

PLANNING COMMITTEE

AGENDA



Wednesday 6 February 2019

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Brown, Buchan, Cook, Fleming, James, Loynes, Morris and Young

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 16 January 2019 (*to follow*)

4. ITEMS REQUIRING DECISION

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

- | | | |
|----|-------------|--|
| 1. | H/2018/0086 | 1 Serpentine Gardens (page 1) |
| 2. | H/2018/0183 | 1-84 Oval Grange (page 13) |
| 3. | H/2015/0354 | Land at Hart Reservoir, Hart Lane (page 25) |
| 4. | H/2017/0028 | Glebe Farm, Palace Row, Hart (page 85) |
| 5. | H/2018/0268 | Hartlepool Borough Council Salt Store Depot, Brenda Road (page 115) |
| 6. | H/2018/0148 | Land to the South of A179 and West of Middle Warren (known as Upper Warren) (page 135) |

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

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 March 2019.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

16th January 2019

The meeting commenced at 10.15am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Allan Barclay, Sandra Belcher, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Brenda Loynes and Mike Young

Officers: Jim Ferguson, Planning and Development Manager
Dan James, Planning Team Leader (DC)
Laura Chambers, Senior Planning Officer
Kieran Bostock, Transport and Infrastructure Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Leigh Dalby, Planning Officer
Andy Maughan, Locum Solicitor
Jo Stubbs, Democratic Services Officer

93. Apologies for Absence

Apologies were submitted by Councillor George Morris

94. Declarations of interest by members

Councillor Sandra Belcher declared a personal and prejudicial interest in planning application H/2018/0265 and announced her intention to leave the meeting during consideration of this item.

Councillor Stephen Akers-Belcher declared a personal and prejudicial interest in planning application H/2018/0265 and announced his intention to leave the meeting during consideration of this item.

95. Confirmation of the minutes of the meeting held on 19 December 2018.

Minutes confirmed

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

Number: H/2018/0086

Applicant: MR H WOOD SERPENTINE GARDENS
HARTLEPOOL

Agent: ALEXANDER BUILDING DESIGN MR PAUL
ALEXANDER 137 HART LANE HARTLEPOOL

Date received: 05/09/2018

Development: Installation of dormer window, alterations to fenestration and provision of decking terrace with ballustrade to front, recessed first floor balcony and alterations to fenestration to side, conversion of garage to bathroom and provision of patio door to rear, painted render to all elevations, erection of boundary wall and railings to front and side and associated works (partial retrospective)

Location: 1 SERPENTINE GARDENS HARTLEPOOL

Councillor Brenda Loynes requested a site visit to enable Members to view the site for themselves. Members voted to approve this request.

Decision: **Deferred for a site visit**

Councillors Stephen Akers-Belcher and Sandra Belcher left the meeting

Number: H/2018/0265

Applicant: LIDL UK GMBH

Agent: RAPLEYS LLP MR MARCIN KOSZYCZAREK 55 SPRING
GARDENS MANCHESTER

Date received: 30/07/2018

Development: Erection of extension to the existing store, extension to the car park, creation of new access and associated works, and variation of opening hours to 07:00 - 23:00 Mon-Sat and 10:00 - 16:00 Sun and Bank Holidays

Location: LIDL STORE JESMOND GARDENS HARTLEPOOL

This application had been deferred previously to allow for a site visit. The Agent urged Members to support the application which would bring jobs for

local people, meet the needs of customers and enhance the external area. None of the statutory consultees had objected to the proposals. In terms of the concerns around the new access point he highlighted that what was being proposed now had already been approved in 2017 as had the proposed increase in hours. The Council's highway officers felt that the new access was acceptable and would help improve traffic flow in the area. A road safety audit would also be carried out prior to implementation. The current opening hours were more limited than other retailers in the town and failed to meet the standard operational requirements. The application was consistent with the aims of the National Planning Policy Framework and he hoped Members would support it.

An objector drew Members' attention to existing problems with traffic at the proposed new access site which would be made worse if this application were approved. The stretch of road leading from the access point to the roundabout was too short and when coupled with its proximity to a children's nursery would create an accident spot. There had already been a number of cars crashing into a nearby wall, none of which had been speeding or driven by intoxicated drivers. He also questioned the need for an increase in hours as Lidl had opened another store in Hartlepool which customers could use. The garage nearby also had a 24 hour service shop where customers could buy the basics should they need to.

Officers clarified that the children's nursery referred to was not directly opposite the proposed access site though there was some overlap. A member highlighted a tabled letter of objections which referred to photographs which had been sent to the Highways, Traffic and Transport Team Leader and asked whether Members could view said photographs. The Highways, Traffic and Transport Team Leader advised that the photos related to general issues on Throston Grange Lane and not specifically to this application.

Members raised concerns around the noise that would result should the opening hours be extended. There were also some concerns that the dual access would result in a cut through although other Members thought this would not occur. The Chair asked whether the applicant would be prepared to install a pelican crossing rather than the proposed zebra crossing. The agent indicated that they would if that was required by the highways team. The Chair pressed the agent for an unequivocal response on this matter to which the Agent confirmed their agreement to the pelican crossing. The Chair instructed the officers to include this as a condition.

Members voted for the application by a majority. **Councillors Paddy Brown Marjorie James asked that their votes against the application be recorded as they felt these changes were an accident waiting to happen and would result in the development becoming a 'rat run'**

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 the following plans: drawing number 06979-SPACE-01-XX-DR-A-90-0001-S3-P17 (Proposed Site Layout), drawing number 06979-SPACE-01-GF-DR-A-02-0001-S3-P3 (General Arrangement Elevations - Proposed), drawing number 06979-SPACE-01-GF-DR-A-00-0001-S3-P9 (General Arrangement Plan - Proposed Ground Floor), drawing number 06979-SPACE-01-RF-DR-A-00-0001-S3-P1 (Proposed Roof Plan), drawing number DWG 01 (Proposed Lighting Layout), Philips Lighting Technical Specification, drawing number AMSTPP, revision B (Tree Protection Plan), drawing number AIATPP revision B (Tree Protection Plan), all received by the Local Planning Authority 04/07/18, drawing number 06979-SPACE-01-XX-DR-A-90-0002-S3-P2 (Site Location Plan) received by the Local Planning Authority 18/07/18 and drawing number R/1821/1H (Landscape Details) received by the Local Planning Authority 04/12/18.
For the avoidance of doubt.
3. Prior to the commencement of development a schedule of works and details of a signal controlled pedestrian crossing on Throston Grange Lane within the vicinity of the access hereby approved shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter, the agreed details shall be implemented to the satisfaction of the Local Planning Authority prior to the store extension hereby approved being brought into use and shall be retained for the lifetime of the development.
To provide safe pedestrian access to the site from Throston Grange Lane.
4. The development hereby approved shall be carried out in accordance with the sustainability and energy efficiency measures submitted to the Local Planning Authority via email 09/10/18 and 05/11/18.
In the interests of sustainable development and for the avoidance of doubt.
5. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority 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.
6. Notwithstanding the submitted details prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and car

parking levels, 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.

To take into account the position and levels of the buildings and car parks and the impact on adjacent residential properties.

7. Prior to the commencement of development the tree protection measures identified on pages 2-9 of the Arboricultural Method Statement produced by All About Trees, drawing number AMSTPP revision B (Arboricultural Method Statement Tree Protection Plan) and drawing number AIATPP revision B (Tree Protection Plan) received by the Local Planning Authority 04/07/18 shall be implemented and retained on site in accordance with the specified recommendations therein.

In the interests of tree protection.

8. The landscaping scheme hereby approved detailed in drawing number R/1821/1H (date received by the Local Planning Authority 04/12/18) shall be implemented within the first planting season following first use of the development hereby approved or the completion of the development (whichever is sooner) unless an alternative timetable is agreed in writing with the Local Planning Authority.

In the interests of a satisfactory form of development.

9. Prior to first use of the development hereby approved the scheme of compensatory enhancement works to the area of incidental open space outlined in blue on drawing number R/1821/1H (date received by the Local Planning Authority 04/12/18) shall be implemented to the satisfaction of the Local Planning Authority.

In accordance with the requirements of Policy NE6 of the Hartlepool Local Plan (2018) to protect Incidental Open Space.

10. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

In the interests of visual amenity.

11. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground 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.

12. Notwithstanding the proposals detailed in the submitted plans and prior to their implementation on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings.

The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the 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 and highway safety.

13. Occupation of the development shall not commence until a scheme for waste storage arrangements submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with such details prior to occupation.

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

14. Prior to first use of the development hereby approved details of all fences, gates, walls or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. Such a scheme shall include retention of the existing boundary wall and railings to the north and east of the site.

To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area.

15. Prior to first use of the development hereby approved a scheme for cycle storage shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details and retained for the lifetime of the development.

In the interests of sustainable development.

16. No part of the development hereby approved shall be occupied until the agreed vehicular and pedestrian access connecting the proposed development to the public highway and car parking 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 amenities of the surrounding area.

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

In order to avoid harm to birds.

18. The premises shall not be open to the public outside the following times 07:00 to 23:00 Monday to Saturday including Bank Holidays and 10:00 to 16:00 Sundays.

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

19. No deliveries to, or from, the food store shall take place between the hours of 23:00 and 07:00 on any days.

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

20. The development hereby approved shall be laid out and operate in general conformity with drawing number 06979-SPACE-01-GF-DR-A-00-0001-S3-P9 (General Arrangement Plan - Proposed Ground Floor), received by the Local Planning Authority 04/07/18 and there shall be no increase in the total sales area shown therein (1283m²).

To enable the Local Planning Authority to retain control over the development and in order to safeguard the vitality and viability of the defined town centres in the Borough.

21. 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 development hereby approved shall not be extended in any way (including through the provision of mezzanine floor space) without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of highway safety and parking provision.

22. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a Shop Use within the A1 Use Class and for no other Use within The Town and Country Planning (Use Classes) Order 1987 (as amended).

To enable the Local Planning Authority to retain control over the development in order to safeguard the vitality and viability of the defined town centres in the Borough.

23. For the avoidance of doubt this approval does not include the new pylon sign indicated on drawing number 0679-SPACE-01-XX-DR-A-90-0001-S3-P17 (Proposed Site Layout received 04/07/2018) for which separate advertisement consent is required.

For the avoidance of doubt.

The Committee considered representations in relation to this matter.

Councillors Stephen Akers-Belcher and Sandra Belcher returned to the meeting.

Number:	H/2018/0415
Applicant:	MR P TIPLADY NORTH LANE ELWICK HARTLEPOOL
Agent:	PMT DESIGN SERVICES LTD MR P TAYLOR 8 HALL DRIVE ACKLAM MIDDLESBROUGH
Date received:	12/10/2018
Development:	Erection of a single storey extension at the rear

(AMENDED PLANS)

Location: 30 NORTH LANE ELWICK HARTLEPOOL

This application had been deferred previously to allow for a site visit. It was noted that the applicant and objector had both spoken previously. Members referred to the site visit and noted how small the objector's garden was and what an impact this development would have in terms of overshadowing. A Member queried whether part of the proposal constituted permitted development. The Planning Team Leader advised that the proposal required planning permission but that the 'fall back' position of permitted development (extending out by 3m) represented a material planning consideration in the consideration of the application.

Members approved the application by a majority.

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 full accordance with the details shown on the Location Plan (at a scale of 1:1250), Project No. 18/36/01 (Existing Plans) received by the Local Planning Authority on the 9th October 2018 and Project No. 18/36/03 (Block Plans) received by the Local Planning Authority on the 12th October 2018 and Project No. 18/36/02A (Proposed Plans) received by the Local Planning Authority on the 13th November 2018.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.

97. Appeal at land to the front of Dean Garth and North View, Dalton Piercy, Hartlepool *(Assistant Director (Economic Growth and Regeneration))*

Members were informed that an appeal had been submitted against the Committee's decision to refuse planning permission for the provision of parking bays in front of North View and extension to existing parking bay opposite Dean Garth. Permission had been refused as the proposed development was felt to be detrimental to the visual amenity of the area and recreational amenity of residents as well as being contrary to the objectives of the Hartlepool Rural Neighbourhood Plan and the provisions of the NPPF.

Decision

That officers be authorised to contest this appeal,

98. Appeal at Morrisons, Clarence Road, Hartlepool

(Assistant Director (Economic Growth and Regeneration))

Members were informed that an appeal had been submitted against a decision made under delegated powers to refuse planning permission for the erection of a single storey detached ancillary retail unit within the car park area of Morrisons. It had been felt to be unacceptable by virtue of its visual appearance, location and relationship to the host unit which would have a detrimental impact on the area.

Decision

That officers be authorised to contest the appeal.

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

Members were given updates on 4 ongoing complaint investigations and 3 completed complaint investigations.

Decision

That the report be noted.

100. 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 101 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

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

This item was deferred

The meeting concluded at 10:50am

CHAIR

No: 1
Number: H/2018/0086
Applicant: MR H WOOD SERPENTINE GARDENS HARTLEPOOL TS26 0HQ
Agent: ALEXANDER BUILDING DESIGN MR PAUL ALEXANDER 137 HART LANE HARTLEPOOL TS26 8NW
Date valid: 05/09/2018
Development: Installation of dormer window, alterations to fenestration and provision of decking terrace with ballustrade to front, recessed first floor balcony and alterations to fenestration to side, conversion of garage to bathroom and provision of patio door to rear, painted render to all elevations, erection of boundary wall and railings to front and side and associated works (part retrospective)
Location: 1 SERPENTINE GARDENS HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 This property has been the subject of the following refusal is considered relevant to the consideration of this application:

1.3 H/2017/0239 - Installation of dormer window and patio at the front, balcony to side, boundary wall/fence and gate along frontage and alterations to window and door arrangements. Refused 18.08.2017 for the following reason *"In the opinion of the Local Planning Authority it is considered that the proposed boundary treatment, because of its design, height and prominent position, would unduly detract from the open plan character and appearance of the immediate surrounding area. The proposal 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."* The appeal was dismissed on 16/01/2018 (appeal reference APP/H0724/D/17/3188177).

1.4 The current proposals were previously reported for consideration at the Planning Committee on the 16th January 2019. The application was deferred for a site visit.

1.5 Further to the previous report to planning committee and officer recommendation, the applicant has submitted amended plans to seek to address the previous officer recommendation to refuse the application and this is considered in further detail below.

PROPOSAL

1.6 Planning permission is sought for the installation of dormer window, alterations to fenestration and provision of raised terrace with ballustrade to front (eastern elevation), recessed first floor balcony and alterations to fenestration to side (Northern elevation), conversion of garage to bathroom (including removal of garage door) and provision of patio door to rear, painted render to all elevations, erection of 1.5m high boundary wall and railings to front and side and associated engineering works.

1.7 It is noted that elements of the works have started on site, namely the construction of retaining walls and some engineering operations, however, these have ceased at the time of writing. As such the application is considered to be part retrospective. In respect of this element, amended plans have been submitted which show a step in the length of the raised platform / terrace by approximately 2m to reduce the height of it (stepping down by approx. 0.3m at approx. 4.5m in projection). Landscaping is also to be provided in the 'stepped' area.

1.8 The application has been brought to committee in line with the agreed scheme of delegation in relation to the number of objections to the proposal, the retrospective nature and the officer recommendation.

SITE CONTEXT

1.9 The application site is a detached dormer bungalow constructed of a mixture of brown brick, artificial stone and white render, for the external walls, with a brown concrete tile roof.

1.10 The property is located within a prominent location on an elevated plot on the junction of Serpentine Gardens and Serpentine Road (Serpentine Road being part of an important North-South road network for the Western portion of the town) within an established residential area.

1.11 The property has gardens to all elevation of the property, with the primary amenity space located to the front of the property on to Serpentine Road.

PUBLICITY

1.12 The application has been advertised by way of neighbour letters (8 in total), along with site notice. To date, there have been 6 representations of objection, and 3 representations of support.

1.13 A summary of the material planning concerns and objections raised are:

- Height of the boundary wall is excessive, and could have detrimental effect on road safety.
- Height of the retaining wall to front
- Boundary treatment out of character with this open plan estate

- Loss of privacy created by the full length windows to front to the adjacent property and private garden space

1.14 A summary of the letters of support are:

- It will enhance the appearance of the entry to Serpentine Gardens
- The wall would not cause any obstruction of view
- Majority of the wall will be on Wooler Road and would not impact open plan element of Serpentine Gardens.

1.15 Copy Letters **A**

1.16 Following further consultation on the amended plans, the period for publicity will expire 04.02.2019.

CONSULTATIONS

1.17 The following consultation replies have been received:

HBC Traffic and Transportation - The required visibility splay when existing Serpentine Road onto Wooler Road would still be available following the construction of the boundary. I have no highway or traffic concerns.

HBC Arboriculture Officer – No objection.

PLANNING POLICY

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

Local Policy

1.19 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

QP4 : Layout and Design of Development

HSG11: Extensions and alterations to Existing Dwellings

National Policy

1.20 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the

heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007 : Purpose of the Planning System

PARA 011 : Presumption in favour of sustainable development

PARA 038 : Decision making

PARA 047 : Determining applications in accordance with the development plan

PARA 054 : Can unacceptable development be made acceptable

PARA 055 : Planning conditions

PARA 056 : Planning obligations

PARA 124 : High quality buildings and places

PARA 127 : Design principles

PARA 150 : Reduce greenhouse gas emissions

1.21 Planning Policy comments - There are no planning policy objections in principle, subject to consideration of the impact of the proposal on the visual amenity of the application site and the character and appearance of the surrounding area and the amenity of neighbouring land users, taking into account the provisions of policy QP4 (Layout and Design of Development) and HSG11 (Extensions to Existing Dwellings) of the adopted Hartlepool Local Plan 2018.

PLANNING CONSIDERATIONS

1.22 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.

1.23 The crux of this application will be whether the impact on the character and visual amenity of the existing dwelling and street scene, the impact on the amenity and privacy of neighbouring land users and the impact on highway safety are sufficiently detrimental to warrant refusal in line with the 'presumption in favour of sustainable developments' as advocated within paragraph 11 of the NPPF.

IMPACT ON EXISTING DWELLING CHARACTER OF SURROUNDING AREA

1.24 The application can be essentially divided into 3 key separate components for consideration, these being the alteration to the dwelling house, alteration and engineering operations to the front amenity garden space, and the erection of boundary treatments to the perimeter of the site, which are considered as follows;

Alterations to the host dwelling

1.25 The proposed dormer to the front of the property will occupy a very prominent position in the streetscene fully visible from both Serpentine Road and Serpentine Gardens, and provide a new dominant contemporary design feature to the front elevation of the property, that is not evident elsewhere within the area.

1.26 However, it is considered, on balance, that the dormer to front is acceptable in both design and scale terms. Whilst it is to be built directly off the eaves, it will not be unduly large; it will be reasonably well positioned and related to the property being located fairly centrally on the roof approx. 0.8m below the ridge line; it will incorporate a pitched roof; and it will be conditioned to be tile hung using matching concrete tiles to the dormer cheeks.

1.27 The new balcony will also be visible from Serpentine Gardens and Serpentine Road. However, it is to be recessed into the gable wall which will help both to reduce its prominence and to ensure that it relates in a satisfactory manner to the host building. Additionally it is to be constructed of contemporary materials. This element of the proposal is therefore also considered to be acceptable in design and scale terms.

1.28 The new windows (including those forming the new balcony) and the new doors will collectively have a more vertical emphasis than the existing fenestration. However they are considered to be reasonably well positioned on, and related to, the property and as such it is considered that they will not unduly detract from the character of the dwelling either.

1.29 In addition the proposal includes altering the external appearance of the dwelling with the application of render to the external walls of the dwelling. This is considered to be acceptable in principle given similar rendered properties in the vicinity. However, the final details of the colour and texture of the render can be controlled by condition.

1.30 In light of the above, it is considered that the above elements are acceptable in terms of the character and appearance of the host dwelling and surrounding area.

Engineering operations and alteration to front garden

1.31 The proposed works to the front garden involve the creation of a raised platform/patio area approx. 1.5m above the natural ground level at the highest point and projecting approx. 6.5m from the front elevation of the property with a width of approx. 15.5m. This is to be retained by a structural wall, and intended to provide the primary amenity space for the dwelling. These works have been partially undertaken and therefore considered retrospectively.

1.32 Given the location and elevated position of the platform, the extent of the area covered by the proposed platform (approx. 100m²), and the prominent location of the dwelling, it is considered that the platform as originally proposed and subsequent engineering operations to retain the structure would create an incongruous feature within the streetscene that would be detrimental to the appearance and character of

the streetscene, contrary to the provisions of the NPPF and Local Plan Policies QP4 and HSG11. As such the officer recommendation was previously to refuse the application on the above grounds.

1.33 However, the submitted amended details propose a reduction in the area of the main platform (approx. 67m²) and reduction in the projection of the platform by approx. 2.0m, and to introduce a 'stepped' element through a reduction in height by approx 0.3m with landscaping, which would provide a 'break' in the massing of the structure, softened by the proposed planting to which the Council's Arboricultural Officer has raised no objection. Given the retrospective nature of these elements, appropriate conditions can be secured to ensure such amendments are undertaken within a suitable timescale. It is therefore considered that the proposed alterations are sufficient to overcome the previous concerns in relation to the impact of this element on the streetscene for this element and that the proposal is considered to be acceptable in terms of the impact on the character and appearance of the of the area.

Boundary enclosures

1.34 The proposed boundary wall/fence will occupy a prominent position fully visible from Serpentine Gardens and Serpentine Road. It will consist of a 0.9m high wall with 1.5m high piers with metal loop top railing between the piers. The wall will be constructed in such a manner to include a planting trench within the wall to permit suitable hedging or landscaping planting.

1.35 The design is considered to be acceptable in this location with the wall element being of a primarily low level with open railings providing a level of openness, similar to the boundary fencing on the adjacent Serpentine Gardens park to the North.

1.36 Whilst the front garden areas of the properties on Serpentine Gardens appear to have remained unfettered by built structures giving an impression of an 'open plan' estate, the area is not a 'true' open plan estate in planning terms controlled by planning conditions. Therefore, in planning terms any property within Serpentine Gardens including the application property could erect a boundary treatment in accordance with their permitted development rights without the need for planning approval.

1.37 In view of the above whilst it is acknowledged that the character and appearance of the streetscene and estate would be altered by the erection of the boundary treatment, this 'open' character could be altered at any point without the control of the Local Planning Authority, therefore in the determination of the application minimum weight can be apportioned to the current character and appearance of the estate. Furthermore paragraph 127 of the NPPF states that decision should ensure that developments are sympathetic to the local character and history, whilst not preventing or discouraging innovation or change.

1.38 It is noted that the application site was the subject of a previous planning application for a similar scheme and a dismissed planning appeal (as detailed above), this previous scheme differed in the design of the boundary fence being approx. 2.4m in height and of a solid appearance of close-boarded fence panels,

with brick piers to that detailed above. It is considered that the proposed design is sufficiently altered to overcome the Inspectors conclusion that the previous scheme created a 'prominent and incongruous feature', and is therefore acceptable in accordance with the provisions of Policies HSG11 and QP4 of the Hartlepool Local Plan 2018 and paragraph 127 of the NPPF as the proposed development is considered to be of a design and scale that respects the character and appearance of the existing dwelling and application site as a whole.

1.39 The proposal is therefore considered to be acceptable in this respect.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.41 The host property is situated on a corner plot, which is adjoined by 2 Serpentine Road to the West, 15 Greenbank Court and Cameron Lodge to the South, a pocket park and 18 Serpentine Gardens to the North, and 15 Serpentine Road to the East.

Impact on 2 Serpentine Gardens (West)

1.42 It is not considered that the proposed works will have a detrimental impact on the amenity and privacy of the above property, as the majority of the works are situated to the North and East elevations of the dwelling and therefore does not result in the loss of any privacy, amenity or overshadowing as there is no direct overlooking from the balcony to the North. The installation of the rear patio door within the Western elevation in the location of the current rear door is the only element with a direct aspect toward this neighbouring property. However, it is not considered that patio door will permit any greater surveillance, loss of privacy or amenity than at present. The boundary treatment will not create any overshadowing, loss of light or loss of aspect to a sufficient level to warrant refusal, given the orientation and satisfactory remaining distances/relationship.

