

PLANNING COMMITTEE

AGENDA



Wednesday 8 July 2020

at 9.30 am

in the Civic Centre, Hartlepool.

PLEASE NOTE: this will be a 'remote online meeting', a web-link to the public stream will be available on the Hartlepool Borough Council website at least 24 hours before the meeting.

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brewer, Brown, Buchan, Fleming, James, Lindridge, Loynes, C Richardson 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 3 March 2020.
- 3.2 To Note the Minute of the Cancelled Meeting of 18 March 2020.

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*
 - 1. H/2019/0275 - Land to the South of Tofts Road West, Graythorp, Hartlepool (page 1)
 - 2. H/2019/0527 - Land at Hill View, Greatham, Hartlepool (page 47)
 - 3. H/2019/0369 - The Bungalow and Adjacent Land, Brougham Terrace, Hartlepool (page 105)
 - 4. H/2019/0472 Fernbeck, Dalton Back Lane, Hartlepool (page 125)

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

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 a date and in a manner to be agreed by the Chair of the Committee that is compliant with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392 and other relevant legislation.

The next meeting of the Committee will be held on Wednesday 22 July 2020 commencing at 9.30 am.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

3rd March 2020

The meeting commenced at 10.30 am in the Civic Centre, Hartlepool

Present:

Councillor: Mike Young (In the Chair)

Councillors: Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Tony Richardson and Carl Richardson.

Officers: Jim Ferguson, Planning and Development Manager
Kieran Bostock, Transport and Infrastructure Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Daniel James, Planning (DC) Team Leader
Matthew King, Planning Policy Team Leader
Ryan Cowley, Senior Planning Officer
Stephanie Bell, Planning Officer
Paul Simpson, Principal Property, Planning and Commercial Solicitor
Jo Stubbs, Democratic Services Officer

125. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher and James Brewer.

126. Declarations of interest by members

Councillor Tim Fleming declared an interest in a closed item.

127. Confirmation of the minutes of the meeting held on 21 January 2020

Minutes approved.

128 Confirmation of the minutes of the meeting held on 29 January 2020

Minutes approved.

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

Number: H/2019/0369

Applicant: AWG LAND HOLDINGS LTD

Agent: HYDE HARRINGTON LTD MRS KATIE TOWNER
3 WAVELL DRIVE CARLISLE

Date received: 11/09/2019

Development: Erection of four detached dwellings, erection of single storey extension at the rear of existing bungalow and erection of detached double garage

Location: THE BUNGALOW AND ADJACENT LAND
BROUGHAM TERRACE HARTLEPOOL

Decision: **Application withdrawn from agenda**

Number: H/2019/0198

Applicant: K Whitfield Coniscliffe Road HARTLEPOOL TS26 0BT

Agent: GAP DESIGN MR GRAEME PEARSON
EDENSOR COTTAGE 1 BLAISE GARDEN
VILLAGE ELWICK ROAD HARTLEPOOL TS26 0QE

Date received: 02/10/2019

Development: Section 73 application for the variation of condition no. 1 and removal of condition no. 3 of planning permission H/2018/0466 (for the erection of a single storey extension to rear (retrospective) including associated raised access and fencing, first floor extension to side and the creation of balconies to the rear) to allow for the provision of a 1.0m high guarding screen/enclosure to the first floor balcony to the rear and for amendments to the proposed decking and boundary fencing to the rear

Location: 29 CONISCLIFFE ROAD HARTLEPOOL

Members voted to approve this application by a majority against officer advice. The reasons given were that the applicant had several other ways to look into the adjacent garden should they so wish and that would be dependent on the neighbours removing a number of trees which seemed unlikely. On balance they felt that given the context and relation between the properties the privacy was acceptable.

Decision: **Approved**

Number: H/2019/0467

Applicant: MR M CROSBY ELWICK ROAD HARTLEPOOL

Agent: MGH DESIGN MR MICHAEL HENDERSON 18
WESTGARTH GROVE SHOTTON COLLIERY
DURHAM

Date received: 19/11/2019

Development: Erection of a two storey extension to the side and
a single storey extension at the rear

Location: KINROSS ELWICK ROAD HARTLEPOOL

A member requested a site visit to this property. A vote was subsequently taken and this request was approved. Consideration of this item was therefore deferred.

Decision: **Deferred for a site visit**

Number: H/2019/0515

Applicant: MRS D HAMMOND NEWLANDS AVENUE
HARTLEPOOL

Agent: CMF PLANNING AND DESIGN LTD MR
CHRISTOPHER FISH OLD WEST END
GARAGE BOWES BARNARD CASTLE

Date received: 12/12/2019

Development: Erection of a single storey extension to the side
and rear (resubmitted application)

Location: 36A CLIFTON AVENUE HARTLEPOOL

A member queried whether a proposed vent through a boundary wall referred to in a representation would cause problems. The Planning (DC) Team Leader advised that this was not shown on the submitted plans and that this was not a matter for consideration by the Committee and would need to be controlled through building regulations, as set out in the committee report.

The Agent spoke in favour of the application made by a local family who valued the historic aspects of the property. He referred to a number of alleged errors in the report including the property being detached not semi-detached, there been no extension to the rear and queried a number of measurements set out in the officers report. The statement also failed to acknowledge that the garage would occupy the full width of the property. He indicated that the Council's Heritage and Countryside Manager had objected despite there being no objections from Historic England and similar organisations. He felt that there were a variety of different property types in the vicinity therefore concerns about the character of the Conservation Area were unsubstantiated particularly as 2 modern garages had been built since the 2004 Conservation Area Designation. Public views of the site were extremely limited and primarily dependent on foliage and the lack of vehicles on the drive. Members asked whether the agent had queried the dimensions on the report with the planning officers. The Agent advised that he had only received the report 5 days ago and the officers' interpretations did not match his own.

Members expressed their discomfort at making a decision when a number of facts within the report were in dispute. They asked that this item be deferred for a site visit and that the details within the report be checked and amended if necessary. A vote was subsequently taken and this request was approved. Consideration of this item was, therefore, deferred.

Decision: **Deferred for a site visit**

The Committee considered representations in relation to this matter.

Number:	H/2019/0355
Applicant:	MRS JULIA TAYLOR ST LUKES PCC ELM GROVE HARTLEPOOL
Agent:	MRS JULIA TAYLOR 6 ELM GROVE HARTLEPOOL
Date received:	04/11/2019
Development:	Variation of condition 7 of planning permission H/FUL/0120/92 to allow for wider community and public use of meeting rooms

Location: ST LUKES PARISH CENTRE ST LUKES
CHURCH TUNSTALL AVENUE HARTLEPOOL

A representative of St Luke's Church spoke in favour of this application which would allow rooms within the Parish Centre to be more available to local community groups. Current restrictions meant less groups were able to use the Hall, thereby reducing viability of its usage. By varying the condition groups which had already expressed an interest such as mental health charities and slimming groups would be able to use the facilities. He acknowledged there were concerns around parking and advised that anyone booking the facilities would be required to sign a form confirming that delegates would not block drivers. He also felt that suggested usage restrictions of 8am-10pm would keep noise disturbance to a minimum.

A resident spoke on behalf of nearby properties. While they wished to see the hall used they wanted there to be some consideration for residents. Residents felt unable to park on their drives as this often left them unable to leave their property due to cars being parked over them. This had led to residents missing appointment and being verbally abused when they asked people to move their vehicles. Cars regularly went over the speed limit despite restrictions and coaches would be used by scouting groups late at night. This was impacting on the mental health and wellbeing of residents and would continue to do so.

Members asked whether officers could identify an appropriate traffic management system. The Transport and Infrastructure Manager commented that there was no easy answer to this as the hall was already in regular usage. Previous consultations on resident parking permits had been rejected by residents and yellow lines would probably be objected to. There was also the question of where traffic would be dispersed to. A member suggested that double yellow lines be installed over all personal driveways but the Traffic and Infrastructure Manager felt that these would be ignored as they would be so short.

A member felt that a number of parking incidents may have been caused by school traffic and requested information as to when these incidents were occurring.

A member expressed sympathy for both sides of the argument but gave extra weight to the residents' concerns. She asked that a conversation take place between the Church and residents and suggested that residents might wish to reconsider their stance on resident only parking permits. The Transport and Infrastructure Manager advised that the process of introducing parking permits could take around 6 months assuming residents were in favour. She also queried whether Sacred Heart School might be prepared to allow people to use their private car park. Other members felt this might be appropriate as many of the problems were caused by school traffic.

Members indicated that they would struggle to support this application. They asked that consideration of this item be deferred to allow different options to

be considered. A vote was subsequently taken and this request was approved. Consideration of this item was therefore deferred.

Decision: **Deferred to allow applicant to undertake further discussions with HBC Traffic and Transport and Sacred Heart RC school to seek to resolve resident/objector highway and car parking concerns**

The Committee considered representations in relation to this matter.

Number: H/2019/0193

Applicant: MR S BROWN CONISCLIFFE ROAD
HARTLEPOOL

Agent: ASP ASSOCIATES 8 GRANGE ROAD
HARTLEPOOL

Date received: 30/10/2019

Development: Installation of 2 no. french doors with balconies at first floor to the rear, erection of detached summerhouse and timber garden canopy/gazebo to rear, and erection of boundary fence to front (retrospective application)

Location: 1 CONISCLIFFE ROAD HARTLEPOOL

A member requested a site visit to this property. A vote was subsequently taken and this request was approved. Consideration of this item was, therefore, deferred.

Decision: **Deferred for a site visit**

130. Appeal at 10 Queen Street, Hartlepool *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal had been submitted against an enforcement notice in respect of the unauthorised installation of replacement windows.

Decision

That the report be noted

131. Appeal at 11 Queen Street, Hartlepool (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against an enforcement notice in respect of the unauthorised installation of replacement windows.

Decision

That the report be noted.

132. Appeal at 68 Grange Road, Hartlepool (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that 2 appeals had been submitted against an enforcement notice in respect of the unauthorised installation of a replacement roof and against the refusal of an application for the replacement roof, installation of replacement windows and change of use to a house of multiple occupation.

Decision

That the report be noted

133. Appeal at 1 Bute Avenue, Hartlepool (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against the Council's decision in respect of an application for the erection of a single storey extension to the rear, level access door to front and raising of the roof to accommodate a loft conversion. The application had been refused by Officers under delegated powers.

Decision

That the report be noted.

134. Appeal at 1 Bathgate Terrace, Hartlepool (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against the Council's decision in respect of an application for the erection of a single storey extension at the side of the property. The application had been refused by Officers under delegated powers.

Decision

That the report be noted

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

Members were given updates on 9 complaints currently under investigation and 9 which had been completed.

Decision

That the report be noted.

136. Any Other Items which the Chairman Considers are Urgent

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

137. Presentation – Hartlepool Rural Plan

Representatives of the Rural Development Plan Group gave a presentation on the Hartlepool Rural Plan and the work of the group in ensuring that the aims and objectives of the Plan were carried out. Details were given on the history of the Plan, the policies within the Plan and the way in which the plan could be used as part of the planning process. They highlighted that legislation requires the Rural Plan to be used by the Borough Council and Parish Council when considering planning in order to preserve the character of the rural area.

Members expressed their support for the work of the group in bringing the plan to fruition. Particularly in terms of new housing developments within the villages. This would enable people to remain within the village where they grew up and allow the elderly to downsize as required. It was also enable villages to grow and retain schools and churches

Members felt the plan would be a bonus for future planning decisions as it would allow them to identify the 'pinch point' on any decisions.

138. 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 139 – (Enforcement Notice – 29 Coniscliffe Road) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposed (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

Minute 140 - (1 Coniscliffe Road) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposed (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

Minute 141 - (Amigo's Fun Bar, 1-3 Victoria Road) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposed (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.

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

This report was withdrawn.

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

This report was withdrawn.

Councillor Tim Fleming left the meeting during consideration of the following item

- 141. Enforcement Notice** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposed (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.

Members were asked to consider enforcement action. Further details are provided in the exempt minutes.

Decision

Provided in the exempt minutes

The meeting concluded at 11.50am.

CHAIR

<p style="text-align: center;">PLANNING COMMITTEE</p> <p style="text-align: center;">MINUTES AND DECISION RECORD</p> <p style="text-align: center;">18 March 2020</p>
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Due to exceptional circumstances in relation to the COVID 19 global pandemic, it was agreed that the meeting be cancelled pending receipt of the National guidance/legislation.

Any site visits approved by the Committee at the previous meeting or requested by members following this date will take place on a date to be confirmed.

PLANNING COMMITTEE

8 JULY 2020



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: PLANNING APPLICATIONS

No: 1.
Number: H/2019/0275
Applicant: GRAYTHORP ENERGY LTD THE QUARRIES BROAD
LANE YARMOUTH ISLE OF WIGHT PO41 0UQ
Agent: AXIS PED NICK ROBERTS CAMELLIA HOUSE 76
WATER LANE WILMSLOW SK9 5BB
Date valid: 01/10/2019
Development: Energy recovery (Energy from waste) facility and
associated infrastructure
Location: LAND TO THE SOUTH OF TOFTS ROAD WEST
GRAYTHORP 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.

PROPOSAL

1.2 Planning permission is sought for the development of an energy recovery (Energy from waste) facility and associated infrastructure on land adjacent to Tofts Farm West Industrial Estate (to the east) and Graythorp Industrial Estate (to the south).

1.3 In detail, the proposal comprises the erection of a power station for the recovery of energy from the controlled combustion of non-hazardous residual waste (Refuse Derived Fuel – 'RDF'). The waste to be used is that which remains after re-use and recycling / composting operations have taken place and comprises non-hazardous,

pre-treated, residual waste from municipal / household, commercial and industrial sources.

1.4 The proposed facility would have the ability to export 49.5 Megawatts (MW) of electricity to the local electricity grid, 50% of which would be classed as renewable. The power station would also be capable of exporting heat, in the form of steam or hot water, to local heat users.

1.5 The proposed facility would be based around a main building which would sit under a large curved roof. Given the curved form of the roof, the main building ranges in height from approx. 34 metres at the lowest point of the main roof up to approx. 48 metres at the highest point. Ancillary plant ontop of the building takes the maximum height up to approx. 54 metres. The main building contains the residual waste / RDF reception hall, the main thermal treatment process, a turbine hall, ash handling, flue gas treatment facilities, offices, a workshop, stores and staff welfare facilities. The building is split across 6 levels (including ground floor), 3 of which are landing levels between the top floor and lower levels. Connected to the main building would be an air-cooled condenser (ACC) and a 90 metre high concrete emissions chimney stack.

1.6 In addition to the main building described above, the proposal also comprises a range of ancillary infrastructure including:

- Weighbridge offices and weighbridges;
- Transformer / sub-station (with its own enclosure);
- Emergency generator;
- Fire water tank and water treatment facility;
- Ammonia tank;
- Waste reject area;
- Vehicle access and internal site circulation roads;
- Car parking and a cycle store;
- Silos for consumables;
- Utilities and services;
- Lighting and CCTV;
- Drainage infrastructure; and
- Security fencing, gates and landscaping

1.7 External parts of the site comprise an internal site circulation road encircling the built development with areas around the proposed structures primarily consisting of granular / gravel surfaces. Block paving is proposed for pedestrian routes throughout the site. The remainder of the site comprises soft landscaping, with surface water drainage attenuation basins to the south and west of the site.

1.8 As indicated by the submitted plans and details, the proposal also involves the demolition of a number of small structures on the southern part of the site. This includes caravans and sheds under 50m³, however there are 2 buildings that appear to be over 50m³ and as such consent for their demolition is sought and has been considered as part of this application.

1.9 The facility is proposed to process waste and generate energy 24-hours per day, with the residual waste / RDF brought onto the site between the hours of 06:00 and 19:00, 7 days a week (incl. Bank Holidays, except Christmas Day, Boxing Day and New Year's Day).

1.10 The applicant's supporting information states that the facility would represent a capital investment of circa £230 million during construction, with 450 (peak number) construction phase jobs created. Once operational, the applicant has advised that the facility would create 40 new permanent full time jobs and estimates that this would add £2.72 million to the local economy each year.

1.11 The application has been accompanied by an Environment Impact Assessment in the form of an Environmental Statement (ES). Chapters of the ES consider matters including Landscape and Visual Impacts, Ecology and Nature Conservation, Noise and Vibration, Air Quality and Human Health, Ground Conditions and Contamination, Surface Water and Flood Risk, Socio Economics and Archaeology and Cultural Heritage. Additional supporting information submitted with the application includes a Transport Assessment, a Travel Plan, a Statement of Community Involvement, an Archaeological Evaluation Report and a Planning Statement.

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

1.13 The application has been referred to the planning committee as more than 2 objections have been received.

SITE CONTEXT

1.14 The application site comprises approximately 6.7 hectares (ha) of land adjacent to Tofts Farm West Industrial Estate (to the east) and Graythorp Industrial Estate (to the south). The site currently comprises mainly undeveloped greenfield land, primarily in agricultural / horse grazing use, with some scrub present. The site is largely flat, sloping gently from the north west to the south east. The site is predominantly surrounded on all sides by industrial development. To the north, the site is bounded by the highway on Tofts Road West, with a waste management, recycling and industrial cleaning business beyond (Qualitech). Further north is a railway line with a steelworks beyond (Tata/Liberty Steel). To the east, the site is immediately bound by a further railway line leading to the Hartlepool Power Station. Beyond this are the industrial premises at Tofts Farm West Industrial Estate including chemical, engineering and waste management services. To the south of the site lies Graythorp Industrial Estate, also comprising a mix of industrial uses. Immediately west/south-west of the site is a small chicken farm (including a residential farmhouse), with an oil tank farm beyond. The site is approximately 1.5km from Greatham village to the west and approximately 1km from Seaton Carew to the north.

PUBLICITY

1.15 The application has been advertised by way of neighbour letters (269), site notices (4) and a press notice. To date, there have been 9 responses.

1.16 There has been 6 objections, with the following concerns raised (summarised):

- Foul odour from the proposed site
- Increased noise pollution
- Impact on air quality / pollution, both in isolation and cumulatively
- Increase in traffic
- Impact on / loss of views
- Impact on Climate Change
- Proposal is proven to not work
- Proposal is too close to Seaton Carew / Impact on Seaton Carew
- Impact on Cowpen Bewley
- Residents in Cowpen Bewley were not consulted

1.17 There has been 1 letter of ‘do not want to object’, albeit with the following concerns raised (summarised);

- Proliferation of new / industrial projects in Seaton Carew.

1.18 There has also been 2 letters of support received, with no further comments.

1.19 Background papers can be viewed by the ‘click to view attachments’ link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=132518>

1.20 The period for publicity has expired.

CONSULTATIONS

1.21 The following consultation replies have been received:

HBC Traffic & Transport – The impact on the local highway network will not be severe and no mitigation will be required to improve capacity on local roads.

A footway will be required on the southern side of Tofts Road west which will connect the site with the existing footway on Brenda Road. Detailed plans of the footway should be submitted prior to the commencement of works and the footway delivered prior to the site becoming operational through a section 278 agreement.

A construction management plan should be provided which details HGV movements, parking and the control and prevention of mud being spread onto the highway.

Highways England – Highways England’s formal recommendation is that we offer no objections.

Highways Act Section 175B is not relevant to this application.

Network Rail – In response to your consultation request we would comment as follows.

We were initially approached by the applicant as they wished to know what elements of the proposal would affect NR infrastructure, in particular the level crossing adjacent to the site. You will see from the appendices attached to the transport assessment that the effects of the development on the LC (level crossing) have been considered and as per my letter of 12th April, we would expect the developer to fund improvements at the crossing as described. A Grampian condition precluding the operation of the facility before the LC improvements were put in place would be acceptable. We would also request a construction methodology as regards not only traffic arrangements but also detail on construction methods in relation to the railway boundary (e.g. in the operation of cranes, proximity to the railway boundary, security, any earthworks in the vicinity of the railway etc.). We would also wish to see a condition relating to details of external lighting so that the position of any lighting as such is considered in the context of train driver sighting approaching the level crossing. As an informative we would also request the following:

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Civil Aviation Authority (CAA) – No representation received.

Teesside International Airport – Having reviewed the above referenced planning application, I can inform you that Teesside International Airport has no safeguarding objection to the proposal in its current form. Should any change, amendment or further application for approval be submitted, we require that we be further consulted so that we may review our position.

Ministry of Defence (MoD) – Consultation outstanding/comments awaited. Members to be verbally updated at the planning committee meeting.

HBC Public Protection – The noise assessment predicts that there will be no significant impact during construction or operation of the plant subject to the implementation of appropriate mitigation measures as set out in the assessment.

The air quality assessment has been undertaken using ADMS 5.2 which is an accepted model used for predicting air quality impacts. The assessment predicts that the site is not predicted to give rise to any significant environmental effects on air

quality, human health or odour subject to the appropriate mitigation measures being in place.

The operation of the plant will be subject to an Environmental Permit which will be regulated by the Environment Agency which will strictly control the management and emissions from the site and will require the plant to comply with all the relevant pollution control legislation and regulations that apply.

A Construction Environmental Management Plan (CEMP) will be required in order to manage and control the impacts of the construction of the plant in accordance with the advice contained in the noise and air quality assessments submitted with the application.

I would therefore have no objections to this application.

HBC Public Health – No representation received.

HBC Flood Risk Officer – Contaminated land

We have no objection to proposals in this respect however, as the Phase 1 Site Investigation Report has identified potential contamination and recommends further investigation, please can you include our standard non-residential contaminated land condition on any decision notice issued for proposals.

Surface Water Management

We have no objection to proposals in this respect and request that our detailed drainage condition is included on any decision notice issued for proposals to secure an appropriate sustainable drainage system (SuDS) on site.

Environment Agency – We have no objections to the application as submitted however we have the following informatives for the applicant.

Informative – Environmental Permit

This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2016 as amended from the Environment Agency. Receiving pre-application advice will help the Applicant submit a good quality application that can be processed (determined) smoothly and quickly. If the Applicant wishes to request either basic (free), or enhanced (chargeable) pre-application advice, they should complete the pre-application advice form (available from our planning department: planning.nane@environment-agency.gov.uk). Whilst the EA has no objections to this application, we would like to draw the Applicant's attention to the following informative comments: the latest Waste Incineration Best Available Techniques Reference (BREF) document and inclusive BAT Conclusions (BATC's) will be published before the date of permit issue for the proposed development. Therefore the permit for the proposed development will need to be compliant with the latest BATC's and revised emission limits from the date of permit issue.

Piling informative - Advice to applicant

We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from

gov.uk. This publication sets out our position for a wide range of activities and developments, including developments with piled foundations.

Piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Groundwater is particularly sensitive in this location because the proposed development site is located upon a principal aquifer (Sherwood Sandstone Group). The thickness and type of superficial geology at the site is considered to provide sufficient protection to the underlying aquifer from activity on the ground above. However, buildings have been located at the site-previously with no knowledge of their function. Therefore, contamination at the site cannot be ruled out and so it should be ensured that any piling does not create pathways to deeper groundwater.

National Quality Mark Scheme Informative

We would recommend that any reports to be submitted for approval to the relevant Local Planning Authority are prepared under the National Quality Mark Scheme for Land Contamination Management (NQMS). The NQMS is a system designed by the industry led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information. Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

The work has been planned, undertaken and written up by competent people who have relevant experience and / or qualifications in their respective disciplines. The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems.

The data have been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies.

The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations.

Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations. Reports prepared under the National Quality Mark Scheme aims to provide greater confidence to the regulator that land contamination issues have been appropriately identified and suitably investigated. It also demonstrates that all necessary information has been included and reported to a sufficiently high standard for regulatory decisions to be made.

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.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

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 proposed amount and management of foul water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul 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

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/services/developers/developer-sewerage-services/pre-planning-enquiries/> or telephone 0191 419 6559.

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

We have no further issues to raise with regards to surface water, as the application documents state that all surface water flows shall discharge directly to the watercourse.

Anglian Water - We do not have any foul or surface water sewers in the area, we only supply the water. It is therefore out of our jurisdiction for to comment.

HBC Building Control – No representation received.

HBC Heritage and Countryside Manager – I have reviewed the information submitted and am satisfied that the proposal would not impact on the significance of any listed or locally listed buildings, or conservation areas.

Tees Archaeology – The proposed application is within a landscape of archaeological interest with an Iron Age settlement and Bronze Age burial mound found to the west, a Romano-British cemetery to the north east and medieval salt industry to the east. I agree with the recommendation from the accompanying EIA that there should be evaluation works however these should be undertaken prior to determination in order to assess the archaeological potential for the site and the need for further archaeological mitigation. Given the potential for disturbance from the structures identified on the site, I recommend a program of trial trenching comprising a 5% sample of the site area.

UPDATE 05/05/20: I have reviewed their submitted report which was very thorough and well-written. I agree with their conclusions that whilst there was clear evidence of medieval ridge and furrow as well as two discrete features identified, they are considered of low archaeological importance. I therefore do not recommend further archaeological work on the site.

HBC Arboricultural Officer – There will be a loss of scrubland trees on this site but the proposed landscaping shown on drawing (document ref.14729860 on the portal) makes good use of the site layout and accommodates tree and shrub landscaping around the perimeter of the site and parking area. Overall this has been thought out well considering it is a large industrial complex and I welcome this aspect of this part of the design. No objections.

HBC Landscape Architect – An Environmental Statement has been provided that includes a Landscape and Visual Assessment. Pre Application advice asked for a cumulative assessment to be made with proposed wind turbine development on an adjacent site.

