

PLANNING COMMITTEE

AGENDA



Wednesday 9 May 2018

at 10.00am

**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 4th April 2018

4. ITEMS REQUIRING DECISION

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

- | | |
|----------------|--|
| 1. H/2015/0551 | Section 106 and Conditions Update - Land South of Elwick Road (page 1) |
| 2. H/2015/0528 | Section 106 and Conditions Update - Land at Quarry Farm, Phase 2, Elwick Road (page 101) |
| 3. H/2017/0150 | Land to the North of A689 (The Lyndhurst), Wynyard Park (page 155) |
| 4. H/2017/0418 | 156 Grange Road (page 187) |
| 5. H/2018/0038 | 5 Grange Road (page 209) |
| 6. H/2017/0627 | 30 Clifton Avenue (page 219) |

4.2 Appeal at 30 Wasdale Close – *Assistant Director (Economic Growth and Regeneration)*



5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints – *Assistant Director (Economic Growth and Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

- 8.1 Enforcement Action (paras 5 and 6) – *Director of Regeneration and Neighbourhoods*

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

10. 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 6 June 2018.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

4th April 2018

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

Present:

Councillor: Stephen Akers-Belcher (In the Chair)

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

Also Present: Councillor Shane Moore

Officers: Andrew Carter, Assistant Director, Economic Growth and Regeneration
Mark Patton, Assistant Director (Education, Learning and Skills 0-19)
Sarah Scarr, Heritage and Countryside Manager
Sylvia Pinkney, Head of Public Protection
Daniel James, Planning Team Leader (DC)
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Laura Chambers, Senior Planning Officer
Katie Hammond, Projects Manager
Rebecca Cockburn, Planning Services Volunteer
Andrew Maughan, Solicitor
Jo Stubbs, Democratic Services Officer

112. Apologies for Absence

Apologies were submitted by Councillor Rob Cook.

113. Declarations of interest by members

None.

114. Confirmation of the minutes of the meeting held on 7th March 2018

Confirmed – clarification was sought as to the inclusion of Councillor Barclay's apologies.

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

Number: H/2018/0045

Applicant: MR MRS S SPENCE MOORHEN ROAD HARTLEPOOL

Agent: ALAN POTTER SURVEYING LTD MR A POTTER 31
WOODVILLE CRESCENT SUNDERLAND

Date received: 08/02/2018

Development: Provision of replacement UPVC framed windows and shopfront cladding details to south facing elevation (retrospective).

Location: LITTLE BLACK BOOK 18 WHITBY STREET
HARTLEPOOL

Members were happy to approve the application with the proviso that opaque film be installed on the glass and that the roller shutter door be painted black. They felt that the alterations did not cause substantial harm to the conservation area.

Members approved the application by a majority.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the Location Plan (at 1:1250 scale) and Plan 833/01 (As Existing and Proposed), both plans received 1st February 2018 by the Local Planning Authority.
For the avoidance of doubt.
2. Within 1 (one) month from the date of the decision notice, opaque film shall be applied to the 5 (five) PVCu windows within the shop front as identified on plan 833/01 (date received 1st February 2018) to the satisfaction of the Local Planning Authority and shall thereafter be retained for the lifetime of the development hereby approved.
To ensure a satisfactory form of development.
3. Within 1 (one) month from the date of the decision notice, the existing steel roller shutter door as annotated on plan 833/01 (date received 1st February 2018) shall be painted black (RAL 9017 or other similar shade of black) to the satisfaction of the Local Planning Authority.
To ensure a satisfactory form of development.

Number: H/2018/0005

Applicant: MR T BATES 24 WESTBOURNE ROAD
HARTLEPOOL

Agent: DAVIS PLANNING PARTNERSHIP MRS JILL
DAVIS 17A POST HOUSE WYND DARLINGTON

Date received: 16/01/2018

Development: Change of use to gin bar, student gallery/coffee
shop and five residential apartments

The applicant, Terry Bates, addressed the committee. He referred to 2 of the conditions which he felt were unsustainable and should be moved. The 106 condition to secure financial contributions towards green infrastructure, built sports, playing pitches and tennis courts he felt was unfair as the cost of these would not be matched by the monies he would expect the ground floor businesses to bring in. This would only be worsened by the proposed closing time of 11.30pm. The premises were currently able to open until 4am and he would be happy to reduce this to 3am. However any earlier than this would leave the businesses unsustainable. He urged members to allow the businesses to remain open longer, commenting that if the 11.30pm closing time was adhered to it was pointless for them to approve the application as it would never be enacted. Members noted that Mr Bates had previously been happy to pay the 106 contributions but he advised that this had been before he had been informed of the changes to the opening hours and would be happy to pay them if the opening times were untouched. Members commented that the 106 contributions related to the 5 apartments not the businesses. They were fixed by legislation and therefore not unreasonable. In terms of the opening hours they did express some sympathy with Mr Bates' viewpoint and indicated they would be happy that the premises be open until 2am. However it was noted that Licensing Committee would make the final decision on the licensing hours at the premises. In terms of the change in proposed hours the Planning Team Leader indicated that as the premises was currently a nightclub this was a material change of use. It was also located in an area where the proposed closing time was indicated as 11.30am in the emerging local plan hence the recommendation to reduce the opening hours.

Ward Councillor Shane Moore urged members to support the application. He referred to the ongoing regeneration of the Church Street area, saying this development would lead to the building being in use throughout the day as well as on an evening. In order to make this a viable business it needed to be on a level playing field with other businesses in the area, many of which could open until the early hours despite also having apartments above them. By limiting their opening hours they could restrict their ability to compete with other businesses and drive custom further away. The Planning Team Leader advised that the restriction in opening hours was about minimising disruption to the residential areas in the vicinity and was not limited to the occupants of the apartments above.

A member formally proposed that the closing time be restricted to 2am, commenting that he would wish to see similar closing times for all premises in that area. Licensing Committee would have the final say but this would give some flexibility. This proposal was seconded.

The application was approved unanimously with a closing time of 2am.

Location: PULSE BAR 25 26 CHURCH STREET & FIRST FLOOR OF 27 CHURCH STREET HARTLEPOOL

Decision: **Planning Permission ‘minded to approve’ subject to completion of S106 Legal Agreement and amendment to hours of opening (condition (10)).**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans: P001 revision A (Existing Basement & Ground Floor Layout), P002 revision A (Existing First & Second Floor Layout), P003 revision A (Existing Sections), P004 revision A (Existing Section & Front Elevation), P005 revision A (Existing Rear Elevation), P006 revision A (Proposed Basement & Ground Floor Layout), P007 revision A (Proposed First & Second Floor Layout), P008 revision A (Proposed Sections), P009 revision A (Proposed Section & Front Elevation), P010 revision A (Proposed Rear Elevation), P011 revision A (Site Location Plan), P011 revision A (Existing & Proposed Block Plan), all date received by the Local Planning Authority 04/01/18.
For the avoidance of doubt.
3. Prior to the commencement of development large scale details showing all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character of the heritage asset.
4. Prior to commencement of development large scale details showing all works to shop fronts, including sections, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character of the heritage asset.
5. Prior to commencement of development details of the materials to be used in the external alterations hereby approved shall be submitted to

and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.

To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character of the heritage asset.

6. The residential accommodation (5no. apartments) hereby approved shall not be occupied until a noise assessment has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme of works shall be capable of restricting noise breakout from any commercial uses to all adjoining and adjacent residential accommodation to levels complying with the following:

" All habitable rooms: NR20

" All habitable rooms : LAFmax 45dB, max 10 events

Note: Noise rating curves should be measured as an LZeq(15 mins) at octave band centre frequencies 31.5Hz to 8kHz). Where the above noise criteria cannot be achieved with windows partially open, the scheme shall include a system of alternative acoustically treated ventilation to all habitable rooms. The agreed scheme of sound insulation works shall be installed in full prior to the occupation of the residential accommodation, and shall be retained thereafter for the lifetime of the development.

In the interests of the amenities of existing and future occupiers of the development hereby approved and neighbouring premises.

7. Prior to the first use of any part of the commercial and residential developments hereby approved, validation testing of the sound attenuation works required in condition 6 shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall be carried out in accordance with the approved noise assessment (required under condition 6) and shall demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved under condition 6, a further scheme of sound attenuation works capable of achieving the specified noise levels shall be submitted to and approved by the Local Planning Authority. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the first use of any part of the commercial and residential developments hereby approved and shall thereafter be retained.

In the interests of the amenities of existing and future occupiers of the development hereby approved and neighbouring premises.

8. Prior to the installation of any extraction or ventilation equipment details shall be submitted to and approved in writing by the Local Planning and thereafter implemented and retained in accordance with the approved details.

In the interests of a satisfactory form of development.

9. Prior to occupation of any part of the development hereby approved a scheme for the storage of both commercial and residential refuse at the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and retained in accordance with

the approved details. No waste storage facilities shall be positioned to the front of the properties.

In the interests of a satisfactory form of development.

10. The ground floor commercial uses (A3, A4 and D1) hereby approved shall not be open to the public between the hours of 02:00am and 07:00am.

In the interests of the amenities of the area and neighbouring residential properties.

11. On any day the tables, chairs and partitions and any related items (umbrellas, bins, ashtrays etc.) shall be removed from the highway not later than 20.00 hours or sunset in Hartlepool whichever is the sooner, and shall not be replaced on the highway before 08:00 hours the following day.

In the interests of public order and the amenities of the occupants of neighbouring properties.

12. No music shall be played in, or be piped/relayed to, the outside seating area.

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

13. The ground floor of 26 Church Street shall be used for gallery/café use (D1/A3) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

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

The Committee considered representations in relation to this matter.

| | |
|-----------------------|---|
| Number: | H/2017/0651 |
| Applicant: | MR K POOLE ESTATE OFFICE GREATHAM |
| Agent: | ELDER LESTER MCGREGOR MR IAN MCGREGOR REEDS MILL ATLAS WYND YARM |
| Date received: | 02/01/2018 |
| Development: | Conversion of existing property into two dwellings |
| Location: | 6 FRONT STREET GREATHAM HARTLEPOOL |

The agent, Ian McGregor, urged members to support the application. The property had been vacant since July 2017 and it was hoped that by dividing it this could be rectified. The frontage of the listed building would be protected and the division could be reversed in the future if necessary.

Members approved the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with drawing numbers 1745/003 (Site Location Plan), 1745-001 (Existing Plans & Elevations), 1745-002 (Proposed Plans and Elevations) all date received 07/12/17 and 1745/004 (Existing & Proposed Site Plans) date received 02/01/18.
For the avoidance of doubt.
3. Prior to the commencement of development a photographic survey of the building shall be carried out and submitted to the Local Planning Authority.
In the interests of recording the historic fabric of the building.
4. Prior to commencement of development, large scale details showing all new external doors and windows shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the setting of the heritage assets.
5. Prior to commencement of development details of all new air extraction to kitchens, bathrooms and toilets required as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the setting of the heritage assets.
6. Notwithstanding the submitted information, a scheme for means of enclosure shall be submitted to and approved in writing by the Local Planning Authority, before the dwellings hereby approved are occupied. Thereafter the development shall be carried out in accordance with the approved details and the enclosures erected prior to the occupation of the dwellings hereby approved.
In the interests of the amenity of proposed occupiers of the dwelling(s) and that of surrounding neighbouring properties, and in the interests of visual amenities and the setting of the heritage assets.
7. Notwithstanding the submitted information and prior to the occupation of the dwelling(s) hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.
In the interests of the amenities of the occupants of neighbouring properties and ensure a satisfactory form of development.

The Committee considered representations in relation to this matter.

Number: H/2017/0650

Applicant: MR K POOLE ESTATE OFFICE GREATHAM

Agent: ELDER LESTER MCGREGOR MR IAN
MCGREGOR REEDS MILL ATLAS WYND YARM

Date received: 02/01/2018

Development: Listed Building Consent for the conversion of existing property into two dwellings

Location: 6 FRONT STREET GREATHAM HARTLEPOOL

Members approved the application unanimously.

Decision: **Listed Building Consent Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with drawing numbers 1745/003 (Site Location Plan), 1745-001 (Existing Plans & Elevations), 1745-002 (Proposed Plans and Elevations) all date received 07/12/17 and 1745/004 (Existing & Proposed Site Plans) date received 02/01/18.
For the avoidance of doubt.
3. Prior to the commencement of development a photographic survey of the building shall be carried out and submitted to the Local Planning Authority.
In the interests of recording the historic fabric of the building.
4. Prior to commencement of development large scale details showing all new external doors and windows shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the setting of the heritage assets.
5. Prior to commencement of development details of all new air extraction to kitchens, bathrooms and toilets required as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the

proposed development in the interest of visual amenity and the setting of the heritage assets.

116. Appeal at the former Saxon PH, Easington Road, Hartlepool *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal against the decision to refuse planning permission for a change of use to a hot food takeaway had been dismissed. A copy of the decision letter was attached.

Decision

That the outcome of the appeal be noted.

117. Consultation on revisions to the national planning policy framework *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that the Government were currently consulting on revisions to the National Planning Policy Framework. The consultation was due to close on 10th May and planning officers were currently formulating a response on behalf of the authority. The main focus for the changes was to facilitate the delivery of new homes to address rising demand. The Planning Team Leader asked that members contact himself or the Planning and Development Manager with any queries.

Decision

That the report be noted.

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

Members were given information on 7 complaints currently under investigation and 6 complaints which had been completed.

Decision

That the report be noted.

119. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

120. Tabled update to wording of planning condition 26 for application H/2018/0002

The Chair drew members' attention to the above tabled updated and informative note to be appended to the decision notice for planning application H/2018/0002. Members approved the tabled update.

Decision

That the tabled update to the wording of planning condition 26 for planning application H/2018/0002 be approved and approval given to appended the informative note to the decision notice.

121. 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 122 – (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; or (b) to make an order or direction under any enactment.

Minute 124 – (Amendments to Planning Policy) – 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.

122. Enforcement Action (*Director of Regeneration and Neighbourhoods*)

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; or (b) to make an order or direction under any enactment.

This item was removed from the agenda due to a committee decision made previously during the meeting.

Decision

That this item be removed from the agenda.

123. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

124. Amendments to Planning Policy *(Author)* 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.

Details are contained in the exempt minutes

Decision

Details contained in the exempt minutes

The meeting concluded at 11.30am.

CHAIR

No: 1
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

BACKGROUND

1.1 This application was considered at the meeting of the Planning Committee on 31st January 2018. A copy of the original report is **attached**.

1.2 Members were minded to approve the application subject to the conditions outlined in the report (and subject to the updating of condition 09 (relating to highway works at the Sheraton Interchange and the A19 gap closures), and conditions 43/44 (relating to the requirement to update the construction management plan condition for 'Parcel A' and 'Parcel B' respectively, to incorporate the requirement for bath washing facilities) and subject to changes to the planning conditions and subject to final planning conditions and details of the s106 legal agreement being reported back to the Planning Committee for their final agreement.

1.3 As noted in the committee report and as Members were verbally updated at the committee meeting, the s106 legal agreement will be flexible enough to allow the specific contributions identified below to be 'recycled' and used to meet the other obligations identified in the committee report (and identified in the 'list' below at para 1.20) should the original contributions towards the highway works, in whole or in part, not be required to meet the original purpose. This situation could materialise should the Council benefit from funding towards the Elwick bypass and Grade Separated Junction.

1.4 Notwithstanding the above position, Members were verbally updated at the committee of 31.01.2018 that the reference in the committee report (para 2.78) to the S106 Legal Agreement being flexible enough to "capture" any potential uplift in revenues over the lifetime of the development (which could result in more planning obligations being provided) was not applicable to the current application (H/2015/0551) but would still be applied to the larger application for up to 1200 dwellings (H/2014/0428), the details of the legal agreement for this development will be brought forward for Members consideration in due course.

1.5 In the discussions on the application, Members asked that an additional report be brought back to Committee on the planning obligations and how they would be delivered, and a schedule of planning conditions for final approval.

1.6 Discussions with the Developer(s) on the Section 106 agreement have been progressed and the position is outlined below. Relevant Council officers have been involved in these negotiations to agree triggers for the relevant planning obligations.

PLANNING OBLIGATIONS

1.7 Members will note that the planning application is a hybrid application, consisting of two elements; 'Parcel A' relates to the provision of 153 dwellings in 'full' (Story Homes) and 'Parcel B' relates to an outline application for up to 55 self build dwellings (Tunstall Homes).

1.8 The planning obligations and contributions have been worded to reflect these two elements in the same planning application (this is also reflected in the planning conditions for both parcels of land).

Offsite Highway Works - Elwick bypass and Grade Separated Junction

1.9 The Developer(s) has agreed to make pro-rata contribution £2,496,000 relating to the Elwick bypass and Grade Separated Junction (overall estimated cost £18m), which equates to £12,000 per dwelling.

1.10 The total £2.496m contribution is to be made up of;

1.11 'Parcel A' (153 dwellings) – this will make a total pro rata contribution of £1,836,000 (of the total £2.496m). This will be paid in instalments of every 10 dwellings (10 x £12,000) with the final contribution made on the final thirteen dwellings (13 x £12,000). This is the position as of the time of writing of this report however discussions on forward funding to cover the gap closure, which are required prior to occupation, are ongoing so this element is subject to change.

1.12 'Parcel B' (up to 55 self build dwellings) – this will make a total pro rata contribution of £660,000 (of the total £2.496m). This will be paid in instalments of £12,000 on completion of each individual plot sale. This is the position as of the time of writing of this report however discussions on forward funding to cover the gap closure, which are required prior to occupation, are ongoing so this element is subject to change.

1.13 It should be noted that other off site highway works required to accommodate the development will be covered by planning conditions (primarily conditions 9-17).

1.14 Roads on the site are to be built to an adoptable standard (as required by conditions 16 and 17) and a requirement to deliver them to an adoptable standard will be secured through a separate agreement under the Highways Act.

Ecological Mitigation Measures

1.15 The Developer(s) has agreed to make pro-rata contribution £52,000 relating to the provision of management and warden provision, including management and wardening to mitigate the effect of recreational disturbance on European Sites and management of Summerhill C.P. This equates to £250.00 per dwelling and has been approved by Natural England as adequately mitigating the harm generated by the Development.

1.16 The £52,000 contribution is made up of;

‘Parcel A’ (153 dwellings) – this will make a total pro rata contribution of £38,250 (of the £52,000). This will be paid in instalments of every 10 dwellings (10 x £250.00) with the final contribution made on the final thirteen dwellings (13 x £250.00).

‘Parcel B’ (up to 55 self build dwellings) – this will make a total pro rata contribution of £13,750 (of the £52,000). This will be paid in instalments of £250.00 on completion of each individual plot sale.