Impact on properties to the South (Cameron Lodge and 15 Greenbank Court)

1.43 It is not considered that the proposal will have a detrimental impact on the properties to the South as the majority of the works are situated to the North and East elevations of the dwelling and therefore would not result in the loss of any privacy, amenity or overshadowing. The proposal does not include any additional upper floor windows within the Southern elevation, whilst the proposed 2.0m high boundary fence along the raised patio area would prevent any adverse loss of privacy or amenity to the rear garden space and rear windows of Cameron Lodge and 15 Greenbank Court. A condition to ensure the 2m high fence is installed within an appropriate timescale is secured.

Impact on 15 Serpentine Road and the properties to the East

1.44 The application proposes to alter the internal configuration and arrangements of the dwelling placing the primary living accommodation on the first floor with a large centre floor to ceiling windows within the proposed dormer. Concerns have been raised by the occupiers of the property to the East (15 Serpentine Road) in relation to loss of privacy and amenity of their dwelling and private garden space created by the new dormer.

1.45 It is acknowledged that this neighbouring property is situated approx. 45.0m, from the application site and separated by substantial tree screening. These concerns were raised with the applicant and agent for the application, who agreed to glaze this element with an appropriate material to reduce any impact, and requested this be submitted by condition.

1.46 Whilst there is a significant separation between the sites, given the elevated position and the primary living accommodation being situated on the upper floor it is considered that should the application have been considered acceptable in all respects a condition be applied to agree a suitable scheme to reduce any perceived or actual overlooking or loss of amenity from this element of the proposal.

1.47 It is not considered that the other elements of the proposal would have any detrimental impact on the privacy, amenity or overshadowing on these neighbouring properties due to the separation distance, orientation and nature of the works.

Impact on the land users to the North

1.48 The new balcony to the Northern elevation will directly face onto Serpentine Gardens itself and thereafter the small park beyond. It is not considered that the balcony would have a detrimental impact neither on the users of this land nor on the other properties due to the orientation and separation distance. In addition, the balcony will have an aspect towards 18 Serpentine Gardens, however, this will be at an oblique angle and at a distance of approx 30 metres, therefore it is not considered to detrimentally impact the privacy and amenity of this property.

1.49 For the reasons outlined above, it is considered that the proposal would not create any significant loss of privacy, amenity or have an overshadowing or overbearing effect to neighbouring properties.

PARKING AND HIGHWAY SAFETY

1.50 The applicant proposes the conversion of the existing garage to residential amenity space. However, whilst this will result in the loss of a parking space the proposal provide alternative incurtilage parking provision.

1.51 Therefore, as the existing access is to remain unaltered, it is not envisaged that the proposals will give rise to any undue highway safety concerns, a view supported by the Council's Traffic and Transport Service.

1.52 Concern have been expressed by objectors that a means of enclosure would adversely affect the visibility of vehicles entering or exiting Serpentine Gardens. However, the applicant has provided plans detailing the visibility splays for cars leaving the junction, that highlights that the visibility of oncoming traffic will remain unaltered and provide a minimum of 50.0m unobstructed views, these have been considered by the Traffic and Transport Service and deemed to be acceptable.

LANDSCAPING

1.53 The Councils Arboricultural Officer has been consulted on the plans and offered no objection to the scheme. Full details of the proposed landscaping scheme are requested by planning condition to ensure a satisfactory form of development.

CONCLUSION

1.53 With regard to the above planning considerations and the relevant policies of the Hartlepool Local Plan, the proposal is considered to be acceptable subject to the conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.54 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.55 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; Proposed Site - Visibility Splays (J021 - SP01-004), Proposed Ground Floor Plan (J021-SP02-003), Proposed First Floor Plan (J021-SP02-004), Proposed Elevations (J021-SP03-001), Elevations of proposed planter to West (J021-SP06-001) received 5th September 2018 by the Local Planning Authority, Site Location Plan (J021-SLP) received 8th March 2018 by the Local Planning Authority, and amended plans Proposed Site Plan (J021-SP01-002 Rev. C), Proposed Site Elevations (J021-SP01-003 Rev. C) and Proposed Site Sections (J021-SP01-005 Rev. C) received 23rd January 2019 by the Local Planning Authority.
For the avoidance of doubt.
3. Within 3 months from the date of the decision notice the retaining wall structures/raised platform/terrace shall be completed and altered in accordance with the approved plans including the agreed levels and shall be rendered in a colour to match the main dwelling. Thereafter the retaining wall/structures/platform shall be retained and maintained in accordance with the approved plans for the lifetime of the development.

In the interests of visual amenity and to ensure a satisfactory form of development.

4. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) to be provided (as a minimum) within the 'raised planting area' of the raised platform/terrace and along the southern boundary adjacent to 'Cameron Lodge' and 15 Greenbank Court as shown on plan J021-SP01-002 Rev. C (received on the 23rd January 2019) shall be first submitted to the Local Planning Authority within 1 month from date of the decision notice. The scheme must specify sizes, types and species of planting, indicate the proposed layout and surfacing of the identified areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter and following the written agreement of the Local Planning Authority, all planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season (November 2019 – March 2020) following completion of the works to the retaining walls/terrace as required by condition 3. 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.

5. Notwithstanding the submitted details, within 1 month of the date of the decision notice, details of the boundary treatments to the raised platform/terrace, retaining wall and southern boundary as shown on plan J021-SP01-002 Rev. C (received by the Local Planning Authority on the 23rd January 2019) shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, within 3 months from the date of the written approval of the Local Planning Authority the development shall be carried out in accordance with the approved details approval and retained for the lifetime of the development.

In the interests of visual amenity.

6. Details of all external finishing materials (including colour and texture of render and hanging tiles) for the extensions and alterations to the main dwelling 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.

7. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) to the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the perimeter wall and railings hereby approved. The scheme must specify sizes,

types and species of planting, 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. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following completion of the perimeter boundary walls and railings hereby approved. 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.

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

BACKGROUND PAPERS

1.57 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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1 SERPENTINE GARDENS

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/12/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0086	REV

No: 2
Number: H/2018/0183
Applicant: THIRTEEN HOUSING
Agent: MR WESLEY MCGEENEY
Date valid: 30/07/2018
Development: Installation of air source heat pumps
Location: 1-84 OVAL GRANGE HARTLEPOOL

PURPOSE OF REPORT

2.1 An 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.

2.2 Following deferral of this application at previous Planning Committee meetings on the 3rd October 2018 and 28th November 2018, the applicant has submitted the required further information in the form of a cumulative noise assessment report and made amendments to the proposed locations of the air source heat pumps (locations only, number of pumps to remain on each block as previously submitted). Consultation with HBC Public Protection has been undertaken and this is duly considered within this report.

BACKGROUND

2.3 The following planning applications are associated with the site:

2.4 H/1974/0256 - Erection of 84 flats and 34 garages, granted 04.10.1974;

2.5 H/2007/0538 - Alterations to elevations and provision of pitched roofs, granted 17.09.2007. (This application has not been implemented).

PROPOSAL

2.6 The application seeks planning permission for the installation of air source heat pumps at 1-84 Oval Grange. The proposed air source heat pumps would be approximately 0.75 metres in height, approximately 1.1 metres in length and approximately 0.36 metre in width. The units are proposed to be sited externally, at the ground floor to the front and rear of each block of flats.

2.7 The design and access statement indicates that a 'brickwork' covering will be used on each unit to minimise the visual impact of the proposal.

2.8 The application has been brought to the planning committee in line with the Council's scheme of delegation having regard to the objections received.

SITE CONTEXT

2.9 The application site is known as ‘Oval Grange’ and is a self contained site consisting of five blocks of three storey flats with flat roofs. (Block 1, Flats 1-18), (Block 2, Flats 19-42), (Block 3, Flat 43-54), (Block 4, Flats 55-69) (Block 5, Flats 70-84). Vehicular access to the site is obtained via Tunstall Avenue and there is an addition pedestrian access off Elm Grove.

2.10 The nearest residential properties to the application site are those on South Drive approximately 10 metres to the north of Blocks 3 and 4; Tunstall Avenue is approximately 10 metres to the east of Block 5; Elm Grove is approximately 30 metres to the south of Block 1 and approximately 35 metres to the south of Blocks 5; Wooler Road is approximately 35 metres to the of Block 1. Other notable residential properties are No.’s 1 and 2 The Cottages approximately 15 metres to the north of Block 1 and approximately 20 metres to the west of Block 2 and the property of Hazelhurst is approximately 15 metres to the north of Blocks 2 and approximately 20 metres to the west of Block 3.

2.11 It should be noted that the application site is on the boundary of (but outside of) Park Conservation Area, and adjacent to No.’s 8, 10, 14 Elm Grove and 42 Tunstall Avenue recognised as locally listed buildings.

PUBLICITY

2.12 The application has been advertised by way of one hundred and eighteen neighbour letters (118) and three site notices (on lamp posts at the entrances to the site, off Elm Grove and Tunstall Avenue and one at the bus stop on Wooler Road). To date, four letters of representation have been received from neighbouring land users (three objections and one comment).

2.13 The concerns raised are summarised below:

- All rented flats have no wall insulation or sound proofing and need the existing double glazing replacing rather than the proposed air source heat pumps;
- Changing the heating system is pointless and a waste of money due to there being no draught proofing at all;
- An alternative of solar panels would help against our fuel bills;
- Noise from the air source heat pumps and the impacts upon existing residents and surrounding neighbours;
- Noise impacts due to the large number of air source heat pumps. A full environmental impact assessment should be required to ensure the noise impact of the proposal is not intrusive to residents.
- The flats are always cold and damp;
- Having already had problems with security lighting on the Oval Grange development which is intrusive as a result of being badly installed, we do not want to have additional problems with the latest proposal.

2.14 The period for publicity has expired.

2.15 Copy letters **B**

CONSULTATIONS

2.16 The following consultation replies have been received:

Engineering Consultancy – No objection.

Heritage and Countryside Manager – The application site is on the boundary of Park Conservation Area, a designated heritage asset, and within the setting of 8, 10, 14 Elm Grove and 42 Tunstall Avenue recognised as locally listed buildings and therefore heritage assets.

Policy HE1 of the 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.

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. 185 & 192, NPPF). Further to this it also looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF).

Policy HE3 of the Local Plan has regard for the setting of conservation areas.

Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880's.

The application is for the installation of air source heat pumps, which include units fixed to the buildings.

It is considered that the proposal will not significantly impact on the designated and non-designated heritage assets; no objections.

HBC Ecologist – No ecology concerns or requirements;

HBC Public Protection – Not Object;

Following submission of the noise assessment as requested by Planning Committee on 28th November 2018 the following comments were received:

The applicant has undertaken a noise assessment in accordance with the method agreed with public protection. The assessment clearly demonstrates that the development will have a low impact on noise sensitive receptors that are not associated with the development and that the operation of the heat pumps would be inaudible in these properties with the windows open. The development will have a low risk of an adverse effect to the residents the heat pumps are to supply. The worst case scenario to the properties in Oval Grange is a level of 34dB(A) internally with the windows open in some of the properties. The World Health Organisation and British Standard 8233 allow for a relaxation of the 30dB(A) standard by up to 5dB(A) which will still obtain a reasonable internal noise level.

I can therefore confirm that I have no objections to this application subject to a condition requiring the heat pumps to be set at their “Silent 2” operation mode between 23:00hrs and 07:00hrs.

HBC Landscape – Not Object.

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

PLANNING POLICY

2.17 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)

2.18 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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.

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

Para	Subject
2	Primacy of the Development Plan
7	Three dimensions to sustainable development
8	Achieving sustainable development
9	Pursuing sustainable development
10	Achieving sustainable development
11	Planning law and development plan
12	Status of the development plan
14	Presumption in favour of sustainable development
17	Role of the planning system
47	Determining Applications
124	Well-designed places
127	Achieving well-designed places
130	Refusal of poor design
185	Positive strategy for the historic environment
190	Proposals affecting heritage assets
192	Proposals affecting heritage assets
193	Considering potential impacts

Hartlepool Local Plan 2018

2.20 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
CC1	Minimising and adapting to climate change
HE1	Heritage assets
HE3	Conservation areas
HSG11	Extensions to Existing Dwellings
QP4	Layout and Design of Development

HBC Planning Policy Comments:

2.21 There are no planning policy objections to the application, subject to the consideration of the impact of the proposals on the setting of the Park Conservation area and any other relevant material planning considerations.

PLANNING CONSIDERATIONS

2.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impact on the character and appearance of the building and surrounding conservation area and the non-designated heritage assets, the impact on the amenity of existing residents and neighbouring land users, and any other planning matters.

PRINCIPLE OF DEVELOPMENT

2.23 The principle of development has been established by the current use of the site (i.e. residential) and the proposed development would be ancillary to the existing use. Furthermore, there have been no policy objections to the proposed development therefore, it is considered the principle of development is acceptable subject to the consideration of other material planning matters.

IMPACT ON THE CHARACTER OF THE CONSERVATION AREA AND NON-DESIGNATED HERITAGE ASSETS

2.24 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 NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). 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. 185 & 192).

2.25 Further to this, at a local level, Policy HE1 of the Hartlepool Local Plan (2018) states that ‘the Borough Council will seek to preserve, protect and positively enhance all heritage assets.’

2.26 Policy HE3 states that the 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.

2.27 Policy HE5 of the Hartlepool Local Plan (2018) states that ‘where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.’

2.28 The Council’s Heritage and Countryside Manager has been consulted upon the application and considers that the proposal will not significantly impact on the designated and non-designated heritage assets, and therefore raises no objections.

2.29 It is considered that due to the nature of the development, the separation distance and the intervening boundary treatment of various elements (i.e. the tree line, hedgerows, timber fencing and/or brick walling) the proposed development would not affect the significance of the designated heritage asset of Park Conservation Area or the non-designated heritage assets of 8, 10, 14 Elm Grove and 42 Tunstall Avenue.

2.30 Therefore it is considered the proposed development is in accordance with the NPPF (2018) and is compliant with policies HE1, HE3 and HE5 of the Hartlepool Local Plan (2018).

IMPACT ON EXISTING BUILDINGS AND SURROUNDING AREA

2.31 It is noted that elements of the proposed development will be visible from the street scene, however given the modest design and scale, the proposed development is considered to respect the character and appearance of the existing building and the surrounding area.

2.32 The proposal is therefore considered acceptable in terms of its impact on the visual amenity of the site and the surrounding area, in accordance paragraph 127 of the NPPF (2018) and in compliance with the requirements set out within policy QP4 of the Hartlepool Local Plan (2018).

AMENITY OF EXISTING RESIDENTS AND NEIGHBOURING OCCUPIERS

2.33 It is noted that the objections received raise concerns regarding the noise impacts of the proposal in relation to both the existing residents and neighbouring occupiers.

2.34 It is acknowledged that the application site is surrounded by further residential land uses and the nearest residential properties to the application site are those on South Drive approximately 10 metres to the north of Blocks 3 and 4; Tunstall Avenue is approximately 10 metres to the east of Block 5; Elm Grove is approximately 30 metres to the south of Block 1 and approximately 35 metres to the south of Blocks 5; Wooler Road is approximately 35 metres to the of Block 1. Other notable residential properties are No.'s 1 and 2 The Cottages approximately 15 metres to the north of Block 1 and approximately 20 metres to the west of Block 2 and the property of Hazelhurst is approximately 15 metres to the north of Blocks 2 and approximately 20 metres to the west of Block 3.

2.35 The agent had originally submitted the 'Daikin Altherma, Heating Technical Data' document, which detailed the associated noise levels in relation to each unit and following the request by Members at the Committee Meeting of 28th November 2018 a cumulative noise impact assessment report has been submitted in support of the application.

2.36 The assessment demonstrates that the development will have a low impact on noise sensitive receptors that are not associated with the development and that the operation of the heat pumps would be inaudible in these properties with the windows open. The development will have a low risk of an adverse effect to the residents the heat pumps are to supply.

2.37 The report provides a worst case scenario for the most sensitive properties in Oval Grange, showing noise levels of 34dB(A) internally with the windows open when the system is working at 100% capacity. The World Health Organisation and British Standard 8233 allow for a relaxation of the 30dB(A) standard by up to 5dB(A) which will still obtain a reasonable internal noise level.

2.38 Following discussions with the applicants, they have committed to operating the units in 'Silent' mode at all times, which prevents the units at operating at above 80% capacity to ensure that the units provide the maximum mitigation against potential

noise nuisance. This will be controlled by a suitable planning condition should the application be deemed acceptable, and is supported by HBC Public Protection.

2.39 It is therefore considered that the noise associated with the proposed development will not have a significant adverse impact upon any neighbouring residential properties due to the nature of the development, the separation distance and the intervening boundary treatment of various elements (i.e. the tree line, hedgerows, timber fencing and/or brick walling).

2.40 Furthermore, it is considered that the proposal is acceptable and will not result in an adverse loss of amenity or privacy for the neighbouring properties in terms of outlook, overbearing nature or overlooking.

2.41 In terms of the impact upon the existing and future occupiers of the flats, it is considered that due to the modest size and scale of the air source heat pumps the units will be below window level in relation to the ground floor flats and will not result in an adverse loss of amenity or privacy for the any of the flats in terms of outlook, overbearing nature or overlooking. The Council's Public Protection Team have considered the submitted information and have raised no objections to the proposal in relation to noise impacts (based on the submitted noise impact assessment) therefore the proposal is considered acceptable in this regard.

2.42 Therefore, the proposed is considered to be in compliance with the requirements set out within policy QP4 of the Hartlepool Local Plan (2018).

OTHER PLANNING MATTERS

2.43 It is noted that the application was subject to consultation with HBC Engineering Consultancy, Ecology, Landscape and Traffic and Transportation. In regard to the above mentioned consultations, no objections have been received. It is considered the proposed development would not have a significant adverse impact upon drainage, ecology, the natural environment or the public highway and therefore the proposal is acceptable in regards to the above matters.

OTHER MATTERS

2.44 It is noted that the objections received have commented upon the application regarding the cost of running the air source heat pumps, that no insulation has been provided in the existing building and issues with the site's security lighting. Whilst these comments are acknowledged it is considered that these matters are outside the control of planning and are therefore not material planning considerations in relation to determination of this application. Furthermore the proposed development would not fall within the thresholds of constituting Environmental Impact Assessment development and therefore an Environmental Statement would not be required in this instance.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.45 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.46 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.

2.47 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; Site Location Plan, received by the Local Planning Authority 21st May 2018 (1:1250); Air Source Heat Pump Locations (1 of 3), Ref. Flats 1-42, received by the Local Planning Authority 14th November 2018 (1:500); Air Source Heat Pump Locations (2 of 3), Ref. Flats 43-54, received by the Local Planning Authority 14th November 2018 (1:500); Air Source Heat Pump Locations (3 of 3), Ref. Flats 55-84, received by the Local Planning Authority 14th November 2018 (1:500); Proposed Elevations, Ref. Typical Elevations with Air Source Units, Drawing No. OGAS001, Rev. A, received by the Local Planning Authority 6th November 2018 (1:75); Daikin Altherma, Heating Technical Data, ref. EEDEN15-725, Spec No.s EDLQ-CV3, EK2CB-CV3, EKMBUHC3V3 & EKMBUHC9W1, received by the Local Planning Authority 21st May 2018; and the 'Apex Acoustics' Noise Impact Assessment (Ref.7152.1 Rev A), received by the Local Planning Authority 11th January 2018.
For the avoidance of doubt.
3. Prior to the commencement of development, the final design of the 'brickwork' covering for the Air Source Heat Pumps shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented as agreed and the coverings shall remain in place for the lifetime of the development.
In the interests of visual amenity.
4. Notwithstanding the submitted information, the Air Source Heat Pumps hereby approved shall be operated at all times in the 'Silent 2' programmable/operation mode (80%) as identified with the submitted 'Apex Acoustics' Noise Impact Assessment (Ref 7152.1 Rev A), received by the Local Planning Authority on 11th January 2018.

For the avoidance of doubt and in the interest of the residential amenity of the neighbouring occupiers

BACKGROUND PAPERS

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

CONTACT OFFICER

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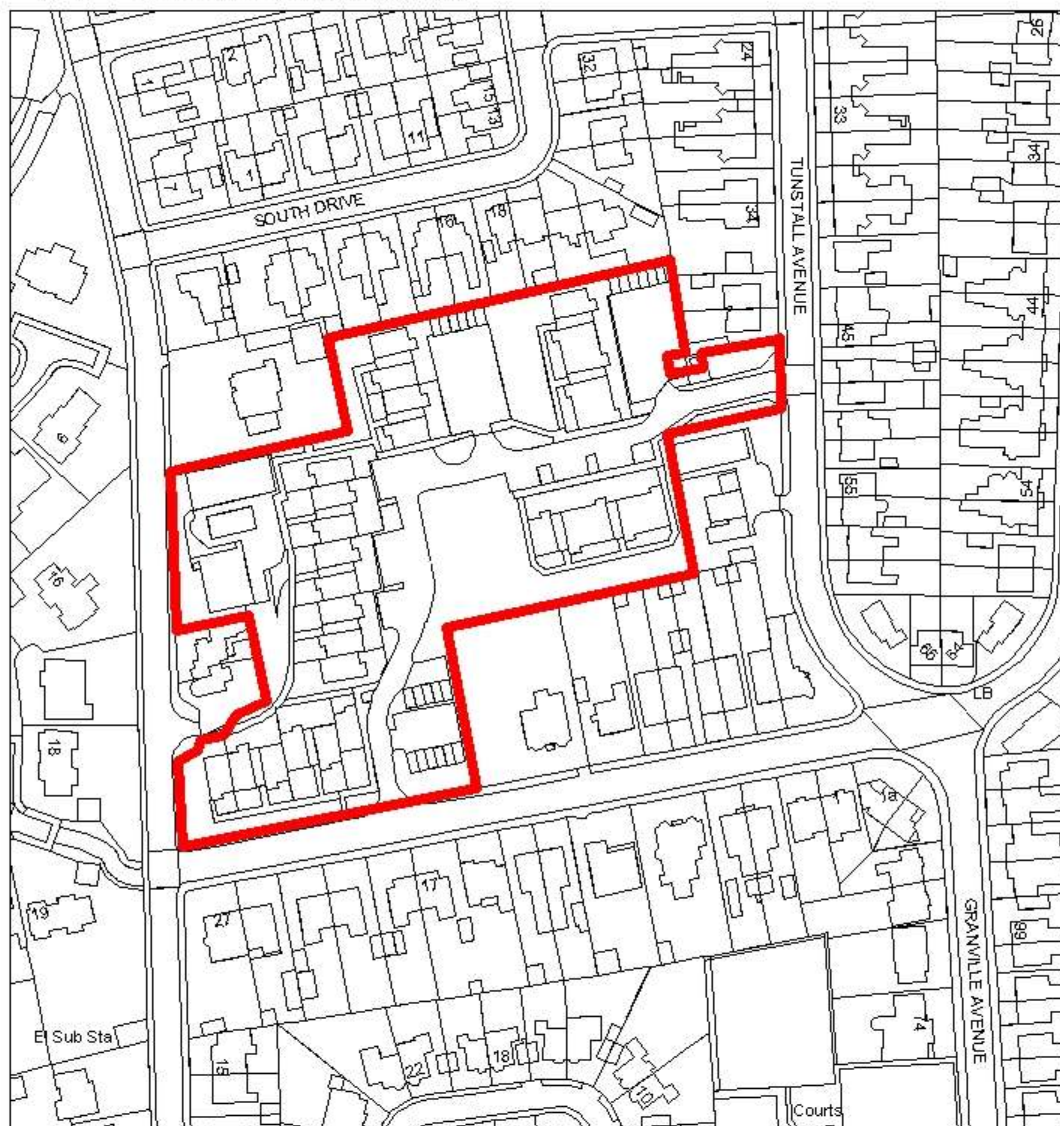
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1-84 OVAL GRANGE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/09/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0183	REV

No: 3
Number: H/2015/0354
Applicant: Mr Brett Wilkinson 25a Parkview West Industrial Estate
HARTLEPOOL TS25 1PE
Agent: David Stovell & Millwater 5 Brentnall Centre Brentnall
Street MIDDLESBROUGH TS1 5AP
Date valid: 21/12/2015
Development: Outline planning application with some matters reserved
for residential development (up to 52 dwellings) with
associated access and highway works and creation of
wildlife ponds, park, footpaths, public car park,
landscaping and open space areas.
Location: Land at Hart Reservoir Hart Lane HARTLEPOOL

PURPOSE OF REPORT

3.1 An 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 was previously considered at the planning committee of 30.11.2016, where Members were minded to approve the application subject to the completion of a legal agreement securing contributions (that the applicant had agreed to pay at that time) towards primary education (£153,780) and secondary education (£95,329.00), built sports provision (£13,000) and green infrastructure/footpath links (£4,000), an obligation requiring the provision of on-site affordable housing (9 dwellings equating to the full 18%); requiring the provision and implementation of a scheme of ecological mitigation measures (household information packs, provision of SANGS); securing a local labour agreement; a scheme for the provision, maintenance and long term management of the nature reserve, car park, public open space, landscaping, water bodies, play facilities, reservoir structures and permissive footpaths, and subject to relevant planning conditions.