The LVIA produced considers that there is no requirement to consider the cumulative effect of the turbines as the schemes are in scoping, there is no certainty if final layout and there is a low degree of certainty that the development will process (Para 5.3.29).

UPDATE 05/06/20: A Landscape and Visual Impact Assessment including key photomontages has been produced, the conclusions of which are acceptable.

An illustrative Landscape plan has been provided as part of the application. Full details of all hard and soft landscape proposals should be provided. This information can be controlled by condition.

HBC Ecology – Ecology broadly acceptable, some clarification required. I submitted pre-app comments on 02/10/2018. I have studied the Environmental Impact Assessment (EIA) in particular, Chapter 6 Ecology and nature conservation and the Preliminary Ecological Appraisal (PEA) prepared by Argus Ecology (Final report dated 28/05/ 2019; Technical Appendix 6.1). I have also studied the submitted Illustrative landscape design.

Comments on the PEA and EIA

In my pre- app response, I flagged that great crested newts (GCN) needed to be assessed. The PEA assesses the likely impact on GCN as minimal, due to the distance to the closest breeding ponds, lack of suitable pathway between the ponds and the site and the prevalence of high-quality terrestrial habitat close to the ponds. However, the PEA does identify a residual low (rather than no) risk to GCN on site during the construction phase and flags this as requiring mitigation via reasonable avoidance. N B: It is a legal (as well as a planning) requirement to protect GCN. I agree with this assessment. This is picked up in the EIA: Chapter 6 in the EIA refers to a Construction Environmental Management Plan being prepared. Para 6.6.2 says: Although the risk of occurrence of water voles is negligible, a method statement incorporating reasonable avoidance measures will be written by a licensed ecologist set out within the Construction Environmental Management Plan (CEMP). This will be required for works in the northern part of the Site within 500m of the nearest breeding pond. Para 6.6.2 should read great c rested newts rather than water voles. For the avoidance of doubt, I require the applicant to confirm this. A water vole method statement is not needed as I am satisfied that this species does not occur. The area within the red line boundary is dismissed as a foraging site for SPA shorebirds which would functionally link it to the European Site and I agree with this assessment.

Breeding house martins were recorded within the stables (Target note 17) which is outside of the red line boundary. The lack of breeding farmland birds from the arable (barley) field is surprising (Target note 6), however this is well outside the red line boundary and so not a concern.

Dunnock is a Priority species bird, so harm to it needs mitigating. While this is not explicitly covered, I am satisfied that dunnocks will benefit from the proposed landscaping scheme.

Target note 11 (and photo) show common ragwort within the red line boundary. The Priority species cinnabar moth occurs close by and may not have been searched for. However, I assess the harm to this species, should it be present, as negligible. Dingy skipper occurs just over the railway track from the SE corner. The PEA notes that the food plant birds-foot trefoil occurs within the red line boundary (Target note 8), however, I assess the harm to this species, should it be present, as negligible. I accept the loss of grassland habitat as this is identified as poor semi- improved which is not a Priority habitat.

Mitigation proposed in the PEA and EIA

The mitigation proposed is as follows:

Scrub will be safeguarded through avoidance and removal of grazing pressure (presumably horses).

Ditch will be safeguarded through avoidance.

Loss of some hedges and scrub will be compensated on site through the creation of native- species woodland on- site, including a hornbeam hedge.

Harm to great crested newt mitigated via reasonable avoidance measures. A method statement will be presented in a CEMP.

Harm to breeding birds mitigate via condition relating to working outside of the bird nesting period. Also compensated through the on - site creation of habitat as indicated in the Illustrative Landscape Design plan. I agree with these measures which should be covered by conditions.

Required changes/ additions I would like the following additions:

The Illustrative Landscape Design (Figure 5.5) should include wych elm (*Ulmus glabra*) in the native woodland tree planting mix, as this tree supports the priority species white-letter hairstreak which occurs in the area (recorded 1.2km away in 2019).

Biodiversity enhancement Chapter 6 of the EIA concludes that it is reasonable to predict that there would be no net loss of biodiversity interest as a consequence of the Proposed Development. I support this statement. However, Government expects the planning system to deliver biodiversity enhancement.

NPPF (2018) paragraph 170 d) includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Government has published (July 2019) guidance on Biodiversity Net Gain (BNG) with a minimum contribution of 10% net gain.

While the primary role of the attenuation ponds (two are shown on the plan) is for flood alleviation, if they are ecologically designed then the wildlife benefits can count as BNG. I would like clarification that this will be delivered as follows:

Attenuation ponds should be deep enough to hold water for the spring and summer seasons (at least) in order to provide biodiversity enhancement in the form of amphibian breeding ponds. Ponds should not be stocked with fish.

The Illustrative Landscape Design refers to marginal aquatic planting around the attenuation pond. The scheme should avoid planting the fast spreading species common reed (*Phragmites australis*), reedmace (*Typha latifolia*) and branched burr (*Sparganium erectum*) as these will soon choke the pond and reduce the amount of open water.

In addition, the creation of species - rich grassland counts as BNG.

UPDATE 24/10/19: Ecology all issues resolved.

I have read the comments (Appendix 1) supplied in response to my consultation letter dated 22/10/2019. I am satisfied with all of the comments and agree that two GCN ponds in the approx. location given (Figure 1) will provide the required amount of Biodiversity Net Gain.

The landscape design plan should be updated to include these and the plan subsequently conditioned.

Natural England – 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.

European sites – Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar and proposed SPA and proposed Ramsar.

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

Teesmouth and Cleveland Coast 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.

The Royal Society for the Protection of Birds (RSPB) – No representation received.

Teesmouth Bird Club – No representation received.

HBC Countryside Access Officer – Due to the specifics in relation to Planning Obligations for planning applications or lack of, in this instance; there will be no need to consider improvements to the existing public rights of way network close to this proposed development.

Ramblers Association – No representation received.

HBC Waste Management – No representation received.

HBC Economic Development – Further to our discussion regarding a TRT (*targeted recruitment and training, also known as a training and employment charter*) agreement for the above application. I am happy not to agree on a plan based on the number and skills of jobs at the end and also the specialist nature of the development.

HBC Property Services – No representation received.

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 within the consultation Distance/ Public Information Zone of the Conoco Philips Tank Farm, Fine Organics and Venators Control of Major Accident Hazard (COMAH) Regulation Top Tier Sites.

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 also in close proximity to the Northern Gas Networks Gas Pipeline.

The site is currently outside the Nuclear Power Stations Detailed Emergency Planning Zone but the regulations have changed and going forward it might be included in the zone. The main difference being that staff need to be aware of what to do in an emergency and have access to countermeasures.

As a result of this I have no concerns or objections to the proposal.

Health & Safety Executive (HSE) – Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Pipelines

7821_2078 Northern Gas Networks

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

Office for Nuclear Regulation (ONR) – ONR does not advise against this application.

Northern Powergrid – No representation received.

Northern Gas Networks – Northern Gas Networks acknowledges receipt of your notice of your intention to carry out work at the above location.

We enclose an extract from our mains records in the location of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those pipes owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans.

The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

There is High Pressure apparatus in the vicinity. It is essential that no work or crossings of this high pressure pipeline are carried out until detailed consultation has taken place.

You will also note the presence of our Low/Medium/Intermediate Pressure gas main in the proximity to your site. NO mechanical excavations are to take place above or within 0.5 m of the Low pressure system, 2m of the medium pressure system and 3metres of the intermediate pressure system. You should where required CONFIRM THE POSITION of mains using HAND DUG TRIAL HOLES. A colour copy of these plans and the gas safety advice card should be passed to the senior person on site in order to prevent damage to Northern Gas Networks plant and potential direct or consequential costs to your organisation. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services", must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. In addition please follow the advice given on the gas safety card. It must be stressed that both direct and consequential damage to gas plant can be dangerous both for your employees and the general public, repairs to any such damage will incur a charge. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations. You must contact the pipelines officer as outlined in the email before starting work.

Cleveland Fire Brigade - Cleveland fire Brigade offers the following representations regarding the development as proposed.

Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2:2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system. Further comments may be made through the building regulation consultation process as required.

Cleveland Police – No representation received.

Tees Valley Combined Authority – No representation received.

Stockton Borough Council – The application has been assessed by the relevant departments and based on the submitted information I can confirm that Stockton Borough Council raise no objections to the proposed scheme.

Redcar & Cleveland Borough Council – Thank you for the letter of consultation in respect of the above application dated 21 October 2019. I can confirm having reviewed the application documents this Council has no comments to make on the planning application.

The Planning Inspectorate – No representation received.

National Planning Casework Unit – No representation received.

PLANNING POLICY

1.22 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

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

CC1: Minimising and adapting to climate change
CC4: Strategic Wind Turbine Developments
EMP4: Specialist Industries
LS1: Locational Strategy
NE2: Green Infrastructure
NE7: Landscaping Along Main Transport Corridors
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
SUS1: The Presumption in Favour of Sustainable Development

1.24 The following policies in the adopted Tees Valley Joint Minerals and Waste Development Plan Documents 2011 are relevant to the determination of this application:

MWP1: Waste Audits
MWC6: Waste Strategy

National Policy

1.25 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. 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 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA091: Promoting healthy and safe communities

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA153: Planning for Climate Change

PARA212: Implementation

HBC Planning Policy comments (summarised): This site is allocated as land for specialist industrial use under policy EMP4 of the Local Plan. The proposed use falls within the appropriate uses within the policy however, the site is on EMP4e land as opposed to EMP4f, which was specifically allocated for a waste management and recycling facility. The applicant stipulates that the site allocation is fully appropriate for the proposed use, there would be no unacceptable adverse impacts on neighbouring developments/facilities and the EMP4f site would be too small for the proposed facilities, which satisfies the policy requirements.

Policy CC1 requires major development to secure 10% of energy supply from decentralised and renewable or low carbon sources. This policy also requires that major development provides opportunities for charging electric and hybrid vehicles. Policy QP7 also requires development to ensure they are designed and constructed to be energy efficient. Given the nature of this development, it is considered that the building orientation etc. is difficult to satisfy and so policy QP7 is not considered further. Within the associated planning statement, there is a section which details the sustainability of the proposal. It is acknowledged that the developer is expecting to use a number of sustainable design and construction features, alongside using a SuDS, however the above criteria regarding charging points need to be met.

Policy NE7 and policy NE2 seek to ensure high quality green infrastructure to compliment the design of new development.

The Tees Valley Joint Minerals and Waste DPDs require major development proposals to submit a waste audit, however the details regarding waste during business operation have already been considered and detailed through the planning statement which details the operations of the business.

It is considered that the proposed development will produce a substantial amount of renewable energy, helping the Borough meet its climate change and environmental impact reduction targets, and will provide an opportunity to limit waste going to landfill alongside producing renewable energy, in accordance with the DPDs.

UPDATE 18/02/20: Following further discussions, it is acknowledged that due to the nature of the scheme, there is not a requirement for solar panels to meet the criteria of CC1.

UPDATE 27/03/20: Whilst the proposal is a departure from policy EMP4 it is not considered a significant departure given that it is directly adjacent to the waste site (which wouldn't have been capable of housing a facility of this size) and for the other reasons previously given it is considered acceptable from a planning policy viewpoint.

UPDATE 22/05/20: The provisional landscaping plan is considered to be satisfactory in meeting the criteria of policy NE7, subject to the comments of relevant consultees.

PLANNING CONSIDERATIONS

1.26 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the amenity and privacy of neighbouring land users, the visual amenity of the application site and the character and appearance of the surrounding area, landscaping and tree protection, ecology and nature conservation, heritage assets and archaeology, highway and pedestrian safety, flood risk and drainage and contamination. These and all other planning and residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

Development Limits and Site Allocations

1.27 The Hartlepool Local Plan (2018) sets development limits around the main urban area of Hartlepool and its surrounding villages, beyond which there is a presumption against development. The application site in this instances sits within the development limits of Hartlepool. The site is located within an area allocated for specialist industrial uses by virtue of policy EMP4 (Specialist Industries) of the Local Plan. More specifically, the site is located within the EMP4(e) sub-area (North Graythorp).

1.28 Policy EMP4 stipulates that the North Graythorp area covers approximately 27 hectares, with 13.6 hectares of available land allocated for potentially polluting and hazardous industrial development. The Council's Planning Policy section considers that the proposed use would fall within the appropriate uses stipulated within the

policy however it is noted that the site sits outside of and immediately adjacent to the EMP4(f) sub-area (Graythorp Waste Management), which is designated specifically for development as a waste management and recycling facility.

1.29 In view of the above, the Council's Planning Policy section highlighted to the applicant at pre-application stage that the application would be required to provide justification as to why the application site is appropriate, rather than the EMP4(f) allocation. The applicant accordingly contends in their submission that the supporting Environmental Statement demonstrates that the proposal would not have any unacceptable adverse impacts on neighbouring development sites and facilities and, furthermore, the EMP4(f) allocation, at 4.1 hectares in size (compared to the application site at 6.7 hectares), is demonstrably too small to accommodate the proposal. The Council's Planning Policy section has confirmed that this justification is sufficient and that the proposal does not constitute a significant departure from the development plan.

1.30 The proposed use is therefore considered to be acceptable in this location, in view of the site allocations within the Council's adopted Local Plan, subject to the consideration of all other relevant policy provisions and material planning considerations.

Minerals and Waste

1.31 Underpinning the NPPF is the achievement of sustainable development. A key element of this falls under the environmental objective detailed in paragraph 8, which seeks to minimise waste and pollution and mitigate and adapt to climate change. The Council's Planning Policy section has advised that the proposed development will be producing a substantial amount of renewable energy which will help the Borough meet its climate change and environmental impact reduction targets. On a similar note, the Tees Valley Minerals and Waste DPDs seeks to facilitate sustainable waste management, specifically policy MWC6 (Waste Strategy) which seeks to make provision for sufficient annual waste management and to promote facilities and development that drives waste management up the waste hierarchy. It is deemed that this proposal will provide an opportunity to limit waste going to landfill alongside producing renewable energy.

1.32 The Tees Valley Joint Minerals and Waste DPDs require major development proposals to submit a waste audit, which will identify the type of waste expected to be produced by a development in both the construction phase and in operation. In this instance, the Council's Planning Policy section has acknowledged that due to the nature of the development, that the details regarding waste during business operation have already been considered and detailed through the supporting Planning Statement, which details the operations of the business.

Renewable Energy and Energy Efficiency

1.33 Concerns have been raised by objectors in respect of the impacts of the proposals on Climate Change.

1.34 NPPF section 14 (Meeting the challenge of climate change, flooding and coastal change) sets out how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

1.35 Local Plan policy CC1 (Minimising and adapting to climate change) requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. Where it can be demonstrated that this is not feasible, the provision of the equivalent energy saving should be made by improving the building fabric or a combination of energy provision and energy saving measures that equates to the equivalent of 10%. Policy CC1 also requires that all major developments include opportunities for charging electric and hybrid vehicles.

1.36 Where the design and layout of the development, construction methods and green infrastructure provision does not ensure greater energy efficiency through solar gain, passive heating and cooling, natural light and natural ventilation, Planning Policy would encourage buildings to be 10% more efficient than that required by the building regulations through building fabric improvements, in accordance with Local Plan policy QP7 (Energy Efficiency).

1.37 The application is supported by a Sustainability Statement, which details measures proposed to ensure the sustainability of the proposal. It is acknowledged that the applicant is expecting to use a number of sustainable design and construction features, alongside using sustainable urban drainage features. Furthermore, as it is considered that the proposal itself provides elements of renewable energy, the Council's Planning Policy section has concluded that there is not a requirement for additional renewable energy provision to meet the criteria of CC1 in this instance.

1.38 Given the nature of this development, the Council's Planning Policy sections has advised that the provisions of policy QP7 are difficult to satisfy and so the requirements of this policy are not considered further.

1.39 Notwithstanding this, it is considered that electric vehicle charging points should be secured in line with the requirements of policy CC1, and a planning condition is therefore recommended to secure this accordingly.

Principle of Development Summary

1.40 In view of the abovementioned site allocations and considerations, and subject to the identified planning conditions, it is considered that the principle of the development is acceptable in this instance, subject to the consideration of all other relevant material planning considerations, as set out below.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.41 Objections have been received citing concerns including the impact on residents of neighbouring areas (including Seaton Carew and Cowpen Bewley villages) due to the odour from site, increased noise pollution, the impact on air quality / pollution (both in isolation and cumulatively), and the proximity of the

development to neighbours. Concerns have also been received in respect of the proliferation of new / industrial projects in Seaton Carew.

1.42 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires, amongst other provisions, that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook.

1.43 Policy QP4 also seeks to ensure the privacy of residents and visitors is not significantly negatively impacted in new development by requiring adequate space to be provided between houses / new development.

1.44 The following minimum separation distances must therefore be adhered to:

- Principal elevation (i.e. any elevation containing a habitable room window) to principal elevation - 20 metres.
- Gable elevation (i.e. those containing a blank or non-habitable room window) to principal elevation - 10 metres.

1.45 The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019).

1.46 Whilst the abovementioned separation distances are typically used for new residential development, these can equally be applied between residential and commercial properties to ensure the privacy and amenity of existing and future occupiers of residential properties is maintained, as set out in the Residential Design SPD.

1.47 Paragraph 127 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

1.48 In the first instance, it is noted that the site is located in an established industrial area, and is primarily surrounded on all sides by industrial development, with a significant distance to the nearest residential areas (The site is approximately 1.5km from Greatham village to the west and approximately 1km from Seaton Carew to the north). There are therefore no sensitive land users in the immediate area, with the exception of an agricultural dwelling to the west/south-west of the site (considered in further detail below).

1.49 To the north/north-west, the site is bounded by Tofts Road West, with a waste management, recycling and industrial cleaning business beyond (Qualitech), at a distance of approximately 170 metres from the proposed main building. Further north is a railway line with a steelworks beyond (Tata/Liberty Steel). The closest residential properties to the north are located on Seaton Lane, at a distance of approximately 1.5km. The closest residential properties to the north-west are located at The Fens, at a distance of approximately 1.6km. Given the (non-sensitive) nature of the neighbouring industrial land uses to the immediate north/north-west and the

significant separation distance between the proposed facility and neighbouring dwellings beyond these, it is considered that the proposal would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the north/north-west through overshadowing, any overbearing effect, poor outlook or loss of privacy.

1.50 To the north-east/east, the site is immediately bound by a further railway line leading to the Hartlepool Power Station. Beyond this are the industrial premises at Tofts Farm West Industrial Estate including chemical, engineering and waste management services, at a distance in excess of approximately 80-100 metres from the proposed main building. To the north-east, beyond Tofts Farm West Industrial Estate is Tofts Farm East Industrial Estate, comprising further industrial development. The closest residential properties to the north-east (beyond Tofts Road East) are those at the southern end of Seaton Carew (Bilsdale Road, Kildale Grove, Lingdale Drive etc.), at a distance of approximately 1km from the site. Further to the east of Tofts Farm West Industrial Estate lies the Teesmouth and Cleveland Coast Ramsar site, Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). There are no residential areas to the east, between the site and the coast. Given the (non-sensitive) nature of the neighbouring industrial land uses to the immediate east, the absence of any residential (sensitive) land users in this direction, and the significant separation distance between the proposed facility and neighbouring dwellings to the north-east at Seaton Carew, it is considered that the proposal would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the north-east/east through overshadowing, any overbearing effect, poor outlook or loss of privacy.

1.51 To the south/south-east of the site lies Graythorp Industrial Estate, also comprising a mix of smaller scale industrial uses, with a distance in excess of approximately 200 metres to the nearest industrial premises from the proposed main building (and stack). Beyond Graythorp Industrial Estate is Able Seaton Port (Able UK) and a chemical plant (Venator), with the Seaton on Tees Channel / Seal Sands beyond. There are no residential areas to the south, between the site and the Borough boundary with Stockton-on-Tees. Beyond the Borough boundary is further industrial development at Seal Sands and along the River Tees. Given the (non-sensitive) nature of the neighbouring industrial land uses to the immediate south/south-east and as there are no residential (sensitive) land users in this direction, it is considered that the proposal would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the south/south-east through overshadowing, any overbearing effect, poor outlook or loss of privacy.

1.52 Immediately west/south-west of the site is a small chicken farm (including a residential farmhouse/bungalow), with an oil tank farm (Phillips Tank Farm) beyond. The dwelling associated with the chicken farm is the closest residential property to the proposed facility, albeit a distance of approximately 170 metres is to be maintained between the front elevation of this neighbouring dwelling and the proposed main building. Whilst it is acknowledged that the proposed development will be a significant addition to the landscape from the perspective of this neighbouring property due to its nature and scale, given the significant separation distance that is to be maintained between this neighbouring property and the proposed development and as this neighbouring dwelling already sits within a wider

industrial area, designated for industrial uses within the Council's Local Plan, and with existing industrial development to the immediate south-east and south-west, it is not considered that the proposals in this instance would have such a significant detrimental impact on the amenity or privacy of this neighbouring land user in terms of overshadowing, any overbearing effect, poor outlook or overlooking, to warrant refusal of the application.

1.53 Further south-west of the site (beyond the tanker farm), there is a further residential farmhouse at Marsh House Farm, at a distance of approximately 1.8km from the site. There are no further residential areas/properties between the site and the Borough boundary to the south-west. The nearest residential area in Stockton-on-Tees is the village of Cowpen Bewley, located at a distance of approximately 4km from the application site. In view of the significant separation distance to other neighbouring residential properties/areas to the south-west and the non-sensitive nature of the other uses in this direction, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the south-west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.54 To the west, beyond the aforementioned chicken farm, railway line and steel works, is the village of Greatham, located at a (minimum) distance of approximately 1.5km from the site. There are no further residential properties/areas between the site and Greatham and, given the (non-sensitive) nature of the other neighbouring land uses to the immediate west and significant separation distance between the site and the village, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.55 In respect of the impact on the amenity of neighbouring land users through undue noise and disturbance, the Council's Public Protection section has confirmed that the submitted Noise Assessment predicts that there will be no significant impact during construction or operation of the plant subject to the implementation of appropriate mitigation measures as set out in the assessment.

1.56 With respect to the impact of emissions from the plant on air quality, the Council's Public Protection section has advised that the submitted air quality assessment has been undertaken using ADMS 5.2, which is an accepted model used for predicting air quality impacts. The assessment predicts that the site is not predicted to give rise to any significant environmental effects on air quality, human health or odour subject to the appropriate mitigation measures being in place.

1.57 In terms of odour specifically, Chapter 8 (Air Quality and Human Health) of the submitted Environmental Statement confirms that all site operations will be conducted within enclosed buildings, and vehicles will deposit the waste into an enclosed tipping hall, with the building totally enclosed except for the roll-up doors. The tipping hall will be held under negative pressure, with the air being used in the combustion process. This prevents the release of odours and dust from the building when the doors are opened for short periods for deliveries. Furthermore, whilst there will be storage of waste within the waste bunker, this will be within the enclosed tipping / bunker hall and waste will not be stored for prolonged periods, with no

waste to be stored outside the buildings (with the exception of the emergency use of an identified Waste Reject Area) and this matter can be controlled through a planning condition, which is recommended accordingly. Any odours will be drawn into the combustion process and eliminated by the combustion process itself. Therefore there would be no release of odour from the stack.

1.58 Notwithstanding this, the Environment Agency and the Council's Public Protection section has confirmed that the operation of the plant will be subject to an Environmental Permit which will be regulated by the Environment Agency which will strictly control the management and emissions from the site and will require the plant to comply with all the relevant pollution control legislation and regulations that apply.

1.59 The Environmental Permit will also control fugitive emissions of dust and odour beyond the boundary of the installation.

1.60 In view of the above, the Council's Public Protection section has confirmed that they have no objections to the application, subject to a condition to secure details of a Construction Environmental Management Plan (CEMP), which will be required in order to manage and control the impacts of the construction of the plant in accordance with the advice contained in the noise and air quality assessments submitted with the application.

1.61 In view of the above considerations and subject to the abovementioned conditions, it is considered that the proposals are acceptable with respect to the impact on the amenity and privacy of neighbouring land users, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

1.62 Objections have been received citing concerns including impact on views and the proliferation of new / industrial projects in Seaton Carew. Whilst the loss of a view is not a material planning consideration, the impacts of the proposal on the visual amenity of the area and landscape character are considered in further detail below.

1.63 Policy EMP4 (Specialist Industries) of the Local Plan stipulates that proposals within the North Graythorp area will be permitted where they do not have a significant adverse visual impact.

1.64 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan 2018 requires 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. Furthermore, development should respect surrounding buildings, structures and environment, be aesthetically pleasing, using a variety of design elements relevant to the location and type of development, and should use an appropriate mix of materials and colour.

1.65 The National Planning Policy Framework 2019 (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. Paragraph 127 of the NPPF stipulates that planning decisions should ensure development will add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history (whilst not preventing or discouraging appropriate innovation or change), establish a strong sense of place and optimise the potential to accommodate and sustain an appropriate amount and mix of development. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

1.66 The site is located within National Character Area (NCA) 23: 'Tees Lowlands', as identified by Natural England. Key characteristics of NCA23 include:

- Broad, low lying plain defined by wide views to distant hills;
- A large area of urban and industrial development around the Tees Estuary, much of which is on reclaimed land, contrasting with the quieter rural areas to the south and west;
- Major industrial installations around Teesmouth which form a dramatic skyline, but that are juxtaposed with expansive mudflats, sand dunes and salt marshes which are nationally and internationally designated for their assemblage of waterfowl;
- Principal transport corridors, power lines and energy infrastructure that are conspicuous elements in the landscape;
- Brownfield sites where semi-natural vegetation has started to regenerate on previously developed land;
- Green corridors such as minor valleys and former railway lines that provide links between urban areas and the surrounding countryside.

