaces, it is my experience that skylarks will not nest in these, due to human pressures. Yellowhammers nest in hedges and this scheme is retaining and re-planting lengths of hedge. Another arable species, the tree sparrow, is a cavity nester and given the lack of trees with holes, will benefit from nest box provision. However, all three species require weedy, stubble fields to use over the autumn, winter and early spring period. So while there may be continuity of nesting opportunities, the associated loss of over-winter arable fields will lead to an overall decline. I therefore, fully support the Naturally Wild recommendation to plant spring cereal and allow it to set seed and remain over the autumn, winter and spring. Naturally Wild states: 'One addition that could be included and was not mentioned previously is the potential to incorporate a seed crop, such as wheat/barley, into the landscaping in order to provide further foraging habitat for seed-eating birds, such as skylark and yellowhammer (specifically highlighted in the TBC response), as well as other species'.

There is a good example of this (delivered by a farmer) in one corner of the Marske to Redcar 'coastal fields', of which the TBC is aware. This cereal plot attracted significant numbers of arable birds in the 2016-17 winter.

The TBC is correct in their analysis that generic biodiversity enhancements within housing developments largely benefit common and widespread species which are tolerant to human proximity. The deployment of standard, wooden bird boxes mainly benefits great tits and blue tits and is not a targeted Tees Valley Nature Partnership biodiversity action. Further, it is impractical to control, or enforce, the actions of cat owners. It is also true that the primary function of SUDS is for drainage and that such sites have biodiversity and indeed, recreation, as secondary benefits. Dog-proof fencing would benefit SUDS areas from an ecology point of view and should be considered at the detailed planning application.

I agree with Naturally Wild that nest boxes specifically for swifts have not been excluded and I recommend that the types of nest box conditioned are permanent bird nest boxes/ bricks, which should be built into each new house. These are commercially available and some should be integral in new buildings, ie: those designed to be built into the brickwork. For examples see: <http://www.swift-conservation.org/Shopping!.htm> and <http://www.nhbs.com/1sp-schwegler-sparrow-terrace>

I also recommend similar for bat roost boxes. For examples see:

<http://www.nhbs.com/1ffh-schwegler-universal-bat-box>

I also recommend that each garden is accessible to hedgehogs (a NERC Act Section 41 priority species) by the provision of a 10cm<sup>2</sup> hole in every dividing garden fence. Hedgehogs could be a significant benefactor on such a large site, which has corridors of gardens, landscaping, wet areas and grassed areas.

In addition to my earlier recommendations, I recommend conditions or inclusion in a S106 agreement (at the appropriate planning stage) of the following actions:  
 The annual provision of a spring cereal/ autumn-winter stubble plot for twenty years.  
 The addition of permanent nest boxes, including some integral swift boxes.  
 The addition of some permanent and integral bat roost boxes.  
 Secure fencing around SUDS ponds.  
 Hedgehog access holes in dividing garden fences.

I am satisfied that these considerations cover the concerns raised by the TBC and will provide adequate ecological mitigation and compensation. I have no additional ecological concerns.

Further comments received 03.01.2018

Habitat Regulations Assessment (HRA)

The outline application is for 1,200 dwellings and within this area, there is a detailed application for 153+55 houses (H/2015/0551). HBC submitted a HRA to NE for the whole site (1,200 houses) and this requires 15 Ha of SANGS, links to Summerhill Country Park and a sum of £300,000 (£250/dwelling) to cover additional costs to be borne by Summerhill CP and for coastal wardening and management. This has been approved by NE (Colin Godfrey on 12/08/2016).

Therefore, I expect:

- 15 Ha of SANGS (to include 2.37 Ha within the 153+55 houses site).
- One access link to Summerhill Country Park, at OS grid reference NZ 480-314.
- A total financial contribution of £300,000.

For information:

The total number of houses is 1,200 – so the total HRA mitigation financial contribution agreed is £300,000.

The 153+55 houses is a full application and its proportion of the financial contribution is £52,000.

The remaining 992 houses is an outline application and its proportion of the financial contribution is £248,000.

This satisfies Natural England's requirements.

### Ecology Conditions

A number of ecology conditions have been recommended by the applicant - described in the following report:

- Naturally Wild ES Ecology Chapter Addendum Report (dated 01/04/2016).

I can clarify that the following are the conditions that the HBC Ecologist has sought agreement on. NB: These are at the discretion of the LPA and not Natural England. These conditions address HBC concerns and also those of the Teesmouth Bird Club.

Wildlife corridors and SUDS, shown on Masterplan P101 Rev P, to be buffered. This includes:

Gas pipeline corridor, 10m buffer. Margins of the gas pipeline wildlife corridor to be planted with native species trees. Central area of gas pipeline wildlife corridor to be planted with native species wildflower mix and native species shrubs.

Existing water courses, 10m buffer to be planted with native species wildflower mix and amenity grass with native species trees as appropriate

Existing woodland (eastern side), 10m buffer to be planted with native species trees.

Existing Hawthorn stand, 5m buffer to be planted with native species wildflower mix.

Woodland belt on SW boundary, 10m buffer to be planted with native species trees.

Existing hedgerows, 5m buffer to be planted with native species wildflower mix. NB: Buffer appears not to be shown on Masterplan.

SUDS features, 10m buffer. Buffers to be planted with small blocks of native species trees (plus an orchard) and areas of native species wildflower mix. SUDS ponds to be securely fenced to discourage access by people and especially dogs [possibly with the exception of the string of small SUDS running roughly north to south through the northern section of the site, which could be open].

Western boundary to be planted with native species hedgerow and tree species.

Both sides of the main access road to be planted with trees, including a proportion of native species trees, in order to maintain the Local Plan Green Wedge NE3.

Two new, native species woodland areas to be planted on the western side and south-eastern side.

Tree and hedge species to be used should be predominantly:

- Hawthorn (*Crataegus monogyna*)
- Blackthorn (*Prunus spinosa*)
- Holly (*Ilex aquifolium*)
- Crab apple (*Malus sylvestris*)
- Hazel (*Corlyus avellena*)

- Spindle (*Euonymus europaea*)
- Sessile Oak (*Quercus petraea*)
- Hornbeam (*Carpinus betulus*)
- Field maple (*Acer campestre*)
- Silver birch (*Betula pendula*)
- Wild cherry (*Prunus avium*)

The following detailed conditions will be required (possibly at reserved matters application stage):

#### Bird nesting

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

In the interests of the ecology of the area.

#### Protection of wildlife corridors

Prior to the commencement of each phase of the development a scheme for the provision and management of a 10m wide buffer zone alongside wildlife corridors and SUDS shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping except where infrastructure is required by the local planning authority. The scheme shall include:

- a) plans showing the extent and layout of the buffer zone;
- b) details of any proposed planting scheme (for example, native species);
- c) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
- d) details of any proposed footpaths, fencing, lighting etc; and
- e) where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.

Development that encroaches on wildlife habitats has a potentially severe impact on their ecological value. For example, artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the corridor habitat. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats

Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

#### Bird breeding opportunities

Prior to the commencement of development on any phase of the development a scheme to provide bird breeding mitigation features within that phase to provide long term nesting sites for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These must include house martin nest cups and integral swift nesting bricks (which are commercially available) to be built into 10% of buildings, including the school, with the selection of buildings facing onto the larger open spaces to be prioritised. See note in Box 1 below. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Further mitigation was recommended by Naturally Wild in an email dated 18/09/2017, including:

- The annual provision of a spring cereal/ autumn-winter stubble plot for twenty years. NB: No details have been provided and no site is identified on the Masterplan.
- Integral bat nesting bricks (which are commercially available) to be built into 10% of buildings, including the school, with the selection of buildings facing onto wildlife corridors. See note in Box 1 below.
- All dividing garden fences to contain a 10cm<sup>2</sup> square Hedgehog access hole at ground level, to allow free passage of Hedgehogs through gardens and into wildlife corridors.

#### Box 1. Note:

Swift nest boxes should be permanent bird nest boxes/ bricks, built into each new house. These are commercially available, for examples see: <http://www.swift-conservation.org/Shopping!.htm> and <http://www.nhbs.com/1sp-schwegler-sparrow-terrace>

Bat roost boxes should be permanent boxes/ bricks, built into each new house. These are commercially available, for examples see: <http://www.nhbs.com/1ffh-schwegler-universal-bat-box>

**Natural England** (received August 2017)

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would: have an adverse effect on the integrity of Durham Coast Special Area of Conservation (SAC) and the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

Hartlepool Borough Council submitted a Habitats Regulations Assessment (HRA) which requires 15Ha of SANGS, links to Summerhill Country Park and a sum of £300,000 (£250 per dwelling) is suggested cover additional costs to be borne by Summerhill CP and for coastal wardening and management. The submitted HRA covers this site and also covers a concurrent planning application reference H/2015/0551).

For clarification:

The total number of houses is 1,200 – so the total HRA mitigation financial contribution recommended is £300,000.

The 153+55 is a full application and its proportion of the mitigation financial contribution is £52,000.

Therefore, if the 153+55 application is approved, the sum of £52,000 will be paid. If this outline application for the remaining 992 is approved, the outstanding sum is £248,000.

We advise that an appropriate planning condition or obligation (section 106 agreement if applicable) is attached to any planning permission to secure these measures.

Natural England's advice on other natural environment issues is set out below. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Annex A

Natural England offers the following additional advice:

### Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's Technical Information Note 049.

Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### Protected Species

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here<sup>2</sup>.

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

### Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you

to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.
- You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:
- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### Rights of Way, Access land, Coastal access and National Trails

Paragraph 75 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.



Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#)

**Teesmouth Bird Club** (received August 2017)

Teesmouth Bird Club objects to this application on the basis that the mitigation measures fail to address the loss of biodiversity. There is no specific plans targeted to compensate for the decline in the site's avifauna by designed measures to enhance the variety of the assemble of bird species - (NPPF clauses 117 – 118). The ecology consultant's report is a credible assessment of the present bird population and the negative effects that the development can be expected to have. Their mitigation suggestions are, however, conventional, broad brush and are merely aligned with the general soft landscaping proposals for the site, as a whole. The latest proposed site plan (Master Plan rev. P of 8/8/17), shows water bodies of reasonable size and areas of open space with peripheral shrub and tree plantings plus further measures to safeguard existing areas of trees. However, the design of wildlife corridors is not continuous and in places narrow. Given the size of the development and its housing density, the disturbance by people and their pet dogs and cats, leaves little scope for a diverse bird species assembly to develop after the housing is complete. The consultant's report further acknowledges that the inevitable loss of breeding Skylarks and Yellowhammers will be of county significance. (These two species are of Red Category Concern).

Often with outline planning applications, the biodiversity potential of water bodies is lost when their key role as SUDS becomes their overriding raison d'être.

Subsequently, drainage requirements for water discharge rates lead to fluctuating water levels. This, in turn, prevents development of the full potential for biodiversity in the aquatic environment of SUDS. Prevention of such events should be a feature of the S 106 Agreements, should there be planning approval.

The applicant's claim of "housing with strong environmental credentials" in clause 4.7 of their Sustainability Section in their introductory documentation, should be tested. One such test is their preparedness to acknowledge the modern acceptance that the urban landscape is worthy, not only of its architectural significance, but also meritorious of planned biodiversity measures.

I note that Revision P of the proposed Master Plan, shows Storey Homes as a builder for one section of the development. Storey already operate in the UK an imaginative, biodiversity - enhancing policy in their homes by installing nesting cavities for Swifts (Amber List Species). (I personally, am speaking to their staff on a smaller housing a development in my village of Kirklevington. Our village has a variety of S 106 reserved matters to be agreed, of which this is but one example). The practice of encouraging swifts and other cavity utilising birds and bats to utilise new suburban developments is well established and growing in progressive cities in the UK (see [swift-conservation.org](http://swift-conservation.org)). The use of the built environment itself as a medium for biodiversity enhancement, is at last being acknowledged by planners and developers. If the application is approved, the S106 Agreements should require

the developer and/or subsequent house builders to adopt similar practices of biodiversity be built in to the properties themselves.

**HBC Engineering Consultancy** (received April 2016)

I have reviewed the Preliminary Flood Risk and Drainage Assessment (FRA) report for the site (Wardell Armstrong NT11730, August 2014). The report indicates that the site falls within a Flood Zone 1 on the Environment Agency's mapping and there is no known history of fluvial flooding on the site. The topography of the site generally falls from north to south and currently surface water flows would be expected to be intercepted by the watercourse on the site conveyed away from the site. Tunstall Farm beck flows from this proposed site towards the 'West Park' area and along Valley Drive and ultimately through the Burn Valley. Parts of this watercourse further downstream are classified as being within flood zones 2 and 3 and as such an increase in surface water within this watercourse would not be acceptable. I do however feel that with a suitably designed surface water scheme that can withhold some of the exiting field run off and thus prevent it from entering this watercourse until such time as the peak storm event has passed can offer a benefit to the wider area.

In terms of proposed storm drainage, I accept that in theory flows can be discharged into the watercourse that flows through the site on the proviso that the Greenfield run of rate is not exceeded and if feasible provide betterment. This will require onsite measures to ensure that surface waters are not passing on a flooding risk elsewhere. With this in mind I welcome the developers proposals to use Sustainable Drainage Systems (SuDs) techniques through a mix of swales, filter trenches/strips, ponds, basins and storage tanks/pipes. The development proposals will also consider inclusion of source control and interception storage which will all be beneficial in ensuring surface water up to a 100 year plus 30% are contained within the site boundary.

With this in mind I would not object to this application but given the level of detail provided at this stage I would request a pre commencement drainage condition. I would expect the existing Greenfield run off for the site to be achieved as a minimum and bettered where possible as well as 100 year store return period (+ 30%) being contained within the red line boundary of this site. Should these parameters not be met then I would have no alternative but to object to the proposal.

I would also urge the developer to where ever possible make space for water above ground through the use of the open space on the site to provide multiple Suds solutions.

After considering the FRA and SuDS proposals please could I request that the standard HBC condition is imposed on any approval for land drainage and contaminated land.

*Further comments received on amended plans (August 2017):*

My comment remain valid for both applications, the only thing that has changed is that a climate change allowance of 40% should now be used instead of 30% as per latest standards.

**Environment Agency** (received 28.10.2014)

We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing the following CONDITIONS are imposed on any grant of planning permission:

**Condition 1 – Surface Water Drainage Scheme**

Before each phase of development approved by this planning permission no development shall take place until such time as a scheme to manage surface water drainage has been submitted to, and approved in writing by, the local planning authority.

1. Limiting the surface water run-off generated up to and including the 100 year critical storm (including climate change) to the greenfield run off rate of 3.69 l/s/ha applied to the impermeable area only as detailed in section 4.1.11 of the Flood Risk Assessment - NT11730/001C.
2. A surface water drainage scheme must be submitted as part of the detailed design prior to construction detailing how the surface water will be attenuated on site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reasons**

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future users. Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

*Informative - Advice to LPA/Applicant*

The Environmental Statement states that surface water attenuation will be provided using Sustainable Drainage Systems (SUDS) through a mix of swales, filter trenches/strips, ponds, basins and storage tanks/pipe. The development proposal will also consider the inclusion of source control and interception storage tanks. The supporting documents also indicate that SUDS are on line with the watercourse. It is strongly recommended that any SUDS proposed are off line in order to ensure that any potential pollution is contained within the SUDS.

Further information on SUDS can be found in:

- the CIRIA C697 document SUDS manual;
- HR Wallingford SR 666 Use of SUDS in high density developments; and
- CIRIA C635 Designing for exceedance in urban drainage - good practice.
- the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on our website at: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) and CIRIA's website at [www.ciria.org.uk](http://www.ciria.org.uk)

### Condition 2 – Buffer Zone

No development shall take place until a scheme for the provision and management of a 10m wide buffer zone alongside the watercourses 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 has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. The buffer zones will help ensure a riparian wildlife corridor through the site will link to other green infrastructure within and outside of the wider development site. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

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.

### *Informative: Advice to LPA/Applicant*

There is a 'ditch system' running through the centre of the High Tunstall site and along the eastern boundary through a woodland. This watercourse enters into Burn Valley beck. Each reach of the watercourse should have a buffer of 5m minimum and up to 10m where space is available. There is also a lack of buffer shown in the plans for the watercourse running along the southern boundary. A similar buffer zone should be applied here.

**Condition 3 - Landscape Management Plan** No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except

privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- detail extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

Reasons This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Separate to the above conditions, we also have the following advice/comments to offer:

#### Environmental Enhancement Opportunities

Given the size and nature of the development proposal, we would expect to see significant environmental and biodiversity enhancement opportunities. This is consistent with the objectives of National Planning Policy Framework (NPPF) paragraph 109, which states that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. This approach is also supported by recent legislation and Government Guidance as set out in the Natural Environment and Rural Communities Act 2006 and the UK Biodiversity Action Plan.

It is recommended that an 'enhancement package' is developed within the design to ensure that all opportunities for sustainable green infrastructure are exploited and that the watercourses currently on site are not compromised. In particular, we recommend the implementation and creation of the following BAP priority habitats and biodiversity enhancement measures:

- A comprehensive SUDS masterplan with features such as ponds, swales, reedbeds and lowland fen;
- Woodlands and scrub, in particular wet woodland where conditions allow;
- Lowland meadows;
- It is important that only native species are used for habitat creation and they should always be of local provenance where possible;

- Retention of all existing features of biodiversity value such as hedgerows, ponds and grasslands; and
- Green infrastructure should be provided on a bold scale, with substantial buffer zones next to features such as the adjacent Summerhill Local Nature Reserve

#### Water Framework Directive

The local authority and developer must have regard to the Northumbria River Basin Management Plan and the objectives of the Water Framework Directive (WFD) in the determination of individual planning applications. In particular, the local authority should seek to secure benefits for the water environment, avoid deterioration of waterbodies, provide greenspace and sustainable drainage, and deliver building regulation functions such as the avoidance of drainage misconnections.

The proposed development falls within the WFD waterbody of Greatham Creek (GB103025076030). The pressures on this waterbody are causing invertebrates to fail for the following reasons:

- Diffuse sources from agriculture (run off, sedimentation, and cattle poaching);
- Diffuse sources from urban run off such as housing and transport; and
- Point sources from septic tanks, combined sewer overflows, surface waters with wrong connections.

The waterbody is failing the ammonia standards which would support the evidence for the invertebrates failure linked to sewage inputs. An investigation into the ammonia investigation is currently being undertaken.

Any development in this area would need to take into consideration the following:

- Failing ammonia standards;
- The inclusion of Sustainable Drainage Systems (SUDS);
- Improved riparian management; and
- Connection to the foul sewer system. There is evidence of septic tanks in the area. Therefore, any opportunity to connect these unsewered properties to the foul network would be advantageous.

#### Designated Bathing Waters

The development falls within the drainage area of the Designated Bathing Waters (Seaton Carew North, Seaton Carew Centre and Seaton Carew North Gare).

Consideration should be given to the drainage from the new development to ensure that no additional bacterial load (from sewage) is impacting the foul sewer network or surface water drainage system whether this is directed to the coastal Bathing Water or via the River Tees estuary.

#### Sewage Capacity and Water Quality

The proposed development falls within the sewerage catchment of Seaton Carew Sewage Treatment Works. According to evidence/data available to the Agency, there is treatment capacity available within Seaton Carew Sewage Treatment Works. Discharges from the sewerage network are thought to impact adversely on the quality of the Bathing Waters at Seaton Carew North and Seaton Carew Centre. An increase in flow from the proposed 2,000 properties could increase the frequency of discharges, as more of the capacity will be taken up with raw sewage, leaving less capacity to manage surface waters. The discharge itself will therefore be less diluted and there will potentially be less dilution in the watercourse if it spills at lower rainfall

levels. Connection of additional foul flows to this sewage network will need to be considered by Northumbrian Water in developing a solution to improve the quality of these Bathing Waters.

Drainage of surface water from this site also has the potential to impact on bathing water quality and needs particular attention. The site drains naturally towards the Burn Valley stream, which joins the combined sewer network in its culverted section in the Stranton area. Storm discharges from this network are thought to contribute to intermittently poor bathing water quality at Seaton Carew North and Seaton Carew Centre. It is therefore recommended that surface water flow rates from the site must be no higher than at present. The Agency would also welcome the inclusion of measures which seek to protect the quality of the Bathing Waters.

#### Green Infrastructure

Due to the soil type, ponds and temporary wetlands would be viable in the area as part of the green infrastructure for the development. This could form a wildlife link to Summerhill through the proposed site.

There appears to be poor linkage with Summerhill for wildlife. This could be strengthened with more appropriate positioning of green infrastructure.

#### Local Plant Species

The plant species listed in section 10.6.11 of the Environmental Statement include some non- native invasive species. It is imperative that following plant species are not planted within the proposed development:

- Common hornwort *Ceratophyllum demersum* and White water lily - *Numphaea alba*.
- Although water soldiers are native to England, it is very invasive. Therefore it is recommended that this is not planted.

Section 10.6.12 of the Environmental Statement suggests planting on the watercourse. It is recommended that non invasive, locally native species are planted.

#### Fish and Biodiversity

The development proposal should seek to protect and improve the water quality and habitats throughout. For example the removal of any barriers to fish migration should be investigated. Any road crossings should be designed to maximise connectivity for wildlife i.e. by the use of open span bridges.

#### Culverts

Within section 10.6.49 of the Environmental Statement there is a suggestion that culverts will be employed to create connectivity of watercourse through the site. We are opposed to culverts and would recommend the use of open span bridges as they provide more suitable continuity of habitat than the concrete pipes used for culverts. Opportunities to de-culvert watercourses should also be taken into consideration. For example, there is an opportunity to de-culvert a section of the watercourse between NZ47804, 32271 and NZ47863, 32234. The removal of culverts can improve biodiversity and water quality, decrease operational risks of flood events, reduce maintenance costs and potentially increase revenue for local businesses.

#### Ordinary Watercourse Consent - Advice to LPA/Applicant

Any culverting or works affecting the flow of a watercourse requires the prior written Consent of the Local Lead Flood Authority under the terms of the Land Drainage Act 1991/Water Resources Act 1991.

#### Land contamination - Advice to LPA/Applicant

In relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to controlled waters. The site appears to be agricultural fields that do not appear to have had a previous contaminative use. The site is therefore not a priority for our involvement. We recommend that developers should: 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination. 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health. 3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

#### Waste - Advice to Applicant

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility. The applicant is advised to contact the Environment Management team at Darlington Office on 01325 376179 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>

#### (Further comments received 6<sup>th</sup> May 2016)

Thank you for your letter, which we received on 20 April 2016, in respect of the additional information submitted for the above planning application. We have assessed the additional information and have the following comments to make.

#### Flood Risk

The site lies entirely within Flood Zone 1. Our previous comments in our letter dated 28 October 2014 in relation to surface water flood risk are now within the remit of the local authority.

#### Biodiversity

As previously detailed in our letter of 28 October 2014, we recommend that the following conditions are imposed on any grant of planning permission (*as set out above*).

Our biodiversity advice as detailed in our previous letter dated 28 October 2014 still applies. This includes advice in respect of environmental enhancement opportunities, Green Infrastructure, local plant species, fish and biodiversity and culverts.



Additional comments on amended plans (received August 2017)

Thank you for your letter in respect of the additional information submitted in support of the above planning application which we received on 27 July 2017. We have assessed the submitted information and can advise that we have no comments to make further to our previous response on 6 May 2016.

**Northumbrian Water** (received October 2014)

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.

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

Northumbrian Water offers a pre-development enquiry service which allows us to ascertain allowable discharge rates and point of connection to our network should this method of disposal be required. We recommend that you contact the pre-development enquiry team on 0191 419 6646 or email [developmentenquiries@nwl.co.uk](mailto:developmentenquiries@nwl.co.uk) to arrange for a Developer Enquiry for this proposed development.

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send a copy of the decision notice.

Additional comments on amended plans (received August 2017)

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the

capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I refer you to our original response to the application, dated 9<sup>th</sup> October 2014, and can confirm that at this stage we would have no additional comments to make.

**Hartlepool Water** (received April 2016)

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 assessed 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.

- Existing assets are currently to the west within the development area and will require major diversion works.
- Existing network main runs parallel to Elwick Road within the field on the same side as the proposed development, and will require protection during the construction of the new access road.
- In order to supply this development we may need to reinforce our infrastructure.
- We have no objection to this development

**Tees Archaeology** (received May 2016)

I have read the report and also monitored the fieldwork as it was taking place. A number of archaeological features were noted. The principal focus of archaeological activity is in the south-west corner of the development where an Iron Age or Romano-British settlement was identified. This appears to be a small farmstead consisting of several round-houses with associated boundary ditches and gullies. Archaeological features were also noted to the west of High Tunstall and these probably also relate to Iron Age or Romano-British activity. Further remains of unknown date were noted in the south-east part of the development area.

The archaeological remains are significant as they add to our body of knowledge of rural agricultural settlements either side of the Roman occupation. However there is no evidence that the remains are of particularly high status or of exceptional preservation. For these reasons the remains might be best described as of local or regional importance. The remains are therefore not of such significance that they would warrant physical preservation and a mitigation response would be appropriate in this case (NPPF paras 135 & 141).

A suitable mitigation response would include an archaeological strip, map and record exercise over the known archaeological features followed by post-excavation analysis, reporting and archiving. This would include the three areas specifically mentioned in this response forming parts of Areas 5, 7 & 13 in the archaeological trial trenching report.

These works can be secured by means of a planning condition, the suggested wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

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

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

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

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

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

Additional comments received on amended plans (August 2017):

I have reviewed the revised plans for this application and note the change in the red line boundary to include areas to the west and south of the original proposal which are labelled as 'open space'. These areas were not included in the evaluation phase of geophysical survey and trial trenching, however they may be considered to have archaeological potential given the results of the previous work in the surrounding area.

As detailed proposals for these areas are not available at this stage, it would be reasonable for the planning authority to ensure that the developer records any archaeological remains that will be destroyed by the development (NPPF para 141). The level of field evaluation and mitigation required will be dependent of the degree of ground disturbance, if any, which is proposed in these areas, e.g. landscaping works, tree planting etc..

These works can be secured by means of a planning condition, the suggested wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and

approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

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

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

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

#### **HBC Heritage and Countryside Manager** (received November 2014)

There are no designated assets or heritage assets i.e. locally listed buildings impacted by this proposal. No objections.

#### **HBC Landscape** (received October 2014)

In response to the application to develop land at High Tunstall Farm, I have read through the application details and have the following comments to make:

One of the consultants, Prism Planning acting on behalf of Tunstall Homes Ltd. commented within their Environmental Statement, that there are trees and hedgerows within the site and in areas of the sites' boundaries where an arboricultural impact assessment should be included in support of any planning application for development of the site. In addition to this a comprehensive landscaping scheme will also be required.

This has now been carried out by Elliot Consultancy Ltd. who have identified the most dominant and important trees and hedges on this site which encompassed 15 mature trees, an additional 8 groups of trees and 7 mature hedges. Most of the trees are Ash and Sycamore and the majority of the hedges are hawthorn and elder. That said, most of the site does not support tree cover and the applicant is minded to retain existing tree features within the design brief. In terms of the condition of these trees and hedges they have been categorized within the range of B1 (trees of a moderate quality and with an estimated lifespan of at least 20 years ) to C1 (low quality trees with a life span of at least 10 years). (BS5837:2012 Trees in relation to design, demolition and construction Recommendations)

Landscaping is a reserved matter and therefore no details of the landscaping of the site have been prepared at this stage. Nonetheless, the applicant recognises the

need to provide landscaping and access to amenity space and playspace as a constituent part of the development. It is therefore proposed to provide landscaped amenity space throughout the development together with a number of 'doorstep' equipped play areas for younger children and 'kickabout' areas where older children and teenagers may gather and play.

A key aim will be to retain as much of the existing tree cover within the site together with as much of the existing hedgerows as is reasonably possible, accepting that it will be necessary to lose some sections of hedgerow where roads break through to be implemented should this be approved and there will be a net gain in tree cover over the whole site. With this in mind further details will need to be submitted showing this in more detail as and when this land is developed. Given the scale of the development, it is anticipated that construction will be undertaken in phases (13 phases are envisaged).

As the applications stand, there will be no detrimental loss on the tree cover and the proposed new planting will more than offset the loss of the few trees that will have to be removed and I await further details when this stage is reached.

**HBC Countryside Access Officer** (received April 2016)

I am concerned that the majority of Public Footpath No.7, Hartlepool, within either Story Homes or Tunstall Homes sites, is located next to the estate roads.

DEFRA Public Rights of Way Circular 1/09, paragraph 7.8 -

<https://www.gov.uk/government/publications/rights-of-way-circular-1-09> advises developers to avoid using estate roads for the routing purposes of public rights of way (PROW) and to look to place or divert if necessary, the public footpaths through open spaces or landscaped areas and where possible, away from vehicular traffic.

Paragraph 7.2 explains the effect that any development has on PROW, by it being a material consideration when an application is determined. It also advises Local Authorities to ensure any potential consequences are accounted for when these applications are considered, in relation to PROW and possible diversions etc.

Whilst the existing public footpath seems to be routed next to 'Tertiary Circulation' estate roads (as per the latest version of the Design and Access Statement); very little or none of the proposed open spaces and landscaped areas is considered as alternatives for the diverting of this footpath.

At no time can cycling provision be placed upon existing or legally diverted public footpaths. They can be placed near to or next to the path but not on it, as the only legal user allowed to use a public footpath is a pedestrian.

Having studied the latest 'Proposed Master Plans' (13163653 and 13163664), I note that there are opportunities to either divert the existing public footpath (which may need to be diverted to make sure that it its present line does not end up lying on top of a garden or in the middle of a road or driveway) or to create new PROW so as to add to or enhance access through the development site.

Potential routes from the existing path, to the south east and in the western area, should be looked at as additional access, thus linking to other countryside facilities in the near vicinity.

I do need to discuss the whole aspect of pedestrian access with the consultants/agents or developers, before the application moves too far forward, as the access location will strongly determine the whole housing layout. My contact details are: [chris.scaife@hartlepool.gov.uk](mailto:chris.scaife@hartlepool.gov.uk) and 01429 523524.

Comments on amended plans (received August 2017):

After looking at the latest drawings I have marked the attached plan showing what I feel is the best routes that should be considered when looking to link this development site with Summerhill Countryside Park.

The opportunity is there for not just pedestrian links to be made but also cycling access as well. Provision for both these user communities would enable safe and accessible links to and from town, with the countryside as well as Summerhill. We already have an existing public footpath that runs in an east-west direction across the centre of the development and so these new routes, which take into account the best available open space and open areas close to the new main spine road, will provide a greater benefit to the residents and other who visit or access through the area.

Please ask the developer to contact me so that we can discuss this further and develop the best opportunity for improved access for all

Further comments on amended plans (received August 2017):

I am happy for it to be conditioned and added as an s106 obligation. We will need to be mindful of any potential archaeological sensitivity that may occur as part of future surveys. But apart from that it sounds a good idea.

I think that the plan should be able, in principle, to accommodate these access links.

**Ramblers Association** (received April 2016)

We thank the council for consulting the Ramblers on the amended outline application replacing the outline application made in 2014.

The proposed site layout shows that for most of its length through the Tunstall Homes development FP Hartlepool 07 will follow an estate road as it goes west from the Story Homes development to meet FP Elwick 05 at the site boundary. The way is shown alongside but separate from the southern side of a road carrying access traffic and crosses a dozen or so driveways connecting dwellings to this road. The Travel Plan (Version 2) section 4.4.1. states the way is also to be used as a cycle route:

*'The existing Public Right of Way which runs through the centre of the site between Duchy Road and Dalton Piercy Road will be enhanced and incorporated within the site layout. This will provide a direct and convenient off-road pedestrian/cycle route to West Park Primary School, amongst other destinations.'*

The Planning Policy Guidance (Companion to the NPP Framework) states at Paragraph- 004 Reference ID- 37-004-20140306

*'Public rights of way form an important component of sustainable transport links and should be protected or enhanced. The [Rights of Way Circular \(1/09\)](https://www.gov.uk/government/publications/rights-of-way-circular-1-09) gives advice to local authorities on recording, managing and maintaining, protecting and changing public rights of way. It also contains guidance on the consideration of rights of way in association with development. The Circular also covers the statutory procedures for diversion or extinguishment of a public right of way.'* The circular is available at <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>.

The Circular 1/09 in section 7 dealing with 'Planning permission and rights of way' points out at paragraph 7.2

*'7.2 The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.'*

Further at paragraph 7.8 it is stated:

*'7.8 In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.'*

The proposals are not in line with the Government's advice.

The application is in Outline form with all matters reserved. We should hope the proposals for public footpath Hartlepool 07 when the reserved matters application is made are consonant with the advice and reasons given by Government in Circular 1/09, the NPP Framework and PPG.

#### **Health and Safety Executive** (received 5.10.2017)

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Hartlepool.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

#### **Northern Gas Networks** (received October 2017)

NGN own and operate a high pressure pipeline inside the proposed development site and this pipeline has a Building Proximity Distance (BPD) of 17m, meaning that no buildings should be with 17m of the pipeline. We also have an easement which will need to be observed (technical advice was enclosed in the response).

#### **Cleveland Fire Brigade** (received April 2016)

Cleveland Fire Brigade offers no representations regarding the development as proposed. However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these



should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 20. Further comments may be made through the building regulation consultation process as required.

**Cleveland Emergency Planning Unit** (received May 2016)

The proposal covers land that contains the Northern Gas Networks Major Accident Hazard Pipelines which needs to be taken into account and also the impacts on the transport links in particular Elwick road and Coniscliffe Road. There is also the linking of the water course into the west park beck which would need looking at as too not overwhelm the existing system.

**Elwick Parish Council** (received April 2016)

Elwick Parish Council wishes to object most strongly to the application to build 1,200 dwellings at High Tunstall Farm.

Elwick village has suffered a dramatic increase in vehicular traffic over the last few years, which will only increase once the development at Quarry Farm starts - indeed, site traffic is already coming through the village. Any further development will be strongly opposed until a new road has been built to take traffic to and from the A19 away from the village.

*Additional comments on amended plans (received August 2017):*

Elwick Parish Council does not meet again formally until the end of September, when their response will be formally minuted. Informally, I can say that Councillors continue to strongly object to this application which, if approved, will mean even more traffic coming through Elwick.

Whilst we have had to regretfully accept that the draft Local Plan includes the development at High Tunstall Farm, we do not wish to see any building works commence before the road infrastructure has been improved.

Highways England has already made clear that it wishes to see no increase in the amount of traffic from north east Hartlepool until the access onto the A19 at the A179 junction has been improved AND a by-pass is opened around Elwick.

No matter what restrictions the Borough Council places on construction traffic using the Elwick Road to reach the A19, they will be ignored. The evidence for this is very clear from the number of complaints we received, and have made, in regard to the construction traffic at the Quarry Farm development.

Drivers of all sorts of vehicles use sat-navs which give them the shortest route to the A19, and the number of vehicles using this as a route to and from the town has risen exponentially as the number of drivers using sat-navs has increased.

We now have large numbers of heavy goods vehicles coming through the village, despite the weight restriction on the road. Some of them even use Church Bank,



causing mayhem as they meet with other vehicles coming from the opposite direction on this narrow, winding road.

The sheer volume of traffic coming along this rural road is now quite appalling. The majority of vehicles have to travel past the primary school in North Lane, where there are already problems in term times, with cars of parents and school workers parked on either side of the road, causing a bottle-neck. Few drivers respect the 20 mph speed limit through the village, some drivers even overtake others at speed, and it is highly likely that, before long, someone will be badly injured or killed.

Please record this 'informal' objection, as I am sure that my Councillors will wish to make formal objection in September, though their wording may be different.