1.17 A further obligation requires the provision of a Habitat and Conservation Plan to include an area of 2.37 Ha Suitable Alternative Natural Green Space (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. The scheme will also require the provision to each household an information pack highlighting on-site recreational opportunities and the importance safeguarding European Sites.

1.18 It should be noted that other ecology mitigation measures are covered by planning conditions 35-42.

Other ‘potential’ Planning Obligations/Contributions to be secured

1.19 As noted in the original committee report, should the Council be successful in obtaining funding towards the Elwick bypass and grade separated junction, the monies may be ‘recycled’ towards securing other contributions at HBC discretion that were unable to be funded at the time of the report to planning committee, based on the submitted viability assessment.

1.20 Following discussions with HBC Planning Policy, it is recommended that the following contributions/obligations would need to be secured. The list below is not a ‘priority’ list (to allow for flexibility should the Council’s priorities for such obligations change in the future). The contributions would be as follows;

- **Affordable Housing contribution** – total contribution £2,005,329.83 (broken down to £1,475,074.35 for Parcel A and £530,255.48 for Parcel B) towards off-site provision (it has been accepted through the review of a viability assessment that the development cannot currently provide for affordable housing on site. There are difficulties in terms of timing and reasonableness securing on site affordable should recycled funds become available therefore an off site contribution is considered acceptable in this case);

- **Green Infrastructure contribution** – total contribution £52,000 towards Green Infrastructure on the High Tunstall Masterplan/Strategic Housing Site;
- **Primary Education contribution** – total contribution £615,123.60 towards a primary school on the High Tunstall Masterplan/Strategic Housing Site
- **Secondary Education** – total contribution £401,765.98 towards High Tunstall School;
- **Built Sports contribution** – total contribution £52,000 towards the provision and/or improvement of Built Sports Facilities at Summerhill Country Park;
- **Play contribution** - total contribution £52,000 to help deliver the play area within the green wedge of the High Tunstall Masterplan/Strategic Housing Site;
- **Playing Pitches contribution** - total contribution £48,524.32 towards playing pitch provision on the High Tunstall Masterplan Site.
- **Tennis Courts** - total contribution £11,860.16 towards Hartlepool Lawn Tennis Club on Granville Avenue;

1.21 A contribution for Bowling Greens of £1,033,76 was previously sought however as it is unlikely to be realised and will result in an obligation filling a pot, legislation restricts contributions for infrastructure to five obligations, it is not proposed to seek this.

Provision, maintenance and long term management of landscaping, open space (including SANGS) and permissive paths and sustainable urban drainage systems

1.22 The Developer(s) has agreed to provide and maintain the landscaping, open space (including SANGS) and permissive paths and sustainable urban drainage systems. The Developer will establish Management Companies to undertake this.

Local labour agreement

1.23 The Developer(s) has agreed to an obligation relating to employment and skills designed to encourage local employment.

Travel plan

1.24 The Developer(s) has agreed to submit and implement a travel plan for the site.

Western edge screen planting

1.25 The Developer(s) has agreed to accommodate screen planting on the western edge of the development should no further development come forward within 7 years following the first occupation of a dwelling on the site (the 7 year timescale reflects the timescale for implementing/commencing development on the minded to approve High Tunstall Masterplan application, ref. H/2014/0428).

RECOMMENDATION – That members **APPROVE** the planning obligations set out in the above report and how these are to be delivered, and the final set of planning conditions (updated conditions 9, 43 and 44) as set out below with authority to make any further changes to planning obligations or planning conditions delegated to the Planning Development Manager;

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 19th 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 19th 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 19th 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 22nd 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 19th 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 27th July 2017;
amended plan SD-10.06 Rev F (Boundary & Elevation Plan) date received by the Local Planning Authority 11th September 2017;
and amended plan SD-00.03 Revision A (Key Location Plan - Outline & Detailed), date received by the Local Planning Authority 12th 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 22nd January 2016; and amended plan SD-00.03 Revision A (Key Location Plan - Outline & Detailed), plan date received by the Local Planning Authority 12th 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 following this but not before, and again prior to the occupation of the dwellings hereby approved, 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. 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.

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 19th 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), 10cm² 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), 10cm² 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 (to include bath washing facilities), roadsheeting of vehicles, dust/odour management, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site 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 (to include bath washing facilities), roadsheets of vehicles, dust/odour management, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site 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

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

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

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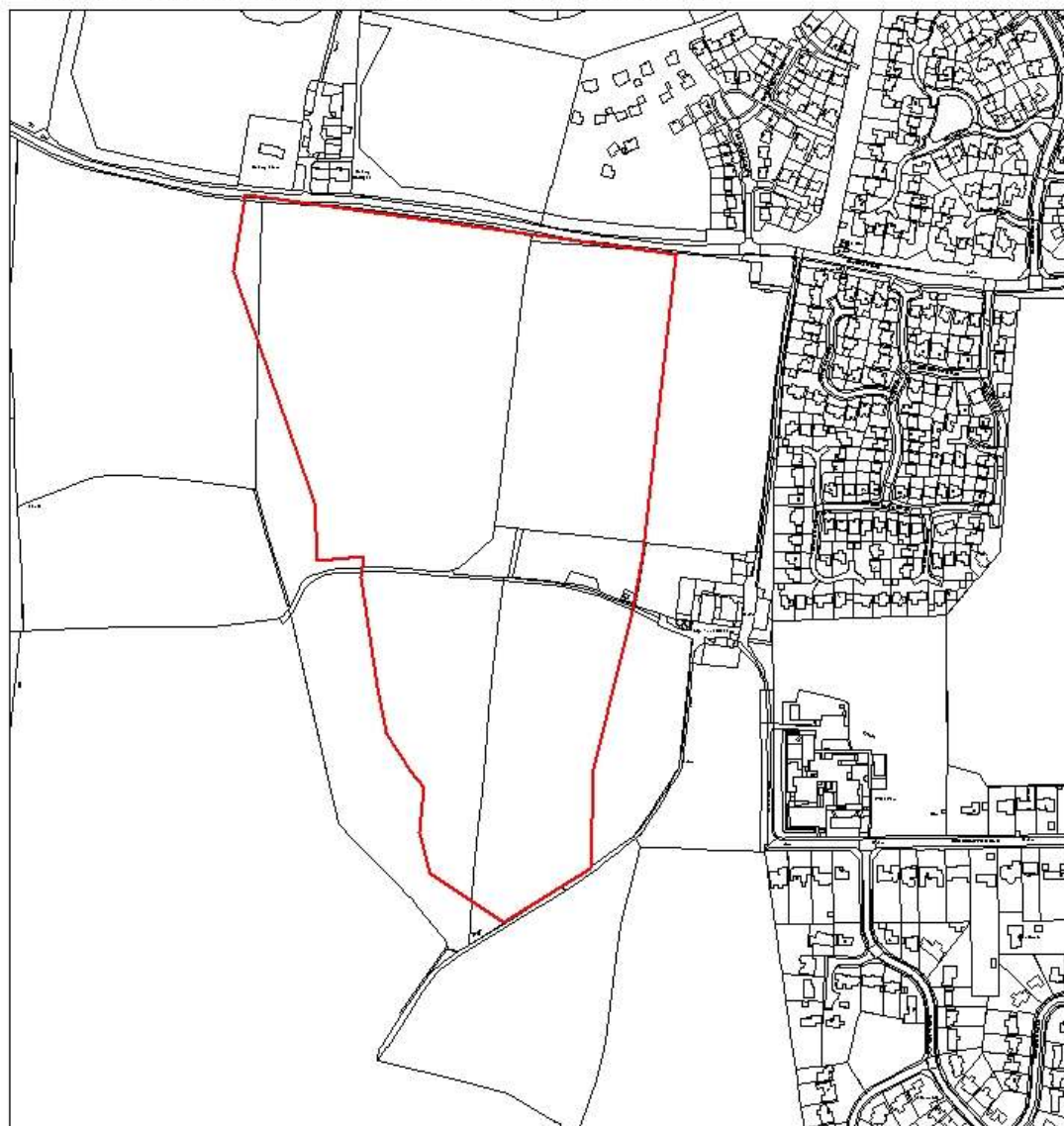
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LAND SOUTH OF ELWICK ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 23/04/18 |
| | SCALE 1:5000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2015/0551 | REV |

APPENDIX (ORIGINAL REPORT TO 31 JANUARY 2018 COMMITTEE)

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

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 HISTORYOther 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 208th dwelling at High Tunstall and the 220th 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.

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 28I (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 advice¹ 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 here².

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 any nearby National Trails. The National Trails website 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 professionally 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 3rd 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

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 to 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 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 constriction 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 highway 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 1st 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:

| 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 |

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 $208 \times £250 = £52,000$. 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 $28.49 \times £14,102.00$ (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 1st 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 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

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 21st March 2016), the Planning Inspector highlighted the need to consider the strands of sustainability in the planning balance;

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

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 208th dwelling at High Tunstall (the current application) and the 220th 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 428th 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:

1. 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
2. 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.
3. 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 19th 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 19th 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 19th 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 22nd 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 19th 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 27th July 2017;
 amended plan SD-10.06 Rev F (Boundary & Elevation Plan) date received by the Local Planning Authority 11th September 2017;
 and amended plan SD-00.03 Revision A (Key Location Plan - Outline & Detailed), date received by the Local Planning Authority 12th 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 22nd January 2016;
 and amended plan SD-00.03 Revision A (Key Location Plan - Outline & Detailed), plan date received by the Local Planning Authority 12th 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 19th 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), 10cm² 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), 10cm² 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

| | | |
|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 13/12/17 |
| | SCALE 1:5000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2015/0551 | REV |

No: 2
Number: H/2015/0528
Applicant: C/O Agent
Agent: Signet Planning Mr John Wyatt 2 St James Gate
Newcastle upon Tyne NE1 4AD
Date valid: 07/12/2015
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

BACKGROUND

2.1 This application was considered at the meeting of the Planning Committee on 31st January 2018. A copy of the original report is **attached**.

2.2 Members were minded to approve the application subject to the conditions outlined in the report (and subject to the updating of condition 03 (relating to highway works at the Sheraton Interchange and the A19 gap closures), and condition 22 (relating to the requirement to update the construction management plan, to incorporate the requirement for bath washing facilities) and subject to the final planning conditions and details of the section 106 legal agreement being reported back to planning committee for their final agreement.

2.3 As noted in the committee report and as Members were verbally updated at the committee meeting, the s106 legal agreement will be flexible enough to allow the specific contributions identified below to be 'recycled' and used to meet the other obligations identified in the committee report in relation to Affordable Housing and Primary Education, where contributions agreed for viability reasons are below those requested, should the original contributions towards the highway works, in whole or in part, not be required to meet the original purpose. This situation could materialise should the Council benefit from funding towards the Elwick bypass and Grade Separated Junction.

2.4 In the discussions on the application, Members asked that an additional report be brought back to Committee on the planning obligations and how they would be delivered, and a schedule of planning conditions for final approval.

2.5 Discussions with the Developer(s) on the Section 106 agreement have been progressed and the position is outlined below. Relevant Council officers have been involved in these negotiations to agree triggers for the relevant planning obligations.

PLANNING OBLIGATIONS

2.6 The legal agreement secures the following:

Built Sports

2.7 A built sports facilities contribution of £250 per dwelling (£55,000) has been agreed. This would be paid in instalments with the first quarter of the payment provided on the occupation of the 25th dwelling, second quarter on the occupation of the 50th dwelling, third quarter on the occupation of the 100th dwelling, the fourth quarter provided on the occupation of the 150th dwelling.

2.8 It is intended that the contribution would be used to contribute towards the provision of an extension to the Summerhill Visitor Centre.

Sport Pitches

2.9 A sports pitches contribution of £233.29 per dwelling (£49,123.80) has been agreed. This would be paid in instalments with the first quarter of the payment provided on the occupation of the 25th dwelling, second quarter on the occupation of the 50th dwelling, third quarter on the occupation of the 100th dwelling, the fourth quarter provided on the occupation of the 150th dwelling.

2.10 It is intended that the contribution would be used to contribute towards the maintenance and/or improvement of the Grayfields Recreational Ground.

Education

2.11 A contribution of £638,676.00 towards education provision has been agreed. The contribution is to be split between primary and secondary education. This would be paid in instalments with the first quarter of the payment provided on the occupation of the 25th dwelling, second quarter on the occupation of the 50th dwelling, third quarter on the occupation of the 100th dwelling, the fourth quarter provided on the occupation of the 150th dwelling.

2.12 It is intended that the secondary contribution of £425,034.28 would be used toward the provision of secondary education at High Tunstall School of Science, and the primary contribution of £213,641.72 would be used toward the provision of primary education at the proposed new school as part of the High Tunstall Masterplan Site.

Highway Contribution

2.13 The Developer has agreed to make a pro-rata contribution of £2,640,000 relating to the Elwick bypass and Grade Separated Junction (overall estimated cost £18m) which equates to £12,000 per dwelling. This would be paid in instalments with the first quarter of the payment provided on the occupation of the 25th dwelling, second quarter on the occupation of the 50th dwelling, third quarter on the occupation of the 100th dwelling, the fourth quarter provided on the occupation of the 150th dwelling. This is the position as of the time of writing of this report however discussions on forward funding to cover the gap closures which are required prior to occupation are on going so this element is subject to change.

2.14 As noted in the original committee report, should the Council be successful in obtaining funding towards the Elwick bypass and grade separated junction, the s106

agreement allows for money to be ‘recycled’ at the Council discretion towards securing other contributions that were unable to be fully funded at the time of the report to planning committee, based on the submitted viability assessment in particular an off-site Affordable Housing Contribution and a further Primary School Contribution.

Affordable Housing

2.15 The borough wide affordable housing need equates to 35% of dwellings delivered. However the 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 39.6 (rounded to 40) new affordable dwellings for this scheme. A viability assessment has been undertaken and the applicant cannot meet the full 18% housing need.

2.16 The Developer has agreed to provide 17 affordable dwellings on the site with 10 being for Social Rent and 7 being for Intermediate Tenure. Equating to a 7.7% on site provision.

2.17 Provision is made, as far as possible, to ensure that dwellings are retained as Affordable Housing for the future, though any acquisition of Affordable Rent dwellings under Right to Buy schemes must be accommodated. The full Eligibility Criteria are set out in the agreement but would briefly be persons in need of affordable housing and include persons currently living in Hartlepool, persons with relatives in Hartlepool, persons who have lived in Hartlepool for 2 years previously, persons employed in Hartlepool and persons that qualify for housing in accordance with the Council’s allocation policy.

Ecological Mitigation Measures

2.18 The Developer has agreed to make a contribution of £55,000 relating to the provision of management/warden provision and infrastructure to mitigate the effect of recreational disturbance on European Sites.

2.19 A further obligation requires the provision of Suitable Natural Green Space (SANGS) an area of 3.3ha that will encourage, in particular, daily dog walking. This will be provided on site.

Western and Northern Hedge

2.20 The developer has agreed to retain the existing hedges on the north and western boundary of the development site, providing this does not prohibit future development on the west of the site.

Local labour agreement

2.21 The Developer has agreed to submit a Training & Employment Management Plan designed to encourage local employment.

Travel plan

2.22 The Developer has agreed to submit and implement a travel plan for the site.

Maintenance of green infrastructure, on site SANGS, play areas and sustainable urban drainage systems

2.23 The Developer has agreed to provide and maintain the landscaping, open space (including SANGS) and permissive paths and sustainable urban drainage systems. The Developer will establish Management Companies to undertake this.

CONCLUSION

2.24 The s106 legal agreement will be flexible 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. If the Council is successful, the grant would be used to subsidise the works to the bypass and this would mean that at HBC discretion funds not required to deliver the bypass could be recycled towards the short fall of planning obligations for affordable housing and primary education provision.

RECOMMENDATION - That members **APPROVE** the planning obligations set out in the above report and how these are to be delivered, and the final set of planning conditions (updated conditions 3 and 22) as set out below with authority to make any further changes to planning obligations or planning conditions delegated to the Planning & Development Manager.

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 following this but not before, and again prior to the occupation of the dwellings hereby approved, 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. 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 (to include bath washing facilities), roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site.
In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.

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.
31. All Hedgerows as shown on the Built Form Master Plan as existing received by the Local Planning Authority on the 7th December 2015 shall be retained unless otherwise agreed in writing by the Local Planning Authority. In the interest of biodiversity.

BACKGROUND PAPERS

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

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QUARRY FARM PHASE 2



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 23/04/18 |
| | SCALE 1:5000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2015/0528 | REV |

APPENDIX (ORIGINAL REPORT TO 31ST JANUARY 2018 COMMITTEE)

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: 07/12/2015
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

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 unsold houses 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 lose 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 resident 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.

2nd 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 15th 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:

| Policy | Subject |
|--------|---|
| GEP1 | General Environmental Principles |
| GEP2 | Access for All |
| GEP3 | Crime Prevention by Planning and Design |
| GEP9 | Developers' Contributions |
| GEP12 | Trees, Hedgerows and Development |
| Hsg9 | New Residential Layout |
| Tra16 | Car Parking Standards |
| Tra20 | Travel Plans |
| Rec 2 | Provision for Play in New Housing Areas |
| GN5 | Tree Planting |
| 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 21st March 2016), the Planning Inspector highlighted the need to consider the strands of sustainability in the planning balance;

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

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 220th dwelling at Quarry Farm 2 and 208th 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:

4. An area of 3.3 Ha SANGS that will encourage, in particular, daily dog walking.
5. A financial contribution for coastal wardening and management (£55,000).
6. 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

3.92 Objections have been raised with regard to the impact the development will have on the 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 orders, 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

| | | |
|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 13/12/17 |
| | SCALE 1:5000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2015/0528 | REV |

| | |
|---------------------|---|
| No: | 3 |
| Number: | H/2017/0150 |
| Applicant: | Redco Ltd |
| Agent: | Martin Bonner, Savills |
| Date valid: | 03/05/2017 |
| Development: | Outline application for the erection of up to 13 no. residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works with all matters reserved. |
| Location: | LAND TO THE NORTH OF A689 (THE LYNDHURST), WYNYARD PARK, HARTLEPOOL |

PURPOSE OF REPORT

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

BACKGROUND

3.2 The application site and surrounding area has a long and complicated planning history. The most relevant recent planning applications are listed below;

Pending applications

H/2013/0033 – In 2013 a planning application (H/2013/0033) was submitted for 603 dwellings on the land that forms part of this application site. As the application progressed it was deemed that there was not enough highway capacity and thus the northern element of the original application was omitted and the proposal changed with dwelling numbers reduced to up to 200 dwellings. The application was considered by planning committee who were minded for approval subject to the signing of a section 106 agreement (the s106 has never been signed).