3.3 In the intervening period following Members decision to be minded to approve the application (subject to the completion of the s106 legal agreement) and following the changes to the adopted Local Plan to include this site within the development limits, the applicant contacted officers and stated that they were unable to pay the required contributions and have subsequently submitted an Economic Viability Assessment(s) to support their view that all of the previously agreed contributions could no longer be sustained by the development in viability terms. This will be considered in further detail in the main report below.

3.4 There have also been a number of events that are also relevant to this application's consideration since the application was first considered by Members in

November 2016. These include the revision to the National Planning Policy Framework (NPPF, in July 2018) and associated Planning Practice Guidance; the adoption of the Hartlepool Local Plan (May 2018); a change in approach on ecology matters (following a recent decision in European case law) and a proposed extension of the SPA; and the formation of a new planning committee, all of which need to be taken into account (along with the applicant's change in position on the scheme's viability) and therefore this new report is required to bring matters up to date.

PROPOSAL

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

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

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

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

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

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

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

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

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

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

3.15 The proposed development has been screened during the course of this application and in accordance with Section 5 of the Town and Country Planning (Environmental Impact Assessment/EIA) Regulations 2017; the Local Planning Authority has adopted an opinion to the effect that the development is not considered to be EIA development.

3.16 The application has been referred to the Committee as more than 3 objections have been received and to update Members on the change in position to the previously agreed/reported planning obligations.

SITE CONTEXT

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

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

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

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

3.20 The site is currently accessed from Hart Lane which runs to the west of the site with High Throston Golf Club and Hart Quarry located beyond this highway. The nearest property to the north west (along Hart Lane) is 'Keepers Cottage'. Beyond the application site boundary to the north/north east are open fields; outline planning permission has been granted for up to 500 dwellings (known as Upper Warren), under planning approval H/2013/0328, within the vicinity of this area. A reserved matters application for this site is currently under consideration (H/2018/0148); the plans for Upper Warren show the provision of a proposed landscape buffer between the 500 dwellings and the current application site.

PUBLICITY

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

3.22 To date, a total of 23 objections (including more than one letter from the same objector in some instances) have been received, including a further objection being submitted since the previous consideration of this application by the Planning Committee. Concerns have also been raised by Hartlepool Civic Society. Objections were also received from the former local ward councillor for the area at the time of the previous consideration of the application and Hart Parish Council (detailed within the consultee responses below). These objections and concerns can be summarised as follows;

- Is the transport statement relevant to the application (refers to 60 dwellings)
- Lack of information regarding the measures/process/materials to infill the lower reservoir (as originally proposed)
- The proposal (as originally submitted) would result in an adverse loss of amenity and privacy for neighbouring properties including Hart Reservoir Cottage.
- Impact on access to Hart Reservoir Cottage.
- Impact on overhead lines and services to existing residential properties, in particular Hart Reservoir Cottage
- Impact on wildlife including bats
- The impact on wildlife and ecology understated within submitted reports
- Clarification on the design of the dwellings should be provided
- Increase in traffic and congestion along Hart Lane and exacerbation of issues at Sheraton/A19

- Proposed access/egress will have detrimental impact on congestion and road safety
- The proposed increase in reduced speed limit is insufficient
- The area is used by residents for walking which would be affected by the development
- No details of the reservoir maintenance has been provided
- Planning conditions should be imposed to restrict working hours/days, the provision of additional screen planting, timescales on the overall completion of the development and the establishment of the nature reserve before the dwellings are brought into use.
- The plans do not include details of landscaping or the public car park – will the car park be closed on an evening?
- It is unclear who will be responsible for the upkeep and maintenance of the wildlife ponds and park- the information submitted to date is inadequate
- Development will be affected by quarry from vibrations/blasting, as are existing properties.
- A noise assessment and ground survey should be required in respect of the quarry.
- Loss of views
- Impact on visual amenity of surrounding area
- Overdevelopment of site
- Noise disturbance/pollution and increase in dust
- Car park will attract youth congregation and general increase in anti-social behaviour, vandalism
- Any existing anti-social behaviour element within the reservoirs would not justify the proposed development
- The water level has been reduced
- Proposal adds to sprawl of development and proposed dwelling types unsuitable
- Flooding is a problem in the area. Proposal could result in an increase in flood risk and surface water run off
- The area near the proposed access has been flooded
- Primary schools are at capacity and the proposal will place a further burden on this.
- The proposed ponds could be dangerous to children depending on the depth
- No need for further housing and this level of house building exceeds legal requirements
- Increase in litter and dog fouling
- Independent ecological assessment should be undertaken
- The reservoirs should be reserved for fishing/leisure purposes
- The proposed infilling of the reservoir raises concerns over impact on highways and delivery vehicles
- Property devaluation
- Exact dwelling numbers should be known
- The amended proposals are inconsistent with submitted supporting information
- The amended proposals would not address concerns regarding congestion and traffic. The proposed right hand turn will not address such issues

3.23 1 letter of no-objection has been received.

3.24 Copy Letters **C**

3.25 The period for publicity has expired.

CONSULTATIONS

3.26 The following consultation responses were received;

HBC Traffic and Transport

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

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

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

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

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

Internal Layout

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

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

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

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

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

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

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

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

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

Further comments received 28.01.2016 in respect of amended plans.

The proposed access into the site is acceptable.

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

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

Layout

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

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

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

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

Need to clarify ownership details of car park / public open space areas.

The children's play area should have an appropriate gate and boundary provided to prevent children running onto the carriageway. Pedestrian guard railing provided on carriageway edge if the gateway is next to the road.

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

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

Highways England

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

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

Additional comments received in respect of amended plans:

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

Further comments received 05.05.2016:

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

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

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

HBC Engineering Consultancy

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

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

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

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

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

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

Environment Agency

(Comments received 29.04.2016 in response to amended FRA)

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

Environment Agency Position

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

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

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

Advice to LPA

Should the local authority wish to approve the planning application, we request that

our previously recommended planning conditions, detailed in our letter dated 19 October 2015, are attached to any planning permission. These conditions relate to a water course buffer zone, contamination assessment and verification.

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

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

Further Information: Advice to LPA (Summarised)

Decommissioning a Reservoir

In order to decommission a reservoir, a Panel Engineer must be employed.

Environmental Permitting Regulations

An Environmental Permit would be required. Information regarding a new bespoke permit is available on our website at

<https://www.gov.uk/government/collections/environmental-permit-application-forms-for-a-new-bespoke-permit>

Water Resources

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

Infill Landscaping: Advice to applicant

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

Further advice received 12.05.2016 in respect of decommissioning of reservoir:

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

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

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

Further advice received 03.11.2016

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

Northumbrian Water

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

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

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

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

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

How To Satisfy The Condition

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

- Soakaway
- Watercourse, and finally
- Sewer

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

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

Further comments received on amended plans:

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

HBC Ecologist

(comments received 28.09.2015)

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

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

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

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

Habitat Regulations Assessment

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

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

Ecology response

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

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

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

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

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

SSSI Impact Risk Zones

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

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

Recommendation

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

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

The applicant's ecological consultants subsequently produced a HRA, stage 1 screening report. This was considered as part of the HRA stage 2 Appropriate Assessment (AA), undertaken by the Local Authority (HBC Ecologist) as the competent authority. The AA, produced on 12.08.2016, took into account any likely significant effects on Teesmouth and Cleveland Coast Special Protection Areas (SPA) and Ramsar sites, the Durham Coast SAC, and the Northumbria Coast

SPA/Ramsar. The stage 2 AA also looked at an 'in combination' analysis with respect to other housing developments within the Borough, and any requisite mitigation measures.

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

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

Further comments received 07.10.2016:

Additional ecological comment.

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

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

Further comments received 15/01/19

I am satisfied that the Habitats Regulations Assessment (HRA) undertaken for this project and approved by Natural England in September 2016 is fit for purpose for the forthcoming Planning Committee.

Recent changes to how HRAs are done has no impact on the outcome of this HRA because any mitigation that would have been required at stage 2, was already delivered as *part of the scheme* and assessed in stage 1 (i.e. Suitable Alternative Natural Green Space, known as SANGS, was part of the design concept).

The addition of the potential Teesmouth and Cleveland Coast Special Protection Area and Ramsar extension does not alter the outcome of the exiting HRA.

I am satisfied with ecology measures [previously agreed] and need nothing further.

Natural England

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

Internationally and nationally designated sites

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

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

No objection

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

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Site of Special Scientific Interest - No objection

This application is in close proximity to Tees and Hartlepool Foreshore and Wetlands / Northumbria Coast Sites of Special Scientific Interest (SSSIs) Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected

species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

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

Local sites

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

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

HBC Landscape Architect

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

The general layout of the outline scheme appears to consider the urban fringe location of the site with a non-linear street pattern and reasonable proportion of garden area within the housing site. Associated planting has also been indicated. The retention of the upper reservoir is clearly beneficial in maintaining some of the landscape character of the existing site's association with open water bodies. The

proposed works to the upper reservoir intended to enhance it as a nature reserve should be accompanied by a full scheme for landscape works at the detailed application stage. This should include planting plans, habitat creation and any associated details of features proposed. Landscape plans should also incorporate proposals for the retention and enhancement of the existing boundary hedges. Although bat presence is an ecology issue it would be beneficial to see provision for bat habitat, including enhancement of the hedgerows as forage corridors, reflected in the detailed landscape scheme. This would also apply to any proposed treatment for the retained upper reservoir.

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

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

Further comments received in respect of amended plans;

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

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

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

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

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

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

HBC Arboricultural Officer

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

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

Further comments received in respect of amended plans:

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

HBC Conservation and Heritage Manager

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

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

Further guidance is provided in the document in identifying such structures it states, 'When considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the National Planning Policy Framework.' It goes on to note, 'Ideally, in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.'

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

Design Merit
Historic Interest
Historic Association
Survival
Layout
General Amenity

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

Whilst the list is extensive it is not comprehensive and Planning Committee agreed

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

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

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

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

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

It is stated that by way of mitigation a report is provided recording the reservoir structures and within the area signage will provide information on the site. No details of this signage or its location appear to be provided.

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

Further comments received in respect of amended plans:

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

Tees Archaeology

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

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

Impact on Hart Reservoirs

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

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

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

Impact on heritage assets of archaeological interest

The archaeological field evaluation was largely negative but did identify a ditch of Iron Age or Roman date. This may be an isolated feature or it may indicate that further archaeological remains are present. The report for the work recommends that further archaeological recording is carried out in the south-western part of this field prior to development. I agree with this recommendation as the remains are likely to be of local interest only and the proposed mitigation is proportionate to their importance (NPPF para 141). This recording could be secured by means of a planning condition, the wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

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

Further comments received in respect of amended plans;

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

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

HBC Public Protection

I would have no objections to this application subject to the following conditions;
An hours restriction on construction activities to 7:30am to 6:00pm Monday to Friday, 8:00am to 12:30pm on a Saturday and at no time on a Sunday or Bank Holiday.

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

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

HBC Countryside Access Officer

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

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

(Further comments received 13/05/2016)

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

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

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

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

(Further comments received 25.08.2016)

I carried out the site visit to Hart Reservoir yesterday afternoon and also carried out a basic costing exercise for the two path links as previously discussed (shown as points A and B on the attached plan). At the same time I had a look at two or three areas that were indicated as new paths within the development site (blue dashed line). I believe that you and I had discussed some concerns about the placement of parts of the permissive path routes.

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

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

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

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

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

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

Ramblers Association

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

We ask that the footpath be kept open for use at all times for legal users. Any interruption to its use by the public requires the permission of the Highway Authority - a TTRO may be required and alternative route provided. Useful advice is given in Circular 1/09 Section 7 'Planning permission and public rights of way', available at <https://www.gov.uk/government/publications/rights-of-way-circular-1-09> We believe the public have permissive access on foot over a track which runs immediately alongside the site's eastern boundary. The track is owned by the Council.

Additional comments received in respect of amended plans:

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

Teesmouth Bird Club

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

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

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

Hartlepool Water

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

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

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

Additional Information provided by Engineering Services Team

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

Further comments received 11/11/2015:

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

Cleveland Police

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

HBC Community Safety and Engagement Team

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

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

ASB complaints – streets checked:

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

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

- zero incidents of ASB and zero Crimes recorded in the proposed development area by Cleveland Police.

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

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

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

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

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

HBC Education

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

Durham County Council

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

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

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

The Transport Statement (TS) has been prepared based on the proposed development having 60 dwellings, whereas the planning description proposals refer to up to 70 dwellings being constructed on this site. However, the increase in the

number of dwellings has limited impact on the predicted traffic generated by the proposed development, which would see the AM outbound trip generation increase from 35 to 41 and the PM outbound trip generation increase from 21 to 24. The original predicted traffic generation is shown in Table 5.2 of the TS. This would have the net effect of increasing the AM generated traffic from 14 to 17 and increasing the PM generated traffic from 8 to 10 towards the A179, and then potentially onto the A19/A179/B1280 road junction.

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

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

Accordingly, no objection is raised to this application.

Health and Safety Executive

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

Northern Powergrid

(summarised)

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

Northern Gas Networks

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

Cleveland Emergency Planning Unit

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

Hart Parish Council

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

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

The area is overloaded with similar residential properties that are difficult to sell. While the proposal includes 10% affordable of the 70 dwellings it clearly has a let out as the *“Cost creating the wildlife ponds and pathways would be high. This would need to be the subject of a more detailed assessment. If the scheme can support affordable housing it will.”* See page 10 para. 26, Planning, Design & Access Statement.

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

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

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

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

water plane level. Flooding around Hart has been a problem and continues to be a cause for concern. The concept of stopping natural water flows is a doubtful area.

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

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

The depth of water at 2m, with a periphery sloping down to 1m before reaching the 2m area is not acceptable. Children are naturally drawn to water and with a newly established housing area on its doorstep it would increase the number of children likely to play in this area. The reduction in depth will no way reduce the activity of children recorded in the report. How will the area be monitored to ensure the safety factor?

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

Public Transport.

Hart Parish Council opposes this application.

Further comments received 14.01.2016:

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

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

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

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

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

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

The figures in table 5.2 p12 of Transport Survey are far too conservative, and should at least be based on 2 cars per residence. The experience gained from similar sized estates show that this is realistic and during the evolution of these estates rise to 4 vehicles per residence within 10 to 15 years as the children pass through teenage years. Hence the need to develop an improved infrastructure at the time of the development. The future is the problem, not only the present time. The survey was taken on 8th July 2014 between 0730 – 0930 and 1500 – 1830.

Hart Lane already carries a heavy traffic load and sections are notably worse near to the quarry from which there is a regular movement of rock and sand in HGV vehicles. Hart Parish Council cannot find any reference to the quarry work and the effect on residents brought about by necessary blasting. The direction of the effects of these explosions are determined by the underlying geology rather than just the sound of them.

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

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

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

HBC Waste Management

No comments received

Canal and River Trust

No comments received.

RSPB

No comments received.

Tees Valley Wildlife Trust

No comments received.

PLANNING POLICY**NATIONAL PLANNING POLICY FRAMEWORK**

3.27 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits..

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

3.29 The following paragraphs in the NPPF are relevant to this application:

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development (3 overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	Achieving sustainable development (presumption in favour of sustainable development)
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
020	Strategic Policies
022	Strategic Policies should look ahead over 15 years to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
034	Developer Contributions
038	Decision making

047	Determining applications
048	Weight given to emerging policies (Rural Plan)
054	Planning conditions and obligations
055	Planning conditions and obligations
056	Planning conditions and obligations
057	Plan led viability – weight given to viability is a matter for the decision maker
059	Significantly boosting the supply of homes
062	Affordable Housing – onsite unless justified
064	Level of affordable housing
073	Maintaining supply and delivery
074	Five year supply of deliverable housing sites
076	Conditions to ensure timely start of development
091	Promoting healthy and safe communities
092	Community Facilities
094	Sufficient School Places
096	Access to high quality open space
098	Protect and enhance public rights of way
102	Promoting sustainable transport
108	Access and impacts of development on the wider highway network and highway safety
109	Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
111	Transport Statements
122	well-designed attractive places
124	Achieving well-designed places
127	Achieving well-designed places
150	Reducing vulnerability to flooding and reducing greenhouse gas emissions
153	Planning for climate change
155	Avoiding development in areas of high risk from flooding or mitigated development and not increasing risk elsewhere
163	Ensuring flood risk is not increased
165	Use of sustainable drainage systems
170	Conserving and enhancing the natural environment
175	Habitats and biodiversity

ADOPTED TEES VALLEY MINERALS AND WASTE DPD 2011

3.30 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.

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

Policy	Subject
MWP1	Waste Audits

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

HARTLEPOOL LOCAL PLAN (ADOPTED MAY 2018) and HARTLEPOOL RURAL NEIGHBOURHOOD PLAN (ADOPTED DECEMBER 2018)

3.33 The application was originally received as the Local Plan was developing, however was not a site that was selected as an allocation at Preferred Options Stage. It should however be noted that as part of the evidence base development for the emerging Local Plan this site was put forward for consideration as a housing site as part of the SHLAA. This site was ruled out and not considered appropriate as a housing site. This was on a couple of grounds - the primary reason was that Hartlepool has very few significant water bodies and the reservoirs were seen as important to protect. It was also considered that the area was a key feeding ground for bats and this was another reason it was not considered appropriate. As such this site was not considered appropriate for housing and therefore no further investigations took place in terms of considering the site as an allocation in the Local Plan. When the application was submitted further extensive discussions took place with various parties and the scheme was adapted to retain the majority of the two water bodies and discussions took place with the ecologist to resolve concerns from that perspective. Following that, and given that the applicant had agreed to pay the required contributions the scheme was minded to approve by planning committee, the development limits to the town were amended in the Publication version of the Local Plan to include the areas identified for housing within the development limits as white land. This is the status of the site within the adopted Hartlepool Local Plan and the principle of the housing development on this site is therefore considered acceptable.

3.34 The following 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
CC2	Reducing and Mitigating Flood Risk
CC3	Renewable and Low Carbon Energy Generation
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
HSG9	Affordable Housing

Rur2	New Dwellings Outside of the Development Limits
HE1	Heritage Assets
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green Wedges

3.35 The application site lies within the boundary of the Rural Neighbourhood Plan designation. As such it is also necessary to consider relevant policies from Neighbourhood Plan which form part of the Development Plan for Hartlepool following its adoption in December 2018. The following policies are relevant:

Policy	Subject
GEN1	Development limits
GEN2	Design Principles
H2	Affordable Housing
H5	Housing Development on the Edge of Hartlepool
T2	Improvement and Extension of the public and permissive rights of way network
PO1	Planning Obligations

3.36 The Rural Plan sets out development limits around the villages and also reflects, on the Policies Map, the development limits of the Local Plan where they sit within the boundary of the Rural Plan area. The location of this application is one such area and as such the proposal is in accordance with Policy Gen1 of the Rural Plan. As the site sits within the limits to development of the Local Plan area it is considered that the affordable housing and planning obligations policies of the Local Plan are the relevant policies within the Development Plan to use in the determination of the application. As the site is an extension of the urban area it is not considered that elements of the Design Principles policy are relevant and the proposal has not therefore been assessed against the working groups assessment within Appendix 4. However, in considering the proposal in light of the other criteria in the policies within the Rural Plan it is considered compliant given that the scheme has managed to retain significant elements of the water bodies and helped to create walkways around them, helping the development to blend with the countryside as well as operating as a SUDS area for the development to minimise the likelihood of flooding occurring.

PLANNING CONSIDERATIONS

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

PRINCIPLE OF DEVELOPMENT

3.38 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.

3.39 The site lies within the limits to development within the adopted Hartlepool Local Plan, although it is not designated as a housing site (it is designated 'white land'). Consideration is also given to the site's location, immediately adjacent to the existing housing to the south and east (with up to 500 dwellings also approved in outline form to the north of the site at Upper Warren) where the site is not considered to result in an obtrusive extension to existing residential development (for the reasons set out below). It was previously reported that the site does not appear to be regularly served by public transport links (bus routes are questioned by Hart Parish Council), consideration is given to the required highway works to improve the site connection and the proposed footpath connections to existing footpath networks and the existing, adjacent residential areas/urban core of Hartlepool. The submitted supporting information indicates that the site also lies within 2km of a local centre, schools and services. The principle of residential development in this location is therefore considered to be acceptable.

3.40 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. It is acknowledged that developments may have both positive and negative impacts in respect of the three broadly accepted strands of sustainable development – environmental, social and economic – and these must be balanced in coming to a conclusion about the overall sustainability of proposals.

3.41 The main benefits and adverse impacts arising from the scheme are outlined below;

3.42 *Benefits*

- Boost to the supply of housing (economic)
- The proposed development will create jobs in the construction industry and in the building supply industry (the applicant has agreed to enter into an Employment Charter, thereby securing a percentage of jobs for local people) (economic + social)
- The provision of 5 bungalows on site, which are identified as being in short supply in Hartlepool (social)
- It will potentially deliver beneficial ecological impacts (environmental)
- The development would secure obligations for the developer to provide on-site facilities including public open space and recreation facilities (in the form of the nature reserve, footpaths and on site play facilities), and contributions towards built sports facilities, primary and secondary education contributions 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)

3.43 Adverse Effects

- Potential adverse ecological impacts (environmental)
- Loss of agricultural land (environmental + economic)
- Potential highway impacts (environmental)
- Potential loss of/impact on setting of archaeological and heritage assets (environmental)
- Potentially place pressure on school capacity as a result of not securing the full secondary education contribution (social + economic)
- It will not provide a completely self sustaining community in terms of comprehensive health and community facilities including shops, public transport links etc or provide any affordable housing (social)
- The proposal does not secure all of the planning obligations, as detailed below (social + economic)

Planning Obligations

3.44 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, consideration should be given to the need to improve the overall site where possible by providing facilities on site to reduce the need to travel by private car. Where this is not possible however, off site provision or financial contribution may be considered an appropriate alternative. The following contributions reflect those that were required at the time the application was previously considered by the Planning Committee (and as were agreed by the applicant) but are not what would be required under the now adopted Local Plan (2018).