1.67 As set out above, the site currently comprises mainly undeveloped greenfield land, primarily in agricultural / horse grazing use, with some scrub present. The site is largely flat, sloping gently from the north west to the south east. The site is predominantly surrounded on all sides by industrial development, with significant distances to the nearest urban areas and villages. The wider site context is therefore defined by a number of large industrial buildings and structures, including the existing steel mill to the north-west, various industrial buildings and silos at Tofts Farm West Industrial Estate to the east and Philips Tank Farm to the west, and the Hartlepool Power Station building approx. 1.25km to the south east. Further south of the site is the heavily industrialised landscape around the Tees Estuary.

1.68 The proposals include a number of smaller ancillary structures however it is not considered that these would have a significant impact on the visual amenity of the site or the character of the area, given their context, and the main visual impacts are likely to arise from the proposed main building and 90 metre high concrete emissions chimney stack, which the facility is based around.

1.69 The main building ranges in height from approx. 34 metres at the lowest point of the main roof up to approx. 48 metres at the highest point of the roof. The building is predominantly industrial in appearance, featuring a number of vertical and horizontal rows of windows at various levels, predominantly on the south west and north east

side elevations. The 90 metre high concrete emissions stack sits in the centre of the south west facing elevation of the building. The external elevations of the main building are finished in grey profiled metal cladding and metal PPC horizontal louvres. The roof of the building is of a contemporary curved form that is typical of such facilities and adds interest to the building. The roof is finished in a grey metal roof cladding with galvanised metal guard railings. The proposed main building and ancillary structures are considered to be of a design and appearance that is acceptable within its industrial context and in keeping with the surrounding area. Notwithstanding this, a planning condition is recommended to secure final details of finishing materials, including samples where appropriate.

1.70 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which constitutes a chapter of the submitted Environmental Statement (ES). Baseline data for the LVIA has been gathered by both desk and field based surveys, including a review of extant landscape character assessment studies and field visits. A number of images of existing viewpoints towards the site from various locations within a 10km radius (approx.) and photomontages of the proposed development from these viewpoints have been provided.

1.71 The submitted LVIA maintains that, whilst the proposed development would include a tall new building and tall stack, the receiving environment is such that its presence could be readily accommodated, as the development would be introduced into a landscape context where the presence of large scale industrial and infrastructure development is a well-established and predominant characteristic, and views of such development from residential areas at the edge of Hartlepool, Greatham and Seaton Carew are well screened by a combination of earthworks and vegetation cover. The LVIA concludes that effects on landscape character would not be significant, and whilst localised significant visual effects would occur (particular from the nearby property at Graythorp Farm and the footpath to the west), these would not be unacceptable as they occur within an area allocated for specialist industries in the Council's Local Plan, where proposals for such development are likely to come forward in any event and such impacts are implicit in such an allocation.

1.72 Overall, the Council's Landscape Architect has reviewed the submitted LVIA and key photomontages and has advised that the conclusions of the assessment in respect of the landscape and visual impacts of the proposals are acceptable.

1.73 In view of the above considerations and taking into account the wider site context, it is not considered that the proposals would have such a detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area to warrant refusal of the application. It is therefore considered that the proposals are acceptable in this respect, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

LANDSCAPING AND VEGETATION

1.74 Policy NE1 (Natural Environment) of the Local Plan stipulates that the Borough Council will ensure that existing woodland and trees of amenity value and nature conservation value are protected, and where the loss of significant trees/hedgerows

cannot be avoided their replacement by trees/shrubs/hedgerows of an appropriate scale and species for the area will be sought where practical. Policy QP6 (Technical Matters) of the Local Plan requires that the presence of any landscape features and protected trees must be investigated and satisfactorily addressed.

1.75 As noted above, the application site currently comprises mainly undeveloped greenfield land, primarily in agricultural / horse grazing use, with some scrub present. There are no protected trees on site, though the perimeter of the site is populated by sporadic tree cover, with small pockets of denser scrubland trees in the northern and southern ends of the site.

1.76 Chapter 6 of the submitted Environmental Statement considers the impacts of the proposals on ecology and nature conservation, including in respect of existing trees and vegetation. The ES confirms that construction of the development will result in the loss of vegetation and habitats over the majority of the site. However, two features will be retained during the construction phase, namely:

- The area of scrub in the north of the Site; and
- The hedgerow and ditch along most of the Site's south-western boundary.

1.77 The chapter confirms the applicant's intention to prepare a CEMP, and that this will also include mitigation measures to avoid inadvertent damage or disturbance to retained habitats, including the area of scrub in the northern part of the Site and the hedgerow and ditch on the south-western boundary. The application is also accompanied by an Illustrative Landscape Design (Figure 5.5 of the ES) confirming the above and setting out indicative landscaping proposals for the wider site.

1.78 The Council's Arboricultural Officer has been consulted and has advised that whilst there will be a loss of some scrubland trees on this site, the proposed landscaping makes good use of the site layout and accommodates tree and shrub landscaping around the perimeter of the site and parking area. The Council's Arboricultural Officer considers that overall the landscaping proposals have been thought out well, given the nature of the proposal as a large industrial complex, and welcomes this aspect of the scheme.

1.79 The Council's Landscape Architect has also been consulted and has not raised any concerns in respect of the proposed indicative landscaping, however has confirmed that full details of all hard and soft landscape proposals are required to be provided. Planning conditions are therefore recommended accordingly to secure full details of the landscaping proposals.

1.80 In view of the above and subject to the identified conditions, the application is considered to be acceptable with respect to the impact on landscaping and vegetation and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF 2019.

ECOLOGY AND NATURE CONSERVATION

1.81 Policy NE1 (Natural Environment) of the Council's Local Plan stipulates that the Borough Council will protect, manage and enhance Hartlepool's natural environment, ensuring that development is in accordance with the locational strategy (policy LS1);

sites designated for nature conservation are protected; and development avoids harm to and, where appropriate, enhances the natural environment; amongst other provisions.

1.82 Paragraph 170 of the NPPF stipulates that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity; and minimising impacts on and providing net gains for biodiversity, amongst other provisions. Paragraph 175 of the NPPF indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for; or if development is likely to have an adverse effect on a Site of Special Scientific Interest (SSSI), then planning permission should be refused.

1.83 The application is accompanied by a Preliminary Ecological Appraisal (PEA), whilst Chapter 6 of the submitted Environmental Statement considers the impacts of the proposal on ecology and nature conservation.

1.84 There are a number of statutory designated sites of national or local conservation importance within 2km of the site, including;

- Teesmouth and Cleveland Coast Special Protection Area (SPA), and proposed SPA.
- Teesmouth and Cleveland Coast Ramsar site, and proposed Ramsar.
- Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI)
- Teesmouth National Nature Reserve (NNR);
- Seaton Dunes and Common Local Nature Reserve (LNR);

1.85 In view of this, Natural England has been consulted, however has advised that the proposed development will not have significant adverse impacts on designated sites and Natural England therefore has no objection.

1.86 There are also a number of non-statutory Local Wildlife Sites located within 2km of the site, as designated by policy NE1 (Natural Environment) of the Local Plan and set out on the policies map, though none of these areas sit within the site boundary.

1.87 As above, and as highlighted in the submitted Environmental Statement, it is noted that the proposals will result in the loss of existing vegetation and habitats over the majority of the site, with the exception of the area of scrub in the north of the site, and the hedgerow and ditch along most of the site's south-western boundary. Notwithstanding this, the Illustrative Landscape Design (Figure 5.5 of the ES) sets out proposals for the planting of new areas of native woodland and scrub, hedgerow and species-rich grassland.

1.88 Following discussions with the Council's Ecologist in respect of opportunities for the development to provide net gains for biodiversity, as set out in paragraph 170 of the NPPF, the applicant has amended the Illustrative Landscape Design to also include two new Great Crested Newt (GCN) ponds on the site. The proposed ponds would be located to the north of the site within an area surrounded by native woodland / scrub planting, and would be constructed and planted in accordance with the Council's Ecologist's recommendations.

1.89 Chapter 6 of the submitted Environmental Statement concludes that, taking into account the identified mitigation measures, no significant negative residual ecological effects are predicted, with no significant effects predicted on statutory or locally designated sites, including air quality impacts from emissions, or effects of noise and human disturbance; and it is reasonable to predict that there would be no net loss of biodiversity interest as a consequence of the proposal.

1.90 The Council's Ecologist has reviewed the submitted details and notes the following mitigation measures are proposed/required;

- Scrub will be safeguarded through avoidance (via CEMP) and removal of grazing pressure;
- Hedgerow and ditch will be safeguarded through avoidance (via CEMP);
- Loss of some hedges and scrub will be compensated on site through the creation of native-species woodland on-site, including a hornbeam hedge.
- Harm to great crested newt will be mitigated via reasonable avoidance measures (method statement to be presented in CEMP).
- Harm to breeding birds will be mitigated via condition relating to working outside of the bird nesting period. Any harm will also be compensated through the on-site creation of habitat as indicated in the Illustrative Landscape Design plan.

1.91 The Council's Ecologist has also advised that the proposed Great Crested Newt ponds and the creation of species-rich grassland will provide a satisfactory amount of Biodiversity Net Gain, in accordance with paragraph 170 of the NPPF.

1.92 In view of the above, and following amendments/clarification of the Illustrative Landscape Design plan, the Council's Ecologist has advised that the proposals are acceptable in respect of ecology and nature conservation, subject to appropriate planning conditions to secure the identified mitigation and biodiversity enhancement. Planning conditions to secure full details of site landscaping and GCN ponds, a CEMP and to ensure removal of vegetation takes place outside of the bird nesting period, are recommended accordingly.

1.93 No concerns or objections have been received from the RSPB or Teesmouth Bird Club.

1.94 In view of the above and subject to the identified conditions, the application is considered to be acceptable with respect to the impact on ecology and nature conservation and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF 2019.

HERITAGE ASSETS AND ARCHAEOLOGY

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

1.96 There are no listed or locally listed buildings in the immediate vicinity of the site, with the nearest listed buildings located in Greatham and Seaton Carew, at

considerable distance. Similarly, the closest conservation areas to the site are both at Greatham and Seaton Carew.

1.97 Notwithstanding this, Chapter 12 of the submitted Environmental Statement considers the impacts of the proposal on archaeology and cultural heritage, including an assessment of the impacts of the proposal on listed buildings, conservation areas and their setting, and this concludes that no or negligible effects have been found, or are expected, on the setting of designated heritage assets from the proposals.

1.98 The Council's Heritage and Countryside Manager has been consulted and has advised that the proposal would not impact on the significance of any listed or locally listed buildings, or conservation areas.

1.99 Policy HE2 (Archaeology) of the Local Plan stipulates that the Borough Council will seek to protect, enhance and promote Hartlepool's archaeological heritage and, where appropriate, encourage improved interpretation and presentation to the public. The policy also requires that where development proposals may affect sites of possible archaeological interest, an assessment from an appropriate specialist source will be required prior to any planning application being determined. The assessment will also provide the basis for potential mitigation strategies, such as excavation and investigation, preservation in-situ of important remains and archaeological sites, or provision of interpretation to increase public understanding.

1.100 Tees Archaeology have also been consulted on the proposals and have advised that the proposed application is within a landscape of archaeological interest with an Iron Age settlement and Bronze Age burial mound found to the west, a Romano-British cemetery to the north east and medieval salt industry to the east.

1.101 Tees Archaeology commented that they agree with the recommendation from Chapter 12 of the ES that there should be archaeological evaluation works, however indicated that these should be undertaken prior to determination (including trial trenching) in order to assess the archaeological potential for the site and the need for further archaeological mitigation, in accordance with policy HE2 of the Local Plan.

1.102 The applicant has subsequently carried out archaeological trial trenching on site and thereafter submitted an Archaeological Evaluation Report setting out the findings. Tees Archaeology has reviewed the submitted report and has advised that they agree with the conclusions that, whilst there is clear evidence of medieval ridge and furrow as well as two discrete features identified, they are considered of low archaeological importance. Tees Archaeology has therefore confirmed that they do not recommend further archaeological work on the site.

1.103 The impact on heritage assets and archaeology, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF 2019.

HIGHWAY AND PEDESTRIAN SAFETY

1.104 Objections have been received citing concerns including the potential for increased traffic on the local road network.

1.105 Policy QP3 (Location, Accessibility, Highway Safety and Parking) of the Local Plan seeks to ensure that development is safe and accessible, including by ensuring servicing arrangements and highway safety provisions are in line with relevant local guidance and the requirement to maintain such provisions over the lifetime of the development.

1.106 The sole vehicular access to the site is to the north-west via 2 new access points (one exit and one entry) onto Tofts Road West. 47no. staff and visitor parking bays are provided to the north-west of the main building adjacent to the proposed administration block. A one-way internal access road encircles the proposed main building, with vehicles travelling in an anti-clockwise direction around the site.

1.107 The application is supported by a Transport Assessment and Travel Plan. The submitted Travel Plan seeks to positively encourage future employees and visitors to travel by sustainable modes. The submitted Transport Assessment highlights that the proposed development is a merchant facility, which means that the residual waste / RDF will be transported to the site from waste transfer stations in large articulated HGVs. Notwithstanding this, the submitted Transport Assessment concludes that traffic impacts are insignificant and does not identify any highway or transport related reasons why the proposals should not be granted planning permission.

1.108 The Council's Highways, Traffic & Transport section has been consulted and similarly conclude that the impact on the local highway network will not be severe and no mitigation will be required to improve capacity on local roads.

1.109 The Council's Highways, Traffic & Transport section has advised however that a footway will be required on the southern side of Tofts Road West which will connect the site with the existing footway on Brenda Road. Detailed plans of the footway are therefore required to be submitted prior to the commencement of the development and the footway delivered prior to the site becoming operational, through a section 278 agreement. A planning condition is also recommended to secure final details of the required footway and its delivery prior to the operation of the site accordingly.

1.110 In addition, the Council's Highways, Traffic & Transport section has also advised that a Construction Management Plan (CMP) should be provided which details HGV movements, parking and the control and prevention of mud being spread onto the highway, and a condition to secure this prior to commencement of development is recommended accordingly.

1.111 Highways England has also been consulted and has advised that they have no objection to the proposals

1.112 In view of the above and subject to the identified conditions, the application is considered to be acceptable with respect to the impact on highway and pedestrian safety and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF 2019.

FLOOD RISK AND DRAINAGE

1.113 Policy CC2 (Reducing and Mitigating Flood Risk) of the Local Plan requires that all new development proposals demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources, including by requiring that all development proposals include provision for the full separation of foul and surface water flows and ensuring development proposals separate, minimise and control surface water run-off, with Sustainable Drainage Systems being the preferred approach. Policy QP6 (Technical Matters) of the Local Plan requires that proposals ensure any matters regarding flood risk, both on and off site throughout the design life of the site, are investigated and satisfactorily addressed; and surface and foul mains drainage is dealt with in a sustainable manner.

1.114 The application site is located in flood zone 1 (low probability of flooding from rivers and the sea). The majority of the site is also at very low risk of flooding from surface water, though the far south-eastern corner of the site is at medium-high risk, as indicated on the Environment Agency's flood maps for planning.

1.115 The application is supported by a Flood Risk Assessment (FRA) due to the size of the site, whilst Chapter 10 of the submitted Environmental Statement considers the impacts of the proposal in respect of surface water and flood risk.

1.116 The Council's Flood Risk Officer has been consulted and has confirmed that they have no objections to the proposal in respect of flood risk and drainage matters, subject to a planning condition to secure detailed drainage proposals, to consist of an appropriate sustainable drainage system (SuDS) on site, and this is recommended accordingly.

1.117 Northumbrian Water has also been consulted and have not raised any objections to the application, however have advised that the application does not provide sufficient detail with regards to the proposed amount and management of foul water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. Northumbrian Water has therefore requested a planning condition to secure detailed proposals for the disposal of foul water from the site, and this is recommended accordingly.

1.118 Northumbrian Water has also provided advice in respect of assets that are the responsibility of Northumbrian Water that may not yet be included on their records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. An informative note to make the applicant aware of this is also recommended.

1.119 Anglian Water has also been consulted and has confirmed that they do not have any foul or surface water sewers in the area and the site is therefore outside of their jurisdiction for comment.

1.120 In view of the above and subject to the identified conditions, the application is considered to be acceptable with respect to the impact on flood risk and drainage and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF 2019.

CONTAMINATION

1.121 Policy QP6 (Technical Matters) of the Local Plan requires that proposals ensure that matters in respect of previously contaminated land are investigated and satisfactorily addressed.

1.122 The application is supported by a Phase 1 Site Investigation Report, whilst Chapter 9 of the submitted Environmental Statement considers the impacts of the proposal in respect of ground conditions and contamination.

1.123 The Council's Engineering section has confirmed that they have no objection to the proposals in respect of contamination, however as the Phase 1 Site Investigation Report has identified potential contamination and recommends further investigation, they have requested a non-residential contaminated land condition is applied to any permission, to ensure contaminated land is dealt with appropriately, and this is recommended accordingly.

1.124 The Environment Agency has also been consulted and has confirmed that they have no objections to the application as submitted, however have provided advice for the applicant in respect of the use of piled foundations and how to protect potable groundwater supplies. An informative is therefore also recommended to make the applicant aware of this.

1.125 In view of the above and subject to the identified conditions, the application is considered to be acceptable with respect to the impact on contamination and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF 2019.

OTHER PLANNING MATTERS

Public Rights of Way and Footpaths

1.126 Public Footpath no.10, Seaton Parish, lies to the west of the application site. The Council's Countryside Access Officer has been consulted and has not raised any concerns or objections to the proposals, advising that there is no requirement to consider improvements to the existing public rights of way network close to this proposed development.

1.127 As above however, the Council's Highways, Traffic & Transport section has advised that a footway will be required on the southern side of Tofts Road West which will connect the site with the existing footway on Brenda Road. A planning condition is recommended to secure final details of the required footway and its delivery prior to the operation of the site accordingly.

1.128 The application is therefore considered to be acceptable with respect to the impact on public rights of way and footpaths, subject to the identified condition, in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF 2019.

Waste Management

1.129 As above, the Tees Valley Joint Minerals and Waste DPDs require major development proposals to submit a waste audit, which will identify the type of waste expected to be produced by a development in both the construction phase and in operation. Details regarding waste during business operation have been considered and detailed through the supporting Planning Statement, which details the operations of the business. The Council's Planning Policy and Waste Management sections have been consulted and has not raised any concerns or objections with respect to the proposals.

1.130 The application is therefore considered to be acceptable in respect of waste management and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF 2019.

Safety and Security

1.131 Cleveland Police has been consulted and has not raised any concerns or objections with respect to the proposals. The application is therefore considered to be acceptable in respect of safety and security and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF 2019.

Railways and Aviation

1.132 The application site is located immediately adjacent to a railway line to the east/north-east that runs to Hartlepool Power Station, with a level crossing on Tofts Road West immediately to the north of the site. Network Rail has therefore been consulted and has advised that improvements to the level crossing will be required, likely to be in the form of a barrier control, and that a Grampian condition should be used to secure this prior to the operation of the site. This condition is therefore recommended accordingly.

1.133 Network Rail has also advised that details of a construction methodology in respect of traffic arrangements and construction methods in relation to the railway boundary (e.g. operation of cranes, proximity to the railway boundary, security, any earthworks in the vicinity of the railway) should be provided. Network Rail also requires details of external lighting. Conditions are therefore also recommended to secure these details accordingly.

1.134 Network Rail has also requested that an informative note be added to any decision notice to make the applicant aware that a Method Statement may also be required to be submitted to Network Rail's Asset Protection Project Manager for approval prior to commencement of the development, and this is recommended accordingly.

1.135 No concerns or objections have been received from the Civil Aviation Authority (CAA) or Teesside International Airport. Notwithstanding this, at the time of publication of the committee report, consultation with the Ministry of Defence (MoD) remained outstanding. Members will be verbally updated at the planning committee

meeting on the outcome of any received responses and the officer recommendation below reflects this.

1.136 In view of the above, subject to the identified conditions and informatives and any further requirements identified by the Ministry of Defence (MoD), the application is considered to be acceptable with respect to the impact on railways and aviation and in accordance with the relevant policies of the development and relevant paragraphs of the NPPF 2019.

Hazardous Installations and Pipelines

1.137 Cleveland Emergency Planning Unit (CEPU) has been consulted and has confirmed that they have no objections to the proposed development. CEPU has advised however that the proposed application site is within the consultation Distance/ Public Information Zone of a number of hazardous installations. The site is also in close proximity to the Northern Gas Networks Gas Pipeline. The site is currently outside the Nuclear Power Stations Detailed Emergency Planning Zone but the regulations have changed and going forward it might be included in the zone. The main difference being that staff need to be aware of what to do in an emergency and have access to countermeasures. An informative note is therefore recommended to make the applicant aware of CEPU's advice.

1.138 The case officer has also considered the application through the Health and Safety Executive's (HSE) online consultation process which confirms that the HSE does not advise, on safety grounds, against the granting of planning permission in this case. The HSE has also advised that the site is within the consultation distance of a Northern Gas Networks pipeline. An informative note is recommended to make the applicant aware of this accordingly.

1.139 Northern Gas Networks has been consulted and has confirmed that there is High Pressure apparatus in the vicinity of the site and it is therefore essential that no work or crossings of this high pressure pipeline are carried out until detailed consultation has taken place between the applicant and Northern Gas Networks. Northern Gas Networks has also provided advice in respect of construction methodology in the vicinity of the apparatus. Northern Gas Networks comments have been forwarded to the applicant for their information/consideration, and an informative notice is also recommended to reiterate this advice.

1.140 The Officer for Nuclear Regulation (ONR) and Northern Powergrid have also been consulted, neither of whom have raised any concerns or objections in respect of the proposals.

1.141 In view of the above and subject to the identified informatives, the application is considered to be acceptable with respect to the impact on hazardous installations and pipelines and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF 2019.

Planning Permission Time Limit Condition

1.142 The applicant has requested that the standard 3 year time limit for the implementation of any planning permission granted (typically controlled by planning condition) is extended to 5 years due to the nature of the proposal, advising that there are instances where the processes of project finance and contractor procurement extend out and a 3 year permission is insufficient. National Planning Practice Guidance notes that “a longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start”. The 5 year timescale is considered to be satisfactory in this instance and therefore a planning condition to ensure development is implemented within 5 years is recommended accordingly.

Training and Employment Charter

1.143 Whilst the Council's Planning Obligations Supplementary Planning Document (2015) states that certain types of development would be expected to produce and a training and employment plan, for developments of this type this is on a case by case basis.

1.144 In this instance, the Council's Economic Development Manager has confirmed that such a plan is not required based on the number and skills of jobs at the end of construction, and also the specialist nature of the development. This is considered to be acceptable.

OTHER / RESIDUAL MATTERS

Environmental Permitting

1.145 The Council's Public Protection section and the Environment Agency have confirmed that the operation of the plant will require a permit under the Environmental Permitting (England and Wales) Regulations 2016 (as amended), which will be regulated by the Environment Agency and will strictly control the management and emissions from the site and will require the plant to comply with all the relevant pollution control legislation and regulations that apply. An informative note is therefore recommended to make the applicant aware of this.

Fire Safety

1.146 Cleveland Fire Brigade has been consulted and has not raised any objections to the application, however have advised that Access and Water Supplies should meet the requirements as set out in the relevant Approved Document for fire safety.

1.147 Cleveland Fire Brigade has also recommended that the applicant should consider the installation of sprinklers or a suitable alternative AFS system. In response, the applicant has advised the following:

- The facility will require an Environmental Permit in order to operate. This will include a Fire Protection Plan, which is an extensive document.
- As indicated in the submitted plans and details, the facility has a large fire water tank and pump house. Paragraph 4.7.15 of the Environmental

Statement also states: “*Fire prevention and suppressions systems would operate at the Site. This may include the use of a specific water deluge system within the residual waste / RDF bunker and a fire water sprinkler system*”. Thus, such systems remain fully under consideration at this stage.

- The most likely approach to fire protection i.e. the key measures that would feature in a Fire Protection Plan (subject to confirmation as to precise details), in common with most similar ‘Energy from Waste’ facilities currently under construction or recently commissioned, will include:
 - i. Thermal imaging cameras over the waste bunker
 - ii. Water cannons around the bunker perimeter
 - iii. A sprinkler system over the bunker
 - iv. The extent of sprinkler systems elsewhere in the facility would be subject to the Fire Insurer’s requirements, but there would not be sprinklers in any areas with extensive electrical equipment (such as electrical control rooms and the turbine hall etc.), these would be deployed with gaseous fire suppression systems.
 - v. A flood / deluge system above the feed hopper
 - vi. The aforementioned external Waste Reject Area for hot loads.

1.148 Finally, it is noted that the admin / welfare block is only 2-storeys high and as such, in isolation, is not one of the sensitive categories of development previously identified by the Planning Committee as requiring the consideration of a sprinkler system.

1.149 Notwithstanding the above, an informative note is recommended to make the applicant aware of the fire brigade’s advice, however these matters would ultimately be considered and addressed through the Building Regulations approval process.

Public Consultation

1.150 Objections have been received citing concerns that the application consultation process was not sufficient, namely that residents in the village of Cowpen Bewley were not consulted. The local planning authority has carried out its statutory duty in respect of public consultation on the application, including through posting letters to 269 nearby residential properties and businesses to notify them of the application, posting 4 site notices in areas neighbouring the site, and publicising the application in the local press.