**Dalton Piercy Parish Council** (received May 2016)

Dalton Piercy Parish Council would like to object to the Planning Application ref H/2014/0428, which involved the building of 1200 houses at High Tunstall Farm.

The traffic through the village has increased over recent years, and this development would undoubtedly increase it even more. Without the new road, this would be a lot worse. Furthermore, the junction going onto the A19 is extremely dangerous, and would definitely be used more if this development goes ahead.

In addition, in line with the draft Rural Plan we feel this development would significantly contribute to the spread of Hartlepool Town into the surrounding villages.

Residents of the village and council members, who voted on this formal objection, are all very much opposed to this development change.

**Stockton on Tees Borough Council** (received May 2016)

In terms of Highway impact there is no objection to the proposed development. A revised Transport Assessment has been submitted in support of the proposed application which demonstrates that the trips associated with the proposed development have a negligible impact on the local road network within the Borough of Stockton.

It should be noted that this application in addition to those within the Wynyard Park and Wynyard Village areas could collectively add pressure on school places in Stockton-On-Tees and therefore any impact from the proposed housing on education facilities/provision must be fully mitigated.

You should also be satisfied that the proposed development mitigates its own impacts and that infrastructure which is required is where ever possible or necessary, provided on site to ensure that the proposals remain sustainable as required by the NPPF. It will be necessary to ensure that any mitigation which is required is appropriately secured through planning conditions or section 106 agreement.

**CPRE Durham (and Durham Bird Club)** (objection summarised, received December 2014)

CPRE Durham is opposed to both of these applications....in particular

- 1) We are not convinced that there is the need for such a large amount of new households in Hartlepool
- 2) The applications represent a significant and detrimental intrusion into open countryside beyond the Urban Fence
- 3) If granted permission, this would detrimentally affect the redevelopment of suitable brownfield sites within the borough
- 4) The road proposals appear to have significant implications which need a proper assessment.

**Northern Powergrid (formerly CE Electric /NEDL)**

No comments received

**National Grid**

No comments received

**Hartlepool Rural Neighbourhood Group**

No comments received

**Cleveland Police**

No comments received

**Durham County Council**

*Comments were received from DCC in January 2018 in respect of Sheraton interchange highways works to which DCC confirmed no objections to the gap closures and that there is a workable solution in respect of the timing for the highway works at Sheraton interchange (which need to be undertaken prior to the gap closures which is discussed above under the HBC Traffic and Transport Section's comments)*

**PLANNING POLICY**

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

**NATIONAL PLANNING POLICY FRAMEWORK**

1.28 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.

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

1.30 The following paragraphs in the NPPF are relevant to this outline 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
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
31	Provision of viable infrastructure necessary to support sustainable development
32	All developments that generate significant amounts of movement should be supported by a transport statement or transport assessment.
37	Minimise journey lengths
38	Within large scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.
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
72	School Places
73	Access to open space and sport and recreation
96	Minimise energy consumption
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 205	Planning Obligations
216	Weight given to emerging policies

## ADOPTED TEES VALLEY MINERALS AND WASTE DPD

1.31 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.

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

Policy	Subject
MWP1	Waste Audits

## EMERGING LOCAL PLAN AND RURAL PLAN

1.33 As part of the evidence base which has been prepared to support the emerging Local Plan the following have relevance to applications for housing:

1.34 **The 2015 Hartlepool Strategic Housing Market Assessment** which sets out up-to-date information in relation to the housing need within the Borough as well as the affordable need. It highlights a need for 144 affordable homes a year. Against the emerging Local Plan housing target of 410 dwellings it equates to a 35% need. The document highlights that the Rural West Ward has a need for 1-3 bed detached houses / cottages, 1-2 bed semi-detached houses / cottages, 1-2 bed terraced house / cottage, bungalows and flats.

1.35 **The 2015 Strategic Housing Land Availability Assessment** – this document assessed a wide number of locations across the Borough to assess their suitability for inclusion within the Local Plan as a housing site. This site was included as part of the wider High Tunstall site (Parts of No.45, 46 and 48 in the assessment). This site scored well in terms of sustainability however there were issues raised regarding: Highway capacity and the impact on the A19/Elwick junction.

The survey also notes that there is a high pressure gas main which runs north/south through the site

It notes there are culverts on the site. Development should not take place over or within 5m of a culvert as it will restrict essential maintenance and emergency access to the watercourse/culvert – further advice should be sought from the engineers on this.

Infrastructure reinforcement in relation to water mains was highlighted

Site 46 was seen as being suitable for development within the 1<sup>st</sup> five years of the plan, however site 48, mainly covered by the self build, was seen as suitable for years 6-10.

This is a large Greenfield site in an area of known prehistoric and Romano-British activity. Heritage assets will require further assessment in the form of a desk based assessment and field evaluation (NPPF 128).

The need for a primary school and Local Centre

1.36 **2015 Open Space, Sport and Recreation Assessment** – this document looks at a wide variety of open spaces and considers quantitative and qualitative issues which should be reflected in emerging developments.

1.37 The emerging Hartlepool Local Plan has reached an advanced stage and is currently consulting on the Main Modifications to the plan. Once these are considered by the Planning Inspector the Inspector will issue a Fact Checking Report and then his Final Report prior to the Council Adopting the Local Plan, hopefully by late Spring 2018. Given the advanced stage many of the policies within the Local Plan are now considered to hold great weight in the decision making process in line with para 216 of the NPPF.

1.38 The following policies from the emerging Local Plan are relevant to the proposed development. Policy HSG5 allocates the High Tunstall site for a total 1200 dwellings and the application is in line with the quantum of housing identified. Criterion 8 in the amended HSG5 Policy requires the development to accord with the key principles of Diagram 3 in the “Submission Local Plan” EX/HBC/147 (which forms part of the Main Modifications Consultation and highlights the proposed Main Mods) – this change was considered necessary by the Planning Inspector for soundness reasons. The most recent Masterplan Illustration (Rev P) would appear to be in general conformity with Diagram 3 in the Local Plan. Criterion 8 of the Policy also requires the development to accord with an agreed masterplan; it is not believed there is an agreed masterplan in place at this time and would be something that will need to be developed to assist in the determination of the Reserved Matters Applications.

1.39 Criterion 3 of the Policy sets out the requirement for land for a primary school in accordance with INF4 (which requires land to be safeguarded for a School at High Tunstall, notes that developers will be required to contribute towards contribution and that community use agreements will be put in place in relation to the playing fields at the school – Whilst the August Policy Framework document only attributed limited weight, following the Hearing sessions and Inspectors Interim Findings no significant Main Modifications were required and therefore Policy INF4 is now considered to hold great weight) – Masterplan Illustration (Rev P) is considered to conform with the requirement to safeguard land for a school. It also illustrates the location of a local centre, public house, community centre and a crèche which will help to meet the community needs of the development and conform with criterion 3b of Policy Hsg5.

1.40 Whilst it is considered that the current proposals broadly meet the green infrastructure requirements of criterion 4 of the Policy, it is noted that no location for a formal childrens play area(s) is illustrated. For a development of this size it is considered crucial that play facilities are required to help to create a sustainable community. Policy HSG5 is considered to hold great weight given the stage of development of the plan and the relatively low level of unresolved objections; in the inspectors interim findings following the Hearing sessions changes to the policy were relatively minor to ensure the policy was considered sound.

1.41 Policy INF2 was not considered to hold great weight in the August Policy Framework document however, following the Hearing sessions and the Inspectors Interim findings, the modifications needed to make the Policy sound were relatively minor and therefore the view could now be taken that this Policy is now also considered to hold great weight. Policy INF2 is also particularly relevant to this site as it requires the Elwick bypass and grade separated junction which are required to provide the Highway Capacity for the 1200 homes; The works are estimated to cost

£18m and detailed designs have been produced by the Council's engineers and consultation is ongoing with the landowners to ensure the design accounts for future farming operations. Discussions are still ongoing regarding the purchase of the land for the road. Given there are approximately 1500 homes within the Local Plan in the vicinity which rely on the grade separated and bypass this means the per dwelling cost for the works is £12,000 and all developments are required to make a pro-rata contribution to the overall works. This is discussed further in the sections below. Whilst it has been agreed with Highways England that approximately 400 dwellings can be built prior to the installation of the grade separated junction and bypass with the closure of the central gaps at Elwick and Dalton and some improvements at the A179, these are only acceptable as a first phase and would not have been permitted without the grade separated junction and bypass.

<b>Policy</b>	<b>Subject</b>
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG5	Tunstall Farm
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green Wedges

1.42 It is not considered that there is any conflict with the emerging Rural Plan as the site lies outside of the boundary of the Neighbourhood Plan.

### **ADOPTED LOCAL PLAN (2006)**

1.43 The 2006 Local Plan forms the main part of the Development Plan for determining planning applications.

1.44 Within the current Hartlepool Local Plan this site lies outside of the limits to development, however the policy is considered out of date as to demonstrate a five year supply the authority has relied on new sites in the emerging Local Plan which has resulted in a need to extend the development limits. 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
Rec 2	Provision for Play in New Housing Areas
GN5	Tree Planting
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

1.45 Further information relating to the level of compliance that each policy has with the NPPF can be viewed on the Council's web site.

### **HBC Planning Policy Comments (summarised);**

#### Principle of development

1.46 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. It is clear that the proposal is in line with emerging Local Plan Policy Hsg5 which allocates the site for approximately 1200 homes – as noted in section 4 above the proposal is broadly in line with the criterion of Policy Hsg5.

1.47 In viewing statute, planning policy and the information submitted, Planning Policy must have regard to a wide range of considerations to consider if the proposal is deemed to be sustainable development. In the case of this development (and others in the vicinity) it is known that a new bypass to the north of Elwick village and a grade separated junction at the northern Elwick access onto the A19 needs to be constructed. These highway infrastructure works are necessary to make the High Tunstall development acceptable in highway terms and to satisfy concerns from Highway England. In order to try and facilitate these works in the short term, bids for grant funding have been made and the Council has agreed prudential borrowing could be used as a final resort – in order to safeguard the Council if prudential borrowing is needed it is necessary to require developments in the area to agree to paying a contribution of £12,000 per dwelling to cover the overall cost of £18 million. If any grant funding is secured and subsequently reduces the cost per dwelling, then the money secured from developers would then be redirected to the other requirements such as education or affordable housing.

1.48 If the requirements of the emerging Local Plan policies are delivered then this development would be considered sustainable – this is reflected in the relatively small number of Main Modifications to the Policy. However, as discussed in the developer contributions section below, the level of contributions will determine whether the development coming forward is sustainable.

#### Developer contributions

1.49 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms HBC Planning Policy would contend that the following contributions are necessary:

##### *Play*

1.50 Given the scale of development it is crucial that on-site play facilities are provided within the green wedge to cater for a range of ages. This could be provided by a range of formal and informal play facilities.

##### *Built Sports Provision*

1.51 In the interests in ensuring that residents have access to a variety of leisure opportunities and in having regard to the size of the site, it would be unreasonable to suggest that the applicant should provide a new built sports facility on site. However it is necessary to assist in improving the built sports facilities. As such a sum of £250 per dwelling should be provided and will be directed towards improving the built facilities at Summerhill which provides a range of sporting activities which they are currently looking to increase. Therefore a total built sports contribution of £300,000 is required for the 1200 units.

##### *Green infrastructure*

1.52 The development will be expected to provide formal and informal green infrastructure in line with policies NE3 (Green Wedge) and NE2 (Green Infrastructure) in the emerging plan as illustrated on the Policies Map and in line with Diagram 3. Planting along the western boundary will be necessary to soften the boundary between the urban and rural areas as required by HSG5.

##### *Playing Pitch Provision*

1.53 In line with the recently adopted Planning Obligations SPD there is a requirement for the development to pay £233.29 per dwelling (total £279,948) towards playing pitch provision and improvements – however, if a football pitch is provided as part of the new primary school on site with a community use agreement (which is the preferred option) put in place this contribution could be redirected to other contributions if reduced following the viability assessment.

##### *Tennis Courts*

1.54 In line with the adopted Planning Obligations SPD there is a requirement for the development to pay £57.02 per dwelling (total of £68,424) towards tennis courts. This will be spent towards improving the facilities at the Hartlepool Lawn Tennis Club on Granville Avenue.

##### *Bowling Greens*



1.55 In line with the recently adopted Planning Obligations SPD there is a requirement for the development to pay £4.97 per dwelling (total of £5,964) towards bowling greens. Parks and countryside have drawn up a list of strategic priorities for Bowling Green improvements which, given the relatively small amounts involved will need to be pooled from a number of schemes.

### *Education*

1.56 The provision of and/or the improvement to education facilities is essential to ensure the sustainable growth in Hartlepool. The site lies within the North Eastern Education Planning Area. Currently there are capacity issues within the primary schools within the north west planning area. As such there is a requirement for the High Tunstall masterplan area to accommodate a new primary school within the development. There is a need for the developer to provide the site for a primary school on site. This should be large enough to cater for a two form entry primary school. It is expected that this development will make a contribution to the provision of a new primary school. The education team have also indicated there is a need for a secondary school contribution.

1.57 This development would house 258 primary age children therefore:  $258 \times £13,755$  (cost per primary school place) = £3,548,790 primary contribution. This would be used alongside other developer contribution funding from other neighbouring developments along with government funding to deliver the school.

1.58 In terms of secondary education contribution, this development would house 164.4 secondary age children, therefore the contribution required is  $164.4 \times £14,102.00$  (cost per secondary school pupil) = £2,318,368.80 secondary contribution.

### *Training and employment*

1.59 To assist in ensuring that Hartlepool's economy grows sustainably Planning Policy would also seek to ensure that a training and employment charter is signed; this will ensure that some employment is provided to local residents. Further advice can be sought from the Council's Economic Development team.

### *Transport*

1.60 Policy Tra20 states that a Travel Plans should be prepared for developments that would lead to an increase in travel.

1.61 The Elwick by-pass and grade separated junction referenced at 5.5 has an estimated cost of £18million. As such, developments in Hartlepool which are considered to have an impact on the need for this are expected to contribute towards repaying this. On the basis that High Tunstall will provide 1200 dwellings, Quarry Farm 2 will provide 220 dwellings and other smaller sites in the vicinity and at Elwick could deliver up to another 80 a cost per dwelling has been worked out as follows:

1.62 Overall cost of works £18 million / 1500 dwellings = £12,000 per dwelling contribution.

Therefore this development would need to contribute  $£12,000 \times 1200 = £14,400,000$ . The s106 agreement needs to be written in a flexible manner to allow redistribution

to other elements reduced through the viability discussion should any element of grant funding be secured.

1.63 There is also a requirement on approximately the last 1000 dwellings of this development to upgrade the local road network at an estimated cost of £1m. These improvements mainly focus on the Park Road / Wooler Road / Elwick Road junction and further details can be provided by the Highways team.

#### *Affordable housing*

1.64 The provision of affordable homes is a significant part of the Government's agenda with regard to increasing the supply of homes across the country. Affordable homes are necessary to ensure that the needs of all residents are met and to ensure that all residents have the opportunity to reside in a high quality home in an attractive environment.

#### Affordable housing position in Hartlepool

1.65 The 2015 Hartlepool Strategic Housing Market Assessment (SHMA) states that there is a need to provide 144 affordable dwellings each year in the Borough. The Borough's housing target in the emerging Local Plan is 410 dwellings per year. Therefore in order to meet the affordable housing target for each year; 144 of the 410 net additional dwellings will need to be affordable ( $144 / 410 = 35\%$ ). However, the recently adopted Planning Obligations SPD, recognising development viability, sets a target of 18% affordable housing from new developments. This 18% would equate to the provision of 216 new affordable dwellings. To form a sustainable extension to the town we would expect to see this need delivered on site (in line with emerging Policy Hsg9 – this Policy holds great weight given no Main Modifications were needed to the Policy) and in line with evidence provided in the 2015 SHMA which indicates that the predominant need in the Rural West Ward is for older persons 1 and 2 bedroom properties. Again, this points to the need for the scheme to incorporate an element of bungalows as reserved matters applications come forward. If specific elements of the scheme are considered executive housing as the reserved matters come in there may be a case to make an off site affordable contribution which would then be used to assist in housing market renewal areas in the centre of the town.

1.66 In the interests of providing sustainable development and assisting in addressing any imbalance in housing supply all developers are expected to align plans with the evidence base and if this is not possible then this should be justified through a viability assessment.

#### *10% on site renewable or decentralised energy provision*

1.67 To assist in meeting the EU renewable energy consumption target of 15% of the UK energy is consumed via renewable resources and to assist in the Council's climate change agenda consideration should be given to the provision of on site renewable energy generation. Evidence regarding the on site provision of renewable energy is set out in the 2010 background paper entitled 'energy supply from decentralised and renewable or low carbon sources'. The background paper indicates that an acceptable level of on site provision is 10%, such provision was deemed to not render a scheme unviable.

## PLANNING CONSIDERATIONS

1.68 The main planning considerations in relation to 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, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, impact on heritage assets and archaeological features, flooding and drainage and any other material planning considerations.

## PRINCIPLE OF DEVELOPMENT/PLANNING POLICY

1.69 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. Technically, the 2006 Local Plan forms the main part of the Development Plan for determining planning applications.

### *Hartlepool Local Plan (2006)*

1.70 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. Within the current Local Plan the application site lies outside of the limits to development, however the policy is considered to be out of date as to demonstrate a five year supply the Local Planning Authority (LPA) has relied on new sites in the emerging Local Plan which has resulted in a need to extend the development limits.

### *Emerging Local Plan 2018 and evidence base*

1.71 The policies of the emerging Local Plan (2018) relevant to the proposed development are identified in the policy section in the main body of the report.

1.72 This proposal forms the High Tunstall Strategic Housing Site (emerging Local Plan Policy HSG5) within the emerging Local Plan (2018) which allocates the High Tunstall site for a total 1200 dwellings. The evidence base that has been prepared to support the emerging Local Plan 2018 (as set out above in the planning policy section of the report) and are considered to have relevance to applications for housing, include the 2015 Hartlepool Strategic Housing Market Assessment and the 2015 Strategic Housing Land Availability Assessment.

1.73 The Policy (HSG5) is considered to hold 'great weight' given the stage of development of the plan and the relatively low level of unresolved objections; in the Planning Inspector's interim findings following the Hearing sessions (held in September/October 2017) changes to the policy were relatively minor to ensure the policy was considered sound (as discussed in further detail above in the policy section). Policy INF2, which is also considered to hold great weight, is also particularly relevant to the High Tunstall site as it requires the Elwick bypass and grade separated junction (which are required to provide the highway capacity for the 1200 homes). This application is expected to make a substantial (pro-rata)

contribution to the overall works/costs of the Elwick bypass and grade separated junction (as discussed in the policy section above). This is discussed further in the report below.

#### *Hartlepool Rural Neighbourhood Plan*

1.74 It is not considered that there is any conflict with the emerging Hartlepool Rural Neighbourhood Plan as the application site lies outside of the boundary of the Neighbourhood Plan.

#### *Supply of deliverable housing sites*

1.75 A significant material consideration is the supply of housing land. Increasing the supply of housing is clearly one of the government's priorities and this is reflected in NPPF paragraph 47 which states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that the full objectively assessed needs for market and housing in the market area is addressed.

1.76 NPPF paragraph 49 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.'

1.77 This proposal for 1200 homes forms the High Tunstall Strategic Housing Site as allocated in the emerging Local Plan 2018. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

1.78 In this context, the housing requirement in the 2006 Local Plan is not up-to-date (and therefore the saved housing policies are not considered to be fully compliant with the NPPF). The Council is therefore using the housing requirement in the emerging Local Plan 2018 (which incorporates a fully objectively assessed housing need (OAN)) as the requirement against which the five year supply of deliverable housing site is assessed.

#### *Impact on the vitality and viability of the town centre and existing local centres.*

1.79 The development incorporates a small local centre which is a reasonable requirement for a development of this scale. Furthermore, this is included within the High Tunstall Strategic Housing Site (Policy HSG5) within the emerging Local Plan (2018).

1.80 In support of the original submitted application, the applicant prepared a sequential assessment for the local centre (given the scale of the local centre (less than 2,500 sq m) a retail impact assessment was not required). This concluded that

the application site is the sequentially preferable site and that it will provide for the population of the development.

1.81 In terms of achieving sustainable development it is appropriate for the development to accommodate a local centre which will provide for the future residents. Given the scale of the proposed local centre and its distance from the other local centres, the development is considered to be acceptable in this respect.

### *Sustainable Development*

1.82 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 can now 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).

1.83 In an appeal decision within the Borough for residential development (appeal ref APP/H0724/W/15/3005751, decision dated 21<sup>st</sup> 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”.*

1.84 Critically, the NPPF (paragraph 14) states 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*

- Significant boost to the supply of housing including a mix of housing types (economic\*)  
*\*there will also be ‘social’ benefits delivered by private housing provision however this benefit is reduced by no affordable housing provision*
- The application would contribute towards significant improvements to accessibility, connectivity (in particular an improved link between the A19 into Hartlepool) and reducing congestion issues by making a substantial pro-rata contribution towards the grade separated junction at the A19 and bypass to the north of Elwick village (economic, environmental and social)

- It will potentially deliver beneficial highway safety mitigation impacts (environmental)
- It will potentially deliver beneficial ecological benefits (environmental)
- The application would improve connectivity by making provision for pedestrian connections for footpaths connecting the site to existing footpaths and the existing urban areas including the Summerhill Country Park (environmental and social)
- The development would safeguard land for part of a future link road to the South West Extension which would further reduce congestion in the town (environmental and economic)
- Increased Council Tax and potential New Homes Bonus (economic)
- The proposal would provide onsite open space and Green Wedge (social and environmental)
- The proposal has the potential to provide a self sustaining community with respect to the provision of on site community facilities including a retail centre and primary school (social and 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)

#### *Adverse Effects*

- Potential adverse ecological impacts (environmental)
- Potential impact on visual amenity of area and loss of agricultural land (environmental + economic)
- Potential impact on residential amenity, particularly during construction phases (environmental)
- Potential highway impacts (environmental)
- The development does not make any provision or contribution, at the time of writing, towards affordable housing provision, primary and secondary education (*although the proposal safeguards land for a 2-form primary school and playing pitches*), built sports and play facilities, and towards renewables (social, environmental and economic)
- The development does not, at the time of writing, contribute towards the overall housing need in respect of not providing an affordable housing contribution (social and economic)
- The lack of financial contributions towards education could result in an increased pressure on school capacity (social and economic).

#### *Planning Obligations*

1.85 As set out within the Planning Policy section of this report and in line with the relevant saved Local Plan Policies (GEP9 and Rec2) and emerging Local Plan Policy QP1 (Planning Obligations), the following contributions and obligations were requested/are required;

- £14,400,000 (pro-rata) contribution towards the Elwick by-pass and grade separated junction at the A19

- £1,075,000 towards improvements to the local road network to address resultant impacts on Park Road/Wooler Road/Elwick Road junction
- £300,000 contribution to ecological mitigation measures
- The provision of 216 new affordable dwellings delivered on site
- £300,000 towards for built sport facilities at Summerhill
- On site formal and informal play provision/facilities within the Green Wedge
- £279,948 towards playing pitch provision and improvements (however if a football pitch is provided as part of the new primary school on the High Tunstall Masterplan/Strategic Housing Site with a community use agreement put in place this contribution could be redirected to other contributions)
- £3,548,790 for primary school contribution towards the provision of a new primary school within the application site
- £2,318,368 towards secondary school provision (off site)
- £68,424 towards the Hartlepool Lawn Tennis Club
- £5,964 for bowling greens (off site)
- 10% on site provision of renewable energy
- Contribution towards Green Wedge and Green Infrastructure within the wider High Tunstall Masterplan/Strategic Housing Site
- an obligation requiring the provision and implementation of a Conservation and Habitat Management Plan (including the delivery of 15ha of SANGS, the annual provision of a spring cereal/ autumn-winter stubble plot for twenty years and household information packs);
- An obligation to make provision of footpaths/cycle links/access to Summerhill Country Park
- An obligation relating to the provision, maintenance and long term management of play facilities, community facilities, landscaping, open space (including SANGS) and SuDS;
- An obligation relating to the provision of a suitable landscape buffer along the western boundary to soften the boundary between the site and the rural fringe
- An obligation relating to securing a training and employment charter/local labour agreement;
- An obligation to safeguard land for a 2-form primary school and the option to enter into a community use agreement for the associated playing pitches
- An obligation to safeguard land for the future provision for a link road between this site and the South West Extension;
- To deliver and implement a travel plan.

### *Viability*

1.86 Over the past 18 months or so the Council has continued to liaise with the applicant of the wider High Tunstall site to discuss the viability of the overall development of 1200 homes. The highway works to the GSJ/bypass and local road network along with a £300,000 contribution towards ecological mitigation are all needed to make the developments acceptable to Statutory consultees including Highways England, Natural England and the Local Highway Authority; as such these are considered fundamental to the acceptability of the development in planning terms. The overall cost of these elements equate to a total cost of £15,700,000 (as detailed above). The previous Economic Viability Assessment (EVA) indicated that there was only sufficient viability in the scheme to cover this total cost.

1.87 Consequently, this means that no affordable homes are being proposed, there would be no education contribution (other than providing the site for a school on the wider development area), and there would be no contributions towards play, built sports contribution, tennis or bowling green contribution or securing 10% renewables. HBC Planning Policy have therefore raised significant concerns that the development of this site will not lead to the creation of a sustainable community and will not comply with many of the requirements of the emerging Local Plan or elements of national guidance with particular concern around the fact no affordable housing or education contributions are being made.

1.88 Subsequently, in late December 2017 the applicant submitted to the Council a revised Economic Viability Assessment (EVA). The revised EVA was assessed by the Council's Assistant Director for Economic Growth and Regeneration and it included greater detail in the areas where initial concern had been expressed. The revised EVA sets out a situation whereby the applicant is offering sufficient land for a primary school to be developed and a S106 "pot" which equates to £15,775,000 and therefore covers the Statutory requirements of the development, namely;

- £14,400,000 (pro-rata) contribution towards the Elwick by-pass and grade separated junction at the A19
- £1,075,000 towards improvements to the local road network to address resultant impacts on Park Road/Wooler Road/Elwick Road junction
- £300,000 contribution to ecological mitigation measures

1.89 There remains insufficient economic viability in the development to allow for further planning contributions. Notwithstanding the above concerns regarding the development not being able to contribute towards key infrastructure, the Council's Assistant Director for Economic Growth and Regeneration has confirmed that the latest EVA (December 2017) is broadly acceptable and has noted that the potentially significant variations in costs/revenues over the lifetime of the development could allow for greater quantum of planning obligations to be provided should the development viability allow. The applicant has confirmed that any S106 Legal Agreement will be pragmatic and flexible enough to "capture" any potential uplift in revenues over the lifetime of the development which could result in more planning obligations being provided for items such as affordable housing, built sports and education provision.

1.90 The concept of a flexible S106 Legal Agreement also will take advantage of any subsequent external funding which the Council could secure to subsidise the delivery of the Elwick Bypass and A19 Grade Separated Junction. The Council is currently pursuing several funding bids (in the form of grants) which could introduce additional funding (potentially between £8m to £18m) and this will be a direct pro rata subsidy to the infrastructure delivery. If the Council was successful, the grant would be used to subsidise the works to the bypass and this would mean that a significant proportion of the earmarked £14.4m could be directed towards other planning obligations. The S106 Legal Agreement would be flexible to account for this and therefore the Council's Assistant Director for Economic Growth and Regeneration considers that this would contribute to making the development more sustainable. This will need to be considered below in the 'planning balance'.



*Sustainability (and Principle of Development) conclusion*

1.91 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 a number of shortcomings, in particular it not being able to contribute towards key infrastructure to provide a sustainable community and a sustainable form of development.

1.92 Significant weight is required to be placed on the need to support economic growth through the planning system. The Local Planning Authority's current 'saved' policies for the supply of housing are not be considered to be in full accordance with the NPPF.

1.93 Consideration is also given to the site's location, which has been included as a wider strategic housing site allocation and within the new development limits as set out in the relevant policies of the emerging Local Plan 2018. In this context, the site is not considered to result in an obtrusive extension to the urban core of Hartlepool (for the reasons detailed below). Consideration is given to the significant contribution the development will provide towards boosting housing numbers and towards the key highway infrastructure works.

1.94 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, on balance, deliver sustainable development within the overall meaning of paragraphs 18-219 of the NPPF. Consequently the provisions of paragraph 14 clearly apply.

1.95 It is considered that in this instance, that none of the concerns/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.

**IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY**

1.96 A number of objections (including from both residents and Parish Councils) have raised concerns with respect to the impact of the development on highway safety and increasing congestion including through town and the villages of Elwick and Dalton Piercy.

1.97 The impact of the development has been considered in detail during the course of the consideration of the application(s) with a number of parties being involved, including Highways England (responsible for the A19), HBC Traffic and Transport

section and Durham County Council (in addition to the applicant's acting transport consultants).

1.98 Detailed comments have been provided by HBC Traffic and Transport which are set out in full above and are considered as follows;

#### Wider Road Network

1.99 Concerns were expressed by HBC Traffic and Transport that this development would have a detrimental impact on safety at the A19 Elwick junction particularly with the queue of right turning vehicles extending beyond the queuing lane into the main running lane on the A19.

1.100 As a result a joint transport assessment has been undertaken between the developers of 'phase 1' of the overall masterplan (application H/2015/0551 for 208 dwellings) and the Quarry Farm 2 development (reference H/2015/0528, for 220 dwellings) and the scope of the assessment has been agreed with HBC Traffic and Transport section.

1.101 In order to address these concerns, and to bring forward a quantum of development prior to the construction of the Elwick by-pass and grade separated junction (GSJ) (discussed above), a scheme for the closure of the central gaps on the A19 at both Elwick junctions and at Dalton Piercy has been produced. It has been agreed between the above referenced parties that this can only be done after extensive improvement/signalisation works at the Sheraton interchange to prevent traffic queuing back onto the A19 have been completed as the existing junction cannot accommodate the additional traffic that will be generated by preventing right turn manoeuvres at the three junctions (following the 3 x gap closures).

1.102 The signalisation of Sheraton is being delivered by Durham County Council and funded by Highways England. HBC Traffic and Transport consider that the gap closure scheme would address concerns about right turning traffic on the A19. This view is supported by Highways England and Durham Country Council.

1.103 The scheme is only considered to be a short term measure and the above referenced applications (H/2015/0551 + H/2015/0528) will be required to pay a pro rata contribution towards the construction of the Elwick by-pass and grade separated junction (as set out above). For the avoidance of doubt, it has been agreed that the above works (the works at Sheraton interchange and the A19 gap closures) can accommodate the 208 houses on High Tunstall (H/2015/0551, pending consideration) and 220 dwellings on Quarry Farm 2 (application H/2015/0528, pending consideration).

1.104 HBC Traffic and Transport raised concerns that if the A19 gaps are not closed prior to the commencement of the development there may be issues with construction traffic and operatives vehicles using the A19 / Elwick junctions. Notwithstanding these concerns, HBC Traffic and Transport accept that in order to allow a certain quantum of development to commence prior to construction, Highways England (who are responsible for the junction) have required the developers of applications H/2015/0551 (208 dwellings) and H/2015/0528 (220

dwellings) to produce construction traffic management plans (CTMP) in an attempt to direct construction traffic to alternative routes (this also takes into account impact on the local road network and school times). The CTMPs for both the above referenced applications have been duly agreed with Highways England, HBC Traffic and Transport and HBC Public Protection and the requirement has been secured by way of a planning condition on the recommendations for both applications.

1.105 As requested by Highways England, a CTMP will also be required for the remainder of the development (992 of the 1200 dwellings) on the current application site (H/2014/0428) and a planning condition will secure this requirement. It should be noted that no further housing outside of the 208 dwellings on High Tunstall (H/2015/0551) and the 220 dwellings on Quarry Farm 2 (H/2015/0528) can thereafter commence until the commencement of the Elwick by pass and the GSJ (which will be subject to a separate consent. This is also secured by a planning condition on the current application as required by both Highways England and HBC Traffic and Transport.

1.106 In summary, 'phase 1' of the High Tunstall masterplan site (H/2015/0551 for 208 dwellings) and Quarry Farm phase 2 (H/2015/0528 for 220 dwellings) are subject to a planning condition for the works at the Sheraton interchange being completed first, followed by the three, identified gap closures at the A19. The current application for the High Tunstall masterplan (1200 dwellings, which include the above referenced 208 dwellings under application H/2015/0551) will require the works for GSJ and the Elwick Bypass to have commenced prior to the remainder of the dwellings (992 of the 1200) being commenced. This again is secured by a planning condition and has been agreed with both Highways England and HBC Traffic and Transport.

1.107 The proposal is therefore considered to be acceptable in respect to the identified impacts on the wider road network.

### Local Road Network

1.108 As set out in the HBC Traffic and Transport section's comments, several junctions on the local highway network were assessed for capacity. Whilst there will be a cumulative impact on the local highway network, HBC Traffic and Transport have confirmed that it is not considered to be 'severe' (as defined by paragraph 32 of the NPPF) until after the 208<sup>th</sup> dwelling at High Tunstall (H/2015/0551) and the 220<sup>th</sup> dwelling at Quarry Farm 2 development (H/2015/0528, pending consideration) have been completed. As such, HBC Traffic and Transport section has confirmed that there are therefore no requirements to carry out mitigation works to any junctions on the local road network for these two applications.

1.109 After the construction of the above referenced 428 properties (208 + 220 dwellings) the impact on i) the Park Road/Wooler Road/Elwick Road junctions and ii) the Hart Lane/Serpentine Road junctions is considered to be 'severe'. Appropriate measures to mitigate the severe effect that additional development (over and above the 428<sup>th</sup> dwelling, set out above) will have on the internal road network will be a requirement of the current application (H/2014/0428). HBC Traffic and Transport have advised that the Council will work with the developers to deliver appropriate

works to mitigate the severe effect that additional development (992 dwellings of the 1200) will have on the local road network at the two junctions identified; this may take the form of works to the junctions themselves or in other areas of the town. A planning obligation within the s106 legal agreement will secure a financial contribution of £1,075,000 from the developer towards such schemes, which will be implemented by the Council. Subject to this obligation, the scheme is considered to be acceptable in respect of the impact on the local road network.

#### Site Specific Highway Requirements (including mitigation measures).

1.110 Notwithstanding the above requirements, HBC Traffic and Transport section have raised no objections to the proposal subject to the provision of

- i) a detailed scheme for the roundabout junction from Elwick Road into the site;
- ii) a scheme for the assessment of the existing speed limit between the proposed roundabout and the access to serve development approved under H/2015/0551, and any necessary speed reduction measures;
- iii) a scheme for a system of street lighting on Elwick Road which covers the extent of roundabout junction.

1.111 Overall, it is considered that with the mitigation proposed the proposed development would not result in a 'severe' impact on the local or wider road network, and that the proposal, subject to the requisite, identified planning conditions and planning obligation(s), is considered to be acceptable in respect of highway (and pedestrian safety) related matters.

#### DESIGN/IMPACT ON THE VISUAL AMENITY ON THE AREA (INCLUDING LANDSCAPING + OPEN SPACE)

1.112 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.

1.113 In terms of the overarching principle of the siting of the proposed residential development, it is considered that the proposed application site, which has been included within the development limits of the emerging Local Plan (as part of the wider High Tunstall Masterplan/strategic site under Policy HSG5) would form a logical extension to the western edge of the existing urban area.

1.114 The site is subject to a number of constraints, which to a degree, have dictated the form of the development proposed. These include the presence of a major gas pipeline running to the east and to the north of the site, and the requirement for areas (15ha in total) of Suitable Alternative Natural Green Space (SANGS) to provide ecological mitigation; the areas required for this application include large parcels of open space to the west (4.18ha), south east (2.1ha) and south of the site (5ha).