The following applications are currently being considered and lie adjacent to the current application site and primarily within the site boundary of application H/2013/0033.

H/2015/0048 Outline application for the erection of up to 23 residential dwellings with all matters reserved except access. This application for a site known as Rose Garden situated to the south of the application site (which is allocated as employment land) and remains under consideration.

H/2015/0372 – Outline planning application for up to 18 dwellings, known as ‘Site A’ – currently pending consideration.

H/2015/0332 – Outline planning application for up to 383 dwellings on the land to the north of the minded to approve 200 dwellings under application H/2013/0033

– currently pending consideration.

H/2017/0261 Erection of up to 14 No. residential dwellings with associated landscaping, highways and infrastructure works. The application site is known as the Alms Houses situated to the south east of Poppy Close and remains under consideration.

Relevant Applications On Adjacent Sites

3.3 A number of relevant applications have also been considered on adjacent sites and these are listed below.

H/2011/0102 Outline application for the erection of 200 dwellings with full planning permission sought in part for roads, footpaths and related infrastructure of the core highway network.

This application for outline planning permission for the erection of 200 dwellings on a site to the west of the current application site was considered by committee who were minded to approve the application subject to the completion of a legal agreement. The applicant has not progressed the section 106 agreement and the application has to a large part been superseded by the applications below.

H/2015/0373 – Outline planning application for up to 30 dwellings, known as ‘Site B’. approved 14/10/16.

H/2015/0374 – Outline planning application for up to 12 dwellings, known as ‘Site C’ or the Beaumont, approved 04/04/17.

Pentagon, Area X and Area Y

H/2012/0360 Residential development comprising 168 residential units with associated roads, footpaths and infrastructure.

This application site lies to the west of the current application site. The planning permission was granted in June 2013 following the signing of a s106 Agreement which included an agreement not to implement in whole or in part the extant business park permission of the areas of the Pentagon, Area X and Area Y (approvals H/FUL/0006/00 + H/2009/0494), save for the dualling of the spine road as required by any of the previous permissions.

The development of the south Pentagon site is currently under construction. The linear development of approximately 30 dwellings (known as The Meadows/Area Y) has been completed.

H/2016/0185 Residential development comprising 109 dwellings with associated access, landscaping and engineering works. This application site is known as north Pentagon and permission was issued 13/11/17.

Manorside (self-build plots)

H/2014/0581 Outline application for the erection of 15 dwellings with some matters reserved (Manorside Phase 1). The applicant has signed the section 106 and permission was issued on 11 January 2016.

H/2015/0270 Outline planning permission with some matters reserved for residential development comprising 12 dwellings (Manorside Phase 2). The applicant has signed the section 106 and permission was issued on 11 January 2016.

Both sites are situated to the west of the current application site and are in effect 'contained' by the surrounding woodland.

PROPOSAL

3.4 This application seeks outline planning permission for thirteen self-build plots (Use Class C3) with all matters reserved. Notwithstanding that, the indicative site layout includes details of the intended access arrangements. With the exception of the strip of land to the south to allow for access, the site is broadly rectangular, measuring approximately 105m (east to west) by 170m (north to south).

3.5 The submitted Design and Access Statement highlights with respect to access that:

"The application red line also provides for the provision of road infrastructure to each of the sites from the newly constructed roundabout to the south west. This road infrastructure forms part of the wider masterplan and coincides with proposals for the 383 dwellings to the north. It allows, however, for each of the applications to come forward on their own if necessary. The development will, in practice, be accessed via a shared infrastructure with Wellington Gardens, and that the application has been submitted to allow for the sites and associated infrastructure can be delivered separately if required, whilst maintaining constant access to Close Farm."

3.6 The application has been referred to the Committee as it is a departure from the adopted Local Plan.

SITE CONTEXT

3.7 The application site relates to a parcel of land to the north of the A689 within Wynyard Park. The application site is presently open agricultural land with a gradual 1:20 slope from west to east, bounded to the north by a hedge and fence line. The site falls within the limits to development/urban fence of Wynyard as defined by saved Local Plan Policy Rur2 and emerging Local Plan Policy LS1 (locational strategy/development limits).

3.8 As set out in the planning history, the current application site falls within the site of a previous application (H/2013/0033) for up to 200 dwellings (with a 'minded to approve' recommendation), and is adjacent to the previously approved Beaumont development to the west and Wellington Gardens to the south.

3.9 Beyond the Ancient Woodland to the west of the site is the above referenced 'Pentagon' site with the approved self-build developments known as Manorside (phases 1 and 2) to the south west. The site includes part of the High Newton Hanzard Meadow Local Wildlife Site.

PUBLICITY

3.10 The application was advertised by way of neighbour letters, site notices and press notice. Following the submission of amended plans, additional 21 day neighbour consultations were undertaken.

3.11 To date, no letters of objection have been received from neighbouring land owners. Elwick Parish Council has confirmed they have no objections to the application. The period for publicity has expired.

Copy Letters **A**

CONSULTATIONS

3.12 The following consultation responses have been received:

HBC Traffic and Transport: There's extant permission for 200 properties in the Hartlepool Wynyard Park area, currently there are 165 properties approved or are waiting for approval (North Pentagon = 109, site A= 14, site B= 30 and site C= 12) This would leave a shortfall of 35 properties, I am aware of other applications which would bring this up to 200 which have subsequently been withdrawn. I would be happy for this development to form part of the 200, on the understanding that once the 200 mark is reached, those developments would be subject to possible further highways mitigation.

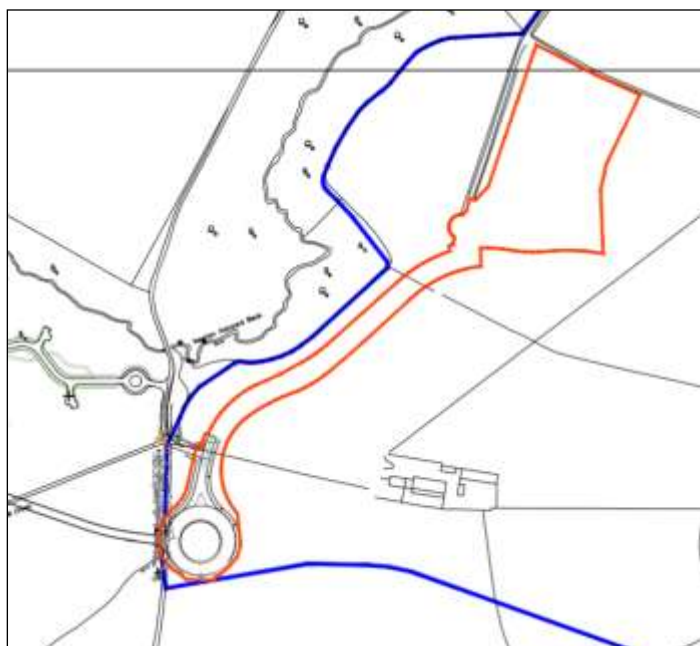
The proposed access and highway layout are acceptable. The roads and paving's should be constructed in accordance with the HBC Design Guide and Specification under a advanced payment code / section 38 agreement.

HBC Engineering Consultancy: Conditions relating to a surface water management system including the detailed drainage/SUDS design and reporting of any unexpected contamination.

HBC Ecologist: Current Ecology position: No objection if conditions are agreed.

I note the change to the red line boundary (Figure 1), which now excludes the northern end of the farm access track and hedges. I am satisfied that the 90° turn in the track adjacent to plot 5 is not going to be impacted, thus avoiding damage to the woodland block (and Local Wildlife Site) opposite.

Figure 1



I have read Revision 5 of the Ecological Impact Assessment (EIA), Lyndhurst Self-build plots, Wynyard Park dated 06/03/2018. I largely agree with the EIA and consequently am satisfied with the scheme as long as the following conditions to cover mitigation and biodiversity enhancements are met.

Wildlife sites

Close Wood Complex Local Wildlife Site

A 15m (minimum) buffer zone has been incorporated into the Lyndhurst development proposals in order to avoid impacts to this LWS. This should be conditioned. This is illustrated on Drawing N° SL101, REV PO1 (snip = Figure 2).

Figure 2.



High Newton Hanzard Meadow Local Wildlife Site

The verges associated with the north to south access track now fall outside of the red line boundary and are unaffected by the application. I support the

recommendation made by Naturally Wild that a low-intensity management regime should be adopted as part of the wider Wynyard Park management and maintenance plan. This should specify the cutting of the verges once in March and not again until September, to allow grasses and wildflowers to flourish.

Habitats

Hedges

The hedges have been confirmed by Naturally Wild as not being notable and most are now outside of the red line boundary. The short sections to be removed to allow for the access road and along the northern boundary, do not require a Hedgerow Regulations removal application. To mitigate for the loss of sections of hedge, new lengths of hedgerow will be planted and/or retained hedges will be gapped up. I recommend a mix of 80% hawthorn with 20% blackthorn, hazel, holly and field maple, planted as a double row at 30cm intervals and fitted with tree guards. They should be maintained for three years with beating up to replace dead and diseased trees. This should be conditioned.

Arable land

I do not require arable land to be sprayed off to prevent re-growth.

Protected species - bats

Bats and ash trees with bat roost potential

Following further bat survey effort, I am satisfied that enough information has been collected to allow accurate assessment and that bats are not a constraint to development.

I recommend that a Method Statement as per the EIA Revision 5 (section 6.1 on page 22) is conditioned.

Any trees or individual limbs to be removed should be felled under a Method Statement and following the soft-fell protocol, supervised by a suitably qualified ecologist who holds a Natural England bat survey licence.

- A further inspection of the PRFs present on the trees would be carried out by the ecologist prior to any felling, using a powerful torch and an endoscope.
- Trees will then be felled in sections. Each section felled would be carefully lowered to the ground to be inspected by the ecologist.
- This process would be carried out until the ecologist is satisfied that all areas with potential value for bats have been removed and inspected. Any sections with PRFs should be left on site for a 24-hour period to allow any bats to escape, in the unlikely event that they are present.
- In the event that any bats are encountered during the works, all work would stop and an alternative strategy would have to be agreed (a legal requirement).

As a small number of bats were recorded utilising habitat along the northern and eastern perimeters of the site, there should be a condition for a low-level lighting scheme to be submitted to, and accepted by, the Local Authority, in order to avoid harm. This should be implemented along the northern and western boundaries (closest to the woodland) during development and post development periods and should cover:

- Angle of lighting - avoidance of direct lighting and light spill onto areas of habitat that are of importance as commuting pathways (woodland edge and hedgerows);
- Type of lighting - studies have shown that light sources emitting higher amounts of UV light have a greater impact on wildlife, so narrow-spectrum bulbs that avoid white and blue wavelengths are to be used;
- Height of lighting columns – reduced in height to avoid unnecessary light spill.

Other protected species

Badgers

The following should be conditioned to ensure no harm comes to badgers.

- All construction work should be limited to daylight hours to avoid disturbing badgers that may be foraging on the site at night.
- All installed fencing should have a minimum gap of 20cm, to allow badgers to pass underneath.
- All trenches should be covered overnight to prevent badgers (and other animals) from falling in. Alternatively, an escape ramp should be provided, being a minimum of 30cm wide and at an angle of no more than 45°.
- The stockpiling of large earth mounds to be avoided during the construction phase, to remove the potential for badgers to excavate into them.

Hedgehogs

There should be a condition that any hedgehogs found during site clearance or construction should be moved to the closest area of woodland.

Breeding birds

There should be a condition that any vegetation removal should be conducted outside the breeding bird season (March to August inclusive). If this is not possible, an ecologist should carry out a breeding bird risk assessment immediately prior to the commencement of the clearance works, with suitable exclusion buffer zones (minimum of 5m) implemented around areas of nesting birds if discovered, which should remain in place until the nests can be confirmed as no longer active.

Tree protection

There should be a condition that any trees or hedges to be retained should be protected via appropriate fencing (Heras or equivalent), with any work carried out around the fenced-off areas following BS 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations'. NB: This is covered in the Arboricultural Method Statement inc. Impact Assessment ref: ARB/CP/1128, dated January 2018.

Biodiversity enhancement

I require a biodiversity enhancement measure in line with NPPF paragraph 118 guidance, 'opportunities to incorporate biodiversity in and around developments should be encouraged'.

The following should be conditioned: Each new property should incorporate an integral bat roost brick or swift nest brick into the apex of the house or garage.

HBC Arboricultural Officer: There will be a boundary hedge breach and the loss of 7 mature trees on this site which have been identified in the report submitted by Elliot Consultancy Ltd. Ref. ARB/CP/1128 dated March 2017. The reasons given are that with the exception of one, the condition is that they are all badly decayed and that the wood rotting fungus *Inonotus hispidus* is present. In the context of where these trees are at the moment and their contribution to providing wildlife habitats they form an interesting feature but their life expectancy is short lived and their potential to fail structurally, is high.

To put this into context, those trees affected are itemised as follows: 2,4,5,6,7,8,9 all are showing evidence of attack by *Inonotus* with the exception of 9 which is outside the redline area.

There are sections of hedgerow that will also have to be removed to access the site and this is highlighted on plan ARB/CP/1128/TPP within the arboricultural report.

To offset the loss of those trees/sections of hedge that are to be removed, the applicant has stated in the Design and Access Statement that the site edges along the North and West boundaries (existing hedges) will be strengthened by underplanting and along the Eastern boundary it is proposed to plant a new hedge. The distributor road leading into the site will have wide verges and planting will be incorporated here.

Under the design principles for the plot layouts the road corridor will be landscaped and the design is described as incorporate a winding Landscaped corridor adjacent the main access road through the site.

Bearing in mind the points raised above it is necessary to see further details on this and this can be met by condition for landscaping. There will be issues with the trees that will need bat surveys carried out and this will be addressed by the ecologist rather than myself.

Updated comments of 24/01/18:

The report submitted by Elliot Consultancy is in keeping with the Arboricultural constraints on this site **and I have no objections** to the recommendations that he has made regarding the trees and hedges. Most of these Ash have break out cavities (where branches have previously broken out and subsequently rotted back) and they are also infected by a serious wood decay fungus which can render the trunk and branches unsafe. Any new development will always be at risk because of their condition and the trees concerned are now relatively short lived and consist of a few isolated specimens only. Their loss can be overcome by landscape enhancements on any new properties themselves and the main development area is also surrounded by a larger tract of woodland to the West and North so the overall tree cover is still very evident.

HBC Public Protection: Not Object.

HBC Countryside Access Officer: At present no public right of way is located in the vicinity of this development proposal.

There are plans to create a new public footpath that would run in a north south alignment to the west of this development, along the route of the existing Close Farm access road.

It is unlikely that this development would have a detrimental impact on the routing of the new public right of way.

HBC Economic Development: No comments received.

HBC Child Services: No comments received.

HBC Sport and Recreation: No comments received.

HBC Waste Management: No comments received.

Northumbrian Water: Thank you for consulting Northumbrian Water on the above proposed development.

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 Northumbrian Water 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 and the Lead Local Flood Authority. 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 Northumbrian Water 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.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

Environment Agency: No comments received.

Natural England: Thank you for your consultation on the above received by Natural England on 08 May 2017. 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.

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.

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. We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Tees Archaeology: Thank you for the consultation on this application. This site has previously been subject to archaeological evaluation and no further investigation is required.

Highways England: Notice is hereby given that Highways England’s formal recommendation is that we offer no objection

Forestry Commission: We provide standing advice in place of individual responses to planning consultations on ancient woodland. Please view the following link to the Forestry Commission and Natural England’s standing advice in relation to ancient woodland and veteran trees – <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

Should you require bespoke advice in relation to this planning application, please let us know.

RSPB: No comments received.

Tees Valley Wildlife Trust: No comments received.

Hartlepool Water: No comments received.

Ramblers Association: No comments received.

Cleveland Police: No comments received.

Cleveland Fire Brigade – 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 utilize 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. All roads providing access in accordance with AD B v1 are required to have this minimum carrying capacity.

Stockton Borough Council: The Highways, Transport and Design Manager has no objections to the proposals as set out below.

Highways Comments

The proposed development, which forms part of the wider Wynyard Park aspirations, falls within the redline line boundary of a yet to be determined outline planning application for up to 383 dwellings (ref H/2015/0332).

The impact of the proposed development, alongside the wider Wynyard Park aspirations, on the local highway network has been assessed and a package of mitigation is currently being developed. The site should it be approved would be expected to contribute towards the package of mitigation.

The Highways, Transport and Design Manager therefore has no objections, subject to the relevant mitigation being secured, in relation to highways impact of this application.

Landscape & Visual Comments

No landscape and visual objections.

Durham County Council: No comments received.

Northern Power Grid: Please note my company has no objections to this application providing that our rights are not affected and that they will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary.

Northern Gas Networks: No comments received.

PLANNING POLICY

3.13 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 (NPPF)

3.14 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 Government's 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 headings – 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 surroundings, 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.

3.15 The following paragraphs in the NPPF are of particular relevance to this 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 |
| 8 | Ensuring all roles of sustainable development are met |
| 9 | Pursuing sustainable development |
| 10 | Consideration of local circumstances |
| 11 | Determination is accordance with the development plan |
| 12 | Status of the development plan |
| 13 | The National Planning Policy Framework constitutes guidance |
| 14 | Presumption in favour of sustainable development |
| 17 | Core planning principles |
| 49 | Housing and the presumption in favour of sustainable development |
| 50 | Sustainable, inclusive mixed use communities |
| 56 | Design of the built environment and its contribution to sustainable development. |
| 57 | High quality inclusive design |
| 58 | Quality of development |
| 60 | Promotion or reinforcement of local distinctiveness |
| 61 | The connections between people and places |
| 64 | Improving the character and quality of an area |
| 69 | Healthy, inclusive communities |
| 95 | Planning for a low carbon future |
| 96 | Minimise energy consumption |
| 186 | Positive approach to decision taking |
| 187 | Approving sustainable development applications where possible |

| | |
|-----|---|
| 196 | Determination in accordance with the development plan |
| 197 | Presumption in favour of sustainable development |
| 203 | Conditions or planning obligations |
| 204 | Planning obligations |
| 205 | Obligations and market conditions over time |
| 206 | Planning conditions |
| 216 | Emerging Plans |

3.16 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.