1.151 Whilst it is acknowledged that residents in Cowpen Bewley were not consulted directly as part of the planning application process, the village is a considerable distance from the application site (approximately 4km), within the adjacent Local Authority area under the jurisdiction of Stockton-on-Tees Borough Council, and it is not considered proportionate to consult all properties within 4km of the site (which would include all properties in Seaton Carew, Greatham and Hartlepool south of Summerhill Lane). Notwithstanding this, Stockton-on-Tees Borough Council has been consulted as an adjoining Local Authority and has confirmed that they have no objections to the application.

1.152 In addition, the application is supported by a Statement of Community Involvement (SCI) which sets out how the applicant has engaged with the public, elected representatives and other key stakeholders by virtue of a pre-application consultation programme which has included a presentation to local ward councillors, a media launch event attended by local press and radio, a press release, local TV and radio coverage, a public exhibition held in Seaton Carew and a project website. Pre-application consultation was advertised by the applicant by virtue of community posters and advertisements in the local press.

Non-material Objections

1.153 Objections have been received citing concerns that are not material planning considerations and therefore cannot be taken into account in the consideration of this application, namely:

- Impact on / loss of views
- Proposal is proven to not work

CONCLUSION

1.154 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in general conformity with the relevant policies of the development plan and relevant paragraphs of the NPPF, for the reasons detailed in this report. The application is therefore recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.155 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.157 There are no Section 17 implications.

REASON FOR DECISION

1.158 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 consideration of any comments/requirements identified by the Ministry of Defence (MoD) and the following conditions;

1. The development to which this permission relates shall be begun not later than five 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;

3162-10-12 Rev E (Roof Plan As Proposed),
 3162-10-14 Rev C (Weighbridge Office North),
 3162-10-15 Rev D (Weighbridge Office South),
 3162-10-17 Rev A (Ground floor level as proposed),
 3162-10-18 Rev A (Floor Plan As Proposed At level +12.7 AOD),
 3162-10-19 Rev A (Floor Plan As Proposed At level +15.0 AOD),
 3162-10-20 Rev A (Floor Plan As Proposed At levels +19.18, +23.28 & +27.38 AOD),
 3162-10-21 Rev A (Floor Plan As Proposed At level +31.48 AOD),
 3162-10-23 (Administration Block Plans, Elevations & Section),
 3162-10-24 Rev A (Workshop, stores & staff welfare illustrative internal layouts Elevations & Section),
 3162-20-01 Rev D (Section A-A),
 3162-20-02 Rev E (South East & South West elevations),
 3162-20-03 Rev H (North East & North West elevations),
 3162-20-05 Rev E (Main building South West elevations),
 3162-20-06 Rev E (Main building North East elevations),
 3162-20-07 Rev E (Main building NW & SE Elevations),
 3162-20-08 Rev B (Cooling Tower Elevations),
 3162-20-09 Rev F (Aux Transformer, NPG Metering Building, Emergency Gen and Pump House),
 3162-20-10 Rev D (Cycle shelter),
 3162-20-11 Rev B (Waste Reject Area),
 3162-20-12 Rev C (Sections B-B, C-C & D-D),
 3162-20-15 Rev B (Fire Water Ammonia & Fuel Oil Tank Elevations),
 3162-20-16 Rev B (Process Water and RWH Tank Elevations),
 3162-20-17 Rev A (Fuel Oil Tank Elevations)
 received 16th September 2019 by the Local Planning Authority;

3162-10-00 Rev D (Site Location Plan),
 3162-10-02 Rev E (Overall Layout Site Plan),
 3162-10-10 Rev F (Site Plan As Proposed),
 3162-10-22 Rev A (Site external areas as proposed)
 received 20th November 2019 by the Local Planning Authority.

For the avoidance of doubt.

3. Prior to the commencement of development, a scheme and timetable for the provision of improvements to the existing level crossing on Tofts Road West shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall include the provision of a barrier control interlocked with the existing local plunger arrangement, unless an alternative scheme is otherwise agreed in writing with the Local Planning Authority. Thereafter, prior to the development hereby approved being brought into use, the agreed scheme shall be completed in accordance with the details and timetable for works embodied within the agreed scheme to the satisfaction of the Local Planning Authority.

In the interests of highway safety and to protect the safety, operational needs and integrity of the railway.

4. Prior to the commencement of development, a scheme and timetable for the provision of a footway on the southern side of Tofts Road West which will connect the site with the existing footway on Brenda Road shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, prior to the development hereby approved being brought into use, the agreed scheme shall be completed in accordance with the details and timetable for works embodied within the agreed scheme to the satisfaction of the Local Planning Authority.

In the interests of highway safety and to accord with the provisions of policy INF2 of the Local Plan.

5. Notwithstanding the submitted information, no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to 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.

6. 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.

7. 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 any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. To take into account the position of the buildings and the associated impact on adjacent properties and the visual amenity of the area.

8. Prior to the commencement of the development, a construction method statement for the implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed method of construction (including operation of heavy plant and machinery, cranes, and any earthworks in the vicinity of the railway

boundary etc.), details of any external illumination of the site during the construction phase (including full details of the method of external illumination, siting, angle of alignment, light colour, luminance etc.), a risk assessment in relation to the adjacent railway and a construction traffic management plan. Thereafter the works shall take place in accordance with the approved details. To protect the safety, operational needs and integrity of the railway.

9. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The submitted CEMP shall include measures to manage and control the impacts of the construction of the development in accordance with the advice contained in the submitted noise and air quality assessments; a method statement setting out reasonable avoidance measures to prevent harm to great crested newts; and mitigation measures to avoid inadvertent damage or disturbance to retained habitats (including retained scrub planting and the existing ditch). The development shall thereafter be carried out in accordance with the approved details. In the interests of the occupiers of adjacent and nearby premises and ecology.
10. Prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. In the interests of the occupiers of adjacent and nearby premises and highway safety.
11. Prior to the development hereby approved being brought into use, 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, including parking areas, shall be 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. In the interests of the amenities of neighbouring land users and highway safety, and to protect the safety, operational needs and integrity of the railway.
12. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
 1. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site,

whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms and in accordance with the agreed programme, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority. There shall be no development works carried out within parts of the site subject to remediation until such time as the Local Planning Authority has given its approval in writing.

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

Subject to the outcome of the previous requirements of this condition and subject to any residual risks being present as agreed with the Local Planning Authority, the Local Planning Authority may require that subsequent periodic contamination monitoring reports are prepared and submitted for approval to the Local Planning Authority in accordance with a scheme of monitoring agreed by the Local Planning Authority to demonstrate that remediation objectives have been achieved.

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

13. Notwithstanding the submitted information and prior to commencement of works above ground level on site, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
14. Prior to the development hereby approved being brought into use, final details of all walls, fences and other means of boundary enclosure shall be first submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. For the avoidance of doubt and in the interests of visual amenity.
15. Prior to the development hereby approved being brought into use, a scheme for the provision of electric vehicle charging apparatus to serve the development shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details, prior to the first use of the development. In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
16. Prior to the development hereby approved being brought into use, full details of the proposed Great Crested Newt (GCN) ponds (as shown on ES plan Figure 5.5 (Illustrative Landscape Design Rev A) received 25th October 2019 by the Local Planning Authority), including depth and any marginal or aquatic planting, and a scheme for their long term maintenance and management shall be submitted to and approved in writing by the Local Planning Authority. The ponds shall be deep enough to hold water for the spring and summer seasons (at least), shall not be stocked with fish and should avoid planting of fast spreading species such as common reed (*Phragmites australis*), reedmace (*Typha latifolia*) and branched bur-reed (*Sparganium erectum*). The ponds shall thereafter be provided in accordance with the approved details, prior to the first use of the development, and maintained thereafter in accordance with the agreed scheme.
To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 170 of the NPPF.

17. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) and a scheme for its long term maintenance and management shall be submitted to and approved in writing by the Local Planning Authority before occupation of the building(s) or completion of the development (whichever is the sooner), hereby approved. The scheme shall be in general conformity with ES plan Figure 5.5 (Illustrative Landscape Design Rev A) received 25th October 2019 by the Local Planning Authority, unless a similar alternative scheme is otherwise agreed in writing with the Local Planning Authority. 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. Thereafter the approved soft landscaping scheme shall be maintained in accordance with agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. 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, to provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 170 of the NPPF and to ensure a satisfactory form of development.
18. Prior to the development hereby approved being brought into use, vehicular and pedestrian access connecting the proposed development to the public highway shall be 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.
19. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes 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. Permeable surfacing shall be employed for hardstanding areas where possible, to provide additional attenuation storage. The agreed scheme shall be implemented prior to the development hereby approved being brought into use. 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. In the interests of visual amenity and to prevent the increased risk of flooding from any sources in accordance with the NPPF.
20. Demolition and the clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified

ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In the interests of protecting breeding birds.

21. The development hereby approved shall be carried out in accordance with the submitted Framework Travel Plan (Doc Ref: 2379-01-TP01) received by the Local Planning Authority on 14th June 2019.
For the avoidance of doubt and in the interests of encouraging sustainable travel.
22. The car parking areas hereby approved shall be laid out in accordance with the approved plans and in compliance with the HBC Design Guide and Specification.
In the interests of highway safety.
23. With the exception of the emergency use of the identified Waste Reject Area (as described in the supporting statement 'EXPLANATION OF THE PURPOSE AND FUNCTION OF THE WASTE REJECT AREA' received 19th August 2019 by the Local Planning Authority), at no time shall any waste material be stored externally or outside of the 'Proposed Energy Recovery Facility' building hereby approved (annotated on plan 3162-10-02 Rev E (Overall Layout Site Plan) received 20th November 2019 by the Local Planning Authority) for the lifetime of the development hereby approved.
In the interests of visual amenity and the amenities of neighbouring land users.
24. The site shall only operate as an energy recovery (energy from waste) facility and for no other purpose.
For the avoidance of doubt and in order to control the development under the terms on which permission is granted.

BACKGROUND PAPERS

1.159 Background papers can be viewed by the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=132518>

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.

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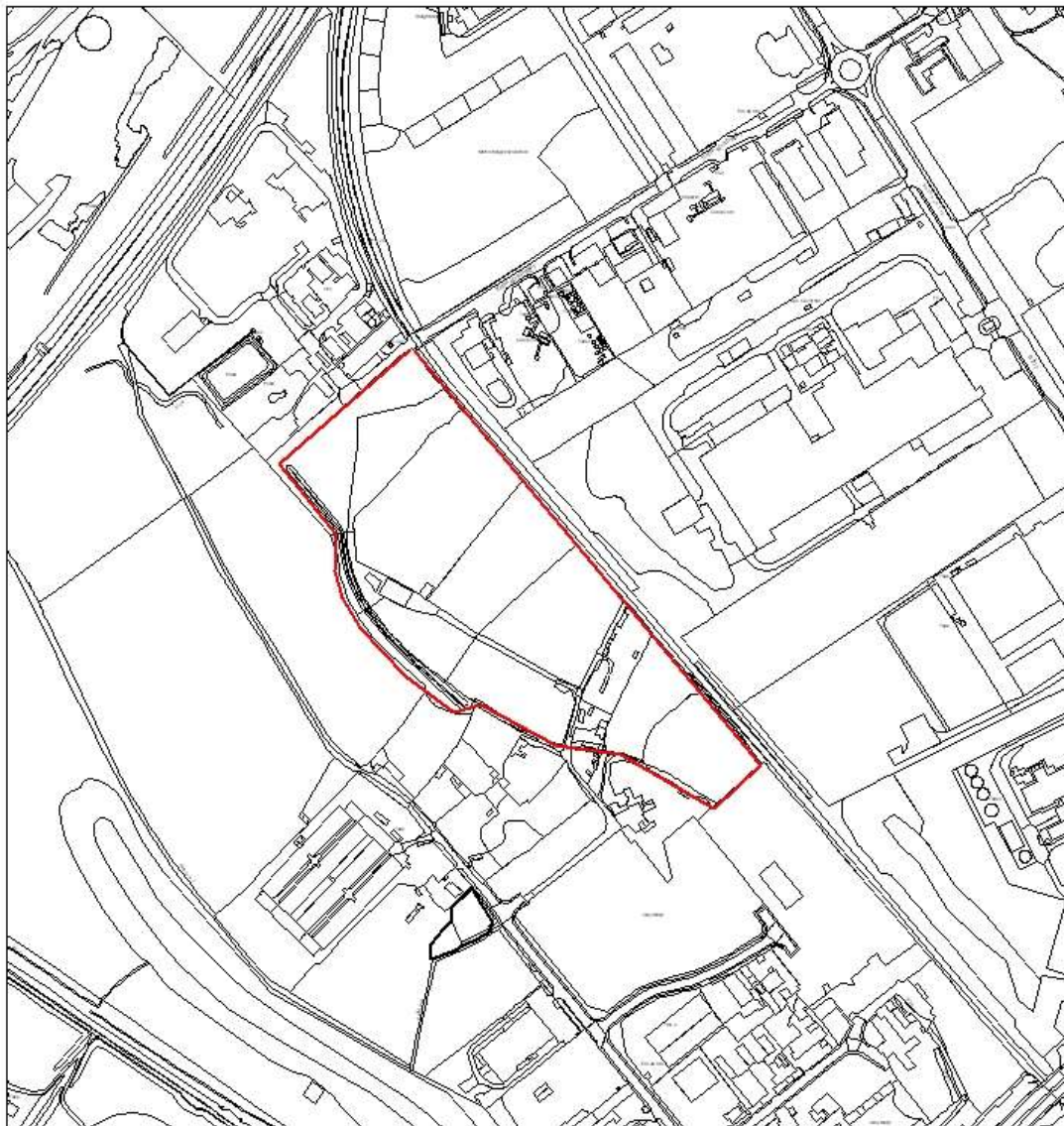
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LAND SOUTH OF TOFTS ROAD WEST



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 024/06/20
	SCALE 1:5000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0275	REV

No: 2.
Number: H/2019/0527
Applicant: HBC
Agent: Norr Consultants Miss Michelle Etheridge Percy House
8th Floor Percy Street NEWCASTLE UPON TYNE NE1
4PW
Date valid: 10/01/2020
Development: Residential development comprising the erection of 18 no.
residential dwellings with associated access,
infrastructure and landscaping; and provision of a
temporary construction compound
Location: LAND AT HILL VIEW GREATHAM 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. The application formed part of a committee agenda for a previous committee meeting in March 2020 however the meeting was cancelled as a result of the covid-19 implications.

BACKGROUND

2.2 There is no planning history relevant to the current application site, however the following history is relevant to the adjacent site to the north (land at Station Road, Greatham);

2.3 H/2019/0139 – Planning permission was granted on 28th November 2019 for residential development comprising the erection of 36 no. residential dwellings and associated access, infrastructure and landscaping.

PROPOSAL

2.4 Planning permission is sought for residential development comprising the erection of 18 no. residential dwellings with associated access, infrastructure and landscaping; and provision of a temporary construction compound.

2.5 The proposed residential development comprises a linear layout with the proposed dwellings sited in a row along a north-south axis, with each property featuring a private access/driveway directly onto the adopted highway at Hill View to the west. The proposed dwellings face into the existing residential estate at Hill View, with front elevations overlooking the highway, with public open space and the gable end of the existing terraced properties beyond. The supporting Design & Access

Statement indicates that the layout of the site is dictated by the shape of the site and site constraints.

2.6 The proposed scheme comprises a mix of house types including;

- 4no. 2-bed semi-detached bungalows,
- 2no. 2-bed semi-detached 2 storey houses,
- 10no. 3-bed semi-detached 2 storey houses,
- 2no. 4-bed semi-detached 2 storey houses.

2.7 There is variation in the designs and finishing materials to the proposed dwellings, with a predominantly traditional materials palette including facing brick, neutral-coloured render, artstone cills, brick headers, decorative brickwork and banding and pitched tiled roofs. All of the proposed dwellings are in semi-detached pairs, albeit with a number of individual dwellings featuring front facing gable roofs and the central plots (7-8 and 9-10) comprising two different house types, adding further variation to the roof lines.

2.8 The existing footpath to the east side of Hill View sits outside of the site and is therefore to be retained, running along the front boundaries of the plots (albeit will require intermittent dropped curbs to allow access to driveways), and continuing up to the existing open space and playground to the north. The proposed dwellings each accommodate 1, 2 or 3 off-street (in-curtilage) car parking spaces to the front or side, dependent on house type. Small pockets of amenity open space are retained to the south of plot 1 and to the north of plot 18, within the site boundary.

2.9 All of the proposed dwellings are served by a private garden space to the rear. The majority of rear gardens adjoin the rear gardens of the existing dwellings on Saltaire Terrace to the east, with the exception of plots 17 and 18, where the rear gardens back onto an existing area of open space. The proposed plans indicate that rear gardens are to be predominantly enclosed by approximately 1.5 metre high closed boarded (no gaps) fencing with 0.3 metre high trellis above to the rear, 1.5 metre high closed boarded fencing to shared boundaries (between plots) with 1.8 metre high closed boarded fencing to end of patios and along the southern boundary of plot 1 (to the rear of plot 1). 1.2 metre high bow top fencing/railings is also proposed to the southern boundary of plot 1 (to the front of plot 1) and to the northern boundary of the site (to the front of plot 18). 1.2 metre high open boarded timber fencing with 0.6 metre high trellis above to the rear of plots 17 and 18, to allow for natural surveillance of the existing open space and footpath behind.

2.10 Where possible, the proposed dwellings feature small open plan lawned front gardens, with other plots featuring landscaping strips comprising ornamental planting, tree planting and/or hedge planting between parking bays and within front garden areas. An area of incidental open space is retained to the south of plot 1. The site is also proposed to feature hedge planting to the south of the site, along the side boundary of plot 1, with further hedge planting along the northern boundary of the site (to the front and side of plot 18, and to the rear of plots 17 and 18).

2.11 The application boundary also includes land to the north-west of the main site which delineates the extent of the proposed temporary construction compound required to serve the development throughout the construction process. Whilst the

land for the construction compound is incorporated into this application, it is noted that separate planning permission is not required for; *“the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”* (provided planning permission is granted for those operations), by virtue of the provisions of Schedule 2 Part 4 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. The applicant has also proposed landscaping mitigation/enhancement work on this site following the removal of the compound to mitigate against the loss of designated amenity open space as part of the proposals. It is noted that the site of the proposed compound is currently already occupied by a construction compound, however this is being used to serve the development to the north east (Station Road) and therefore, by virtue of the above referenced legislation, this does not require separate planning permission.

2.12 The application has been referred to Planning Committee owing to the number of objections received in line with the Council’s scheme of delegation.

SITE CONTEXT

2.13 The application site currently comprises a grassed and maintained area of open space situated between Saltaire Terrace and Hill View, Greatham. Greatham derives from its original establishment as a medieval settlement in the 11th to 13th centuries, with residential buildings predominantly comprising of 18th and early 19th century farmhouses, townhouses and cottages to the north and 1960/70’s housing to the south (to the east and west of the application site).

2.14 The site of the proposed development extends to 0.38 hectares and is bounded by the rear gardens of the existing properties on Saltaire Terrace to the east, the adopted highway on Marsh House Lane and Hill View to the south and west, respectively, and an existing public footpath, open space and a play park to the north/north-east and north-west. As above, to the north of the site (beyond the play park), planning permission has been granted (for land at Station Road) for the erection of 36no. residential dwellings and associated access, infrastructure and landscaping. To the north-west of the site is Greatham C of E Primary School. The existing public footpaths to the north, south and west of the site link into the wider network of footpaths in the area that continue northward and into the village centre.

PUBLICITY

2.15 The application has been advertised by way of neighbour letters (82), 2 site notices and a press notice. To date, there have been 41 objections received, including an objection from the Greatham Residents Association.

2.16 The concerns raised are (summarised):

- Contrary to national and local planning policy (including the NPPF and Hartlepool Rural Neighbourhood Plan 2016-2031)

- Detrimental impact on the character and appearance of the area (including through excessive density/number of houses/overdevelopment, design out of keeping with area, back to back layout uncharacteristic of village)
- Detrimental impact on the amenity and privacy of existing residents/neighbouring land users (including loss of light, overbearing, poor outlook, overlooking, increase in noise and disturbance)
- Detrimental impact on highway and pedestrian safety (including increase in traffic, increasing danger on roads, inadequate local infrastructure, lack of parking, increased safety risk for children)
- Site is unsustainable location for housing (including poor access to public transport and lack of/insufficient local facilities/amenities/services in the village/school capacity)
- Loss of open space (including loss of play space for children)
- Loss of access to rear of existing properties on Saltaire Terrace
- Detrimental impact on wildlife habitat and ecology (including local bee population)
- Impact on well-being and quality of life of existing residents
- Inadequate public consultation
- Loss of greenbelt land
- Loss of views
- Better lighting needed
- No contribution to local economy
- Lack of need for affordable/social housing
- Lack of need for rented accommodation
- Lack of need for housing/development (already empty houses in area)
- Construction compound built without planning permission
- Increase in pollution
- Loss of water pressure

2.17 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=135938>

2.18 The period for publicity has expired.

CONSULTATIONS

2.19 The following consultation replies have been received:

HBC Traffic & Transport – The proposed layout is acceptable.

All the drives require a drive crossings to be installed in accordance with the HBC specification and carried out by a NRSWA accredited contractor.

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

“A Construction Management Plan shall be submitted to 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 measures to reduce mud on highways, roadsheets of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site.”

“No construction works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.”

HBC Engineering – Contaminated land

I note that the Phase 1 and 2 Geo-Environmental Site Assessment has identified that the final ground gas regime will be confirmed following the completion of the ground gas monitoring programme and that an elevated level of lead contamination exists in the area of Plot 2 believed to be an isolated hotspot the extent of which will require confirmation. To provide the opportunity for these matters to be concluded I request that you include our standard residential contaminated land condition on any permission issued for proposals.

Surface Water Management

Whilst current proposals are not suitable it is not considered that SuDS cannot be successfully implemented for the development and as such I request that you include our standard detailed drainage condition on any permission issued for proposals.

I note that little maintenance detail has been provided with the application. The applicant is advised that when they wish to discharge the surface water condition, it must be demonstrated that maintenance is in place for all surface water drainage assets for the lifetime of the development. We expect surface water drainage assets to be built to adoptable standard and adopted by Northumbrian Water, as advised at pre-application enquiry. The applicant is further advised that Northumbrian Water are unlikely to adopt Aquacell crates or a 3l/s hydrobrake, we are unlikely to approve a 3l/s hydrobrake as it is prone to blockage, nor are we likely to approve surface water drainage assets not adopted by Northumbrian Water.

The Tees Valley SuDS Local Standards that we expect to be in place when the applicant seeks to discharge the surface water condition require that, as do we, that all SuDS features are built to an adoptable standard and those serving more than one property must be located in areas of Public Open Space, public car parks or highways. Note that assets not adopted by a statutory undertaker are not permitted in the highway. SuDS features serving more than one property will not be accepted within private curtilages. This includes the curtilages of affordable properties/social housing.

The applicant is further advised that it is expected that permeable surfacing will be employed for hardstanding areas where possible. This may provide additional attenuation storage that in conjunction with oversized pipes will allow an adoptable surface water drainage system to be designed.

Environment Agency – No representation received.

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

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.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

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 the foul and surface water flows shall discharge to the combined sewer upstream of manhole 6101, the surface water discharge rate shall be restricted to 3l/sec.

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 "17/12/2019". The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer upstream of manhole 6101. The surface water discharge rate shall not exceed the available capacity of 3.5l/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.

Hartlepool Water – No representation received.

HBC Building Control – I can confirm that a Building Regulation application is required for the works as described.

HBC Heritage and Countryside Manager – The application site is located in Greatham. It is outside the boundary of the conservation area and does not impact on any listed or locally listed buildings.

Tees Archaeology – Thank you for the consultation on this application. The site is beyond the historic core of Greatham and excavations in close proximity have indicated the area is of low potential –as highlighted in the accompanying DBA. I therefore do not recommend further archaeological work for the site.

HBC Countryside Access Officer – Public Footpath No.8, Greatham Parish runs between the two outline areas of proposed development and continues along the western boundary of the main area of this development application.

At no time can the public footpath and public access to this footpath be obstructed, should the development be approved, by any elements of development - equipment, materials, vehicles or machinery.

If the developer should require periods of time to temporarily close any of the said footpath, they should contact me first to discuss these requests and then apply for any such temporary closure and/or diversion to myself.

HBC Landscape Architect – Detailed proposals have been submitted with regard the boundary treatments and planting proposals, both of which are acceptable. Full details of proposed surface materials associated with the proposed development should be provided.

UPDATE 09/03/2020: The landscape proposals [as amended] are acceptable

HBC Arboricultural Officer – There will be the loss of one medium sized Willow at the entrance to the site together with a smaller Willow leaving one semi mature Oak. The Oak is suffering at the moment by "Group suppression" and will benefit from the extra space so the loss of tree cover will only be temporary. Willows are not long lived trees and this needs regular cutting back due to overhead conductors carrying electricity. The landscaping scheme on the plan shown as Revision 03 (document 14953958 on the portal) has shown front garden enhancement using ornamental pear and associated shrub planting. From this aspect I am happy with the proposed landscaping detail together with the tree management recommendations.

UPDATE 05/03/2020: The proposed landscaping [as amended] appears appropriate for this development and I cannot foresee any major issues other than future maintenance.