1.115 Emerging Policy HSG5 allocates the High Tunstall site for a total 1200 dwellings and the application is considered to be in line with the quantum of housing identified. As currently proposed, the density of the development is considered to be acceptable when compared to neighbouring housing areas. Criterion 8 in the amended HSG5 Policy requires the development to accord with the key principles of Diagram 3. The amended masterplan for the current application (Revision P) is considered to be in general conformity with Diagram 3 in the Local Plan for the reasons detailed below.

1.116 Given this is an outline application the detail behind the size or type of properties is limited (it is understood that the development will propose a mix of 2-5 bedroom dwellings and be up to 2.5 storeys in height). HBC Planning Policy has advised that the provision of some bungalows would assist in meeting a specific need highlighted within the 2015 SHMA. The SHMA noted bungalows are in short supply in Hartlepool and therefore is something that new developments should look to provide an element of within the overall scheme (this would come forward/be considered under the requisite reserved matters applications).

1.117 It is also noted that this is one area of the town that can provide executive housing sites. The SHMA also highlights a need for 144 affordable dwellings to be provided annually. The document highlights that the Rural West Ward has a need for 1-3 bed detached houses / cottages, 1-2 bed semi-detached houses / cottages, 1-2 bed terraced house / cottage, bungalows and flats.

1.118 Whilst it is disappointing that the development cannot, at the time of writing, contribute towards the provision of affordable housing (for the reasons detailed above), on balance, it is not considered that this would dilute the benefits that the scheme, overall, would deliver. Furthermore, the commitment from the applicant to deliver a flexible S106 Legal Agreement which will take advantage positive variations in the development (i.e. uplift in revenue over the lifetime of the development and/or any external funding subsidy) will hopefully allow for the provision of other planning obligations as the development progresses including affordable housing.

1.119 The provision of public open space is focused on a central area of Green Wedge (required as part of HSG5) that will run through the central-upper portion of the site. As stated above, up to 15ha of SANGS will be delivered primarily along the eastern, western and southern boundaries of the site. Saved Policy Rec2 of the 2006 Local Plan and emerging Policy HSG5 require the provision of play facilities; it is considered these are necessary to enable young children to play safely close to their homes. It is expected that these will need to come forward as part of the required phasing plans for the development (and subsequent reserved matters applications) to help to create a sustainable community. The indicative masterplan also details the provision of screen planting along/beyond the western boundary of the site as required by criterion 9 of Policy HSG5.

1.120 The green corridor to the east of the site (that will form an area of SANGS) forms part of a network of designated walking/cycling routes across the developed site and into the surrounding area (including Summerhill Country Park which will be linked as part of this application which will be secured by a planning obligation).

1.121 The provision of the highway infrastructure and access into the site will result in the loss of some landscaping and open up views and access from Elwick Road however this impact will be localised and additional planting is to be accommodated within the site and within the green corridor adjacent to the site entrance.

Furthermore, the Council's Arboricultural Officer has advised that there will be no detrimental loss on the tree cover and the indicative proposed new planting would more than offset the loss of the few trees that will have to be removed. Detailed landscape proposals will be required to come forward as part of the above referenced phasing conditions and on the reserved matters application. A further condition is secured in respect of existing tree and hedge protection measures (requiring an arboricultural impact and method statements).

1.122 As detailed above, the site includes/safeguards land for a primary school site (and playing pitches). The proposed masterplan also illustrates the location of a local centre, public house, community centre and a crèche which will help to meet the community needs of the development and conform with criterion 3b of Policy HSG5.

1.123 In the above context, it is considered that a development on the outline parcel of the site can be brought forward that would not have a detrimental impact on the character and appearance of the area and that the indicative density and layout of the scheme is therefore considered to be acceptable. However it is noted that the application is in outline to establish the principle of development and full details regarding design and layout of the dwellings are to be submitted at a later date with a reserved matters application(s) when they will be fully assessed. Furthermore, a number of planning conditions have been secured with respect to the phasing/programme works to ensure the coordinated progression of the development and the provision of the relevant infrastructure and services to the anticipated phasing of the site.

1.124 In terms of any wider visual impact, the proposed development will clearly have a significant impact on the landscape in this area with the existing farmland being replaced by urban development (albeit with large areas of green infrastructure). The submitted application was accompanied by a Landscape and Visual Impact Assessment (LVIA). The LVIA considers that the proposal affects 'medium' value rural fringe and 'low value' undulating farmland and that the overall landscape sensitivity of the site as 'medium' from the National Character area definition.

1.125 Furthermore and as detailed above, following a significant amendment to the scheme, the overall site area was reduced but more significant, the western site boundary was reduced by approximately 200m (roughly one third of the development) and it was considered that the removal of this strip of land effectively removed the most 'sensitive' land from the development (identified within the Hartlepool Landscape Assessment 2000 as 'undulating farmland High Value") and therefore most sensitive to the landscape effects of development.

1.126 In the context of the overall landscape character, the magnitude of the change from existing farmland to urban development was assessed as being 'high' particularly during construction and prior to the establishment of landscape mitigation. During the establishment period of the development, the landscape

effects were assessed to be 'moderate' and 'adverse'. Whilst it is fully acknowledged that there will be a permanent and irreversible change in character, the LVIA predicted the change will reduce to 'medium' during the establishment of the proposed landscape mitigation which will soften the urban character of the environment with the site resulting in 'moderate/minor' and 'neutral' landscape effects. It is considered that the impacts would not be considered as 'significant' in the context of the EIA Regulations.

1.127 Overall, it is considered that the impacts on the character of the area will be both positive and negative. The proposed green corridor/planting buffer along the northern boundary to the site (adjacent to Elwick Road), the subsequent setback of the development from Elwick Road, and the provision of the areas of SANGS to the south, east and west will assist in softening the visual impact of the development. It should also be noted that in a number of views, the site will be seen in the context of the existing urban area and the topography of the site. It is considered that the landscaping required will assist in further filtering or screening views of the development however given the scale of development proposed and the elevated nature of parts of the site relative to adjacent areas mean that will not be possible to screen the development entirely. This matter is touched upon in the conclusion to this report where it is determined that on balance, any negative impacts would not outweigh the positive impacts arising from the proposal.

1.128 The requirement for a landscape buffer to be provided along the western boundary of the site will be secured by a planning obligation within the s106 legal agreement to prevent any adverse impact on the visual amenity of the wider area and the rural fringe.

1.129 Overall, it is considered that the proposed development would not result in a significant adverse loss of visual amenity or adversely affect the character and appearance of the surrounding area for the reasons detailed above. The proposal is therefore considered to be in accordance with the provisions of the NPPF and the relevant saved and emerging Local Plan policies.

#### THE AMENITY OF THE OCCUPIERS OF ADJOINING PROPERTIES/FUTURE OCCUPIERS OF THE SITE

1.130 Beyond the site boundaries, the nearest existing neighbouring properties to the application site are those to the east (within West Park/Elwick Rise) and to the north east beyond Elwick Road (within the established residential estates), directly to the north (within Quarry Farm Phase 1 currently under construction with a number of occupied properties, and a number of established, individual properties) and to the south west in the form of a number of farms.

1.131 It is considered that the proposed development would achieve the minimum requisite separation distances (set out in the Council's Supplementary Note 4) from the nearest existing neighbouring properties whilst taking into account the required landscape buffers and areas of SANGS between the application site and the surrounding areas. It is therefore considered that the indicative layout has been designed in such a way as to limit the impact upon the amenity and privacy of the neighbouring properties.

1.132 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.

1.133 As detailed in the highway matters section of this report, detailed consideration has been given to the impacts of the development(s) on both the local road network and wider road network. Concerns have been raised by objectors regarding the disruption that would be caused during the development of the site including additional traffic and noise and disturbance. It is both appreciated and inevitable that the development of a site of this scale will cause some disruption to neighbouring residents, either alone or in combination with the existing and proposed housing and other developments in the area.

1.134 It is however considered that the separation distances to neighbours for much of the development area will help to minimise any impacts. Furthermore and as set out above, a Construction Traffic Management Plan (CTMP) will be required to agree the routes (and times of day) that deliveries can access the site (a CTMP has already been agreed for 'phase 1' of the masterplan under application H/2015/0551 for 208 dwellings). A further condition is secured with respect to the requirement for a Construction Management Plan (CMP) that will require the developer to address relevant issues in relation to noise, dust, wheel washing and consultation with neighbours to seek to minimise disruption. A further condition will also restrict hours of construction and deliveries. Conditions will also be required to limit hours of operation and deliveries, and details of any extraction equipment for the commercial uses (A1 and A3/A4) proposed within the site as requested by the Council's Public Protection team.

1.135 Subject to these conditions, the Council's Public Protection team raise no objections to the application. Finally there are various powers available to the council under the relevant public health and highway acts should incidents arise.

In view of the above, the proposal is not considered to result in an unacceptable impact on the amenity and privacy of adjoining properties/future occupiers of the site.

## ECOLOGY AND NATURE CONSERVATION

1.136 The application has been considered in detail by the Council's Ecologist. Advice has also been provided by Natural England. 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.

1.137 In considering the European site interest, the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010 must consider any potential impacts that a proposal may have and has therefore undertaken Habitat Regulations Assessments (HRA) in the form of stage 1 and stage 2 screening. The HRA screening has been undertaken by the local authority (as the competent authority) and it has been duly considered by Natural England as a statutory consultee in this process.



1.138 The HRA stage 2 concludes that the identified residual impact of the development is mitigated by the availability of an acceptable amount and distribution of SANGS (15ha across 6 areas), a commitment to provide promotional material (householder information packs) and a financial contribution (£300,000) to wardening the Teesmouth and Cleveland SPA and Ramsar. As such, the following ecological mitigation for the application (as set out within the HRA) is required:

1. A total of 15 Ha SANGS that will encourage, in particular, daily dog walking. This will be located in 6 areas namely;
  - a) A large parcel of open space to the west of the site (approx 4.18ha)
  - b) a central area of open space to the south west corner of application H/2015/0551 (1.07ha)
  - c) a green corridor running to along the eastern boundary of the site (2.14ha)
  - d) a large parcel of open space to the south east corner of the site (2.1ha)
  - e) a strip of open space to the south west corner of the site (0.51ha)
  - f) a large parcel of open space beyond the southern boundary of the main build development of the site (5ha)
2. A financial contribution (pro-rata contribution of £300,000 to cover additional costs to be borne by Summerhill Country Park and for coastal wardening and management.
3. Provision to each household of an information pack highlighting on-site recreational opportunities and the importance safeguarding European Sites.
4. The annual provision of a spring cereal/ autumn-winter stubble plot for twenty years (which would form part of a conservation habitat management plan)
5. links to Summerhill Country Park

(the above measures have been approved by Natural England).

1.139 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 and raises no objections to the application, providing that all mitigation measures are appropriately secured. These measures will be secured by appropriate planning obligations within a section 106 legal agreement.

1.140 In line with NPPF, the LPA requires development to enhance biodiversity and the environment where possible. The applicant has agreed to mitigation, compensation and enhancement measures (as per the applicant's submitted Naturally Wild Ecology Chapter Addendum Report dated 01/04/2016) and these will be secured by a number of planning conditions (and planning obligations within the s106), thereby satisfying Natural England's standing advice. These conditions will include tree and hedge protection, landscape buffers, bird nesting, low level lighting, suitable planting to the SuDS, and bird breeding opportunities. The HBC Ecologist

considers that in his view this would satisfy the objections from Teesmouth Bird Club.

1.141 Subject to the above referenced 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

1.142 The Council's Heritage and Countryside Manager has confirmed that the proposal will not affect any heritage assets and raises no objections to the application.

1.143 Tees Archaeology has considered the submitted information which identifies that there are a number of archaeological features within the proposed development area. They are however satisfied that these reports meet the information requirements of the NPPF regarding heritage assets of archaeological interest (NPPF para. 128) and raise no objections to the application subject to the recording of the heritage asset through a programme of archaeological works, which can be secured by a planning condition. The proposal is therefore considered to be acceptable in this respect.

#### FLOODING AND DRAINAGE

1.144 Concerns/objections have been raised by objectors with respect to flooding and drainage matters and the implications for the wider area.

1.145 The application site is located within Flood Zone 1 (indicated as having a low risk of to flooding). Notwithstanding this, the submitted Flood Risk Assessment has been considered by the Council's Principal Engineer, the Environment Agency and Northumbrian Water (as set out in full within the consultation comments).

1.146 The Council's Principal Engineer (HBC Engineering Consultancy) has advised that there is no known history of fluvial flooding on the site. The topography of the site generally falls from north to south and currently surface water flows would be expected to be intercepted by the watercourse on the site and conveyed away from the site. Tunstall Farm beck flows from this proposed site towards the 'West Park' area and along Valley Drive and ultimately through the Burn Valley. The Council's Principal Engineer has advised that parts of this watercourse further downstream are classified as being within flood zones 2 and 3 and as such an increase in surface water within this watercourse would not be acceptable.

1.147 Notwithstanding this, the Council's Principal Engineer has confirmed that detailed designs will be required and therefore recommends a pre-commencement planning condition relating to details of a suitably designed surface water scheme to ensure that surface water can be adequately discharged without passing on a flood risk elsewhere. The Council's Principal Engineer welcomes the proposals to use

Sustainable Drainage Systems (SuDs) techniques through a mix of swales, filter trenches/strips, ponds, basins and storage tanks/pipes.

1.148 Subject to the final design being secured by a planning condition(s), the Council's Principal Engineer and the Environment Agency (EA) have raised no objections to the application.

1.149 The EA has also requested planning conditions relating to the provision and management of buffer zones along watercourses, and a landscape management plan. These have been secured accordingly (the buffers are also required from an ecological mitigation perspective to be applied to not only watercourses but areas of ponds, woodland belt, wildlife corridors and SUDS). Landscape management will be secured through a planning obligation on the s106 legal agreement. The EA has also provided advice on a number of environmental related matters, which can be secured by informatives.

1.150 In addition to the requirement for surface water details (to be secured by a planning condition as per above), Northumbrian Water has also requested that details of foul sewerage be secured by appropriate planning condition and have provided advice which can be secured by way of an informative.

1.151 Hartlepool Water has been consulted and raised no objections to the proposal but has advised that their existing assets will require major diversion works and in order to supply this development they may need to reinforce their infrastructure. Again, their comments can be included as an informative for the applicant's consideration.

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

## OTHER PLANNING MATTERS

### *Public Right of way*

1.153 'Public Footpath No.7, Hartlepool', runs through the proposed application site, in an east to west direction.

1.154 As part of 'phase 1' of the overall masterplan (application H/2015/0551), the applicant(s) has worked with the Council's Countryside Access Officer to agree, in principle, a satisfactory scheme for treatment to the existing footpath (in the form of appropriate enclosures/countryside furniture). Final details of the works for 'phase 1' are to be secured by appropriate planning conditions, which the Council's Countryside Access Officer considers to be acceptable.

1.155 With respect to the continuation of this footpath through and beyond 'phase 1' into the wider part of the masterplan (and current application), the proposed masterplan indicatively shows the retained footpath running from east to west. The treatment and details to the footpath will need to be considered and agreed as part of the phasing details for the overall masterplan and as part of any individual

reserved matters application affecting that section of the footpath. The Council's Countryside Access Officer has advised that it will be important to ensure that the footpath does not become overly 'urbanised' and its treatment will need to be considered further.

1.156 An informative is appended to the decision notice with respect to the applicant contacting the Council's Countryside Access Officer at early stage to discuss this further including the requirement to keep the public footpath open at all times for the use by the public (or if there is a need for temporary closure). Subject to a satisfactory scheme being achieved, it is considered to address the concerns from the Ramblers Association.

1.157 Whilst it is disappointing that the scheme cannot make any financial contributions towards improving Green Infrastructure/footpaths beyond the site boundaries, the scheme will facilitate the retention of the existing footpath crossing through the site and there is also a requirement on 'phase 1' (H/2015/0551) for the development to provide a footpath connection between the site access to the north of the site ('phase 1') and the existing footpaths to the east of the site (along Elwick Road) which will further enhance connectivity and the sustainability of the application site. The works to retain the existing footpath and provide further footpath connections will allow the site to tie into 'Public Footpath 25, Hartlepool' that runs to the east of the site from Elwick Road (north) through Tunstall Farm and onto Duchy Road (south).

1.158 Furthermore, the current application will be required to make provision for connections (footpath/cycle links) to Summerhill Country Park to the south of the overall masterplan site (as indicatively shown on the masterplan), which would be secured by a planning obligation on the s106 legal agreement.

1.159 In view of the above, the scheme is considered to be acceptable in this respect.

#### *Proximity to high pressure gas pipeline and other infrastructure*

1.160 A high pressure gas pipeline runs immediately adjacent to the application site to the east and to the north. As set out above, this has dictated to an extent the layout of the land with the applicant aware of the requisite easement and separation distance required to the pipeline. The land in close proximity of the pipeline cannot be developed. In order to address this, the applicant is proposing to leave the area of the pipeline undeveloped and would form one of the SANGS as part of the ecological mitigation.

1.161 The application has been considered through the Health and Safety Executive's online Planning Use Planning system, which confirms that there are no grounds to advise against the granting of planning permission (the HSE have confirmed in writing that this is the correct stance). The pipeline operator (Northern Gas Networks) has also been consulted and they have raised no objections to the proposed scheme providing that the requisite easement is achieved, which have been illustrated on the submitted drawings. The relationship with the pipeline is therefore considered to be acceptable.

1.162 Northern Powergrid and National Grid were both consulted and neither provided any comments.

1.163 Furthermore, Cleveland Emergency Planning Unit has raised no objections to the application, highlighting the presence of the pipeline.

#### *Contaminated land*

1.164 The Council's Principal Engineer has considered the submitted information and has requested that an appropriate planning condition is secured with respect to further site investigation works into contaminated land.

#### *Agricultural land*

1.165 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 Grade 3 (good-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.

#### *Waste*

1.166 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.

1.167 Matters of waste arising from the residential properties can be secured by planning conditions. Matters of indiscriminate waste and fly tipping could be controlled through separate legislation.

#### *Fear of Crime/Anti-social behaviour*

1.168 Objectors have raised concerns with respect to the proposal resulting in an increase in crime/fear of crime, anti social behaviour (ASB) and vandalism.

1.169 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 (in particular, the proposed neighbourhood centre). 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 HBC Community Safety and Engagement team and such concerns would not be of sufficient weight to warrant refusal of the application.

1.170 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

1.171 With respect to a number of concerns and objections received (that have been summarised in the publicity section of this report), several of these matters are not material planning considerations including property devaluation, reduction on council tax, and querying who will buy the properties

1.172 The application site is not located within a Green Belt.

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

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

1.175 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

1.176 Whilst the Local Planning Authority is now able to demonstrate a 5 year supply, the Council's housing policies are not considered to be in full compliance with the NPPF and (great) weight is now being afforded to the housing policies within the emerging Local Plan. Applications are also to be considered in the context of the presumption in favour of sustainable development. It is not considered that specific policies in the NPPF indicate the development should be restricted.

1.177 It is acknowledged that the site is to be included within an allocated housing site (as part of the High Tunstall Strategic Housing Site) in the development limits as

part of the emerging Local Plan 2018 (Policy HSG5) and the site is not considered to result in an incongruous form of development for the reasons detailed within the main report.

1.178 In terms of the benefits arising from the development these are considered in the report above and include the development's significant contribution to the Borough's housing land supply, the delivery of socio economic benefits (including jobs during and after construction, additional council tax, additional household expenditure) significant contributions towards highway infrastructure, and enhancements to the green infrastructure of the town (Green Wedge and links to Summerhill Country Park).

1.179 There are also a number of identified 'disbenefits' to the scheme as set out in the report above, primarily the scheme being unable, at the time of writing, to deliver/contribute towards a number of planning contributions including education, affordable housing, play and built sports. Concerns are therefore raised that the development of this site will not lead to the creation of a truly sustainable community.

1.180 However, 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, on balance, deliver sustainable development within the overall meaning of paragraphs 18-219 of the NPPF. Consequently the provisions of paragraph 14 clearly apply. 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.

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

1.182 It is considered that in this instance, that none of the concerns/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.

1.183 The application is accordingly recommended for approval.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.184 There is no evidence of equality or diversity implications.

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

1.185 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.

1.186 There are no Section 17 implications.

## REASON FOR DECISION

1.187 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 section 106 agreement securing developer obligations/contributions towards the Elwick bypass and Grade Separated Junction (£14,400,000); a financial contribution towards improvements to the local road network (£1,075,000); a financial contribution towards ecological mitigation (£300,000); an obligation requiring the provision and implementation of a Conservation and Habitat Management Plan (including the delivery of 15ha of SANGS, the annual provision of a spring cereal/ autumn-winter stubble plot for twenty years and household information packs); the provision, maintenance and long term management of play facilities, community facilities, landscaping, open space (including SANGS) and permissive paths; the provision, maintenance and long term management of SuDS; an obligation relating to the provision of a suitable landscape buffer along the western boundary; an obligation to safeguard land for a 2-form primary school and to enter into a community use agreement for the associated playing pitches; an obligation to make provision of footpaths/cycle links/access to Summerhill Country Park; an obligation to safeguard land for the future provision for a link road between this site and the South West Extension; an obligation relating to securing a training and employment charter/local labour agreement an obligation to deliver and implement a travel plan (the s106 legal agreement will be flexible enough to “capture” any potential uplift in revenues over the lifetime of the development which could result in more planning obligations being provided for items such as affordable housing, built sports and education provision the agreement will also allow the specific contributors identified above to be recycled and used to meet the other obligations identified in this report should they not be required to meet the original purpose in whole or part) and subject to the following conditions;

1. Application for the approval of the reserved matters (referred to below) and the commencement of development, shall be as follows. The first reserved matters application shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matters of that phase. Thereafter, all subsequent phased reserved matters applications shall be made to the Local Planning Authority not later than 10 years from the date of this permission and the development so approved shall be begun not later than the expiration of 2 years from the final approval of the last reserved matters relating to each phase. For the avoidance of doubt.
2. Approval of the details of the internal pedestrian and highway layout, layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the "reserved matters"), shall be obtained in writing from the Local Planning Authority.



In order to ensure that these details are satisfactory.

3. The details submitted at the reserved matters stage shall be in general conformity with drawing no. P101 Revision P 'Proposed Master Plan' received by the Local Planning Authority on 1<sup>st</sup> August 2017 and emerging Hartlepool Local Plan 2018 Policy HSG5(point 8 - 'High Tunstall Strategic Housing Site' and associated 'Diagram 3 High Tunstall Concept Plan').  
In the interests of the proper planning of the area.
4. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. Prior to or alongside the submission of the first "reserved matters" application, a Phasing Plan/Programme shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plans/Programmes shall identify the phasing of all development, infrastructure, landscaping including strategic landscaping, the means of access/pathways/cycleways, enclosures and gates, public and amenity open space, suitable alternative natural green space (SANGS), play facilities and sports pitches of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.  
To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.
5. No development of any phase of the development for which outline planning permission is hereby approved shall commence until detailed proposals for the treatment of the green wedge within that phase including details of any phasing, play/sports facilities, the means of access/pathways/cycleways, enclosures and gates, footbridges, lighting, benches, bins, street furniture, landscaping (incorporating ecological mitigation and enhancements in accordance with Naturally Wild Environmental Statement Ecology Chapter Addendum Report (received by the Local Planning Authority on 1st April 2016) (except as may be varied with the agreement of the Local Planning Authority) and a timetable for its provision have been submitted to and approved in writing by the Local Planning Authority. The green wedge shall be provided in accordance with the details and timetable so approved.  
In the interests of visual amenity and in order to ensure that the green wedge is provided in a planned and appropriate manner.
6. The development hereby approved shall be carried out in accordance with the following drawing no(s); P100 Revision G (Existing Site Layout), P101 Revision P (Proposed Master Plan) and P102 Revision D (Proposed Location Plan), all plans date received 1<sup>st</sup> August 2017 by the Local Planning Authority.  
For the avoidance of doubt.
7. The total development hereby approved shall not exceed the following maxima:  
Up to 1200 residential dwellings (C3 Use Class).  
2.4ha of land allocated for the following neighbourhood facilities;  
Up to 500sqm floorspace of a community centre (D1 Use Class)  
Up to 500sqm of medical centre floorspace (D1 Use Class)  
Up to 100sqm of crèche floorspace (D1 Use Class)  
Up to 250sqm retail floorspace (A1 Use Class)

Up to 600sqm of public house/drinking establishment (A3/A4 Use Class)

Up to 2.05ha for a Primary School Site and playing pitches

For the avoidance of doubt and to be in general conformity with emerging Hartlepool Local Plan 2018 Policy HSG5 (point 3).

8. Prior to the commencement of development of the dwellings hereby approved, the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 shall have commenced development, to the satisfaction of the Local Planning Authority. For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551 (decision dated xxx). For the avoidance of doubt the completion of the gap closures on the A19 would not constitute commencement of the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 for the purposes of this condition. In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Hartlepool Local Plan 2018.
9. Notwithstanding the submitted plans, no development shall take place until a detailed scheme for the provision of a roundabout junction from Elwick Road (to be provided on a 1:500 scale plan, minimum) and a Phasing Plan/Programme for the implementation of such highway mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided in general conformity with Drawing No. P101 Rev P ('Proposed Master plan', date received 01.08.2017) and details included within the Transport Assessment Version 1.1 (dated 18.02.2016). Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved to the satisfaction of the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority. (For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551). To enable the Local Planning Authority to control details and in the interests of highway safety.
10. No part of the development shall be occupied until the existing speed limit has been assessed along Elwick Road (between the proposed roundabout and the access to serve development approved under H/2015/0551), with a scheme and a Phasing Plan/Programme for the implementation of such highway mitigation measures to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved to the satisfaction of the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority. (For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551). In the interests of highway and pedestrian safety.
11. No part of the development shall be occupied until a system of street lighting has been completed on Elwick Road which covers the extent of roundabout junction with a Phasing Plan/Programme for the implementation of such highway mitigation measures to be first submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved to the satisfaction of the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority.

(For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551).

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

12. 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.

13. Prior to the commencement of development on each phase, a Construction Traffic Management Plan shall be submitted to and agreed in writing with the Local Planning Authority in consultation with Highways England to agree the routing and movement of all construction traffic associated with the construction phases. Thereafter, the development of the site shall accord with the requirements of the approved Construction Traffic Management Plan to the satisfaction of the Local Planning Authority in consultation with Highways England. (For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551).

In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.

14. Notwithstanding the submitted information, no development in any phase 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. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall 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 shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall 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 shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - a. human health,
  - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - c. adjoining land,
  - d. groundwaters and surface waters,
  - e. ecological systems,
  - f. archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall 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 shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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 shall 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 shall 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 shall 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 shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme shall 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 shall 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 shall 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 shall 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) (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, 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 the prior written consent of the Local Planning Authority.

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.

15. (A) No demolition/development in any phase shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for that phase has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under (A).  
(C) No phase of the development shall be occupied until the site investigation and post investigation assessment relevant to that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.  
In order to ensure that the archaeology of the site is adequately investigated.

16. Development shall not commence on any phase of the development until a detailed scheme for the disposal of foul water from that phase of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.

17. No development on any phase shall take place until a scheme for a surface water management system for that phase including the detailed drainage/SuDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the existing Greenfield run off rate for the site be achieved as a minimum and bettered where possible as well as 100 year store return period (+ 40% climate change allowance) being contained within the red line boundary of the site. It must be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and should, where possible, make space for water above ground through the use of the open space on the site to provide multiple SuDS solutions. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying

out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented prior to the occupation of any part of that phase of the development and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, both on and off site and to ensure that the impacts on trees are taken into account in any design.

18. Prior to the commencement of each phase, a detailed scheme of landscaping, tree, hedge and shrub planting (in general conformity with drawing no. P101 Revision P 'Proposed Master Plan' received by the Local Planning Authority on 1<sup>st</sup> August 2017) and incorporating ecological mitigation and enhancements in accordance with the Naturally Wild Environmental Statement Ecology Chapter Addendum Report (received by the Local Planning Authority on 1st April 2016) (except as may be varied with the agreement of the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority before the phase is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme and timetable of the works to be undertaken, and be implemented in accordance with the approved details and programme/timetable of works.

In the interests of visual amenity, ecology and to ensure any species planted within the easement of the high pressure pipeline are appropriate.

19. 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 of that phase 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.

20. Notwithstanding the submitted information and prior to the commencement of any phase of the development, an Arboricultural Impact Assessment and Method Statement for the removal and protection of any trees and hedgerows within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Method Statement, unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure that any impact on trees is minimised in the interest of visual amenity and the ecology of the area.

21. Notwithstanding the submitted details, no development of any phase shall commence until detailed proposals for the provision of public open space and play areas including details of their phasing, location and design/specification, landscaping, play equipment, surfacing, means of enclosures, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The play facilities shall be provided in accordance with the approved details and timetable.

In the interests of public health and delivering a sustainable development and in order to ensure that the play areas are provided in a planned and appropriate manner.

22. Notwithstanding the submitted details no development of any phase shall commence until detailed proposals for the provision of sports pitches including details of their phasing, location and design/specification, equipment, landscaping, means of enclosures, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The sports pitches shall be provided in accordance with the approved details and timetable.

In the interests of public health and delivering a sustainable development and in order to ensure that the sports pitches are provided in a planned and appropriate manner.

23. Prior to the commencement of each phase of the development a scheme for the provision and management of a 10m wide buffer zone alongside the existing watercourses and ponds, woodland belt, wildlife corridors and SUDS, and a 5m wide buffer to the existing hawthorn stand and existing hedgerows (where retained) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping except where infrastructure is required by the local planning authority. The scheme shall include:

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

In the interests of the environment and ecology of the area and in accordance with paragraph 109 of the NPPF which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the Northumbria River Basin Management Plan.

24. Prior to the commencement of development on any phase of the development a scheme to provide bat mitigation features to provide long term roost sites for the local bat population within that phase including details of the features and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. These shall include bat nesting bricks to be built into 10% of buildings, including the proposed primary school, with the selection of buildings facing onto the larger open spaces to be prioritised. The bat mitigation features shall thereafter be

provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

25. Prior to the commencement of development on any phase of the development a scheme to provide bird mitigation features within that phase to provide long term nesting sites for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These shall include house martin nest cups and integral swift nesting bricks to be built into 10% of buildings, including the proposed primary school, with the selection of buildings facing onto the larger open spaces to be prioritised. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

26. The clearance of any vegetation, including trees and hedgerows (as agreed) and arable land, shall take place outside the bird breeding season unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present, and a report confirming this is submitted to the Local Planning Authority prior to the clearance of any vegetation. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority.  
In the interests of the ecology of the area.

27. Notwithstanding the submitted information and prior to the commencement of each phase details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the phase is commenced. Each phase details shall include the provision a 10cm<sup>2</sup> square Hedgehog access hole at ground level within dividing garden fences, to allow free passage of Hedgehogs through gardens and into wildlife corridors. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity and the ecology of area.

28. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges,



vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.

29. Prior to the commencement of each phase of the development a detailed scheme of noise insulation measures for the residential properties directly adjacent to the access and spine roads of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings". The approved scheme shall be implemented, and verification that the measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified in the scheme and shall be permanently retained thereafter unless some variation is otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenity of future occupiers of the development.
30. Prior to the commencement of any phase of the development hereby approved, details of any proposed pumping station(s) shall be submitted to and approved in writing by the Local Planning Authority. The pumping station(s) shall thereafter be in accordance with the details so approved.  
In the interests of visual amenity.
31. No development shall commence on any phase until details of existing and proposed levels within and outwith the site including any earth retention measures within and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority, the phase shall thereafter proceed in accordance with the agreed levels unless some variation is otherwise approved in writing by the local planning authority.  
In the interests of the amenities of the occupants of neighbouring properties.
32. Notwithstanding the submitted information and prior to the first unit of each phase being constructed above damp proof level details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
33. Prior to the commencement of each phase 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.

34. Prior to the commencement of each phase of development, details for the storage of refuse 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 details.  
To ensure a satisfactory form of development.
35. Prior to the submission of Reserved Matters applications relating to any self build phase, the applicant shall submit a Design Code identifying the parameters and general design principles of the self build area. Once approved all plot specific Reserved Matters applications shall be determined in accordance with the Design Guide, unless otherwise agreed in writing with the Local Planning Authority. No development on any individual plot shall commence until the boundaries of all the individual plots have been identified and demarcated on site in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The scheme identifying and demarcating the plots shall thereafter be maintained as approved during the construction phase unless some variation is otherwise agreed in writing by the Local Planning Authority. (For the avoidance of doubt, this would not include the 55no. self build dwellings approved under separate planning permission H/2015/0551).  
In the interest of the proper planning of the area to ensure plots can be clearly identified and relationships assessed when reserved matters applications are submitted
36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property
37. The commercial premises (use classes A1, A3/A4) hereby approved shall only be open to the public between the hours of 07:00 and 23.30 on any day.  
In the interests of the amenities of the occupants of neighbouring properties in accordance with Policy RC16 of the emerging Hartlepool Local Plan 2018.
38. Deliveries to the commercial premises (Use classes A1, A3/A4) hereby approved shall only take place between the hours of 07:00 and 23.30 on any day.  
In the interests of the amenities of the occupants of neighbouring properties in accordance with Policy RC16 of the emerging Hartlepool Local Plan 2018
39. None of the A3/A4 uses hereby approved shall commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.  
In the interests of the amenities of the occupants of neighbouring properties.

40. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 8.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays. Unless some variation to these times is otherwise agreed in writing by the Local Planning Authority.  
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

## **BACKGROUND PAPERS**

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

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## LAND SOUTH OF ELWICK ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>16/01/18</b>
	SCALE <b>1:15000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2014/0428</b>	REV

**No:** 2  
**Number:** H/2015/0551  
**Applicant:** Story Homes Ltd /Tunstall Homes Ltd Asama Court  
 Newcastle Business Park NEWCASTLE UPON TYNE  
 NE4 7YL  
**Agent:** Story Homes Ltd /Tunstall Homes Ltd Panther House  
 Asama Court Newcastle Business Park NEWCASTLE  
 UPON TYNE NE4 7YL  
**Date valid:** 22/01/2016  
**Development:** Hybrid planning application for the erection of up to 153  
 dwellings (in detail) and up to 55 self build dwellings (in  
 outline, all matters reserved), a sales area (in detail to  
 include cabin and car parking) and associated access,  
 landscaping and engineering works.  
**Location:** Land south of Elwick Road HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND/RELEVANT PLANNING HISTORY

### Other relevant planning applications relating to site:

2.2 H/2014/0428 – An application was made valid on 28.10.2014 on land South of Elwick Road, High Tunstall and is currently pending consideration for *outline application with all matters reserved for residential development comprising up to 1,200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting*. This application is also before members for consideration.

2.3 In effect, the current application (H/2015/0551) forms ‘phase 1’ of the 1200 dwellings (H/2014/0428) and falls within the draft allocated site HSG5 (High Tunstall Strategic Housing Site) of the 2018 emerging Hartlepool Local Plan.

### The following applications are considered to be relevant to the current application site:

2.4 H/2015/0162 – Planning permission was granted on 09.05.2016 on land off Coniscliffe Road for *residential development comprising 39 dwellings and provision of a car park (and drop-off point) to serve West Park Primary School*.

2.5 The site is currently under construction. The site lies to the south east/east of the current application site and outside of the High Tunstall Strategic Housing Site.