3.45 The applicant previously committed to entering into a Section 106 Agreement to provide the following contributions and obligations;

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

3.46 Since the Committee's previous decision to be minded to approve this outline application subject to relevant planning conditions and a section 106 agreement to

secure the contributions listed above, the applicant has stated they are unable to make these contributions, as they consider to do so would render the scheme unviable. Lengthy discussions between the applicant and officers regarding the viability of the development have since taken place with submission and consideration of economic viability assessments (EVA); this has resulted in a position where it has been agreed, due in the main to the significant abnormal costs associated with the site (including works to two large water bodies within a reservoir), that no affordable housing can be brought forward as part of the scheme, along with a reduced secondary education contribution and no green infrastructure contribution (albeit the development would provide on site public open space along with specific footpath connections), however it has been agreed that the development can afford to pay a total of £235,899.00 in contributions, this is broken down into the following:

- £18,000.00 towards the provision of renewable energy infrastructure (i.e. solar panels on 10% of the dwellings, in this case rounded up to 6 dwellings, secured by a planning condition),
- £153,780.00 towards primary education,
- A reduced secondary education contribution of £51,119.00,
- £13,000.00 towards built sports,
- Green Infrastructure to be included on site (footpath around the reservoir and play facilities – to be secured by condition),
- An obligation relating to the provision and implementation of ecological mitigation measures (householder information packs and provision of SANGS),
- An obligation relating to securing a training and employment charter/local labour agreement,
- The provision and maintenance of highways, public open space and play facilities, landscaping (including water bodies) to an adoptable standard,
- The long term maintenance and management of the nature reserves/footpaths, car park and reservoir structures and provision for permissive footpaths.

3.47 While it is disappointing that the full contributions identified in policy terms as being required cannot be fulfilled, Local Plan Policy QP1, NPPF paragraph 57 and associated Planning Practice Guidance note that where an applicant can demonstrate/evidence through an economic viability assessment that reduced contributions are justified, decision makers can have regard to this in determining an application. In this instance, Officers accept the applicant's submitted EVA and consider the indicated developer profit level (20%) to be reasonable in this specific instance taking into account the significant abnormals associated with the proposed development and the accepted type, scale and risk profile in developing this site.

3.48 Furthermore, it has still been possible to secure obligations and contributions that would address some of the impacts of the proposed development, which weighs in favour of the application and therefore, on balance, the proposals are considered to be in line with local and national policy in terms of planning obligations/contributions.

Sustainability (and Principle of Development) conclusion

3.49 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. Furthermore, paragraph 12 of the NPPF states that *‘the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed’*.

3.50 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 that there are material considerations that allow the proposals to be considered as sustainable development, despite the reduced contributions now proposed and subject to satisfying other material planning considerations as detailed below.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

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

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

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

3.54 With respect to the proposed internal road layout, provision of a bridge and roundabout, the Council’s Traffic and Transport section have provided comments on the need to ensure that the scheme is designed in accordance with the Council’s design guidance including road and footpath widths. A detailed design of the proposed bridge and roundabout will be required. Appropriate planning conditions can ensure that the development accords with the required standards and that such details are provided and agreed in writing with the local planning authority (the

applicant will also need to enter into a separate highways legal agreement for the construction and maintenance of the bridge). The final design and layout however will be considered in further detail as part of the requisite reserved matters application.

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

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE ON THE AREA

3.56 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.

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

3.58 The National Planning Policy Framework 2018 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is fundamental to what the planning and development process should achieve and is therefore key to sustainable development.

3.59 The Hartlepool Local Plan 2018 specifies that the Borough Council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should therefore be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, as well as ensuring the development respects its surroundings (Policy QP4).

3.60 It is considered that the proposed density of the site is acceptable and is reflective of the surrounding area (also taking into account approved applications for residential development). Whilst the proposal is in outline, the separation distances proposed between dwellings within the indicative layout are likely to accord with and in many instances exceed the distances set out in Policy QP4 of the Hartlepool Local Plan 2018.

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

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

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

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

LANDSCAPING & PUBLIC OPEN SPACE

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

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

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

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

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

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

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

3.71 Beyond the site boundaries, the closest existing neighbouring properties are to the south and to the east of the application site with up to 500 proposed dwellings to the north on the Upper Warren site. The proposed dwellings would achieve the minimum requisite separation distances from the nearest elevations of the existing and proposed neighbouring properties with the presence of the retained hedge and tree planting in between providing screening.

3.72 Furthermore, given the relatively modest scale and density of the development shown on the indicative layout plan, it is anticipated that a scheme could be brought forward that would achieve both satisfactory relationships and the required separation distances set out in the Policy QP4 of the Local Plan. As such, it is considered that satisfactory levels of amenity and privacy can be achieved for both existing and future occupiers of neighbouring properties. Notwithstanding this, the applicant will have to demonstrate at the reserved matters stage that such anticipated satisfactory relationships can be achieved.

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

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

ECOLOGY AND NATURE CONSERVATION

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

3.76 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.

3.77 In considering the European site interest, Natural England has advised the local authority, as a competent authority under the provisions of the Habitats and Species

Regulations 2010, should have regard for any potential impacts that a proposal may have and undertake a stage 2 Appropriate Assessment (stage 1 was provided by the applicant's ecologists in the form of a Screening Report).

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

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

3.79 These measures would be secured by a planning obligation within a section 106 legal agreement. The Council's Ecologist has confirmed that the time elapsed since the first consideration of the application does not affect the AA's validity and there is not a requirement for any additional assessments.

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

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

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

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

3.84 In line with NPPF, the LPA should require development to enhance biodiversity where possible. The submitted indicative plans show the conversion of the upper reservoir into a wildlife pond whilst providing SANGS, which is supported by the Council's Ecologist as having the potential to achieve an enhancement for biodiversity for this site. The provision of bat and bird boxes will also be secured by a further planning condition.

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

HERITAGE AND ARCHAEOLOGY

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

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

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

3.89 With respect to the impact on the non-designated heritage asset of archaeological interest, the application was accompanied by a field evaluation and building recording survey, which Tees Archaeology have confirmed is acceptable subject to the recommendations of the evaluation being implemented, namely a scheme for archaeological recording. This can be secured by a planning condition. In view of the above considerations, it is considered that the proposal's impact on heritage and archaeological assets is acceptable and the proposal therefore accords with the provisions of the NPPF.

FLOODING AND DRAINAGE

3.90 As set out above, matters of drainage and flooding have been considered in detail by both the Council's Engineering Consultancy, and the Environment Agency. The applicant has been required to submit a number of Flood Risk Assessments (FRA) at the request of technical consultees.

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

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

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

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

OTHER PLANNING MATTERS

Waste

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

Contaminated land

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

Education

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

Agricultural land

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

Public Right of way

3.99 The Council's Countryside Access Officer has requested that a planning contribution be sought for 'breakthroughs'/connections from the existing footpath network running along the full length southern and eastern boundaries. This contribution was previously agreed, however has been reduced to an agreement that the existing and proposed footpaths around the proposed nature reserve (upper reservoir) will be permissive allowing members of the public to use these routes. This can be secured within the s106 legal agreement.

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

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

Public Safety

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

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

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

Anti-social behaviour

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

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

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

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

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

3.109 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 Policy QP4 and would accord with the guidance in the NPPF, in this respect.

RESIDUAL MATTERS

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

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

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

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

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

3.115 The site is not Green Belt and therefore legislation relating to Green Belts is not applicable.

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

3.117 With respect to the planning conditions requested by objectors, it is considered that the request for timescales for both the completion of the development and establishment of the nature reserve before the dwellings are brought into use would fail the tests of the NPPF (para 55) in respect of such conditions not being reasonable or necessary to planning. A timetable for the implementation of the works to facilitate the nature reserve is to be secured by a planning condition.

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

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

3.120 Objections have made reference to the loss of views, which 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.

3.121 A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents. The determination of a planning application in accordance with Town and Country Planning Legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above. The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

PLANNING BALANCE AND OVERALL CONCLUSION

3.122 The development is not an allocated site, however it is located within development limits (as 'white land'), as identified by the Hartlepool Local Plan 2018, and as such the principle of development is broadly acceptable subject to an assessment of the relevant material considerations.

3.123 In terms of the benefits arising from the development these are considered in the report above and include the development's contribution to the Borough's housing supply, including bungalows for which there is an identified need within the Borough, the creation of jobs during construction, additional council tax revenue and the creation of public open spaces within the development.

3.124 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. Concerns are therefore raised by HBC Planning Policy that the development of this site will not lead to the creation of a truly sustainable community.

3.125 Notwithstanding this, and as set out in the viability section of the report, a number of contributions are still to be made whether in full or in part, that contribute towards the sustainability of the proposed development. Taking into account the matters 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 although it is disappointing that the full contributions are no longer to be made, on balance the scheme would still deliver sustainable development

within the overall meaning of paragraph 8 of the NPPF. It is considered that there are material benefits arising from the proposed development and that there are no adverse impacts that would significantly or demonstrably outweigh these benefits when assessed against the policies in the Framework taken as a whole including paragraph 12 of the NPPF.

3.126 In view of the above, it is considered that, on balance, the application represents a sustainable form of development and therefore officer recommendation is to approve.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.127 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

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

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the completion of a legal agreement securing contributions and obligations towards primary education (£153,780) and secondary education (£51,119), built sports provision (£13,000), the provision of renewable energy infrastructure (up to a value of £18,000, to be secured by a planning condition), requiring the provision and implementation of a scheme of ecological mitigation measures (household information packs, provision of SANGS); securing a local labour agreement; a scheme for the provision, maintenance and long term management of the nature reserve/footpaths, car park, public open space, landscaping, waterbodies, play facilities, reservoir structures and permissive footpaths, and subject to 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 amended plan Dwg No(s) HL/13/001/001/D (Location Plan) and HL/13/001/002/D (Existing Site Plan) both plans date received 10th December 2015 by the Local Planning Authority and amended plan Dwg No(s) 15.04/P100_PO (Rev PO)(Proposed Site Plan) and Boho One Proposed Site Plan at scale of 1;1000@A1 both plans date received 7th September 2016 by the Local Planning Authority.
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 52 no. dwellinghouses (C3 use class). This shall include a minimum of 5 plots with single storey dwellings i.e. bungalows.
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with drawing ref. 15.04/P100_PO (Rev PO)(Proposed Site Plan) date received by the Local Planning Authority 7th September 2016 including the retention of the upper and lower reservoir water bodies.
To ensure a satisfactory form of development and in the interests of protecting/enhancing biodiversity and bat habitat.
6. Notwithstanding the submitted plans and submitted Transport Assessment, no development shall take place until a detailed scheme for the provision of a segregated right turning lane, ghost island and widening of Hart Lane (to be provided on a 1;500 scale plan, minimum) has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.
To enable the Local Planning Authority to control details and in the interests of highway safety.
7. Notwithstanding the submitted plans and submitted Transport Assessment, no development shall take place until a scheme for highway mitigation measures has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to extend the 40mph speed limit along Hart Lane (in the vicinity of the proposed access), the relocation of existing highway signage and street lighting, and a system of new street lighting suitable for a 40mph road from the proposed site access to the point where the existing street lighting commences at the roundabout adjacent to High Throston Golf Club. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority.
To enable the Local Planning Authority to control details and in the interests of highway safety.
8. Notwithstanding the submitted plans and Transport Assessment, no development shall take place until a detailed scheme for the provision of 2.4 metre x 120 metre sight lines (minimum) in both directions at the site

entrance, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include appropriate measures for works to existing landscape features to facilitate the sight lines, which shall be maintained for the lifetime of the development. The scheme shall also demonstrate a minimum 6 metre radii at the junction with Hart Lane. No dwelling shall be occupied until the requisite sight lines and junction radii have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

9. The proposed car park, roads, junction radii, footpaths and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure the roads are constructed and maintained to an acceptable standard.

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

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

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

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

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

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

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

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

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

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

- 1) A preliminary risk assessment which has identified:

- i) all previous uses

- ii) potential contaminants associated with those uses

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

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

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

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

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

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

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

- To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.
16. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.
 To ensure any site contamination is satisfactorily addressed.
 17. Notwithstanding the submitted information, no development shall take place until a detailed design scheme for the modification of both the upper reservoir and lower reservoir (both to be retained in their modified form as water bodies) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include materials, methodology and testing regimes, and a timetable for implementation of the proposed works. No dwelling shall be occupied until the modification works to the lower reservoir have been completed in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be implemented as approved and shall be retained for the lifetime of the development hereby approved.
 To enable the Local Planning Authority to control details and in the interests of highway safety.
 18. No development shall take place until a scheme, and delivery timetable, for the provision and management of a buffer zone alongside the watercourse and ponds has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:
 - plans showing the extent and layout of the buffer zone
 - details of any proposed planting scheme (for example, native species)
 - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and a named body responsible for management plus production of a detailed management plan
 - details of any proposed footpaths, fencing, lighting and any other associated infrastructure.
 In the interests of protection biodiversity and to ensure a satisfactory form of development.

19. No development shall take place until a detailed scheme and timetable for ecological measures (in respect of the works to convert the upper reservoir to a nature reserve) has been submitted to and approved in writing by the local planning authority. The scheme shall take into account the ecological recommendations set out within Appendix 1 of the submitted Planning, Design and Access Statement Revision B, reference HL/13/001 (date received by the Local Planning Authority 18th December 2015) including biodiversity enhancement through habitat creation and enhancement, and to prevent harm to protected species including bats. No dwelling shall be occupied until the ecological measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority or unless an alternative timescale for implementation is agreed in writing with the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

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

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

21. No development shall take place until both an Arboricultural Impact Assessment and an Arboricultural Method Statement have been submitted to and approved in writing with the Local Planning Authority. This shall include a scheme to identify which trees and hedges are to be removed and retained, and for the protection during construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the site including the Deciduous Woodland, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. The scheme and any Reserved Matters application(s) shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

22. Prior to the commencement of development, a detailed scheme of soft landscaping, hedge, tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify

sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall make provision for the use of native species and demonstrate habitat creation. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to ensure a satisfactory form of development.

23. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

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

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

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

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

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

26. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth

retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policy QP4 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

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

To ensure a satisfactory form of development.

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

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

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

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

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

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

31. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment

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

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

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

The site is of archaeological interest.

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

In the interests of visual amenity and heritage assets.

33. Prior to the commencement of development 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 and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of the dwellings the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.

In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

34. Prior to the commencement of the development hereby approved, details of solar panels (or alternative on-site renewable energy infrastructure/equipment) to be installed to a minimum of 6no. dwellings shall be first submitted to and approved in writing by the Local Planning Authority. Following the written approval of the Local Planning Authority, the development shall thereafter be constructed/installed in line with the approved scheme prior to the residential occupation of the identified dwellinghouses (minimum of 6no. dwellings) to which the solar panels (or other agreed infrastructure) is to be installed.

In the interests of promoting sustainable development in accordance with the provisions of Local Plan Policy CC1 and to which the permission is based, in line with Policy QP1.

35. No development shall take place until a Construction Management Plan has been submitted to and approved in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation

and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the approved Construction Management Plan.

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

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

In the interests of visual amenity.

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 28, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

38. Notwithstanding the provisions of Part 1 the Town and Country Planning (General Permitted Development)(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.

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

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

BACKGROUND PAPERS

3.131 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 HART RESERVOIR



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/12/18
	SCALE 1:4,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2015/0354	REV

No: 4.
Number: H/2017/0028
Applicant: KANE ARCHITECTURAL SERVICES CASTLE EDEN
 HARTLEPOOL TS27 4SU
Agent: KANE ARCHITECTURAL SERVICES THE OLD
 BREWERY BUSINESS CENTRE CASTLE EDEN
 HARTLEPOOL TS27 4SU
Date valid: 20/02/2017
Development: Outline application (all matters reserved) for residential
 development consisting of up to 13 no. dwellinghouses
 (demolition of existing buildings including bungalow)
Location: GLEBE FARM PALACE ROW HART HARTLEPOOL

PURPOSE OF REPORT

4.1 An 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

4.2 This application (H/2017/0028) was last considered by the planning committee on 12th July 2017 when Members were minded to approve the application subject to the completion of a legal agreement (s106) securing contributions towards primary education (£38,376.45) and secondary education (£25,101.56), built sports provision (£3,250), play facilities (£15,467), playing pitches (£3,042.77), tennis courts (£741.26), bowling greens (£64.61), highway mitigation works (£53,651) and green infrastructure/footpath links (£3,250), an obligation requiring the provision and implementation of a scheme of ecological mitigation measures (household information packs); securing a local labour agreement; a scheme for the provision, maintenance and long term management of highways, landscaping, play facilities and permissive footpaths. The s106 has not been signed and the applicant has chosen to submit a number of economic viability assessments to seek to demonstrate that the proposals are no longer viable with the above planning contributions. This matter is discussed in further detail.

4.3 There have also been a number of events since the planning committee's previous decision that are also relevant to this application's consideration. These include the revision to the National Planning Policy Framework (NPPF, in July 2018) and associated Planning Practice Guidance; the adoption of the Hartlepool Local Plan (May 2018); the adoption of the Hartlepool Rural Neighbourhood Plan (December 2018); a change in approach on ecology matters (following a recent decision in European case law) and a proposed extension of the Special Protection Area (SPA); and the formation of a new planning committee, all of which need to be taken into account and therefore this report is required to bring matters up to date.

4.4 The following planning history is also considered to be relevant to the application site;

4.5 H/2009/0137 – Alterations and extension to bungalow to form a dwelling and erection of triple garage, approved 14.05.2009 (never implemented).

4.6 H/2010/0593 – Lawful Development Certificate in respect of use of premises for residential use unconnected with agriculture or forestry, approved 13.12.2009.

4.7 H/2010/0701 – Erection of a first floor extension to provide two storey dwelling, approved 08.02.2011 (never implemented).

4.8 H/2015/0013 – Conversion of barn to single dwelling, allowed on appeal 10.02.2016 (appeal ref APP/H0724/W/15/3133288).

PROPOSAL

4.9 This outline application seeks planning permission for residential development consisting of up to 13 dwelling houses with all matters reserved at Glebe Farm, Hart, Hartlepool. The application will require the demolition of the buildings on site including the existing bungalow.

4.10 The proposed dwellings would utilise an amended existing access which would provide a cul de sac layout with dwellings indicatively shown as being positioned around the perimeter of the site with one of the plots fronting onto Palace Row. A number of the dwellings are indicatively shown as being served by detached double garages.

4.11 Although the application has been submitted in outline only, the application is accompanied by an indicative plan (for illustrative purposes) which shows a two storey dwelling with a maximum ridge height of 9.5m and eaves height of 5.8m. During the course of the application, amended plans have been submitted to amend the layout to achieve the requisite separation distances between the indicatively shown dwellings in addition to providing indicative landscaping details.

4.12 The application was originally referred to planning committee as objections were received from a statutory consultee(s). The application has been reported back to committee owing to a significant change to the previously agreed planning contributions that were to be secured through a s106 legal agreement.

SITE CONTEXT

4.13 The application site relates to Glebe Farm located along Palace Row, to the west of Hart village. The application site is included within the development limits of the adopted Hartlepool Local Plan 2018 (as defined by Policies LS1 and RUR2) although it is classed as 'white land' and for no designated use.

4.14 The site consists of an occupied bungalow with a number of detached out buildings, farm buildings and stable blocks, and enclosed paddock areas/fields to the

south of the buildings. Beyond the southern boundary of the site is the A179. A parcel of land is located beyond the eastern boundary of the site, between the site and Hart village, which is a site that has been allocated for residential development within the Local Plan (site HSG8b). A planning application is currently pending consideration for this site for 29 dwellings (reference H/2017/0301).

4.15 Beyond the highway to the north is an enclosed parcel of land known as 9 Acres (HBC owned), which has also been allocated for residential development within the Local Plan (site HSG8a).

PUBLICITY

4.16 The application was advertised by way of letters to neighbours and local ward councillors, 2 sites notices and a press notice.

4.17 To date, two objections have been received (in addition to those from Hart Parish Council and the Hartlepool Rural Neighbourhood Plan Group, set out in full below). The objections and concerns can be summarised as follows;

- the proposal is contrary to the Hartlepool Local Plan and the Hartlepool Rural Neighbourhood Plan
- there is no need for additional housing
- The village is not big enough for more housing in terms of the impact on the school and increase in traffic
- The development is unnecessary and would 'stick out' in the countryside

4.18 Copy Letters **D**

4.19 The period for publicity has expired.

CONSULTATIONS

4.20 The following consultation replies have been received:

HBC Traffic and Transport; The proposed layout is acceptable and should be constructed in accordance with the HBC Design Guide and Specification under a section 38 / advanced payment code with a view to the road being adopted.

The final carriageway surface would need to be approved by the Council.

A pro rata contribution should be sought from the developer to allow safety works to be carried out at the A179 Western Village Access. There are concerns that the cumulative effect with the other potential housing developments in the area would constitute a severe road safety impact on this uncontrolled junction.

Further comments

The plan layout of the development indicates a footway around the junction. It doesn't go into the detail of showing a dropped crossing point for pedestrians to gain access to the footway on the north side of Palace Row. I am happy for the dropped crossing details to be conditioned and the details provided later. I can also confirm that I have no requirements for the footway to be extended on the southern side of

Palace Row beyond the dropped crossing or for a more formal crossing to be provided.

Updated comments received January 2019 in respect of highways contributions

I would consider it necessary to object on road safety grounds if this development did not contribute in full towards the junction improvements at Palace Row / A179 junction. On its own it would be difficult to attribute this development as a risk to road safety due to an increased use in the junction. It is the cumulative affect with the other 2 developments which creates the road safety concerns.

HBC Engineering Consultancy; I have reviewed the proposals for this application and would like to comment as follows;

Contaminated Land- Insufficient detail on the portal with regards to insitu testing of the site. Can I therefore request a full contaminated land condition. Reason- To ensure that the presence of contaminated land is identified and effectively remediated to ensure users of the site are not subjected to the potential effects of land contamination.

Surface Water- At this stage I would need to request a surface water condition. I have reviewed the drainage strategy which assumes connection to the Northumbrian Water sewer and Northumbrian Water have indicated a discharge of 5/l/s could be accepted however given the amount of detailed design required to facilitate this discharge rate I would request a full surface water condition. Reason- To ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

HBC Public Protection; No objections.

HBC Heritage and Countryside Manager; The proposal is an outline application for residential development consisting of up to 13 dwellings, including the demolition of existing buildings, at Glebe Farm, Palace Row.

There are no listed buildings, conservation areas or locally listed buildings in close proximity to this site therefore it is considered that the proposal will not impact on any heritage assets.

HBC Countryside Access Officer; There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or being affected by the proposed development of this site.

However I would like to see a new footway to a new road crossing, from the development to the existing footway into Hart village as well as improvements to the existing footway itself - surface and width.

This would provide safer and improved links to services, schools and recreational access within the village and from there to the town.

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

Having assessed the proposed development against the context outlined above Northumbrian Water have 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 "Drainage Strategy". In this document it states that foul water will discharge to the agreed manhole 7801 and surface water will discharge to manhole 7802 at a restricted rate of 5 Litres per second if it is proven that there is no other option for the disposal of surface water.

We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated "December 2016". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7801 and ensure that surface water discharges to the surface water sewer at manhole 7802. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

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 and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. 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.

HBC Ecologist; Thank you for the photographs of the Glebe Farm buildings, following a query from a member of the public, suggesting that bats may use the farm buildings. The photograph shows the style and age of the most suitable building on site. I agree that the building itself has some bat potential, however, I assess that the surrounding countryside is of low quality for bats and that the overall risk is low. I do not require a bat survey. I recommend that should planning be approved, the HBC Bat Informative is issued.

Habitat Regulations Assessment (summarised)

Hartlepool Borough Council, as the competent planning authority, has undertaken a Habitat Regulations Assessment for a housing development 'project' at Glebe Farm in Hart Village.

Mitigation is based on the small totals for new residents and new dog-owning families.

The provision of Suitable Alternative Natural Green Space (SANGS), particularly for daily walks/ dog exercising, is not justified.

A financial contribution to managing recreation on the coast is not justified.

The developer has agreed to provide each new household with an information pack. This will provide education on the importance of the coast for European protected birds and illustrate alternative destinations for recreational activities. For example, the open access, Tees Forest Community Woodland is situated 2km to the west (with car parking) along the A179 (at NZ 447-342).