HBC Ecology – I have studied the submitted documents and visited the site. I have a good understanding of the Ecology of the area. The area is made up entirely of amenity grassland and I do not require any ecology surveys.

NPPF Biodiversity enhancement in the form of one integral bat or bird box built into each new house will be required.

A Habitats Regulations Assessment (HRA) is required for all housing schemes within 11km of the coast and this project is within walking distance (0.9km). HBC has a HRA template and I will prepare the HRA. The findings will be that a financial payment of £350 per house is required to mitigate against the indirect adverse impact on SPA feature birds caused by recreational disturbance. The sum of £6,300 will need to be secured via a S106 agreement. The applicant should be made aware that this contribution is in addition to any planning contributions and must be approved by Natural England.

UPDATE 25/02/2020: Completed HRA produced by the Council's Ecologist, confirming mitigation requirements.

UPDATE 05/03/2020: The updated Landscape Plan that you attached is acceptable from an Ecology point of view.

Natural England – INTERNATIONALLY AND NATIONALLY DESIGNATED SITES – NO OBJECTION SUBJECT TO APPROPRIATE MITIGATION

This development falls within the 'zone of influence' for Teesmouth & Cleveland Coast, a coastal site designated at a national and international level as a Site of Special Scientific Interest, a Special Protection Area and a Ramsar site. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

Hartlepool Borough Council operates a Coastal Mitigation Scheme to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

Subject to appropriate mitigation being secured in line with the details of this Scheme, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

This is because Natural England notes that the recent *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

HBC Waste Management – The Waste Management section have no concerns with the proposed development.

HBC Community Safety and Engagement - No representation received.

HBC Housing Services – No representation received.

HBC Property Services – No representation received.

Cleveland Police – I have the following comments in relation crime prevention and community safety.

I have no concerns regard the proposed layout but would advise that the following measures are put in place in relation to boundaries. Defensive planting to side and rear boundaries to plots 1,16, 17 to provide enhanced security and improved protection of the boundary. In relation rear of plots 17, 18 1.8m close bounded fencing would offer greater security and increased privacy to rear garden area. Any support horizontal rail should be fitted on private side of all boundary fencing. In relation to internal fencing to rear garden I would advise 300mm boxed trellis fitted to the proposed 1.5m fencing.

I would always recommend dusk to dawn lighting to front and rear doors. I am not aware of the existing street lighting to the area but always recommend that street lighting complies with requirements of BS5489 -2013

In relation to doors and accessible windows I would advise that these are certified to PAS24:2016.

Cleveland Fire Brigade – Cleveland Fire Brigade offers the following representation regarding the development as proposed.

It should be confirmed that any 'shared driveways' meet the minimum carrying capacity requirements as per AD B (2019 edition, unless otherwise stated) Section B5, Table 13.1.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5tonnes, which is greater than the specified weight in AD B Section B5, Table 13.1 (2019 edition).

It should be confirmed that Access and Water Supplies should meet the requirements as set out in AD B Volume 1, Section B5 for Dwelling houses (2019 edition, unless otherwise stated)..

Further comments may be made through the building regulation consultation process as required.

Cleveland Emergency Planning Officer - Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals.

Health & Safety Executive (HSE) - The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

Officer for Nuclear Regulation (ONR) – ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

Network Rail – Thank you for your letter of 22 January 2020 providing Network Rail with an opportunity to comment on the abovementioned application.

In relation to the above application I can confirm that Network Rail has no observations to make.

National Grid – No representation received.

Northern Powergrid – No representation received.

Northern Gas Networks – Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location.

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 these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Hartlepool Rural Neighbourhood Plan Group - Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard to the above application. Hartlepool Rural Neighbourhood Plan was 'made' by Hartlepool Borough Council in December 2018 becoming part of the development framework. The Neighbourhood Plan was produced, in close liaison with Hartlepool Borough Council planning department, by the combined efforts of the Parish Councils of Hart, Elwick, Dalton Piercy and Greatham. The process involved 6 years intensive work including major consultations in 2012, 2014, 2015 and 2017 (the last conducted by the Borough Council itself) and well over 70% approval via referendum in October 2018. Unfortunately the application above appears to have 'cherry-picked' an allocation of housing land in the Neighbourhood Plan whilst ignoring all associated policies, factors and recommendations. The fact that the applicant is the very Local Authority looked upon to uphold the local development framework and planning policy (along with the community's wishes) represented in the neighbourhood plan is extremely disappointing.

The Group **STRONGLY OBJECT** to the application as presented under the following main points: -

Unacceptable loss of Amenity Land designated in the Rural Neighbourhood Plan and Local Plan.

Not meeting local housing need as described in the Rural Neighbourhood Plan.

Failure to adhere to design principles.

Contrary to HRNP policies GEN1, GEN2, H1; Local Plan policy NE2, NE6, QP4, QP5, HSG2, RUR1;

NPPF paras 61, 77, 92a, 97, 124, 125, 127, 128, 130.

Justifications

Part of plot 16 and all of plots 17 & 18 of the application are on land allocated in HRNP and Hartlepool Local Plan as amenity open space. This loss is unacceptable. The HRNP allocated this as essential open space fully aware that it lay between two

allocated housing sites where the opportunity for provision of amenity space within the developments would be extremely limited, something proven to be the case. Further the area allocated for housing in HRNP which this application seeks to use was previously land enjoyed as amenity open space. This loss makes the need to maintain the remaining amenity open space as identified in the local development framework essential.

As owner and developer of this land it is a grave concern that the Borough Council is not adhering to its own commitments (contained within Local Plan Policy NE2 Green Infrastructure) to “safeguard green infrastructure within the Borough from inappropriate development and work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities, including sports pitches, cycle routes and greenways throughout the Borough based on evidence of local need”.

Ref : LOCAL PLAN POLICY NE2 GREEN INFRASTRUCTURE - ALLOCATION OF AMENITY OPEN SPACE

Policy GEN1 Development Limits in the HRNP states “within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan”. NPPF para 92a states planning policies and decisions should “plan positively for the provision and use of shared spaces, community facilities” (includes open spaces). Clearly the development in this application, with reference to plots 16, 17 & 18, does not accord with the above reducing a well proportioned rectangular open space into a fragmented L shape.

Local Plan policy NE6

The loss of incidental open space will be resisted except where:

- 1) it can be demonstrated that the area of open space is detrimental to the amenity of neighbours or is too small or difficult to maintain, or
- 2) it does not contribute significantly to visual or recreational amenity, and where the need and function of the open space is met elsewhere in the locality.

Neighbours definitely appreciate the open space which is currently of a shape and form that is open and easy to maintain. The proposal only serves to fracture this space into smaller less functional spaces that will be less easy to maintain. The enclosure caused by building plots 17 & 18 will severely impact on the visual amenity currently afforded by this amenity space. As an open space immediately adjacent to an area with children’s playground equipment it complements the function by providing space for more active exercise within the same safe visible location. Further, the positioning of plots 17 & 18 makes them visually intrusive contrary to

Local Plan policy RUR1 point 4.

NPPF para 91a) Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas.

The Neighbourhood and Local Plans sought to meet this planning aim in designating the existing public open space, the proposal however damages the existing high quality public space. The Neighbourhood Plan identifies the amenity space which this application encroaches upon as a potential civic space “to the north of the site is a rectangular piece of grass with children’s play area. A row of existing houses already overlooks this and there is the opportunity to create an enhanced civic space if new properties were to front onto this area”. NPPF para 130 permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. The opportunity afforded and identified by the Neighbourhood Plan is clearly being ignored in this application, worse still it is being unsustainably damaged.

Ref: RURAL NEIGHBOURHOOD PLAN – ALLOCATIONS FOR HOUSING & AMENITY/OPEN SPACE

NPPF para 97. Existing open space should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

We have not been made aware of any assessment being undertaken and would certainly challenge any that found the full allocation in the Neighbourhood and Local Plans was surplus to requirements. The loss of even more open space than that allocated for housing in the Neighbourhood Plan does not permit the replacement of equivalent or better provision in a suitable location. NPPF section 12, para 124 & 125 Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The Neighbourhood plan identified the special quality of this area and suggested how this can be reflected in any new development on land the neighbourhood plan allocated.

The application has chosen to ignore the Neighbourhood Plan.

NPPF para 127 Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) 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;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Plan policy QP4: Layout and Design of Development reinforces the above.

Point 1, 2 & 3 in particular are relevant to the failings of this application.

HRNP took great care to meet the above NPPF principles. It is considered that the application submitted, especially in its incursion into designated amenity open space has not taken NPPF 127 into account and in fact will damage the quality and sense of place through poor layout and lack of consideration of the current functions and their value to the community. NPPF para 128 Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. There have been no early discussions with the community or attempts to meaningfully evolve the design. Two presentations to Greatham Parish Council resulted in only the most minor of adjustments to the style of some of the properties but officers evidently did not fully understand the points raised. Major concerns regarding departures from the neighbourhood and local plans were not addressed. The one presentation to residents simply told those attending what the Borough Council intended to submit for planning permission and no alterations were made to address comments.

NPPF para 130 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. It is considered the current application fails to take the opportunity to enhance, improve or even utilize the existing amenity space. In doing so it also ignores the Neighbourhood Plan and village design statement. This requirement is reinforced by Local Plan policy RUR1 Policy H1 of Hartlepool Rural Neighbourhood Plan (HRNP) allocates this site - Greatham – between Hill View and Saltaire Terrace for 12 houses. The number of houses allocated being based on the Strategic Housing Land Availability Assessment (SHLAA) undertaken by Hartlepool Borough Council in preparation of the Hartlepool Local Plan. The SHLAA notes for this site states, 'developer interest. Separation distances mean yield is appropriate'. Hartlepool Local Plan designated the same site as 'white land' – a non-specific designation, certainly not recognizing any housing need to be met. The application submitted seeks to build 16 houses by use of minimal standards onto the allocated area and add a further 2 houses by extending into an amenity space. There is no justification provided as to why this quantity is required or appropriate.

With reference the planning statement provided with the application, paras 2.6 & 2.7. This site is not an entry-level exception site as set out in the NPPF (para.71). This

site was allocated in the Rural Neighbourhood Plan and should seek to meet the boundaries of that allocation both physically and provisionally.

The Rural Plan group accepts the site, as delineated and described within the neighbourhood plan, as being likely to be delivered and assist in meeting the rural housing need. The sites were assessed, chosen and deemed to be of an appropriate size and scale, to ensure that they do not impose too much upon each village yet are still deliverable sites. Approximately 50% of properties in Greatham village are already available to rent through the Hospital of God estate, Housing Associations and private letting. In producing HRNP it became evident from working group surveys, the consultation responses and local intelligence of a need for further smaller homes in Elwick, Greatham and Hart.

Furthermore, in Greatham, despite there being a good supply of retirement homes to rent, there is a shortage of such houses to purchase. Due to inflated rural house prices and a simple lack of availability, Greatham residents wishing to purchase a home are too frequently forced to leave their community – this unfortunate state was something the neighbourhood plan sought to address. NPPF para 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. The HRNP Policy H1 also states, 'new housing development should provide a mix of house types and tenures on sites of five or more dwellings; the mix should have regard to the latest evidence of housing need applicable at the time'. There is no mix of tenure proposed nor any evidence of the need in Greatham for the proposed quantity of local authority housing contained in the application.

Local Plan policy HSG2 states "the Borough Council will ensure that all new housing, and/or the redevelopment of existing housing areas, contributes to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future". In a village with only about 450 houses, some 50% of which are already rented, the addition of 36 affordable homes currently being built and 18 proposed new HBC council houses in the application under consideration, there can be no balancing of the housing stock. Local needs and aspirations are being ignored and the imbalance of the past exacerbated and inflicted upon future generations.

A Housing Needs Survey was carried out as part of the production of the Neighbourhood Plan to provide further evidence on the need for various types of homes in each village (appendix 8 of HRNP). Extract from appendix 8 states - it should be noted that Greatham has much more housing available to rent than other villages, due to The Hospital of God Trust, who own a considerable number of smaller units in the village, used to house mostly older or disabled people. There is however, a shortage of smaller homes to purchase, particularly bungalows, as well as larger family homes.

NPPF para 61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build

their own homes). We believe the need established by the Neighbourhood Plan is in line with the NPPF and to which the application fails to adhere.

NPPF para 77 - In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. The current application does not reflect local needs in the village of Greatham identified by the Neighbourhood Plan.

HRNP POLICY GEN 2 sets out several design principles which new developments are expected to demonstrate they have taken regard of. The current application is not considered to have sufficiently taken on board the following points, indeed points 4 and 5 have not been addressed at all.

1. how relevant village design statements have been taken into account;
2. how the design of new housing scores against the Hartlepool Rural Plan Working Group's Checklist as set out in appendix 4;
3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;
4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas;
6. how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water into fluvial water and;

Greatham Village Design Statement guidelines identified that “villagers value the variety of open spaces, particularly the green, The Grove and squares associated with the almshouses. They are a pleasant feature and provide a focus for community activity for all ages. Although areas at Hill View are more disjointed, they still provide valuable informal play areas”. The recommendation being that these areas should be protected from development. Further “any new developments elsewhere in the village should include similar open spaces as a central feature of their layout”. “Design and layout of communal areas should promote community spirit”.

The proposed development, by extending beyond the HRNP allocated area into that designated as public amenity area, has fractured the communal space into smaller, disjointed and less usable spaces. The children’s play area effectively becomes a bit of enclosed backland. The application is thus at odds with, and contrary to, the guide provided by the village design statement and the desires of the community. In the justification specific for this site HRNP (page 24, para 8.31) the site at Hill View includes, with the aim of securing good design alongside a quality public real and attractive environment, “there is a strip of land at the south of the site, which fronts the main road route through the village, with a line of trees which includes an area reserved for the erection of a former salt pump reflecting the history of the location. To the north of the site is a rectangular piece of grass with a children’s play area. A row of existing houses already overlooks this and there is the opportunity to create an enhanced civic space if new properties were to front onto this area”. The first strip of land to the south has been retained but the larger more important open space at

the north, despite its designation as amenity space, has been severely encroached upon by the proposed development.

The result is to destroy an existing well-defined open space which has the opportunity to provide a communal focal point and heightened sense of place. Instead the proposal as presented fragments the open space to leave smaller pieces of little functional use, more difficult to maintain, exposing the rear of two of the new properties and placing the existing children's play area into what becomes backland. This is contrary to Local Plan policy QP4. The requirement to be in accordance with the policies of the Neighbourhood Plan is supported by Local Plan policy RUR1. We would assert that in a number of points this application is not in accordance with the Neighbourhood Plan. Local Plan policy QP5. The extension of the proposed housing into the amenity space produces homes where the rear gardens are exposed to a public space. This creates privacy and security issues.

HRNP policy C1 – Safeguarding and Improvement of Community Facilities states Community buildings, play areas, sports/recreation facilities, allotments and open spaces will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made. The area at the north of this site which is designated as amenity space is not surplus to requirements. It gains greater importance if the area allocated for housing is developed because, as was recognized, the resulting development would reduce the area of amenity space currently available at this location.

The 'Heads of Terms' Legal Agreement does not appear to allow for contributions to Greatham Community Centre which is listed along with Greatham Sports Field as priority schemes in the Neighbourhood Plan policy C1. Contributions will be sought from new housing development towards the improvement of leisure, community and recreation facilities and open spaces serving the settlement where it is shown that the need for the facility, open space or the contribution towards the improvement of existing facilities is directly required as a result of the proposed development.

Greatham Village Design Statement states "setts should be used in preference to tarmac for hardstanding". The parking areas to the front of the properties should follow this guideline to be in keeping with the design statement. Permeable blocks are available. Taking the above comments into consideration this application is considered to be contrary to policies contained in Hartlepool Rural Neighbourhood Plan, Hartlepool Local Plan and the National Planning Policy Framework. The application has also failed to take into account Greatham Village Design Statement. A representative of the Hartlepool Rural Plan Group would welcome the opportunity to speak to the Planning Committee when they consider this application.

Greatham Parish Council – Greatham Parish Council OBJECTS to the above application. The Parish Council considers the plans as presented are not compatible with the policies contained in the National Planning Policy Framework (NPPF) or the Local Development Framework as contained in Hartlepool Local Plan (HLP), Hartlepool Rural Neighbourhood Plan (HRNP) and Greatham Village Design Statement (GVDS).

Policy H1 of the HRNP allocates the site for just 12 houses. This quantity being based on the Borough Council's own Strategic Housing Land Availability Assessment, where the notes state 'developer interest' separation distances mean yield is appropriate'. At the consultation on the 18th December it was suggested the use of minimum separation standards had made an increase in the quantity of houses possible. Being possible is not the same as desirable or necessary. No justification of the requirement for the 18 houses has been made.

In the village of Greatham there is already a disproportionately large supply of rented housing due to the presence of the Hospital of God estate as well as Housing Association and private rented properties. A new development of 36 rent to buy homes for Karbon is going to provide more than enough affordable homes in a village of only about 450 homes. Having reluctantly accepted the huge expansion of the town westward HRNP sought to "meet the rural housing need" with its allocations. Based on local knowledge and a housing needs survey (HRNP appendix 8) more affordable/rented housing is not required in Greatham. The applicant (Hartlepool Borough Council) have provided no evidence to the contrary.

HRNP also states new development should provide a mix of house types and tenures on sites of five or more dwellings; the mix should have regard to the latest evidence of housing need applicable at the time'. Already 36 home all rent to buy are being built and now a proposal for 18 all rented is offering no mix of tenures and is exacerbating the imbalance in housing provision which already exists in Greatham village.

The conclusion is that these houses are intended to serve an urban need not a rural one. Such an urban need would be better served selling this site as a block or divided into self-build plots and using the money raised to provide rented housing where it is needed. Moving residents accustomed to the convenience of all the facilities enjoyed in the town to an isolated street, it is approaching a mile walk from Hill View to the bus stop in Greatham High Street, in a village with limited facilities and increased living costs is a foolhardy proposition. The vibrant and close-knit community in Greatham already has experience of rapid turnovers as people discover the reality of village life. This does nothing to help with community cohesion, stability or sustainability.

Considering the above Greatham Parish Council believes the application is not compliant with NPPF paras 8b and 77 and HRNP Policy H1.

Part of plot 16 and all of plots 17 & 18 of the current application extend the site onto an area of land allocated in HLP and HRNP as amenity open space. This exposes the rear of these properties to the remnant of open space which would be detrimental to the security of the proposed homes. Have 'Security by Design' principles been considered.

The amenity open space into which plots 16, 17 & 18 extend was deliberately allocated due to its position between two HRNP identified development sites where no opportunity to include any amenity space was offered. The site to the north is currently being built and that to the south is the subject of this application (both are using the same developer and planning consultant) – the desirability and need for all the allocated open space, for both recreational and visual amenity, is not diminished but confirmed. No evidence to the contrary is provided.

In HLP policy NE2 the Borough Council states it “will safeguard green infrastructure within the Borough from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities, including sports pitches, cycle routes and greenways throughout the Borough based on evidence of local need”. The extension of the housing into the well-proportioned rectangular open space as identified by HLP and HRNP would clearly reduce quantity, damage the quality and be detrimental to the management (maintenance) of the designated open space. There is no evidence of a decrease in the local need, on the contrary with new homes being built the need is increased. The Parish Council and residents have not been approached to reassess any local need. As such the application at its northern end provides a poor negatively designed layout which fails to take the opportunities available for improving the character and quality of an area and the way it functions. HRNP policy C1 states “community buildings, play areas, sports/recreation facilities, allotments and open spaces will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made”. The area at the north of this site which is designated as amenity space is not surplus to requirements. It becomes even more important if the area allocated for housing is developed because the resultant development would reduce the area of amenity space currently available in this location.

HRNP identified ways in which the designated open space could be improved should adjacent developments come forward – this is being ignored which is not acceptable. Greatham Village Design Statement guidelines state “villagers value the variety of open spaces, particularly the green, The Grove and squares associated with the almshouses. They are a pleasant feature and provide a focus for community activity for all ages. Although area at Hill View are more disjointed, they still provide valuable informal play areas”. The recommendations continue that these areas should be protected from development and “any new developments elsewhere in the village should include similar open spaces as a central feature of their layout”. “Design and layout of communal areas should promote community spirit”. The application does not provide any similar open spaces to those described and by extending into the allocated amenity space to the north destroys the that space fracturing it into a far less functional area. The children’s play area effectively becomes a bit of enclosed backland. The application is therefore at odds with the Village Design Statement.

The Parish Council does not believe any benefit gained by adding a couple more houses to the proposed development would outweigh the significant and adverse impact the loss of the amenity space (as allocated in HRNP and HLP) would have on existing and future residents.

Image 1 - View of the well-defined open space allocated in the Neighbourhood Plan which application plots 16, 17 & 18 propose to occupy (to just past the boy with the red bike).

The Parish Council considers the application contrary to NPPF paras 92a, 97, 124, 125, 130; HLP policies RUR1, NE2, NE6, QP4; HRNP policies GEN1, GEN2, C1 and Greatham Village Design Statement.

Has a realistic assessment of the village school been made to ensure it can cope with the additional numbers of children likely from this proposed site (18 homes) and the adjacent Station Road site (36 homes). Currently Greatham C. of E. School is full at nursery, full in Reception, has 7 spaces in Year 1, Year 2 is full, year three is oversubscribed by 1, Year 4 has 4 spaces, Year 5 is full and Year 6 is full. Across the whole school there are only spaces for 10 pupils, and most of them in a single age group. Assurances are sought that no village child who wishes to attend the village school will be required to travel outside the village community. The village school remains a key foundation in building community cohesion. NPPF para 94 “It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted”. The Parish Council considers the application has failed to address NPPF para 94. The only access to Hill View is along Station Road which continues to be a very winding country lane with several sharp bends, restricted visibility and only a short stretch of pavement on one side of the road (at one point that pavement swaps sides where visibility is limited). Concern therefore rightly exists as to the safety of this road, especially when facing an increase in traffic numbers. There needs to be traffic calming measures introduced – but these seem to be resisted by Hartlepool Borough Council when requested in rural areas.

Greatham Village Design Statement states “setts should be used in preference to tarmac for hard standing”. The parking areas to the front of the properties should follow this guideline to be in keeping with the design statement.

Image 2 - View of gables on Egerton Terrace

The use of gables on facades facing onto the street is not a common feature in Greatham. Where they do exist, they are predominantly used as ‘book ends’ at either end of terraces. This is the case in Saltaire Terrace, The Grove and Egerton Terrace. A picture of Egerton Terrace in the Design and Access Statement entitled “Materials Palette: Facing brick, render, artstone and pitched tiled roofs including gables” does not provide the full picture. Below is a fuller picture showing how the gables are used in an ‘arts and crafts’ terrace of about 1914. The gables are used in a symmetrical rhythm which emphasize the distinct terrace – a distinctive architectural grammar. The 3 random gables used on the façades in the current application should be removed as they do not accurately represent the architectural function or style of the village.

Gables are occasionally used to emphasize entrances/access points as in the terrace next to the Bull & Dog or lodge at bottom of The Drive, but these are not relevant to the proposed new development.

The designs presented have not taken into account or understood Greatham Village Design Statement and is therefore not compliant with HLP policy RUR1 and HRNP policy GEN 2.

Regarding the Statement of Community involvement. There was a presentation to the Parish Council at the request of the applicant and a follow up at a normal Parish Council meeting (although it was explained in advance that there would be very limited time at a normal PC meeting). At both meetings those parts of the application which diverged from the local development framework were highlighted. The only modifications made for the second visit were to minor details in the style of the buildings, though it appeared the comments being addressed had not been understood. At both meetings with the Parish Council assurances were sought that a consultation to residents would be organized, Greatham Residents Association was recommended as the best group to contact. It is very disappointing that the applicant provided extremely short notice for residents to attend and that this meeting was a consultation only to tell residents what would be in the planning application. It is an unfortunate state of affairs that even the above consultation is better than that undertaken by most applicants. The community involvement however fell very short of a meaningful consultation and provided virtually no evolution of the design that might have addressed some of the points raised in this objection. NPPF para 128 provides a much better model for consultation.

HRNP does suggest that the new properties at the north of the allocated site overlook the amenity space (shown in Image 1) so that they would be at 90 degrees to the existing properties in Saltaire Terrace this would reduce the direct overlook into some of the existing houses. This would also offer better oversight or supervision of the open space (including children's play area), give a better outlook to those properties and provide south facing rear gardens. Such a layout would better meet principles in HLP policies QP4 Layout and Design Development, QP5 Safety and Security and CC1 Minimising and Adapting to Climate Change.

The properties at the south of the site could be similarly orientated for the same benefits. If the bungalows were to be located within the stretch of proposed housing between the north and south ends of the site a further reduction in directly viewing into existing homes could be gained.

NPPF para 128 Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Taking the above and previous comments this application is considered to be at odds with HRNP Policy GEN2 Design Principles and failed to take into account Greatham Village Design Statement. These policies are supported by HLP policies QP4 and RUR1 as well as NPPF section 12.

36 homes, served by a pumping station, are being currently built. This application seeks to add a further 18 on the same sewer. The Parish Council would like some assurances that the existing system can cope.

HRNP identifies improvements to both Greatham Community Centre and Greatham Sports Field as community facility priority schemes. The Parish Council trusts that the 'Heads of Terms' Legal Agreement enables contributions to Greatham Community Centre and Greatham Sports Field to be made should any development occurs.