### Applications on land at Quarry Farm;

2.6 Land at Quarry Farm phase 1 (H/2014/0215) – Planning permission was allowed on appeal on 18.02.2015 for the erection of 81 dwellings on land at Quarry Farm, Elwick Road (LPA Ref H/2014/0215, Appeal Ref APP/H0724/A/14/2225471). The site is currently under construction. The site lies to the north of the current application site beyond Elwick Road.

2.7 Land at Quarry Farm phase 2 (H/2015/0528) – Planning permission is currently pending consideration for outline planning permission for up to 220 residential dwellings with associated access, all other matters reserved. The site is proposed to be accessed from Reedston Road. This application is also before members for consideration.

### **PROPOSAL**

2.8 This hybrid planning application seeks planning permission for the erection of up to 153 dwellings (in 'full'/detail) and up to 55 self build dwellings (in outline, all matters reserved), a sales area (in detail, to include cabin and car parking) and associated access, landscaping and engineering works on land to the south of Elwick Road, Hartlepool.

2.9 Since the application was made valid in January 2016, there have been a number of amended plans and additional supporting documents/plans submitted with respect to addressing design, amenity, highway and public footpath matters. As set out above, the application forms part of the draft allocated High Tunstall Strategic Housing Site which is subject to the associated planning application for up to 1200 dwellings (H/2014/0428).

2.10 In respect to the 'full' element of the application, this relates to 153 dwellings (Story Homes) with a new associated access to be taken from Elwick Road (north). The proposed scheme includes up to 16 house types (which include variations within that house type) which are detached, two storeys in height and include 3, 4 and 5 bedroom dwellings, a number of which are served by detached garages. The site is laid out with a number of dwellings fronting Elwick Road (north) with a number of cul de sacs being served by a 'boulevard route' running through the site from north to south.

2.11 In respect to the 'outline' element of the application (Tunstall Homes), this relates to up to 55 self build dwellings which would be served by the aforementioned proposed access (which would serve all 208 dwellings). This element has been submitted in outline with all matters, save for access, reserved (appearance, scale, layout and landscaping), should the application be approved. The 'outline' element of the scheme relates to the western parcel of the application site boundary.

2.12 The proposed scheme includes a central area of open space (within the full element of the proposal) including areas of open space along the northern boundary (adjacent to the site entrance) and the retained open space running beyond the length of the eastern boundary of the application site (to which a major hazardous

gas pipeline is present see below). The submitted plans indicate that the scheme would be served by a SuDS pond to the south of the site.

2.13 As set out above, the proposal includes a new access from Elwick Road to the north which will require a new ghost island priority junction to turn into the site. A plan has been submitted for consideration, which takes into account the access created to serve the new development at Quarry Farm phase 1 (H/2014/0215).

2.14 Detailed soft landscaping plans (and a Landscape and Visual Review) have been submitted as part of the scheme in addition to reports relating to archaeology, drainage, highways and contaminated land.

2.15 Details of a sales area consisting of a temporary cabin area (during construction phase) have also been provided (to be located on the 'full' parcel of land to the north of the site).

2.16 The proposed development was screened (reference H/2015/0553) 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.

## **SITE AND SURROUNDINGS**

2.17 The application site relates to a 22.39 hectares parcel of land to the south of Elwick Road.

2.18 The site is primarily agricultural land serving the existing High Tunstall farm (east of the site boundary) with some ancillary outbuilding. Beyond the farm buildings to the east are existing residential properties and a primary school. As set out above, a site is currently under construction for the erection of 39 dwellings on land off Coniscliffe Road to the south east.

2.19 Beyond the northern boundary (and the proposed access) is Elwick Road with the 81 dwellings currently under construction on land at Quarry Farm (north) and a number of existing properties (Quarry Farm/Quarry Cottages, north west). Existing residential properties are also present to the north east beyond Elwick Road. Beyond the south and western boundary of the application site is further agricultural land which is defined by field boundaries and hedgerows. A large parcel of the land to the west and to the south is subject to an application pending consideration at High Tunstall (H/2014/0428) which is a strategic housing site in the emerging Local Plan (HSG5).

2.20 The topography of the sites slopes from the highest point in the north west corner down towards the southern boundary with the land undulating east to west. A major hazardous gas pipeline runs along the northern and eastern boundaries of the site (as discussed within the main body of the report). A public right of way also runs from north to south beyond the eastern boundary of the application site/Tunstall Farm down to Duchy Road (Footpath No. 25, Hartlepool) and a public right of way



cuts through the middle of the application site, running from east to west (Footpath No 7, Hartlepool).

## PUBLICITY

2.21 The application was originally advertised by way of site notices, a press advert and neighbour letters. Following the submission of amended plans, further re-consultations (on more than one occasion) have taken place by way of site notices, press advert and neighbour re-consultation letters.

2.22 To date, 32 objections have been received (including more than one objection from the same person). These objections and concerns have been summarised as follows;

- Loss of 'best' agricultural land
- Impact on 'green belt'
- Impact on landscape/loss of open aspect
- Contrary to national government guidance
- Lack of/no affordable housing to be provided – this should be an opportunity to seek larger affordable dwellings
- Over-development of housing in town
- Is there a need for such housing
- Vacant properties in town
- Unacceptable high density/overdevelopment of site
- Out of keeping with surrounding area including design and scale
- Proposals will place pressure on schools and other medical/emergency services
- Increase in traffic and congestion around peak school times and proposals would result in danger to pedestrians/adverse effect on highway safety
- Crossing of vehicles at Elwick Junction on A19 is dangerous and proposals will increase this risk
- Increase in traffic and danger to Elwick, to the detriment of the quality of life in the village
- Increase in traffic queuing at A19/A179 junction. Proposals would exacerbate this.
- Elwick Road not built for this capacity of development
- Cumulative impacts of application in addition to applications at Quarry Farm including the access to both sites
- No details of emergency access (unless to be taken from same site access)
- Impact on current residents – construction traffic and noise, dirt and dust
- Impact on residential amenity and privacy
- Loss of views from neighbouring properties
- Construction times spanning 7 days a week
- Are all the applications in this area being considered in terms of cumulative resultant impacts?
- Increase in flooding potential putting existing properties at risk
- Impact on wildlife corridors
- Property devaluation
- Increase in anti-social behaviour and 'criminal activity' and increase in the fear of crime

## Copy Letters B

2.23 The period for publicity has expired.

## CONSULTATIONS

2.24 The following consultation responses were received;

### **HBC Traffic and Transport** (updated and received 02.01.2018)

#### HIGH TUNSTALL – HIGHWAY COMMENTS

A joint transport assessment with the Quarry Farm 2 development was carried out and the scope of the assessment agreed with Hartlepool Borough Council. Other future committed developments were included in the assessments.

Concerns were expressed that this development would have a detrimental impact on safety at the A19 Elwick junction particularly with the queue of right turning vehicles extending beyond the queuing lane into the main running lane on the A19 which is addressed by the existing Holding Order imposed by Highways England on any further development which is likely to increase traffic movements at the three existing right turn junctions on the A19 at Elwick and Dalton Piercy.

In order to address these concerns, and to bring forward development prior to the construction of the Elwick by-pass and grade separated junction, the developer in conjunction with the proposed Quarry Farm 2 development have provided plans which propose the closure of the central gaps on the A19 at both Elwick junctions and at Dalton Piercy. This can only be done after extensive improvement / signalisation works at the Sheraton interchange to prevent traffic queuing back onto the A19 have been completed as the existing junction cannot accommodate the addition traffic that will be generated by preventing right turn manoeuvres at the three junctions. The signalisation of Sheraton is being delivered by Durham County Council and funded by Highways England under the Congestion Relief Programme announced as part of the 2016 Autumn Statement. The gap closure scheme would address concerns about right turning traffic on the A19. The scheme does not address the cumulative impact this and the High Tunstall Development will have on increased flows through Elwick village in the am peak heading south on the A19 and the increased travel time for residents of Elwick and Dalton who will not then be able to access the northbound carriageway on the A19 from the village due to the gap closures. The scheme should therefore only be considered a short term measure and the development should be required to pay a pro rata contribution towards the construction of the Elwick by-pass and Grade separated junction. This scheme is currently being developed by Hartlepool Borough Council.

It has been agreed that the above works can accommodate 208 houses on High Tunstall and 220 on Quarry Farm 2. There are concerns that if the A19 gaps are not closed prior to the commencement of the development there may be issues with construction traffic and operatives vehicles using the A19 / Elwick junctions. This would be detrimental to highway safety. It is understood that in order to allow development to commence prior to construction Highways England who are responsible for the junction will require the developer to produce a construction management plan in an attempt to direct construction traffic to alternative routes, however it will be the responsibility of Highways England to police this plan as the potentially dangerous manoeuvres will be taking place on highway for which they

have responsibility. No further housing outside of the 208 dwellings on High Tunstall and 220 dwellings on Quarry Farm 2 can commence until the commencement of the Elwick By pass and the GSJ.

#### Comments specific to H/2015/0551

The 228 properties will be accessed from Elwick Road, the junction will be a standard priority junction with a segregated right turn lane, and this is considered acceptable. The existing 30 mph speed limit would need to be repositioned at the developer's expense to a point west of the new junction, exact position to be agreed with Highway Authority. The street lighting along Elwick Road will also need to be extended to cover the junction.

A further roundabout junction will be constructed on Elwick Road west of the above access on commencement of the remaining 1200 dwellings (H/2014/0428) this will require the amendment of the current National speed Limit, the junction will also be required to be illuminated. This junction will provide access to the main local distributor road and this will form part of the proposed Hartlepool western by-pass. Several junctions on the local highway network were assessed for capacity. There will be a cumulative impact on the local highway network although this is not considered to be severe until after the 208<sup>th</sup> dwelling at High Tunstall and the 220<sup>th</sup> dwelling at Quarry Farm 2 development have been completed. This has been verified by specialist Transport consultants ARUP who were commissioned by Hartlepool Borough Council. There are therefore no requirements to carry out mitigation works to any junctions on the internal road network.

After the construction of 428 properties the impact on the Park Road / Wooler Road / Elwick Road junctions and Hart Lane / Serpentine Road junctions is considered to be severe. The developer has submitted outline designs to mitigate the completion of the 1200 dwellings proposed for the High Tunstall development (H/2014/0428). Hartlepool Borough Council will work with the developers to deliver appropriate works to mitigate the severe effect that additional development will have on the internal road network at the two junctions identified whether this be at the junctions themselves or in other areas of the town. It is expected that the s106 legal agreement will secure a financial contribution from the developer towards such schemes, which will be implemented by the Council.

#### Internal Layout

All roads and paving's should be constructed in accordance with the HBC Design Guide and Specification and subject to an advanced payment code / section 38 agreements.

#### Self Build Site

The plan provided SD – 10.06 shows that some of the carriageways as a shared surface. The carriageway width for shared surfaces should be 6.0 metres, with a 1.2 m service strip incorporated. The plans show a carriageway width of 4.8 metres. Otherwise a 2.0 metre wide footway should be provided around the full extent of the carriageway. The 2 northern junctions are not shown to have radii, a 6 metre radius should be provided.

Conditions specific to H/2015/0551

1. *Prior to the first occupation of any part of the residential development hereby approved a segregated ghost-island priority junction into the site shall be provided in accordance with Drawing No. 2073/SK001/001 Rev E (Proposed Elwick Road/Site Access Junction) and details included within the Transport Assessment Version 1.1 (dated 18.02.2016) to the satisfaction of the Local Planning Authority.*

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

2. *Prior to the first occupation of any part of the residential development hereby approved a footway shall be provided on the southern side of Elwick Road between the site access and the existing footway in accordance in accordance with Drawing No. 2073/SK001/001 Rev E (Proposed Elwick Road/Site Access Junction) and details included within the Transport Assessment Version 1.1 (dated 18.02.2016) to the satisfaction of the Local Planning Authority.*

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

3. *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.*

4. *No part of the development shall be occupied until the existing 30 mph speed limit boundary has been extended westwards on Elwick Road to cover the extent of the new junction to the satisfaction of the Local Planning Authority.*

*In the interests of highway and pedestrian safety*

5. *No part of the development shall be occupied until a system of street lighting has been introduced on Elwick Road which covers the extent of the extended 30mph speed limit 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.*

SHERATON WORKS AND GAP CLOSURES

6. *Prior to the occupation of the dwellings hereby approved, a scheme for i) the works to upgrade the Sheraton Interchange (A19/A179 junction) and ii) the closure of the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways*

*England. Thereafter, prior to the occupation of the dwellings hereby approved, the agreed scheme for the upgrade to Sheraton Interchange (A19/179 junction) shall be completed and the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall have been closed to prevent right hand turn manoeuvres, in accordance with the details and timetable for works embodied within the agreed scheme. For the avoidance of doubt such a scheme for the gap closures could include temporary measures followed contiguously by permanent measures and must ensure that there is no time gap between the end of the temporary and the start of the permanent closures to ensure the gaps remain closed.*

*Reason – In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.'*

### **Highways England**

Highways England can now replace our recommendation of non-determination on this application with a conditional response. Referring to the planning application referenced above, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

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

1, Prior to the occupation of the dwellings hereby approved, a scheme for  
i) the works to upgrade the Sheraton Interchange (A19/A179 junction) and  
ii) the closure of the central reserve gaps on the A19 (A19/ Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England.

Prior to the occupation of the dwellings hereby approved, the agreed scheme for the upgrade to Sheraton Interchange (A19/179 junction) shall be completed. Following this, and not before, the scheme(s) to close central reserve gaps to prevent right hand turn manoeuvres, on the A19 (A19 / Elwick Road, A19 / North Road and A19 / Dalton Piercy junctions) shall be completed in accordance with the details and timetable for works embodied within the agreed scheme. For the avoidance of doubt such a scheme for the gap closures may include temporary works ahead of permanent works and the use of Temporary Traffic Orders ahead of permanent orders, however any change from temporary to permanent measures for the closure of gaps must be contiguous and ensure that there is no time gap between the end of the temporary and the start of the permanent closures to ensure the gaps remain closed.

2, Prior to the commencement of construction of the dwellings hereby approved, the Construction Transport Management Plan "Story Homes, Land South of Elwick Road, Tunstall, Construction Traffic Management Plan Version 3" dated January 2018) shall be agreed, and throughout the construction period be implemented in

accordance with the details and timetable to the satisfaction of the Local Planning Authority in consultation with Highways England.

Reason(s) for the recommendation above:

In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard Application Reference H/2015/0551 and has been prepared by Chris Bell.

**Tees Archaeology** (received 24.02.2016)

Thank you for the consultation on this planning application and the subsequent archaeological trial trenching report. These reports meet the information requirements of the NPPF regarding heritage assets of archaeological interest (NPPF para. 128).

The trial trenching report and the previous geophysical survey have identified a settlement of Iron Age and Romano-British date. This is likely to represent a small farmstead with associated stock enclosures and field systems surrounding. The exact extent of this settlement has not yet been fully revealed but covers the parts of the development area to the immediate north and south of the existing High Tunstall Farm and almost certainly extend beneath the farm and associated farmyards/paddocks. The remains are a heritage asset of archaeological interest. This type of heritage asset is fairly well represented locally demonstrating a dense pattern of settlement in this period across the Tees Valley and Durham lowlands. The remains are of local or regional interest but are not of sufficient importance to preclude development providing that appropriate mitigation takes place to advance our understanding of them (NPPF para's 135 & 141). This would entail an archaeological excavation in advance of development in the area where the remains have been identified. This would involve mechanical stripping of the site with archaeological features surveyed and excavated to the appropriate standard with subsequent post-excavation analysis, reporting and archiving.

This can be achieved by means of a planning condition, the suggested wording for which I set out below (repeated in comments of 04.08.2017 below).

Further comments received 04.08.2017 in respect of amended plans:

I have checked this application (Our ref H/16/2015) and we would re-state our previous advice as provided by Peter Rowe on 24/02/2016 namely that the archaeological work to date has identified a settlement of Iron Age and Romano-British date. This is likely to represent a small farmstead with associated stock enclosures and field systems surrounding. The exact extent of this settlement has

not yet been fully revealed but covers the parts of the development area to the immediate north and south of the existing High Tunstall Farm and almost certainly extend beneath the farm and associated farmyards/paddocks. The remains are a heritage asset of archaeological interest.

This type of heritage asset is fairly well represented locally demonstrating a dense pattern of settlement in this period across the Tees Valley and Durham lowlands. The remains are of local or regional interest but are not of sufficient importance to preclude development providing that appropriate mitigation takes place to advance our understanding of them (NPPF para's 135 & 141). This would entail an archaeological excavation in advance of development in the area where the remains have been identified. This would involve mechanical stripping of the site with archaeological features surveyed and excavated to the appropriate standard with subsequent post-excavation analysis, reporting and archiving. This can be achieved by means of a planning condition, the suggested wording for which I set out below:-

#### Recording of a heritage asset through a programme of archaeological works

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

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

B) No 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.

#### **HBC Heritage and Countryside Manager**

No comments received.

#### **HBC Engineering Consultancy** (received 23.02.2016)

I have read and reviewed the details submitted as part of this application. I agree that the site is located in flood zone 1 and is therefore at a low risk of flooding. I acknowledge the development is proposing to discharge into Tunstall Farm Beck via a holding facility. Tunstall Farm beck flows from this proposed site towards the 'West Park' area and along Valley Drive and ultimately through the Burn Valley. Parts of



this watercourse further downstream are classified as being within flood zones 2 and 3 and as such an increase in surface water within this watercourse would not be acceptable. I do however feel that with a suitably designed surface water scheme that can withhold some of the exiting field run off and thus prevent it from entering this watercourse until such time as the peak storm event has passed can offer a benefit to the wider area.

With this in mind I would not object to this application but given the level of detail provided at this stage I would request a pre commencement drainage condition. I would expect the existing Greenfield run off for the site to be achieved as a minimum and bettered where possible as well as 100 year store return period (+ 30%) being contained within the red line boundary of this site. Should these parameters not be met then I would have no alternative but to object to the proposal. I would also urge the developer to where ever possible make space for water above ground through the use of the open space on the site to provide multiple Suds solutions.

*Further comments received for clarification;*

We are ok to condition the actual design (of the SUDS).

*Further comments received 21.09.2017 in response to amended plans;*

My comment remain valid for both applications (including H/2014/0428), the only thing that has changed is that a climate change allowance of 40% should now be used instead of 30% as per latest standards.

*Update, January 2018*

*The HBC Principal Engineer also confirmed that the submitted report into contamination was acceptable subject to appropriate planning conditions covering both elements of the site which have been duly agreed with the Principal Engineer (and the applicant).*

## **HBC Public Protection**

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 HGV movements associated with the construction phases and effectively controlling 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.

No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

*Further comments received 01.08.2017 in respect of additional plans*

I have no additional comments to make re the amended plans.

Update, January 2018

*The Environmental Health Manager confirmed that the submitted Construction Traffic Management Plan, required by Highways England, was acceptable (and secured by a planning condition),*

**HBC Arboricultural Officer**

Incorporated within the Design and Access Statement is reference to the planting proposals together with an indicative design for gardens, suds pond, hedging, shrub areas etc. which fits well on plan and incorporates species that are likely to succeed and enhance the development. A tree constraints plan has also been submitted which shows the measures of protection around existing tree features.

I consider this scheme to be well thought through and do not have any issues with it however I need to see the scaled up drawings showing the exact locations and planting schedule including maintenance in due course otherwise I am happy with the design as it stands.

**HBC Landscape Architect**

No comments received.

**HBC Ecologist**

(Updated) Habitat Regulations Assessment (summarised) – received 13.06.2017

For this planning application, Hartlepool Borough Council (HBC) is the competent authority. This Habitats Regulations Assessment (HRA) is based on the applicant's submitted document entitled 'Information to Inform a Habitat Regulations Assessment (HRA), Land South of Elwick Road, High Tunstall' (12/05/2016) referred to, as the Report. The requirements of a HRA, initial evidence, discussion and analysis, are provided in the Report. The information in the Report has not been reproduced here, rather, this HRA takes those findings and moves them forward to a position where HBC assesses there is no Likely Significant Effect. This HRA document will be submitted to Natural England (along with the Report for information). HBC has noted the Natural England response to this application (NE Ref: 186520, dated 17/06/2016) and to other, similar, housing application HRAs.

HRA stage 1 screening:

- This 208 houses site is HRA screened 'alone' and 'in-combination' with the wider, High Tunstall 1,200 outline permission, within which it sits (992 houses remain for a future reserved matters application).
- The HRA screens out all European Sites except for the Teesmouth and Cleveland Coast SPA & Ramsar (T&CC) and the Durham Coast SAC.
- Screening found no direct Likely Significant Effects (LSE).
- Screening found one indirect LSE – 'Increased public access/ disturbance', primarily at the sea shore access points of Crimdon Dene and North Sands.

Mitigation proposed for the 208 housing application

The following types of mitigation are required:

- An area of 2.37 Ha SANGS that will encourage, in particular, daily dog walking. This will be located in two areas as shown in Figure 2.

- A financial contribution to ensure the continued operation of the existing wardening scheme that operates to protect the little tern colony and wider SPA.
- Provision to each household of an information pack highlighting on-site recreational opportunities and the importance safeguarding European Sites.

### SANGS

To reduce the likelihood of residents from the Site visiting the beaches of the SPA regularly, provision of public open greenspace in the forms of SANGS has been incorporated into the Masterplan (for the outline 1,200 houses development) and distributed across the site, including a network of walking routes and open spaces suitable for dogs to be let off the lead. The Masterplan has an allocation of 15 Ha of open space (approximately 17% of the overall area of the Site), distributed across the development site. This will ensure close and easy access to open space provision for householders (Figure 1). The grassed areas will range from 1 Ha to 5 Ha in size, making them suitable for dogs to be let off the lead. This will reduce the need for residents to seek off site areas to exercise their dogs off lead (a known and significant contributor to impacts to SPA birds). Included within the provision of green space is an 800 m green corridor along the eastern boundary of the development, some 2.14 Ha in size, which cannot be developed due to the presence of a gas pipeline. This green corridor forms part of a network of designated walking/ cycling routes across the developed site and into the surrounding area (including Summerhill Country Park).

As the 208 housing site is likely to be delivered ahead of the remainder of the 1,200 outline permission site, an appropriate proportion of SANGS needs to be included or linked to the permission. Areas 2 and 3 fit neatly into this category (Figure 1). Area 2 will provide 1.07 Ha of SANGS. The developer will also deliver the northern part of the Area 3 pipe corridor, as shown in Figure 2, and this will provide 1.3 Ha of SANGS. This total of 2.37 Ha is assessed as being a proportionate amount. The southern area of the pipe corridor (in area 3) and areas 1, 4, 5 and 6, will be developed with the Reserved Matters application for the remaining 992 dwellings.

### Mitigation agreed:

- An area of 2.37 Ha of Suitable Alternative Natural Green Space (SANGS).
- Provision of a financial contribution (£52,000) to be used to fully, or partly, finance measures to protect the interest features of the T&CC SPA/Ramsar and other coastal European Sites within Hartlepool (value to be agreed with HBC).
- Provision of a household information pack on recreational opportunities

### HRA stage 1 conclusion:

\*Mitigation has been applied in order to negate all Likely Significant Effect, resulting in a final assessment of 'No LSE'.

\*HBC will need to ensure that the mitigation is secured.

### Additional comments in response to Natural England comments:

I note the Annex A, Additional Advice on Environmental Enhancement, provided by Natural England in their response dated 28/04/2017.

I am satisfied that the scheme offers sufficient enhancement, based on the submitted plan – ‘Landscape Layout - Draft 3 – Indicative’, plan N° 16-002-102. This includes details of tree planting and both internal and boundary hedges (one with a native species mix and one a beech hedge).

Additional comments received 03.01.2018

The outline application is for 1,200 dwellings and within this area, there is a detailed application for 153+55 houses (H/2015/0551). HBC submitted a HRA to Natural England (NE) (dated 13/06/2017) for the 153+55 houses and this has been approved by NE (Ellen Bekker, 30/06/2017). This requires 2.37 Ha of Suitable Alternative Natural Green Space (SANGS), links to Summerhill Country Park and a sum of £52,000 (£250/dwelling) to cover additional costs to be borne by Summerhill CP and for coastal wardening and management.

HBC submitted a HRA to NE for the whole site (1,200 houses) and this requires 15 Ha of SANGS, links to Summerhill Country Park and a sum of £300,000 (£250/dwelling) to cover additional costs to be borne by Summerhill CP and for coastal wardening and management. This has been approved by NE (Colin Godfrey on 12/08/2016).

Therefore, I expect:

- 15 Ha of SANGS (to include 2.37 Ha within the 153+55 houses site).
- One access link to Summerhill Country Park, at OS grid reference NZ 480-314.
- A total financial contribution of £300,000.

For information:

The total number of houses is 1,200 – so the total HRA mitigation financial contribution agreed is £300,000.

The 153+55 houses is a full application and its proportion of the financial contribution is £52,000.

The remaining 992 houses is an outline application and its proportion of the financial contribution is £248,000.

This satisfies Natural England’s requirements.

Habitat Regulations Assessment

This has been covered above for both applications.

Ecology

The applicant has agreed to mitigation, compensation and enhancement measures (as given in the Naturally Wild Ecological Appraisal dated 09/12/2015) and these should be conditioned.

Tree protection

It is recommended that all hedgerows and mature trees are retained and protected where possible (with the exception of the small sections removed for the road network) throughout construction with the erection of Heras or equivalent fencing to protect the above ground and root structure in accordance with British Standard documentation BS5837:2012 – ‘Trees in relation to design, demolition and construction. Recommendations.’ Reference and consultation should be made to the arboriculture report produced by Elliott Consultancy Ltd.

(Reference: ARB/AE/1231, December 2015);

#### Bird nesting

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

In the interests of the ecology of the area.

#### Protection of nocturnal mammals

All holes or trenches should be dug and in-filled within the same working day. If this is not possible, these should be securely covered overnight and/ or provided with an adequate means of escape to prevent badger, brown hare and other wildlife from becoming entrapped.

In the interests of the ecology of the area.

#### Low-level lighting

A low-level lighting scheme to be adopted for areas adjacent to wildlife corridors, pre-, during and post- development. For this to be achieved, the following elements should be considered:

- Position of lighting: proximity to woodland blocks, trees, hedgerows and buffer zones;
- Angle of lighting: avoidance of direct lighting and light spill onto buffer zone and areas of habitat that are of importance as commuting pathways (linear features such as hedgerows);
- Type of lighting: studies have shown that light sources emitting higher amounts of UV light have a greater impact to wildlife. Use of narrow-spectrum bulbs that avoid white and blue wavelengths are likely to reduce the number of species impacted by the
- lighting;
- Reduce the height of lighting columns to avoid unnecessary light spill.

In the interests of the ecology of the area.

#### Animal tunnels

Animal tunnels to be inserted under roads where wildlife corridors are bisected. These are simply created by installing a solid pipe under the road between the two habitats, to provide an alternative route for wildlife to take rather than crossing the road. Wild animals, particular Hedgehogs and amphibians, are vulnerable to vehicular collision resulting in death.

In the interests of the ecology of the area.

### Toolbox talk

A toolbox talk should be provided to all on-site contractors and staff prior to works commencing, to make them aware of their responsibility regarding wildlife. The toolbox talks will highlight areas of ecological importance to be retained and any mitigation measures to reduce adverse impacts.

### Native species hedge

Creation of a new length of native species hedgerow (x1.5 the length of hedge lost) along appropriate site boundary, to improve hedgerow or wildlife corridor connectivity, or to strengthen existing hedge lines through filling gaps with. New hedges should include the following species:

- Hawthorn (*Crataegus monogyna*)
- Blackthorn (*Prunus spinosa*)
- Holly (*Ilex aquifolium*)
- Crab apple (*Malus sylvestris*)
- Hazel (*Corlyus avellena*)
- Spindle (*Euonymus europaea*)
- Field maple (*Acer campestre*)

### Bird breeding opportunities

Prior to the commencement of development on any phase of the development a scheme to provide bird breeding mitigation features within that phase to provide long term nesting sites for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These must include house martin nest cups and integral swift nesting bricks (which are commercially available) to be built into 10% of buildings, with the selection of buildings facing onto the larger open spaces to be prioritised. See note in Box 1. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

### SUDS

The SUDS area on the south of the site to have a minimum 10m buffer to houses. Buffer to be sown with an appropriate native species wildflower seed mix and managed to create a habitat of high value to a range of species, including small mammals, birds and invertebrates. Buffer to also be planted with an orchard of fruit and nut trees, to provide food for people and wildlife. SUDS pond to be securely fenced to discourage access by people and especially dogs. In the interests of the ecology of the area.

#### Habitat piles

Habitat piles, using materials sourced from site (for example cut tree branches) and outsourced materials, should be created within the SUDS area, buffer zones and under hedgerows, to provide shelter for mammals, amphibians and invertebrates. These should include piles or logs, or non-organic materials such as rocks. In the interests of the ecology of the area.

#### Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

#### Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

#### 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.

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 is needed (which is the developer's responsibility) or 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](mailto: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’*.

#### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

*Further comments received 24.08.2017 in respect of Habitats Regulations Assessment (HRA) produced by HBC and amended plans:*

#### SUMMARY OF NATURAL ENGLAND’S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Durham Coast Special Area of Conservation (SAC) and the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar.



In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

Hartlepool Borough Council submitted a Habitats Regulations Assessment (HRA) covering this application, and to include a concurrent hybrid application (ref H/2014/0428 ) which requires 15 Ha of SANGS, links to Summerhill Country Park and a sum of £300,000 (£250 per dwelling) is suggested cover additional costs to be borne by Summerhill CP and for coastal wardening and management.

For clarification:

The total number of houses is 1,200 – so the total HRA mitigation financial contribution recommended is £300,000.

The 153+55 is a full application and its proportion of the mitigation financial contribution is £52,000.

Therefore, if the 153+55 application is approved, the sum of £52,000 will be paid. If this outline application for the remaining 992 is approved, the outstanding sum is £248,000.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's advice on other natural environment issues is set out below.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

#### Annex A

Natural England offers the following additional advice:

#### Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's Technical Information Note 049.

Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### Protected Species

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here<sup>2</sup>.

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

### Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forest Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

### Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be

retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### Rights of Way, Access land, Coastal access and National Trails

Paragraph 75 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides

information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

#### Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat.

#### **Teesmouth Bird Club**

We agree generally with the appraisal and mitigation measures proposed by the applicant's ecology consultant except that Phragmites reed should not be planted in the SUDS wet land area. It is highly invasive and expensive to control and contributes little in biodiversity terms in small locations like this one, but smothers other plantings. Further if the application is successful there should be an on-going requirement of the developer to maintain the mitigation area as part of the site's general soft landscaping programme. The ecologist acknowledges that certain obligatory farmland bird species will be lost and in the spirit of NPPF, (clauses 117 and 118), to maintain and improve the biodiversity of the area, the houses should have swift nest cavities built into the walls, eg near the apex of featureless gable ends. Advice should be sought professional on behalf of the builder.

#### **Northumbrian Water** (received 03.02.2016)

In making our response Northumbrian Water (NW) 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 NW 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 02.08.2017:

Having assessed the proposed development against the context outlined above I refer you to our previous response to the application, dated 3<sup>rd</sup> February 2016, and can confirm that at this stage we would have no additional comments to make.

**Environment Agency**

No comments received.

**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.

We do not anticipate any diversion work (based on the proposed outline area).

Existing network main runs parallel to Elwick Road within the field on the same side as the proposed development, and will require protection during the construction of the new access road.

I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development.

We have no objection to this development.

**HBC Countryside Access Officer**

Public Footpath No.7, Hartlepool runs through the proposed site, in an east west direction. If this development is to proceed then diversion of the public footpath will have to be considered if its present line/route is affected by the development.

Please can you ask the developer/agent/consultant to contact me to discuss this?

I would want the developer to consider how this and any future access could be considered as part of the process of developing the application. This is another opportunity to look at how this potential development can link to existing approved developments nearby and also how it can further the future of access to and within the countryside, as well as how links can be made to recreational facilities such as Summerhill Countryside Park.

Further comments received 31.07.2017 in response to amended plans:

After having overlaid the new Phase One amended Plans onto the GIS mapping software; I can see that the consultant/developer has looked to incorporate the existing Public footpath No.7, Hartlepool, within the development on a greenway.

At the very least this provides the best compromise of an open aspect to the path as it traverses east/west through the development. There are a few small amendments required to bring the greenway exactly onto the line of the public footpath as to not do so would involve legal diversion procedures and that would add cost to the application.

I am sure that the consultant/developer will want to discuss the minor changes with me at their earliest convenience. Please can you ask them to contact me so that we can discuss these small changes?

Further comments received 19.09.2017 in respect of amended plans:

I am OK with these arrangements as both the developer and I went through what was required and we both felt that this was the best option for the PRoW 'treatment'.

**Ramblers Association**

We welcome the developer's intention to follow government guidance given in NPPF Section 8 'Promoting healthy communities' and Defra Circular 1/09 Section 7 'Planning permission and public rights of way' (web links below) as evidenced in paragraph 3.14 of the Planning Statement:

"3.14 A series of pedestrian connections are incorporated within the development to allow permeability through the site and to connect with existing footpaths and of surrounding residential areas. This includes a new footpath along the south side of Elwick Road connecting to the existing footpath to the east of the site. The Public Right of Way that crosses the site will be maintained and enhanced within the site boundaries."

NPPF Section 8 'Promoting healthy communities' and Defra Circular 1/09 Section 7 'Planning permission and public rights of way' are available at:

<http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/8-promoting-healthy-communities/>

and

<https://www.gov.uk/government/publications/rights-of-way-circular-1-09>

Further comments received 15.08.2017

We note comments by Countryside and Access that the path through the development slightly deviates at places from the definitive line of FP Hartlepool 07; and his invitation to the developer to discuss modifications to bring the proposed path onto its definitive line.

FP Hartlepool 07 links:

To the west - with FP Elwick 05 at the parish boundary; and terminates on the east side of Dalton Lane directly opposite the point of termination of FP Elwick 04; and To the east - FP Hartlepool 12.

We have not been able to find in the mass of information relevant detail of what the developer intends for the path through the development - e.g. its surface; width;

lighting; the height and materials used for its boundaries (which will have a bearing on its width; access for the disabled; and access from frontages to the path. The development will lead to greater usage of the public footpaths and of the narrow Dalton Lane; consideration needs to be given to safety of users emerging onto the Lane from its both sides.

Consideration of the comments made above are dealt with in the government paper Circular 1/09 Rights of way, especially in Section 7. "Planning permission and public rights of way' available on the Planning Portal

[https://www.planningportal.co.uk/directory/record/40/rights\\_of\\_way\\_circular\\_109\\_guidance\\_for\\_local\\_authorities](https://www.planningportal.co.uk/directory/record/40/rights_of_way_circular_109_guidance_for_local_authorities)

In view of this lack of detail on the treatment of Hartlepool FP 07 we must register an objection to the development.

### **Tees Valley Local Access Forum (HBC)**

Thank you for the opportunity to comment on the above application. The Members of the Forum have a number of observations to make:

1. We appreciate the provision of a 2m wide footpath from the site entrance connecting to the other footpaths and wonder if these paths and the existing PRoW could be designed to accommodate cyclists providing a safe route to work, school and play?
2. As this development appears to be phase 1, could the developers design the PRoW to allow the accommodation of any future growth of the site both east and west, and include an opportunity to access Hartlepool's Country Park at Summerhill?
3. Perhaps S106 monies could be considered to facilitate these recommendations?

### **Northern Gas Networks**

This work is in the vicinity of our pipeline , which was laid in a legally negotiated easement to which certain conditions apply and therefore prior to any work within 3m of the pipeline it is essential to contact P Horsley by telephoning 07747118744 and he will arrange for the pipeline to be located on site and supervise the hand digging of any necessary trial holes.