3.17 Paragraph 47 of the NPPF requires authorities to significantly boost housing supply including by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The housing requirement in the 2006 Local Plan is not up-to-date. 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 sites is assessed. As the emerging Local Plan has been through an examination in public, the authority can now demonstrate a five year supply of sites, including when 20% is frontloaded from the back end of the plan period

3.18 The Tees Valley Minerals and Waste 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. The following policies in the TVMW are relevant to this application:

| Policy | Subject |
|--------|--------------|
| MWP1 | Waste Audits |
| | |

Adopted Hartlepool Local Plan 2006

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

| Policy | Subject |
|--------|---|
| GEP1 | General Environmental Principles |
| GEP2 | Access for All |
| GEP3 | Crime Prevention by Planning and Design |
| GEP9 | Developers' Contributions |
| Hsg9 | New Residential Layout |
| Tra16 | Car Parking Standards |
| Ind1 | Wynyard Business Park |
| Rur2 | Wynyard Limits to Development |
| Rur7 | Development in the Countryside |

Emerging Local Plan – Publication Stage (December 2016)

3.20 The following emerging Local Plan policies are relevant to this application:

| 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 |
| 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 |
| HSG6 | Wynyard Housing Developments |
| NE2 | Green Infrastructure |
| NE3 | Green Wedges |

3.21 The emerging Hartlepool Local Plan has reached an advanced stage with the Inspector's report now received. 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.

Planning Policy comments:

3.22 The current proposed development is considered unacceptable due to part of the site being situated on a green wedge under policy NE3 of the emerging Local Plan. It must be considered that this policy holds great weight as during examination, no changes to this policy were required by the inspector. Planning Policy are of the opinion that the developers must include a green space of an equivalent size to replace the green wedge will be built over. This application will not meet Policy requirements without this green space. The condition and an amended plan must be agreed with the Council before commencement of the development, and this must be met by the developers prior to the occupation of the fifth dwelling on the plot.

3.23 If the application were found to be acceptable, the following planning obligations would be necessary to ensure the development were sustainable:

- Compensatory green space adjacent to the site,
- Education – secondary £25,115.66 towards KS3 provision at Manor Community Academy,
- Junior play facilities – £6,500 within centralised hub,
- £22,867 towards the fencing element of the 3G playing pitch and associated infrastructure,
- Commitment to future maintenance of the recreation facilities above and landscaping,
- £125,33.11 towards off-site affordable housing (equating to the 18% required),

- Cycle contribution – £12,766 towards section 7 of the proposed cycle way along the A689 (linking Dalton Back Lane to Claxton House Farm),
- £3,250 towards walking link A,
- Commitment to accommodate a future Public Right of Way,
- Training and employment charter – further advice can be sought from the Council's Economic Development team.

PLANNING CONSIDERATIONS

3.24 The main material planning considerations of this application are the principle of housing development, planning obligations, impact on highway safety, impact upon the character and appearance of the area, ecology and nature conservation, impact on the amenity of neighbouring land users, archaeology, flooding and drainage, agricultural land, and contaminated land. These and all other planning and residual matters are considered in full below.

PRINCIPLE OF DEVELOPMENT

3.25 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development. 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.

3.26 Paragraph 47 of the NPPF requires authorities to significantly boost housing supply including by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The housing requirement in the 2006 Local Plan is not up-to-date. 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 sites is assessed. As the emerging Local Plan is at an advanced stage and has been through an examination in public, the authority can now demonstrate a five year supply of sites, including when 20% is frontloaded from the back end of the plan period.

3.27 Within the current Hartlepool Local Plan, this site lies within the area of Wynyard Business Park (saved policy Ind1). Saved policy Ind1 states that this land is reserved for development as a business park. The land has been reallocated via the emerging Local Plan policy HSG6, for housing so policy Ind1 in the 2006 local Plan is not up to date.

3.28 In view of the above and within the context of a changing local policy environment and NPPF paragraphs 7, 14, 196 and 197, the principle of residential development in this location is broadly acceptable. The proposed development is considered to be in a sustainable location adjoining an existing established settlement and will contribute towards meeting the Borough's housing need over the emerging Local Plan period, in line with emerging policies HSG1 (New Housing Provision) and HSG6 (Wynyard Housing Developments).

3.29 However, the current proposal builds upon land designated in the emerging Local Plan as a green wedge (Policy NE3). The emerging local plan is in advanced stages, so it is considered that great weight can be given to this emerging policy position, in accordance with paragraph 216 of the NPPF. The proposals would be considered a departure from the Plan on this basis, however in seeking to work together with the applicant on a wider masterplan for Wynyard, it is considered that the proposals could be deemed acceptable if an obligation was made by the applicant to make alternative provision for green space within the immediate vicinity of the site in order to ensure adequate facilities are made available to future occupants.

3.30 As part of the application and wider development of Wynyard, assurance from the developer has been sought that the quantum of development identified in the residential allocation can be achieved in the long term, given the low density of development that has been brought forward to date. Accordingly additional information has been provided that demonstrates housing development could be achieved at an appropriate density elsewhere on the site to ensure delivery of the number of homes required, as well as the green space allocations. On that basis the density of development proposed as part of this application is considered acceptable.

3.31 The submitted Planning Statement indicates the proposals are intended to be of 4-5 bedroom detached homes of a high quality, executive nature. The Strategic Housing Market Assessment (SHMA) 2015 identifies that there is an oversupply of 3 bed semi-detached and 4+ bed detached properties and therefore if a significant amount of 3 bed semi-detached and 4+ bed detached properties were built in this location then there could be a further imbalance in the housing stock.

3.32 However, in this instance, the housing proposed is considered to be acceptable as the proposal is for 13 units and such a small number of units are unlikely to create any significant imbalance in the housing market.

Planning Obligations

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

3.34 A Section 106 Agreement to provide the following contributions and obligations is required:

- Compensatory green space adjacent to the site,
- Education – secondary £25,115.66 towards KS3 provision at Manor Community Academy,
- Junior play facilities – £6,500 within centralised hub,
- £22,867 towards the fencing element of the 3G playing pitch and associated infrastructure,

- Commitment to future maintenance of the recreation facilities above and landscaping/open space,
- £125,33.11 towards off-site affordable housing (equating to the 18% required),
- Cycle contribution – £12,766 towards section 7 of the proposed cycle way along the A689 (linking Dalton Back Lane to Claxton House Farm),
- £3,250 towards walking link A,
- Commitment to accommodate a future Public Right of Way,
- Training and employment charter – further advice can be sought from the Council's Economic Development team.

3.35 The application site is now a part of an established executive housing area, allocated for residential development within the emerging Local Plan. The site is broadly sustainable, subject to the identified contributions/obligations outlined above.

HIGHWAY AND PEDESTRIAN SAFETY

3.36 As set out above, following detailed highways modelling, it was considered that 1100 new dwellings within the Wynyard area (both Stockton's and Hartlepool's areas) would be acceptable in highway terms (subject to the provision of the upgrade works/roundabouts to the A689). The 1100 dwellings were historically made up of applications for 500 + 400 dwellings within Stockton with 200 dwellings in Hartlepool.

3.37 Following a review of this modelling and further discussions with Stockton Borough Council's Highway section to confirm the extent of the traffic modelling for the Wynyard area, it has been confirmed that the traffic likely to be generated by the 200 dwellings in Hartlepool (of which the current application would fall within the red line boundary of the 'minded to approve' 200 dwellings application, reference H/2013/0033) was included within the model and that, as the outcomes have been accepted as being acceptable on the strategic road network with the agreed mitigation measures on the A689 roundabouts, the Council's Traffic and Transport section has confirmed that they have no objections on highway grounds to this application.

3.38 It is, however, highlighted that the remaining capacity within the 'minded to approve' 200 is very close to being reached and therefore further development at Wynyard is likely to require further modeling and mitigation measures.

3.39 Highways England has been consulted on the application and has raised no objection to the proposal.

3.40 With respect to the proposed internal road layout, the Council's Traffic and Transportation section have confirmed that the layout is acceptable but have requested standard conditions with respect to the final design to ensure it is in accordance with the Council's design guidance. In respect to walking route's a contribution and a commitment to accommodate a public right of way are to be secured through the section 106 agreement.

IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

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

3.42 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.

3.43 Both the 2006 Hartlepool Local Plan and the emerging Local Plan advise that development should 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. Development should take into account issues such as the external appearance and 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.

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

3.45 Although the proposals will require the removal of existing trees on the site, these trees have been assessed as having a limited lifespan due to their quality and their removal can be compensated for within an approved landscaping scheme. As such, the Council's Arborist considers that the proposed scheme for the self builds is unlikely to constitute a significant adverse effect.

ECOLOGY & NATURE CONSERVATION

3.46 The application site is primarily arable land with hedgerows to the northern and western boundaries and a number of trees with bat roost potential. Although the site does not incorporate the ancient woodland to the north west, there is the potential for cumulative effects in relation to the wider Wynyard Park developments.

3.47 Following the recommendations of the Council's Ecologist an open buffer of 15m between the woodland edge and plot 5, measured from the edge of the wood to the rear garden fence, has been incorporated and shown on the submitted site layout in order to protect the adjacent semi-natural woodland to the northwest of the site by providing a barrier to secure the woodland from recreational access and strengthening the edge character of the wood.

3.48 Following the submission of an updated 'Environmental Impact Assessment', the Council's Ecologist has recommended a number of its findings are conditioned to prevent potential harm to the ecological environment. These include additional hedgerow and gapping up of existing hedgerow to mitigate the loss of sections of

hedge to allow for the development. The submitted Method Statement regarding tree removal should be conditioned in the interests of bat protection, along with the need to submit a low-level lighting scheme for the site.

3.49 Conditions requiring protection for retained trees, mitigation measures to prevent harm to badgers and hedgehogs during construction are also recommended.

3.50 The NPPF requires development to contribute towards biodiversity enhancement, in accordance with this, a condition requiring each property to incorporate an integral bat roost brick or swift nest brick into the apex of the house or garage.

3.51 Subject to the above referenced mitigation and biodiversity enhancement measures being secured through planning conditions, the proposal is considered to be acceptable in ecological terms in this instance and therefore accords with the provisions of the NPPF.

LANDSCAPING

3.52 A general indication of the landscaping of the development has been provided, however there is insufficient detail provided to enable a full assessment of the proposal. It is acknowledged that this is an outline application and further details of landscaping can be conditioned and provided at the reserved matters stage, which is supported by the Council's Arboricultural Officer. Notwithstanding this, planning conditions to secure appropriate protection of retained trees and hedges on site would be recommended if the development were considered acceptable in principle.

AMENITY OF NEIGHBOURING LAND USERS

3.53 Although all matters have been reserved, the application is accompanied by an indicative site layout that demonstrates a central vehicular access forming a cul-de-sac. The layout demonstrates that the proposed plots could be developed for detached dwellings with separation distances between both the proposed plots and those on adjacent developments that are in excess of the minimum separation distances and therefore the privacy of neighbouring land users would not be undermined.

3.54 As such, it is considered that a satisfactory design with generous plot sizes and therefore satisfactory relationships between neighbouring land users can be achieved for both existing and future occupiers. The final details of plot layout and property design would, however, be the subject of reserved matters applications.

3.55 It is not considered that residential development of the nature proposed would unduly alter the character of the wider area to the detriment of the amenity of neighbours, given the developing residential character of this part of the Wynyard estate. No objections have been raised by the Council's Public Protection team in this regard. Notwithstanding this, a standard condition requiring a construction management plan would be appropriate.

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

FLOOD RISK AND DRAINAGE

3.57 The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy as the site exceeds 1ha in area. With respect to matters of flooding, the site is within Flood Zone 1 and therefore at low probability of flooding. Recommendations are made within the FRA to further minimise the probability of flooding.

3.58 With regard to surface water drainage from the site, the Council's Environmental Engineering section has requested that full details of surface water drainage be secured by a planning condition.

3.59 Northumbrian Water has requested that details of surface water and foul drainage are secured by a further planning condition, which is secured accordingly.

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

ARCHAEOLOGY

3.61 Tees Archaeology has considered the submitted information and consider no further investigation is required. As such, Tees Archaeology raises no objection to the proposal, which is therefore considered to satisfy the provisions of paragraph 128 of the NPPF.

CONTAMINATED LAND

3.62 The Council's Environmental Engineering section have confirmed that any unexpected land contamination be addressed by a planning condition which is considered to be acceptable.

AGRICULTURAL LAND

3.63 The development will result in the loss of what has been agricultural land. However the site has been allocated for alternative development in the development plan for sometime and it is not considered the loss of agricultural land would outweigh the benefits of the scheme.

PLANNING BALANCE & OVERALL CONCLUSION

3.64 The main benefits and adverse impacts arising from the scheme are outlined below:

Benefits

- Boost to the supply of housing (economic)

- The proposed development will create jobs in the construction industry and in the building supply industry (the applicant has agreed to enter into an Employment Charter, thereby securing a percentage of jobs for local people) (economic + social)
- The financial contribution towards the provision of affordable housing would contribute to reducing the annual net shortfall of affordable housing at a time when the NPPF urges local authorities to boost the supply of housing (economic + social)
- A contribution to the executive housing offer in the Tees Valley (economic + social)
- It will potentially deliver beneficial biodiversity enhancements (environmental)
- The application would improve accessibility by securing a contribution towards a cycle link connecting the site towards the urban fringe of Hartlepool (environmental) and enhancements to proposed footpaths
- The development would secure obligations for the developer to provide facilities including play facilities, creating a more sustainable community with social benefits. This can be afforded a small degree of weight in the planning balance.
- Potential New Homes Bonus and increased Council Tax (economic)

Adverse Effects

- It will result in the loss of part of the allocated green space (environmental and social)
- In isolation the application would not provide a completely self sustaining community in terms of comprehensive health and community facilities (social)
- Potential adverse ecological impacts (environmental)
- Loss of agricultural land (environmental + economic).

3.65 The development is an allocated site located within the established urban limits. The proposal would result in the loss of allocated green space and such development would normally be resisted unless material considerations indicate otherwise having regard to the development plan. However the developer has accepted the requirement to provide equivalent green space within land they own, adjacent to the development site and as such, the proposals on balance are considered to be sustainable development.

3.66 It is considered that there are important material benefits arising from the proposed development and there are no adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. The scheme is considered acceptable in respect of the material planning considerations identified above and is therefore recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.67 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.69 There are no Section 17 implications.

REASON FOR DECISION

3.70 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 as detailed in the report securing off site green space adjacent to the site and contributions towards secondary education (£25,115.66), junior play facilities (£6,500), the fencing element of the 3G playing pitch (£22,867), off-site affordable housing (£125,33.11), section 7 of the cycle way along the A689 (£12,766), walking link A (£3,250), obligations to secure future maintenance of recreation facilities and landscaping/open space , to accommodate a future Public Right of Way and to implement a training and employment charter and the following planning conditions:

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with the following plans: drawing number SL101, revision P01 (Proposed Site Plan Showing 15m Radius to North West Boundary), date received by the Local Planning Authority 22/01/18, drawing number 1603:LP.01 (Location Plan), date received by the Local Planning Authority 27/02/18.
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 13 no. dwellinghouses (C3 use class).
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with drawing number SL101, revision P01 (Proposed Site Plan Showing 15m

Radius to North West Boundary), date received by the Local Planning Authority 22/01/18.

To ensure a satisfactory form of development.

6. The development hereby approved shall be carried out in accordance with the mitigation measures regarding bat protection identified in section 6.1 (page 22) of the Ecological Impact Assessment Revision 5, produced by Naturally Wild, date received by the Local Planning Authority 06/03/18.
In order to prevent disturbance to bats.
7. Prior to the submission of any Reserved Matters application(s), a Detailed Design Code shall be submitted to and agreed in writing with the Local Planning Authority. All applications for Reserved Matters approval shall thereafter be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the approved Detailed Design Code.
To ensure a satisfactory form of development.
8. The external walls and roofs of individual buildings shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority on a plot by plot basis. The materials shall accord with the agreed Detailed Design Code (as required by condition 7). Thereafter the development shall be carried out in accordance with the approved details.
To enable the Local Planning Authority to control details of the proposed development and in the interests of visual amenity.
9. Prior to the submission of any Reserved Matters application(s), a scheme for tree and hedge protection shall be 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'. The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. The scheme and any Reserved Matters application(s) shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

10. A detailed scheme of soft landscaping, hedge, tree and shrub planting up to the boundary of the individual plots and details of the requisite 15m radius buffer zone as annotated on plan SL101 Rev P01 (Proposed Site Plan Showing 15m Radius to North West Boundary), date received by the Local Planning Authority on 22nd January 2018) 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. The scheme shall make provision for new lengths of hedgerow to be planted and/or retained hedges gapped up to mitigate for sections of hedge lost with a recommended mix of 80% hawthorn with 20% blackthorn, hazel, holly and field maple, planted as a double row at 30cm intervals and fitted with tree guards. Thereafter any landscaping details required for the individual plots shall be submitted to and approved in writing by the Local Planning Authority on a plot by plot basis as part of the reserved matters. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity and to ensure a satisfactory form of development.
11. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Thereafter the finished floor levels required for the individual plots shall be submitted to and approved in writing by the Local Planning Authority on a plot by plot basis as part of the reserved matters. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots. Development shall be carried out in accordance with the approved details.
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.
12. 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 and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

13. Notwithstanding the submitted information and the measures outlined within the WYG Flood Risk and Foul Drainage Assessment March 2017 (date received 17th March 2017), no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.
To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.
14. Details of all external finishing materials associated with the roads and service infrastructure of the development shall be submitted to and approved by the Local Planning Authority before development commences. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. Thereafter prior to any individual plots being occupied, details of all external finishing materials including car parking areas, footpaths and any other areas of hard standing to be created within each individual plot shall be provided as part of the reserved matters.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
15. Details of all walls, fences, gates and other means of boundary enclosure to be constructed up to the individual plots shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter prior to any individual plots being developed details of boundary enclosures shall be provided on a plot by plot basis. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity and the amenity of the occupiers of the site.
16. No development on any individual plot shall commence until the boundaries of all the individual plots have been identified and demarcated on site in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The scheme identifying and demarcating the plots

shall thereafter be maintained as approved during the construction phase unless some variation is otherwise agreed in writing by the Local Planning Authority.

In the interest of the proper planning of the area to ensure plots can be clearly identified when reserved matters applications are submitted.