Greatham in Bloom, which does an enormous amount of voluntary work maintaining and improving the environment of the village and regularly wins gold medals in Northumbrian in Bloom, has started, with permission of the Borough Council, to improve the area to the South of the application site. It is hoped their work will be protected from any building works along with the adjacent trees. This is the same area designated in HRNP for the erection of a pump from the Salt workings that once stood to the south of the village (Saltaire Terrace was built for the salt workers). One trusts this celebration of the famous products produced at Greatham, including as Cerebos, Saxa and Bisto, will not be adversely affected by this application.

The applicant's planning statement quotes a so called 'golden thread' running through the NPPF that there should be a presumption in favour of sustainable development. Para 12 of the NPPF clearly states however "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. Both Local Plan and Neighbourhood plan are less than 2 years old and therefore very up-to-date. No material considerations have been offered as to why the development plan should not be followed. The Parish Council therefore respectfully requests the Planning Committee uphold the policies of the development plan and refuses this application.

Elwick Parish Council - Elwick Parish Council strongly objects to this development, which goes against the policies of the Hartlepool Rural Neighbourhood Plan and the Local Plan. We fully support the responses from the Hartlepool Rural Plan Group and Greatham Parish Council.

Hartlepool Civic Society – Hartlepool Civic Society reviewed application H/2019/0527 development of 18 residential dwellings at Hill View, Greatham at our latest meeting of the Executive Committee and would like it noted that we object to this application for the following reasons.

Contrary to Hartlepool Local Plan and Rural Neighbourhood Plan resulting in an unacceptable loss of designated amenity land.

Not meeting local housing need as described in the Rural Neighbourhood Plan. Failure to adhere to design principles.

Contrary to HRNP policies GEN1, GEN2, H1; Local Plan policy NE2, NE6, QP4, QP5, HSG2, RUR1; NPPF paras 61, 77, 92a, 97, 124, 125, 127, 128, 130.

We also believe that the plans are not in line with the policies contained in the National Planning Policy Framework (NPPF) or the Local Development Framework as contained in Hartlepool Local Plan (HLP), Hartlepool Rural Neighbourhood Plan (HRNP) and Greatham Village Design Statement (GVDS).

Part of plot 16 and all of plots 17 & 18 of the application are on land allocated in the HRNP and Hartlepool Local Plan as amenity open space. This space falls between two of its allocated housing sites where the opportunity for provision of amenity space within the developments is extremely limited. The HRNP allocated land that was previously enjoyed as amenity open space for housing, to fulfill the requirements and needs of the area, elevating the requirement to maintain this amenity open space.

We are greatly concerned that HBC as both the owner and the developer of this land is not adhering to its own policy and commitments (contained within Local Plan Policy NE2 Green Infrastructure) to “safeguard green infrastructure within the Borough from inappropriate development and work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities, including sports pitches, cycle routes and greenways throughout the Borough based on evidence of local need”.

Policy GEN1 Development Limits in the HRNP states “within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan”. NPPF para 92a states planning policies and decisions should “plan positively for the provision and use of shared spaces, community facilities” (includes open spaces). This application contravenes this, specifically with reference to plots 16, 17 & 18. By reducing this well-proportioned and effective space it becomes disjointed and far less functional.

NPPF para 91a) Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas. Both the Neighbourhood and Local Plans strived to meet this planning aim in assigning this land as public open space, this application however ignores this and destroys the existing high quality public space.

It is also of grave concern that Hartlepool Borough Council have totally ignored the Neighbourhood Plan which identified the amenity space which this application proposes to build upon as a potential civic space “to the north of the site is a rectangular piece of grass with children’s play area. A row of existing houses already overlooks this and there is the opportunity to create an enhanced civic space if new properties were to front onto this area”. NPPF para 130 clearly states “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”

By proposing to build on this land Hartlepool Borough council are contravening those very policies that they are accountable for upholding. NPPF section 12, para 124 & 125 state “Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. The Neighbourhood plan identified the special quality of this area and suggested how this can be reflected in any new development on land the neighbourhood plan allocated. This application totally ignores these well thought through practical and sustainable elements of the Neighbourhood Plan.

NPPF para 97. Existing open space should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. On searching through all of the relevant documentation we can find no record of any assessment being carried out.

NPPF para 130 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. We believe that this application does indeed fail to take this opportunity to enhance, improve or even utilise the existing amenity space and in doing so it also ignores the Neighbourhood Plan and Village Design statement. This requirement is reinforced by Local Plan policy RUR1.

The Local Plan was adopted on 22nd May 2018 and the Rural Neighbourhood plan was “made” by Council on 20th December 2018. Greatham Village Design Statement was adopted by Hartlepool Borough Council as supplementary planning guidance. One would expect that these important documents would be adhered to by the council to ensure that their own planning applications comply with the agreed policy’s.

PLANNING POLICY

2.20 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

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

CC1: Minimising and adapting to climate change
HSG1: New Housing Provision
HSG2: Overall Housing Mix
LS1: Locational Strategy
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters

QP7: Energy Efficiency
 NE2: Green Infrastructure
 SUS1: The Presumption in Favour of Sustainable Development

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

H1: Housing Development
 C1: Safeguarding and Improvement of Community Facilities
 GEN1: Development Limits
 GEN2: Design Principles

National Policy

2.22 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. 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 002: Permission determined in accordance with development plan
 PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development
 PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA038: Decision-Making
 PARA047: Determining Applications
 PARA058: Enforcement
 PARA077: Rural Housing
 PARA078: Rural Housing
 PARA124: Achieving well-designed places
 PARA 125: Achieving well-designed places
 PARA127: Achieving well-designed places
 PARA 130: Achieving well-designed places
 PARA 150: Planning for Climate Change
 PARA153: Planning for Climate Change
 PARA212: Implementation

HBC Planning Policy comments (summarised) - The majority of the site is currently non-allocated white land within the Local Plan, within the development limits of Greatham village and in an established residential area. The principle of development is therefore acceptable for residential development.

Part of the site would encroach on incidental open space which is protected by policy NE2 of the Local Plan. The applicant should therefore provide compensatory green space or enhance existing/remaining open space in the vicinity of the development. Planning obligations are sought as per the requirements of the Planning Obligations SPD. It is considered that the proposals reflect the aspirations of policy QP4 of the Local Plan and the Council's Residential Design SPD.

The site also falls within the boundaries of the Rural Neighbourhood Plan. Policy H1 of the Rural Plan allocates the site for approximately 12 dwellings. In view of the proposed site layout and taking into account the landscaping proposals, it is deemed that the proposed number of dwellings is acceptable. The Strategic Housing Market Assessment (SHMA) details that there is a need for semi-detached houses with 1-2 beds and bungalows, meaning that the development would provide some dwellings which meet this required need and provide sufficient variety in dwelling types. Policy GEN2 of the Rural Plan states that development is expected to consider how the design helps to create a sense of place and reinforces the character of the village and reinforce the existing streetscape or green public spaces by facing onto them. It is considered that proposed on-site landscaping increases the visual amenity of the site, alongside the traditional materials palette, which supports what can be seen in the wider area, and ensures the new development will fit in to the village.

The Council expects that all new development will be energy efficient and will minimise and adapt to climate change, and this is enforced through policies CC1 and QP7. The applicant's submitted energy statement details how a 10% reduction in site-wide CO2 emissions can be achieved. A number of dwellings also appear to have solar panels, which would ensure the development meets the 10% renewable energy requirement.

UPDATE 05/03/2020: I am happy from a Policy perspective that [amended landscape plan] adequately mitigates the loss of the adjacent greenspace. I am also happy that reference to a small goalposts on the area has been included.

PLANNING CONSIDERATIONS

2.23 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the amenity and privacy of neighbouring land users and future occupiers, the visual amenity of the application site and the character and appearance of the surrounding area, landscaping and landscape features, ecology and nature conservation, highway and pedestrian safety, flood risk and drainage and land contamination. These and all other planning and residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

Development Limits and Site Allocations

2.24 Objections have been received from neighbouring land users and from the Hartlepool Rural Neighbourhood Plan Group, Hartlepool Civic Society, Elwick Parish Council and Greatham Parish Council with respect to the loss of amenity open space at the north/north-west of the site, the proposed number of dwellings and perceived conflict with the NPPF, the Hartlepool Local Plan and the Hartlepool Rural Neighbourhood Plan.

2.25 Both the Hartlepool Local Plan (2018) and the Hartlepool Rural Neighbourhood Plan (2018) set development limits, beyond which there is a presumption against development. Development limits tend to be tightly drawn around the Borough's villages. The application site sits within the development limits of Greatham village. Rural Neighbourhood Plan policy GEN1 (Development Limits) advises that within the defined development limits, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

2.26 The majority of the application site has no designation or allocation on the Hartlepool Local Plan Policies Map. The Rural Neighbourhood Plan Policies Map however designates the majority of the site for housing use, with policy H1 (Housing Development) of the Rural Neighbourhood Plan allocating part of the site for approximately 12 dwellings. The proposals in this instance include an additional 6 dwellings above the site allocation (albeit two of these sit outside of the boundaries of the allocation)

2.27 Objections from the Hartlepool Rural Neighbourhood Plan Group and Greatham Parish Council cite concerns that the proposals comprise a higher number of dwellings than set out within the site allocation in the Rural Neighbourhood Plan, which is based on the indicative figures in the Council's Strategic Housing Land Availability Assessment (SHLAA). However, it is noted that policy H1 of the Rural Neighbourhood Plan indicates approximate numbers for site allocations only (as do the figures in the SHLAA), and the policy wording stipulates that these are 'minimum' figures. The use of the term 'minimum' was a recommendation of the independent Examiner of the Neighbourhood Plan, as set out in their Report to the Council on the Examination of the Hartlepool Rural Neighbourhood Plan. The Examiner maintained that *"to set a figure as either a maximum figure, or indeed as an approximate figure could frustrate the delivery of additional homes which could legitimately come forward and for which there is an undoubted need."* Having considered the Examiner's Report, the Council (HBC) accepted the examiner's recommendations and proceeded on this basis, with the wording subsequently featuring in the 'made' version of the Neighbourhood Plan. There is therefore no policy constraint forbidding the number of dwellings proposed to be higher (in principle) than those set out in the allocation, provided there are no material planning considerations that would indicate otherwise, the consideration of which are set out in full in this report. The Council's Planning Policy section has advised that having considered the proposed site layout, including separation distances to neighbouring properties, and taking into account that the development retains elements of green space and landscaping which will

assist in protecting the visual amenity of the area, it is deemed that in this instance the proposed number of dwellings is acceptable in principle.

2.28 Notwithstanding this, and in order to accommodate the additional dwellings, it should be noted that the extent of the application site extends beyond the boundaries of the above Rural Neighbourhood Plan housing allocation, and encroaches into an area of amenity open space / accessible green space to the north of the site that is protected by policy NE2 (Green Infrastructure) of the Hartlepool Local Plan and designated on the Rural Neighbourhood Plan Policies Map, respectively.

2.29 In detail, part of plot 16, and the entirety of plots 17 and 18, of the proposed development sit within a relatively small triangular parcel of open space south of the existing footpath that runs from Saltaire Terrace to Hill View (opposite the existing children's play area). This area however forms only part of the wider amenity open space at Hill View (south of Greatham Primary School) that is protected by virtue of policy NE2 (Green Infrastructure) of the Local Plan. The children's play area adjacent is also protected by virtue of policy NE2 of the Local Plan, as part of a separate allocation. The proposed plots at plots 16, 17 and 18 will result in the loss of approximately 55% of this relatively small triangular area of open space, however this constitutes a smaller loss of approximately 13% of the wider allocated amenity open space north of Hill View and, when taking into account the allocated children's play area adjacent, a loss of just 11% (approx.) of the allocated green infrastructure in the immediate area, protected by policy NE2. It is also noted that there are additional areas of accessible green space / incidental open space between the rows of terraces at Hill View and around the southern and western boundaries of the existing estate, and these are designated on the Rural Neighbourhood Plan Policies Map. Furthermore, the proposal itself includes a small (but not insignificant in the context of the area of open space lost) landscaped parcel of land to the south of the site which is proposed to be retained to soften the approach to the new development.

2.30 Notwithstanding the above, policy NE2 of the Local Plan stipulates that the loss of green infrastructure components will generally be resisted. Policy NE2 does state however that in exceptional circumstances green infrastructure will be considered for other uses where; it can be demonstrated to be surplus to needs, it has no other recreational, nature conservation or amenity function, it is in an area where the local need has already been met elsewhere, it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or it is too small or difficult to maintain. This policy also requires that where an area of open space is lost to development, the Borough Council imposes planning conditions or a legal agreement as appropriate, to ensure compensatory provision of an alternative site or enhancement of adjoining open space. Similarly, policy C1 (Safeguarding and Improvement of Community Facilities) of the Rural Neighbourhood Plan stipulates that open spaces will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made.

2.31 Given that the proposals encroach into a relatively small proportion of the wider allocation of green infrastructure in this area (as set out above), it is considered that

the local need will continue to be substantially met elsewhere both on the remaining allocated open space north of the application site/Hill View and south of Greatham Primary School and on the ample existing accessible green space / incidental open space to the west of the site within the existing estate at Hill View. Furthermore, the proposed landscaping within the site (both within plot boundaries and along the southern boundary of the site), whilst only providing limited recreation space, will remain substantially open and have visual amenity value. In line with policy NE2 of the Local Plan and policy C1 of the Rural Plan however, the Council's Planning Policy section has highlighted that as a result of the encroachment into the allocated open space, it is expected that the developer would either provide compensatory green space or enhance existing/remaining open space in the vicinity of the development. In response, the applicant has confirmed their commitment to the enhancement of the amenity open space to the north-west of the site (the site of the temporary construction compound) upon completion of the development and have provided details of indicative proposals including additional tree and shrub planting, benches and football goalposts. A planning condition is therefore recommended to secure this and agree final details accordingly, in consultation with relevant internal consultees.

Affordable Housing Provision and Housing Mix

2.32 The proposed development would deliver all 18 dwellings as affordable homes. The proposed tenure of the dwellings will consist of 100% affordable rent. They will be owned and managed by Hartlepool Borough Council and let through the Choice Based Lettings System. The proposals comprise a mix of 2-bed semi-detached bungalows and 2, 3 and 4 bed semi-detached houses.

2.33 The Hartlepool Rural Neighbourhood Plan Group, Hartlepool Civic Society and Greatham Parish Council have objected on the grounds that the proposed housing tenure and mix (100% social/affordable rent) does not reflect local housing need. Objections from neighbours have also raised concerns that there is a lack of need for social/affordable housing or rented accommodation in this area.

2.34 Both Local Plan policy HSG2 (Overall Housing Mix) and Rural Neighbourhood Plan policy H1 (Housing Development) seek to ensure that all new housing contributes to achieving an overall balanced mix of housing stock. Both policies advise that regard should be given to the latest evidence of housing need. Local Plan policy HSG9 (Affordable Housing) advises that the Council will seek an affordable housing target of 18% on all sites above the 15 dwelling threshold, in line with the Borough-wide identified need. Rural Neighbourhood Plan policy H2 (Affordable Housing) lowers this threshold to six dwellings for developments within the rural area.

2.35 The Council's Planning Policy section has advised that in this instance, the latest evidence of housing need is set out in the Council's most recent Strategic Housing Market Assessment (SHMA), and this document details that there is a need for semi-detached houses with 1-2 beds and bungalows in this part of the Borough. The SHMA also highlighted that there was a need for 157 affordable housing units in the Rural West ward, with 86% of those households in the Borough that are in need

of affordable housing considering social/affordable renting as the preferred tenure option.

2.36 Consequently, the Council's Planning Policy section has commented that the development would provide some dwellings which meet this required need and provides sufficient variety in dwelling types. It is considered that the provision of affordable housing at this site would have a positive impact upon meeting the Council's overall affordable housing targets and is therefore acceptable in this respect.

Renewable Energy and Energy Efficiency

2.37 NPPF section 14 (Meeting the challenge of climate change, flooding and coastal change) sets out how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

2.38 Local Plan policy CC1 (Minimising and adapting to climate change) requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. Where it can be demonstrated that this is not feasible, the provision of the equivalent energy saving should be made by improving the building fabric or a combination of energy provision and energy saving measures that equates to the equivalent of 10%.

2.39 Where the design and layout of the development, construction methods and green infrastructure provision does not ensure greater energy efficiency through solar gain, passive heating and cooling, natural light and natural ventilation, Planning Policy would encourage the dwellings to be 10% more efficient than that required by the building regulations through building fabric improvements, in accordance with Local Plan policy QP7 (Energy Efficiency).

2.40 The applicant has submitted a supporting Sustainability Statement and Energy Statement. The Council's Planning Policy section has advised that this details how, following improvements, a 10% reduction in site-wide CO2 emissions can be achieved, which will be beneficial for the carbon footprint of the development and meets the criteria of Local Plan policy QP7. Notwithstanding, a planning condition is recommended to ensure the works are carried out in accordance with the submitted details and to require the final Building Regulations compliance report to be submitted to and agreed in writing with the Local Planning Authority.

2.41 With respect to Local Plan policy CC1, it is noted that the submitted plans show some dwellings with solar panels, an approach which would likely ensure the development meets the 10% renewable energy generation criteria and would be fully supported by the Council's Planning Policy section. Notwithstanding this, and in order to secure the provision of renewable energy generation on site and electric vehicle charging points, planning conditions are recommended accordingly to secure final details of these.

Planning Obligations

2.42 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 (Planning Obligations), Rural Neighbourhood Plan policy PO1 (Planning Obligations - Contributions Towards Meeting Community Infrastructure Priorities) and the adopted Planning Obligations SPD, the Council's Planning Policy section has confirmed that developer contributions will be required based on the current submission, as set out below;

- Green Infrastructure: £4500 (£250 per dwelling) – to be directed towards existing public footpaths to the north and south east of the site.
- Built Sports: £4500 (£250 per dwelling) – to be directed towards Greatham Sports Association
- Play Facilities: £4500 (£250 per dwelling) – to be directed towards the existing play site near Saltaire Terrace.
- Playing Pitches £4199.22 (£233.29 per dwelling) – to be directed towards Greatham Sports Association
- Tennis Courts: £1026.36 (£57.02 per dwelling) – to be directed towards Greatham Sports Association
- Bowling Greens: £89.46 (£4.97 per dwelling) – to be directed toward bowling greens in the borough

2.43 Whilst objections have been received citing concerns that there is insufficient capacity on the local highway network to accommodate additional traffic from the development, the Council's Highways, Traffic & Transport section has not raised any concerns or highlighted any issues with local capacity and there are therefore no financial contributions required towards improvements to the local highway network to accommodate the development.

2.44 Objections have been received from neighbours and from Greatham Parish Council citing concerns that there is insufficient capacity at local schools to accommodate additional students from the development, the Council's Planning Policy section, in consultation with the Council's School Place Planning, Admissions & Capital Manager, has advised that no education contribution is required in this instance. It is also noted that through application H/2019/0139 for the adjacent site it was established that both Greatham Primary School and Manor Community Academy both have sufficient capacity. There is therefore no requirement for a financial contribution towards primary or secondary education in this instance.

2.45 It is noted that the Council cannot enter into a Section 106 Legal Agreement with itself to secure the abovementioned financial contributions, however the applicant (HBC) has confirmed their agreement to provide the abovementioned contributions as required.

Other Planning Policy Considerations

2.46 Objections from the Hartlepool Rural Neighbourhood Plan Group raise concerns that the proposals are contrary to policy NE6 (Protection of Incidental Open Space) of the Council's Local Plan, which stipulates that the loss of incidental open

space will be resisted except in certain circumstances. The term ‘incidental open space’ however refers to unallocated land that is scattered throughout the built-up areas and villages of the Borough that provides visual amenity or separates different buildings/land uses for environmental, visual or, sometimes safety reasons. The land between the rows of terraces at Hill View does not have an allocation on the Local Plan Policies Map, however is considered to be ‘incidental open space’. The area of land to be lost to part of plot 16, and plots 17 and 18, in this instance however is not incidental open space, as this land is designated as ‘amenity open space’ on the Local Plan Policies Map and is protected by virtue of policy NE2 (Green Infrastructure) as set out above. The provisions of policy NE2 therefore apply to this part of the site, and not those of policy NE6. With respect to the rest of the application site, whilst this is unallocated ‘white land’ on the Local Plan Policies Map and is currently an undeveloped open grassed area, this is a designated housing site in the Hartlepool Rural Neighbourhood Plan and therefore is also not considered to be incidental open space. The provisions of policy NE6 therefore do not apply in this instance.

2.47 It is noted that the applicant’s supporting Planning Statement references Paragraph 71 of the NPPF, which stipulates that Local Planning Authorities should support the development of entry-level exception sites (small sites suitable for first time buyers/renters), provided the site is not already allocated for housing, amongst other criteria. The Hartlepool Rural Neighbourhood Plan Group have commented that this paragraph is irrelevant to this application as the site is allocated for housing in the Rural Neighbourhood Plan. Whilst this is correct with respect to plots 1-16, it is considered that the paragraph is relevant with respect to plots 17 and 18 (which are on land not allocated for housing) and these plots meet the relevant criteria of this paragraph.

2.48 Objections have been received from neighbours and from Greatham Parish Council citing concerns that the site is in an unsustainable location as there are insufficient amenities within the village to support future occupants of the proposed development. However, it is noted that Greatham contains a general store, hairdressers and beauty salon, post office, community centre, primary school and public houses. A playing/sports field is within the vicinity of the site to the north east. A children’s play area and an area of amenity open space is immediately adjacent, with a multi-use games area located between Saltaire Terrace and Station Road. There is also a frequent bus service serving the village, accessible from the village centre and within 900 metres of the site. It is also noted that the site is an allocated housing site in the Rural Neighbourhood Plan, and therefore considered to be a sustainable site for housing through this document. It is therefore considered that the level of facilities within Greatham could support the proposed development and the site is considered to be in a sustainable location.

2.49 Objections raise concerns that the proposals do not contribute to the local economy, however, notwithstanding direct (albeit limited) impacts on the local economy through construction industry and other association jobs during the construction phase of the development, it is considered that the proposals will contribute to meeting the housing needs of the village and the wider rural area, which in turn supports the vitality and viability of the village and its local businesses, amenities and services.

2.50 Concerns have also been raised by objectors that the proposals result in the loss of Green Belt land, however the application site is not designated Green Belt land (with no designated green belt in or around the Tees Valley area).

Principle of Development Summary

2.51 Ultimately, in view of the abovementioned site allocations and considerations, and subject to the identified planning conditions and obligations, it is considered on balance that the principle of the development is acceptable in this instance, subject to the consideration of all other relevant material planning considerations, as set out below.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

2.52 Objections have been received from neighbours citing concerns that the proposals will have a significant detrimental impact on the amenity and privacy of neighbouring land users (and in particular neighbours to the east at Saltaire Terrace) through loss of light/overshadowing, overbearing, poor outlook and overlooking.

2.53 Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and Alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) require, amongst other provisions, that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

2.54 As above, policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses. The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019).

2.55 The following minimum separation distances must therefore be adhered to:

- Principal elevation (i.e. any elevation containing a habitable room window) to principal elevation - 20 metres.
- Gable elevation (i.e. those containing a blank or non-habitable room window) to principal elevation - 10 metres.

2.56 Paragraph 127 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

2.57 As above, the proposed residential development comprises a linear layout with the proposed dwellings sited in a row along a north-south axis, with each property

featuring a private access/driveway directly onto the adopted highway at Hill View to the west. The proposed dwellings face into the existing residential estate at Hill View, with front elevations overlooking the highway, with public open space and the blank gable ends of the existing terraced properties at Hill View beyond. The rear elevations of the proposed dwellings therefore face the rear elevations of the existing properties on Saltaire Terrace, with the rear garden areas of the proposed dwellings abutting the existing rear garden areas (with the exception of plots 17 and 18 which overlook open space).

2.58 To the east/north-east, minimum separation distances of between 22 and 24 metres (approximately) are maintained between the rear elevations of the proposed 2 storey dwellings and the ground floor rear elevations of the existing dwellings at Saltaire Terrace (including rear offshoots), whilst greater distances of approximately 24-28 metres are maintained between the rear elevations of the proposed two storey dwellings and the original/main rear elevations of the dwellings at Saltaire Terrace. Whilst a shorter separation distance of approximately 18.5 metres is maintained between the rear elevation(s) of the proposed bungalows at plots 1 and 2 and the rear elevation of the ground floor offshoots at 31 and 32 Saltaire Terrace, it is considered that any impact on this existing neighbour is reduced due to the single storey scale of these dwellings and a satisfactory distance of approximately 22.5 metres is maintained between the proposed bungalows and the original/main rear elevations of these neighbouring dwellings.

2.59 With respect to plots 17 and 18 (which overlook the remaining amenity open space to the east), a satisfactory oblique separation distance of approximately 40 metres is maintained between the rear of the proposed bungalows on these plots and the existing dwellings to the east/north-east at 25-28 Saltaire Terrace.