I attach a specification on safe working in the vicinity of pipelines which should be adhered too and a list of contact names and telephone numbers. Additionally the following protective measures must be taken to maintain integrity of the pipeline.  
No mechanical digging is allowed within 3m of the pipeline without NGN personnel being present on site.

The proximity distance on this pipeline is 14m. Please be aware that easement and proximity distance are not the same thing, if you require the easement distance can you contact Dave Ring (our land agent ) who will help you. 07964 132802  
7 days notice, or shorter by prior arrangement with NGN, is required before any work may commence within the easement.

Further comments received 06.10.2017:

Providing that the new build stays outside the 14m BPD there should be no issues. During the construction phase consideration will be required for crossing points where heavy traffic and construction vehicles may have an impact on the pipeline. Any new road will also require consideration for pipeline protection. Please contact me if you require any further information.

**Health and Safety Executive** (*summarised, comments received 17.02.2016*)

As none of the dwellings will lie within the inner zone, and the proportion of the housing development area within the middle zone boundary is less than 10% of the total housing development site area, the housing development is considered to lie within the outer zone, and therefore HSE does not advise against the granting of planning permission in this case.

HSE's advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**Cleveland Emergency Planning Unit**

The proposal covers land that contains the Northern Gas Networks Major Accident Hazard Pipelines which needs to be taken into account and also the impacts on the transport links in particular Elwick road.

**Cleveland Fire Brigade**

Cleveland fire Brigade offers no representations regarding the development as proposed. However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements.

Further comments received 02.08.2017

Cleveland fire Brigade are satisfied that the access requirements meet those set out in approved document B volume 1 of the building regulations for domestic dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD BV1 Section B5 Table 8. Further comments may be made through the building regulation consultation process as required.

**HBC Education**

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

**Dalton Piercy Parish Council (received 18.08.2017)**

Dalton Piercy Parish Council wish to object to the proposed plans for the erection of up to 153 dwellings and up to 55 self build dwellings, a sales area and associated access, landscaping and engineering works to the land south of Elwick Road due to the impact this will have on Dalton Piercy. This will result in an increase in the volume of traffic through the village and the Parish Council are concerned that the by-pass which the Highways Agency stated was necessary before any increase in traffic from developments in the area has yet to be created.



Accidents at the A19 junction based on Highways Agency portal for accidents, [www.crashmap.co.uk](http://www.crashmap.co.uk) shows the junction between the A19 and Dalton Piercy over the last 10 years has had 18 accidents, 2 fatal. Traffic using the A19 junction into Dalton Piercy will be able to access this development by using Dalton village road as a shortcut, substantially increasing already excessive traffic movement along narrow winding country roads.

The Hartlepool Mail ran an article on 15th Nov. 2016 (see link below) regarding advice given to Hartlepool Borough Council by Highways England on the impact of proposed new housing developments on the A19 junctions at Elwick and Dalton Piercy. After completion of a comprehensive survey of the Elwick/A19 junction a Highways England spokesperson said 'In April 2016 we advised Hartlepool Borough Council of our opinion that it would be unsafe to allow any further developments impacting on three junctions on the A19 near Elwick to go ahead before improvements at this location are put in place'. Council planning officer Andrew Carter told the last meeting of the councils Regeneration Committee that the Highways Agency had put a 'holding directive' on any new developments in the area. <http://www.hartlepoolmail.co.uk/news/a19-safety-fears-halt-plans-for-1-1600-new-homes-in-hartlepool-1-8238077>

Daniel Gaunt, Asset Manager from Highways England stated in an email to Mr A Timothy 'we have not completed the same exercise at Dalton Piercy'. However, when dealing with the developments in question we, the Council and the Police are giving equal consideration to the impacts at Dalton Piercy junction as well as the two at Elwick'.

HBC Finance and Policy Committee (24th July 2017) discussed the funding options for an Elwick bypass. Grant funding for this project does not appear viable and it concluded that prudential borrowing may be the only option available to the Council to finance the whole cost of the project.

Dalton Piercy Parish Council do not feel that the proposed development should go ahead in light of the bypass not being created and the impact on the increased volumes of traffic through the village are very concerning to the Parish Councillors and local residents.

### **Elwick Parish Council**

Elwick Parish Councillors' concerns, in regard to any large development on the north west edge of the town, are that this will cause increased traffic through the village, which is already suffering badly from the sheer volume and speed of traffic using this route to access the A19, particularly south bound traffic.

Minor country roads are not suitable for large volumes of traffic as they are used by farm vehicles, horses, cyclists and often walkers too. Too many drivers ignore both the speed restrictions and the weight limit on our village roads, the northbound of which goes right past the village primary school; children and parents alike are at risk due to the increasing volume of traffic, some of it heavy goods vehicles, as are elderly or frail villagers trying to cross the road to get to our only shop. The southbound road out of the village is a steep and winding narrow road, not suitable for large vehicles, yet with SatNav, many are trying to use this route.

The Parish Council is not against development as such, we just want to ensure that traffic is diverted away from the small villages before any planning permissions are granted.

Further comments received 02.08.2017

Elwick Parish Council does not meet again formally until the end of September, when their response will be formally minuted.

Informally, I can say that Councillors continue to strongly object to this application, which, if approved, will mean even more traffic coming through Elwick.

Whilst we have had to regretfully accept that the draft Local Plan includes the development at High Tunstall Farm, we do not wish to see any building works commence before the road infrastructure has been improved.

Highways England has already made clear that it wishes to see no increase in the amount of traffic from north east Hartlepool until the access onto the A19 at the A179 junction has been improved AND a by pass is opened around Elwick.

No matter what restrictions the Borough Council places on construction traffic using the Elwick Road to reach the A19, they will be ignored. The evidence for this is very clear from the number of complaints we received, and have made, in regard to the construction traffic at the Quarry Farm development.

Drivers of all sorts of vehicles use sat-navs which give them the shortest route to the A19, and the number of vehicles using this as a route to and from the town has risen exponentially as the number of drivers using sat-navs has increased.

We now have large number of heavy good vehicles coming through the village, despite the weight restriction on the road. Some of these even use Church Bank, causing mayhem as they meet with other vehicles coming from the opposite direction on this narrow, winding road.

The sheer volume of traffic coming along this rural road now is quite appalling. The majority of vehicles have to travel past the primary school in North Lane, where there are already problems in term times, with cars of parents and school workers parked on either side of the road, causing a bottle neck. Few drivers respect the 20 mph speed limit through the village, some drivers even overtake others at speed, and it is highly likely that, before long, someone will be badly injured or killed.

Please record this 'informal' objection, as I am sure that my Councillors will wish to make formal objection in September, though their wording may be different.

**Hart Parish Council** (received 16.02.2016)

The Hart Parish Council opposed this application on the grounds that there is no indication that the developers are prepared to enhance the infrastructure.

Time and again we are asked to comment on unwieldy developments with no thought given to the routes that the additional traffic generated will take. This proposal is outside the bounds of Hart Parish Council but will undoubtedly impact on the road system around Hart by virtue of it being yet again a commuter based residential estate, adding to the already numerous commuters travelling to areas from Tyne to Tees. The present road system is unsuitable.

The traffic problems already faced in Elwick Village and on the roads around Hart Village must be given serious consideration. It is really a case of the sins of the father being cast upon the children and the consequences if not dealt with in real time will bring untold problems in the foreseeable future. We are concerned for the probable use of the lanes which give access to the A179. From this area the route around the north of Elwick leading to the A19 is an essential. Our understanding that the reconstruction of the northern junction to Elwick has been put in abeyance on the reasoning that the fatal accident rate has not been met. Are volunteers being sought to redress the situation?

In time for the Planning Committee and the Planning Office to grasp the nettle and take account of the number of applications which are flying in under the loss of the Local Plan.

Apart from the added residential cars added to the equation no account seems to be taken of the number of delivery vehicles which subsequently daily ply residential estates and find difficulty in negotiating narrow estate roads littered with pavement parked cars and vans.

### **Stockton on Tees Borough Council**

A Transport Assessment has been submitted in support of the proposed application which demonstrates that the trips associated with the proposed development have a negligible impact on the local road network within the Borough of Stockton and therefore no objections are raised to the proposed development.

#### *Further comments received 24.08.2017 in respect of amended plans:*

Stockton Borough Council has no objection to the proposed development. The impact of the proposed development on the local highway network has previously been considered and accepted and as such there are no highways objections.

### **Durham County Council (received 23.08.2017)**

I can confirm that the Council raise no objection to the above proposed works.

*Further comments were received in January 2018 from DCC in respect of Sheraton interchange highway works to which DCC confirmed no objections to the gap closures and that there is a workable solution in respect of the timing for the highway works at Sheraton interchange (which need to be undertaken prior to the gap closures which is discussed above under the HBC Traffic and Transport section's comments).*

### **Cleveland Police**

No comments received.

### **HBC Community Safety and Engagement Team**

No comments received.

### **HBC Waste Management**

No comments received.

**Hartlepool Rural Neighbourhood Group**

No comments received.

**Northern Powergrid** (received 17.08.2017)

(summarised) Enclosed Mains Records which only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

**PLANNING POLICY**

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

**NATIONAL PLANNING POLICY FRAMEWORK**

2.26 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.

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

2.28 The following paragraphs in the NPPF are relevant to this outline 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
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
31	Provision of viable infrastructure necessary to support sustainable development

32	All developments that generate significant amounts of movement should be supported by a transport statement or transport assessment.
37	Minimise journey lengths
38	Within large scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.
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
72	School Places
73	Access to open space and sport and recreation
96	Minimise energy consumption
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 205	Planning Obligations
216	Weight given to emerging policies

## ADOPTED TEES VALLEY MINERALS AND WASTE DPD

2.29 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.

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

Policy	Subject
MWP1	Waste Audits

## EMERGING LOCAL PLAN AND RURAL PLAN

2.31 As part of the evidence base which has been prepared to support the emerging Local Plan the following have relevance to applications for housing:

- **The 2015 Hartlepool Strategic Housing Market Assessment** which sets out up-to-date information in relation to the housing need within the Borough as well as the affordable need. It highlights a need for 144 affordable homes a year. Against the emerging Local Plan housing target of 410 dwellings it equates to a 35% need. The document highlights that the Rural West Ward has a need for 1-3 bed detached houses / cottages, 1-2 bed semi-detached houses / cottages, 1-2 bed terraced house / cottage, bungalows and flats.

- **The 2015 Strategic Housing Land Availability Assessment** – this document assessed a wide number of locations across the Borough to assess their suitability for inclusion within the Local Plan as a housing site. This site was included as part of the wider High Tunstall site (Parts of No. 46 and 48 in the assessment). This site scored well in terms of sustainability however there were issues raised regarding:

- 1) highway capacity and the impact on the A19/Elwick junction.
- 2) The survey also notes that there is a high pressure gas main which runs north/south through the site
- 3) It notes there are culverts on the site. Development should not take place over or within 5m of a culvert as it will restrict essential maintenance and emergency access to the watercourse/culvert – further advice should be sought from the engineers on this.
- 4) Infrastructure reinforcement in relation to water mains was highlighted
- 5) Site 46 was seen as being suitable for development within the 1<sup>st</sup> five years of the plan, however site 48, mainly covered by the self build, was seen as suitable for years 6-10.
- 6) This is a large Greenfield site in an area of known prehistoric and Romano-British activity. Heritage assets will require further assessment in the form of a desk based assessment and field evaluation (NPPF 128).

- **2015 Open Space, Sport and Recreation Assessment** – this document looks at a wide variety of open spaces and considers quantitative and qualitative issues.

2.32 The following policies from the emerging Local Plan are relevant to the proposed development. Policy HSG5 allocates the High Tunstall site for a total 1200 dwellings – the application site forms a first phase of the development in the north east corner. The Policy is considered to hold great weight given the stage of development of the plan and the relatively low level of unresolved objections; in the inspectors interim findings following the Hearing sessions changes to the policy were relatively minor to ensure the policy was considered sound. Policy INF2, which is also considered to hold great weight, is also particularly relevant to this site and the wider High Tunstall site as it requires the Elwick bypass and grade separated junction which are required to provide the Highway Capacity for the 1200 homes; however, as a first phase it has been agreed that this development could proceed with improvements to the A179 junction and the closure of the central reservations at Elwick and Dalton Piercy forming a first phase of the road improvements but making the same pro-rata contribution to the overall works. This is discussed further in the sections below.

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and

	Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG5	Tunstall Farm
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green Wedges

2.33 It is not considered that there is any conflict with the emerging Rural Plan as the site lies outside of the boundary of the Neighbourhood Plan.

### **ADOPTED LOCAL PLAN (2006)**

2.34 The 2006 Local Plan forms the main part of the Development Plan for determining planning applications.

2.35 Within the current Hartlepool Local Plan this site lies outside of the limits to development, however the policy is considered out of date as to demonstrate a five year supply the authority has relied on new sites in the emerging Local Plan which has resulted in a need to extend the development limits. The following policies are relevant to this application:

<b>Policy</b>	<b>Subject</b>
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
Rec 2	Provision for Play in New Housing Areas
GN5	Tree Planting
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

2.36 Further information relating to the level of compliance that each policy has with the NPPF can be viewed on the Council's web site.

**HBC Planning Policy Comments (summarised);**Principle of development

2.37 This proposal forms part of a wider site known as High Tunstall which is proposed for 1200 homes. This proposal would effectively form a first element of the overall development. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

2.38 In viewing statute, planning policy and the information submitted, HBC Planning Policy must have regard to a wide range of considerations to consider if the proposal is deemed to be sustainable development. In the case of this development and the wider Masterplan it is known that a new bypass to the north of Elwick village and a grade separated junction at the northern Elwick access onto the A19 needs to be constructed. These highway infrastructure works are necessary to make the High Tunstall development acceptable in highway terms and to satisfy concerns from Highway England. In order to try and facilitate these works in the short term, bids for grant funding have been made and the Council has agreed prudential borrowing could be used as a final resort – in order to safeguard the Council if prudential borrowing is needed it is necessary to require developments in the area to agree to paying a contribution of £12,000 per dwelling to cover the overall cost of £18 million. If any grant funding is secured and subsequently reduces the cost per dwelling, then the money secured from developers would then be redirected to the other requirements such as education or affordable housing.

Developer contributions

2.39 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms HBC Planning Policy would contend that the following contributions are necessary:

*Play*

2.40 The provision of the open space corridor to the north of the development is supported. The provision of the strip of open space within the central area of the full application is supported and the provision of the buffer at the east for the gas pipeline is also supported. Policy Rec2 promotes play sites on new housing developments 20 or more houses – it is appreciated that the wider Masterplan indicates a park area within the green wedge, however, as it could be some time before this is delivered, it is particularly important that the open space referred to above is of a nature which enables young children to play safely.

2.41 This development should however also make a contribution towards the provision of the park in the green wedge – If the normal approach of asking for £250/dwelling is used this would contribute a total of 208 x £250 = £52,000. This



could be secured and then used to help deliver the play area within the green wedge of the High Tunstall development.

#### *Built Sports Provision*

2.42 In the interests in ensuring that residents have access to a variety of leisure opportunities and in having regard to the size of the site, it would be unreasonable to suggest that the applicant should provide a new built sports facility on site. However it is necessary to assist in improving the built sports facilities. As such a sum of £250 per dwelling should be provided and will be directed towards improving the built facilities at Summerhill which provides a range of sporting activities which they are currently looking to increase. Therefore a total built sports contribution of £52,000.

#### *Green infrastructure*

2.43 Planting along the western boundary will be necessary to soften the boundary between the urban and rural areas, especially in the short term prior to the wider masterplan development. A contribution towards the main green wedge within the wider masterplan area should be made. The provision of the green area within the detailed application area is supported.

#### *Playing Pitch Provision*

2.44 In line with the recently adopted Planning Obligations SPD there is a requirement for the development to pay £233.29 per dwelling (total £48,524.32) towards playing pitch provision and improvements – however, if a football pitch is provided as part of the new primary school on site with a community use agreement put in place this contribution could be redirected to other contributions if reduced following the viability assessment.

#### *Tennis Courts*

2.45 In line with the recently adopted Planning Obligations SPD there is a requirement for the development to pay £57.02 per dwelling (total of £11,860.16) towards tennis courts. This will be spent towards improving the facilities at the Hartlepool Lawn Tennis Club on Granville Avenue.

#### *Bowling Greens*

2.46 In line with the recently adopted Planning Obligations SPD there is a requirement for the development to pay £4.97 per dwelling (total of £1,033.76) towards bowling greens. Parks and countryside have drawn up a list of strategic priorities for Bowling Green improvements which, given the relatively small amounts involved will need to be pooled from a number of schemes.

#### *Education*

2.47 The provision of and/or the improvement to education facilities is essential to ensure the sustainable growth in Hartlepool. The site lies within the North Eastern Education Planning Area. Currently there are capacity issues within the primary schools within the north west planning area. As such there is a requirement for the High Tunstall masterplan area to accommodate a new primary school within the development. It is expected that this development will make a contribution to the provision of a new primary school within the wider High Tunstall development. The education team have also indicated there is a need for a secondary school

contribution. This development would house 44.72 primary age children therefore:  
 $44.72 \times £13,755$  (cost per primary school place) = £615,123.60 primary contribution

2.48 In terms of secondary education contribution, this development would house 28.49 secondary age children, therefore the contribution required is 28.49 x  
 $£14,102.00$  (cost per secondary school pupil) = £401,765.98 secondary contribution

#### *Training and employment*

2.49 To assist in ensuring that Hartlepool's economy grows sustainably Planning Policy would also seek to ensure that a training and employment charter is signed; this will ensure that some employment is provided to local residents. Further advice can be sought from the Council's Economic Development team.

#### *Transport*

2.50 Policy Tra20 states that a Travel Plans should be prepared for developments that would lead to an increase in travel.

2.51 The Elwick by-pass and grade separated junction referenced at 5.9 has an estimated cost of £18million. As such, developments in Hartlepool which are considered to have an impact on the need for this are expected to contribute towards repaying this. On the basis that High Tunstall will provide 1200 dwellings (including the 208 from these sites), Quarry Farm 2 will provide 220 dwellings and other smaller sites in the vicinity and at Elwick could deliver up to another 80 a cost per dwelling has been worked out as follows:

2.42 Overall cost of works £18 million / 1500 dwellings = £12,000 per dwelling contribution.

2.53 Therefore this development would need to contribute  $£12,000 \times 208 = £2,496,000$ . The s106 agreement needs to be written in a flexible manner to allow redistribution to other elements reduced through the viability discussion should any element of grant funding be secured.

2.54 Whilst there is a requirement on the wider development to upgrade the local road network at an estimated cost of £1m, this 1<sup>st</sup> phase of the development is able to go ahead without those improvements.

#### *Affordable housing*

2.55 The provision of affordable homes is a significant part of the Governments agenda with regard to increasing the supply of homes across the country. Affordable homes are necessary to ensure that then needs of all residents are met and to ensure that all residents have the opportunity to reside in a high quality home in an attractive environment.

#### Affordable housing position in Hartlepool

2.56 The 2015 Hartlepool Strategic Housing Market Assessment (SHMA) states that there is a need to provide 144 affordable dwellings each year in the Borough. The Borough's housing target in the emerging Local Plan is 410 dwellings per year. Therefore in order to meet the affordable housing target for each year; 144 of the 410 net additional dwellings will need to be affordable ( $144 / 410 = 35\%$ ). However,

the recently adopted Planning Obligations SPD, recognising development viability, sets a target of 18% affordable housing from new developments. This 18% would equate to the provision of 37.44 (rounded to 37) new affordable dwellings. To form a sustainable extension to the town we would expect to see this need delivered on site and in line with evidence provided in the 2015 SHMA which indicates that the predominant need in the Rural West Ward is for older persons 1 and 2 bedroom properties. This need could be met through the delivery of bungalows across the two sites but as currently submitted the proposal would not appear to suggest the provision of either bungalows or smaller 1-2 properties.

2.57 In the interests of providing sustainable development and assisting in addressing any imbalance in housing supply all developers are expected to align plans with the evidence base and if this is not possible then this should be justified through a viability assessment.

*10% on site renewable or decentralised energy provision*

2.58 To assist in meeting the EU renewable energy consumption target of 15% of the UK energy is consumed via renewable resources and to assist in the Council's climate change agenda consideration should be given to the provision of on site renewable energy generation. Evidence regarding the on site provision of renewable energy is set out in the 2010 background paper entitled 'energy supply from decentralised and renewable or low carbon sources'. The background paper indicates that an acceptable level of on site provision is 10%, such provision was deemed to not render a scheme unviable.

## **PLANNING CONSIDERATIONS**

2.59 The main planning considerations in relation to 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, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, impact on heritage assets and archaeological features, flooding and drainage and any other material planning considerations.

### **PRINCIPLE OF DEVELOPMENT/PLANNING POLICY**

2.60 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. Technically, the 2006 Local Plan forms the main part of the Development Plan for determining planning applications.

*Hartlepool Local Plan (2006)*

2.61 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. Within the current Local Plan the application site lies outside of the limits to development, however the policy is considered to be out of date as to demonstrate a five year supply the LPA

has relied on new sites in the emerging Local Plan which has resulted in a need to extend the development limits.

#### *Emerging Local Plan 2018 and evidence base*

2.62 The policies of the emerging Local Plan (2018) relevant to the proposed development are identified in the policy section in the main body of the report.

2.63 This proposal forms part of a wider High Tunstall Strategic Housing Site (emerging Local Plan Policy HSG5) within the emerging Local Plan (2018) which allocates the High Tunstall site for a total 1200 dwellings – the current application site forms a first phase of the development in the north east corner. The evidence base that has been prepared to support the emerging Local Plan 2018 (as set out above in the planning policy section of the report) and are considered to have relevance to applications for housing, include the 2015 Hartlepool Strategic Housing Market Assessment and the 2015 Strategic Housing Land Availability Assessment.

2.64 The Policy (HSG5) is considered to hold ‘great weight’ given the stage of development of the plan and the relatively low level of unresolved objections; in the Planning Inspectors interim findings following the Hearing sessions (held in September/October 2017) changes to the policy were relatively minor to ensure the policy was considered sound. Policy INF2, which is also considered to hold great weight, is also particularly relevant to this site and the wider High Tunstall site as it requires the Elwick bypass and grade separated junction (which are required to provide the highway capacity for the 1200 homes). As a first phase, it has been agreed that this development (for 208 dwellings) could proceed with improvements to the A179 junction (at Sheraton) and the closure of three central reservations on the A19, thereby forming a first phase of the road improvements but making the same pro-rata contribution to the overall works/costs of the bypass and grade separated junction (as discussed in the policy section above). This is discussed further in the report below.

#### *Hartlepool Rural Neighbourhood Plan*

2.65 It is not considered that there is any conflict with the emerging Hartlepool Rural Neighbourhood Plan as the application site lies outside of the boundary of the Neighbourhood Plan.

#### *Supply of deliverable housing sites*

2.66 A significant material consideration is the supply of housing land. Increasing the supply of housing is clearly one of the government’s priorities and this is reflected in NPPF paragraph 47 which states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that the full objectively assessed needs for market and housing in the market area is addressed.

2.67 NPPF paragraph 49 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.'

2.68 This proposal forms part of a wider site known as High Tunstall, which is proposed for 1200 homes. This proposal would effectively form a first phase of the overall development. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

2.69 In this context, the housing requirement in the 2006 Local Plan is not up-to-date (and therefore the saved housing policies are not considered to be fully compliant with the NPPF). The Council is therefore using the housing requirement in the emerging Local Plan 2018 (which incorporates a fully objectively assessed housing need (OAN)) as the requirement against which the five year supply of deliverable housing site is assessed.

#### *Sustainable Development*

2.70 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 can now 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).

2.71 In an appeal decision within the Borough for residential development (appeal ref APP/H0724/W/15/3005751, decision dated 21<sup>st</sup> 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".*

2.72 Critically, the NPPF (paragraph 14) states 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.

2.73 The main benefits and adverse impacts arising from the scheme (in the above context) are outlined below;

#### *Benefits*

- Significant boost to the supply of housing (economic\*)

*\*there will also be 'social' benefits delivered by private housing provision however this benefit is reduced by no affordable housing provision*

- The application would contribute towards significant improvements to accessibility, connectivity (in particular an improved link between the A19 into Hartlepool) and reducing congestion by making a pro-rata contribution towards the grade separated junction at the A19 (and bypass to the north of Elwick village)
- It will potentially deliver beneficial highway safety mitigation impacts (environmental)
- It will potentially deliver beneficial ecological benefits (environmental)
- The application would improve connectivity by making provision for pedestrian connections for footpaths connecting the site to existing footpaths and the existing urban areas (environmental)
- Increased Council Tax and Potential New Homes Bonus (economic)
- The proposal would provide onsite open space (social and environmental)
- 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)

#### *Adverse Effects*

- Potential adverse ecological impacts (environmental)
- Potential impact on visual amenity of area and loss of agricultural land (environmental + economic)
- Potential highway impacts (environmental)
- The development does not make any provision or contribution, at the time of writing, towards affordable housing provision, primary and secondary education (*although the wider masterplan application safeguards land for a 2-form primary school and playing pitches*), built sports, play facilities, green infrastructure and 10% renewables (social, environmental and economic)
- The lack of financial contributions towards education could result in an increased pressure on school capacity (social and economic)
- The proposal (in 'full') does not contribute towards the provision of bungalows (social)
- It will not provide a completely self sustaining community in terms of not being able to provide onsite community facilities including shops, public transport links etc (in isolation as an application, albeit the site forms part of the wider High Tunstall masterplan which would, in time, bring forward a number of neighbourhood/community facilities) (social)

#### *Planning Obligations*

2.74 As set out within the Planning Policy section of this report and in line with the relevant saved Local Plan Policies (GEP9 and Rec2) and emerging Local Plan Policy QP1 (Planning Obligations), the following contributions and obligations were requested/are required;

- £2,496,000 (pro-rata) contribution towards the Elwick by-pass and grade separated junction
- £52,000 (pro-rata) contribution to ecological mitigation measures
- The provision of 37 new affordable dwellings delivered on site
- £52,000 towards play facilities to be delivered in the Green Wedge of the overall High Tunstall Masterplan/Strategic Housing Site
- £52,000 towards for built sport facilities at Summerhill
- £48,524.32 towards playing pitch provision and improvements (however if a football pitch is provided as part of the new primary school on the High Tunstall Masterplan/Strategic Housing Site with a community use agreement put in place this contribution could be redirected to other contributions)
- £11,860.16 towards the Hartlepool Lawn Tennis Club
- £1,033.76 for bowling greens (off site)
- £615,123.60 for primary school contribution towards the provision of a new primary school within the wider the High Tunstall Masterplan/Strategic Housing Site
- £401,765.98 towards secondary school provision (off site)
- 10% on site provision of renewable energy
- Contribution towards Green Wedge within the wider High Tunstall Masterplan/Strategic Housing Site
- An obligation relating to securing a training and employment charter/local labour agreement;
- an obligation requiring the provision and implementation of a Conservation and Habitat Management Plan (including the delivery of the 2.37ha of SANGS and household information packs);
- An obligation relating to the provision, maintenance and long term management of landscaping, open space (and SuDS) and permissive paths ;
- An obligation relating to the provision of a suitable landscape buffer between the site and the rural fringe, should no further development come forward beyond the western site boundary;
- An obligation to deliver and implement a Travel Plan.

2.75 Over the past 18 months or so the Council has continued to liaise with the applicant of the wider High Tunstall site to discuss the viability of the overall development of 1200 homes (which in turn affects the viability of the current application which is 'phase 1' of the overall masterplan). The highway works to the GSJ/bypass (£14.4m), local road network improvements (£1,075m - the current application does not need to contribute towards the local road network improvements for the reasons detailed below) along with a £300,000 contribution towards ecological mitigation are all needed to make the developments acceptable to Statutory consultees including Highways England, Natural England and the Local Highway Authority; as such these are considered fundamental to the acceptability of the development in planning terms. The overall cost of these elements equate to a total cost of £15,775,000 (as detailed above). The previous Economic Viability

Assessment (EVA) indicated that there was only sufficient viability in the scheme to cover this total cost.

2.76 Consequently, this means that no affordable homes are being proposed, there would be no education contribution (other than providing the site for a school on the wider development area), and there would be no contributions towards play, built sports contribution, tennis or bowling green contribution or securing 10% renewables. HBC Planning Policy have therefore raised significant concerns that the development of this site will not lead to the creation of a truly sustainable community and will not comply with many of the requirements of the emerging Local Plan or elements of national guidance with particular concern around the fact no affordable housing or education contributions are being made.

2.77 Subsequently, in late December 2017 the applicant submitted to the Council a revised Economic Viability Assessment (EVA). The revised EVA was assessed by the Council's Assistant Director for Economic Growth and Regeneration and it included greater detail in the areas where initial concern had been expressed. The revised EVA sets out a situation whereby the applicant is offering sufficient land for a primary school to be developed and a S106 "pot" which equates to £15,775,000 (of which this site contributes 208 out of 1200 on a pro rata basis) and therefore covers the above referenced statutory requirements of the development.

2.78 There remains insufficient economic viability in the development to allow for further planning contributions beyond those covering the statutory requirements. Notwithstanding the above concerns regarding the development not being able to contribute towards key infrastructure, the Council's Assistant Director for Economic Growth and Regeneration has confirmed that the latest EVA (December 2017) is broadly acceptable and has noted that the potentially significant variations in costs/revenues over the lifetime of the development could allow for greater quantum of planning obligations to be provided should the development viability allow. The applicant has confirmed that any S106 Legal Agreement will be pragmatic and flexible enough to "capture" any potential uplift in revenues over the lifetime of the development which could result in more planning obligations being provided for items such as affordable housing, built sports and education provision.

2.79 The concept of a flexible S106 Legal Agreement also will take advantage of any subsequent external funding which the Council could secure to subsidise the delivery of the Elwick Bypass and A19 Grade Separated Junction. The Council is currently pursuing several funding bids (in the form of grants) which could introduce additional funding (potentially between £8m to £18m) and this will be a direct pro rata subsidy to the infrastructure delivery. If the Council was successful, the grant would be used to subsidise the works to the bypass and this would mean that a significant proportion of the earmarked £14.4m (of which there is a pro-rata contribution requirement of £2,496,000) could be directed towards other planning obligations. The S106 Legal Agreement would need to be flexible to account for this and therefore the Council's Assistant Director for Economic Growth and Regeneration considers that this would contribute to making the development more sustainable.

2.80 This will need to be considered below in the 'planning balance'.



*Sustainability (and Principle of Development) conclusion*

2.81 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 a number of shortcomings, in particular it not being able to contribute towards key infrastructure to provide sustainable development in this site or the wider site.

2.82 Significant weight is required to be placed on the need to support economic growth through the planning system. The Local Planning Authority's current 'saved' policies for the supply of housing are not be considered to be in full accordance with the NPPF.

2.83 Consideration is also given to the site's location, which has been included as part of a wider strategic housing site allocation and within the new development limits as set out in the relevant policies of the emerging Local Plan 2018. In this context, the site is not considered to result in an obtrusive extension to the urban core of Hartlepool (for the reasons detailed below). Consideration is given to the significant contribution the development will provide towards boosting housing numbers and towards the key highway infrastructure works.

2.84 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, on balance, deliver sustainable development within the overall meaning of paragraphs 18-219 of the NPPF. Consequently the provisions of paragraph 14 clearly apply.

2.85 It is considered that in this instance, that none of the concerns/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.

**IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY**

2.86 A number of objections (from both residents and Parish Councils) have raised concerns with respect to the impact of the development on highway safety and increasing congestion including through the villages of Elwick and Dalton Piercy.

2.87 The impact of the development (and the wider High Tunstall masterplan) have been considered in detail during the course of the consideration of the application(s) with a number of parties being involved, including Highways England (responsible for the A19), HBC Traffic and Transport section and Durham County Council (in addition to the applicant's acting transport consultants).

2.88 Detailed comments have been provided by HBC Traffic and Transport which are set out in full above and are considered as follows;

#### Wider Road Network

2.89 Concerns were expressed by HBC Traffic and Transport that this development would have a detrimental impact on safety at the A19 Elwick junction particularly with the queue of right turning vehicles extending beyond the queuing lane into the main running lane on the A19.

2.90 As a result a joint transport assessment has been undertaken along with the Quarry Farm 2 development (reference H/2015/0528, for 220 dwellings) and the scope of the assessment has been agreed with HBC Traffic and Transport section. In order to address these concerns, and to bring forward a quantum of development prior to the construction of the Elwick by-pass and grade separated junction (discussed above), a scheme for the closure of the central gaps on the A19 at both Elwick junctions and at Dalton Piercy has been produced. It has been agreed between the above referenced parties that this can only be done after extensive improvement/signalisation works at the Sheraton interchange to prevent traffic queuing back onto the A19 have been completed as the existing junction cannot accommodate the additional traffic that will be generated by preventing right turn manoeuvres at the three junctions (following the 3 x gap closures).

2.91 The signalisation of Sheraton is being delivered by Durham County Council and funded by Highways England. HBC Traffic and Transport consider that the gap closure scheme would address concerns about right turning traffic on the A19. This view is supported by Highways England and Durham Country Council. The scheme is only considered to be a short term measure and the development will be required to pay a pro rata contribution towards the construction of the Elwick by-pass and grade separated junction (as set out above).

2.92 For the avoidance of doubt, it has been agreed that the above works (the works at Sheraton interchange and the A19 gap closures) can accommodate the 208 houses on High Tunstall (the current application) and 220 dwellings on Quarry Farm 2 (application H/2015/0528, pending consideration).

2.93 HBC Traffic and Transport raised concerns that if the A19 gaps are not closed prior to the commencement of the development there may be issues with construction traffic and operatives vehicles using the A19 / Elwick junctions. Notwithstanding these concerns, HBC Traffic and Transport accept that in order to allow development to commence prior to construction, Highways England (who are responsible for the junction) have required the developer to produce a construction traffic management plan (CTMP) in an attempt to direct construction traffic to alternative routes (this also takes into account impact on the local road network and school times). This has been duly agreed with Highways England, HBC Traffic and Transport and HBC Public Protection and its requirement has been secured by way of a planning condition. It should be noted that no further housing outside of the 208 dwellings on High Tunstall and the 220 dwellings on Quarry Farm 2 can commence until the commencement of the Elwick by pass and the GSJ (which will be subject to a separate consent).

2.94 In summary, following the submission and agreement of the applicant's CTMP and subject to a condition for the works at the Sheraton Interchange being completed first, followed by the three, identified gap closures at the A19, Highways England have been able to lift their 'holding recommendation', and along with HBC Traffic and Transport, do not object to the application. Durham County Council has also confirmed that they have no objections to the proposed works. The proposal is therefore considered to be acceptable in respect to the identified impacts on the wider road network.

#### Local Road Network

2.95 As set out in the HBC Traffic and Transport section's comments, several junctions on the local highway network were assessed for capacity. Whilst there will be a cumulative impact on the local highway network, HBC Traffic and Transport have confirmed that it is not considered to be 'severe' (as defined by paragraph 32 of the NPPF) until after the 208<sup>th</sup> dwelling at High Tunstall (the current application) and the 220<sup>th</sup> dwelling at the Quarry Farm 2 development (H/2015/0528, pending consideration) have been completed. As such, HBC Traffic and Transport section has confirmed that there are therefore no requirements to carry out mitigation works to any junctions on the internal road network.

2.96 After the construction of the above referenced and combined 428 properties (208 + 220 dwellings) the impact on i) the Park Road/Wooler Road/Elwick Road junctions and ii) the Hart Lane/Serpentine Road junctions is considered to be 'severe'. Appropriate works to mitigate the severe effect that additional development (over and above the 428<sup>th</sup> dwelling, set out above) will have on the internal road network would be a requirement of the wider High Tunstall masterplan application (H/2014/0428).