17. Notwithstanding the submitted plans and prior to the commencement of development, a detailed plan of the proposed access road shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the proposed carriageway, footways, cycleway and crossing points. Thereafter the development shall be carried out in accordance with the approved details.
In the interest of highway safety.
18. Notwithstanding the submitted plans and prior to the commencement of development, details of the proposed junction radii and footways serving the development up to the individual plots and any street lighting shall be submitted and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
In the interest of highway safety.
19. Notwithstanding the requirements of condition 18 and prior to the commencement of any development, a scheme for low level lighting for the areas of development, including road lighting, adjacent to the northern and western perimeters of the site shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme should demonstrate how light spill will be minimised on the adjacent habitat, including the angle of lighting, type of lighting and height of lighting columns. The scheme shall provide details of any low level lighting to be erected i) during the construction phase and ii) as part of the completed development. The development shall be carried out in accordance with the approved details.
In order to prevent disturbance to bats and other wildlife and to ensure a satisfactory form of development.
20. 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 and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site including individual plots shall accord with the requirements of the agreed Construction Management Plan.
To avoid excessive noise and disturbance to the occupants of nearby properties and in the interests of highway safety.
21. Prior to the commencement of development of each individual dwelling hereby approved, a scheme shall be submitted to and agreed in writing by the

Local Planning Authority that shows how the energy demand of the development (measured by the Dwelling Fabric Energy Efficiency) and its CO2 emissions (measured by the Dwellings Emission Rate) would be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulation 27 and 27a, 2010 as amended prevailing at the time of development (or any Regulation revoking and re-enacting that Regulation with or without modification), this will require submission of both the DFEE, DER and their comparable target figures TFEE and TER (Target Fabric Energy Efficiency and Target CO2 Emission Rate) and the list of specifications to which the building is to be constructed. Prior to the residential occupation of the dwelling the final Building Regulation 27 notice detailing the as built TER/DER, TFEE/DFEE and list of specifications shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented.

In the interests of promoting sustainable development.

22. Prior to the commencement of development of each individual dwelling hereby approved, a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy shall be first submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed/installed in line with the approved scheme prior to the residential occupation of the dwellinghouse. In the interests of promoting sustainable development.
23. 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.
24. The dwellings hereby approved shall not exceed two and a half storeys in height with a maximum height to eaves of 6.3 metres and ridge of 10 metres. In the interests of visual amenity.
25. Each of the dwellings hereby approved shall include an integral bat roost brick or swift next brick into the apex of the house or garage. In the interests of biodiversity enhancement.
26. The roads, footpaths and cycleways and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority. In order to ensure the roads are constructed and maintained to an acceptable standard.

27. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.
To ensure any site contamination is satisfactorily addressed.
28. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In order to avoid harm to birds.
29. No construction/building works or deliveries shall be carried out except between the hours of 07.30 am and 07.00 pm on Mondays to Fridays and between 07.30 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.
30. Notwithstanding the requirements of condition 29, no construction work shall take place outside of daylight hours, all fencing erected for the purposes of construction work shall have a minimum gap of 20cm to allow badgers to pass underneath, all trenches shall be covered overnight to prevent badgers falling in (unless an escape ramp of a minimum of 30cm wide and at an angle of no more than 45° is provided) and earth mounds shall not be stockpiled during construction to remove the potential for badgers to excavate into them.
In order to avoid harm to badgers.
31. Any hedgehogs are found during site clearance or construction shall be moved to the closest area of woodland.
In order to avoid harm to hedgehogs.
32. 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 agreed details under condition 16, 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 visual amenity of the surrounding area.

33. 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 garages, outbuildings or other detached structures shall be erected within the 15m radius 'no build zone' as annotated on plan SL101, revision P01 (Proposed Site Plan), date received by the Local Planning Authority 22/01/18 without the prior written consent of the Local Planning Authority.

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

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>

except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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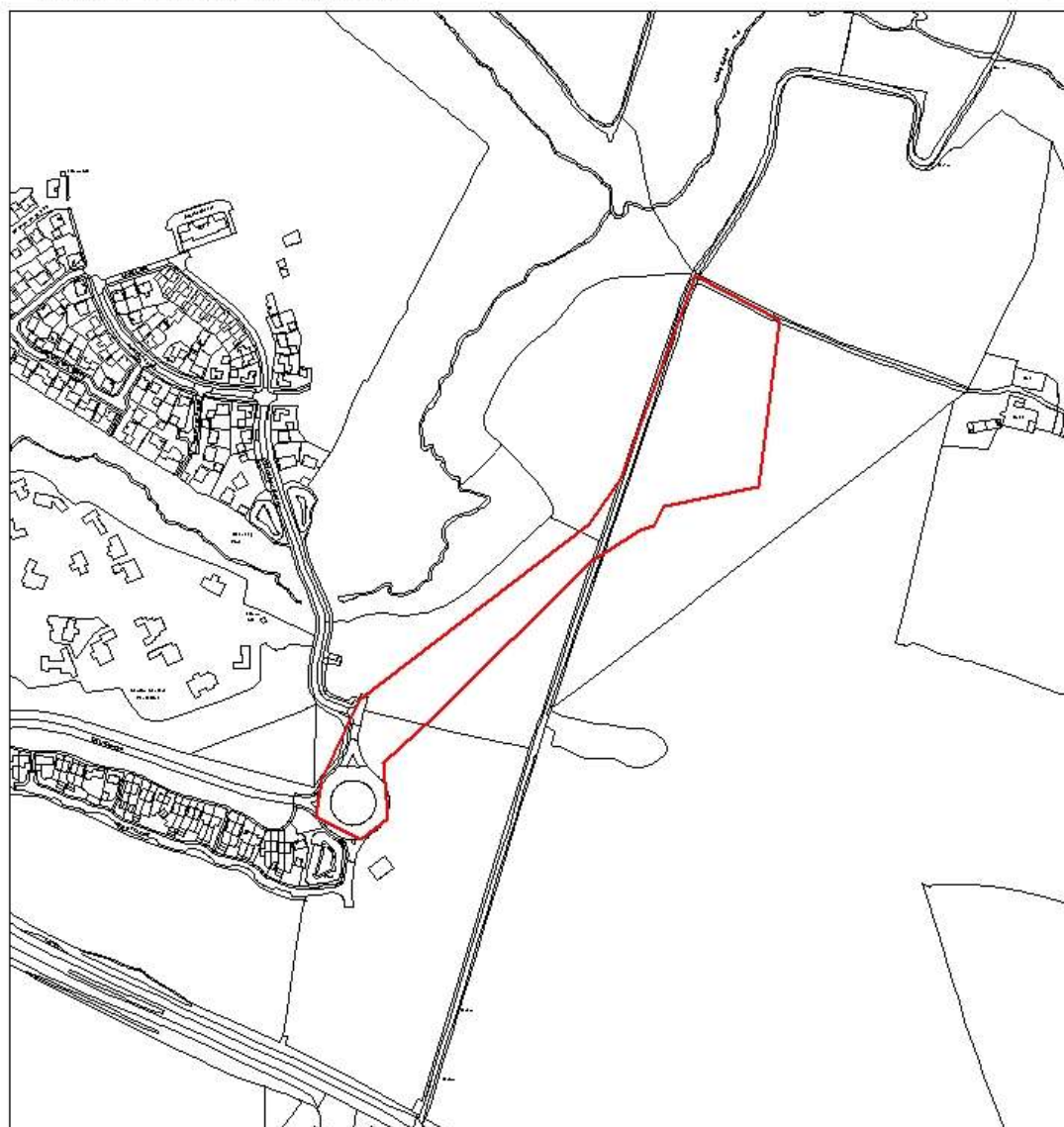
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THE LYNDHURST

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 23/03/18 |
| | SCALE 1:5000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0150 | REV |

No: 4
Number: H/2017/0418
Applicant: MR JAMIE BORTHWICK GRANGE ROAD
HARTLEPOOL TS26 8LU
Agent: MR JAMIE BORTHWICK 156 GRANGE ROAD
HARTLEPOOL TS26 8LU
Date valid: 07/09/2017
Development: Outline application for the erection of two semi-detached
dwellinghouses and associated access.
Location: 156 GRANGE ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The following planning history is considered to be relevant to the current application site;

HOUT/1990/0696 – Outline planning permission was granted on 16th January 1991 for the erection of a detached dwelling.

HFUL/1990/0754 – Planning permission was granted on 20th March 1991 for change of use from dwelling to residential/nursing home for the elderly, extensions to side and rear and provision of parking/amenity areas.

HFUL/1991/0546 – Planning permission was granted on 6th November 1991 for the variation of permission to enable premises to be used as a nursing home and residential care home.

HCDC/1991/0610 – Planning permission was granted on 12th November 1991 for change of use to provide a mental illness day care facility.

HCOU/1993/0663 – Planning permission was granted on 3rd February 1994 for change of use and alterations to outbuildings to form workshop, garden workspace, secure store and office skills facility.

HFUL/1998/0688 – Planning permission was granted on 5th February 1999 for extension to ground floor dining room.

TPO/0000/0206 – Tree Preservation Order (TPO) effective from 7th June 2011 relating to 3 sycamore trees and 1 pear tree within the curtilage of 156 Grange Road.

H/2012/0050 – Planning permission was granted on 30th April 2012 for change of use to residential dwellinghouse.

H/2013/0353 – A planning application for the erection of a pair of semi-detached houses with associated parking was withdrawn on 30th October 2013.

PROPOSAL

4.3 This application seeks outline planning permission for the erection of two semi-detached dwellinghouses and associated access. Details of the layout and scale are also provided. Details of appearance and landscaping are ‘reserved’ matters.

4.4 The proposed dwellings comprise 2.5 storeys with a lounge, kitchen/dining room and utility/WC at ground floor, two bedrooms (one with en-suite), a bathroom and study at first floor and a third bedroom with en-suite at second floor. Each dwelling measures approximately 5.05 metres in width by 11.8 metres in length, and each includes an approximately 3.8 metre projecting single storey rear offshoot (to give a total length of approximately 15.6 metres) with a width of approximately 3 metres. The proposed offshoots feature a monopitch roof design with an eaves height of approximately 2.6 metres and a ridge height of approximately 3.8 metres. The proposed dwellings feature a dual pitched roof design, including second floor dormer windows to front, with a maximum eaves height of approximately 5.6 metres and a total ridge height of approximately 9.6 metres.

4.5 The proposal also includes the demolition of a row of ancillary outbuildings along the eastern boundary of the site.

4.6 The application has been referred to Planning Committee as more than 2 objections have been received.

SITE CONTEXT

4.7 The application site relates to land within the curtilage of 156 Grange Road, to the rear of the existing dwellinghouse, which currently forms part of the rear garden area of the property and includes a row of outbuildings adjacent to the eastern boundary. The application site is bounded to the north by 113 Granville Avenue and to the east by 154 Grange Road and 1A Welldeck Road. To the north east is 1 Welldeck Road. To the south of the site of the proposed dwellings is the existing dwellinghouse at 156 Grange Road. The application site is bounded to the south and west by adopted highway along Grange Road and Granville Avenue, respectively. The site is currently enclosed by an approximately 2 metres high brick wall to the north, east and west. There are a number of trees located within the application site that are protected by TPO 206.

PUBLICITY

4.8 The application has been advertised by way of neighbour letters (17) and site notice. To date, 7 objections have been received from neighbouring land users with the following concerns (summarised):

- Insufficient information submitted
- Negative impact on property values
- Detrimental impact on character of area/development out of keeping
- Proposed dwellings are unduly high
- Detrimental impact on heritage
- Overdevelopment of site
- Detrimental impact on parking/congestion/highway safety
- Insufficient consultation
- Location Plan missing 1A Weldeck Road
- Impact on bus stop
- Impact on the amenity of neighbouring properties in terms of overshadowing and loss of light, openness
- Loss of views.
- Increased noise and disturbance
- Disruption from construction works
- Impact on ecology (nesting birds)
- Impact on trees
- Inappropriate location
- Lack of need for dwellings in this location
- Sufficient housing already planned/under construction in Borough
- Impact on drainage and existing drainage systems

Copy Letters **B**

4.9 The period for publicity has now expired.

CONSULTATIONS

4.10 The following consultation responses have been received;

HBC Engineering – I would request a surface water drainage condition on this application please.

HBC Heritage and Countryside - The application site is located outside the boundary of Grange Conservation Area, a designated heritage asset.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

The adopted Local Plan, policy HE3, is relevant this states, “The design and materials used in new developments which would affect the setting of conservation areas should take account of the character of those neighbouring conservation areas.”

The proposal is as outline application for the erection of two dwellings.

The proposal will not impact on the Grange Conservation Area; no objections.

Tees Archaeology – There’s nothing on the HER round there so I have no comments.

HBC Landscape – All trees at this location are currently protected by TPO no. 206.

The Arboricultural report highlights the large pear as being infected with the decay causing fungus Ganoderma and I can endorse that this is the case. Pear wood is regarded as non durable and because of the size of this tree it must be considered to have a very short life expectancy and defective stem. It also has a slight lean towards the road which increases the risk associated with this tree.

In relation to the development proposals no trees are directly affected and the arboricultural report accompanying this application has highlighted where temporary protective fencing should be erected in relation to the Sycamore on the Eastern boundary of the site. (T3 on the applicants plan).

Provided that the works described in the arboricultural report are carried out including the protective fencing I have no objections to the proposal as submitted however the tree that is to be removed will need to be replaced as shown as a condition of the TPO.

HBC Ecology - I have studied the submitted proposed site plan (Amended Site Plan Layout drawing N^o: 2004/P/2, REV B) and the submitted ‘street scene’ (Amended Site Plan Layout drawing N^o: 2004/P/6, REV B).

Ecology

No ecology survey is required.

NPPF paragraph 118 Biodiversity Enhancement

The site is within the best area of Hartlepool for bats, due to the presence of mature gardens, parks and wildlife corridors leading to the wider countryside. I recommend that the following biodiversity enhancement is conditioned:

A Schwegler, integral bat roost brick to be incorporated into:

- The apex of the north facing, gable-end, brick wall of house N^o 115.

- The apex of the south facing, gable-end, brick wall of house N^o 117.

A number of designs are available and can be researched on the internet.
Schwegler integral bat roost brick options:

- A 1FE Schwegler Bat Access Panel: http://www.schwegler-natur.de/portfolio_1395072079/fledermaus-einlaufblende-1fe/?lang=en
- Bat Winter Roost 1WI: http://www.schwegler-natur.de/portfolio_1395072079/fledermaus-ganzjahres-einbauquartier-1wi-d-b-p/?lang=en

More information is on the Schwegler website at: <http://www.schwegler-natur.de/fledermaus/?lang=en>

Boxes are sold via a number of UK websites e.g. at:

<http://www.wildlifeservices.co.uk/batboxes.html>

And

<https://www.nhbs.com/1fe-schwegler-bat-access-panel>

HBC Public Protection – I would have no objections to this application in this location subject to the following conditions.

Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

There should be adequate dust suppression facilities on site.

There should be no open burning at any time on the site.

HBC Traffic & Transport – Drive Crossings will need to be installed on Grange Road and Granville Avenue. These should be constructed in accordance with the HBC Design Guide and Specification and by a NRaSWA accredited contractor.

On Granville Terrace a street lighting column and bus stop may require relocation. The developer should contact highways to make arrangements for their relocation. All costs in respect of this should be met by the developer.

UPDATE 09/11/17: The existing bus stop is currently not in use. However the flag has been retained in case bus services start to use Granville Avenue in the future. It would be ok to move the flag and bin a few metres closer to Grange Road so that it does not impede the new drive crossings. This would be done at the developer's expense.

This development provides the correct amount of parking; the proposed drive crossings would have the effect of reducing the amount of off street parking by 2 spaces. This would have a minimal affect on on-street parking in the area.

Granville Avenue can be used as a cut through between Hart Lane and Grange Road, however I would not consider that the traffic levels are at a severe level. The construction of 2 dwellings would have minimal impact on further congestion and road safety.

There are therefore no highways or traffic concerns, the comments made in my previous response are still valid.

UPDATE 06/04/18: I can confirm that the driveway width is acceptable, I have no further objections.

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 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.

- I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed new development.
- The proposed new developments will both be required to have separate metered water connection from our local network main.
- We have no objection to this development.

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

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

UPDATE 21/03/18: 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 can confirm that at this stage we would have no comments to make.

Cleveland Police – No representation received.

PLANNING POLICY

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

Hartlepool Local Plan (2006)

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

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

GEP1: General Environmental Principles

GEP3: Crime Prevention by Planning and Design

Hsg10: Residential Extensions

Hsg9: New Residential Layout - Design and Other Requirements

HE3: Development in the Vicinity of Conservation Areas

Emerging Hartlepool Local Plan

4.14 The Council's emerging Local Plan is currently at an advanced stage and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of objection received to date in relation to those policies, identified through the public consultation process, in accordance with paragraph 216 of the NPPF.

In this context, it is considered that the following policies can be afforded a degree of weight in the decision-making process;

CC2: Reducing and Mitigating Flood Risk

HSG11: Extensions to Existing Dwellings

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

HE1: Heritage Assets

HE3: Conservation Areas

National Planning Policy Framework (NPPF)

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

PARA 001: Apply Policy

PARA 002: Primacy of Development Plan

PARA 008 : Sustainable development

PARA 009 : Sustainable development

PARA 010 : Local sustainable development

PARA 011: Planning law and development plan

PARA 012: Statutory status of development plan

PARA 013: NPPF is material consideration

PARA 014: Presumption in favour of sustainable development

PARA 015: Presumption in favour of sustainable development

PARA 017: Core Planning Principles

PARA 056: Design of built environment

PARA 057: High quality and inclusive design

PARA 126: Positive strategy for the historic environment

PARA 131: Viable use consistent with conservation

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development

PARA 216: Emerging Plans

4.16 HBC Planning Policy - Subject to effects of the development on the function, appearance, character and on amenities of immediate and surrounding properties, and also subject to design issues being satisfactorily addressed in accordance with NPPF paras 56 &57, emerging policies QP4 &QP5 amongst other listed policies there are no objections to this proposal.

PLANNING CONSIDERATIONS

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

and in particular the impact of the proposed development on the amenity of neighbouring land users, the visual amenity of the application site and the character of the surrounding area (including adjacent conservation areas), impact on landscape features, ecology and nature conservation, highway and pedestrian safety and parking, flood risk and drainage and archaeology. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

4.18 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development. 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.

4.19 Paragraph 47 requires authorities to significantly boost housing supply including by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Given the advanced stage of the emerging Local Plan, the authority can now demonstrate a five year supply of sites.

4.20 Within both the current Hartlepool Local Plan and the emerging Local Plan, this site lies within the limits to development on unallocated 'white land'. The site currently forms part of a private residential garden. Whilst the site has not been identified through the Strategic Housing Land Availability Assessment (SHLAA) and has not been allocated as a housing site in the emerging Local Plan, the proposed development is in a sustainable location within the development limits of Hartlepool, within walking distance to town centre amenities, local shops and services and public transport, and is in an established residential area.

4.21 The Council's Planning Policy section has confirmed that they have no objections to the application subject to the consideration of relevant material planning considerations including the impact on the character of the area and amenity of neighbouring land users, which are set out in detail below. The principle of residential development in this location is therefore considered to be acceptable.

AMENITY OF NEIGHBOURING LAND USERS

4.22 A number of objections have been received with respect to the potential impact of the proposal on the amenity of neighbouring land users in terms of overshadowing and loss of light and openness.