2.60 The proposed separation distances as set out above are therefore considered to be acceptable and in accordance with the minimum separation distance requirements as set out in policy QP4 of the Local Plan and the Residential Design SPD. In view of the satisfactory separation distances and existing and proposed boundary screening (notwithstanding the proposals as described in the 'proposal' section, final details of proposed boundary treatment are to be secured by a planning condition to ensure an appropriate height of boundary treatment is provided, particularly along the rear boundaries to the properties backing onto Saltaire Terrace), it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the north-east/east in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

2.61 To the south/south-east, the gable elevation of the proposed bungalow at plot 1 is set back from the adopted highway on Marsh House Lane by approximately 7-9 metres due to the proposed landscaping strip along the southern boundary of the site. The proposed bungalow features a single dining room window in this gable elevation, however there are no sensitive land users to the south/south-east, with only agricultural fields on the opposite side of the road. It is therefore considered that the proposals would not have any appreciable impact on the amenity or privacy of neighbouring land users to the south/south-east in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

2.62 To the west/south-west, as above, the proposed dwellings are set back from the adopted highway on Hill View by approximately 6-10 metres due to the proposed front garden areas/landscaping and private driveways, and therefore a satisfactory separation distance of approximately 15-21 metres is maintained between the front elevations of the proposed dwellings and the blank gable elevations of the existing dwellings opposite at Hill View (with separation distances narrowing toward the north of the site), in accordance with the requirements of Local Plan policy QP4 and the Residential Design SPD. In view of the satisfactory separation distances proposed, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the west/south-west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

2.63 To the north/north-west, the gable elevation of the proposed bungalow at plot 18 overlooks the remaining amenity open space in this area and the adjacent children's play area. Whilst the bungalow features a single dining room window in this gable elevation, a satisfactory oblique separation distance in excess of 20 metres will be maintained between this window and the boundary of the adjacent residential development at Station Road. It is therefore considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the north/north-west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

2.64 Objections have also been received from neighbours citing concerns that the proposals will have a detrimental impact on the amenity of neighbouring land users through an increase in noise and disturbance.

2.65 The Council's Public Protection section has been consulted on the application and has confirmed that they have no objections to the application, subject to planning conditions requiring the submission to the Council and subsequent agreement of a Construction Management Plan prior to the commencement of development, as well as standard restrictions on hours of construction, which are recommended accordingly. It is therefore considered that disruption from construction activity can be appropriately controlled and there will therefore not be a significant detrimental impact on the amenity of neighbours from undue noise and disturbance.

2.66 With respect to noise and disturbance from future occupiers, there is no reason to believe that there will be any additional noise and disturbance than might be expected from a residential development of this size, and any undue noise and disturbance that may arise can be controlled by the Council's Public Protection section by virtue of the relevant environmental protection legislation, which is beyond the remit of this planning application.

2.67 In order to safeguard the amenity of neighbouring properties and future occupiers of the estate, a planning condition is recommended to stipulate that the dwelling(s) hereby approved shall not be converted, externally altered or extended in any way without the prior written consent of the Local Planning Authority.

2.68 In view of the above considerations and subject to the abovementioned conditions, it is considered that the proposals are acceptable with respect to the

impact on the amenity and privacy of neighbouring land users and future occupiers, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

2.69 Objections from neighbouring residents have raised concerns that the proposals will have a detrimental impact on the character and appearance of the surrounding area by virtue of the number of dwellings proposed as well as the design and layout of the development.

2.70 Policy QP4 of the Local Plan 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,
- Respect the surrounding buildings, structures and environment
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development.

2.71 With respect to the impact of the proposals on the visual amenity of the site and the character of the area, policy GEN2 (Design Principles) of the Hartlepool Rural Neighbourhood Plan stipulates that, amongst other requirements, the design of new development should demonstrate, where appropriate:

- how relevant village design statements and conservation area appraisals have been taken into account;
- how the design of new housing scores against the Hartlepool Rural Plan Working Group's Checklist;
- how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;
- how the design helps to reinforce the existing streetscape or green public spaces by facing onto them;
- how the design preserves and enhances significant views and vistas.

2.72 NPPF paragraph 127 stipulates that planning policies and decisions should ensure that developments, amongst other requirements;

- 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 (such as increased densities);
- 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.

2.73 The application site is outside the boundary of Greatham Conservation Area, with the special character of Greatham predominantly derived from the village centre around The Green, its early development as a religious based hospital in the 13th century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses, short terraces and late Victorian terraced housing. Peripheral areas of the village beyond the conservation area comprise a mix of mid to late 20th century and more contemporary detached, semi-detached and terraced dwellings with a number of infill developments evident.

2.74 The southern part of the village in the vicinity of the application site is characterised by a mix of primarily semi-detached and terraced dwellings dating from the early-mid 20th century at Saltaire Terrace to the east, and a 1970s housing development comprising short terraces (3-4 dwellings) of houses and bungalows in a geometric arrangement, interspersed with areas of incidental open space, to the west at Hill View. To the north of the site, planning permission has recently been granted (ref H/2019/0139) for a residential development comprising the erection of 36no. dwellings that will provide somewhat of a bridge between the older central part of the village and the more contemporary southern part in which the application site is located. It was considered that this adjacent development's design will reflect characteristics of the existing village and remain sympathetic to the conservation area adjacent, whilst providing a transition in density and design between the two areas.

2.75 As above, the proposed residential development in this instance comprises a linear layout with the proposed dwellings sited in a row along a north-south axis. There is variation in the designs and finishing materials to the proposed dwellings, with a predominantly traditional materials palette including facing brick, neutral-coloured render, artstone cills, brick headers, decorative brickwork and banding and pitched tiled roofs. All of the proposed dwellings are in semi-detached pairs, albeit with a number of individual dwellings featuring front facing gable roofs and the central plots (7-8 and 9-10) comprising two different house types, adding further variation to the roof lines.

2.76 The supporting Design & Access Statement indicates that the layout of the site is dictated by the shape of the site and site constraints. The supporting Planning Statement makes reference to both the Council's Residential Design SPD and the Greatham Village Design Statement. Both documents maintain that the proposals respond positively to the layout of the surrounding area, have been designed to be in keeping with the scale, proportions and materials of the surrounding properties and are in keeping with the density of surrounding residential properties.

2.77 It is noted that the proposed dwellings feature simpler elevation treatments to that of the adjacent approved site, and is therefore more reflective of the dwellings in the immediate vicinity, whilst continuing to retain some elements that are reflective of the adjacent approved site and the wider village, including decorative brickwork, and a mixture of traditional brick and render finishing materials, which will provide an element of continuity and consistency in the design and appearance of dwellings through this part of the village.

2.78 Objections have been received from Greatham Parish Council raising concerns that front facing gables have been used inappropriately in the design of 3 of the dwellings. Whilst the comments are noted, it is considered that the use of front facing gables adds interest to the street scene, and their use in this context would not have a significant detrimental impact on the character of the surrounding area or the village.

2.79 The Council's Planning Policy section has commented that, through assessment of the associated documents of this application, it is clear that the applicant has attempted to proactively incorporate on-site landscaping to increase the visual amenity of the site, which is a beneficial addition alongside the traditional materials palette which supports what can be seen in the wider area, and ensures the new development will fit in to the village. The Council's Planning Policy section further advises that it is clear that the new residential development would meet the aspirations of the Residential Design SPD with regards to elements such as amenity space, local distinctiveness and architectural interest etc, and the proposal is therefore also in accordance with policy QP4 of the Local Plan.

2.80 Objections have been received citing concerns that the proposals constitute overdevelopment of the site and that there are too many dwellings proposed. Whilst it is noted that the Hartlepool Rural Neighbourhood Plan allocation is for 12 dwellings only, it is considered that the density proposed through the current scheme is not uncharacteristic of the village. In particular it is noted that this part of the village features a mixture of terraced and semi-detached dwellings, with one side of Saltaire Terrace comprising a continuous (approx. 110m long) row of 24 terraced houses, the other side comprising 4 sets of semi-detached dwellings and a detached dwelling, and the properties at Hill View comprising numerous short (3-4 dwelling) terraces of houses and bungalows. A row of 18no. semi-detached houses and bungalows in a side-by-side arrangement is therefore not considered particularly out of keeping with the area. It is noted that the proposals also provide adequate separation distances, landscaping, private amenity space and off-street parking. It is therefore considered that the proposed density is acceptable.

2.81 The Hartlepool Rural Neighbourhood Plan Group has raised concerns that the positioning of plots 17 & 18 makes them visually intrusive, contrary to Local Plan policy RUR1 (Development in the Rural Area) (point 4), which seeks to ensure the rural area is protected and enhanced. The 'rural area' is defined as land beyond the limits to development. The application site is within the limits to development of Greatham village, and therefore policy RUR1 is not relevant in this instance.

2.82 Notwithstanding this, the layout of the development (including the positioning of plots 17 and 18) has been considered in the context of policy QP4 of the Local Plan, which stipulates, amongst other requirements, that development should be of an appropriate layout, scale and form, and should respect the surrounding buildings, structures and environment. It is noted that plots 17 and 18 project further north-west than the existing row of semi-detached properties on Saltaire Terrace, however it is noted that these plots do not extend any further to the north-west than the existing built development to the west/south-west at Hill View. Furthermore, it is considered that their scale as bungalows will reduce their visual impact, with the two storey dwellings adjacent at plots 15 and 16 (which are largely in line with the two storey

elements of the dwellings at 38 Saltaire Terrace to the rear and 35 Hill View to the front) reflecting the extent of two storey development at Saltaire Terrace immediately to the east and Hill View immediately to the west. Ultimately it is considered that the positioning of plots 17 and 18 would not have a significant detrimental impact on the visual amenity of the development or surrounding area.

2.83 The Hartlepool Rural Neighbourhood Plan Group, Hartlepool Civic Society and Greatham Parish Council have also raised concerns that the proposed dwellings face toward the adopted highway on Hill View exclusively, rather than onto Marsh House Lane to the south and the existing open space and play area to the north, as advocated in the Neighbourhood Plan. Whilst such an arrangement may have provided improved natural surveillance of the existing open space to the north and a more active frontage to the south, it is noted that the submitted supporting information indicates that the site layout has been dictated by the shape of the site and site constraints and maintains that the orientation of the dwellings responds positively to the layout of the surrounding area, facing out towards the existing residential estate and public areas at Hill View. Furthermore, it is noted that the proposals include elements to increase natural surveillance in this area including a side elevation window in the proposed bungalow at plot 18 and more open and lower level boundary enclosures to the rear of plots 17 and 18 (i.e. 1.2 metre high open boarded fencing, with 0.6 metre high trellis above), to allow better overlooking of the play area, footpath and open space adjacent.

2.84 It is considered that the current layout and dwelling orientations, which are largely in alignment with the existing streets in this area, would not significantly compromise natural surveillance of the existing open space or play area to the north, or the visual amenity of the site when viewed from the south. It should also be noted that alternative approaches would also likely have their own challenges, including safety and security and highway safety implications (in particular with respect to the siting of parking areas/bays and access to rear boundaries). It is ultimately considered that the proposed layout would not have a significant detrimental impact on the visual amenity of the site or the character of the area.

2.85 Objections from neighbouring residents have also raised concerns that the 'back-to-back' layout of the development (where proposed rear gardens are bounded by the rear gardens of the existing properties to the rear at Saltaire Terrace) are uncharacteristic of the village and therefore inappropriate. Whilst these comments are noted, these relationships do exist in parts of the village, and in any event this arrangement is not considered unusual or atypical of a contemporary housing development, and it is not considered that such a layout would have a significant detrimental impact on the character of the area or the wider village.

2.86 Notwithstanding this, in order to safeguard the visual amenity of the development and the character of the surrounding area, a planning condition is recommended to stipulate that the dwelling(s) hereby approved shall not be converted, externally altered or extended in any way without the prior written consent of the Local Planning Authority.

2.87 In view of the above, it is considered that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character

and appearance of the surrounding area, subject to the abovementioned condition(s), and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

LANDSCAPING AND LANDSCAPE FEATURES

2.88 Objections from Greatham Parish Council query landscaping proposals to the south of the site and whether existing landscaping and trees will be retained.

2.89 The application has been accompanied by an Arboricultural Impact Assessment and Method Statement, as well as a planting plan. There are a number of existing trees along the southern boundary of the site, with the rest of the site grassed.

2.90 The landscape proposals include the retention of a small landscaped strip along the southern boundary of the site, including the retention of 2 existing trees. The landscaping strip also comprises new hedgerow and lawn (turf) planting, with the site to feature hedgerow along the southern boundary of plot 1 (adjacent to Marsh House Lane). Where possible, the proposed dwellings feature small open plan lawned front gardens, with other plots featuring landscaping strips comprising ornamental planting, tree planting and/or hedge planting between parking bays and within front garden areas. The site is also proposed to be enclosed by hedge planting to the northern boundary of the site (to the front and side of plot 18, and rear of plots 17 and 18).

2.91 Proposed boundary enclosures comprise a mix of 1.5-1.8 metre high timber open and closed boarded fence and trellis enclosures to rear gardens and 1.2 metre high bow top fencing/railings to site boundaries at the north and south.

2.92 The Council's Landscape Architect has been consulted and has advised that detailed proposals have been submitted with regard to the boundary treatments and planting proposals, both of which they consider to be acceptable. Notwithstanding this, full details of proposed hard surface materials associated with the proposed development are required and a condition is therefore recommended to secure this accordingly.

2.93 The Council's Arboricultural Officer has also been consulted and notes that there will be the loss of one medium sized willow tree at the entrance to the site together with a smaller willow tree leaving one semi mature oak tree. However, it is noted that the oak tree is suffering at the moment from "group suppression" and will therefore benefit from the extra space, so the loss of tree cover will only be temporary. Furthermore, it is advised that willow trees are not long lived trees and this particular tree needs regular cutting back due to overhead conductors carrying electricity. The Council's Arboricultural Officer has also advised that the front garden enhancement using ornamental pear and associated shrub planting is welcomed, and they therefore considered the landscaping details and tree management recommendations to be acceptable.

2.94 Notwithstanding this, a planning condition is recommended to secure tree and hedge protection measures during construction where appropriate, as set out in the

supporting Arboricultural Impact Assessment and Method Statement documents submitted with the application.

2.95 In view of the above, it is considered that the proposals are acceptable with respect to landscaping and the impact on landscape features, subject to the identified planning condition(s), and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

ECOLOGY AND NATURE CONSERVATION

2.96 Objections have been received from neighbours raising concerns that the proposals will have a detrimental impact on wildlife habitats and ecology (including bees).

2.97 The NPPF, Local Plan policy NE1 and Rural Neighbourhood Plan policy NE1 all advise that harm to biodiversity should be avoided. Where a negative impact is unavoidable, mitigation or compensatory measures should be provided.

2.98 As above, the application is accompanied by an Arboricultural Impact Assessment and Method Statement, however the Council's Ecologist has advised that the area is made up entirely of amenity grassland and therefore ultimately there are no ecology surveys required.

2.99 Notwithstanding this, the Council's Ecologist has confirmed that biodiversity enhancement in the form of one integral bat or bird box built into each new house will be required, in line with National Planning Policy Framework (NPPF) requirements, and a planning condition to secure this is recommended accordingly.

2.100 Natural England has also been consulted and has advised that they have no objections subject to appropriate mitigation. Natural England has confirmed that the development falls within the 'zone of influence' for Teesmouth & Cleveland Coast, a coastal site designated at a national and international level as a Site of Special Scientific Interest, a Special Protection Area (SPA) and a Ramsar site. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

2.101 Natural England notes that Hartlepool Borough Council operates a Coastal Mitigation Scheme to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone. Subject to appropriate mitigation being secured in line with the details of this Scheme, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

2.102 A Habitats Regulations Assessment (HRA) is required for all housing schemes within 11km of the coast and this project is within walking distance (0.9km). The Council has a HRA template and the Council's Ecologist has therefore prepared the HRA. The findings of the HRA are that a financial payment of £350 per house is required to mitigate against the indirect adverse impact on SPA feature birds caused by recreational disturbance. A sum of £6,300.00 is therefore required to be paid

towards the Hartlepool Mitigation Strategy and the applicant (the Council) has confirmed their agreement to this.

2.103 The Council's Ecologist has confirmed that Natural England has given the Council the authority to approve the HRA provided the mitigation fits with the Hartlepool Mitigation Strategy, which the Council's Ecologist has confirmed it does. There is therefore no requirement to re-consult Natural England. In view of the above and subject to the identified conditions and obligations, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

HIGHWAY AND PEDESTRIAN SAFETY

2.104 Objections have been received from neighbours citing concerns that the proposals will have a detrimental impact on highway and pedestrian safety including through an increase in traffic, increasing danger on roads and safety of children, and due to inadequate local infrastructure and a lack of parking. Objectors have also raised concerns that the site has poor access to public transport.

2.105 Objections have also been received from Greatham Parish Council citing concerns that the access to this area of the village, via Station Road, is unsafe and that this will be exacerbated by additional traffic, and therefore traffic calming measures should be introduced.

2.106 As above, each property features a private access/driveway directly onto the adopted highway at Hill View to the west of the site. The village is served by a frequent bus service and the application site is located within 900 metres of a bus stop.

2.107 The Council's Highways, Traffic & Transport section has been consulted and has advised that the proposed layout is acceptable, and has not raised any concerns with respect to highway and pedestrian safety or car parking. Notwithstanding this, all the drives require a drive crossings to be installed in accordance with the HBC specification and carried out by a NRSWA accredited contractor, and a suitable informative note is recommended accordingly to make the applicant aware of this.

2.108 In view of the above, it is considered that the proposals are acceptable with respect to the impact on highway and pedestrian safety, subject to the abovementioned informative, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

FLOOD RISK AND DRAINAGE

2.109 The application site is located within Flood Zone 1 (low probability of flooding), with respect to rivers and the sea, and is at very low risk of surface water flooding, as shown on the Environment Agency's flood maps. The application is accompanied by a Flood Risk Assessment and Drainage Strategy.

2.110 The Council's Flood Risk Officer has been consulted and has advised that current proposals for surface water drainage set out in the submitted details may not be suitable however it is considered that a Sustainable Drainage System (SuDS) can be successfully implemented for the development and as such have requested that the final detailed surface water drainage proposals are secured by virtue of a condition, and this is recommended accordingly.

2.111 The Council's Flood Risk Officer has also provided advice for the applicant with respect to site drainage and how to satisfy the requirements of the requested condition, and it is recommended that these are appended to the decision notice as an informative note.

2.112 The Council's Flood Risk Officer has also advised that it is expected that permeable surfacing will be employed for hardstanding areas where possible, which can provide additional attenuation storage that in conjunction with oversized pipes will allow an adoptable surface water drainage system to be designed. Final details of hard surfaces can be secured by virtue of a condition (as set out above), and this is recommended accordingly, with the submitted details to be agreed in consultation with the Council's Flood Risk Officer.

2.113 Objections from Greatham Parish Council raise concerns with respect to the capacity of the existing and proposed foul drainage systems. Objections have also been received from neighbours citing concerns that the proposals will result in a further loss of water pressure.

2.114 Northumbrian Water has also been consulted and has advised that they have no issues to raise provided the works are carried out in accordance with the submitted details and the foul and surface water flows discharge to the combined sewer upstream. Notwithstanding this, final details of surface water and foul drainage will be secured by appropriate, separate planning conditions.

2.115 No comments or concerns have been received from the Environment Agency or Hartlepool Water with respect to matters of flood risk, drainage and water supply.

2.116 In view of the above, it is considered that the proposals are acceptable with respect to matters of flood risk and drainage subject to the abovementioned condition(s), and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

LAND CONTAMINATION

2.117 The application is accompanied by a Phase 1 and 2 Geo-Environmental Site Assessment. The Council's Engineers have been consulted and have not raised any concerns with respect to land contamination however, whilst some information has been provided, the Council's Engineers note that this has identified that the final ground gas regime will be confirmed following the completion of the ground gas monitoring programme and that an elevated level of lead contamination exists in the area of Plot 2, believed to be an isolated hotspot, the extent of which will require confirmation. To provide the opportunity for these matters to be concluded, the

Council's Engineers have requested a standard residential contaminated land condition, and this is recommended accordingly.

2.118 The application is therefore considered to be acceptable in this respect, subject to the identified condition, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

OTHER PLANNING MATTERS

Public Rights of Way

2.119 The Council's Countryside Access Officer has advised that Public Footpath No.8, Greatham Parish runs between the two outlined areas of proposed development and continues along the western boundary of the main area of this development application. At no time can the public footpath and public access to this footpath be obstructed, should the development be approved, by any elements of development, including equipment, materials, vehicles or machinery. If the developer should require periods of time to temporarily close any of the said footpath, they are required to first contact the Council's Countryside Access Officer to discuss these requests and apply for any such temporary closure and/or diversion to them. An informative note to make the applicant aware of this advice is therefore recommended.

Heritage Assets and Archaeology

2.120 The Council's Heritage and Countryside Manager has confirmed the site is outside the boundary of the conservation area and does not impact on any listed or locally listed buildings. Tees Archaeology has also advised that the site is beyond the historic core of Greatham and excavations in close proximity have indicated the area is of low potential, as highlighted in the accompanying Desk Based Assessment. There are therefore no further archaeological requirements for this site. In view of the above the application is considered to be acceptable with respect to the impact on heritage assets and archaeology.

Waste Management

2.121 All of the properties feature direct access to rear garden areas (from the front) and ample space to the rear for the storage of bins. The Council's Waste Management section has been consulted and has confirmed that they have no concerns with the proposed development. The application is therefore considered to be acceptable in this respect.

Crime & Fear of Crime

2.122 Objections have been received from Greatham Parish Council citing concerns that Secured by Design principles have not been considered, in particular with respect to the layout of plots 17 and 18. Objections from neighbours have also raised concerns that better lighting is needed.

2.123 Cleveland Police have been consulted and have raised no concerns with respect to the proposals or the general layout of the scheme in relation to crime prevention and community safety, subject to appropriate landscaping, physical security measures to rear garden gates/fences and accessible doors and windows, and appropriate lighting. This advice will be appended to any decision notice as an informative note, should the application be recommended for approval. Subject to the abovementioned informative, the application is considered to be acceptable in this respect.

2.124 Whilst it is noted that the rear boundaries of plots 17 and 18 are somewhat open as these sit adjacent to open amenity space and do not back on to existing rear gardens at Saltaire Terrace, as per the other plots, and Cleveland Police has recommended higher rear boundary enclosures to the rear of plots 17 and 18, it is considered that lower boundary fencing to these properties improves natural surveillance of the open space and footpath adjacent whilst maintaining an adequate amount of privacy and security for future occupants of these plots. Furthermore, and in view of Cleveland Police advice, the applicant has amended the proposed landscaping to provide defensive planting on the external side of the rear boundary fences of these plots, to improve security.

2.125 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, including no objections or comments from HBC Community Safety, 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 Local Plan Policy QP5 and would accord with the guidance in the NPPF, in this respect.

Health & Safety

2.126 The Cleveland Emergency Planning Unit, Office for Nuclear Regulation (ONR) and the Health & Safety Executive (HSE) have all been consulted on the application and have confirmed that they have no concerns with respect to matters of health & safety, in the context of the hazardous installations and major accident hazards pipelines to the south of the Borough. The application is considered to be acceptable in this respect.

OTHER MATTERS

Temporary Construction Compound

2.127 Objections have been received from neighbours highlighting that the proposed temporary construction compound to serve the proposed development (and that has been referenced in this application) has already been sited, without planning permission, and therefore is unauthorised. However, as set out above, whilst it is noted that the site of the proposed compound is currently already occupied by a construction compound, this is being used to serve the development to the north east (Station Road). Again, whilst the land for the construction compound is incorporated into this application, it is noted that separate planning permission is not required for; *“the provision on land of buildings, moveable structures, works, plant or*

machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land” (provided planning permission is granted for those operations), by virtue of the provisions of Schedule 2 Part 4 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Planning permission is therefore not required for the current compound on site by virtue of the abovementioned legislation, as planning permission has been granted for the adjacent development (ref: H/2019/0139), and the compound is currently serving this development. It is understood that the same compound will thereafter be used to serve this development site, should planning permission be granted, and the site of the compound has therefore been included in this submission for clarity and completeness.

Loss of Access to Rear of Properties on Saltaire Terrace

2.128 Objections from neighbours have highlighted that the application site currently provides access to the rear gardens of the existing properties to the east on Saltaire Terrace, and have objected on the grounds that this access will be lost should the proposed development go ahead. It is noted however that the land is currently Council owned, and therefore access across the land is a civil/legal matter between the objectors and the land owner (the Council) and this is not within the remit of this planning application and therefore is not a consideration in the determination of this planning application.

Fire Safety & Access

2.129 Cleveland Fire Brigade has been consulted and has provided advice in respect of the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. An informative note is recommended to make the applicant aware of this advice, however these are principally Building Regulations matters and therefore this will be dealt with through the Building Regulations process accordingly.

Utilities

2.130 Northern Gas Networks has confirmed that they have 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, Northern Gas Networks require the applicant to contact them directly to discuss their requirements in detail. An informative note is recommended to make the applicant aware of this, should the application be approved.

2.131 No comments or objections have been received by National Grid or Northern Powergrid.

Network Rail

2.132 Network Rail has confirmed that they have no observations to make with respect to the application, in the context of the rail line and level crossing south of the village.

Pre-application Consultation

2.133 Objections from neighbours and from the Hartlepool Rural Neighbourhood Plan Group and Greatham Parish Council have commented that pre-application discussions and consultations with the Parish Council and the local community were inadequate.

2.134 It is understood that the applicant held a number of pre-application meetings with Greatham Parish Council and also held a pre-application consultation event in the village. Notwithstanding this, whilst engagement with the local community and all relevant stakeholders prior to proceeding with a planning application is considered good practice (in line with the Council's Statement of Community Involvement), there is no legislative requirement for the applicant to do so for this type of application, and this is therefore not a material planning consideration in the determination of this planning application.