#### Site Specific Highway Requirements (including mitigation measures).

2.97 HBC Traffic and Transport section have raised no objections to the proposal in respect of impacts on the immediate local road network subject to the provision of i) a segregated right turn lane from Elwick Road (which takes account of the access into Quarry Farm phase 1 (H/2014/0215) and is considered to be acceptable); ii) the existing 30 mph speed limit being repositioned and the street lighting along Elwick Road being extended to cover the new junction; iii) a footpath connection to the existing footpath on the southern side of Elwick Road (heading east).

2.98 In summary, there are no objections to the current application in respect of any impact on the local road network with the requisite mitigation to be delivered/secured through a planning obligation on the wider masterplan application (H/2014/0428).

2.99 Overall, it is considered that the proposed development would not result in a 'severe' impact on the local or wider road network, and that the proposal, subject to the requisite, identified planning conditions, is considered to be acceptable in respect of highway (and pedestrian safety) related matters.

## DESIGN/IMPACT ON THE VISUAL AMENITY ON THE AREA (INCLUDING LANDSCAPING & OPEN SPACE)

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

2.101 In terms of the overarching principle of the siting of the proposed residential development, It is considered that the proposed application site, which has been included within the development limits of the emerging Local Plan (as part of the wider High Tunstall Masterplan/strategic site) would form a logical extension to the western edge of the existing urban area. The density of the development is considered to be acceptable when compared to neighbouring housing areas.

2.102 In terms of the actual application site specifics, the application is a hybrid application. It incorporates development for which full planning permission (153 dwellings) and outline planning permission (for up to 55 self builds) is sought, as described above.

2.103 The site is subject to a number of constraints, which to a degree, have dictated the form of the development proposed. These include the presence of a major gas pipeline running to the east and to the north of the site, and the requirement for areas of Suitable Alternative Natural Green Space (SANGS) to provide ecological mitigation; the areas required for this application relate to a green buffer beyond the eastern boundary of the site and a parcel of open space to be created to the south west corner of the site which is also beyond the site boundary (these will be delivered/secured through a planning obligation as set out in the 'Ecology' section of this report). The site also forms the logical first phase of the wider High Tunstall masterplan/strategic housing site.

2.104 In terms of the detailed scheme for the 153 houses, the development will provide a mix of house types consisting of detached, 3, 4 and 5 bed dwellings, thereby meeting a specific need that was highlighted in the 2015 Strategic Housing Market Assessment (SHMA). The proposed dwellings would be two storey dwellings. The scheme does not provide any bungalows, as per the recommendations of the SHMA. In response, the applicant acknowledges the SHMA and the desire for bungalows however is of the view that the application "lends itself more to the delivery of detached executive homes" and "will result in the less efficient use of the land than if detached houses were solely provided". Furthermore, and as stated above, the applicant notes that the site has had to factor in the contributions to the highway infrastructure.

2.105 Whilst it is disappointing that the 'full' element of the site will not contribute towards the provisions of bungalows, on balance, it is not considered that this would dilute the benefits that the scheme, overall, would deliver. Furthermore and as noted by the applicant, there remains the opportunity for bungalows to be provided on the self build element of the site.

2.106 In bringing forward the proposals, the applicant, through the 16 house types (which also include variations within a house type), has sought to incorporate some elements of traditional design, including a number of chimneys, stone sills, soldier course, brick, render and stone materials, to reflect the site's semi rural location. Parking is accommodated in garages (both integral and some detached garages) and in curtilage parking spaces.

2.107 The provision of public open space is focused on a central area that will be enclosed by low enclosures to provide a secure area for play and will be overlooked by a number of dwellings, thereby providing natural surveillance. An open space corridor/buffer is also provided at the site entrance/adjacent to Elwick Road. As detailed above, an existing green buffer (in the form of SANGS) will remain between the site and the main urban edge (the hazardous gas pipeline runs below the buffer to which an easement is required). This green corridor forms part of a network of designated walking/cycling routes across the developed site and into the surrounding area (Summerhill Country Park will be linked as part of the wider High Tunstall masterplan/strategic housing site).

2.108 Whilst these parcels of open space are considered to be satisfactory (and necessary), the provision of open space is to be more than compensated for by the provision which will be delivered within the wider master plan site covered by the outline application (H/2014/0428) which includes 15 ha of SANGS, open space and Green Wedge.

2.109 The proposal has been assessed against the guidelines contained within the Hartlepool Local Plan (2006) and the development meets or exceeds the separation distances outlined within the Local Plan. The provision of the highway infrastructure and access into the site will result in the loss of some landscaping and open up views and access from Elwick Road however this impact will be localised and additional planting is to be accommodated within the site and in the aforementioned green corridor adjacent to the site entrance. The density, layout and design of the detailed scheme is therefore considered to be acceptable.

2.110 With respect to the outline element of the proposal (up to 55 self build dwellings), it is again considered that the density of the site is acceptable and is reflective of the surrounding area. Furthermore, it is felt that this is an area of the town that can provide executive housing sites; the housing types shown (in full) and in particular the self build area, will help to meet this shortfall. Whilst the self builds 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.

2.111 It is therefore considered that a development on the outline parcel of the site can be brought forward that would not have a detrimental impact on the character and appearance of the area. However it is noted that this element of the application is in outline to establish the principle of development and full details regarding design and layout of the dwellings are to be submitted at a later date with a reserved matters application when they will be fully assessed. A number of planning conditions have also been secured with respect to the phasing/programme works to reflect the two different elements ('full' and 'outline') of the application to ensure the

coordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.

2.112 In terms of any wider visual impact, the proposed development will clearly have an impact on the landscape in this area with the existing farmland being replaced by urban development. The submitted application was accompanied by a Landscape and Visual Review (LVR) and during the course of the application, detailed landscaping plans have been provided. The LVR has been produced in the context of the full Landscape and Visual Impact Assessment (LVIA) that forms part of the Environmental Statement submitted to support the wider High Tunstall masterplan application (H/2014/0428). The LVR considers that the proposal affects medium value rural fringe and low value undulating farmland and that the overall sensitivity remains as 'medium' from the National Character area definition. The LVR (when considered in the context of the wider LVIA) concludes that the overall impact of the current application would be reduced when compared to the original LVIA, partly due to the reduced quantum of development but also mitigated by distance and in some instances topography. The submitted details have been duly considered as part of the consideration of this application to which no objections have been received from the Council's Arboricultural Officer or the Council's Landscape Architect.

2.113 It is considered that the impacts will be both positive and negative. The proposed green corridor/planting buffer along the northern boundary to the site (adjacent to Elwick Road), the subsequent setback of the development from Elwick Road, and the provision of the areas of SANGS to the east (the existing green corridor) and to the south west of the site, will assist in softening the visual impact of the development.

2.114 It should also be noted that in a number of views, the site will be seen in the context of the existing urban area and the topography of the site. A housing site is currently under construction directly opposite the site at Quarry Farm Phase 1 with an application pending consideration on land further north of this site at Quarry Farm Phase 2 (also an allocated site within the emerging Local Plan 2018).

2.115 The Council's Arboricultural Officer has raised no objections to the detailed landscaping and planting proposed (subject to final details being secured by a planning condition, which will also need to factor in ecological mitigation measures). It is considered that such landscaping will assist in further filtering or screening views of the development however given the scale of development proposed and the elevated nature of parts of the site relative to adjacent areas mean that will not be possible to screen the development entirely. This matter is touched upon in the conclusion to this report where it is determined that on balance, any negative impacts would not outweigh the positive impacts arising from the proposal.

2.116 It is anticipated that further development is likely to come forward on land to the west of the current application site in the form of the wider High Tunstall masterplan. Notwithstanding the above considerations, it is considered necessary to secure the delivery of a landscaping buffer (likely to be up to 10m in depth) to the west of the development should no further development come forward on the wider masterplan site to prevent any adverse impact on the visual amenity of the wider

area and the rural fringe. This is supported within the LVR and is to be secured by a planning obligation within the s106 legal agreement.

2.117 Overall, 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 for the reasons detailed above. The proposal is therefore considered to be in accordance with the provisions of the NPPF and the relevant saved and emerging Local Plan policies.

#### AMENITY OF THE OCCUPIERS OF ADJOINING PROPERTIES/FUTURE OCCUPIERS OF THE SITE

2.118 Beyond the site boundaries, the nearest existing neighbouring properties to the application site are those to the east and to the north east beyond Elwick Road (within the established residential estates) and directly to the north (within Quarry Farm Phase 1 currently under construction with a number of occupied properties, and a number of established, individual properties fronting onto Elwick Road). The proposed dwellings (on both the outline and the full element) would achieve the minimum requisite separation distances from the nearest elevations of the existing neighbouring properties with the presence of Elwick Road and the proposed landscaping in between the application site and the properties to the north, and the landscape buffer/SANGS and satisfactory distance from the nearest properties to the east.

2.119 In terms of the both the 'full' and the 'outline' elements of the application, it is considered that the layout has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties nearest to the site and overlooking it from surrounding existing properties as the requisite minimum separation distances could be achieved.

2.120 As stated above, it is anticipated that residential development would come forward on the site adjacent to the application site as per the allocated High Tunstall strategic site/masterplan within the emerging Local Plan. Again, it is considered that satisfactory distances would be achieved as per 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, and in respect of the 'outline' element, the applicant will have to demonstrate at the reserved matters stage that such anticipated satisfactory relationships can be achieved.

2.121 As detailed in the highway matters section of this report, detailed consideration has been given to the impacts of the development(s) on both the local road network and wider road network. Concerns have been raised by objectors regarding the disruption that would be caused during the development of the site including additional traffic and noise and disturbance. It is both appreciated and inevitable that the development of a site of this scale will cause some disruption to neighbouring residents, either alone or in combination with the existing and proposed housing and other developments in the area.

2.122 It is however considered that the separation distances to neighbours for much of the development area will help to minimise any impacts. Furthermore and as set out above, a Construction Traffic Management Plan (CTMP) has been agreed with Highways England, HBC Traffic and Transport, and HBC Public Protection, which agrees the routes (and times of day) that deliveries can access the site. A further condition is secured with respect to the requirement for a Construction Management Plan (CMP) that will require the developer to address relevant issues in relation to noise, dust, wheel washing and consultation with neighbours to seek to minimise disruption. A further condition will also restrict hours of construction and deliveries. Subject to these conditions, the Council's Public Protection team raise no objections to the application. Finally there are various powers available to the council under the relevant public health and highway acts should incidents arise.

2.123 In view of the above, the proposal is not considered to result in an unacceptable impact on the amenity and privacy of adjoining properties/future occupiers of the site.

## ECOLOGY AND NATURE CONSERVATION

2.124 The application has been considered in detail by the Council's Ecologist. Advice has also been provided by Natural England. 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.

2.125 In considering the European site interest, the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010 must consider any potential impacts that a proposal may have and has therefore undertaken Habitat Regulations Assessment (HRA) stage 1 screening. The HRA screening has been undertaken by the local authority (as the competent authority) and it has been duly considered by Natural England as a statutory consultee in this process.

2.126 As a result of the HRA stage 1 screening, the following types of ecological mitigation for the application (as set out within the HRA) are required:

6. An area of 2.37 Ha SANGS that will encourage, in particular, daily dog walking. This will be located in two areas beyond the site boundaries namely (i) a parcel of land straddling the south west of the site and (ii) part of the existing green corridor to the east of the site
7. A financial contribution (pro-rata contribution of £52,000 of the £300,000 required for the overall High Tunstall Masterplan/1200 dwellings) to cover additional costs to be borne by Summerhill CP and for coastal wardening and management.
8. Provision to each household of an information pack highlighting on-site recreational opportunities and the importance safeguarding European Sites.

2.127 The HRA Stage 1 concludes that mitigation will be applied in order to negate all Likely Significant Effect, resulting in a final assessment of 'No LSE'.



2.128 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 and raises no objections to the application, providing that all mitigation measures are appropriately secured. These measures will be secured by a planning obligation within a section 106 legal agreement.

2.129 In line with NPPF, the LPA should require development to enhance biodiversity and the environment where possible. In this respect, the applicant's submitted landscaping details includes details of tree planting and both internal and boundary hedges (one with a native species mix and one a beech hedge) which is considered to be acceptable in principle subject to final details being secured by a planning condition. The comments provided by Teesmouth Bird Club are noted and will be taken into consideration when agreeing the final landscaping details.

2.130 Furthermore, the applicant has agreed to mitigation, compensation and enhancement measures (as detailed in the applicant's submitted Naturally Wild Ecological Appraisal dated 09/12/2015) and these will be secured by a number of planning conditions, thereby satisfying Natural England's standing advice. These conditions will include tree and hedge protection, bird nesting, low level lighting, suitable planting to the SuDS, and bird breeding opportunities. This is also considered to satisfy the request/comments from Teesmouth Bird Club.

2.131 Subject to the above referenced 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

2.132 The Council's Heritage and Countryside Manager confirmed as part of the wider masterplan application( that the current application site falls in) that the proposal will not affect any heritage assets. These comments are considered to be applicable to the current, smaller application.

2.133 The applicant has provided an archaeological trial trenching report, which along with the previous geophysical survey, has identified a settlement of Iron Age and Romano-British date. Tees Archaeology is satisfied that these reports meet the information requirements of the NPPF regarding heritage assets of archaeological interest (NPPF para. 128) and raise no objections to the application subject to the recording of the heritage asset through a programme of archaeological works, which can be secured by a planning condition(s). The proposal is therefore considered to be acceptable in this respect.

## FLOODING AND DRAINAGE

2.134 Concerns/objections have been raised by objectors with respect to flooding and drainage matters and the implications for the wider area.

2.135 The application site is located within Flood Zone 1 (indicated as having a low risk of flooding). Notwithstanding this, the submitted Flood Risk Assessment has been considered by the Council's Principal Engineer and Northumbrian Water (as set out in full within the consultation comments). The submitted 'full' element of the application site indicates the provision of SuDS (Sustainable Urban Drainage Systems), which is likely to take the form of a SuDS pond.

2.136 The Council's Principal Engineer (HBC Engineering Consultancy) has provided comments on matters relating to the impact on the wider area, surface water (and discharge/run off rates) and has confirmed that detailed designs will be required and therefore recommends a planning condition(s) relating to the provision of details of a suitably designed surface water scheme to ensure that surface water can be adequately discharged without passing on a flood risk elsewhere. The final design can be secured by a planning condition(s). Subject to this condition, the Council's Principal Engineer has raised no objections to the application.

2.137 In addition to the requirement for surface water details (to be secured by a planning condition as per above), Northumbrian Water has also requested that details of foul sewerage be secured by appropriate planning condition and have provided advice on run off rates, which can be secured by way of an informative.

2.138 Hartlepool Water has been consulted and raised no objections to the proposal confirming that there is sufficient capacity in the local network to supply the proposed development.

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

## OTHER PLANNING MATTERS

### *Public Right of way*

2.140 Public Footpath No.7, Hartlepool, runs through the proposed application site, in an east to west direction. It is not intended to divert the footpath and the applicant has worked with the Council's Countryside Access Officer to agree, in principle, a satisfactory scheme for the treatment of the existing footpath (in the form of appropriate enclosures/countryside furniture) which will run parallel to the proposed central parcel of open space and continue beyond the application site boundary into the wider High Tunstall master plan site (west). Final details of the works to the footpath running through both 'parcels' of the application site can be secured by appropriate planning conditions, which the Council's Countryside Access Officer considers to be acceptable. This is therefore considered to satisfactorily address and overcome the concerns from the Ramblers Association.

2.141 Whilst it is disappointing that the scheme cannot make any financial contributions towards improving Green Infrastructure/footpaths beyond the site boundaries, the scheme will facilitate the retention of the existing footpath crossing through the site and there is also a requirement (secured by a planning condition) for

the development to provide a footpath connection between the site access to the north of the site and the existing footpaths to the east of the site (along Elwick Road) which will further enhance connectivity and the sustainability of the application site. The works to retain the existing footpath and provide further footpath connections will allow the site to tie into Public Footpath 25, Hartlepool that runs to the east of the site from Elwick Road (north) through Tunstall Farm and onto Duchy Road (south).

2.142 Furthermore, it is also anticipated that the wider High Tunstall Masterplan will make provision for connections to Summerhill Country Park to the south of the overall masterplan site (which would be secured by a planning obligation on that application, H/2014/0428).

2.143 Subject to the above conditions, the scheme is therefore considered to be acceptable in this respect and is not considered to adversely affect the function and integrity of existing footpaths and the scheme, on balance, is considered to be acceptable in this respect.

#### *Proximity to high pressure gas pipeline and other infrastructure*

2.144 A high pressure gas pipeline runs immediately adjacent to the application site to the east and to the north. As set out above, this has dictated to an extent the layout of the land with the applicant aware of the requisite easement and separation distance required to the pipeline. The land in the close proximity of the pipeline cannot be developed. In order to address this, the applicant is proposing to leave the area of the pipeline undeveloped (it primarily falls outside of the application site boundary) and would form one of the SANGS as part of the ecological mitigation.

2.145 The application has been considered through the Health and Safety Executive's online Planning Use Planning system, which confirms that there are no grounds to advise against the granting of planning permission (the HSE have confirmed in writing that this is the correct stance). The pipeline operator (Northern Gas Networks) has also been consulted and they have raised no objections to the proposed scheme providing that the requisite easement is achieved, which has been illustrated on the submitted drawings. The relationship with the pipeline is therefore considered to be acceptable.

2.146 Northern Powergrid has provided a generic response in respect of the approximate location of known electricity apparatus in vicinity of the application site. These records are noted and an informative can be appended as per the recommendations of Northern Powergrid in respect of safe working.

2.147 Furthermore, Cleveland Emergency Planning Unit has raised no objections to the application, highlighting the presence of the pipeline.

#### *Contaminated land*

2.148 The Council's Principal Engineer has considered the submitted information (which covers the 'full' element of the application only) and has requested that appropriate planning conditions are secured with respect to further site investigation works into contaminated land.

*Agricultural land*

2.149 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 Grade 3 (good-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.

*Waste*

2.150 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.

2.151 Matters of waste arising from the residential properties can be secured by planning conditions. Matters of indiscriminate waste and fly tipping could be controlled through separate legislation.

*Fear of Crime/Anti-social behaviour*

2.152 Objectors have raised concerns with respect to the proposal resulting in an increase in crime/fear of crime, anti social behaviour (ASB) and vandalism.

2.153 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 no objections have been received from either Cleveland Police's Architectural Liaison Officer or the Council's Community Safety and Engagement team.

2.154 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**

2.155 With respect to a number of concerns and objections received (that have been summarised in the publicity section of this report), several of these matters are not

material planning considerations including property devaluation, reduction on council tax and who will buy the properties.

2.156 The application site is not located within a Green Belt.

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

2.158 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.

2.159 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

2.160 Whilst the LPA is now able to demonstrate a 5 year supply, the Council's housing policies are not considered to be in full compliance with the NPPF and (great) weight is now being afforded to the housing policies within the emerging Local Plan. Applications are also to be considered in the context of the presumption in favour of sustainable development. It is not considered that specific policies in the NPPF indicate the development should be restricted.

2.161 It is acknowledged that the site is to be included within an allocated housing site (as part of the High Tunstall Strategic Housing Site) in the development limits as part of the emerging Local Plan 2018 (Policy HSG5) and the site is not considered to result in an incongruous form of development for the reasons detailed within the main report.

2.162 In terms of the benefits arising from the development these are considered in the report above and include the development's significant contribution to the Borough's housing land supply, the delivery of socio economic benefits (including jobs during and after construction, additional council tax, additional household expenditure) and significant financial contributions towards highway infrastructure.

There are also a number of identified 'disbenefits' to the scheme as set out in the report above, primarily the scheme being unable, at the time of writing, to deliver/contribute towards a number of planning contributions including education, affordable housing, play and built sports. Concerns are therefore raised that the development of this site will not lead to the creation of a truly sustainable community.

2.163 However 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, on balance, deliver sustainable development within the overall meaning of paragraphs 18-219 of the NPPF. Consequently the provisions of paragraph 14 clearly apply. 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.

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

2.165 It is considered that in this instance, that none of the concerns/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.

2.166 The application is accordingly recommended for approval.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.167 There is no evidence of equality or diversity implications.

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

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

2.169 There are no Section 17 implications for the reasons set out within the report.

## **REASON FOR DECISION**

2.170 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 section 106 agreement securing developer obligations/contributions towards the Elwick bypass and Grade Separated Junction (£2,496,000) and towards ecological mitigation (£52,000); an obligation requiring the provision and implementation of a

Conservation and Habitat Management Plan (including the delivery of the 2.37ha of SANGS and household information packs); the provision, maintenance and long term management of landscaping, open space (including SANGS) and permissive paths; the provision, maintenance and long term management of SuDS; an obligation securing a training and employment charter/local labour agreement; the provision of a landscape buffer (should no further planning permissions be implemented on land west of the application); an obligation to deliver and implement a travel plan (the s106 legal agreement will be flexible enough to “capture” any potential uplift in revenues over the lifetime of the development which could result in more planning obligations being provided for items such as affordable housing, built sports and education provision. The agreement will also allow the specific contributions identified above to be recycled and used to meet the other obligations identified in this report should they, in whole or in part, not be required to meet the original purpose) and subject to the following conditions;

1. The part of the development for which full planning is hereby approved (hereby referred to as ‘Parcel A’), as defined on drawing no’s SD-00.03 Revision A “Key Location Plan - Outline & Detailed” (date received by the Local Planning Authority 12th January 2018 and SD-10.01 Revision Y “Masterplan as Proposed” (date received by the Local Planning Authority 19<sup>th</sup> July 2017), shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. For the part of the development for which outline planning permission is approved (up to 55no. self build dwellings – hereby referred to as ‘Parcel B’), as defined on drawing no’s SD-00.03 Revision A “Key Location Plan - Outline & Detailed” (date received by the Local Planning Authority 12th January 2018 and SD-10.01 Revision Y “Masterplan as Proposed” (date received by the Local Planning Authority 19<sup>th</sup> July 2017), application for the approval of the reserved matters (referred to below in condition 03) and the commencement of development, shall be as follows. The reserved matters applications shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matter.  
For the avoidance of doubt.
3. Approval of the details of the internal pedestrian and highway layout, layout, scale and appearance of the building(s) and the landscaping of Parcel B (hereinafter called the "reserved matters"), shall be obtained in writing from the Local Planning Authority.  
In order to ensure that these details are satisfactory.
4. The details submitted at the reserved matters stage for Parcel B shall be in general conformity with drawing no. SD-10.01 Revision Y “Masterplan as Proposed” (date received by the Local Planning Authority 19<sup>th</sup> July 2017).  
In the interests of the proper planning of the area.
5. Notwithstanding the submitted details prior to the commencement of development for Parcel A, a Phasing Plan/Programme for this part of the development shall be submitted to and approved in writing by the Local

Planning Authority. The Phasing Plan/Programme shall identify the phasing of all development, infrastructure, temporary cabins provision and removal, landscaping including strategic landscaping and related infrastructure, public open space, footpaths (including the Public Right of Way) and highways of the development hereby approved. Thereafter, the development shall be undertaken in accordance with the Phasing Plan/ Programme so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.

To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.

6. Prior to or alongside the submission of the first "reserved matters" application for Parcel B, a Phasing Plan/Programme for this part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan/Programme shall identify the phasing of all development, infrastructure, temporary cabins provision and removal, landscaping including strategic landscaping and related infrastructure, public open space, footpaths (including the Public Right of Way) and highways of the development hereby approved. Thereafter, the development shall be undertaken in accordance with the Phasing Plans/Programmes so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.  
To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.

7. The development of Parcel A hereby approved shall be carried out in accordance with the following plans;  
SD-00.01 Rev A (Location Plan),  
SD-00.02 Rev A (Site Plan as Existing),  
DQ2696 Rev C (Portakabin Specification Plans)  
'Portakabin Specification Details',  
SD-30.01 Rev C (Temporary cabin area), all plans date received by the Local Planning Authority 22<sup>nd</sup> January 2016;  
amended plans SD-10.03 Rev C (Colour Layout),  
SD-10.04 Rev B (Spatial Syntax),  
SD-10.05 Rev B (Adoption Diagram),  
SD- 10.07 Rev B (Surface Treatment),  
567-STO-SD-10.01 Rev Y (Masterplan as Proposed)  
Boundary Details (plans; BD-03 Rev A, BD-15 and BD-29)  
Detailed Landscape Proposals - c-1507-01 Rev A (sheet 1 of 5),  
c-1507-02 Rev A (sheet 2 of 5), c-1507-03 Rev A (sheet 3 of 5),  
c-1507-04 Rev A (sheet 4 of 5), c-1507-05 Rev A (Sheet 5 of 5),  
Amended House Type floor plans and elevations -  
The Arundel v3, The Balmoral v4, The Boston v4, The Chester v3, The Durham v4, The Grantham v4, The Harrogate v3, The Hastings v3, The Mayfair v3, The Salisbury v3, The Sandringham v4, The Taunton v4, The Warwick v4, The Wellington v3, The Westminster v3, The Winchester v4 and  
Garage Booklet Standard Variants (single detached and double detached garages), all plans date received by the Local Planning Authority 19<sup>th</sup> July 2017;  
amended plans SD-40.01 Rev B (Indicative Site Sections as Proposed) and  
SD-10.08 (Public Rights of Way Plan), all plans date received by the Local



Planning Authority 27<sup>th</sup> July 2017;  
 amended plan SD-10.06 Rev F (Boundary & Elevation Plan) date received by  
 the Local Planning Authority 11<sup>th</sup> September 2017;  
 and amended plan SD-00.03 Revision A (Key Location Plan - Outline &  
 Detailed), date received by the Local Planning Authority 12<sup>th</sup> January 2018.

The development of Parcel B hereby approved shall be carried out in  
 accordance with the following plans;  
 SD-00.01 Rev A (Location Plan) and SD-00.02 Rev A (Site Plan as Existing),  
 both plans date received by the Local Planning Authority 22<sup>nd</sup> January 2016;  
 and amended plan SD-00.03 Revision A (Key Location Plan - Outline &  
 Detailed), plan date received by the Local Planning Authority 12<sup>th</sup> January  
 2018.

For the avoidance of doubt.

8. The total quantum of development on Parcel A and Parcel B hereby approved shall not exceed 208 no. dwellinghouses (C3 use class).  
 To ensure a satisfactory form of development and for the avoidance of doubt
9. Prior to the occupation of the dwellings hereby approved, a scheme for i) the works to upgrade the Sheraton Interchange (A19/A179 junction) and ii) the closure of the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England. Thereafter, prior to the occupation of the dwellings hereby approved, the agreed scheme for the upgrade to Sheraton Interchange (A19/179 junction) shall be completed and the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall have been closed to prevent right hand turn manoeuvres, in accordance with the details and timetable for works embodied within the agreed scheme. For the avoidance of doubt such a scheme for the gap closures could include temporary works ahead of permanent works, however any change from temporary to permanent measures for the closure of the gaps must be contiguous and ensure that there is no time gap between the end of the temporary and the start of the permanent closures to ensure the gaps remain closed.  
 In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.
10. Prior to the occupation of any part of the residential development hereby approved a segregated ghost-island priority junction into the site shall be provided in accordance with Drawing No. 2073/SK001/001 Rev E (Proposed Elwick Road/Site Access Junction) and details included within the Transport Assessment Version 1.1 (dated 18.02.2016) to the satisfaction of the Local Planning Authority.  
 To enable the Local Planning Authority to control details and in the interests of highway safety.
11. Prior to the first occupation of any part of the residential development hereby approved a footway shall be provided on the southern side of Elwick Road

between the site access and the existing footway to the east in accordance in accordance with Drawing No. 2073/SK001/001 Rev E (Proposed Elwick Road/Site Access Junction) and details included within the Transport Assessment Version 1.1 (dated 18.02.2016) to the satisfaction of the Local Planning Authority.

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

12. No part of the residential 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.
13. No part of the residential development shall be occupied until the existing 30mph speed limit boundary has been extended westwards on Elwick Road to cover the extent of the new junction to the satisfaction of the Local Planning Authority.  
In the interests of highway and pedestrian safety.
14. No part of the residential development shall be occupied until a system of street lighting has been completed on Elwick Road which covers the extent of the extended 30mph speed limit 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.
15. The development hereby approved shall solely operate in full accordance with the Construction Transport Management Plan “Story Homes, Land South of Elwick Road, Tunstall, Construction Traffic Management Plan Version 3” (date received January 12th 2018) throughout the construction period of the development hereby approved, unless some variation is agreed in writing with the Local Planning Authority in consultation with Highways England.  
In the interests of highway safety.
16. The proposed roads, junction radii, footpaths and any associated crossings serving the development of Parcel A shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification, 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.
17. The proposed roads, junction radii, footpaths and any associated crossings serving the development of Parcel B shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification, 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. Reason: In order to ensure the roads are constructed and maintained to an acceptable standard.

18. No part of the development of Parcel A shall be occupied until details for the works to Public Right of Way (Public Footpath No 7, Hartlepool) located in Parcel A have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of surfacing, countryside furniture and dropped kerbs, and a timetable for the implementation of the agreed works. Thereafter, the scheme shall be carried in accordance with the agreed details and timetable, 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.
19. No part of the development of Parcel B shall be occupied until details for the works to Public Right of Way (Public Footpath No 7, Hartlepool) located in Parcel B have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of surfacing, countryside furniture any dropped kerbs and a timetable for the implementation of the agreed works. Thereafter, the scheme shall be carried in accordance with the agreed details and timetable, 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.
20. In the event that contamination is found at any time when carrying out the approved development on each phase of Parcel A that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the following requirements:
  1. (Site Characterisation;  
A scheme to assess the nature and extent of any contamination found in that phase of Parcel A, whether or not it originates in that phase of Parcel A. The investigation and risk assessment shall 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 shall 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 shall 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

Where remediation is necessary a detailed remediation scheme to bring that phase of development of Parcel A 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 shall be prepared. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the phase of Parcel A 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

Any measures identified in the necessary approved remediation scheme shall be completed in accordance with its terms prior to the commencement of development in the relevant phase of Parcel A unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall 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 shall be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of any necessary proposed remediation over a period of 10 years, and the provision of reports on the same shall 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 shall be produced, and submitted to the Local Planning Authority.

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

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

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

### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed to assess the nature and extent of any contamination on that phase of Parcel B, whether or not it

originates on that phase of Parcel B. The investigation and risk assessment shall 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 shall include:

- a. a survey of the extent, scale and nature of contamination;
- b. an assessment of the potential risks to:
  - i. human health,
  - ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - iii. adjoining land,
  - iv. groundwaters and surface waters,
  - v. ecological systems,
  - vi. archeological sites and ancient monuments;
- c. an appraisal of any necessary remedial options, and proposal of the preferred option(s).

This shall 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

Where remediation is necessary a detailed remediation scheme to bring that phase of Parcel B 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 shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the phase of Parcel B 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

Any necessary approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development in that phase of Parcel B unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of any necessary remediation scheme works. Following completion of measures identified in any necessary approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall 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 in Parcel B that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme shall 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 shall 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 any necessary proposed remediation over a period of 10 years, and the provision of reports on the same shall 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 shall 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) approved on any phase of Parcel B, 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) approved on such phases of Parcel B 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) within such phases of Parcel B without the prior written consent of the Local Planning Authority.

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.

22. (A) No development (excluding site access works to Elwick Road) in each phase of Parcel A shall commence until a programme of archaeological work including a Written Scheme of Investigation for that phase of Parcel A has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

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

(C) Each phase of Parcel A of the development shall not be occupied until the site investigation and post investigation assessment relevant to that phase

has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In order to ensure that the archaeology of the site is adequately investigated.

23. (A) No development in each phase of Parcel B shall commence until a programme of archaeological work including a Written Scheme of Investigation for that phase of Parcel B has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

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

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

In order to ensure that the archaeology of the site is adequately investigated.

24. Development (excluding site access works to Elwick Road) shall not commence on each phase of Parcel A of the development until a detailed scheme for the disposal of foul water from that phase of Parcel A of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details.

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

25. Development shall not commence on each phase of Parcel B of the development until a detailed scheme for the disposal of foul water from that phase of Parcel B of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details.

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

26. No development (excluding site access works to Elwick Road) on each phase of Parcel A shall take place until a scheme for a surface water management system for that phase of Parcel A including the detailed drainage/SuDS design,

has been submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the existing Greenfield run off rate for that phase of Parcel A be achieved as a minimum and bettered where possible, as well as 100 year store return period (+ 40% climate change allowance) being contained within the red line boundary of the site. It must be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and should, where possible, make space for water above ground through the use of the open space on the site to provide SuDS solutions. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The SuDS area shall achieve a minimum 10m buffer to the dwellinghouses. The SuDS area shall be securely fenced to discourage access by people and especially dogs. The scheme shall be implemented prior to the occupation of any part of Parcel A of the development that requires it and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, both on and off site and to ensure that the impacts on ecology are taken into account in any design.

27. No development on each phase of Parcel B shall take place until a scheme for a surface water management system for that phase of Parcel B including the detailed drainage/SuDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the existing Greenfield run off rate for that phase of Parcel B be achieved as a minimum and bettered where possible, as well as 100 year store return period (+ 40% climate change allowance) being contained within the red line boundary of the site. It must be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and should, where possible, make space for water above ground through the use of the open space on the site to provide SuDS solutions. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. Any SUDS areas shall achieve a minimum 10m buffer to the



dwellinghouses. The SUDS area should, where necessary, be securely fenced to discourage access by people and especially dogs.

The scheme shall be implemented prior to the occupation of any part of Parcel B of the development that requires it and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

Reason: To prevent the increased risk of flooding, both on and off site and to ensure that the impacts on ecology are taken into account in any design.

28. Prior to the commencement of each phase in Parcel A a detailed scheme of landscaping, tree and shrub planting (in general conformity with the 'Detailed Landscape Proposals' plans c-1507-01 Rev A (sheet 1 of 5), c-1507-02 Rev A (sheet 2 of 5), c-1507-03 Rev A (sheet 3 of 5), c-1507-04 Rev A (sheet 4 of 5) and c-1507-05 Rev A (Sheet 5 of 5), all plans date received by the Local Planning Authority 19<sup>th</sup> September 2017 and the mitigation and enhancement measures set out in the 'Ecological Appraisal' by Naturally Wild (reference SHL-15-02, dated 09.12.2015) (except as may be varied with the agreement of the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority before the phase is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme(s) shall include the creation of a total new length of native species hedgerow (x 1.5 the length of any hedgerow lost within Parcel A) within Parcel A. The scheme shall be provided in accordance with the approved details and timetable.

In the interests of visual amenity, ecology and to ensure any species planted within the easement of the high pressure pipeline are appropriate.

29. All planting, seeding or turfing comprised in the approved details of landscaping in each phase of Parcel A shall be carried out in the first planting season following the occupation of the building(s) in that phase 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 of that phase 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.

30. All planting, seeding or turfing comprised in any approved details of landscaping in each phase of Parcel B shall be carried out in the first planting season following the occupation of the building(s) in that phase 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 of that phase 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.