4.23 The proposal initially comprised two semi detached properties that were greater in width, located closer to the shared boundary with 113 Granville Avenue and that were set further back into the site. However, in view of objections from neighbouring land users and following similar concerns from the case officer with respect to the potential impact on the amenity of 113 Granville Avenue in particular, the applicant has since revised the scheme to increase the separation distances between the

proposed dwellings and 113 Granville Avenue by incorporating drive spaces to the side of each dwelling, and has moved the dwellings forward to be more in keeping with the building line on Granville Avenue and to reduce the proportion of the dwellings that extend beyond the principal rear elevation of 113 Granville Avenue.

4.24 To the north, the proposed dwellings are set off the shared boundary with 113 Granville Avenue by approximately 3 metres. This shared boundary is screened by an approximately 2 metre high brick wall. At its closest point, the side elevation of the two storey element of the northernmost proposed dwelling is approximately 5 metres from the side elevation of 113 Granville Avenue. At its furthest point, the side elevation of the two storey element of the northernmost proposed dwelling is approximately 9 metres from the side elevation of 113 Granville Avenue. The proposed single storey offshoot of the northernmost proposed dwelling is set off the shared boundary by approximately 5 metres and there is a satisfactory separation distance to the side elevation of 113 Granville avenue of approximately 11-12 metres.

4.25 The neighbouring property, 113 Granville Avenue, features a secondary dining room window, a breakfast room window, a kitchen window and glazed door and a utility room window in the ground floor side elevation facing the application site. At first floor, this neighbouring dwelling features an obscurely glazed bathroom window and an obscurely glazed W/C window facing the application site.

4.26 With respect to the ground floor dining room window facing the application site, whilst this is in close proximity to the side elevation of the proposed dwellings (approx. 5 metres), this window currently faces directly onto the abovementioned 2 metre high boundary wall and is a small secondary window, with the dining room also being served by a larger rear facing window.

4.27 With respect to the ground floor breakfast room window facing the application site, again this faces onto the boundary wall and, whilst it is acknowledged the proposed dwellings are 2.5 storey in height and project in front of this window, there remains a satisfactory separation distance of approximately 8-9 metres to the side elevation of the proposed dwellings. Whilst Supplementary Note 4 of the adopted Hartlepool Local Plan 2006 sets out guideline separation distances of 10 metres for principal-side elevations, the elevations facing one another in this instance are side-side (where separation distances are typically limited) and although the breakfast room window can be considered to serve a habitable room, the breakfast room is linked to the kitchen which features an additional larger window that faces only part of the proposed dwellings. This relationship is also typical of the other semi-detached dwellings in the street.

4.28 The remaining windows in the side elevations of 113 Granville Avenue serve non-habitable rooms.

4.29 It is therefore considered that there would not be any significant detrimental impact on the abovementioned windows in terms of overshadowing, any overbearing effect or poor outlook.

4.30 In the rear elevation of the main dwellinghouse at 113 Granville Avenue, there is a large dining room window at ground floor and a bedroom window at first floor. Whilst the proposed dwellings extend beyond the rear elevation of this neighbouring property, given the approximately 6 metre separation distance between the dwellings at this point and taking into account the oblique angle at which the proposed dwellings splay away from 113 Granville Avenue, it is not considered there would be a significant detrimental impact on these windows in terms of overshadowing, any overbearing effect or poor outlook.

4.31 Furthermore, the indicative elevations show a single bathroom (non-habitable) room window at first floor and a utility (non-habitable) room window at ground floor located in the side elevation(s) of the proposed dwelling facing this neighbouring property. Due to the proximity of the proposed first floor bathroom window to the shared boundary with 113 Granville Avenue, a planning condition is recommended requiring this window to be fixed and obscurely glazed to prevent overlooking. Given the abovementioned separation distances and boundary wall screening, it is not considered the proposed utility room window shown on the indicative elevations would pose any issues with respect to loss of privacy to 113 Granville Avenue.

4.32 In view of the above, it is considered on balance that the proposed dwellings would not have a significant detrimental impact on the privacy or amenity of neighbouring land users to the north.

4.33 To the east, a satisfactory separation distance of approximately 21-25 metres is maintained between the main rear elevation of the proposed dwellings and the rear elevations of the neighbouring properties at 1A Weldeck Road and 154 Grange Road, in accordance with Guideline 7 of Supplementary Note 4 of the adopted Hartlepool Local Plan 2006. Whilst it is acknowledged the proposed single storey rear offshoot reduces the distance between the northernmost proposed dwelling and 1A Weldeck Road to approximately 18 metres, the indicative elevations show the offshoot features only a single W/C window facing this neighbouring dwelling and, taking into account the modest size of the offshoot and the abovementioned boundary wall, it is considered there would be no significant detrimental impact on neighbouring land users to the east in terms of loss of privacy or amenity.

4.34 To the south, a satisfactory minimum separation distance of approximately 10 metres is maintained between the side elevation of the southernmost proposed dwelling and the principal rear elevation of 156 Grange Road, in accordance with Guideline 7 of Supplementary Note 4 of the adopted Hartlepool Local Plan 2006.

4.35 As above, the indicative elevations show there is only a single bathroom (non-habitable) room window at first floor and a utility (non-habitable) room window at ground floor located in the side elevation(s) of the proposed dwelling facing this neighbouring property. Due to the proximity of the proposed first floor bathroom window to the proposed shared boundary with 156 Grange Road, a planning condition is recommended requiring this window to be fixed and obscurely glazed to prevent overlooking.

4.36 The proposed rear offshoot in this instance is set off the shared boundary by approximately 3.5 metres with a separation distance of approximately 12.5 metres to

the rear elevation of 156 Grange Road. Given the abovementioned separation distances, subject to appropriate boundary treatments that can be secured by virtue of a pre-commencement planning condition, it is not considered the proposed utility room window shown on the indicative elevations would pose any significant issues with respect to loss of privacy to 156 Grange Road.

4.37 In view of the above, it is considered that there would be no significant detrimental impact on neighbouring land users to the south in terms of loss of privacy or amenity.

4.38 To the west, the proposed dwellings do not directly overlook any neighbouring dwellings, with a satisfactory oblique separation distance of approximately 20 metres to the nearest residential property to the south west at 156a Grange Road. It is therefore considered that there would be no significant detrimental impact on neighbouring land users to the west in terms of loss of privacy or amenity.

4.39 Concerns have also been received from neighbouring land users with respect to increased noise and disturbance resulting from the development, including during the construction/demolition phase. Construction and demolition is subject to the Control of Pollution Act 1974 and is therefore controlled under separate Environmental Health legislation. Notwithstanding this, the Council's Public Protection section has been consulted and has confirmed that they have no objections to the proposal subject to a planning condition restricting hours of construction and provided there are adequate dust suppression facilities on site and no open burning at any time. Planning conditions and an informative to this effect are therefore recommended.

4.40 Furthermore, it is considered that the principle of residential development is acceptable in this area and, in view of the abovementioned separation distances and boundary treatments, it is not considered that the proposed dwellings would result in any undue noise or disturbance over and above what would be expected from a residential development of this nature.

4.41 It is therefore considered that the proposed development would not have a significant detrimental impact on neighbouring land users in terms of loss of amenity, through overshadowing, any overbearing effect or poor outlook, or loss of privacy, through overlooking. The application is therefore considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users and in accordance with saved policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006, emerging policy QP4 of the emerging Hartlepool Local Plan and paragraphs 17 and 56 of the NPPF.

VISUAL AMENITY OF APPLICATION SITE AND CHARACTER OF SURROUNDING AREA (INCLUDING ADJACENT CONSERVATION AREAS)

4.42 Objections have been received from neighbouring land users with respect to the impact of the proposal on the character of the area, including concerns that the development is out of keeping with the surrounding area, the dwellings are unduly high, the proposal comprises overdevelopment of the site and the development will have a detrimental impact on heritage assets/the historic environment.

4.43 For the avoidance of doubt, the application under consideration is for outline planning permission with matters of appearance being reserved for subsequent approval by virtue of a reserved matters application. The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines “appearance” as the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

4.44 Notwithstanding this, the applicant has submitted detailed scale elevation drawings of the proposed dwellings indicating their design/external appearance (save for colours/materials) and heights and, in accordance with Paragraph: 035 (Reference ID: 14-035-20140306) of the Planning Practice Guidance, the local planning authority must treat these details as part of the development in respect of which the application is being made. Consequently, any grant of planning permission will be conditional on the development being carried out in accordance with these details.

4.45 When considering development of garden plots within urban areas it is considered that the scale of the development is of paramount importance as to how it fits with its surroundings. Where properties have a road frontage then their scale should normally be similar to that of the surrounding developments.

4.46 The surrounding area is predominantly residential in nature, located to the west of the town centre. The area features a mix of property types, designs and ages including large Victorian properties in generous gardens, early 20th century terraced housing and mid 20th century semi-detached dwellings. The immediate vicinity also includes a number of more modern properties, including recent similar infill developments adjacent to 1 Weldeck Road (ref: HFUL/2004/0641) and 152 Grange Road (ref: H/2009/0360). The application site is located outside but within close proximity to the Grange and Park Conservation Areas

4.47 The layout and scale of the proposed dwellings is similar to that of the properties to the immediate north along Granville Avenue, with small private front garden areas, driveway access to the side and linear rear gardens. However, the proposed dwellings do not sit parallel to the adjacent property to the north at 113 Granville Avenue but instead splay away, due to the orientation of the existing boundary, and as such are misaligned with the building line, albeit only marginally.

4.48 The proposed dwellings echo the characteristics found within the immediate streetscene along Granville Avenue (from where the dwellings will be accessed), including a vertical emphasis on windows, two storey projecting bays, similar detailing to the front facing gables and a canopy over the front doorways. However, it is noted that the proposed dwellings are smaller in scale than the neighbouring properties to the immediate north and do not feature two storey rear offshoots as can be found on these neighbouring properties.

4.49 Notwithstanding this, in view of the above, it is considered that the proposed dwellings are of a design, scale, massing and layout that are in keeping with the surrounding area.

4.50 With respect to the impact of the proposal on the conservation areas, the Council's Heritage and Countryside Manager has reviewed the submitted details and has advised that the proposals will not have an impact on the conservation areas and therefore has no objections to the application.

4.51 The proposal is therefore considered to be acceptable with respect to the impact on the visual amenity of the application site and the character of the surrounding area (including adjacent conservation areas) and in accordance with saved policies GEP1, Hsg9 and HE3 of the Hartlepool Local Plan 2006, emerging policy QP4, HE1 and HE3 of the emerging Hartlepool Local Plan and paragraphs 17, 56, 126 and 131 of the NPPF.

IMPACT ON LANDSCAPE FEATURES

4.52 Concerns have been received from neighbouring land users with respect to the impact of the proposal on trees.

4.53 The application under consideration is for outline planning permission and whilst layout is not a reserved matter, matters of landscaping are reserved for subsequent approval by virtue of a reserved matters application. The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines "landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

4.54 Notwithstanding this, there are a number of trees located within the application site that are currently protected by Tree Protection Order (TPO) no. 206. In relation to the development proposals, removal of trees to facilitate the development would not be required and therefore no trees are to be directly affected. The submitted Arboricultural Impact Assessment has highlighted where temporary protective fencing should be erected to protect TPO trees where necessary. However, the Arboricultural Impact Assessment recommends the removal of one TPO pear tree on arboricultural grounds. This tree is located toward the western boundary of the site.

4.55 The Council's Arboricultural Officer has been consulted and acknowledges that this large pear tree is infected with the decay causing fungus *Ganoderma*, and has advised that pear wood is regarded as non-durable and, because of the size of this tree, it must be considered to have a very short life expectancy and defective stem. In addition, the tree also has a slight lean towards the road which increases the risk associated with this tree.

4.56 The Council's Arboricultural Officer has confirmed that they therefore have no objections to the application subject to the works described in the Arboricultural Impact Assessment being carried out, including the protective fencing. A planning condition requiring that the works are carried out in accordance with this documents is therefore recommended accordingly.

4.57 The Council's Arboricultural Officer has also advised that the tree that is to be removed will need to be replaced as a condition of the TPO. Whilst the submitted proposed plans show a replacement tree, a suitable informative is also recommended to advise the applicant of this requirement.

4.58 In view of the above, the application is considered to be acceptable with respect to the impact on landscape features.

ECOLOGY AND NATURE CONSERVATION

4.59 An objection has been received with respect to the potential impact of the proposal on ecology. The Council's Ecologist has been consulted on the application and has confirmed that they have no concerns or objections subject to a planning condition requiring the installation of integral bat roost bricks to the apex of the side elevation of each dwelling, in the interests of biodiversity enhancement, in accordance with paragraph 118 of the NPPF, and this is recommended accordingly.

4.60 The application is therefore considered to be acceptable with respect to the impact on ecology and nature conservation subject to the abovementioned planning condition.

HIGHWAY AND PEDESTRIAN SAFETY AND PARKING

4.61 The proposed development includes an additional access to the south of the existing access onto Granville Avenue and the provision of a two car driveway to the side of each property. A number of objections have been received citing concerns with respect to the impact of the proposal on parking and highway safety, particularly along Granville Avenue, as well as the impact on the adjacent bus stop.

4.62 The Council's Highways, Traffic & Transport section has been consulted on the application and acknowledges that Granville Avenue can be used as a cut through between Hart Lane and Grange Road, however they have advised that this development provides the correct amount of parking and, whilst the proposed drive crossings would have the effect of reducing the amount of on-street parking by 2 spaces, this would have a minimal affect on on-street parking in the area. Furthermore, it is not considered that the traffic levels are at a severe level, and the construction of 2 dwellings would have minimal impact on further congestion and road safety.

4.63 Whilst concerns were initially raised with respect to the width of the proposed driveways and limited access to any vehicles parked between the boundary wall(s) and the side elevation(s) of the dwelling(s), the application has since been amended to ensure a satisfactory 3 metres driveway width, and the Council's Highways, Traffic & Transport section has confirmed this is acceptable.

4.64 Notwithstanding this, the proposed drive crossing(s) should be constructed in accordance with the HBC Design Guide and Specification and by a NRaSWA accredited contractor. It is also noted that a street lighting column and bus stop on Granville Avenue may require relocation, however the Council's Highways, Traffic & Transport section has confirmed that it is acceptable to move the flag and bin a few metres closer to Grange Road so that it does not impede the new drive crossings.

4.65 Suitable informatives to advise the applicant of this and that all costs in respect of this should be met by the developer are recommended accordingly.

4.66 In view of the above, the Council's Highways, Traffic & Transport section has confirmed that there are no highway or traffic concerns with the proposal. The proposal is therefore considered to be acceptable with respect to the impact on highway and pedestrian safety and parking.

FLOOD RISK AND DRAINAGE

4.67 The Council's Engineering section, Northumbrian Water and Hartlepool Water have been consulted regarding the proposed development. They have raised no objections to the proposal. The Council's Engineering section has however requested a planning condition requiring further details of surface water drainage to be submitted to and approved by the Local Planning Authority prior to commencement of development, which is recommended accordingly.

4.68 Furthermore, Hartlepool Water has advised that the proposed new developments will both be required to have separate metered water connection from their local network main, whilst Northumbrian Water has provided advice with respect to the management of surface water. Suitable informatives to this effect are therefore recommended.

4.69 The application is therefore considered to be acceptable with respect to matters of flood risk and drainage.

ARCHAEOLOGY

4.70 With respect to archaeology, Tees Archaeology has been consulted and has confirmed that there are no entries on the Historic Environment Register (HER) in the vicinity and as such they have no comments on the application. The application is therefore considered to be acceptable in this respect.

RESIDUAL MATTERS

4.71 Objections have been received citing concerns with respect to a lack of public consultation however all publicity (neighbour notifications and site notices) have taken place in accordance with legal requirements and is considered to be satisfactory

4.72 An objection was receiving highlighting that the submitted Site Location Plan did not show the dwelling at 1A Welldock Road. The case officer raised this issue with

the applicant and the applicant subsequently submitted an amended up-to-date Site Location Plan showing this neighbouring dwelling.

4.73 A number of objections have been received including concerns with respect to the level of detail that had been submitted, albeit primarily with respect to the now superseded plans. It should be noted however that the application is for outline planning permission with matters of appearance and landscaping reserved for subsequent approval through a reserved matters planning application on which neighbouring land users will again be consulted. Notwithstanding this, the submitted amended plans include detailed scale elevation drawings and layout plans, and it is considered sufficient information has been provided to determine matters of access, layout and scale which are to be considered as part of this outline planning application.

4.74 In terms of objections in respect to lack of need for the housing. The site lies within the limits to development where in principle new housing is acceptable. There is therefore no requirement to demonstrate need.

4.75 A number of additional objections have been received from neighbouring land users citing concerns that are not material planning considerations and as such have not been taken into account in reaching a recommendation on the application, these are as follows;

- Loss of views
- Impact on property prices

PLANNING BALANCE AND OVERALL CONCLUSION

4.76 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant saved policies of the adopted Hartlepool Local Plan 2006, relevant emerging policies of the emerging Hartlepool Local Plan and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.77 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.79 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance and landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid.
3. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; 2017/268/S[00]01 (Existing Outbuilding Plan & Elevations) received 12th July 2017 by the Local Planning Authority; 2004/P/4 Rev A (Proposed Plans), 2004/P/5 Rev A (Proposed Elevations) received 1st February 2018 by the Local Planning Authority; and amended plans 2004 Rev X (Site Location Plan), 2004/P/1 Rev A (Existing Site Plan) received 1st February 2018 by the Local Planning Authority; 2004/P/2 Rev B (Proposed Site Plan) and 2004/P/6 Rev B (Existing & Proposed Street Scene) received 20th March 2018 by the Local Planning Authority.
For the avoidance of doubt.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the building to be erected, any proposed mounding and or earth retention measures and levels of the adjacent properties/boundaries shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
To take into account the position of the buildings and impact on adjacent properties.

6. No development shall take place until a scheme for the management of remediation, demolition and construction works has been submitted to and agreed in writing with the Local Planning Authority, including the effective control of dust emissions from the site. The scheme shall address offsite dust monitoring and include details of adequate dust suppression facilities on site. Thereafter the development shall be carried out in accordance with the approved details. There shall be no burning on site of materials arising from the demolition or construction phases of the development.
In the interests of the amenities of the occupants of neighbouring properties.
7. Notwithstanding the submitted information, development of the dwellings hereby approved shall not commence until a detailed scheme for the disposal of surface water from 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 surface water flooding from any sources in accordance with the NPPF.
8. Notwithstanding the submitted information and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, accesses, and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to commencement of the use of the development hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
9. Prior to the commencement of the development, details of integral bat roost bricks to be incorporated into the apex of the north and south facing side elevations of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the submitted details.
To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.
10. Notwithstanding the submitted information, a scheme for means of enclosure (including proposed alterations to any existing enclosures) shall be submitted to and approved by the Local Planning Authority before the dwellings hereby approved are occupied. Thereafter the development shall be carried out in accordance with the approved details and the enclosures erected/provided prior to the occupation of the dwellings hereby approved.
In the interests of the amenity of proposed occupiers of the dwelling and that of surrounding neighbouring properties.