The provision of householder packs has been agreed with the developer and will be a condition in the case officer's recommendation to planning committee.

Conclusion

The project triggers indirect LSE through increased recreational disturbance to two European Sites. Due to the low numbers involved, this is assessed as being low and mitigation has been agreed in the form of householder information packs. In the view of Hartlepool BC, this mitigates the LSE. The Glebe Farm housing development will have no overall detrimental effect on European Sites.

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).

Update/comments received December 2018

I remain satisfied with the agreed ecology position, including the approved Habitats Regulations Assessment, which is still 'fit for purpose'.

Natural England; Summary of Natural England's Advice - No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

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

European sites - Northumbria Coast Special Protection Area and Ramsar Site and Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Northumbria Coast Special Protection Area and Ramsar Site and Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The HRA screening report (dated 11 April 2017) states that the applicant has agreed to provide householder information packs. The assessment therefore concludes that the proposal is unlikely to have significant effects on European protected sites. Natural England concurs with this conclusion.

Other advice

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

Annex A – Additional advice

Natural England offers the following additional advice (summarised):

Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes.

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.

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.

Priority habitats and species

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.

Ancient woodland and veteran trees-link to standing advice

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF.

Environmental enhancement

Development provides opportunities to contribute to and enhance biodiversity and the local environment, as outlined in paragraph 109 and 118 of the NPPF.

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.

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.

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.

Tees Archaeology; The trial trenching report has demonstrated that although there is an archaeological feature on the site, this is not of sufficient significance to require any further work. The applicant has therefore fulfilled the requirements of the NPPF with regard to archaeology and no further archaeological work is required.

Cleveland Police Architectural Liaison Officer; I would always encourage developers to adopt crime prevention measures in relation to the layout of a development along with the physical security of homes. I have no concerns in relation to the proposed layout and would recommend that street lighting and footpaths including shared drives and non -adopted highways comply with requirements of BS5489:2013. Any rear boundary fencing that's backs onto to open ground should have the horizontal support rail placed to the private sided of the fence to avoid providing climbing aids to help provided greater security to rear of premises.

In relation to physical security of new dwellings I would recommend that this complies with Police preferred specification as outlined in Secured by Design homes 2016 if any further information required please contact me direct. Direct Line 01642 303359.

HBC Arboricultural Officer; The site is partially screened by tree cover along Palace Row and the Hart By-Pass, consisting of semi mature Sycamore trees and hawthorn hedging although these are within the adjacent highway verge. The application site is relatively devoid of tree cover itself other than around the perimeter and this is mentioned in the applicants Design and Access Statement together with mention being made of additional proposed soft landscaping. There are no TPO or Conservation Area constraints on this site.

Subject to suitable landscaping details being submitted together with a schedule of works, I have no objections or representations to make with this application.

Additional comments received in response to amended plans;

The landscape proposals are ok with me and address the points I raised earlier. Species selection will help define boundaries and add character to the proposed development.

Highways England; Highways England has no objections to this application.

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.

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 B Section B5 Table 20. Further comments may be made through the building regulation consultation process as required.

Hart Parish Council; Hart Parish Council is strongly opposed to this planning application. The land is outwith both the Rural Plan and Local Plan designated housing development sites.

The village has suffered for many years from flooding due to surface water run-off, in particular water flooding down Main Street, coming down the road which runs past this site. We note from the planning application that surface water attenuation is to be used to manage the surface water, a proposal which, bearing in mind the long term problems of flooding in the village, is surprising, as:

1. This type of house design with attenuation and run off will add to the village flooding problems.
2. It is well known that the village has poor storm water filtration and that runoff should only go to *managed* systems.
3. We question the adequacy of the proposed attenuation to deal with the volume of water likely to be incurred from the number of dwellings, and therefore concreted area, in a climate of increasing nationwide rainfall and climate change.
4. A recommendation in the report states that if flooding of the attenuation tank occurred the runoff would be directed away from the development and captured by the Highway drainage in Palace Row. This would require the water to be pumped *uphill*, would increase ongoing flooding problems and is NOT acceptable. Maintenance of the filter drain and checking if the orifice plate is clear, will need to be undertaken regularly - who will undertake this? The Borough Council is already overstretched!
5. It is unlikely that water butts would contribute much to the overall problem.

We are also aware that a local farmer has an 18foot-wide right of access over the land - large, heavy agricultural vehicles use the route.

Hartlepool Rural Neighbourhood Plan Group; On behalf of the Hartlepool Rural Neighbourhood Plan Group I have been asked to submit an objection to application H/2017/0028, Glebe Farm, Hart. This housing site proposed by this application would be contrary to the policies of both Hartlepool Local Plan and Hartlepool Rural Neighbourhood Plan. Both these emerging plans are well advanced being at publication stage.

Housing development over the past 20 years or so has been carefully managed through the Local Plan, with the definition of village envelopes and strategic gaps between Hart and Greatham, and the main urban area of Hartlepool. Just over 200 new households have been added to the rural area during the last 20 years mainly through small developments and conversions of existing property. The figure of 170 additional homes at identified sites contained in the Rural Neighbourhood Plan is in line with recent housebuilding trends. It is considered to be sufficient to meet the housing needs of the plan area in the light of the results of the Housing Needs Survey undertaken during the consultation on the Rural Neighbourhood Plan. Any requirements for significant areas of growth in the Borough's housing requirements are expected to be accommodated either in the urban area or adjacent to the urban area of Hartlepool in order to support the sustainable development and regeneration of the town.

From the following tables it is clear that Hart has more existing permissions for housing than any of the other villages. The Rural Plan proposes a site at Nine Acres which supports the provision of an informal recreational space identified as lacking in Hart which has no village green. The proposal for additional housing at Glebe Farm would put Hart out of sync with the other villages in terms of new development despite the fact that Hart has fewer facilities – in particular no village shop that can offer day to day essentials. There is no provision or space in the proposed site at Glebe Farm for any open space that might provide for the needs of existing or new residents.

Rural housing sites with existing permissions

Village	Site Name	No with planning permission
Dalton Piercy	Priory Farm Stackyard	2
Elwick	North Farm	14
Greatham	Station Road (behind school)	29
Hart	Rear of Raby Arms Millbank Close	23 15

Rural housing sites proposed in the Neighbourhood Plan

Village	Site Name/ windfall	Max Number allocated	Planning permission
Dalton Piercy	Infill only	10	n/a
Elwick	North of North Farm/ Potters Farm (43 and 44)	25	25 additional dwellings considered over the 14 already approved.
Greatham	Between Hill View and	12	

	Saltaire Terrace (106)		
Greatham	Mellanby Lane	5	
Greatham	Garden rear of 15 High Street	6	
Greatham	Grove House Nursery	6	
Hart	Eastern part of Nine Acres (eastern part 3)	23	
Newton Bewley	Infill only	NA	
TOTAL		87	

Both the Local Plan and Neighbourhood Plan strategy for housing appear to agree on seeking small scale incremental development commensurate with the size of the villages and services available, taking account of environmental constraints. While a further 13 houses may seem very minor to a town the size of Hartlepool, it is a significant increase for a village the size of Hart when added to the existing and proposed housing sites at Hart. That most valued of village features, it's sense of community can too easily be lost, becoming a detached dormitory estate, which this proposal is clearly aimed at.

Paragraph 50 of the NPPF seeks “inclusive and mixed communities”; proposals in Hart village for large detached executive housing cannot meet this. The application does not meet the development needs of the rural area. Contrary to paragraph 55 of the NPPF there is no evidence that this development will enhance or maintain the vitality of Hart – it is clearly a dormitory development of large executive homes which will be very reliant on the nearby facilities of Hartlepool. It offers no suggestion that 13 new homes will help bring a village shop back to Hart, nor could it be said that so small a development would boost significantly the supply of housing for Hartlepool (para 47 NPPF). It does not offer the provision of any affordable homes which might serve the rural population (para. 54 NPPF). It seems almost all developers are seeking to provide larger detached houses in villages rather than look at the immediate needs of the village or rural population. The Rural Neighbourhood Plan specifically seeks affordable provision from smaller developments than the Local Plan because of the tendency for applications in villages to be for smaller sites. The SHMA for Hartlepool Borough is based on Borough Wards not villages. Both Wards that include the rural area include substantial urban areas. The Neighbourhood Plan seeks to base housing sites on need within rural area balanced with past history of housing development.

The Glebe Farm site is close to the busy A179 and therefore the new housing will be more likely to be impacted by traffic. The Neighbourhood Plan seeks improvement of the A179, including dualling of the Hart bypass, which could adversely affect any sites at Glebe Farm. The proposals in this application provides for no form of buffer planting for the proposed housing from the A179.

The site which is the subject of this application would be detached from the village of Hart and stand alone in the countryside. There are no indications of landscaping or planting which would help any new properties sit into the countryside.

As the application is for outline permission the design suggestions are somewhat irrelevant. If a full application follows this could take a very different line from the images included in this application.

HBC Waste Management; No comments received.

Northern Powergrid; No comments received.

Northern Gas Networks; No comments received.

The Ramblers Association; No comments received.

Hartlepool Water; No comments received.

PLANNING POLICY

4.21 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

4.22 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits.

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

4.24 The following paragraphs in the NPPF are relevant to this application:

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development (3 overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	Achieving sustainable development (presumption in favour of sustainable

	development)
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
020	Strategic Policies
022	Strategic Policies should look ahead over 15 years to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
034	Developer Contributions
038	Decision making
047	Determining applications
054	Planning conditions and obligations
055	Planning conditions and obligations
056	Planning conditions and obligations
057	Plan led viability – weight given to viability is a matter for the decision maker
059	Significantly boosting the supply of homes
073	Maintaining supply and delivery
074	Five year supply of deliverable housing sites
076	Conditions to ensure timely start of development
091	Promoting healthy and safe communities
092	Community Facilities
094	Sufficient School Places
096	Access to high quality open space
098	Protect and enhance public rights of way
102	Promoting sustainable transport
108	Access and impacts of development on the wider highway network and highway safety
109	Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
111	Transport Statements
122	well-designed attractive places
124	Achieving well-designed places
127	Achieving well-designed places
150	Reducing vulnerability to flooding and reducing greenhouse gas emissions
153	Planning for climate change
163	Ensuring flood risk is not increased
165	Use of sustainable drainage systems
170	Conserving and enhancing the natural environment
175	Habitats and biodiversity

Adopted Tees Valley Minerals And Waste DPD

4.25 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.

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

Policy	Subject
MWP1	Waste Audits

4.27 The case officer should be satisfied that a suitable site waste management plan is in place.

Hartlepool Local Plan (Adopted May 2018) And Hartlepool Rural Neighbourhood Plan (Adopted December 2018)

4.28 The application was originally received as the Local Plan was developing, however was not a site that was selected as an allocation at Preferred Options Stage. It should also be noted that this site was not put forward for consideration as a housing site as part of the SHLAA. At the time of the previous Local Plan and when the call for sites occurred this site was located outside of the village envelope for Hart Village.

4.29 When the application was submitted the Local Plan was in production and in the early Preferred Options and the site was outside of the village envelope – however as the application progressed, and given that the applicant had agreed to pay the required contributions and the scheme was minded to approve by planning committee, the development limits to the village were amended in the Publication version of the Local Plan to include the site within the development limits of Hart Village, however without an allocation as the application had been minded to approve subject to the completion of the legal agreement. This is the status of the site within the adopted Hartlepool Local Plan and the principle of the housing development on this site is therefore considered acceptable.

4.30 The following 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
CC2	Reducing and Mitigating Flood Risk
CC3	Renewable and Low Carbon Energy Generation
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
Rur2	New Dwellings Outside of the Development

	Limits
NE1	Natural Environment
NE2	Green Infrastructure

4.31 The application site lies within the boundary of the Rural Neighbourhood Plan designation. As such it is also necessary to consider relevant policies from the Neighbourhood Plan which form part of the Development Plan for Hartlepool, following its adoption in December 2018. The following policies are relevant:

Policy	Subject
GEN1	Development limits
GEN2	Design Principles
H2	Affordable Housing
T1	Improvements to the Highway Network
T2	Improvement and Extension of the public and permissive rights of way network
C1	Safeguarding and Improvement of Community Facilities
PO1	Planning Obligations

PLANNING CONSIDERATIONS

4.32 The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, planning obligations, viability), 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.

PLANNING POLICY

4.33 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.

Adopted Hartlepool Local Plan 2018

4.34 The application site has been allocated within the limits to development for Hart village as illustrated on the adopted Proposals Map for the Local Plan. Two sites are proposed to be allocated for residential development within Hart; a parcel of land that lies beyond the eastern boundary of the current application site and to the west of the village of Hart, known as site HSG8b (allocated for approximately 20 dwellings). The second site relates to a parcel of land to the north of the site, known as Nine Acres (allocated for approximately 30 dwellings). The application site is not within either of the proposed allocations and instead sits as unallocated 'white land', but it is considered to be well related to both allocations.

Hartlepool Rural Neighbourhood Plan 2018

4.35 The Hartlepool Rural Neighbourhood Plan sets out development limits around the villages on the associated Policies Map which reflect, for the villages, the development limits within the Local Plan. As this proposal sits within the limits to development for Hart it is considered to be in accordance with Policy Gen1 of the Rural Plan.

Sustainable Development

4.36 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.

4.37 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).

4.38 Critically, the NPPF states (paragraph 11) that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

4.39 In this instance, the proposal fails to deliver the requisite planning obligations as required by policy QP1 of the Local Plan 2018, policy PO1 of the Rural Neighbourhood Plan 2018 and the Council's Planning Obligations SPD (discussed in further detail below) and is therefore considered to be contrary to the development plan for the Borough.

4.40 Whilst the development will deliver a number of material benefits (e.g. boost to housing supply and associated New Homes Bonus and Council tax receipts, jobs in the construction industry etc.), it is considered that the adverse impacts of the development (e.g. adverse impact on highway and pedestrian safety, increased pressure on education provision, loss of agricultural land etc.), and the failure of the proposals to adequately mitigate against these by providing the requisite planning obligations, would demonstrably outweigh any of these benefits. It is therefore considered that the limited benefits of the scheme do not constitute material considerations that indicate that the development plan should not be followed and it

is therefore considered that the proposals would ultimately result in an unsustainable form of development.

Planning Obligations

4.41 Local Plan policy QP1 and Rural Neighbourhood Plan policy PO1 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.

4.42 It is noted that the Rural Plan has a lower threshold for requiring Affordable Housing than the Local Plan with the threshold set at 6. However, given this application has been in for some time and various discussions around viability have taken place without the requirement of affordable housing, it is not considered appropriate to require it at this late stage. If any future applications are received on this site then affordable housing would be required if the scheme was 6 or more dwellings. Policy T1 sets out where in the rural area highway improvements are needed and identifies the A179 village approach road and junction as an improvement which is needed and notes that financial contributions towards the works will be sought.

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

4.44 The following planning obligations are required with respect to this application, in line with the adopted Planning Obligations SPD, in order to mitigate against the adverse impacts of the development and achieve a sustainable form of development;

- £3,250.00 for built sport facilities at Hart Primary School
- £15,467.00 for play facilities adjacent to Hart Primary School playing field (pro-rata contribution)
- £3,042.77 for maintenance of the playing pitch at Hart Primary School
- £741.26 for tennis courts at Town Moor, Headland
- £64.61 for bowling greens (off site)
- £3,250.00 for green infrastructure improvements to new and existing footpaths to the south of the A179
- £38,376.45 for primary school provision
- £25,101.56 for secondary school provision
- £53,651.00 Pro-rata contribution towards highway mitigation works
- An obligation relating to the provision and implementation of ecological mitigation measures;
- An obligation relating to securing a training and employment charter/local labour agreement;
- The provision and maintenance of highways and landscaping to an adoptable standard;

4.45 (The proposal falls below the 15 dwelling threshold, set out within the Planning Obligations SPD, to seek an affordable housing contribution).

4.46 In accordance with paragraphs 150 and 153 of the NPPF and Local Plan policies CC1 and QP7, the application should also make provision for i) energy efficiency and ii) renewable energy provisions. These matters were previously agreed to be secured by separate planning conditions.

4.47 The applicant at the time of reporting the application to committee in July 2017 was willing to enter into a Section 106 Agreement to provide the abovementioned contributions and obligations, in line with the Council's adopted Planning Obligations SPD.

Economic Viability

4.48 Notwithstanding the above, following the committee decision in July 2017 (and following changes to the Local Plan to include the site within the development limits), the applicant reneged on their agreement to provide the required planning obligations for this scheme, citing concerns that build costs have increased and that a greater level of profit should be taken into consideration, and therefore the scheme would no longer be viable should the full amount of developer contributions be required.

4.49 Various discussions have subsequently taken place over the viability of the scheme. The applicant has submitted a number of Economic Viability Assessments (EVA) since the Planning Committee meeting to demonstrate their current position. The latest submission suggests that the scheme can now only pay for approximately 1/3 of the previously agreed contributions assuming a 6% increase in build costs (using the build costs set out in the Local Plan as a baseline) and allowing for a 20% profit margin. This did not propose to make any contributions for the education requirement and had more than halved the proposed contribution for highways infrastructure improvements, as such contributions are offered as part of the applicant's EVA for;

- £3,250.00 for sport and recreation
- £3,250.00 for built sport facilities
- £15,467.00 for play facilities
- £3,033.00 for playing pitches
- £741.00 for tennis courts
- £64.00 for bowling greens
- £3,250.00 for green infrastructure
- £21,000.00 for highways

4.50 The Council's Planning Policy section has considered the submitted EVAs and maintains that the scheme is viable with all of the contributions at a reasonable profit level, albeit below that sought by the applicant. Based on the Council's own assessment, the information provided through the applicant's EVAs suggests that a profit level of between 16% and 18% can be achieved whilst paying for all of the required planning obligations, even taking into account a 6% increase in build costs

(notwithstanding that the HBC Planning Policy does not concur with the applicant's build cost increase).

4.51 The Planning Practice Guidance (Paragraph: 018 Reference ID: 10-018-20180724) states that "for the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development." Whilst this guidance relates to 'plan making', it is considered that the 15-20% figure for developer profit can be reasonably used to assist in the consideration of viability issues at planning application stage also.

4.52 HBC Planning Policy are therefore of the view that this scheme is viable and believe that this has been shown through the various viability assessments and that the scheme can viably pay all of the contributions and still achieve a reasonable profit which is in line with guidance in the new NPPF and Planning Practice Guidance. Conversely, the sum offered by the developer falls significantly short of the required contribution, would not lead to sustainable development and would not be able to deliver the necessary physical and community infrastructure to make the development acceptable in planning terms, including implications for highway and pedestrian safety as discussed below.

Sustainability (and Principle of Development) conclusion

4.53 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 (as set out above).

4.54 Notwithstanding this, consideration is given to the site's location, which has now been included within the development limits of the adopted Local Plan. The application site is also located immediately adjacent (east) to an allocated site for residential development within the Local Plan and to the south of a second allocated site for residential development in the Local Plan. In this context, the site is not considered to result in an obtrusive extension to the linear pattern of residential development within Hart village (for the reasons set out below).

4.55 However, consideration must also be given to the potential adverse impacts of the development on local infrastructure and services, and whether or not these impacts can be mitigated by virtue of the requisite planning obligations, including the required highway works to alleviate the cumulative detrimental impacts on the local highway network and improve the site connection and the proposed footpath connections to existing footpath networks to Hart village, with its associated services and amenities, as well as to improving connections to footpaths to the south of the A179 (as set out in the report below).

4.56 Taking into account the considerations set out in the report, including the failure of the scheme to provide the requisite planning obligations, it is considered that the proposed development would fail to provide sufficient positive benefit to each of the threads of sustainable development (economic, social and environmental) to outweigh these adverse impacts and the development would therefore constitute an unsustainable form of development.

4.57 In this instance it is therefore considered that the principle of the development is not acceptable and the application is contrary to the principles set out within the NPPF (2018) and the relevant policies of the adopted Hartlepool Local Plan (2018), the adopted Hartlepool Rural Neighbourhood Plan (2018) and the provisions of the adopted Planning Obligations SPD (2015). This would therefore warrant a reason for the refusal of the application.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

4.58 As detailed above, the application site would, if approved, form one of three residential developments that are anticipated to come forward within the immediate area (which could provide circa 63 dwellings based on the current application and the two allocated sites within the emerging Local Plan). In response, the Council's Traffic and Transport section has commented that such developments have the potential to result in a road safety impact at the junction of the A179 western village access (to the west of the current application site along Palace Row).

4.59 The Council's Traffic and Transport section has therefore commissioned a study into improving this junction and this has indicated that the works are likely to take the form of a signal controlled junction (an indicative overall cost for the works has also been provided). The Council's Traffic and Transport section has therefore requested that the current application site makes a pro-rata contribution towards the proposed junction improvement works, to which the applicant originally confirmed in writing that they are agreeable to making the pro-rata contribution (£53,651.00) towards these works. This was to be secured through the section 106 legal agreement. The Traffic and Transport section has confirmed in writing that the highway works are not a 'pre-commencement' or 'prior to occupation' requirement of the current application for 13 dwellings.

4.60 However, as set out above, the applicant no longer agrees to pay the required contribution towards the highways works referred to above, with the highway contribution having been more than halved in the applicant's latest offer. In response to this, the Council's Highways, Traffic and Transport section has confirmed that they consider it necessary to object on road safety grounds if this development does not contribute in full towards the junction improvements at the Palace Row / A179 junction. Whilst on its own it would be difficult to attribute this development as a risk to road safety due to an increased use in the junction, it is the cumulative effect with the other two developments which creates the road safety concerns. Given that the other two sites are Local Plan housing allocations, it can reasonably be expected that these sites will be developed in the short to medium term, and therefore it is considered that the failure of this scheme to contribute towards the requisite highways improvements is a significant factor in the unsustainable nature of the

current proposals and would have a detrimental impact on highway and pedestrian safety.

4.61 The Council's Traffic and Transport section has requested that a dropped crossing point for pedestrians to gain access to the footway on the north side of Palace Row is also provided. Notwithstanding the comments of the Council's Countryside Access Officer, the Traffic and Transport section has confirmed that there is no requirement for the footway to be extended on the southern side of Palace Row where there currently is not a footpath or for a more formal crossing to be provided. Final details of the dropped crossing details could have been secured by way of a planning condition had the application been acceptable in all other respects.

4.62 With respect to the proposed internal layout (indicative), the Council's Traffic and Transport section have confirmed that this is acceptable, subject to the scheme being designed in accordance with the Council's design guidance including road and footpath widths. Appropriate planning conditions can ensure that the development accords with the required standards and that such details are provided and agreed in writing with the local planning authority (the applicant would also need to enter into a separate highways legal agreement for the construction and maintenance of the footpath crossing). The final design and layout however would have been considered in further detail as part of the requisite reserved matters application, had this application been considered acceptable in all other respects.

4.63 In view of the failure of the scheme to provide the requisite contributions towards highway network improvements and the Council's Traffic and Transport sections ensuing objection, it is considered that the scheme will have an adverse impact on highway and pedestrian safety, and would contribute towards the unsustainable nature of the development.

4.64 Highways England has raised no objection to the proposal.

4.65 In view of the above, it is considered that the proposal is not acceptable in terms of highway matters including highway and pedestrian safety.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

4.66 The application is an outline application with appearance, layout, scale 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.

4.67 The National Planning Policy Framework 2018 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.68 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan 2018 advises that development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive

features, character and history of the local area and should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties. All new development should be designed to take into account a density that is reflective of the surrounding area.

4.69 Concerns/objections have been raised regarding the location of the proposed development in respect of it being an 'isolated' settlement from the main village of Hart.

4.70 With any village there is a balance to be reached between i) having the flexibility to allow a scale of development that represents the gradual incremental growth of the village to support the viability of existing services and to attract new services, and ii) preventing growth that is of a scale that harms the character and identity of the village.