31. Notwithstanding the submitted information, no development in each phase of

Parcel A shall take place until both an Arboricultural Impact Assessment and an Arboricultural Method Statement for that phase have been submitted to and approved in writing by 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 in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations' and the recommendations set out in the Elliot Consultancy 'pre-development tree survey' (Ref ARB/AE/1231, dated December 2015). The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. The scheme for each phase shall thereafter be carried out in accordance with the approved details and particulars for that phase 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 adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

32. Notwithstanding the submitted information, no development in each phase of Parcel B shall take place until both an Arboricultural Impact Assessment and an Arboricultural Method Statement for that phase have been submitted to and approved in writing by 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 in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations' and the recommendations set out in the Elliot Consultancy 'pre-development tree survey' (Ref ARB/AE/1231, dated December 2015). The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. Any Reserved Matters approval(s) for any phase of Parcel B shall thereafter be carried out in accordance with the approved details and particulars for that phase 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 adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

33. Notwithstanding the submitted details, no development (excluding site access works) of each phase of Parcel A shall commence until detailed proposals for the provision of public open space including details of their phasing, location and design/specification, landscaping, surfacing, means of enclosures, and a timetable for their provision in that phase have been submitted to and approved in writing by the Local Planning Authority for that phase. The public open space shall be provided in accordance with the approved details and timetables. In the interests of public health and delivering a sustainable development and in order to ensure that public open space is provided in a planned and appropriate manner.
34. Notwithstanding the submitted details, no development of each phase of Parcel B shall commence until detailed proposals for the provision of public open space including details of their phasing, location, landscaping, surfacing, means of enclosures, and a timetable for their provision in that phase have been submitted to and approved in writing by the Local Planning Authority for that phase. The public open space shall be provided in accordance with the approved details and timetables. In the interests of public health and delivering a sustainable development and in order to ensure that the public open space is provided in a planned and appropriate manner.
35. Prior to the commencement of any development (excluding site access works to Elwick Road) on each phase of Parcel A, a scheme for low level lighting (during and post development) for the areas of development, including road lighting adjacent to wildlife corridors, for that phase shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the type of lighting and demonstrate how light spill will be minimised on the adjacent to/onto the buffer zone and areas of habitat that are of importance (linear features such as hedgerows). The development shall be carried out in accordance with the approved details. In order to prevent disturbance to wildlife and the interests of the ecology of the area.
36. Prior to the commencement of any development on each phase of Parcel B of the development, a scheme for low level lighting (during and post development) for the areas of development, including road lighting adjacent to wildlife corridors, for that phase shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the type of lighting and demonstrate how light spill will be minimised on the adjacent to/onto the buffer zone and areas of habitat that are of importance (linear features such as hedgerows). The development shall be carried out in accordance with the approved details. In order to prevent disturbance to wildlife and the interests of the ecology of the area.
37. Prior to the commencement of any development (excluding site access works to Elwick Road) on each phase of Parcel A, a scheme for ecological mitigation for that phase in accordance with mitigation and enhancement measures set

out in the 'Ecological Appraisal' by Naturally Wild (reference SHL-15-02, dated 09.12.2015) shall be first submitted to and agreed in writing with the Local Planning Authority. Such a scheme shall include details of animal pipes (to be inserted under roads where wildlife corridors are bisected), a 'toolbox talk' (to be provided to all on site contractors and staff prior to works commencing), 10cm<sup>2</sup> square Hedgehog access hole at ground level within dividing garden fences, 'habitat piles' to be created within the SUDS area, buffer zones and under hedgerows. The development shall be carried out in accordance with the approved details unless some variation to the agreed details is agreed in writing with the Local Planning Authority.

In order to prevent disturbance to wildlife and the interests of the ecology of the area.

38. Prior to the commencement of any development on each phase of Parcel B of the development, a scheme for ecological mitigation for that phase in accordance with mitigation and enhancement measures set out in the 'Ecological Appraisal' by Naturally Wild (reference SHL-15-02, dated 09.12.2015) shall be first submitted to and agreed in writing with the Local Planning Authority. Such a scheme shall include details of animal pipes (to be inserted under roads where wildlife corridors are bisected), a 'toolbox talk' (to be provided to all on site contractors and staff prior to works commencing), 10cm<sup>2</sup> square Hedgehog access hole at ground level within dividing garden fences, 'habitat piles' to be created within the SUDS area, buffer zones and under hedgerows. The development shall be carried out in accordance with the approved details unless some variation to the agreed details is agreed in writing with the Local Planning Authority.

In order to prevent disturbance to wildlife and the interests of the ecology of the area.

39. Prior to the commencement of development (excluding site access works to Elwick Road) on each phase of Parcel A a scheme to provide bird mitigation features within that phase to provide long term nesting sites for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These shall include house martin nest cups and integral swift nesting bricks to be built into 10% of buildings on Parcel A, with the selection of buildings facing onto the larger open spaces to be prioritised. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

40. Prior to the commencement of development on each phase of Parcel B of the development a scheme to provide bird mitigation features within that phase to

provide long term nesting sites for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These shall include house martin nest cups and integral swift nesting bricks to be built into 10% of buildings on Parcel B. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

41. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside the bird breeding season unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present, and a report confirming this is submitted to the Local Planning Authority prior to the clearance of any vegetation. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. In the interests of the ecology of the area.
42. All holes or trenches should be dug and in-filled within the same working day. If this is not possible, these should be securely covered overnight and/ or provided with an adequate means of escape to prevent badger, brown hare and other wildlife from becoming entrapped. In the interests of the ecology of the area.
43. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase of Parcel A, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, dust/odour management and communication with local residents for that phase of Parcel A. In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.
44. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development of each phase on Parcel B, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges,

vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, dust/odour management and communication with local residents for that phase of Parcel B.

In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.

45. No development (excluding site access works to Elwick Road) shall commence on each phase of Parcel A until details of existing and proposed levels within that phase of Parcel A including any earth retention measures within the site have been submitted to and approved in writing by the Local Planning Authority, the phase shall thereafter proceed in accordance with the agreed levels unless some variation is otherwise approved in writing by the local planning authority.

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

46. No development shall commence on each phase of Parcel B until details of existing and proposed levels within that phase of Parcel B including any earth retention measures within and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority, the phase shall thereafter proceed in accordance with the agreed levels unless some variation is otherwise approved in writing by the local planning authority.

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

47. Notwithstanding the submitted information and prior to the first dwelling of each phase of Parcel A being constructed above damp proof level details of all external finishing materials and hardstandings of that phase shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose where requested by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

48. Notwithstanding the submitted details and prior to the occupation of each phase of Parcel A, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before that phase is commenced. The details shall be in general conformity with plan SD-10.06 Rev F (Boundary & Elevation Plan, date received 11.09.2017).

Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

49. Prior to the commencement of each phase of development (excluding site access works to Elwick Road) in Parcel A, a site specific Waste Audit for that phase of Parcel A 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 of that phase of Parcel A, 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.

50. Prior to the commencement of each phase of development in Phase B, a site specific Waste Audit for that phase of Parcel B 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 of that phase of Parcel B, 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.

51. Prior to the commencement of development (excluding site access works to Elwick Road) in each phase of Parcel A, details for the storage of refuse in that phase of Parcel A 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 details.

To ensure a satisfactory form of development.

52. Prior to the commencement of development in each phase of Parcel B, details for the storage of refuse in that phase of Parcel B 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 details.

To ensure a satisfactory form of development.

53. Prior to the submission of Reserved Matters applications relating to any self build phase in Parcel B, the applicant shall submit a Design Code identifying the parameters and general design principles of the self build area. Once approved all plot specific Reserved Matters applications shall be determined in accordance with the Design Guide, unless otherwise agreed in writing with the Local Planning Authority. No development on any individual plot shall commence until the boundaries of all the individual plots within that phase (as agreed under condition 06) 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 phases unless some variation is otherwise agreed in writing by the Local Planning Authority.

In the interest of the proper planning of the area to ensure plots can be clearly identified and relationships assessed when reserved matters applications are submitted

54. Notwithstanding the provisions of Class A of Part 1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwellings hereby approved within Parcel A 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 properties.

55. 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) and notwithstanding the boundary treatment details approved under condition 48, 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 in Parcel A, 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 existing and future occupants of the adjacent residential properties

56. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 8.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays. Unless some variation to these times is otherwise agreed in writing by the Local Planning Authority.  
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

57. Notwithstanding the submitted details, the temporary portakabin and associated area (as detailed on plan SD-30.01 Rev C, received 22.01.2016) shall be removed from the site within 3 months from the last, first sale, of the approved dwellings on Parcel A unless an alternative timescale is agreed in writing with the Local Planning Authority. Thereafter the land shall be completed in accordance with the requirements of the planning conditions of this permission

For the avoidance of doubt and in the interests of the visual amenity of the area.

## **BACKGROUND PAPERS**

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

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**LAND SOUTH OF ELWICK ROAD**

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>13/12/17</b>
	SCALE <b>1:5000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2015/0551</b>	REV

**No:** 3  
**Number:** H/2015/0528  
**Applicant:** VILLIERS STREET AGRICULTURAL  
**Agent:** SIGNET PLANNING 26 APEX BUSINESS VILLAGE  
 ANNITSFORD NEWCASTLE UPON TYNE NE23 7BF  
**Date valid:** 23/05/2014  
**Development:** Outline planning permission for up to 220 residential dwellings with associated access, all other matters reserved  
**Location:** LAND AT QUARRY FARM PHASE 2 ELWICK ROAD  
 HARTLEPOOL HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND/RELEVANT PLANNING HISTORY

3.2 Quarry Farm 1 (H/2014/0215) – Planning permission was allowed on appeal on 18.02.2015 for the erection of 81 dwellings on land at Quarry Farm, Elwick Road (LPA Ref H/2014/0215, Appeal Ref APP/H0724/A/14/2225471). The site is currently under construction.

3.3 H/2014/0428 – Outline application with all matters reserved for residential development comprising up to 1,200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting, at land South of Elwick Road, High Tunstall. The application on a site to the south is currently under consideration and is before Members.

3.4 H/2015/0551 – Hybrid planning application for the erection of up to 153 dwellings (in detail) and up to 55 self build dwellings (in outline, all matters reserved) a sales area (in detail to include cabin and car parking) and associated access, landscaping and engineering works at land South of Elwick Road. The application on a site to the south is currently under consideration and is before Members.

## PROPOSAL

3.5 Outline permission is sought for the erection of up to 220 dwellings with all matters reserved except for access.

3.6 An indicative plan, the final layout to be decided at subsequent reserved matters stage, has been submitted to show a layout which accommodates 220 dwellings and whilst no details of the house types have been submitted an indicative housing mix

has been shown with a mix of 1, 2, 3, 4 and 5 bedroom properties. The indicative layout shows amenity space to the front and rear and parking provision. The final layout will be the subject of a reserved matters application should the application be approved.

3.7 The indicative layout accommodates an area within the scheme measuring approximately 3.3 hectares in total to accommodate open green space, an area for play space and pedestrian routes.

3.8 Access is proposed to be taken from Reedston Road.

## **SITE CONTEXT**

3.9 The application site is an area of approximately 11.3 hectares of agricultural land on the edge of Naisberry Park. To the north of the site is Worset Lane, a narrow 'country lane', with High Throston golf club beyond. An existing reservoir, screened by trees, immediately abuts the north western corner of the site. To the west the site is bounded by a strip of existing trees which run in a north to south direction, beyond this are agricultural fields. The eastern boundary is immediately abutted by trees and an existing pedestrian footpath which connects Elwick Road and Worset Lane. Beyond the footpath are the rear boundaries of residential properties within Naisberry Park. The site is bounded to the south by the recently approved Quarry Farm Phase 1 which is currently under construction for Bellway Homes, beyond this development is Elwick Road. The site gently slopes from the north west corner, down to the south east corner with panoramic views towards the coastline.

## **PUBLICITY**

3.10 The application was advertised by way of neighbour letters site notices, and a press advert. The following representations have been received.

3.12 One representation was received advising that they did not wish to object.

3.13 53 objections were received (including more than one objection from the same person). The concerns raised were:

- Pollution to existing residents adjacent to junction
- Inadequate access to development
- Impact on schools
- Parking issues
- Alternative access should be sought
- Increase in traffic along Cairnston Road extremely dangerous
- Journey will put pressure on pinch points
- Adverse impact on A19
- Development will destroy the environment
- Have a deleterious effect on the communities of Elwick and Dalton
- Highway issues
- Extra vehicles make busy roads especially at school times
- Visibility will be impaired at junction from parked cars

- Junction Cairnston Road/Reedston Road is on bend near bus stop this development would be detrimental to current residents
- Loss of wildlife habitat
- Mature trees would need to be removed
- Only one access to the development provided
- Traffic congestion
- Schools
- Pollution from traffic
- Access is from one road only what about emergency access
- Traffic during construction would be excessive
- High density of proposed housing is not reflective of the existing surrounding/adjacent area
- Traffic will be dangerous
- Development too big
- Outside urban boundary which involves destruction of agricultural land
- Traffic chaos, construction noise, dust, flooding
- Drainage issues
- No acceptable traffic management plan for additional 300+ vehicles
- Loss of greenbelt
- Litter
- Noise
- Unfair to propose an estate of this size
- Increase in traffic to and from A19 very dangerous
- The existing congestion at various junctions within Hartlepool itself will be exacerbated
- Unacceptable increase in traffic congestion, noise and pollution
- Too many 4 and 5 bedroom houses being built
- Bungalows and starter homes are needed
- 2.5 and 3 storey properties out of character with area
- Proof should be provided that there is a demand for these houses
- There are lots of un sold house in Hartlepool
- This is an unwanted and unnecessary development
- Cairnston Road off Reedston Road would become very busy road
- Reduce property prices
- Existing properties will loose views they have of fields
- Increase in traffic will produce a bottle neck
- Increase in surface water and possible flooding
- Only one access to such a large number of properties is unacceptable
- Devalue my property
- Excess surface water will fall toward Dunston Road
- Health and safety issues
- Environmental issues
- Unwanted anti social behaviour and an increase in crime rates of burglaries and assaults
- Prior to scrapping of local plan there were no plans to build here
- Transport issues

Following re-consultation 26 Objections were received. The concerns raised were:

- More green belt land used
- Increase in vehicles
- Junctions at Wooler Road and Elwick Road congested
- No traffic calming measures on Cairnston Road
- Danger to children
- Joining up the villages
- Impact on the infrastructure and environment
- Disruption to the local community
- Impact on wildlife
- Access should be Elwick Road
- Flooding
- Character of area from quiet cul de sac to major thoroughfare
- Highway issues identified by Highways England
- No housing should be allowed until bypass done
- Increase useage of public walkway from dog walkers

### 3.15 Copy letters C

3.16 The period for publicity expires before the meeting.

## CONSULTATIONS

3.17 The following consultation responses have been received;

**HBC Engineering Consultancy:** I have now had chance to review both the Flood Risk Assessment and Site investigation reports for this site.

With regards to Page 8 of the FRA I would disagree with Paragraph 4 *"It is understood that works to clear and improve the culvert headwall and inlet pipe to the culverted watercourse have been carried out in this area by both HBC and the developer of this site and the adjacent site."* Neither HBC nor the developers have undertaken any work on this headwall to my knowledge. HBC have installed a small surface water scheme in the adjacent public footpath but this will not rectify any issues with the headwall itself which is privately owned.

The same paragraph goes on to state *"It is understood that maintenance of this culvert entrance is now carried out and the flooding that previously occurred has been rectified as a result."* While I can confirm that HBC currently undertake inspections of this area, to my knowledge no maintenance work other than the removal of debris has been carried out by anyone other than HBC. As this is not strictly HBC's responsibility I would have to disagree that the flooding issue in this area has been rectified through maintenance. I welcome the developer's agreement to relocate the headwall and this is something that we would need to condition as part of this application to ensure a suitable location can be agreed.

It was my understanding from early conversations with Billingham George that the proposed site was to drain into the mains sewer system. It appears from reading the FRA that this has now changed and the watercourse will be utilised. This makes it

even more imperative that works to the headwall are undertaken as detailed above. I welcome the proposal to match Greenfield runoff and would request we condition a detailed design of the drainage system given that no further details are provided.

The geophysical survey provided does not provide me with enough detail to make an assessment of the ground conditions in regards to contamination. Can I therefore request a stage 1 and 2 SI report.

In summary, I have no objections to the proposals at this stage however in order for me to be confident that a flood risk will not be passed on elsewhere I would require further detailed design work which at this stage I propose we condition.

**HBC Ecology:** The submitted Ecological Impact Assessment (EclA) and Bat Survey have identified that the main ecological issues associated with this application are the habitats around the perimeter, ie the woodland planting belts, hedgerows and the “Quarry Dene”.

The proposed development site itself has relatively little ecological value. At the time of the ecological surveys it only supported one pair of Skylarks and was part of the home range of small numbers of Brown Hare and Hedgehogs. Given that there is a 5m conservation strip of permanent pasture around the field edge, it is possible that the area could support a slightly higher population of farmland birds and mammals at other times, nevertheless this would still be of relatively minor ecological significance.

The surrounding woodland planting belts and hedgerows are of value both as habitats in their own right, supporting nesting birds, invertebrate and small mammals, but also because they support feeding and commuting bats. Both the EclA and the Design & Access statement state that these will be retained. This is crucial to mitigate for any adverse effects so should be a condition of any permission. The application proposes that there would only be the loss of two, short sections of woodland planting/hedge.

Most of the bats that have been recorded across the site are Common Pipistrelles, which are unlikely to be affected by the levels of lighting associated with a typical housing development as they are often associated with residential gardens. However some Myotis bats were also recorded around the western and eastern boundaries and off-site towards Quarry Farm. Although these were in relatively small numbers they are significant on a Hartlepool scale as this group of bats is very rare in Hartlepool, east of the A19 and has only previously been found at Ward Jackson Park and at Hart Reservoirs. Myotis bats are more light averse than Pipistrelles therefore it is important that light levels around the perimeters of the site are minimised. Therefore a “bat sensitive lighting scheme” as set out in the Bat Survey Report, should be made a condition of any permission.

The Design & Access Statement says that an 8m buffer will be retained between the tree belts and habitable dwellings and that this would mainly be planted up with low shrubs. Planting with low shrubs is likely to be important as it would create a separation between the houses and the tree belts and allow the bats, particularly Myotis species, to continue to commute along the tree belt whilst maintaining some

distance from the housing. However the submitted Landscaping Plan only shows additional planting on the perimeters in the north east corner of the site. This apparent discrepancy should be clarified.

The area termed Quarry Dene is described as ecological corridor. The corridor function is likely to be mainly in terms of commuting bats therefore it is essential to maintain low light levels in that area, particularly as the land immediately to the south will also have housing facing it. In order to facilitate this there should be further landscape screening along both the north and south boundaries of the Quarry Dene either by allowing the hedge to grow higher or incorporating standard trees into the hedge, or both. Also the proposed pedestrian route through the Dene and the woodland should not be lit. While it may be possible to use planning conditions to restrict the light levels in the public domain, it may not be possible to restrict the light levels used by private housing therefore if the housing facing the Dene could be drawn back slightly this would be beneficial.

A number of beneficial ecological features are set out in the EcIA which would compensate for the minor adverse ecological effects and which should produce a minor ecological enhancement. These include:

- A band of additional structure planting in the North East corner (and potentially a band of low shrubs on the western perimeter)
- Managing the Quarry Dene to enhance species richness of the grassland
- Creating species-rich grassland as part of the open-space in the northern section
- (While these latter two elements of species-rich grassland are welcome it is likely that their benefits will be limited because of the requirement to also manage them for access and recreational use.)
- Bird boxes and bat boxes to be built into a proportion of new dwellings. (NB the Local Authority usual practice is to require these in 10% of dwellings)

In addition to the above elements to specifically benefit wildlife, it should be noted that the landscaping associated with the open space and gardens would also be of benefit to wildlife.

Subject to suitable conditions and the measures set out above, it is likely that the proposal would result in a minor ecological enhancement. However there is the opportunity to further improve the ecology and geodiversity of the local area through management of the adjacent Naisberry Quarry which is both a Local Geological Site and a Local Wildlife Site and which I understand is in the applicant's ownership. This would contribute to the Local Authorities performance under the Single-Data Return 160-00, which relates to the percentage of such Local Sites that are in positive management.

#### (Updated) Habitat Regulations Assessment (summarised) – received 06.06.2017

For this planning application, Hartlepool Borough Council (HBC) is the competent authority. This Habitats Regulations Assessment (HRA) is based on the applicant's submitted document entitled 'Report to Inform a Habitat Regulations Assessment (HRA), For Cecil M Yuill Ltd (March 2017). The requirements of a HRA, initial



evidence, discussion and analysis, are provided in the Report. This document was submitted to Natural England for comment.

In conclusion it is not considered that there would be an adverse impact upon the integrity of the European Sites. This is subject to mitigation being provided and secured through a legal agreement to secure a financial contribution toward wardens and the provision of 3.3ha of Suitable Alternative Natural Green Space (SANGS).

#### Updated comments (12/07/2017)

I am satisfied with the mitigation embedded in the Habitat Regulations Assessment.

My earlier response referred to some recommended conditions:

- A detailed landscaping scheme showing all hedgerows, trees and woodland planting belts which are to be retained or created and details of their management; SUDS details including fencing and meadow creation and management. This should be submitted for approval prior to the commencement of the development.
- A 'bat sensitive lighting scheme' as set out in the Bat Survey Report should be submitted for approval.
- Details of integral bat roosting and swift nesting boxes to be incorporated into a minimum of 50% of new dwellings should be submitted for approval prior to the commencement of the development.
- The Council's standard condition for breeding birds would apply (NB: this requires that sites to be cleared of vegetation are checked by a qualified ecologist within 48 hours of the works commencing).

I am keen that if there is an opportunity to manage Naisberry Quarry Local Wildlife Site and Local Geological Site as off-site biodiversity enhancement, then this would be welcomed. As a minimum, I recommend that this LWS/LGS is buffered from the likely damage and disturbance emanating from the new housing (people, dogs, cats and garden waste in particular).

**HBC Traffic and Transport:** A joint transport assessment with the High Tunstall development was carried out and the scope of the assessment agreed with Hartlepool Borough Council. Other future committed developments were included in the assessments.

Concerns were expressed that this development would have a detrimental impact on safety at the A19 Elwick junction particularly with the queue of right turning vehicles extending beyond the queuing lane into the main running lane on the A19.

In order to address these concerns the developer in conjunction with the proposed High Tunstall development have provided plans which propose the closure of the central gaps on the A19 at both Elwick junctions and at Dalton Piercy. This will also require extensive improvement / signalisation works at the Sheraton interchange to prevent traffic queuing back onto the A19. The signalisation of Sheraton is being delivered by Highways England under the Congestion Relief Programme announced as part of the 2016 Autumn Statement. The gap closure scheme would address

concerns about right turning traffic on the A19. The scheme does not address the cumulative impact this and the High Tunstall Development will have on increased flows through Elwick village and the increased travel time for residents of Elwick and Dalton due to the gap closures. The scheme should therefore only be considered a short term measure and the development should be required to pay a pro rata contribution towards the construction of the Elwick by-pass and Grade separated junction (GSJ). This scheme is currently being developed by Hartlepool Borough Council. It is anticipated that the bypass and GSJ. Highways England requires the gap closure scheme to be subject to a Road Safety Audit.

Several junctions on the local highway network were assessed for capacity. There will be a cumulative impact on the local highway network although this is not considered to be severe. This has been verified by specialist Transport consultants ARUP who were commissioned by Hartlepool Borough Council. There are no requirements to carry out mitigation works on these junctions. The development will be accessed from Reedston Road. The carriageway is of sufficient width to accommodate the development and there are no anticipated issues with the capacity and safety at its junction with Cairnston Road.

**Tees Archaeology:** The developer has submitted reports on archaeological desk based assessment and geophysical survey in support of the application. The reports, and particularly the geophysical survey, indicate that the site has a low archaeological potential. The survey shows that the area has been cross ploughed and other than furrows and former field boundaries there were no other anomalies that may have had an archaeological origin.

I can confirm that these reports meet the information requirements of the NPPF (Para 128) regarding heritage assets of archaeological interest.

Given the above I have no objection to the proposal and have no further comments to make.

**Emergency Planning Unit:** The only points I would make is the need for an emergency access point to the estate, which is identified from Worsett lane and the fact that the footpath crosses the entrance to the site which is addressed.

As a result of this I have no concerns or objections to the proposal.

**HBC Countryside Officer:** Please find below my comments relating to this outline planning application.

1. I welcome the developer's consideration for improved access within the development site.
2. The existing right of way – Public Footpath no.3, Hartlepool – runs close to the eastern boundary of the northern half of this development. Where the new development entrance road is located and to be constructed, as an extension of Reedston Road, it will require a formal diversion and partial stopping-up application to be submitted to me by the developer, to take into account the changes of highways (including the public footpath).

3. I would like to see consideration towards a few amendments, with regards to the proposed suggested access routes and exit points:
  - (a) A separate pedestrian access point would be required at Point 1 (Emergency vehicle Access) on Worset Lane. This is to provide safe pedestrian access along with the need to have the emergency access gated – if left open then it could invite illegal and unwanted/unsafe access by vehicular traffic.
  - (b) The suggested route that runs through Point 5 (potential play area) should be moved to the side of the play site so that the play area is protected from unwanted pedestrian and dog traffic.
  - (c) Where the suggested access route leaves the southern element of the development, into the shallow valley (Points 9 and 10), the new access path will join the southern development at a point east of the plans suggested point. This is because the new access of this southern development exits at a point to the east of Point 10 and it seems sensible to join the two paths at one point.
  - (d) Where the plan shows 'New Informal Routes to connect to Existing', east of Point 10 and south east of the proposed development, I would suggest that the plan shows the actual route to be created. This creation will be a new public footpath and not as suggested an informal path.
4. I would also recommend that all new creations of paths, which do not align with pavements/footways, should be public footpaths/public rights of way.
5. I would ask that the developer contacts me to discuss further considerations of a formal diversion of the existing public footpath at Reedston Road and to arrange to meet to look at how the access proposals can further be enhanced.
6. Finally whilst not immediately part of this development; informal access to the small old disused quarry, to the south west of the proposed development, occurs sporadically at present. In all probability this access will increase with the completion of both the southern development and this more northerly development. I would like to see an access management strategy considered so as to look at how access or restriction westwards along the quarry dene and into the quarry is to be considered. The quarry will become an 'access magnet' simply because of its location and natural structure. Access management will need to look at the health and safety of users, as there are differing heights and drops within the quarry environs. Consideration also needs to be given to the potential of trespass into neighbouring farmland to the west and the impact this could have on the neighbouring landownership. Dealing with this now will help to reduce pressure, conflict and health and safety issues in the future.

I hope that the above assist in creating a potentially interesting and positive development.

**HBC Arborist:** The breach in the landscape buffer will only create a small gap in this woodland edge and many of these trees require thinning in any case. I have raised no objection to this in the past bearing in mind the landscaping conditions accompanying this development; therefore I have no objections to make in respect of this

**HBC Public Protection:** I would have no objections to this application subject to the following conditions;

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.

No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

**Cleveland Police:** I would ask to be consulted at an early stage to ensure that crime prevention and community safety is appropriately considered by the developer to ensure good design is achieved in accordance with National Planning Guidance. I would also wish to ensure requirements of Section 17 of the Crime and Disorder Act 1998 is adhered to.

**Natural England:** Natural England concurs with the conclusion of the HRA screening assessment of no likely significant effects on European designated sites if the mitigation proposed is secured. With regards to the SANGS, maintenance will need to be secured in perpetuity. In addition, the SANGS will need to provide a safe area for dogs that are off-lead.

**Highways England:** Due to concerns raised with regard to the proposed development and the potential impact on junctions on the A19 at Elwick a holding notice is issued for further discussions to take place to ensure that the A19 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road network and in the interests of road safety.

The recommendation shall be maintained until sufficient information has been received to enable Highways England to reach an alternative view at which point a further notice will be issued.

Removal of Holding Recommendation (12/01/2018)

Following extensive working between officers and the applicant Highways England can now replace our recommendation of non-determination on this application with a conditional response.

**Northumbrian Water:** Thank you for consulting Northumbrian Water on the above proposed development.

In making our response Northumbrian Water (NW) 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 NW has the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment*". In this document it states foul water will discharge into manhole 3306. Surface water should not connect to the public sewer adjacent to the site. We have identified a culverted watercourse that the applicant can connect to. Discharge rates into this should be agreed with the lead local flood authority.

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

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

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

**Environment Agency:** I can advise that the proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. We therefore have no comments to make on this application.

**Hart Parish Council:** Hart Parish Council are opposed to this development. It is evident that individual developers have little interest in proper development which includes a thoughtful and necessary introduction of road infrastructure and adequate sources of school places.

One narrow exit for 220 houses onto an already busy estate with a pitiful resort to emergency outlets at the rear of the proposed development onto a narrow lane (Worset Lane).

This equates to at least 440 additional vehicles which require commuter access to Hartlepool, north and south to areas as far as Teesside and Tyneside. Access to the A19 would obviously be a further concern for the residents of Elwick for southern journeys and the shortest route to the A19 north would be along Naisbury Lane onto the A179 which is already at an unacceptable level at peak times.

School places on the west side of Hartlepool are already at a premium and in the opinion of Hart PC would require road journeys towards the centre and beyond to find accommodation, which again brings unwelcome travel into focus.

In view of the current plethora of planning applications there should be in place a requirement on the part of all potential developers to subscribe towards substantial improvements to the road network and educational establishments.

### 2<sup>nd</sup> objection received

The Hart Parish Council opposes this application on the grounds that there is no indication that the developers are prepared to enhance the infrastructure.

Time and again we are asked to comment on unwieldy developments with no thought given to the routes that the additional traffic generated will take. This proposal is outside the bounds of Hart Parish Council but will undoubtedly impact on the road system around Hart by virtue of it being yet again a commuter based residential estate, adding to the already numerous commuters travelling to areas from Tyne to Tees. The present road system is unsustainable.

It is not acceptable to find Worset Lane being proposed for emergency exits. How long before these are breached and a very narrow and truly country lane is inundated with illegal traffic.

The traffic problems already faced in Elwick Village and on the roads around Hart Village must be given serious consideration. It is really a case of the sins of the father being cast upon the children and the consequences if not dealt with in real time will bring untold problems in the foreseeable future. We are concerned for the probable use of the lanes which give access to the A179. From this area the route around the north of Elwick leading to the A19 is an essential. Our understanding that the reconstruction of the northern junction to Elwick has been put in abeyance on the reasoning that the fatal accident rate has not been met. Are volunteers being sought to redress the situation.

It is time for the Planning Committee and the Planning Office to grasp the nettle and take account of the number of applications which are flying in under the loss of the Local Plan.

Apart from the added residential cars added to the equation no account seems to be taken of the number of delivery vehicles which subsequently daily ply residential estates and find difficulty in negotiating the narrow estate roads littered with pavement parked car and vans.

Further response

There is great concern about the impact on the infrastructure, especially roads and waste water/sewage. Councillors felt that the current road infrastructure is already struggling to cope with the volume of traffic – particularly Hart Lane and the A179; a further 200+ residences are likely to lead to upward of a further 3-400 vehicles every day needing to use these road. Planning permission should be dependent on the road infrastructure being improved.

**Tees Valley Wildlife Trust:** No comments

**Heritage and Countryside:** No comments

**Ramblers:** We thank the council for consulting the Rambler's Association on the proposed development.

We are glad that the developer is following the advice given in Section 8 'Promoting healthy communities' of the NPPF; and Section 7 'Planning permission and rights of way' of Circular 1/09 (available at <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>) to enhance existing public rights of way network and provide links to the wider network.

**Hartlepool Civic Society:** This proposed development throws up major concerns. The damaging and unwarranted absence of a Local Plan has not unexpectedly resulted in a frenzy amongst developers, a tidal wave of housing – another plan resulting in more intrusion into the Borough's fast-diminishing countryside.

If this application for 220 houses were to be approved, then there will be a minimum of 440 vehicles exiting and entering the estate – mostly within a narrow time span – morning and evening. The proposal which has been put forward necessitates traffic using Reedston Road (which is currently a quiet residential street) and thence through the Naisberry Estate to come out on Elwick Road or Hart Lane – this situation is going to cause major snarl ups in this estate reducing the quality of life for residents and grid locks near the traffic lights in Hart Lane caused by motorists getting into Elwick Road and again major congestion will ensue at the Dunston Road roundabout.

Hart Lane is a difficult access to the Town Centre, due to the restricted width caused by parked cars and the alternative via Elwick Road is contorted and liable to be overwhelmed. Added to which will be the traffic bringing pupils to High Tunstall School. Even a limited increase in traffic will impact upon the Park Conservation Area and the Elwick Conservation Area.

A large proportion of the traffic will be commuters – (who despite the statement in the travel plan that Hartlepool Town Centre, in a persistently high unemployment area, is likely to provide the major part of employment – are going to be commuters to Teesside or other large regional centres. The suggestions that Hartlepool Hospital is going to be a major source of employment may be a welcome dream but the actual situation suggests this is a cruel joke.

In reality the majority of the residents of the proposed estate are almost certainly going to be heading for the A19. This will be too much pressure on Elwick village and the narrow country lanes between the proposed site and the A19. The A19 itself, which is a major regional route, is showing considerable strain especially at commuter times.

We understand that meetings are currently being held with the Highways experts. There already are major concerns with the extra traffic which was created by Bishop Cuthbert (which is set to expand with another 500 homes), with traffic going across town and commuter traffic accessing the A19.

The cumulative effect of other applications in the vicinity of this proposal must be considered. The situation is really becoming intolerable for residents – many of whom have expressed their objections to these developments.

Hartlepool Civic Society has always maintained that if there is a proven need for more housing in Hartlepool, which we doubt there is on the scale being proposed - Brownfield sites - which we have identified in our submissions to the Local Plans – should be utilised before more land is being taken up. In particular, it is time a realistic view was taken of the Oakesway Estate – which has had no 'takers' for 20 years.

Here is a large, central, truly sustainable site with access to public transport, schools, doctors, shops etc. The road network is suitable for access in several locations which therefore would require no major changes and employment to be had in Hartlepool Centre would be within walking distance – (as is the Hospital).

Over the last couple of years – applications have thrown up the situation regarding drainage – there is too much demand on the existing homes in the Park Area – this development could well provide homes for over 1,000 people - add provision for this number to the amount of rainwater deposited on these sites there is just too much demand. This, in turn, will have an effect on established housing.

The Society would also ask the question – can the schools in this area cope with the increase in pupils. With no school provided on the large Bishop Cuthbert development, the answer we feel is NO.

We would also remind the Council that following the examination of the Local Plan in 2013 the Inspector did not identify this site for development.

In summary, the Society does not believe the road network in the area will be able to cope with the increase in traffic; there will also be a negative impact on the A19. Services in the area, particularly schools and drainage are insufficient to cope with increased demand, the site is generally unsustainable – being heavily dependent on car use and there will be a detrimental impact on the amenity of adjacent residents.

For all the reasons outlined above Hartlepool Civic Society urges the Council to refuse this application.

**Dalton Parish Council: Object**



**Hartlepool Rural Neighbourhood Group:** No comments received

**Durham County Council:** I can confirm that the Council raise no objection to the above proposed works.

*Further comments were received in January 2018 from DCC in respect of Sheraton interchange highway works to which DCC confirmed no objections to the gap closures and that there is a workable solution in respect of the timing for the highway works at Sheraton interchange (which need to be undertaken prior to the gap closures which is discussed above under the HBC Traffic and Transport section's comments).*

## PLANNING POLICY

### NPPF

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

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

3.20 The following paragraphs in the NPPF are relevant to this outline 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
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles

32	Transport Statement or Transport Assessment
34	Minimise the need to Travel
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
96	Minimise energy consumption
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 206	Planning Obligations
216	Weighting of emerging policies

## REGIONAL SPATIAL STRATEGY

3.21 On Monday 15<sup>th</sup> April 2013 the North East Regional Spatial Strategies (RSS) was revoked and therefore no longer forms part of the development plan for the Borough.

## ADOPTED TEES VALLEY MINERALS AND WASTE DPD

3.22 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.