11. Notwithstanding the submitted information and prior to the occupation of the dwelling hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.
In the interests of the amenities of the occupants of neighbouring properties and ensure a satisfactory form of development.
12. The development hereby approved shall be carried out in strict accordance with the details and protective measures set out within the submitted Tree Report Root Protection Plan & Arboricultural Impact Assessment prepared by Jonson's Tree Care & Survey Services (dated 22nd August, 2017) and received 1st September 2017 by the Local Planning Authority.
In the interests of visual amenity and to protect those trees on site and adjacent to the site that are considered to be of an amenity value.
13. Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.
14. 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 or altered in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.
15. 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 free-standing buildings or structures shall be erected within the curtilage of the dwelling(s) hereby approved 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.
16. The proposed first floor side (north) elevation bathroom window facing 113 Granville Avenue and first floor side (south) elevation bathroom window facing 156 Grange Road, shall be fixed and glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent, details of which shall be first submitted to and agreed in writing with the Local Planning Authority prior to the installation of the window(s). The agreed scheme shall be implemented thereafter and shall remain for lifetime of the development hereby approved. The application of translucent film to clear glazed windows would not satisfy the requirements of this condition.
To prevent overlooking.

17. The development hereby approved shall be laid out in strict accordance with drawing 2004/P/2 Rev B (Proposed Site Plan) received 20th March 2018 by the Local Planning Authority.
For the avoidance of doubt.
18. The existing outbuildings on site (as shown on drawing 2017/268/S[00]01 received 12th July 2017 by the Local Planning Authority) shall be demolished prior to the occupation of the dwellings hereby approved, in accordance with drawing 2004/P/2 Rev B (Proposed Site Plan). The site of the demolished outbuildings shall thereafter be made good prior to the occupation of the dwellings hereby approved.
In the interests of the amenities of future occupiers.

BACKGROUND PAPERS

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

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

| | | |
|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 23/03/18 |
| | SCALE 1:1000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0418 | REV |

No: 5
Number: H/2018/0038
Applicant: MRS RUTH FARNABY 5 GRANGE ROAD
HARTLEPOOL TS26 8JE
Agent: MRS RUTH FARNABY SAFEHAVEN CHILDRENS
RESIDENTIAL WILLOW HOUSE 5 GRANGE ROAD
HARTLEPOOL
Date valid: 12/03/2018
Development: Erection of boundary fence to front and side (retrospective application)
Location: 5 GRANGE ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 None.

PROPOSAL

5.3 The application seeks retrospective planning approval for the erection of a 0.7m (approx.) close boarded timber fence above an existing boundary wall. The resulting enclosure will have a total height of 1.7m (approx.) rising to 2.0m (directly adjacent to the main entrance doorway).

5.4 The property is situated within the Grange Conservation area, which has an Article 4 direction preventing any works (including 'Permitted Development' works) to the frontages of properties without the express consent of the Local Planning Authority (LPA). However, notwithstanding the above, a boundary treatment of this height directly adjacent to a highway would have required planning permission, being in excess of the limits set out within Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.5 The application has been referred to the Planning Committee due to the retrospective nature of the proposal.

SITE CONTEXT

5.6 The application property is a traditional late circa 19th century, 2.5 storey terraced property, constructed from red brick, under a slate tiled roof. The property is situated

on the South side of Grange Road within the Grange Road Conservation Area, approximately 60m west of the junction with St. Paul's Road.

PUBLICITY

5.7 The application has been advertised by way of neighbour letters (17), site notice and press advert. To date, there have been 3 objections from neighbours and interested parties.

5.8 The concerns raised are summarised as follows::

- Fence is too high
- Block views of Grange Road
- Erected without planning permission
- Erected without any consideration of the Conservation area, or period styles of the area.

Copy Letters **C**.

5.9 The period for publicity has expired.

CONSULTATIONS

5.10 The following consultation replies have been received:

HBC Heritage and Countryside - The application site is located within Grange Conservation Area, a designated heritage asset.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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

Further to this at a local level, Local Plan policy HE1 in the adopted Local Plan is relevant, this states, 'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.'

Policy HE3 of the recently submitted local plan states that the Borough Council will seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to

demonstrate that they will conserve or positively enhance the character of the conservation areas.

Grange Conservation Area is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

The application is for a fence on top of a front boundary wall.

In relation to boundary walls the Conservation Area Appraisal notes, 'Traditionally, the low boundary walls would have been topped with low metal railings between piers, matched by gates to the paths' Today, a wide variety of features top walls including hedges, timber fences including close boarded ones, replica and modern railings, shrubs and perennials, or a combination of these' Close boarded fences, no matter how low, should be avoided as they do not allow filtered views through gardens towards houses in the same way as railings or planting.'

The proposal encloses a small front garden and the high fence on top of the existing wall looks incongruous in the streetscene. In particular such a solid, high barrier blocks views of the ground floor elevation.

It is noted that opposite in the street a fence has been installed however no record of consent appeared to be available for this. Furthermore other households have grown hedges which do form a high boundary however they do allow glimpses of houses in most instances and therefore are not comparable to the fence installed.

It is considered that the proposal will cause less than substantial harm to the designated heritage asset. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

HBC Traffic and Transportation - There are no highway or traffic concerns.

HBC Public Protection – No objection.

Hartlepool Civic Society - Society members have inspected the fence at 5 Grange Road and make the following comments.

The fence is totally out of keeping in the Grange Conservation Area where low brick walls and wrought iron above are a feature. The plan does nothing to compliment or enhance the building. On the contrary it is obvious that this is alien to surrounding properties.

From the attached photographs it can be seen that the 'street'line has been destroyed by a 'wooden box'. Painting is not going to improve it.

Furthermore, if this is allowed, then it creates a dangerous precedent for this Conservation Area in particular and others in general.
Wrought iron could replace the wooden structure.

For the reasons above, Hartlepool Civic Society objects to this proposal.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles

Hsg10: Residential Extensions

HE1: Protection and Enhancement of Conservation Areas

HE2: Environmental Improvements in Conservation Areas.

Emerging Local Plan

5.13 The Council's emerging Local Plan is currently at an Advanced Stage and as such 'great' weight can also be given to policies within this document.

In this context, it is considered that the following policies can be afforded a 'great' degree of weight in the decision-making process;

QP4: Layout and Design of Development

HSG11: Extensions and alterations to Existing Dwellings

HE1: Heritage Assets

HE3 : Conservation Areas

National Policy

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

development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

Paragraph 17 - High Quality Design

Paragraph 56 – Good Design

Paragraph 60 - Promoting Distinctiveness

Paragraph 64 - Refusing Poor Design

Paragraph 66 – Working with those affected

Paragraph 126 - Positive strategy for the conservation and enjoyment of the historic environment

Paragraph 131 - Determining planning applications

Paragraph 137 - New development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.

Paragraph 196 - Primacy of the Development Plan

Paragraph 197 - Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

5.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on heritage assets and the visual amenity of the surrounding area, the impact on the amenity of neighbours and highway safety.

Principle of Development

5.16 As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.17 The crux of this application will be whether the impacts of the proposal on the character of the Conservation Area and appearance of the existing dwelling and street scene, and the impact on the amenity and privacy of neighbouring land users, and highway safety are sufficiently detrimental to warrant refusal in line with the 'presumption in favour of sustainable developments' as advocated within paragraph 14 of the NPPF.

Impact on heritage assets & visual amenity of surrounding area

5.18 When considering any application for planning permission that affects a Conservation Area, the 1990 Act requires a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take

account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

5.19 Further to the above National Planning considerations at a local level, adopted Local Plan policy HE1 is relevant, this states, *“Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.”*

5.20 Policy HE2 seeks to encourage environmental improvements within conservation areas.

5.21 Within the emerging Local Plan, Policy HE3 states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

5.22 In relation to boundary walls the Conservation Area Appraisal notes, ‘Traditionally, the low boundary walls would have been topped with low metal railings between piers, matched by gates to the paths’ Today, a wide variety of features top walls including hedges, timber fences including close boarded ones, replica and modern railings, shrubs and perennials, or a combination of these ‘Close boarded fences, no matter how low, should be avoided as they do not allow filtered views through gardens towards houses in the same way as railings or planting.’

5.23 The main issue of consideration is the impact the proposal will have on the Grange Conservation Area.

5.24 The proposal encloses the small front garden space with a high fence on top of the existing wall. This is considered to have a stark and incongruous appearance within the streetscene, which is considered to detrimentally impact the appearance of the streetscene. In particular, it is considered that such a solid, high barrier blocks views of the ground floor elevation of the property which includes features of historical interest that reflects the rhythm and character of the area.

5.25 The Council’s Heritage and Countryside Manager was consulted on the application and concluded that the application would cause ‘less than substantial harm’ (as defined by para 134 of the NPPF) to the significance of Grange Road Conservation Area with no information having been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

5.26 In terms of its impact on the Conservation Area and street scene the proposal is considered unacceptable.

Neighbouring amenity

5.27 The fence will project beyond the front elevation of 3 and 7 Grange Road and is considered to adversely affect the outlook from the primary living room windows, due to the height and solid nature of the fence.

5.28 However, given the distance between the fence and the neighbouring ground floor windows, it is not considered that the fence will create any significant overbearing affect or loss of daylight to a level to warrant a refusal.

Highway safety

5.29 It is contended that the fence will not give rise to any undue highway safety concerns. It will not affect the visibility of vehicles using the adjoining highway (Grange Road) nor impede the flow of pedestrians using the adjoining pavement. The scheme has been assessed by the Council's Traffic and Transport Service who raise no objections.

Other Matters

5.30 The Council has sought to engage with the applicant to secure what it believes to be a more appropriate alternative scheme (iron railings) that would both meet the applicants' stated reasons for the fence (to prevent youths sitting on the existing wall) whilst being considered to be more in keeping with the period of the property and the character of the Conservation area as a whole. However, the applicant has stated they were unwilling to implement such a scheme due to the cost implications.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.31 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.32 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.

5.33 There are no Section 17 implications.

REASON FOR DECISION

5.34 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the boundary treatment to the front has a detrimental impact on the character and appearance of the Grange Conservation Area. It causes less than substantial harm to the character and appearance of the Grange Conservation Area, a designated heritage asset, by virtue of its design and use of materials and no information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal. The proposal is therefore considered to be contrary to the provisions of policies GEP1, HE1, HE2 and

HE3 of the Hartlepool Local Plan 2006, and HE1 and HE3 of the Emerging Local Plan 2016 and paragraphs 126, 131 and 134 of the NPPF.

BACKGROUND PAPERS

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

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

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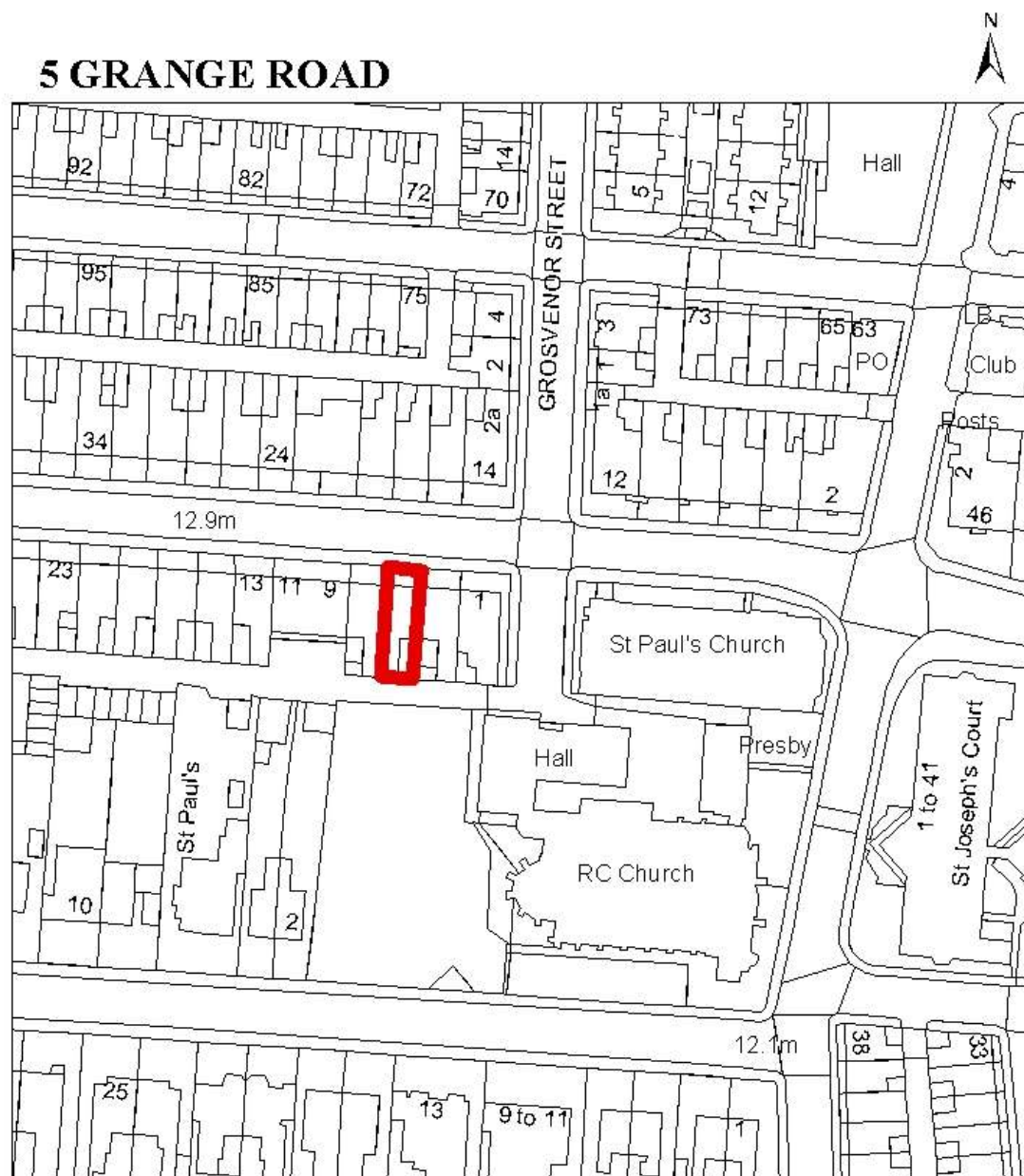
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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 23/03/18 |
| | SCALE 1:1000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2018/0038 | REV |

No: 6
Number: H/2017/0627
Applicant: Mr & Mrs Dodds
Agent: Mr Jason Bates
Date valid: 15/12/2017
Development: Erection of boundary wall to side and detached pergola to rear
Location: 30 CLIFTON AVENUE, HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

6.2 There is no relevant planning history associated with the application site.

PROPOSAL

6.3 The application seeks planning permission to erect a boundary wall to the side of the plot and a detached 'pergola' structure in the rear garden. Work has already commenced on the pergola and therefore the application is part-retrospective. The application relates to two separate elements, as outlined in more detail below. The application as originally submitted also included a two-storey extension to the rear of the property, however following concerns raised by the Council's Heritage and Countryside Manager, that element of the proposals has been withdrawn.

Boundary wall to side – a brick wall is proposed to the east of the plot, between the applicant property and the neighbouring property at 28 Clifton Avenue. At present there are intervening driveways between the two dwellings, the proposed wall would denote the boundary. The proposed wall is to be 2m in height between the two dwellings but would reduce in height to 1m for a length of 6m up to the point the driveway meets the public footpath. Piers with coping stones are proposed at the boundary with the highway and at the point the wall reduces in height.

Pergola to rear – an open sided, timber framed structure with covered pitched roof is proposed at the northern extent of the rear garden. The footprint of the structure would be 8m by 4.7m and the eaves height is to be 1.8m with an overall height of 4.2m.

6.4 The application has been referred to planning committee as three or more objections have been received.

SITE CONTEXT

6.5 The applicant property is a substantial two-storey semi-detached Victorian villa on the northern side of Clifton Avenue. Properties in the street are positioned forward on the plot with relatively small front gardens but substantial rear gardens. The property has a concrete driveway to the side, as does the adjacent neighbour to the east.

6.6 The property is within the Grange Conservation Area, characterised by large Victorian properties, though Clifton Avenue has a prevailing sense of character though the use of materials and some unifying features, there are a variety of designs and styles of property throughout the street, reflecting its gradual development by individual plot owners.

PUBLICITY

6.7 The application has been advertised by way of neighbour letters, site notice and a press notice. To date, objections from three neighbouring properties have been received, these can be summarised as follows:

- Queries regarding the name of the applicant/owner of the property,
- Submitted plans are inaccurate/misleading,
- The proposed boundary wall would limit access to and parking on the neighbouring property's driveway,
- Security concerns due to proposed boundary wall screening doors and windows of neighbouring property,
- Proposed boundary wall would affect visibility and highway safety,
- Loss of light,
- Impact on stability of adjacent boundary walls/buildings,
- Loss of character of Grange Conservation Area,
- Proposed pergola is dominant due to its height,
- Proposed pergola structure does not meet the usual definition of a 'pergola',
- Concerns that the proposed pergola could be enclosed in future,
- Pergola does not meet planning regulations regarding height and proximity to a boundary,
- Pergola too close to the boundary to allow maintenance,
- Queries regarding the structural integrity of the pergola,
- BBQ and pizza oven indicated beneath the pergola would be a fire risk,
- Impact on trees.

6.8 One letter of no objection has been received.

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6.9 The period for publicity has expired.

CONSULTATIONS

6.10 The following consultation responses have been received;

HBC Heritage & Countryside – Comments of 08/03/18 It is noted that the proposed wall has been reduced in part to 1m high which is welcomed. Where the step is proposed a pier cap is shown on the plan; the detailing to the wall on this section with a pier providing the break between the two different levels of wall would be appropriate to the character of the conservation area; consideration should be given to including this.

With regard to the two storey extension. There does not appear to have been any additional information provided to outline why the exiting historic fabric cannot be retained and converted to suit the needs of the applicant.

In relation to the proposed extension it is noted that this has been reduced in size however it is still a considerable size and the detailing does not reflect that of the wider conservation area with a horizontal emphasis. Windows are wide and multi-paned rather than the taller one over one sash windows generally seen within the area.