4.71 It is considered that the proposed density of the site is acceptable, taking into account the surrounding area (also taking into account the indicated density of the allocated sites for residential development within the Local Plan). Whilst the proposal is in outline form, the separation distances proposed between dwellings within the indicative layout are likely to accord with and in many instances exceed those recommended in policy QP4 of the Local Plan.

4.72 It is further considered that the proposed application site, which has been included within the development limits of the Local Plan would form a logical extension to the village in a linear pattern, when read in accordance with the allocated sites for residential development within the Local Plan to both the east of the site and to the north of the site on the opposite side of the highway where residential development would be anticipated to come forward.

4.73 Should no development come forward on these adjacent, allocated sites, it is considered that the current scheme, subject to appropriate landscaping and design, would not result in a significant incongruous or isolated form of development in the area as to warrant a reason for the refusal of the application.

4.74 The scale of the development proposal is for up to 13 dwellings. Whilst it is recognised that this is additional to the approximately 50 dwellings that are allocated in the Local Plan, it is considered that the cumulative impact of this scale of development represents a proportionate growth of the village that maintains a positive balance between the factors listed above.

4.75 Overall, it is considered that a development can be brought forward that would not have a significant detrimental impact on the rural character and appearance of the area, and therefore the vitality of the rural community. It is further considered that the proposal would not result in an over development of the site. However it is noted that this application is in outline to establish the principle of development and full details regarding design and layout would have been required to be submitted at a later date with a reserved matters application where they would be fully assessed, had the application been considered to be acceptable in all other respects. In view of the setting of the site, it is considered necessary to control through a number of planning conditions; i) a height restriction on the proposed dwellings ii) details of

ground and finished floor levels and iii) landscaping enhancement, a view supported by the Council's Arboricultural Officer, these would have been secured by virtue of appropriate planning conditions had the application been considered acceptable in all other respects.

4.76 Subject to these conditions, it is considered that the proposed development would not result in an adverse loss of visual amenity or adversely affect the character and appearance of the surrounding area or introduce an isolated form of development within the open countryside. Notwithstanding the concerns referred to above with respect to the sustainability of the development, the proposal is therefore considered to be in accordance with the provisions of the NPPF and the relevant Local Plan policies with respect to matters of design and the impact on the character and appearance of the area

LANDSCAPING & OPEN SPACE

4.77 A general indication of the landscaping of the development has been provided. The submitted amended plans indicatively show additional soft landscaping around the site perimeter including along the southern (rear) and western boundaries where views from wider areas to the development would be most prevalent. The Council's Arboricultural Officer has viewed the submitted details and considers these to be acceptable in principle.

4.78 Concerns have been raised by the Rural Neighbourhood Group in respect of the site not providing any on site open space. However as detailed above, the proposal would make a number of financial contributions towards improving built sports, play facilities, playing pitches and green infrastructure within close proximity of the site (primarily at Hart Primary School).

4.79 In view of the above considerations, the development is considered to be acceptable in this respect.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.80 The indicative 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.

4.81 Beyond the site boundaries, the closest existing neighbouring properties are to the east and north west of the application site. The proposed dwellings would achieve the minimum requisite separation distances from the nearest elevations of the existing neighbouring properties with the presence of the proposed landscaping in between (it is anticipated that residential development would come forward on the site adjacent to the application site as per the allocated site within the emerging Local Plan).

4.82 Furthermore, given the relatively modest scale and density of the development shown on the indicative layout plan, it is anticipated that a scheme could be brought forward that would achieve both satisfactory relationships and the required

separation distances set out in the Policy QP4 of the Local Plan. As such, it is considered that satisfactory levels of amenity and privacy can be achieved for both existing and future occupiers of neighbouring properties. Notwithstanding this, the applicant would have had to demonstrate at the reserved matters stage that such anticipated satisfactory relationships could be achieved.

4.83 It is not considered that the additional disturbance arising from existing traffic or that associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of existing (and proposed) neighbouring residents, a view that is supported by the Council's Public Protection team who have raised no objections to the application. Planning conditions relating to a construction management plan and a condition limiting hours of construction/deliveries would have been secured accordingly, had the application been considered acceptable in all other respects.

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

ECOLOGY AND NATURE CONSERVATION

4.85 The application has been considered 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.

4.86 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 a stage 1 Screening Assessment (Habitat Regulations Assessment).

4.87 The Appropriate Assessment (AA) undertaken by the local authority (as the competent authority) has been considered by Natural England who, as a statutory consultee in this process, has raised no objection to the AA on the basis that it concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment's conclusions, providing that all mitigation measures are appropriately secured. The mitigation measures in question relate to the provision of householder information packs with the intended aim of reducing disturbance to birds at the Teesmouth and Cleveland Coast SPA/ Ramsar.

4.88 Whilst a significant amount of time has passed since the application was last considered at Planning Committee, the Council's Ecologist has confirmed that they remain satisfied with the formerly agreed ecology position, including the approved Habitats Regulations Assessment, which is still 'fit for purpose'.

4.89 These measures would have been secured by a planning obligation within a section 106 legal agreement had the application been considered acceptable in all other respects

4.90 With regard to any impact on protected species, the Council's Ecologist does not consider it necessary for a bat survey to be provided but has recommended an informative on the decision notice with respect to advice on bats as a protected species.

4.91 In line with NPPF, the LPA should require development to enhance biodiversity where possible. Following the submission of amended plans, the proposal includes indicative tree and hedge planting, which the Council's Ecologist considers to be sufficient ecological enhancement and would therefore satisfy Natural England's standing advice.

4.92 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 relevant provisions of the NPPF.

HERITAGE AND ARCHAEOLOGY

4.93 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.

FLOODING AND DRAINAGE

4.94 Concerns/objections were raised by Hart Parish Council with respect to flooding and drainage matters and the implications for the wider area, as set out in full within their comments above.

4.95 The application site is located within Flood Zone 1 (indicated as having a low probability to flooding) and as the site area exceeds 1ha, the proposal falls below the threshold for requiring a Flood Risk Assessment. The application is however accompanied by a drainage strategy which has been considered in detail by both the Council's Principal Engineer, and Northumbrian Water (as set out in full within the consultation comments).

4.96 The Council's Principal Engineer has provided initial comments on matters of surface water (and discharge rates) and concludes that detailed designs will be required to satisfy his comments and therefore recommends planning conditions relating to details of surface water drainage to ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

4.97 Northumbrian Water has also requested that details of both surface water and foul sewerage be secured by appropriate planning conditions and have provided advice on run off rates, which would have been secured by way of an informative.

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

OTHER PLANNING MATTERS

Waste

4.99 In accordance with the requirements of Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document (2011), a planning condition would have been required to 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, had the application been considered acceptable in all other respects.

Contaminated land

4.101 The Council's Principal Engineer has requested that further site investigation works into contaminated land are secured by an appropriate planning condition.

Education

4.102 As indicated above, the development would no longer secure contributions towards both primary and secondary education in the main urban area of Hartlepool. The scheme is therefore no longer considered to be acceptable in this respect, and this further contributes to the unsustainable nature of the development.

Agricultural land

4.103 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', although it is noted that nearly half the site consists of built development and residential curtilage. Whilst the proposed development would result in a loss of agricultural land from production, the loss is not considered to be significant enough to warrant refusal on this ground alone.

Public Right of way

4.104 The Council's Countryside Access Officer has requested a new footway to a new road crossing linking the development to the existing footway into Hart village. As per the Traffic and Transport sections comments above, a footway around the site entrance and a new dropped crossing will need to be implemented however it is not considered necessary in highway and pedestrian safety terms to provide a new footway on the southern side of Palace Row.

4.105 As detailed above a planning obligation is required to secure contributions towards Green Infrastructure to improve the site connectivity and to ensure a sustainable form of development. This will take the form of new and relevant access to the south of the A179. This new access would link two important existing public

footpaths and provide safe and enjoyable linking access for walkers to use. The contribution would have been secured by a planning obligation within a section 106 legal agreement had the application been considered acceptable in all other respects

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

RESIDUAL MATTERS

4.107 With respect to the concerns regarding maintaining an existing field access to the west of the application site, whilst this is a civil matter and not a material planning consideration, it is noted from the submitted plans indicate that this would be maintained.

PLANNING BALANCE AND OVERALL CONCLUSION

4.108 The development is an unallocated site located within the established development limits of the adopted Local Plan. Although the site is not allocated for residential development, such development is not considered to result in an incongruous form of development for the reasons detailed within the main report.

4.109 Notwithstanding this, applications also need to be considered in the context of the presumption in favour of sustainable development and the rest of the policies set out within the Hartlepool Local Plan 2018, the Hartlepool Rural Neighbourhood Plan 2018 and the Planning Obligations SPD 2015.

4.110 Whilst it is considered that there are some material benefits arising from the proposed development, as the proposal no longer provides the requisite planning obligations in full in order to mitigate against the adverse impacts of the development, it is considered that these adverse impacts now demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, and there are no benefits that justify the policy conflict with the policies set out in the adopted Hartlepool Local Plan 2018 or the adopted Hartlepool Rural Neighbourhood Plan 2018.

4.111 The application is therefore not considered to constitute sustainable development and is considered to be contrary to the principles set out within the NPPF (2018) and the relevant policies of the adopted Hartlepool Local Plan (2018), the adopted Hartlepool Rural Neighbourhood Plan (2018) and the provisions of the adopted Planning Obligations SPD (2015). The application is therefore recommended for refusal for the reason(s) stipulated below.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.112 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.113 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.

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

REASON FOR DECISION

4.115 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, by virtue of the failure of the development to provide the requisite planning obligations in full in order to mitigate against the adverse impacts of the development, the proposal constitutes an unsustainable form of development, that would have a detrimental impact on the local highway network in terms of the impact on highway and pedestrian safety (when taken cumulatively with the adjacent strategic housing sites allocated within the Hartlepool Local Plan 2018) and local education provision in particular. The application is therefore contrary to policies QP1, QP3 and INF4 of the Hartlepool Local Plan 2018, policies PO1 and T1 of the Hartlepool Rural Neighbourhood Plan 2018, paragraphs 11, 12, 91, 94 and 102 of the National Planning Policy Framework (NPPF) 2018 and the provisions of the HBC Planning Obligations Supplementary Planning Documents (SPD) 2015.

BACKGROUND PAPERS

4.116 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 23/06/17
	SCALE 1:5000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0028	REV

No: 5
Number: H/2018/0268
Applicant: Mr Stuart Ormiston Seymour House Harbour Walk
 HARTLEPOOL TS24 0UX
Agent: SEYMOUR CEC LTD MR STUART ORMISTON
 SEYMOUR HOUSE HARBOUR WALK HARTLEPOOL
 TS24 0UX
Date valid: 20/08/2018
Development: Development of civil engineering training academy
 including erection of 2no. 2 storey training buildings, WC
 facilities, ancillary storage containers and porta-cabin and
 provision of external training area, new access
 arrangements, car and bike parking, bin store and
 associated works.
Location: HBC SALT STORE DEPOT BRENDA ROAD
 HARTLEPOOL

PURPOSE OF REPORT

5.1 An 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 The following planning application associated with the land to the north of the current application site are considered relevant to the current application:

5.3 H/2016/0532 – Outline application with access (all other matters reserved) for the demolition of buildings on the site and redevelopment to provide a 70 bed care home (C2 Use Class) 50 one bed apartments for persons aged over 55 (C2 Use Class), 250 two bed apartments for persons aged over 55 (C2 Use Class); 70 one bed apartments (Use Class C3); 60 two bedroom apartments (Use Class C3); 80 townhouses (Use Class C3); 930 sqm community centre (use class D1), 200 sqm retail use A1, 3095 sqm workshop and offices (use B1), a bandstand and 641 parking spaces and associated works – minded to approve subject to section 106 agreement and relevant planning conditions, land to the north of the current application site.

PROPOSAL

5.4 Planning permission is sought for the creation of a civil engineering training academy, this would include the installation of modular buildings for use as teaching space, facilities and storage buildings, use of the external area for on-site training purposes, access and parking.

5.5 The proposed teaching buildings are to be two storey modular buildings with external staircase, there would be two of these buildings located in the south western portion of the site (west of the existing HBC Salt Store Depot), alongside parking for 18no vehicles, including two disabled spaces and two LGV spaces. Three steel container style buildings for toilet facilities would be located between the teaching buildings.

5.6 To the south east of the site it is proposed to form a storage area for materials, plant and equipment, this would include two containers for secure storage of equipment, located adjacent to the eastern boundary. A smaller storage area with one container is proposed to the north east corner of the site.

5.7 Further parking spaces for seventeen vehicles are proposed to the north of the Salt Store Depot, to the south of the existing pond 6.

5.8 Following discussions with technical consultees, there is also a requirement for a noise attenuating bund to be constructed to the northern boundary of the site.

5.9 The application has been referred to Planning Committee as the proposals are a departure from the Local Plan.

SITE CONTEXT

5.10 The application site is located on the eastern side of Brenda Road, approximately 0.5km south of the junction with Seaton Lane. Immediately adjacent to the northern boundary of the site there is an MOT testing station, beyond which there is a public right of way and further general industrial uses to the north and west beyond that. To the north east of the site there are open fields.

5.11 The development referred to in the Background section of this report would, if approved, be located on land to the north, currently in use in part for industrial purposes (where abutting Brenda Road to the north west) and as open fields to the north east.

5.12 To the east of the site there is a tree lined formed bund, on the raised ground level beyond there is a permissive bridle way and railway line. Further beyond that there are residential properties on Bilsdale Road.

5.13 There are industrial uses to the west and south of the application site.

PUBLICITY

5.14 The application has been advertised by way of neighbour letters (52no), site notice and a press notice. To date, one objection has been received from a neighbouring land user.

5.15 The objection received can be summarised as follows:

- Potential noise nuisance,
- The site is home to great crested newts, common newts, frogs and toads.

5.16 The period for publicity has expired.

5.17 Copy Letters E

CONSULTATIONS

5.18 The following consultation replies have been received:

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

HBC Public Protection – I have no objections to this application subject to the following conditions;

An hours restriction on the external training areas to 8:00am to 5:00pm Monday to Friday, 8:00am to 1:00pm on a Saturday and at no time on a Sunday or Bank Holiday.

The applicant shall agree measures to effectively control dust emissions from the site, this shall address control of dust from site surfaces and roadways, earth moving activities, control and treatment of stock piles and offsite dust monitoring. The measures shall be agreed in writing with the LPA prior to the site becoming operational and shall be implemented and thereafter maintained for the lifetime of the development.

A scheme detailing the provision of a noise barrier to the Northern boundary of the site shall be submitted to and agreed in writing with the LPA within 6 months of the approval of the permission. The agreed scheme shall be completed within 2 years of the date the scheme is agreed and thereafter maintained unless otherwise agreed in writing with the LPA.

All plant and machinery used on the site shall be well maintained and regularly serviced.

Please note that there is a substantial bund and a railway embankment to the East of the site which will provide an effective noise barrier to the nearest residential properties in Bilsdale Road.

HBC Engineering Consultancy – I note that the proposed buildings and bund are located away from the flood zone and therefore I would have no objection to this application. Surface water drainage condition is required.

HBC Ecologist – I have been involved with this project (including meetings with the applicant) and have commented previously, though my comments appear not to have been addressed. Due to the considerable amphibian interest on the site, I require an acceptable level of certainty regarding biodiversity compensation (replacement ponds and grassland habitat), mitigation (safeguarding of existing ponds) and NPPF enhancement (improving existing ponds). Currently the application lacks the ecological management detail that the Council requires.

This site meets the Tees Valley Nature Partnership (TVNP) criteria to qualify as a Local Wildlife Site (LWS). See: <http://teesvalleynaturepartnership.org.uk/wp-content/uploads/2012/11/LWS-Guidelines-V7.pdf> (accessed 13/09/2018). The site qualifies under the Amphibians species guideline A3, due to supporting over 100 smooth newts. A report is being prepared to submit to the TVNP to designate the whole site as a LWS. Should the LWS designation be endorsed, this would not prevent the application or future training operations from going ahead. Indeed, the site preparation and on-going management of grassland and ponds on the site through the training programme is likely to improve the site in the long term. Whether the site is a LWS or not, the same requirement for written ecological management detail stands (see below).

An accurate topographical surveys of the pond on site would have been useful. The submitted plan 'Proposed Plan Layout' dated 27/03/2018 shows four ponds, numbered 1, 3, 4 and 6.

My position, based on amphibian survey results (Appendix 1), is as follows: Pond 1 is outside of the red line boundary. It is on HBC owned land. It supports common toad a priority species. I would like a commitment from the applicant to deepen this pond, an agreement which would have to be outside of the planning application process.

My pond 2 supports 75 adult common toads (a priority species and therefore a material consideration). I need mitigation for this pond. Either the training area needs to be altered to protect damage to this pond, or I need a written and conditioned Conservation Management Plan showing that it will be retained and protected until a compensatory pond is created and established (2+ years) and that all operations will be undertaken at the correct time of year to minimise adverse impact to amphibian populations. As stated in my previous response my preference is that the training area layout is altered in order to retain pond 2, and if not I will want a reasoned case (not simply convenience).

My pond 3 (not the applicant's pond 3) supports 42 smooth newts. I need mitigation for this pond. Either the training area needs to be altered to protect damage to this pond, or I need a written and conditioned Conservation Management Plan showing that it will be retained and protected until a compensatory pond is created and established (2+ years) and that all operations will be undertaken at the correct time of year to minimise adverse impact to amphibian populations. As stated in my previous response my preference is that the training area layout is altered in order to retain pond 3, and if not I will want a reasoned case (not simply convenience).

My pond 4 (not the applicant's pond 4) supports 70 smooth newts. I need mitigation for this pond. Either the training area needs to be altered to protect damage to this pond, or I need a written and conditioned Conservation Management Plan showing that it will be retained and protected until a compensatory pond is created and established (2+ years) and that all operations will be undertaken at the correct time of year to minimise adverse impact to amphibian populations.

My pond 5 does not have any recorded amphibian interest (probably due to being shallow). Its loss is acceptable so long as it is compensated for by the creation of a

new pond outside of the training area.

Pond 6 has no recorded amphibian interest but is used by wildfowl (nesting), gulls (bathing and drinking) and swallows + martins (feeding). It is used by herring gull which is a Tees Valley priority species and therefore a material consideration. Pond 6 is not affected by the application.

The applicant's ponds 3 and 4 are two new, compensatory ponds for the loss of my pond 5 and the (possible) eventual replacement of my ponds 2, 3 and 4.

I require a further compensatory pond which should be created between the southern end of pond 6 and the HBC salt barn boundary (as shown in Figure 3).

I require the ditch towards the northern edge of the site to be deepened and extended.

I welcome the proposal (covered in discussions with Seymours) that within the training offer, amphibian ecology (dealing with breeding ponds, short grassland habitat and debris piles), will be included and I recognise this as a beneficial training outcome. However I require some form of guarantee which can be conditioned. This should be in the form of a professionally produced Conservation Management Plan.

I require a Conservation Management Plan which covers my above concerns and which can be conditioned. The Conservation Management Plan should include the involvement of a professional ecologist to act as an Ecological clerk of works to oversee the pond works and to be available to transfer to safety any amphibians found at any time on the site, which are in danger. It should also detail how grass areas which fall between the training area and the boundary fence should be retained and protected/ demarcated as grassland (crucial for foraging amphibians). It should detail how debris such as timber and rubble should be retained on site to be used as amphibian hibernation sites. Piles should be created at convenient locations between the training area and the boundary fence.

It should include an agreement that the HBC Ecologist can access the site in the years ahead in order to monitor the ponds and amphibian populations.

There should also be the following condition:

- Should common toads, frogs or newts be uncovered during site works in the compound, they should be carefully lifted into a container with gloved hands and released in a pond or area of debris.

Landscaping belt

The existing landscaping belt which runs along Brenda Road acts as a wildlife corridor and for the recent MOT application just to the north, creating a gap in it was resisted. I therefore require the existing landscaping belt where the compound is proposed to be either retained, or its removal compensated with a new hedge and tree line along the northern and eastern perimeter of the compound.

Breeding birds

Works to the landscaping belt and grassland areas may impact upon nesting birds. There should be the following condition:

- The standard bird breeding season condition.

Updated Comment:

I am satisfied with the submitted CMP and agree that, for clarity, the three new ponds shown on Proposed Site Plan – 01 – REV E should be labelled A, B and C, to match the CMP. I do not require anything else.

HBC Landscape Architect – The revised proposals represent an improvement in screening proposals. Full planting specification including species, number, density, planting methods and stock protection should be provided. This can be controlled by condition.

HBC Arboricultural Officer – Not object.

HBC Countryside Access Officer – The desktop survey of the site, for this application, does include mention of a pathway along the northern boundary but does not recognise that it is a public right of way.

The eastern section of Public Footpath No.5, Seaton Parish, forms the northern boundary of this full site. It runs from Brenda Road to, up and over the old railway embankment, which forms the eastern boundary of this site. There is a fully grown mixed species hedge, which runs parallel to the above mentioned public footpath, along its southern side. It forms part of the area encompassed within the public footpath and is therefore protected by the same legislation that protects the footpath.

The old railway embankment has a permissive bridleway routed along its top, which is called Seaton Walkway.

The site plans suggest that neither the Public Footpath nor Seaton Walkway will be affected by this proposed development. However it has been mentioned that a palisade fence will be erected around the perimeter of the site. Will this fencing perimeter be the 'active' area of the site or the full area including the area close to the footpath at the northern end?

I have attached a plan showing the location of both the footpath and the walkway, as well as the position of the hedge.

I would be grateful if I can have clarification on this fencing point and agreement that the footpath, hedge and the walkway will be affected by the development proposed.

Updated comment – I am happy with the responses and new measure, to protect the existing public and permissive pathways that perimeter the proposed site, to the north and east.

HBC Economic Regeneration – Economic Regeneration fully support the development of a training establishment at this site. Economic regeneration have been assisting with plans for this development and consider it important for the help towards the skill base in the area.

Tees Archaeology – I have checked the HER for the site, and there are no entries for the area of the proposed academy. The site has been heavily disturbed since the 1950s, and overall the archaeological potential of the site is low.

There is a report of human burials being found during the construction of the Tofts Farm industrial estate during the 1970s (HER 6972). This was reported long after the event and the exact location of the burials is unknown. The developer should be aware of the fact that there have been burials found in the vicinity, and should have a procedure in place in the unlikely event that they disturb human remains during the construction or operation of the academy. The procedure should specify the course of action to be taken, and the person or role responsible for implementing it.

I would be happy to give further advice on this matter.

Update – an acceptable statement of procedure in this eventuality has since been submitted.

Environment Agency – We have assessed the submitted additional information and can now confirm that we wish to withdraw our previous objections of 7 September subject to the inclusion of the following condition on any planning permission:

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) 'H76687 FRA Rev A' dated 9 October 2018 and the following mitigation measures detailed within the FRA:

1. The perimeter fence within flood zone 3 shall be of open chain linked design,
2. On a monthly basis, or after a high flood event, the full perimeter of the site will be inspected and any debris build-up removed and disposed from the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding elsewhere by allowing floodwaters to pass through, and to reduce the risk of flooding from blockages.

The additional submitted information details that the two options are being considered for foul water disposal is either to discharge to the public mains sewer or to a storage tank located under toilet block, which would then be emptied by tanker. As neither of the proposed options involves a discharge to the environment, we would wish to withdraw our previous objection. Please note that if foul effluent is to be removed by tanker, this will need to be removed by a registered waste carrier and taken to an appropriately permitted waste disposal facility.

Natural England (Summary) – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

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 no comments to make as no connections are proposed to any existing sewerage networks.

Northern Gas Networks – Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of the works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Hartlepool Water – Following your email I have been speaking to our Networks Team who have re-surveyed the area in question and had the drawing amended to show their findings.

You will see that the water mains are outside of the fence line and within the existing highway boundary, however only just, the mains are very close to the boundary fence and I would refer to my previous email when working or installing anything close to the existing fence line.