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

Policy	Subject
MWP1	Waste Audits

## EMERGING LOCAL PLAN (2016/17)

3.24 The Council Submitted its Local Plan to the Secretary of State in March 2017. The Examination has been ongoing since the Inspector was appointed and the Hearing sessions took place in September and October 2017. The site was included in the Local Plan for 220 dwellings. The Council has recently received the Inspectors Interim Findings which did not make any changes to the housing sites / numbers within the plan. The Council will undertake an eight week consultation on the Inspector's Main Modifications between December 2017 and February 2018. Once the Inspector has considered any responses to the consultation he will produce his final report which should then allow the Council to adopt the Local Plan. Given the advanced stage of the preparation of the plan the policies within it, in most circumstances, can now be given great weight. Some of the newly formed evidence

base work which has been prepared to support the plan is of relevance and some weight should be afforded to the findings of those studies. They include:

**1) 2015 Hartlepool Strategic Housing Market Assessment (SHMA)** – This document looks at housing need across the Borough. The application site falls within the Rural West Ward. The Rural West Ward is illustrated to have the highest house values in the Borough. Hartlepool has a self contained market in general; however the Rural West Ward does have the highest numbers of in migrants from other areas of the Tees Valley, North East and the rest of the country. The SHMA goes on to assess the overall housing need and notes that to meet this need, between 300-325 new homes need to be delivered each year. Of these, 144 need to be affordable. Given a large proportion of properties within this ward are larger detached dwellings, the main need identified is for flats, bungalows and smaller detached houses or cottages. It is appreciated that at this stage the proposals are outline and the exact breakdown of house type will be confirmed at Reserved Matters stage. If the development is able to deliver a range of house types including bungalows and some smaller detached dwellings or cottages this would help to achieve the housing need within the locality.

**2) 2015 Strategic Housing Land Availability Assessment (SHLAA)** – the site was assessed as part of a wider site (rural site number 49 in the assessment). It was considered deliverable within the plan period for a total of 300 dwellings (this included the 81 which have already been given permission) with a split of 140 in years 1-5 and 160 in years 6-10. This would mean that the level of development sought is in line with the SHLAA.

**3) 2015 Open Space, Sport and Recreation Strategy** – it is evident from the strategy that the number of play facilities in the vicinity is low with the nearest sites being Ward Jackson Park and Middle Warren. As such it is positive that the indicative layout (plan HG3002/011/REVC) includes large areas of open space as well as a play area and trim trail. These are elements we would expect to be included at reserved matters stage.

**4) 2016 Local Infrastructure Plan** - A particular weakness for Hartlepool is the reliance on only two principal access points to/from the A19, namely the A179 and the A689. Both of these access points are becoming increasingly congested. As well as acting as a physical constraint on specific development proposals, congestion and delays can have a significant impact on economic performance and act as a deterrent to future expansion and investment. A key strategic aim of the Local Plan is to provide a new grade separated junction on the A19 at Elwick, to be delivered in conjunction with new housing development in the north west of the town. This will provide an alternative, safe access to the A19 and relieve congestion at the A179 and A689 junctions, reducing the costs associated with delays and improving reliability of the road network.

#### ADOPTED LOCAL PLAN (2006)

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

3.26 Within the current Hartlepool Local Plan this site lies outside of the limits to development and this policy is considered out of date as we can't demonstrate a five year supply of deliverable housing sites without extending the urban fence, as proposed within the emerging Local Plan. The following policies are relevant to this application:

<b>Policy</b>	<b>Subject</b>
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
RUR1	Urban Fence (out of date)
RUR7	Development in the Countryside
RUR18	Rights of Way

3.27 Further information relating to the level of compliance that each policy has with the NPPF can be viewed on the Council's web site.

### **Planning Policy Comments;**

#### Principle of development

3.28 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Within the 2006 Hartlepool Local Plan this site lies outside of the limits to development however this policy is considered out of date as the Council cannot demonstrate a five year supply of deliverable housing sites without extending the urban fence, as proposed within the emerging Local Plan. Where policies are out of date the local authority must approve applications unless in doing so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits.

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

3.30 Given the sites location and proximity to services and taking account of the indicative layout showing green space, play and footpath links to other areas,

Planning Policy considers that the principle of development within this area would constitute sustainable development which is reflected by the sites inclusion as a housing site in the emerging Local Plan under Policy Hsg5a which is considered to hold great weight given the stage of development of the Local Plan and the relatively minor objections which remain unresolved.

## PLANNING CONSIDERATIONS

3.31 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact upon the amenity of neighbouring land users, character and appearance of the surrounding area, highway safety, drainage, landscaping, heritage, archaeology, ecology and other residual matters.

## PRINCIPLE OF DEVELOPMENT

### *Hartlepool Local Plan (2006)*

3.32 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.

3.33 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. 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 this policy is not considered to be consistent with the NPPF and therefore no weight can be afforded to it.

3.34 Saved policy Rur12 (New Housing in the Open Countryside) restricts the development of isolated new dwellings in the open countryside unless related to the efficient functioning of agricultural, forestry or other approved or established uses in the countryside and subject to considerations of the viability of the enterprise, the scale of the development and the impact on the character of the rural environment.

3.35 Saved Policy Rur7 which is considered consistent with NPPF, is also considered to be relevant. This policy sets out a number of criteria for development in the countryside including the requirement to deliver sustainable development through a satisfactory relationship of the development to other buildings and the visual impact on the landscape. These matters will be considered in further detail below.

### *Emerging Local Plan and evidence base*

3.36 The policies of the emerging Local Plan relevant to the proposed development are identified in the policy section.

3.37 The proposed site has been included in the emerging plan (Policy Hsg5a) with an allocation of 220 dwellings. The site covers an area of approximately 11.30 hectares, with 8 hectares being used for development and 3.3 hectares being utilised for open space. The Examination has been ongoing since the Inspector was appointed and the Hearing sessions took place in September and October 2017. Following the hearing sessions for the emerging plan the Council has now received the 'Inspectors Interim Findings' which did not make any changes to the allocation of housing sites/numbers within the plan. Given the advanced stage of the preparation of the plan the policies within it, in most circumstances, can now be given great weight. Some of the newly formed evidence base work which has been prepared to support the plan is of relevance and some weight should be afforded to the findings of those studies.

### *Hartlepool Rural Neighbourhood Plan*

3.38 It is not considered that there is any conflict with the emerging Hartlepool Rural Neighbourhood Plan as the application site lies outside of the boundary of the Neighbourhood Plan.

### *Supply of deliverable housing sites*

3.39 A significant material consideration is the supply of housing land. Increasing the supply of housing is clearly one of the government's priorities and this is reflected in NPPF paragraph 47 which states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that the full objectively assessed needs for market and housing in the market area is addressed.

3.40 NPPF paragraph 49 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.'

The NPPF states 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.' (Paragraph 55).

3.41 The previous inability of the Council to demonstrate a 5 year supply of deliverable housing sites meant that, in accordance with NPPF paragraph 49, any saved policies included in the 2006 Local Plan regarding the supply of housing were not considered up-to-date. As the Council is now with the allocations in the emerging plan able to demonstrate a 5 year supply of deliverable housing sites (5.19 years), policies in the 2006 Local Plan which deal with the supply of housing need to be assessed in the context of NPPF paragraph 215 which states that 'due weight' should be given to relevant existing policies depending on their degree of consistency with the NPPF.

3.42 In this context, the housing requirement in the 2006 Local Plan is not up-to-date (and therefore the saved housing policies are not considered to be fully compliant with the NPPF). The Council is therefore using the housing requirement in the emerging Local Plan (which incorporates a fully objectively assessed housing need (OAN)) as the requirement against which the five year supply of deliverable housing site is assessed.

### *Sustainable Development*

3.43 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 can now 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).

3.44 In an appeal decision within the Borough for residential development (appeal ref APP/H0724/W/15/3005751, decision dated 21<sup>st</sup> 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”.*

3.45 Critically, the NPPF states (paragraph 14) that where relevant policies are out of date 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 (social and 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)
- It will potentially deliver beneficial ecological benefits (environmental)
- The application would improve accessibility by securing a contribution towards footpaths connecting the site to existing footpaths and the existing urban areas (environmental)

- It will potentially deliver beneficial highway safety mitigation impacts (environmental)
- The development would secure financial contributions towards improving recreation facilities (in the form of play facilities, playing pitches etc.), 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)
- The development would secure financial contributions towards the new proposed Elwick bypass and grade separated junction at the A19 (economic)

#### *Disbenefits*

- Loss of agricultural land (environmental + economic)
- Potential highway impacts (environmental)
- It will require the removal of trees and hedgerows (environmental)
- Potential adverse ecological impacts (environmental)

#### *Planning Obligations*

3.46 Saved Policies GEP9 and Rec2 (and emerging Local Plan policy QP1) 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.

3.47 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 support the provision of the facilities within proximity of the site.

3.48 Discussions have been ongoing regarding developer contributions and the viability of the scheme. The contributions originally sought for the development before a viability assessment was submitted are listed below:

- On-site play facility.
- On site green wedge to the scale indicated within the indicative Masterplan.
- £250 per dwelling for built sports facilities (£55,000)
- £233.29 per dwelling for sports pitches (£49,123.80)
- £57.02 per dwelling for tennis courts (£12,544.40)
- £4.97 per dwelling for bowling greens (£1,093.40)
- primary education contribution to new school (£650,611.50)
- secondary education contribution (£425,034.28)
- Transport contribution towards bypass/A19 junction (£2,640,000) (could reduce if grant funding achieved)
- 18% affordable housing which equates to 40 on site.



3.49 Officers have worked with the applicant to assess the viability of the site and have reached an agreement as to the level of contributions that can be justified through. The applicant is willing to enter into a Section 106 Agreement to secure the following contributions and obligations;

- On-site play facility.
- On site green wedge to the scale indicated within the indicative Masterplan.
- £250 per dwelling for built sports facilities (£55,000)
- £233.29 per dwelling for sports pitches (£49,123.80)
- education contribution (£638,676)
- Transport contribution towards bypass/A19 junction (£2,640,000) (to be redistributed if grant funding achieved)(see below)
- 7.7% affordable housing onsite which equates to 17
- Ecology contribution (£55,000)

3.50 A flexible S106 Legal Agreement will be required to take advantage of any subsequent external funding which the Council could secure to subsidise the delivery of the Elwick Bypass and A19 Grade Separated Junction. The Council is currently pursuing several funding bids (in the form of grants) which could introduce additional funding of between £8m to £18m and this will be a direct pro rata subsidy to the infrastructure delivery. If the Council was successful, the grant would be used to subsidise the works to the bypass and this would mean that a significant proportion of the earmarked £2,640,000 could be directed towards other planning obligations e.g. affordable housing and education provision, which would contribute to making the development more sustainable.

#### *Sustainability (and Principle of Development) conclusion*

3.51 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, in particular the reduction of on-site affordable housing and education contribution.

3.52 Significant weight is required to be placed on the need to support economic growth through the planning system. The Local Planning Authority's current 'saved' policies for the supply of housing are not be considered to be in full accordance with the NPPF.

3.53 Consideration is given to the significant contribution the development will provide towards boosting housing numbers and towards the key highway infrastructure works. Consideration is also given to the site's location. The site is located within a short distance of local services, including shops, schools and is serviced by a local bus service. 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 on balance deliver sustainable development within the overall meaning of paragraphs 18-219 of the NPPF. Consequently the provisions of paragraph 14 clearly apply.

3.54 It is considered that in this instance none of the concerns/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.

#### DESIGN/IMPACT ON THE AMENITY OF NEIGHBOURING LANDUSERS & THE CHARACTER AND APPEARANCE ON THE AREA

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

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

3.57 Officers consider that the indicative layout of the 220 dwellings upon the site has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it.

3.58 It is considered that the density of the site is acceptable and is reflective of the surrounding area. The indicative layout show that separation distances proposed between dwellings within the site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. However it is noted that this application is in outline to establish the principle of development full details regarding design and layout are to be submitted at a later date with a reserved matters application when they will be fully assessed.

3.59 The closest neighbouring properties are to the east of the application site. The proposal is in outline and therefore no detailed layouts have been provided, however the Indicative Site Layout Plan shows that dense hedging will in part be retained and additional planting provided. The separation distances indicated between the proposed dwellings and neighbouring dwellings to the east significantly exceed the guideline separation distances in the Local Plan. The applicant/developer will have to demonstrate at the reserved matters stage that satisfactory relationships can be achieved. However, given the indicative layout plan submitted to accompany the application, it is anticipated that satisfactory relationships can be achieved

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

3.61 The site is currently agricultural land on the edge of a settlement and it is inevitable that the introduction of an urban extension will change the character of the area. However, the site is, or will be, bounded to the east and south by residential areas and in many views will be seen in that context. It is also the case that existing hedgerows to the north and west are to be retained and will to a degree filter and screen views of the site. The development will provide enhancement to the existing landscape features. In this context it is considered that the development will represent a logical extension of the urban area and that it will not appear unduly incongruous. In terms of its impact on the character and appearance of the area therefore the proposal is considered acceptable.

#### IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

3.62 A number of objections have raised concerns with respect to the impact of the development on highway safety and increasing congestion.

3.63 The impact of the development has been considered in detail during the course of the consideration of the application(s) with a number of parties being involved, including Highways England (responsible for the A19), HBC Traffic and Transport section, Durham County Council, Cleveland Police and Durham Police (in addition to the applicant's acting transport consultants).

3.64 Detailed comments have been provided by HBC Traffic and Transport which are set out in full above and are considered as follows;

#### Wider Road Network

3.65 Concerns were expressed by HBC Traffic and Transport that this development would have a detrimental impact on safety at the A19 Elwick junction particularly with the queue of right turning vehicles extending beyond the queuing lane into the main running lane on the A19.

3.66 As a result a joint transport assessment has been undertaken along with the High Tunstall development Story Homes (reference H/2015/0551, for 208 dwellings) with the scope of the assessment has been agreed with HBC Traffic and Transport section.

3.67 In order to address these concerns, and to bring forward development prior to the construction of the Elwick by-pass and grade separated junction, a scheme for the closure of the central gaps on the A19 at both Elwick junctions and at Dalton Piercy has been produced. It has been agreed between the above referenced

parties that this can only be done after extensive improvement/signalisation works at the Sheraton interchange to prevent traffic queuing back onto the A19 have been completed as the existing junction cannot accommodate the additional traffic that will be generated by preventing right turn manoeuvres at the three junctions.

3.68 The signalisation of Sheraton is being delivered by Durham County Council and funded by Highways England. HBC Traffic and Transport consider that the gap closure scheme would address concerns about right turning traffic on the A19. This view is supported by Highways England and Durham Country Council.

3.69 The scheme is only considered to be a short term measure and the development will be required to pay a pro rata contribution towards the construction of the Elwick by-pass and Grade separated junction (GSJ).

3.70 For the avoidance of doubt, it has been agreed that the works at Sheraton interchange and the gap closures can accommodate the current application for 220 dwellings at Quarry Farm 2 and the High Tunstall application which is currently under consideration (H/2015/0551).

3.71 HBC Traffic and Transport raised concerns that if the A19 gaps are not closed prior to the commencement of the development there may be issues with construction traffic and operatives vehicles using the A19 / Elwick junctions. Notwithstanding these concerns, HBC Traffic and Transport accept that in order to allow development to commence prior to construction, Highways England who are responsible for the junction, have required the developer to produce a construction traffic management plan (CTMP) in an attempt to direct construction traffic to alternative routes. This has been duly agreed with Highways England, HBC Traffic and Transport and HBC Public Protection and its requirement has been secured by way of a planning condition. It should be noted that no further housing outside of the 220 dwellings on Quarry Farm 2 and the 208 dwellings on High Tunstall can commence until the commencement of the Elwick by pass and the GSJ.

3.72 In summary, following the submission and agreement of the applicant's CTMP and subject to a condition for the works at the Sheraton interchange being completed first, followed by the three, identified gap closures at the A19, Highways England have been able to lift their holding recommendation and along with HBC Traffic and Transport do not object to the application. Durham County Council has also confirmed that they have no objections in principle to the proposed works.

### Local Road Network

3.73 As set out in the HBC Traffic and Transport section's comments, several junctions on the local highway network were assessed for capacity. Whilst there will be a cumulative impact on the local highway network, HBC Traffic and Transport have confirmed that it is not considered to be 'severe' (as defined by paragraph 32 of the NPPF) until after the 220<sup>th</sup> dwelling at Quarry Farm 2 and 208<sup>th</sup> dwelling at High Tunstall (H/2015/0551) have been completed. As such, HBC Traffic and Transport section has confirmed that there are therefore no requirements to carry out mitigation works to any junctions on the local road network.

3.74 The development will be accessed from Reedston Road. HBC Traffic and Transport consider that the carriageway is of sufficient width to accommodate the development and there are no anticipated issues with the capacity and safety at its junction with Cairnston Road.

#### DRAINAGE/FLOOD RISK

3.75 Objections have been received with respect to the proposed development exacerbating existing drainage and flooding problems within the area. The latest flood map from the Environment Agencies website illustrates that the site is at low risk of flooding.

3.76 The Council's Principal engineer has considered the information and FRA submitted with the application. No objections are raised subject to a land drainage condition being imposed on any approval which is recommended accordingly. The condition is required to ensure that an appropriate surface water management strategy, through detailed design, is considered and fully agreed with the LPA.

3.77 No objection has been received from Northumbrian Water subject to conditions requesting details of foul water discharge.

3.78 It is therefore considered subject to appropriate conditions the proposal in terms of drainage and flooding is acceptable.

#### LANDSCAPING

3.79 Planning policy GEP1, GEP12 and Hsg9 support the retention of the existing hedgerows on the peripheries of the site and support the intention for additional planting belt. Whilst it is appreciated that full details of the layout and design of the dwellings and open spaces is to be submitted at a later date due regard should be had in particular to this rural location that abuts the urban area.

3.80 The Tree Survey and Plan that was submitted with this application and provides a reliable and accurate picture of what trees are currently there and also provides an overview of perceived maintenance issues. Most of the trees referred to are semi-mature and were planted as screening and shelterbelts.

3.81 The Council's Arboricultural Officer has been consulted and raises no objection. An arboricultural method statement will be required which will describe how the trees that are to remain will be protected during the construction phase and any other issues to mitigate damage to existing trees. There will also be a requirement to agree the proposed landscaping. This can be secured by appropriate conditions.

#### HERITAGE AND ARCHAEOLOGY

3.82 The Council's Heritage and Countryside Manager has confirmed that the proposal will not affect any heritage assets. Tees Archaeology has also considered the submitted information and is satisfied that the proposal would not affect any archaeological assets. The proposal is therefore considered to be acceptable in this respect.

## ECOLOGY

3.83 The application has been considered in detail by the Council's Ecologist. Advice has also been provided by Natural England. 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.

3.84 In considering the European site interest, the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010 must consider any potential impacts that a proposal may have and has therefore undertaken Habitat Regulations Assessment (HRA) stage 1 screening. The HRA screening has been undertaken by the local authority (as the competent authority) and it has been duly considered by Natural England as a statutory consultee in this process.

3.85 As a result, the following types of ecological mitigation for the development (as set out within the HRA) are required:

9. An area of 3.3 Ha SANGS that will encourage, in particular, daily dog walking.
10. A financial contribution for coastal wardening and management (£55,000).
11. Provision to each household of an information pack highlighting on-site recreational opportunities and the importance safeguarding European Sites.

3.86 The HRA Stage 1 concludes that mitigation will be applied in order to negate all Likely Significant Effect, resulting in a final assessment of 'No LSE'.

3.87 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 and raises no objections to the application, providing that all mitigation measures are appropriately secured. These measures will be secured by a planning obligation within a section 106 legal agreement.

3.88 With regard to any impact on protected species, a Bat Survey Report was submitted with the application; the Council's Ecologist is satisfied that there will be no impact upon protected species. However the proposed development will provide an opportunity to create suitable, long term bat and bird roosting and nesting opportunities and recommends condition(s) to provide permanent bat/bird roost brick within each of the new dwellings. Subject to the above referenced 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.

3.89 In line with NPPF, the LPA should require development to enhance biodiversity and the environment where possible; this can be secured through appropriate condition.

## OTHER PLANNING MATTERS

### *Public rights of way*

3.90 There is an existing public right of way (Public Footpath No.3) which runs close to the eastern boundary of the northern half of the proposed development. There will be a requirement for a formal diversion and partial stopping up of this footpath to allow for the access to be taken from Reedston Road into the site. The diversion of the footpath will be subject to a separate application considered outside the planning system.

3.91 The indicative layout plan shows the formation of both formal and informal footpath links between the development and the public rights of way, these will be secured through the Section 106 agreement. This will allow for the creation of suitable access links to benefit the public and residents of the new development site. The Countryside Access Officer has been consulted and raises no objection to the development. In terms of its impact on public right of way the proposal is considered acceptable.

### *Agricultural land*

3.92 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 'very good'. 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.

### *Education*

3.93 Objections have been raised with regard to the impact the development will have on schools. As indicated above, the development would secure through a planning obligation, a contribution towards education in the main urban area of Hartlepool. The scheme is therefore considered to be acceptable in this respect.

### *Contaminated land*

3.94 The Council's Principal Engineer has requested that further site investigation works into contaminated land are secured by an appropriate planning condition.

## RESIDUAL MATTERS

3.95 Concerns are raised by objectors with regard to crime and anti social behaviour. It is not considered that a residential development would significantly increase the risk of crime or anti-social behaviour in the area and should this arise it is considered to be a matter which can be controlled by other legislation. Furthermore Cleveland Police were consulted regarding the proposed development and have raised no objections however have commented that the applicant should consult the police directly to ensure crime prevention and community safety and prevention measures are put in place where appropriate.

3.96 Devaluation of property is cited as a reason for objection however this is not a material planning consideration and as such cannot be taken into consideration when assessing this application.

## PLANNING BALANCE AND OVERALL CONCLUSION

3.97 The development is an unallocated site located outside of the established development limits of the adopted Local Plan. It is acknowledged however that the site is to be included as a housing site within the development limits as part of the emerging Local Plan.

3.98 Whilst the LPA is now able to demonstrate a 5 year supply, the Council's housing policies are not considered to be in full compliance with the NPPF and (great) weight is now being afforded to the housing policies within the emerging Local Plan.

Applications are also to be considered in the context of the presumption in favour of sustainable development.

3.99 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/or fully compliant with the NPPF, any harm to the local plan as a whole is outweighed. The scheme is also considered to be acceptable in respect of other material considerations for the reasons set out above.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.100 There is no evidence of equality or diversity implications.

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

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

There are no Section 17 implications.

## REASON FOR DECISION

3.102 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, built sports (£55,000), sport pitches (£49,123.80), education (£638,676), highway contribution (£2,640,000), provision of 17 onsite affordable houses, on-site play facility and on-site SANGS (3.3 ha) and Ecology mitigation contribution (£55,000) (and an obligation to provide householders with an



information pack) an obligation relating to the provision, maintenance and long term management of play facilities, recreational facilities (eg TrimTrail), open space including SANGS landscaping and paths, an obligation to retain hedges on western and northern side of site, an obligation to make provision for footpath links, an obligation relating to the provision, maintenance and long term management of SUDS, an obligation relating to securing a training and employment charter/local labour agreement, an obligation to deliver and implement a travel plan (the s106 agreement will be flexible should the grant funding for the Elwick By Pass (GSJ) be successful and allow for the recycling of contributions to meet other obligations identified in this report (particularly in relation to Affordable Housing and Education) should they not be required in whole or in part to meet the original purpose and subject to the following conditions;

#### CONDITIONS – QUARRY FARM 2 (H/2015/0582)

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the means of pedestrian access and internal highway layout and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
In order to ensure these details are satisfactory.
3. Prior to the occupation of the dwellings hereby approved, a scheme for i) the works to upgrade the Sheraton Interchange (A19/A179 junction) and ii) the closure of the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England. Thereafter, prior to the occupation of the dwellings hereby approved, the agreed scheme for the upgrade to Sheraton Interchange (A19/179 junction) shall be completed and the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall have been closed to prevent right hand turn manoeuvres, in accordance with the details and timetable for works embodied within the agreed scheme. For the avoidance of doubt such a scheme for the gap closures could include temporary works ahead of permanent works, however any change from temporary to permanent measures for the closure of the gaps must be contiguous and ensure that there is no time gap between the end of the temporary and the start of the permanent closures to ensure the gaps remain closed.  
In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.

4. The total development hereby approved shall not exceed the following maxima: Up to 220 Residential dwellings (C3 Use Class).  
To ensure a satisfactory form of development.
5. The development hereby permitted shall be carried out in accordance with the plan (HG3002/011/Rev C) Built Form Masterplan received 7 December 2015 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
6. The permission hereby granted shall permit the phased development of the site. Prior to or alongside the submission of the first "reserved matters" application, a Phasing Plan/Programme shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plans/Programmes shall identify the phasing of all development, infrastructure, landscaping including strategic landscaping, the means of access/pathways, public and amenity open space, suitable alternative natural green space (SANGS), and play/recreational facilities of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.  
To ensure the co-ordinate progression of the development and the provision of the relevant infrastructure and services to each individual phase.
7. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.  
In the interests of highway safety and to ensure a satisfactory form of development.
8. The proposed 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, 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.
9. 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.
10. No development on any phase shall take place until a scheme for a surface water management system for that phase including the detailed drainage/SuDS design including proposed fencing, has been submitted to and approved in

writing by the Local Planning Authority. The scheme must ensure that the existing Greenfield run off rate for the site be achieved as a minimum and bettered where possible as well as 100 year store return period (+ 40% climate change allowance) being contained within the red line boundary of the site. It must be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and should, where possible, make space for water above ground through the use of the open space on the site to provide multiple SuDS solutions. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented prior to the occupation of any part of that phase of the development and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, both on and off site ensure that the impacts on trees are taken into account in any design and in the interest of enhancing biodiversity.

11. Prior to the commencement of development details of play/recreational facilities and public open space to be provided on site (including their/its location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play/recreational equipment), shall be submitted to and approved in writing by the Local Planning Authority. The play/recreational facilities and public open space shall thereafter be provided in accordance with the details so agreed.  
In order to ensure that these details are acceptable and are brought forward at an appropriate time in the interests of providing a sustainable development.
12. Prior to the commencement of development details of existing and proposed levels of the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the Local Planning Authority.  
In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.
13. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.

14. 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.
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 protection scheme should also extend to hedgerows on or adjacent to the site. 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. The details submitted at reserved matters shall include an Arboricultural Method Statement/Tree Protection Plan to describe how trees that are to remain on site will be protected during construction phase and any other issues to mitigate damage to existing trees.  
To protect existing trees on the site.
17. Prior to the commencement of development a scheme to provide bat mitigation for the local bat population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The bat roosting features shall be built into 25% of buildings. The bat mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.  
To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

18. Prior to the commencement of development a scheme to provide bird mitigation for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The bird nesting features shall be built into 25% of buildings. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.  
To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
19. Prior to the commencement of development, a scheme for low level lighting for areas of development adjacent to wildlife corridors as set out in the Bat Survey Report received 7 December 2015, shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the type of lighting and demonstrate how light spill will be minimised on the areas of habitat that are of importance (linear features such as hedgerows). The development shall be carried out in accordance with the approved details.  
In order to prevent disturbance to wildlife and the interests of the ecology of the area.
20. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.  
In the interests of breeding birds.
21. 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. 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) (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, 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.

22. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.  
To avoid excessive noise and disturbance to the occupants of nearby properties.
23. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
24. 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
25. Prior to the commencement of each phase of development, details for the

storage of refuse 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 details.

To ensure a satisfactory form of development.

26. The development hereby approved shall solely operate in full accordance with the Construction Transport Management Plan Reference Number: VACE/JO/HB/dc/ITM10364-010D TN received by the Local Planning Authority on the 12th January 2018 throughout the construction period of the development hereby approved, unless some variation is agreed in writing with the Local Planning Authority in consultation with Highways England. In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.
27. Notwithstanding the provisions of Part 1 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) 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.
28. 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 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 existing and future occupants of the adjacent residential properties
29. 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.
30. Prior to the commencement of the housing development hereby approved details of the proposed emergency access onto Worset Lane including details of construction and surface treatments, accommodation for pedestrians and cyclists, enclosures and details of the proposed measures to manage access and to control the unauthorised use of the access by vehicles shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt in terms of its use by vehicles this access shall function as an emergency access only at the discretion of the Local Planning Authority. In the interest of highway safety.



## **BACKGROUND PAPERS**

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

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## LAND AT QUARRY FARM PHASE 2



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>13/12/17</b>
	SCALE <b>1:5000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2015/0528</b>	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.

**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.

## **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**

**1.** The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework for producing distinctive local and neighbourhood plans.

**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.

**4.** This Framework should be read in conjunction with the Government's planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.

**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.

**8.** To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

**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.

**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.

**31.** Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.

**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.

**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.

**38.** For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

**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 deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable<sup>12</sup> 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.



**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.

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

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

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

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

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

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

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

**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.

**216.** From the day of publication, decision-takers may also give weight<sup>40</sup> to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

## **Emerging Hartlepool Local Plan Policies**

### **Policy SUS1: The Presumption in Favour of Sustainable Development**

SUS1: Presumption in favour of Sustainable Development; When considering development proposals the Council will take a positive approach that reflects

the presumption in favour of sustainable development contained in the National Planning Policy Framework.

#### **Policy LS1: Locational Strategy**

LS1: Sets the overarching strategic policy objectives for land use development in Hartlepool. It outlines key infrastructure requirements, housing developments to meet set requirement, focus for retail, commercial and employment land and protection and enhancement of the built and natural environment.

#### **Policy CC1: Minimising and adapting to Climate Change**

CC1: The Council will work with partner organisations, developers and the community to help minimise and adapt to Climate Change. A range of possible measures are set out in the policy; including development of brownfield sites, enhanced sustainable transport provision, large scale developments to incorporate charging points for electric / hybrid vehicles, reduction, reuse and recycling of waste and use of locally sourced materials, reuse of existing vacant buildings, encouraging a resilient and adaptive environment which are energy efficient, using relevant technology and requires a minimum of 10% of the energy supply from decentralised and renewable or low carbon sources.

#### **Policy INF1: Sustainable Transport Network**

INF1: The Borough Council will work with key partners, stakeholders and other local authorities to deliver an effective, efficient and sustainable transport network, within the overall context of aiming to reduce the need to travel. A range of measures are detailed in the policy.

#### **Policy INF4: Community Facilities**

INF4: The policy sets out that to ensure that all sections of the local community have access to a range of community facilities that meet education, social, leisure/recreation, and health needs, the Borough Council will: protect, maintain and improve existing facilities where appropriate and practicable require and support the provision of new facilities to serve developments and to remedy any existing deficiencies. As part of the High Tunstall, South West Extension and Wynyard housing allocations the developers will be required to safeguard land for new primary schools.

#### **Policy QP1: Planning Obligations**

QP1: 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.

The sub-division of sites to avoid planning obligations is not acceptable. Where it is considered sub-division has taken place to avoid reaching thresholds within the Planning Obligations SPD the development will be viewed as a whole.

#### **Policy QP3: Location, Accessibility, Highway Safety and Parking**

QP3: The Borough Council will seek to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

When considering the design of development developers will be expected to have regard to the matters listed in the policy.

To maintain traffic flows and safety on the primary road network no additional access points or intensification of use of existing access points, other than new accesses associated with development allocated within this Local Plan will be permitted. Planning Obligations may be required to improve highways and green infrastructure.

#### **Policy QP4: Layout and Design of Development**

QP4: The policy states that the Borough Council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. The policy sets out how developments should achieve this.

#### **Policy QP5: Safety and Security**

QP5: The policy states that the Borough Council will seek to ensure that all developments are designed to be safe and secure. The policy sets out how developments should achieve this.

#### **Policy QP6: Technical Matters**

QP6: The policy sets out that the Borough Council expects development to be incorporated into the Borough with minimal impact. On site constraints and external influences can often halt development. The Borough Council will work with developers to overcome such issues. The policy outlines issues which proposals should investigate and satisfactorily address.

#### **Policy QP7: Energy Efficiency**

QP7: The policy sets out that the Borough Council will seek to ensure high levels of energy efficiency in all development. Notwithstanding the requirements of the Building Regulations all developments, where feasible and viable, will be required to:

- 1) Ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation.
- 2) Ensure that green infrastructure is used appropriately to assist in ensuring energy efficiency.
- 3) Incorporate sustainable construction and drainage methods.

If by virtue of the nature of the development it is not possible to satisfy the above criteria then an attempt must be made to improve the fabric of the building 10% above what is required by the most up to date Building Regulations (Not the Building Regulations applicable at the time of submitting the initial building notice).

#### **Policy HSG1: New Housing Provision**

HSG1: This policy sets out the new housing provision across the duration of the local plan. Detailing the provision of extant residential planning

permissions and site allocations across the borough, all sites identified in the policy are suitable, available and deliverable.

### **Policy HSG2: Overall Housing Mix**

HSG2: This policy states that all new housing, and/or the redevelopment of existing housing areas, must contribute to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future. The Borough Council will give significant weight to housing need, as identified within the most up-to-date SHMA, when considering planning applications.

### **Policy HSG5: High Tunstall Strategic Housing Site**

HSG5: The policy sets out that The High Tunstall development is allocated for approximately 1200 dwellings. The site covers an area of approximately 83.50 hectares as illustrated on the proposals map. No development will be permitted prior to the implementation of the Grade Separated Junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council. The policy sets out development criteria for the site.

### **Policy HSG5a: Quarry Farm Housing Site**

HSG5a: The policy sets out that the Quarry Farm housing development is allocated for approximately 220 dwellings. The site covers an area of approximately 11.30 hectares as illustrated on the proposals map. No development will be permitted prior to the implementation of the Grade Separated Junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council. The policy sets out development criteria for the site.

### **Policy HSG9: Affordable Housing**

HSG9: The policy sets an affordable housing target of 18% on all developments of 15 dwellings or more. The provision of tenure and mix will be negotiated on a site by site basis. The policy sets the requirements for the provision of affordable housing within a site, this should be provided on site unless there is sound and robust justification that this cannot be achieved. Regard will be given to economic viability to ensure deliverability of the development.

### **Policy NE1: Natural Environment**

NE1: This policy states how the natural environment will be protected, managed and enhanced. The policy comprehensively considers all areas relating to the natural environment, including sites designated for nature conservation, designated nature reserves, woodland, habitats, ecosystems, green networks, stating that these should be protected and enhanced. Appropriate assessments and mitigation are also covered by the policy.

### **Policy NE2: Green Infrastructure**

NE2: States that the green infrastructure within the Borough will be safeguarded from inappropriate development and will work actively with

partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities, including sports pitches, cycle routes and greenways throughout the Borough based on evidence of local need. The policy identifies specific types of Green Infrastructure which are on the proposals map. Loss of green infrastructure will be resisted and in exceptional circumstances where permitted, appropriate compensatory provision will be required.

**Policy NE3: Green Wedges**

NE3: Seeks to protect, maintain, enhance and, where appropriate, increase the number of green wedges to provide a wide range of benefits for the town. The green wedges are shown on the proposals map. The policy sets out the limited circumstances in which development would be acceptable within the green wedges.

**Policy NE4: Ecological Networks**

NE4: Seeks to maintain and enhance ecological networks throughout the Borough. Priority sections of the network are:

- 1) Coastal fringe
- 2) Tees Road/Brenda Road brownfield land
- 3) Dalton Beck/Greatham Beck riparian corridor
- 4) Rural west from Wynyard to Thorpe Bulmer and Crimdon Denes

There may be a requirement for developments within the vicinity of ecological networks to contribute to the maintenance and enhancement of networks where such a development will have an impact.