Whilst the extension cannot be viewed from the front of the property the arrangements of the street mean that there are views through to the rear of the building from Hutton Avenue. Such glimpses of rear elevations feature throughout the conservation area but are particularly prevalent in Hutton /Clifton Avenues. Currently these view show paired extensions to the rear of properties in Clifton Avenue and whilst they vary in design they do have common features such as sash windows with bays featuring on the rear elevations of offshots, simply designed chimneys and a common pallet of materials, namely red brick and slate.

The Grange Conservation Area Appraisal states that, “Extensions should respond to the form of the host building and should be subservient to it.” This is not the case in this instance with the loss of original fabric being replaced with a substantial extension, the design of which does not reflect the conservation area and will be viewed from Hutton Avenue. It is considered that this element of the proposal would cause less than substantial harm to the conservation area. No information has been provided to demonstrate that this harm would be outweighed by the public benefits of the proposal.

Updated comments of 19/04/18 – With regards to the amended plans, the removal of the proposed extension addresses the concerns raised in my previous comments therefore I have no objections to the proposal in its current form.

HBC Public Protection – No objections. Further to your email in relation to the BBQ and pizza oven, we wouldn't require any flues for such equipment. The pergola isn't an enclosed structure and flues wouldn't be required to remove any cooking odours for such equipment. I can't comment in relation to any concerns in relation to fire risk, however Cleveland Fire Service may be able to assist.

HBC Traffic & Transport – There are no highway or traffic concerns.

HBC Arboricultural Officer – A lightly loaded structure on top of the ground with no deep foundations is unlikely to be a problem to a tree such as this sycamore. The

proposed Pizza oven and BBQ which is integral with the structure should not produce enough direct heat onto the tree to affect it but there will be a nuisance issue of sap dripping onto the pagoda from the branches which the applicant should be aware of.

As this Sycamore is within the Grange Conservation Area any proposed work to it will need to be authorised by the Local Planning Authority as it is a legally protected tree.

Cleveland Fire – With regards to your query the first thing is our legislation (Regulatory Reform (Fire Safety) Order 2005) does not extend to such structures mainly due to it being of private domestic use so we do not have any authority to oppose such a thing.

We can however provide advice, in this situation the risk of fire occurring would be limited, although normal timber is treated for protection to rot this does not always afford any fire resistance but it remains that a substantial ignition source would be required to ignite such a structure.

Since the structure is away from any houses even if this ignited we would not have any concerns over its spread that may cause any threat to life.

HBC Building Control – We have looked at this and as the construction does not have any walls (just a roof) I have made the decision that it is not classed as a 'building' under the Building Regulations.

We would therefore not ask for an application in this instance.

I would however point out to them that it is still their responsibility to ensure that the structure it is constructed correctly and safely.

Hartlepool Civic Society – We have scrutinised the plans for the extension and erection of boundary wall.

It does appear that little notice has been taken of the fact that the property is within the Conservation Area which was established some years ago and presumably prior to the applicant purchasing the property.

We observe that there already is an extension and that which is proposed does not fit in with the surroundings. It is a concern that the size of the extension will have the effect of reducing the amenity of the neighbouring properties regarding light and general quality of life.

As regards the proposed wall – in the Avenue as a whole – the walls are low – could not the planned replacement wall be reduced to enhance the appearance of this Conservation Area which is an asset to the town and should continue to be so.

We would suggest the applicant has further meetings with Council staff to progress to conform to standards expected in a Conservation Area.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

6.12 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 Government's 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 headings – 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.

6.13 The following paragraphs in the NPPF are of relevance to this application:

| Para | Subject |
|------|--|
| 2 | Application of planning law (development plan and material considerations) |
| 6 | Purpose of the planning system – creation of sustainable development |
| 7 | Three dimensions to sustainable development |
| 9 | Pursuing sustainable development |
| 11 | Determination is accordance with the development plan |
| 12 | Status of the development plan |
| 13 | The National Planning Policy Framework constitutes guidance |
| 14 | Presumption in favour of sustainable development |
| 17 | Core planning principles |
| 109 | Contribution to and enhancement of the natural and local environment |
| 206 | Weight given to Emerging Plans |

Adopted Hartlepool Local Plan 2006

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

| Policy | Subject |
|--------|---|
| GEP1 | General Environmental Principles |
| GEP3 | Crime Prevention by Planning and Design |

| | |
|------|--|
| HG10 | Residential Extensions |
| HE1 | Protection and Enhancement of Conservation Areas |

Emerging Local Plan – Publication Stage (December 2016)

6.15 The Council's emerging Local Plan has now been through the Examination in Public (EiP), pending the findings of the Planning Inspector, and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of unresolved objection received to date in relation to those policies, identified through the public consultation process, in accordance with paragraph 216 of the NPPF.

6.16 In this context, it is considered that the following policies can be afforded a degree of weight in the decision-making process;

| Policy | Subject |
|--------|--|
| SUS1 | Presumption in Favour of Sustainable Development |
| LS1 | The Locational Strategy |
| QP4 | Layout and Design of Development |
| QP5 | Safety and Security |
| HE1 | Heritage Assets |
| HE3 | Conservation Areas |

PLANNING CONSIDERATIONS

6.17 The main material planning considerations when considering this application are the impact on the character and appearance of the existing dwelling and wider conservation area, the impact on the amenity of neighbouring land users, highway safety and parking, fire risk and trees.

IMPACT ON CHARACTER OF EXISTING DWELLING & WIDER CONSERVATION AREA

6.18 The application site is within the Grange Conservation Area, a predominantly residential area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. Boundary walls, particularly low walls to the front of plots, are also a common feature.

6.19 The proposed boundary wall to the side is the element of the scheme that would be most visible within the wider street scene; it is for this reason that concerns were initially raised in relation to its height. Following the reduction in height forward of the front of the house to 1m with a coping above and piers both where the height changes and abutting the public footpath, the Council's Heritage and Countryside Manager has advised that the proposed wall is appropriate to the character of the conservation area.

6.20 The proposed pergola, being positioned within the rear garden where outbuildings are a common feature of the area, is not considered to impact the significance of the conservation area. Accordingly, the Council's Heritage and

Countryside Manager has no objections to this element of the proposal. The proposal is considered acceptable in terms of its impact on the character of the existing dwelling and wider conservation area

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Light & Outlook

6.21 The adjacent neighbour at 28 Clifton Avenue has raised concerns with respect to loss of light to the side of their property as a result of the proposed boundary wall, specifically in relation to a porch and window serving a sewing room on the side elevation of the property. Where the proposed boundary wall is between the two houses it is proposed to be 2m in height, it is acknowledged this would change the outlook from the room to the side and the level of light achieved, however neither the porch/hallway of the property nor the room to side are considered to be principle habitable rooms and therefore only limited weight could be given to protecting the aspect from them.

6.22 Notwithstanding the above, a fallback position exists for the applicant in that this section of wall could be erected up to 2m in height without the need for planning permission. Permission is only required for the section of wall that is forward of the front elevation of the property due to the Article 4 direction limiting permitted development rights in the Conservation Area. Therefore the potential impact could be created in any event.

6.23 The proposed pergola is at the rear of the applicant property's garden, given the size of the gardens of properties in Clifton Avenue and Hutton Avenue to the north (in excess of 20m in length), there would be no significant impact on light or outlook as a result of this element of the scheme.

Privacy

6.24 The distance of the proposed pergola to neighbouring properties and the fact the garden is enclosed by a boundary wall would mean this element of the scheme would not impact significantly on the privacy of neighbouring occupiers.

Security

6.25 Concerns have been raised in relation to the potential for the proposed boundary wall to cause a security risk by enclosing the front/side of the applicant and neighbouring properties and therefore allowing potential intruders to remain unseen. This concern is noted and would not have been unreasonable, had the proposed wall remained at 2m in height. However, the reduction in height to 1m forward of the houses is considered to create an open aspect that would allow visitors to both properties to be visible from the street. Notwithstanding that, the fallback position regarding a wall being erected under permitted development referred to above would apply.

HIGHWAY SAFETY & PARKING

6.26 Concerns have been raised by neighbouring occupiers in relation to both parking and highway safety as a result of the proposed boundary wall. It is suggested the proposed wall would reduce the availability of parking in Clifton Avenue and would impinge visibility when entering/exiting the applicant's and neighbouring property's driveways.

6.27 The proposed wall would physically divide the driveways of the applicant property and neighbouring property at number 28 Clifton Avenue, whereas the driveways are currently open to the side with both properties only having low boundary walls to the front. This has historically meant cars parked on either property's driveway may result in individuals crossing onto their neighbour's land when entering/exiting their vehicle.

6.28 The neighbouring property's driveway is smaller than that of the applicant's and is further reduced by a porch to the main door and turreted bay at the corner of the property, both of which narrow the driveway width. It is contended by the neighbouring occupier that the introduction of a boundary wall would prevent the current number of vehicles being parked on their drive by preventing access onto the neighbour's side. This in turn would increase on-street parking.

6.29 Private rights of access or matters of trespass are civil issues and not material planning considerations. Any right of access would be a legal matter between the two parties and while it may prevent a wall being built even if planning permission were to be granted, that cannot be a reason to refuse planning permission. In planning terms, it would be unreasonable to prevent the development of one site because a neighbouring land owner wishes to make use of land they do not own or have control over.

6.30 While parking as currently takes place would be limited by the proposed wall, it would still be possible to park on the neighbour's drive and there is nothing to suggest there would be a highway safety issue if parking in Clifton Avenue were to increase.

6.31 The proposed wall has been substantially reduced in height forward of the front elevation of the property, from 2m in height to 1m in height. This would increase visibility for drivers entering and exiting the drive and therefore satisfactorily addresses concerns in relation to highway safety.

6.32 HBC Traffic and Transport have been consulted on the application and do not consider there would be a significant adverse effect on the highway as a result of the proposed wall; it is therefore difficult to attribute great weight to the objections received in this regard.

FIRE RISK

6.33 The objections received indicate concern that the proposed pergola structure could be a fire risk, due to the indication on the submitted plan that a BBQ and pizza oven would be located in that area and these would be in close proximity to a

eucalyptus tree, which is flammable. Cleveland Fire Brigade have been consulted and advised Fire Safety regulations would not extend to such structures but their advice would be that the risk of fire occurring would be limited as a substantial ignition source would be required to ignite such a structure. Given the distance of the structure from houses, there are no concerns that even if it did ignite there would be a threat to life.

TREES

6.34 The proposed pergola is in close proximity to trees both within the applicant's garden and those of adjacent properties, however advice from the Council's Arboricultural Officer is that such a structure is unlikely to affect the health of the trees and accordingly no objections have been raised.

RESIDUAL MATTERS

6.35 Queries have been raised in relation to the name of the applicant and whether the application form has been completed correctly. This stems from a simple error in using the maiden name of the applicant and has since been rectified; there are no concerns that this affects the veracity of the rest of the application form.

6.36 It is suggested the submitted plans are inaccurate as they do not depict neighbouring properties or outbuildings that have recently been demolished. The plans as submitted are sufficiently clear to allow an assessment of the proposed development and do not therefore warrant resubmission. The suggestion an outbuilding has been removed without first securing prior notification or planning permission is noted, however it is not considered to require further investigation as it is unlikely it would be expedient to take any action on that matter.

6.37 The potential for the proposed development, primarily the pergola, to undermine the stability of adjacent boundary walls or buildings would be a civil issue. It has been confirmed by the Council's Building Control service that the pergola structure is not considered a building and does not therefore require building regulations approval, notwithstanding that it is the owner's responsibility to ensure it is constructed safely and without damaging neighbouring property.

6.38 The application refers to the proposed outbuilding as a 'pergola' and objections received query the accuracy of this, suggesting the structure as built does not reflect what would be traditionally defined as a pergola. This is not considered to be a material planning consideration; the structure has been considered as a domestic outbuilding irrespective of what it is named in the application.

6.39 Future alterations to the proposed pergola structure could be carried out should permission be granted, unless a planning condition were imposed preventing such works. There would, however, need to be sound planning reasons to justify the imposition of such a condition. Had the outbuilding been proposed with enclosed sides, it is likely permission could still be granted as it would be unlikely due to the position of the outbuilding to have any greater impact on the amenity of neighbouring occupiers or the character of the conservation area. Notwithstanding that, it may be prudent to include a condition stipulating the outbuilding must remain as ancillary to

the existing dwelling and not subdivided for use as a separate dwelling for the avoidance of doubt.

6.40 Concern has been raised that the proposed pergola is positioned very close to the rear boundary of the site, which would prevent future maintenance. There are no planning restrictions that would prevent buildings on or adjacent to the shared boundary that would prevent such a proposal. Future maintenance of the structure is the responsibility of the owner and cannot be a reason to refuse the application. It is suggested that planning regulations prevent such buildings so close to the boundary, however this appears to be a misunderstanding of the permitted development regulations, which requires buildings within 2m of a boundary to be not more than 2.5m in height. This only means that the structure requires planning permission, not that a building cannot be built close to a boundary.

6.41 The submitted plans indicate a pond within the rear garden; the applicant has indicated this is an existing pond that has been cleared out rather than a new feature. In any event, the level of excavation required to form a domestic pond, is not considered an engineering operation of such a degree to warrant the need for planning permission. As such, that element of the proposals is not considered in further detail in this report.

CONCLUSION

6.42 The proposed development consists of two separate forms of development, a boundary wall to side and a pergola/outbuilding to rear. The proposed boundary wall and pergola have been found to be acceptable in that they would not detract from the character or appearance of the Grange Conservation Area, the amenity of neighbouring occupiers or highway safety and there are no other material planning considerations that would warrant their refusal individually.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.43 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.44 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.

6.45 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Location Plan, date received by the Local Planning Authority 14/12/17, drawing number 2017/0082/0002 revision D (Plan and Elevations as Proposed, Pergola and Boundary Wall as Proposed) date received by the Local Planning Authority 20/04/18.
For the avoidance of doubt.
3. Details of all external finishing materials for the boundary wall to side and the roof of the pergola to rear hereby approved shall be submitted to and approved by the Local Planning Authority before construction commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
4. The pergola hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein. Nor shall it be used as a separate dwelling.
For the avoidance of doubt and to ensure the use remains ancillary to the existing dwelling.

BACKGROUND PAPERS

6.47 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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POLICY NOTE

The relevant policies for each application are detailed in the individual reports. For the full details of the policies please refer to the relevant document, which can be viewed on the web links below;

ADOPTED HARTLEPOOL LOCAL PLAN 2006

https://www.hartlepool.gov.uk/downloads/file/371/hartlepool_local_plan_2006

EMERGING HARTLEPOOL LOCAL PLAN POLICIES

<https://www.hartlepool.gov.uk/localplan>

MINERALS & WASTE DPD 2011

https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

PLANNING COMMITTEE

9th May 2018



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: APPEAL AT 30 WASDALE CLOSE, HARTLEPOOL, TS24 8RF
APPEAL REF: APP/H0724/W/17/3186024
Erection of boundary fence at front (H/2017/0388).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse retrospective planning permission for the erection of boundary fence at front at 30 Wasdale Close, Hartlepool.
- 1.2 The application was determined by the Planning Committee on 6th September 2017. The application was refused on the grounds that, in the opinion of the Local Planning Authority the fence, because of its design and prominent position, unduly detracts from the predominantly open plan character and appearance of the immediate surrounding area. The development is therefore considered to be contrary to the provisions of saved policies GEP1 and Hsg10 of the Hartlepool Local Plan, policy HSG11 of the emerging Hartlepool Local Plan, and paragraph 17 of the National Planning Policy Framework which states that all new developments should be of high quality design. (Report **Attached – APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

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PLANNING COMMITTEE

9 May 2018



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. Non-compliance with landscaping condition at a residential development site in Hart Village.
2. The storage and sale of diesel at a residential property in Spenser Grove.
3. Fly tipping and the untidy condition of an unused industrial plot at Sandgate Industrial Estate.
4. Non-compliance with a condition relating to working hours at a commercial premises at Navigation Point.
5. The erection of a high fence at the rear of a residential property in Rosebay Close.
6. The erection of a steel framed canopy and the change of use to a hand car wash at a car park site in Green Street.
7. The erection of an outbuilding and alterations to a boundary fence at the rear of a residential property at The Green, Elwick Village.
8. The erection of a timber outbuilding in the rear garden of a residential property in Kesteven Road.
9. The siting of a storage container and the proposed use of the site for storage of construction equipment and materials at a former garages site in Ridlington Way.
10. Non-compliance with conditions relating to working hours at a school redevelopment site in Catcote Road.

11. The installation of UPVC windows to dormers and side elevation, and the change of use to offices at a commercial premises in Church Square.
12. The installation of roller shutter to shop front and the unauthorised display of an illuminated shop front sign at a commercial premises in Church Street.
13. Changes to ground levels at a housing development site in Kingsley Avenue.

1.2 Investigations have been completed as a result of the following complaints:

1. A physiotherapy business and an offshore services business operating from a residential property in Aldeburgh Close. It was found that the 'wellbeing' businesses (the allegation of a physiotherapy business was found to be incorrect) was no longer operating at the property, and that the office based activity associated with the offshore services business is a low level activity that does not alter the overall character of the property's use as a residential dwelling.
2. Running a spray tan business from a residential property in Relton Way. Due to the limited nature of the activity and the small scale of the facility it is considered that the activities being undertaken at the property do not amount to a material change of use of the property whereby a planning permission would be necessary.
3. Non-compliance with a condition relating to a construction management plan at a housing development site in Braemar Road. It was found that the site is operating in compliance with the construction management plan. The matter was redirected to the Council's Traffic and Transport section for action as appropriate.
4. Non-compliance with conditions relating to tree protection at a housing development site in Elwick Road. The tree protection measures have now been reinstated to the satisfaction of the Council's Arboricultural Officer. No further action necessary.
5. The erection of outbuildings at the rear of commercial premises in Lower Oxford Street. No recently erected outbuildings could be observed. No further action necessary.
6. Non-compliance with a condition relating to wheel-wash facilities at a residential development site at Wynyard Woods. It was found that the site is operating in accordance with the approved construction management plan.
7. A garage conversion and the removal of load bearing wall to kitchen and the provision of supporting structure at a residential property in Forester Close. A valid application seeking to regularise the development has since been received.

8. Untidy and overgrown front and rear gardens at a residential property in Hylton Road. Direct action works in default of a section 215 notice were undertaken in order to bring the appearance of the gardens to an acceptable level.
9. The erection of an extension to the side of a garage at a residential property in Linnet Road. A valid retrospective application seeking to regularise the development has since been received.

2. RECOMMENDATION

- 2.1 Members note this report.

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