Local contact (s) for any proposed works in the vicinity of these mains.

NETWORKS TEAM – 01429 858 050 networks@hartlepoolwater.co.uk

Cleveland Police – The development is in an relatively isolated location of the development and suitable crime prevention will require to be considered . The proposed boundary should deter unauthorised access and should be a min of 2.0m preferably 2.4m in height and devoid of climbing aids.

All buildings should adequately secured to deter unauthorised access use of roller shutters to doors and windows to vulnerable buildings which items of value are kept Consideration should be given to intruder alarm installation.

Valuable metal and diesel could also be at risk this will need to considered with secure parking of any vehicles and avoidance of accessible valuable metal.

Bin store should be secure.

Bike parking should be in view of occupied rooms and bikes capable of locked to suitable secure cycle stands.

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 2 Section B5 for buildings other than Dwelling houses

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 B Section B5 Table 20.

Further comments may be made through the building regulation consultation process as required.

Cleveland Emergency Planning Unit – Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals however would like to make the following comment:

The proposed application is on the edge of the consultation Distance/ Public Information Zone of the Venator site.

Information regarding the possible effects of incidents at this site and the actions to take in the event of an incident is included in the regulation 18 letters which can be provided if required.

The site is outside the Nuclear Power Stations Detailed Emergency Planning Zone but is within the extendibility zone which details what to do should there be a beyond design basis incident on the plant.

As a result of this I have no concerns or objections to the proposal.

Network Rail – In relation to the above application I can confirm that Network Rail has no observations to make.

PLANNING POLICY

National Planning Policy Framework (NPPF)

5.19 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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.

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

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development
009	Achieving sustainable development

010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
038	Decision making
047	Determining applications
091	Promoting healthy and safe communities
124	Creation of well-designed places
127	Creation of well-designed place
130	Refusal of poor design
150	Planning for climate change
153	Planning for climate change

Hartlepool Local Plan 2018

5.21 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
INF4	Community Facilities
NE2	Green Infrastructure

HBC Planning Policy Comments

5.22 The proposed site is allocated as green space, specifically natural/semi-natural green space, on the Policies Map under policy NE2 of the adopted Hartlepool Local Plan. This allocation was supported by the 2015 Open Space Assessment, which recommended that existing natural space to the south of the borough be retained and protected and highlights the function of natural space to promote biodiversity and nature conservation. This policy specifies that the Council will safeguard green infrastructure and its loss. The weight of policy NE2 is supported by the NPPF, which makes it clear that applications should be determined in accordance with the development plan. The importance of this site is also reinforced by comments made by the Council's ecologist in an ecological appraisal completed in June 2017, where it is stated that the site is considered a wildlife asset for the borough and should be designated as a Local Wildlife Site and protected, enhanced and managed.

5.23 In this instance, the compensatory measures to mitigate the lost green space are considered appropriate, and satisfy the requirements of the Council's Countryside Access Officer. It is also acknowledged that the benefits which the training academy will bring to the area, and the borough as a whole, will outweigh the loss of green space in this instance. Therefore, Planning Policy has no objections to the proposed development.

PLANNING CONSIDERATIONS

5.24 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the area, landscaping, the impact on the amenity of neighbouring land users, and the impact on highway safety and parking, and other relevant planning matters.

PRINCIPLE OF DEVELOPMENT

5.25 The recently adopted Hartlepool Local Plan 2018 allocates part of the application site as natural and semi-natural green space under Policy NE2 Green Infrastructure. This policy identifies that the loss of green infrastructure will generally be resisted, with sites only considered for other uses where specific circumstances exist; in this instance the site is considered to be in an area where local need is already met elsewhere. The application site adjoins a green corridor to the north that links to a much larger area of natural and semi-natural green space further north.

5.26 In accordance with the policy, the applicant has agreed to provide a scheme of offsite works to improve access to these areas of green infrastructure, including improvements to the steps leading up to the green corridor, which is on a notably higher land level and the provision of an additional footway adjacent to the site linking into the existing public right of way. These matters can be secured via condition.

5.27 On the basis of the exceptions identified in Policy NE2 and the works to enhance access to other areas of open space, the proposed development is considered acceptable in principle.

5.28 The proposed use is also considered in keeping with the broader industrial/commercial uses in the surrounding area (notwithstanding the 'minded to approve' development to the north of the site).

CHARACTER AND APPEARANCE OF AREA

5.29 Although part of the site is semi-natural green space with grassed areas and man-made ponds across the site, the wider Brenda Road area is characterised by general industrial and employment uses. Buildings in the area vary in style and materials but on whole have a utilitarian appearance commensurate with the nature of the uses. Landscaping is variously present on site boundaries with Brenda Road, which assists in softening the appearance of the area.

5.30 A number of buildings are proposed as part of the development, all of which are of a simple but functional design. This is considered to be in keeping with the nature of the intended use and the character of the wider area. It is noted by the Council's Landscape Architect that the two-storey buildings adjacent to the Brenda Road site frontage will be visible from the road due to the removal of some of the existing landscaping on the boundary, however revisions proposed to the landscaping scheme will limit this impact, while the proposed bund to the north and existing bund to the east will further soften the appearance of the site and therefore the scheme is not considered detrimental to the street scene or wider visual amenity in this context.

LANDSCAPING

5.31 As noted above, the Council's Landscape Architect initially raised concerns regarding the first scheme proposed, a revised landscaping scheme to soften the appearance of the proposed buildings when viewed from Brenda Road has addressed this issue and therefore no objection has been raised. As such, a suitable condition requiring details of the landscaping to be submitted for approval prior to its installation is recommended.

AMENITY OF NEIGHBOURING LAND USERS

5.32 An objection has been raised by a neighbouring occupier on Bilsdale Road with regards to the potential for noise nuisance. The closest neighbouring plots on that street are located approximately 70m from the application site and there is a substantial raised bund between the two. For this reason the Council's Public Protection team do not consider a detrimental impact due to noise would occur in relation to properties on Bilsdale Road and no objection is raised on this basis.

5.33 Concern has, however, been raised with regards to impact on the amenity of the potential future residential properties to be constructed on land to the north of the application site, as there is currently a 'minded to approve' outline application subject to the completion of a legal agreement (H/2016/0532). As such, although there are not currently dwellings on the site, it is necessary to consider the potential impact of the proposals on future occupants.

5.34 HBC Public Protection has recommended the introduction of a 3m high noise attenuating bund across the northern extent of the site in order to prevent noise nuisance. As there are not currently properties on the land to the north, it is recommended this can be secured by condition, with a scheme to be submitted for approval and later implemented by an agreed date. A revised site plan has been submitted to indicatively show the location of the bund, which is considered acceptable by HBC Public Protection.

5.35 HBC Public Protection have also requested conditions in relation to the operating hours of the outside area of the site and for means of dust suppression to be present on site. Subject to the imposition of these conditions, it is considered that the proposed development would not have an adverse impact on the amenity of neighbouring occupiers in terms of noise nuisance or dust generation.

HIGHWAY SAFETY & PARKING

5.36 The proposals make use of the existing access serving the HBC Salt Store Depot, no other vehicle access points are proposed. Provision is made within the plans for car parking and cycle storage. HBC Traffic and Transport have assessed the application and conclude there are no highway safety or traffic concerns, the application is therefore considered acceptable in this respect.

ECOLOGY

5.37 The application site meets the criteria of the Tees Valley Nature Partnership to qualify as a Local Wildlife Site, due to the level of smooth newts supported on the site. This in itself would not prevent the use of the site as proposed; conversely the Council's Ecologist has confirmed that the on-going management of the site as part of the training academy use would offer long-term improvements to the site.

5.38 The proposals include the loss of some of the ponds on the site but instead makes provision for compensatory ponds. The details of how this provision will be made and the ongoing maintenance of the site are included in a Conservation Management Plan, which can be conditioned to ensure a satisfactory form of development in this respect.

5.39 The Council's Ecologist has also requested standard bird breeding season and amphibians conditions to ensure that works do not negatively impact upon nesting birds or amphibians and these are duly recommended. Subject to the conditions recommended in relation to the Conservation Management Plan, works during the bird breeding season and protection of amphibians the application is considered acceptable in relation to ecology.

FLOOD RISK

5.40 A small area to the north west of the application site is covered by Flood Zone 3; as such the application is supported by a Flood Risk Assessment (FRA). Although the Environment Agency raised some concerns initially, the objection was withdrawn following the submission of a more detailed FRA and confirmation of the intended boundary treatment. There were concerns that the proposals could worsen flood risk, however the boundary fence is to be open chain linked and will therefore allow water to pass through in a storm event and the applicant has agreed to a condition requiring regular inspections and removal of any debris build-up at the boundary in the interests of preventing flooding elsewhere.

5.41 The proposed noise attenuating bund has been positioned outside of the flood zone and therefore HBC Engineering Consultancy has confirmed there are no objections to the application in relation to flood risk and drainage subject to conditions requiring the bund to be outside of the flood zone and details of surface water drainage measures to be submitted for approval. As such, the proposals are considered acceptable in this respect subject to the inclusion of the conditions requested.

OTHER PLANNING MATTERS

5.42 Tees Archaeology has confirmed that there are no records of archaeological interest on the application site itself but human remains were found close by during the construction of Tofts Farm Industrial Estate, therefore it is necessary to have a procedure in place in case remains are found during the construction or operation of the proposed training academy. A suitable statement has been submitted and agreed by Tees Archaeology and therefore, subject to this being secured by condition, the proposals are considered acceptable in this respect.

5.43 Cleveland Police have made a number of recommendations in relation to ensuring the site is secure and the applicant has been made aware of these. There is nothing to suggest the site is subject to crime or anti-social behaviour and there are no objections on this basis. One of the recommendations of the Police is that cycle storage is secure; details of the intended cycle storage can be secured by condition.

5.44 Hartlepool Water have advised that their mains are outside of the application site, within the adopted highway, however they are very close to the boundary fence and it is recommended the applicant contacts the Pre-Planning Services team at Anglian Water so they can advise of any potential requirements. This advice can be included as an informative.

CONCLUSION

5.45 The proposed development would provide a specialist training facility with associated social and economic benefits for those attending as well improving outcomes for the construction industry. The site is located within a predominantly industrial area of the town and therefore the nature of the use is considered acceptable in principle, however the details of the scheme have taken account for the potential for residential development adjacent to the site in the future, management of ecological assets on the site and the need to avoid worsening flood risk in the area. As such, all relevant material considerations are considered to have been addressed and subject to suitable conditions, the application should be approved.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.46 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.47 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.

5.48 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.

2. The development hereby approved shall be carried out in accordance with the following plans: drawing number 9346808 (Proposed Elevations) received by the Local Planning Authority 10/08/18, drawing number 16WC-TYPE-H-7035.dwg (Proposed Floor Plan), drawing number 9346808-001.dwg (Proposed Floor Plan) received by the Local Planning Authority 20/08/18, Location Plan at scale of 1:5000 received by the Local Planning Authority 25/10/18, drawing number SEY-02, revision F (Proposed Classroom Area), received by the Local Planning Authority 25/11/18, drawing number SEY-01, revision L (Proposed Plan Layout) received by the Local Planning Authority 24/01/19.
For the avoidance of doubt.
3. The development hereby approved shall be carried out in accordance with the requirements of the Conservation Management Plan, including timetable for works to the existing ponds and provision of new ponds within the site, received by the Local Planning Authority 24/01/19.
4. The operation of the site shall at all times follow the Documented Procedure for the discovery of human remains (document number DOC-H&S-TT-GEN001, revision A), received by the Local Planning Authority 10/10/18.
In order to protect any archaeological features present on the site.
5. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) 'H76687 FRA Rev A' dated 9 October 2018 and the following mitigation measures detailed within the FRA:
 1. The perimeter fence within flood zone 3 shall be of open chain linked design,
 2. On a monthly basis, or after a high flood event, the full perimeter of the site will be inspected and any debris build-up removed and disposed from the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To prevent flooding elsewhere by allowing floodwaters to pass through, and to reduce the risk of flooding from blockages.
6. A scheme detailing the provision of a noise barrier/bund to the Northern boundary of the site, as shown on drawing number SEY-01, revision L (Proposed Plan Layout) received by the Local Planning Authority 24/01/19 shall be submitted to and agreed in writing with the Local Planning Authority within 6 months of the date of the permission. The proposed barrier must be located outside of Flood Zone 3 located to the north west of the site. The agreed scheme shall be completed within 2 years of the date the written approval of the Local Planning Authority and thereafter maintained unless otherwise agreed in writing with the Local Planning Authority.
In the interests of the amenities of future occupiers to the north of the site and to prevent the increased risk of flooding in accordance with the NPPF.
7. Development of the noise barrier/bund required by condition 6 above, shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with 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.

8. Notwithstanding the submitted details prior to the erection of any buildings on site, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and car parking levels, any proposed mounding and or earth retention measures (including the required noise barrier/bund) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To take into account the position and levels of the buildings and car parks and the impact on adjacent residential properties/neighbouring land users.

9. Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority to agree measures to effectively control dust emissions from the site, to address and control dust from site surfaces and roadways, earth moving activities, control and treatment of stock piles and offsite dust monitoring. Thereafter, the agreed measures shall be implemented prior to the site becoming operational and shall be implemented and thereafter maintained for the lifetime of the development.

In the interests of a satisfactory form of development.

10. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the site. 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/timetable of works.

In the interests of visual amenity.

11. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

In the interests of visual amenity.

12. Within twelve months of the date of this approval a detailed scheme for the compensatory enhancement measures indicatively shown on the 'Contribution Requirements Plan' received by the Local Planning Authority 15/01/19 shall be submitted to and approved in writing by the Local Planning Authority. A programme for implementation of works shall also be submitted and agreed and thereafter the approved works shall be implemented in accordance with that programme to the satisfaction of the Local Planning Authority.

In accordance with the requirements of Local Plan Policy NE2.

13. Notwithstanding the proposals detailed in the submitted plans and prior to their implementation on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the

satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the 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 and highway safety.

14. Occupation of the development shall not commence until a scheme for waste storage arrangements has been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed details shall be implemented in accordance with such details prior to occupation.
In the interests of the amenities of the occupants of neighbouring properties.
15. Prior to first use of the development hereby approved details of all fences, gates, walls or other means of enclosure to be erected within the development site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. Such a scheme shall include retention of the existing boundary wall and railings to the north and east of the site.
To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area.
16. Prior to first use of the development hereby approved a scheme for cycle storage shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details and retained for the lifetime of the development.
In the interests of sustainable development.
17. No outdoor training activities shall take place on the site outside the following times 08:00 to 17:00 Monday to Friday, 08:00 to 12:00 Saturdays and at no time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
18. Should common toads, frogs or newts be uncovered during site works in the compound, they should be carefully lifted into a container with gloved hands and released in a pond or area of debris.
To avoid harm to the ecological interests of the site.
19. 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.

BACKGROUND PAPERS

5.50 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

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

CONTACT OFFICER

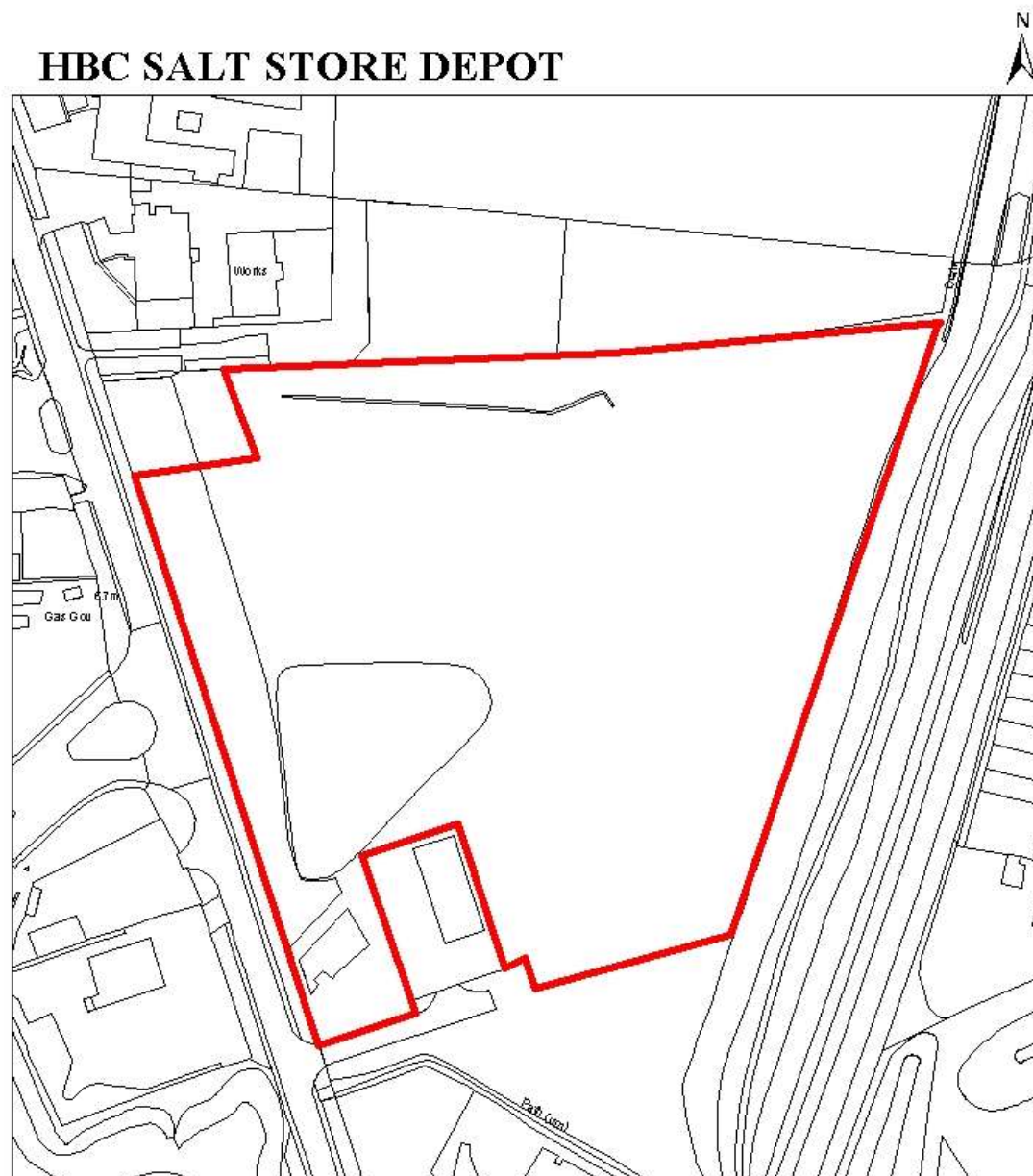
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 23/01/19
	SCALE 1:2000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0268	REV

No: 6
Number: H/2018/0148
Applicant: LEEBELL DEVELOPMENTS LTD
Agent: PERSIMMON HOMES TEESSIDE MR BEN
STEPHENSON RADCLIFFE CRESCENT THORNABY
STOCKTON ON TEES TS17 6BS
Date valid: 02/05/2018
Development: Reserved matters application (appearance, landscaping, layout and scale) for the erection of 500 dwellings with associated infrastructure.
Location: LAND TO THE SOUTH OF A179 AND WEST OF
MIDDLE WARREN (KNOWN AS UPPER WARREN)
HARTLEPOOL

PURPOSE OF REPORT

6.1 An 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 An outline planning application for the construction of up to 500 dwellings (H/2013/0328) with all matters reserved for subsequent approval, with the exception of access was submitted on the 26 June 2013. The outline planning application was minded to be approved by Planning Committee in March 2014 subject to the completion of a section 106 Agreement securing financial contributions towards facilities and improvements at Brierton Sports Centre, education contribution towards primary education within the North West Planning Area, the maintenance of play areas and open space within the area and the provision of onsite affordable housing. The Section 106 was subsequently signed on the 30 April 2015, with the decision notice being issued on the 6 May 2015.

PROPOSAL

6.3 This reserved matters application seeks planning permission for the erection of 500 dwellings including associated infrastructure, landscaping and engineering works (the scheme includes the appearance, landscaping, layout and scale of the development).

6.4 The development proposes 500 residential properties, which includes a mix of 2, 3, 4 and 5 bed properties, with a mix of 2 and 2.5 storey detached, semi detached and blocks of terrace properties (made up of 3 properties).

6.5 The single access to the site has already been agreed through the outline planning permission with access taken from Merlin Way, with a second emergency access taken from Viola Close.

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

SITE CONTEXT

6.7 The site comprises a total of 21.2 hectares and is currently in agricultural use. The net developable area is 14.9 hectares with the remaining land being landscaped. The site is located to the north west of Hartlepool approximately 1km to the east of the village of Hart and immediately to the south of the A179. Hartlepool Town Centre is found approximately 3.5km to the south east of the site.

6.8 The local area is characterised by mainly residential properties. The adjacent Middle Warren development contains a Local Centre which is within walking distance and provides a variety of services and facilities.

PUBLICITY

6.9 The application has been advertised by way of neighbour letters (450), site notices (4) and press notices. To date, there have been 17 objections.

6.10 The objections and concerns raised can be summarised as follows;

- Road traffic congestion both in and out of Bishop Cuthbert
- Shortage of school places
- Need a school and public facilities
- Traffic congestion on A179 and A19
- Careful consideration needed for landscaping and walkways
- Traffic infrastructure needs attention
- Development unduly large
- Insufficient policing to cover more houses
- Such a large estate will add to NHS ambulance burden
- Anti social behaviour
- Site traffic
- Noise
- Only 1 access road from the busy Merlin Way
- Area has very little facilities for the local residents

6.11 Additional consultation on amended plans resulted in an additional 7 objections.

6.12 The additional concerns raised are;

- Flooding
- Crime
- We need affordable housing for first time buyers
- Inadequate school provision
- Traffic congestion
- Safety of children

6.13 3 letters of no objection have been received.

6.14 Copy Letters F

6.15 The period for publicity has expired.

CONSULTATIONS

6.16 The following consultation replies have been received:

HBC Engineering Consultancy - The FRA is out of date in that it says HBC will be adopting the SUDs drainage. This is not the case and this will be dealt with via a management company.

In theory I am happy with the drainage proposals however I am not in a position to be able to fully discharge the application without condition. Can I therefore request a SW condition.

HBC Traffic and Transport - The section of carriageway between plots 1 and 30 should be 5.5 metres wide due to the potential number of properties served, it is currently shown as 4.8 Metres. The footway which circumnavigates the site and connects into various streets should be constructed in a bound material, it should be a minimum 3 metres wide to accommodate both pedestrians and cyclists. There should be low level pedestrian lighting provided. Street lighting should be provided on the A179 between the Hart roundabout and the commencement of the Street Lighting at the Tall Ships roundabout. The developer should consider reducing the length of private drives. Some of the drives are in excess of 25 metres and there will be affect from public street lighting. All roads and paving's should be constructed in accordance with the HBC Design Guide and Specification

Further comments received

Following the submission of amended plans which addressed initial concerns, there are no objection or concerns raised.

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

An enquiry was received by NWL from the applicant for allowable discharge rates & points into the public sewer for the proposed development. As the drainage plan submitted demonstrates the use of alternative connection points, we recommend the developer contacts our point of connection team. 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 point of connection 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.

HBC Arborist - There is a comprehensive landscape scheme accompanying this application which will compliment the development. No objections.

Cleveland Police - National planning guidance states that designing out crime and designing in community safety should be central to the planning and delivery of new developments. In relation to crime prevention and community safety I have the following recommendations in relation to the proposed layout of the development. All side and rear footpaths need to be secure with lockable gates fitted as close to the front building line as possible the gates should be a min. of 1.8m. Car parking and garages should ideally be at the front of properties overlooked by other properties there are proposed parking/garage areas which are located to the rear of properties this increases vulnerability I would always encourage the use all garage doorsets certified to LPS 1175 I would recommend that as a minimum all the garages located to the rear of properties are fitted with LPS certified doorsets ideally all garage doorsets fitted should achieve this standard. Front boundaries to end properties can be particular vulnerable to misuse I would recommend clear demarcation between the footpath and front garden to deter misuse and conflict. Doors and accessible windows I would always advise the use of PAS24:2016 certified doorsets and window. Street lighting for roads and footpath are recommended to comply with the requirements of BS5489:2013.

Highways England – Offers no objection.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites. Natural England's advice on other natural environment issues is set out below.

European sites – Northumberland Coast Special Protection Area, Durham Coast Special Area of Conservation, Teesmouth and Cleveland Coast Special Protection Area and Ramsar.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Northumberland Coast Special Protection Area Durham Coast Special Area of Conservation, Teesmouth and Cleveland Coast Special Protection Area and Ramsar and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. Durham Coast, Tees & Hartlepool foreshore & wetlands Site of Special Scientific Interest.

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

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

Hart Parish Council - Hart Parish Council has no objections in principle to application H/2018/0148 but would ask to see substantial planting on the western edge and northern boundary on A179, to screen the new development from Hart village and reduce the visual impact on the landscape to ensure the rural nature of the village is maintained.

The Parish Council has objected on numerous occasions to the huge increase in traffic due to the large number of housing developments in this part of the Borough, which is making the vital link of A179 to A19 hugely congested at morning and evening peak times. Entry and exit to Hart Village is becoming very difficult and dangerous. The road infrastructure around the villages needs to be considerably improved in order to facilitate the increase in traffic caused by housing developments.

Tees Archaeology - This site has previously been subject to archaeological evaluation and no further investigation is required.

Emergency Planning Unit – No objections.

HBC Countryside Access Officer - From an access improvement point of view; I would be concerned if the opportunity for access links creation and improvement is not taken advantage of, as this new site is developed. There is already a strong network of formal and informal paths throughout the green wedges/green open spaces that interweave Bishop Cuthbert Estate. With the prospect of Upper Warren coming on-line in the near future; we need to consider how both sites are to be linked for recreational, safe routes to employment and services and safe routes to schools. There are also close by public rights of way that play an important part of this sustainable and enjoyable access network. Being able to link to these paths and so to the wider countryside will benefit new and existing residents of the housing estates. I would like to discuss these opportunities with the housing developer(s) so that missed opportunities are not the result

HBC Public Protection – No objection.**HBC Ecologist** - No objection with conditions.Ecology

Outline permission was approved in May 2015. A Preliminary Ecology Survey (PEA) was submitted for the outline application: '*Extended Phase 1 Survey (ecology report) N° 4 Final, dated June 2013 (E3Ecology Ltd)*'. I am satisfied that although the information is now over four years old, assessment of adverse impacts was made at the time. I do not require further survey and the recommendations given in the report are valid and should be conditioned.

Bats (European Protected Species)

A bat survey was undertaken, and the results presented in the document: '*Bat Risk Assessment and Activity Survey, Report N° 3 Final, dated September 2013*'. I am satisfied that although the bat information is now over four years old, assessment of adverse impacts was made at the time. Further, the habitat within the red line boundary which bats might utilise is virtually unchanged and it is unlikely that the bat risk assessment of 'no significant adverse impacts' will have changed. I do not require a further bat survey and the recommendations given in the report are valid and should be conditioned.

Conditions

- Ecological mitigation and biodiversity enhancement measures were agreed at outline approval (discussed in the PEA).
- NPPF section 118 refers to biodiversity enhancement. This should be appropriate to the size and scale of the scheme.

The measures must be secured through the following conditions:

A scheme for the design of street lighting and external security lighting to minimise light spillage into areas of landscape planting designed to benefit wildlife, to be approved by the Authority. Light spillage should be less than 2 lux, measured 10m into the landscaped area. In order to avoid harm to protected bat species.

A landscape plan and in-perpetuity management scheme, which shows the retention of existing trees and hedges along the site boundaries and the creation of native species woodland, wetland and species-rich wildflower grassland communities, to enhance connectivity between new habitats, the scrub to the north and the reservoir and trees to the south, to be approved by the Authority. In order to protect and enhance habitats and wildlife corridors.

A detailed plan for the provision of integral swift nest bricks and bat roost bricks, in 50% of new houses or their garages, to be approved by the Authority. Product and siting information is given in Appendix 1 below. In order to provide opportunities for wildlife.

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

Habitats Regulations Assessment (HRA)

It appears that the outline application did not include 'information to inform a HRA'. It is my understanding that the local planning authority and Natural England did not request one, and that the application was lawfully approved.

PLANNING POLICY

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

National Policy

6.18 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development
009	Achieving sustainable development
010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
038	Decision making
047	Determining applications
054	Planning conditions and obligations
055	Planning conditions and obligations
056	Planning conditions and obligations
073	Maintaining supply and delivery
074	Five year supply of deliverable housing sites
091	Promoting healthy and safe communities
102	Promoting sustainable transport
124	Achieving well-designed places
127	Achieving well-designed places
130	Achieving well-designed places
153	Planning for climate change
170	Conserving and enhancing the natural environment
212	NPPF is a material consideration

Hartlepool Local Plan 2018

6.19 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and Adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
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
NE1	Natural Environment

Planning Policy Comments

6.20 The principle of residential development on this site has already been accepted and there are therefore no planning policy objections with respect to the principle of the development; whilst the inability of the scheme to achieve the Nationally Described Space Standards (NDSS) across a significant proportion of house types is disappointing, given that these standards have not been formally adopted by the Council, Planning Policy has no objections to the application.

PLANNING CONSIDERATIONS

6.21 The main issues for consideration in this instance are the principle of development, impact on character and appearance of the area, landscaping public open space/play facilities, impact on amenity and privacy of neighbouring land users, highway safety, flooding and drainage, ecology, archaeology, planning obligations, other planning matters, crime/fear of crime and anti-social behaviour and other residual matters.

PRINCIPLE OF DEVELOPMENT

6.22 The principle of residential development on this site has already been accepted through the outline permission and there are therefore no planning policy objections with respect to the principle of the development.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA (APPEARANCE, LAYOUT AND SCALE)

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

6.24 Policy QP4 (Layout and Design of Development) seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. There are a number of ways new development can achieve this, including;

- Be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area,
- Have adequate, well located and planned public space/s,
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development,
- Use an appropriate mix of materials and colour.

6.25 Most development should blend seamlessly with its surrounding, however often there is opportunity for appropriate inclusive, innovative and sustainable design that can be bolder in design terms and often aims to create a landmark development.

6.26 NPPF paragraph 127 further stipulates that planning policies and decisions should ensure that developments;

- Will function well and add to the overall quality of the area,
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change,
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit,
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces), and
- Create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users, amongst other requirements.

6.27 It is considered that the scale and layout of the proposed development is in general conformity to the indicative block plan that was considered as part of the outline application and incorporates adequate amounts of green infrastructure and public amenity space. It is also acknowledged that the character and appearance of the existing wider area is varied, consisting of a mixture of house types and designs. Taking this into consideration, it is considered that the design/appearance, scale, layout and massing/density of the proposed dwellings/house types are acceptable and will not have a detrimental impact upon the character and appearance of the area or result in an overdevelopment of the site.

6.28 The site is to be developed as a joint venture by Bellway and Persimmon, details of the proposed external finishing materials for the Persimmon development consists of three different brick types, two different roof tiles and provision of a light cream render to a number of properties following a request by officers. These materials, in the context of the above considerations, are considered to be acceptable and can be secured by appropriate planning condition.

6.29 Overall, it is considered that the appearance, layout, scale and density of the development is acceptable and is reflective of the surrounding area. It is considered that the development would not have a detrimental impact on the character and appearance of the area and that the proposal accords with the general provisions of the relevant saved local plan policies and the NPPF.

SPACE STANDARDS

6.30 Notwithstanding the above considerations the Council's emerging Residential Design SPD sets out recommended internal space standards for new residential development in line with the Government's Nationally Described Space Standard (NDSS). Whilst the SPD is not yet adopted, it is noted that a significant number of the proposed dwellings (at least 40% of house types) fail to meet the space standard for their respective minimum gross internal floor areas (based on the number of bed spaces shown on the proposed floor plans), with a number of the proposed house types grossly below the minimum space standards (e.g. 'The Morden', approx. 35% below the minimum space standard, and 'The Blacksmith', approx. 24% below the minimum space standard).

6.31 Furthermore, it is noted that in a number of cases discrepancies between labelling of plans and details shown on drawings make it unclear whether the remaining dwellings in the scheme actually meet space standards. For instance, in some cases some house types have been labelled as '3 bedroom property' however the floor plans show 2 bedrooms and a study. In these instances the dwelling would typically meet the space standard as a 2 bedroom property but not as a 3 bedroom property.

6.32 It is also noted that in some instances the plans appear to attempt to justify the limited internal floor area by indicating that the dwellings would meet the space standards at a lower occupancy than suggested by the floor plans. For instance, the floor plans for 'The Glazier' house type state the space standards are met as a 4 person dwelling, however the floor plan drawings show 3 double beds which could accommodate up to 6 people. HBC Planning Policy would not consider this an appropriate approach and would expect the potential maximum number of occupants to be taken into account when considering space standards, as the dwelling could feasibly accommodate up to 6 people and as such the dwelling should have adequate internal space to meet the needs of up to 6 people. In view of this the applicant was asked to provide further consideration to achieving the NDSS.

6.33 In response, the applicant has advised that they do not consider the NDSS reflects the needs and aspirations of a wide range of households as they consider it narrows the available housing choice at the expense of affordability and viability. The applicant added that the scheme proposes a range of 2 to 5 bedroom houstypes ranging in size from 548sqft up to 1600sqft with the housing mix having been developed to support the delivery of housing that best meets housing demand in the area based upon the applicant's own experience of the local housing market alongside the needs identified within the Council's most recent Strategic Housing Market Assessment (SHMA) (2016).

6.34 HBC Planning Policy welcomes the mix of house types proposed across the scheme, however, the NDSS features tailored space standards for a broad range of house types. Delivering a mix of house types and providing adequate space within them for their respective households to undertake typical day to day activities are not mutually exclusive objectives. Providing adequate space within dwellings allows households to socialise with family members and guests, improves storage capacity, improves space for solitary activities, provides greater flexibility in arranging rooms to meet different/changing needs, allows more opportunity for working from home, provides more space for managing waste and recycling and improves day light and ventilation.

6.35 Notwithstanding the above, HBC Planning Policy acknowledges that at present the Council does not have an adopted planning policy on internal space standards and the NDSS are optional technical standards. Therefore whilst it is disappointing the NDSS have not been achieved, Planning Policy does not offer any objections to the application on this basis and it would therefore not warrant a refusal of the application.

LANDSCAPING PUBLIC OPEN SPACE/PLAY FACILITIES

6.36 The application is accompanied by a comprehensive landscaping scheme which details the provision of landscaping within and along the perimeters of the site. Whilst these details have been considered by the Council's Arboricultural Officer who has confirmed that the details are acceptable, the layout of the scheme as a whole has been amended since first submitted and therefore updated plans are required/awaited. It is anticipated that these plans will be available for consideration before the Planning Committee meeting and an update will be provided.

6.37 The area of land which is outside of the redline boundary but within the blue line boundary (of the wider site) is part of the required wider landscaping provision which includes biodiversity enhancement and is included within the S106 Agreement attached to the outline permission. Final details of this can also be secured by appropriate condition on this reserved matters application.

6.38 Overall, and subject to the above, it is considered that the scheme will provide a satisfactory landscaping scheme and public open space areas that will not result in an adverse impact on the character and appearance of the surrounding area or adversely affect existing landscaping features.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

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

6.40 It is considered that the relationships between the properties are acceptable. The separation distances, between all the properties proposed and in respect to neighbouring properties comply with Policy Q4 of the adopted Hartlepool Local Plan 2018 and is therefore considered acceptable. The site will be substantially screened from neighbours by proposed boundary treatments. It is not considered that the proposed dwellings will appear overly dominant or oppressive upon the outlook and living conditions of any of the neighbouring properties adjoining the site. The scheme incorporates substantial landscaping which will provide a buffer between the development site and the A179.

6.41 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 HBC Public Protection. Owing to the scale of the development and proximity to residential properties, it was considered necessary to impose a condition relating to construction hours, which was secured through the outline application and remains applicable. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

IMPACT UPON HIGHWAY SAFETY

6.42 Objectors have raised concerns over the impact on highway and pedestrian safety, in particular the exacerbation of existing highway and congestion problems throughout the existing estate and at certain junctions.

6.43 The impact on the local road network has been extensively assessed and appropriate conditions imposed through the outline planning permission which will deliver a comprehensive package of highway mitigation measures. These comprise:-

- Easington Road/Hart Road/West View Road – re-modelling of roundabout and signalisation, with pedestrian crossing facilities.
- A179/Merlin Way/Westwood Way – A package of measures to provide 2 lane approaches to the roundabout on the northbound, eastbound and southbound legs, and a 3 lane approach on the westbound leg.
- Merlin Way/Meadowsweet Road – Widening the access to provide left and right turn exits.
- Provision of a Toucan Crossing on Merlin Way
- Provision of a pedestrian refuge on A179 to connect new estate with footpath / cycleway to Hart.
- Provision of a bus lay-by on Merlin Way
- A179/Front Street – Increase length of 2 lanes on east bound approach to roundabout by adjustment of road markings. Widening of northbound and westbound legs to provide 2 lane approaches.
- A19/A179/B1280- Signalisation of the junction (This is in Durham CC area)
- A179/Marina Way/Greenland Road/A1048 - Increasing the length of the 2 Lane approach on Powlett Road to the Greenland Road roundabout.
- Hart Lane/Dunston Road – Provision of 2 lanes on the westbound approach to the roundabout.

6.44 It is understood that the proposed signalisation of the A19/A179 these works have commenced and that this scheme is being delivered by Durham County Council.

6.45 The Council's Traffic and Transportation Team have been consulted on the current reserved matters application and following the submission of amended layout plans, raise no objection to the proposal in terms of highway matters and car parking provision.

6.46 Highways England have been consulted and raise no concerns or comments.

6.47 The proposed development is therefore considered to be acceptable in respect of highway and pedestrian safety matters.

FLOODING AND DRAINAGE MATTERS

6.48 Objections have raised concerns regarding existing flooding issues and the potential for the proposed development to exacerbate such problems.

6.49 HBC Engineering Consultancy has been consulted and highlights that the Flood Risk Assessment that supported the outline planning application is out of date. The document related to Hartlepool Borough Council adopting the SUDs drainage, however this will now be dealt with via a management company. Whilst no objection is raised with regard to this, a further condition for a surface water detail is required. Northumbrian Water has also requested a surface water and foul drainage condition, however this remains an applicable condition on the outline permission.

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

ECOLOGY

6.51 The Council's Ecologist has been consulted and has raised no objection or concerns. The outline permission was supported by a Preliminary Ecology Survey (PEA) and an Extended Phase 1 Survey (ecology report). Biodiversity enhancement, bat mitigation measures and light spill are controlled through conditions on the outline permission and the associated S106 legal agreement. A condition for swift boxes can be secured by a further condition on this reserved matters application.

6.52 In view of the above the application is acceptable in this respect.

ARCHAEOLOGY

6.53 Tees Archaeology have been consulted, the site has previously been subject to archaeological evaluation and no further investigation is required. The scheme is acceptable in this respect.

PLANNING OBLIGATIONS

6.54 Planning Obligations have been secured through a S106 Legal Agreement which was completed in connection with the outline approval (H/2013/0328) and includes:

- On site affordable housing
- Education Contribution of £852,345 (eight hundred and fifty two thousand three hundred and forty five pounds)
- Built Sports Contribution of £250 per dwelling toward Brierton Sports Centre
- Play Facilities of £250 per dwelling towards the ongoing maintenance/replacement of the existing Clavering play area.

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

OTHER PLANNING MATTERS

Education and school places

6.56 Objections/concerns have been received regarding the impact on existing school capacity in the area. This matter was considered during the outline application which acknowledged a lack of capacity in primary school provision. The S106 Agreement secures financial contributions for the provision of additional places to meet the shortfall resulting from the development. The application is considered to be acceptable in this respect.

Affordable Housing Provision

6.57 Concerns have been received regarding the need for affordable housing. This matter has been considered during the outline application which acknowledged the need for provision to be made. The scheme provides affordable housing which will be distributed across the site. The application is considered to be acceptable in this respect.

Crime/Fear of Crime and Anti Social Behaviour

6.58 Objectors have raised concerns with respect to the proposal, in particular open space and play areas, resulting in an increase in crime/fear of crime and anti social behaviour (ASB). The proposed layout affords good passive surveillance of these areas which should discourage such behaviour.

6.59 Cleveland Police's Architectural Liaison Officer (ALO) has been consulted on the application and raises no objections. However he has made recommendations in relation to measure that can be taken to enhance security. This can be appended as an informative.

6.60 It is not considered that the proposed development would harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to Local Plan Policy QP4 and would accord with the guidance in the NPPF, in this respect.

RESIDUAL MATTERS

6.61 Concerns have been received with regard to the burden this new development will have on the NHS in particular the ambulance services. This is not a material planning consideration.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.62 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.64 There are no Section 17 implications.

REASON FOR DECISION

6.65 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 satisfactory receipt of landscaping plans (and appropriate amendments to landscaping conditions) and subject to the following planning conditions;

1. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s)
 SGD-02 Rev B (Triple Garage Plans & Elevations)
 SGD-05 Rev C (Single/Double Garage Plans & Elevations (side to side
 SGD-10 (Double Garage Plans & Elevations (opposite ended))
 A/plcGa/00/001 Rev B (Portfolio Garages)
 GTC-E-SS-0011_R1-8_1_of_1 (Substation General Arrangement)
 received by the Local Planning Authority on the 27th April 2018, and
 A/1057/tc/00/01 (Peony (3b Det) Planning Layouts)
 A/1057/tc/00/02 (Peony (3b Det) Planning Elevations)
 A/1550/tc/00/01 (Acacia (4b Det) Planning Layouts)
 A/1550/tc/00/02 (Acacia (4b Det) Planning Elevations)
 BL-2B-2S-P1 (The Blacksmith Floor Plans)
 BL-2B-2S-TC-E (The Blacksmith Elevations)
 CO-2B-2S-P1 (The Cooper Floor Plans)
 CO-2B-2S-TC-E (The Cooper Elevations)
 CU-4B-2S-P2 (The Cutler Floor Plans)
 CU-4B-2S-TC-E (The Cutler Elevations)
 GL-3B-2S-P1 (The Glazier Floor Plans)
 GL-3B-2S-TC-E (The Glazier Elevations)
 MI-4B-2S-P1 (The Milliner Floor Plans)
 MI-4B-2S-TC-E (The Milliner Elevations)
 QU-3B-2S-P1 (The Quilter Floor Plans)
 QU-3B-2S-TC-E (The Quilter Elevations)
 SC-4B-2S-P3 (The Scrivener Floor Plans)
 SC-4B-2S-TC-E (The Scrivener Elevations)
 TA-3B-2S-P2 (The Tailor Floor Plans)
 TA-3B-2S-TC-E (The Tailor Elevations)
 TU-3B-2S-P2 (The Turner Floor Plans)
 TU-3B-2S-TC-E (The Turner Elevations)
 received by the Local Planning Authority on the 21 November 2018, and

5606-91-001 (Site Location Plan) received by the Local Planning Authority on the 2nd May 2018, and

AN-WD06 Rev L (Alnwick Plans & Elevations - Village)
 CT-WD06 Rev F (Chatsworth Plans & Elevations Village)
 CA-WD06 Rev G (Clayton Plans & Elevations - Village)
 CCA-WD06 Rev L (Clayton Corner Plans & Elevations - Village)
 CD-WD06 Rev T (Chedworth Plans & Elevations - Village)
 CF-WD06 Rev J (Corfe Plans & Elevations - Village)
 HB-WD06 Rev W (Hanbury Plans & Elevations - Village)
 HD-WD06 Rev H (Hadleigh Plans & Elevations - Village)
 HT-WD06 Rev U (Hatfield Plans & Elevations - Village)
 LY-WD06 Rev S (Lumley Plans & Elevations - Village)
 MR-WD06 Rev P (Morden Plans & Elevations - Village)
 RS-WD06 Rev U (Roseberry Plans & Elevations - Village)
 SU-WD06 Rev Z (Souter Plans & Elevations - Village)
 WS-WD06 Rev W (Winster Plans & Elevations - Village)

received by the Local Planning Authority on the 14th January 2019, and

UPW-CSL-002 Rev D (Combined Boundary Treatment)
 UPW-CSL-001 Rev D (Combined Site Layout)
 UPW-CSL-005 Rev A (Indicative Persimmon Materials Layout)
 UPW-CSL-004 (Combined Phasing Plan)
 UPW-CSL-003 Rev A (Combined Affordable Layout)

received by the Local Planning Authority on the 18th January 2019.

For the avoidance of doubt.

2. Notwithstanding the submitted information details of all external finishing materials of the houses, garages, paths, roads, drives and hardstandings shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
 In the interests of visual amenity.

3. Notwithstanding the submitted information, no development shall take place until a scheme for surface water management has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any 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 and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.
 To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.

4. Notwithstanding the submitted plans, details of existing and proposed levels of the site including finished floor levels of the buildings to be erected, sections through the site and adjacent land/buildings and any proposed earth retention measures shall be submitted and agreed in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.
5. Notwithstanding the submitted details, a detailed scheme of landscaping and tree and shrub planting including measures to enhance biodiversity 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, including a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall include details of landscaping for all areas within the red line boundary and the area of land outside the red line boundary (that is within the blue line boundary) as defined by plan 5606-91-001 (Site Location Plan) date received by the Local Planning Authority 2nd May 2018.
In the interests of visual amenity.
6. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
In the interests of visual amenity.
7. A minimum of 30 no. swift bricks or equivalent shall be provided within the development to provide long term roost site for the local bird population in accordance with details and a timetable for implementation to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and timetable.
In the interests of the ecology of the area.
8. 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 and no detached structures 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.

BACKGROUND PAPERS

6.66 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 following details a precis of the overarching policy documents (including relevant policies) referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN POLICIES

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

[https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156 -
_final local plan for adoption - may 2018](https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156_-_final_local_plan_for_adoption_-_may_2018)

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

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2018

[https://www.gov.uk/government/publications/national-planning-policy-
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

PLANNING COMMITTEE

6 February 2019



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 a condition relating to the playing of live music at a licensed premises at The Front, Seaton Carew.
2. Alterations to the roof of a residential property in Hutton Avenue.
3. The erection of an outbuilding in the rear garden of a residential property in Armadale Grove.
4. Building works at the rear of a residential property in Caledonian Road.
5. The erection of a high fence at a residential property in South Parade.
6. The location and height of a spoil heap at a school redevelopment site in Elwick Road.

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

1. The installation of a children's play area at a sports field in Greatham. A retrospective planning application seeking to regularise the development has since been approved.
2. Non-compliance with a condition relating to the details of boundary treatments at a residential development site at Middle Warren. A retrospective application seeking to amend the approved details has since been approved.
3. The erection of outbuildings in the rear garden of a residential property in Arbroath Grove. Permitted development rights applied in this case.

4. The untidy condition of a residential development site at land off Old Cemetery Road. The complaint was found to not fall within the remit of planning enforcement and has been redirected to the Council's Environmental Engineer for action as appropriate.
5. The erection of timber outbuildings on agricultural land at Dalton Piercy. It was found that the outbuildings and use of land benefit from a grant of planning permission.
6. The erection of a fence above a wall at the front of a residential property in Grange Road. The fence has since been removed.
7. The erection of a high fence to the side of a residential property in Shelley Grove. A retrospective planning application seeking to regularise the development has since been approved.
8. The erection of a timber outbuilding in the rear garden of a residential property in Mowbray Road. A retrospective planning application seeking to regularise the development has since been approved.

2. RECOMMENDATION

- 2.1 Members note this report.

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