Impact on Wellbeing and Quality of Life

2.135 Objections from neighbours have raised concerns that the proposals will have an impact on the wellbeing and quality of life of existing residents. Concerns are also raised with respect to the 'loss of views'.

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

2.137 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 wider community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

2.138 The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

Third party request for potential SoS 'call in'

2.139 The LPA has received communication from the national Planning Casework Unit (PCU) on behalf of the Secretary of State for Housing, Communities and Local Government, who have advised that they have received a third party request for them to 'call in' the planning application in the event that the council are minded to approve the application. The Government guidance states that "the Secretary of State for Housing, Communities and Local Government has the power to take over ('call in') planning applications rather than letting the local authority decide. The Secretary of State will normally only do this if the application conflicts with national policy in important ways, or is nationally significant".

2.140 As such, following the committee meeting outcome on this application, the PCU will need to be updated on the council's decision and thereafter await outcome of their deliberations before being able to issue a decision.

Other Non-material Objections

2.141 Additional concerns have been raised by a number of objectors that are non-material to this application (i.e. they do not relate to planning, they are not material considerations or they are subject to separate legislative control), namely;

- Air pollution / vehicle emissions from future occupiers
- No need for additional houses
- Impact on property prices

PLANNING BALANCE & OVERALL CONCLUSION

2.142 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018, the Hartlepool Rural Neighbourhood Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.143 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.144 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.

2.145 There are no Section 17 implications.

REASON FOR DECISION

2.146 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 planning obligations/developer financial contributions towards green infrastructure (£4,500); built sport (£4,500); play facilities (£4,500); playing pitches (£4199.22); tennis courts (£1026.36); bowling greens (£89.46); and HRA ecological financial mitigation (£6,300.00) for indirect adverse impacts on SPA feature birds through recreational disturbance; and 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;

(00)100 Rev C (SITE LOCATION PLAN),
 (00)330 Rev A (PROPOSED FENCING TYPES AND DETAILS),
 (00)410 Rev F (PROPOSED HOUSE TYPE B1 – GA PLANS AND ELEVATIONS),
 (00)430 Rev F (PROPOSED 2 BED HOUSE TYPE – GA PLANS AND ELEVATIONS),
 (00)440 Rev F (PROPOSED 3 BED HOUSE TYPE – GA PLANS AND ELEVATIONS – RENDER),
 (00)450 Rev F (PROPOSED 3 BED HOUSE TYPE – GA PLANS AND ELEVATIONS – BRICK),
 (00)460 Rev F (PROPOSED 4 BED HOUSE TYPE – GA PLANS AND ELEVATIONS – RENDER),
 (00)480 Rev C (PROPOSED STREET ELEVATION),
 AIA TPP Revision A (Retained Trees Shown On Proposed Layout With Protective Measures Indicated),
 AMS TPP Revision A (Retained Trees Shown On Proposed Layout With Protective Measures Indicated)
 received 20th December 2019 by the Local Planning Authority;

(00)300 Rev H (PROPOSED SITE PLAN)
 received 10th January 2020 by the Local Planning Authority;

N930-ONE-ZZ-XX-DR-L-0201 revision P06 (Detailed Planting Plan)
 received 11th March 2020 by the Local Planning Authority.

For the avoidance of doubt.

3. Prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and

treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. The scheme shall also include a timetable for the removal of the temporary construction compound. Thereafter the development shall be carried out in accordance with the agreed scheme.

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

4. Notwithstanding the submitted information, no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to 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 accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

5. Notwithstanding the submitted details and prior to the commencement of development, a detailed scheme for the disposal of foul water from the development shall be 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.

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- a. human health,
- b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- c. adjoining land,
- d. groundwaters and surface waters,
- e. ecological systems,
- f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without the prior written consent of the Local Planning Authority.

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

7. 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 any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.

8. Prior to the commencement of works above ground level on site, a report shall be first submitted to and approved in writing by the Local Planning Authority that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the development's predicted energy supply. The development shall thereafter be constructed/installed in line with the approved scheme prior to the residential occupation of the dwellinghouses.

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

9. Prior to commencement of works above ground level on site, a scheme for the provision, long term maintenance and management of all landscaping within the site, including the enhancement of the adjoining open space to the north-west of the dwellings hereby approved, shall be first submitted to and agreed in writing with the Local Planning Authority. The landscaping, tree, shrub and hedge planting shall be implemented in accordance with the following plans and details; N930-ONE-ZZ-XX-DR-L-0201 revision P06 (Detailed Planting Plan) received 11th March 2020 by the Local Planning Authority, unless an alternative scheme is otherwise agreed in writing with the Local Planning Authority. Thereafter the development hereby approved shall be carried out and maintained in accordance with agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting,

seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the dwelling(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 enhance biodiversity in accordance with paragraph 170 of the NPPF.

10. Notwithstanding the provisions of condition 9 and prior to the first occupation of the dwellings hereby approved, final details for the enhancement of the adjoining open space and timetable for implementation, shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall be provided in general conformity with the details shown on plan N930-ONE-ZZ-XX-DR-L-0201 revision P06 (Detailed Planting Plan) received 11th March 2020 by the Local Planning Authority, and shall include details of the siting and design of the proposed football goalposts and benches. The enhancement works shall thereafter be carried out in accordance with the agreed scheme and timetable. 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 provide appropriate enhancement of the adjoining open space to mitigate the loss of amenity open space in accordance with the provisions of policy NE2 of the Hartlepool Local Plan 2018.

11. Notwithstanding the submitted information and prior to commencement of works above ground level on site, details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

12. Prior to the commencement of works above ground level on site, details of a minimum of 18no. bat and/or bird mitigation features in the form of nesting bricks/tiles/boxes, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the mitigation features have been installed. The roosting bricks/tiles/boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter. To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 170 of the NPPF.
13. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes 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. Permeable surfacing shall be employed for hardstanding areas where possible, to provide additional attenuation storage. The agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. 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. In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

14. No part of the development shall be occupied until a scheme for the provision of electric vehicle charging apparatus to serve the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details, prior to the occupation of the dwellings.

In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.

15. The development hereby approved shall be carried out in accordance with the details provided within the submitted Sustainability Statement and Energy Statement (dated December 2019) received by the Local Planning Authority on 20th December 2019. Prior to the 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.

16. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting Arboricultural Impact Assessment and Arboricultural Method Statement, and plans AIA TPP Revision A (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) and AMS TPP Revision A (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) received 20th December 2019 by the Local Planning Authority, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of adequately protecting the hedges and other planting that are worthy of protection and in the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

17. Notwithstanding the submitted information, final details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. Thereafter the development shall be carried out in accordance with the approved details.

For the avoidance of doubt and in the interests of visual amenity and the amenity of neighbouring land users and future occupiers.

18. No construction works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of future occupiers and to safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be converted, externally altered or extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property and to safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area.
21. The dwellings hereby approved shall be used as C3 dwellinghouses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

BACKGROUND PAPERS

2.147 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=135938>

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.

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<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN	DATE
	GS	05/03/20
	SCALE	
	1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO	REV
	H/2019/0527	

No: 3
Number: H/2019/0369
Applicant: AWG LAND HOLDINGS LTD
Agent: HYDE HARRINGTON LTD MRS KATIE TOWNER 3
WAVELL DRIVE CARLISLE CA1 2ST
Date valid: 11/09/2019
Development: Erection of four detached dwellings, erection of single storey extension at the rear of existing bungalow and erection of detached double garage.
Location: THE BUNGALOW AND ADJACENT LAND BROUGHAM TERRACE 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 reported to planning committee at the March 3rd 2020 meeting but was withdrawn from the agenda at the request of the applicant in order for them to provide amended plans, as discussed below.

3.3 There are no relevant planning applications associated with the site.

PROPOSAL

3.4 Planning permission is sought for the erection of four detached dwellings on land on the south side of Brougham Terrace (between The Bungalow to the west and 50 Brougham Terrace to the east). The proposals also include a single storey extension to the rear of The Bungalow itself and a detached garage to serve The Bungalow.

3.5 The application as originally submitted proposed two and a half storey, five bedroom properties with dormer windows serving a room in the roof space. Following discussion with officers the scheme has since been amended, reducing the properties proposed to two-storey only, approximately 8.4m in height, with four bedrooms. Each of the properties would be accessed off Brougham Terrace with a low boundary wall to the front (approximately 1m). Further amended plans were received with respect to the incorporation of a previously proposed landscape buffer (that was to be provided beyond the rear garden boundaries) being incorporated into the curtilage and boundary of the proposed dwellings.

3.6 The proposed extension to the bungalow would project 6.3m to the rear, spanning 7.4m in width. The overall height of the proposed extension would be 5.2m. The proposed single storey garage would be located to the west of the existing

bungalow, towards the rear of the plot. The garage would measure approximately 5.7m in width, 5.6m in depth and would have an overall height of approximately 4.6m.

3.7 The application has been referred to Planning Committee due to the number of objections received in accordance with the Council's scheme of delegation.

SITE CONTEXT

3.8 The application site is located on the south side of Brougham Terrace, approximately 56m from the junction with Lancaster Road to the east, directly to the north of the Hartlepool Water Depot, which is accessed via Lancaster Road. There is an existing bungalow ('The Bungalow') and its garden in the western part of the site, while the remainder is scrub land, largely overgrown and of varying levels. The northern boundary of the site is enclosed by a concrete panel wall of approximately 2.5m in height.

PUBLICITY

3.9 The application has been advertised by way of neighbour letters (28no) and site notice. To date, three objections have been received from neighbouring land users.

3.10 The objections received can be summarised as follows:

- Noise and dust during construction,
- Loss of privacy,
- Increased traffic and safety concerns close to a school,
- Loss of property value.

3.11 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=133548>

3.12 The period for publicity has expired.

CONSULTATIONS

3.13 The following consultation replies have been received:

HBC Traffic and Transport – There are no highway or traffic concerns with this proposal. The proposed drive crossings should be constructed in accordance with the HBC specification and installed by a NRASWA accredited contractor.

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

A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall

address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

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

There should be adequate dust suppression facilities on site.

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

HBC Engineering Consultancy – Surface water management

No information relating to surface water management was seen to be submitted with the application with the exception of the planning application form stating that surface water will be disposed of to an existing watercourse. I do not believe there is a watercourse adjacent to the site, if this is the case this disposal route will need to be revised. The Planning Statement acknowledges Local Plan Policies CC1 and CC2, the applicant is advised to note the requirement for sustainable drainage systems contained within these policies.

Notwithstanding the absence of surface water management information, there is nothing to indicate that surface water cannot be successfully managed at this site. As such I have no objection in principle to proposals and ask that you require details of surface water management by adding our basic surface water condition to any decision notice issued for this application.

Contaminated land

In respect of contaminated land I note that the Phase 1 Desk Study submitted with the application recommends a detailed Phase 2 Ground Investigation to determine the extent of contamination on site. As such I ask that you add our standard residential contaminated land condition to any decision notice issued for this application.

HBC Ecologist – I have studied the submitted Preliminary Ecological Assessment Report (Lucy Gibson Consulting, dated March 2019). It is extremely unlikely that reptiles are present on site and I do not require further survey. I support the recommendation for native- species landscaping on the southern bank and a landscaping plan should be conditioned. This will compensate for destroyed grassland and scrub habitat. The standard bird nesting season condition should be applied.

Biodiversity enhancement

NPPF (2018) paragraph 170 d) includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimizing impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Net gain should be appropriate to the scale of the development and should

be conditioned. The site is in an area that supports declining birds such as starling, house sparrow and tree sparrow. These can be helped through the provision of robust nest boxes such as a sparrow terrace. The following should be conditioned: the fitting of one sparrow terrace nesting box to each house and the garage (total 5). The boxes to be >3m above ground level and face east where possible.

HBC Landscape Architect – I've been to site to have a quick look and levels are the issue. I would ask for sections to be produced through each property and also across the long dimension of the site. The ridge lines are shown as level and we would need to establish whether this is just illustrative or there is going to be level adjustment on site. If so we would need to understand how this ties in with existing.

In terms of building relationships, I agree it looks a bit odd. I don't really understand why they are keeping the bungalow. Would there be a problem with 5 new build?

I would ask for all hard and soft landscaping details up front. There are some nice existing granite kerb and scoria channel detail that should be retained and incorporated into any highway crossing details.

Updated Comments

Previous comments remain regarding the retention of the bungalow, and the retention of the granite kerb/ scoria block channel detail the highway pavement.

Full details and specification should be provided for surface materials, enclosure and planting.

HBC Arboricultural Officer – I have looked at the site and Planning Statement and can confirm that there are no existing tree issues with the site. My only comments are aimed at the proposed landscaping, part of which is to be planted along the Southern boundary to act as a buffer between the Waterworks and the proposed new build. Whereas I welcome this, the final details need to be submitted and reinforced by a planning condition. The declivity should not be a problem here and trees are adapted to grow almost anywhere.

My previous comments on this site reference I/2018/0052 read as "There is a TPO on the land occupied by Anglian Water (TPO 19) but not on the proposed site in question with the redlined area devoid of mature trees and the rest amounting to self- sown scrubby trees and bushes (ruderal species) offering no significant visual amenity at this moment in time. Should the application be successful I would however require a landscaping scheme as part of the development"

This latest submission has addressed this and I look forward to see the scheme in more detail now.

HBC Countryside Access Officer - There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

Tees Archaeology – I have reviewed the above planning application and can confirm that there will be no archaeological requirements for the development.

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

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

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

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

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

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

How to Satisfy the Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

Soakaway, Watercourse, and finally Sewer.

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-planning 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 6559.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application

be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

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 these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Anglian Water – Anglian Water Services Ltd is fully supportive of the proposed development by AWG Property as it will enhance this piece of scrub land and offer us greater security in having more residents overlooking our depot.

The depot is used during normal working hours with traffic moving around site and does sometimes have vehicle movements out of hours when dealing with emergencies. Our Call Centre is open 7 days per week, 8am to 8pm but this consists only of office workers with associated car parking from Lancaster Rd entrance.

On the matter of security, it is paramount importance to us that the design of the new boundary fence to the back and sides of new properties (and especially the eastern fence on the most easterly new property) is sufficient in terms of height and resilience to prevent access to our depot through the new properties. We have been targeted in recent months by those seeking to steal from the depot and this risk cannot be increased by the new development. Any planning controls that can be added to the proposal in respect of maintaining and enhancing security to our depot will therefore be most welcomed.

PLANNING POLICY

3.14 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

3.15 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
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG9	Affordable Housing

National Policy

3.16 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. 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
091	Promoting healthy and safe communities
124	Creation of well-designed places
127	Creation of well-designed places
130	Refusal of poor design
150	Planning for climate change
153	Planning for climate change

HBC Planning Policy Comments

3.17 As the proposal is for residential development, the recently adopted Residential Design SPD should be considered when assessing the development. This SPD highlights various criteria that development should seek to meet and highlights the Council's aspirations when it comes to residential design. With particular reference to this scheme, when it is viewed as a whole with the surrounding area it is considered that it reflects the surrounding densities and will boost the overall architectural standard of the area. The dwellings are also thought to be of a similar scale, height and massing to the surrounding buildings which are predominantly 2 storey terraces. The proposed dwellings would all be detached, something which is highlighted as an aspirational dwelling type within the Strategic Housing Market Assessment, and this development would help to contribute towards the need for these type of dwellings

within the area. Appropriate setbacks have been provided in order to match the dwellings opposite the site, and avoids visual dominance in the street scene. The use of detailed design features such as the dormer windows the canopies will provide visual points of interest on the dwellings and provides a higher quality dwelling design.

3.18 It is acknowledged that the developer has amended the scheme slightly from that which was proposed in order to provide more amenity space for the residents, and the final proposal seems to be more appropriate. The Residential Design SPD seeks to encourage developers to consider the Nationally Described Space Standards when designing their dwellings, in order to ensure that new dwellings provide at least the gross internal floor area and built-in storage area asset out in the NDSS and that the bedrooms meet the prescribed sizes.

3.19 It is encouraged that in order to make the proposal compliant with policies CC1 and QP7 of the Local Plan, the development is required to be energy efficient. Where feasible and viable, the development is required to;

- 1) Ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation.
- 2) Ensure that green infrastructure is used appropriately to assist in ensuring energy efficiency.
- 3) Incorporate sustainable construction and drainage methods.

Through assessment of the planning statement, it is clear that the developer has designed the dwellings with consideration of this and that steps have been taken to ensure the development is energy efficient. In this instance, it is considered that QP7 and CC1 have been met.

3.20 The site is located in an existing residential area, and is situated within walking distance or bus to a variety of local facilities and amenities and so is deemed to be in a sustainable location. As the land is previously developed and is situated within the urban area of Hartlepool, the principle of development is acceptable and planning policy have no objections.

PLANNING CONSIDERATIONS

3.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the area, the impact on the amenity of neighbouring land users, the impact on highway safety and parking. These and any other planning matters are considered as set out below.

PRINCIPLE OF DEVELOPMENT

3.22 The application site is not allocated for a particular purpose in the Local Plan, the area is somewhat mixed use with residential uses on the northern side of Brougham Terrace but other community facilities elsewhere in the street (such as a primary school and places of worship), while to the south of the site is the Hartlepool Water depot. The site is situated within walking distance to a variety of local facilities and amenities and is served by public transport, so is deemed to be in a sustainable

location. As this section of Brougham Terrace is primarily residential, the use of the site for dwellings is considered appropriate in principal, subject to other relevant planning considerations being found to be satisfactory.

CHARACTER AND APPEARANCE OF AREA

3.23 In this section of Brougham Terrace, properties on the northern side of the street are set back from the road with a wide verge with tree planting between them and the public footpath and road. Levels vary in the area with the road at a lower level than properties on the northern side of the street and the application site to the south, which is also at a higher level, though this is currently largely screened by the substantial boundary treatment.

3.24 Properties on the northern side of the street vary between two-storey houses and three storey flats; the three storey elements are set further back from the road, by approximately 17m, and therefore it is not considered they create an overbearing impression within the street scene.

3.25 Following revisions to the plans submitted, the proposed houses would be two storey and set approximately 8m back from the road. There would remain a gradient within the site, with houses being approximately 1m higher than the adjacent footpath. The existing substantial boundary treatment would be removed and in its place low level brick walls (of approximately 1m in height) would be positioned either side of driveway openings. This would have the effect of opening up the site somewhat, although the impression of properties where there currently are none would change the street scene, given the set back from the road this is not considered to be oppressive or overbearing. Having driveways and front gardens alongside the footpath is considered to be less imposing than the current concrete boundary wall with security wire on top.

3.26 While the properties would be raised above the road level, this would be similar to the properties on the northern side of the street. Those properties are set back further than would be the case here and therefore the reduction of the proposed scheme from two and a half storey to two-storey only (removing dormer windows serving rooms in the roof) is considered appropriate to limit the impact on the street scene. The larger scale of the properties originally proposed was considered to create too imposing an impression. This is particularly the case when the relationship between the existing bungalow on the site and the proposed properties are taken into account, as noted in the concerns raised by the Council's Landscape Architect.

3.27 While noting the disparity between the bungalow and proposed two storey dwellings, this was considered to be a substantial difference initially but now the proposed properties have been reduced to two-storey, it is considered they relate better to the single storey neighbouring bungalow, whereas the larger scale properties did not sit comfortably. As such, retention of the bungalow alongside the proposed properties is not considered to detract from the wider street scene to the extent that it would be significantly detrimental so as to warrant refusal of the application, subject to the imposition of a condition to secure final details of the proposed levels and finished floor levels.

3.28 The properties are considered to be well designed, with detailing including bay windows to the front and canopy extending over the front door. This taken with the relationship between the site and existing neighbouring properties and differences in levels, the proposed houses are considered to be appropriate in this location and to have an acceptable impact on the character and appearance of the area.

Furthermore, the proposed dwellings would be served by gardens commensurate with their size, which would further reflect the prevailing character of the area.

3.29 To the west of the existing bungalow on the site it is proposed to erect a single storey double garage of a typical design with its roof pitched front to back. Both the eaves and ridge line of the garage are proposed to be lower than that of the host bungalow and therefore its scale is subservient to the main property. Although the changes in levels noted above will mean the garage would be at a higher level than the road, this is true of the existing bungalow and the garage would relate well with it and is not therefore considered to detract from the character and appearance of the wider area.

3.30 A single storey extension is proposed to the rear of the existing bungalow, the extension is substantial given the modest scale of the existing bungalow, at 6.3m in projection and 7.4 in width. Notwithstanding this, the height of the extension would be set below that of the overall height of the bungalow and is positioned to the rear and therefore would not be readily visible from the main street scene of Brougham Terrace. The extension is located to the eastern side of the bungalow, given the relationship of the dwellings proposed to the east, the new dwellings would also screen any views of the side of the bungalow currently available from Brougham Terrace.

3.31 The bungalow as extended would retain private amenity space to the rear as well as a front garden with drive that is considered to be commensurate with the scale of the property. As such, although the proposed extension is substantial, it is not considered to detract from the character or appearance of the area.

3.32 Overall, each of the proposed elements of the development proposed are considered to be well designed, appropriate to their location and therefore acceptable with regards to the character and appearance of the wider area.

AMENITY OF NEIGHBOURING LAND USERS

3.33 To the west of the application site is an area of green space associated with the adjacent primary school. As such, the proposed detached garage and single storey extension to the existing bungalow would not be alongside another property and are not therefore considered to have an impact on the amenity and privacy of any neighbouring occupier to the west in terms of outlook, loss of light, and overlooking.

3.34 It is proposed to locate the new properties so their front elevation is set back from the front elevation of the existing bungalow by approximately 2m. The closest principal window in the property at plot 1 (closest to the existing bungalow) would be 2.5m from the side of the bungalow and although that window would be set behind the bungalow it is considered this would not result in a significant loss of light or overbearing appearance that would adversely affect the amenity of the future

occupier. Due to the offset position at the front of the bungalow and proposed houses, the extension to the rear of the bungalow would follow a similar building line to the rear of the proposed houses. As a result, although the proposed extension is large, it is not considered it would impact the amenity and privacy of future neighbouring occupiers in relation to outlook, loss of light, overlooking or overbearing appearance.

3.35 There would be two windows in the eastern side elevation of the bungalow as extended; these serve a bathroom and an en-suite. As these are not primary habitable rooms it is not considered the impact of the proposed new dwelling to the east would have a significant negative impact on the amenity of the occupiers of the bungalow and therefore the proposed relationship is considered acceptable.

3.36 To the south of the application site is the Hartlepool Water depot, given the commercial nature of the adjacent site, it is not considered to be a sensitive land user that would be unduly affected in terms of light, privacy or overbearing appearance. Notwithstanding that, the proposed development would be approximately 24m from the nearest buildings on the depot site. While the application site is notably higher than the land level within the depot site, this is in excess of the separation distance required by policy QP4 of the Hartlepool Local Plan and the Council's Residential Design Guide SPD, and therefore it is not considered to significantly negatively affect the amenity and privacy of the land user to the south. In addition to this, it is noted from the comments submitted by Hartlepool Water that they welcome the development, which would offer natural surveillance and enclosure to the north of their site which is likely to be beneficial in terms of their security.

3.37 The neighbouring property to the east of the application site has a substantial side garden and is therefore located approximately 32m from the eastern boundary of the site. Given this level of separation it is not considered the proposed houses on the site would have a negative impact with regards to the amenity and privacy enjoyed by the occupier in terms of outlook, loss of light, overlooking or an overbearing appearance. In addition, there are no windows proposed in the side elevation of the proposed dwelling that would be directly alongside the garden of the property to the east.

3.38 The closest neighbouring property to the north of the site in relation to plot 1 of the proposed development is located approximately 27m away, with the closest properties to plots 2, 3 and 4 being approximately 39m away with the presence of the highway in between. These distances exceed the relevant separation required by policy QP4 of the Local Plan and the Council's Residential Design Guide SPD and therefore it is considered there would not be an unacceptable loss of privacy, light or the creation of an overbearing appearance for the neighbouring occupiers to the north.

3.39 The proposed properties do not include windows within their side elevations (with the exception of a utility door that would primarily look onto proposed boundary treatment and would serve a non-habitable room) and are of a uniform building line. As such, it is considered that there would not be an unacceptable impact on the

principal windows of these properties by virtue of the layout of the site overall in terms of loss of light, privacy or overbearing appearance.

3.40 Disruption during construction is an inevitable aspect of new development, however it is not a reason to refuse planning permission. Any approval would be subject to standard working hours and construction management plan conditions to ensure the amenities of occupiers are not unreasonably disrupted and therefore the development would be acceptable in this respect.

3.41 Subject to the imposition of relevant planning conditions the Council's Public Protection team have raised no objections to the proposals. Taking this and the above assessment into account, the application is considered to be acceptable in relation to the amenity and privacy of neighbouring land users.

HIGHWAY SAFETY & PARKING

3.42 The proposed development would see the creation of five new vehicle crossings on the south side of Brougham Terrace, one to serve each of the new dwellings and another to serve the new garage proposed for the existing property on the site.

3.43 As the existing property does not currently benefit from off street parking, the proposed development would improve the current arrangement, allowing occupants to park vehicles within their own curtilage and therefore reduce reliance on on-street parking. Each of the new dwellings would be served by a driveway and an integral garage.

3.44 HBC Traffic and Transport have confirmed they have no objections to the application and are satisfied with the proposed layout and parking arrangements. As such, the application is considered to be acceptable in this respect.

OTHER PLANNING MATTERS

3.45 The Council's Ecologist has confirmed there are no objections to the principle of development, providing sparrow nesting boxes are provided for each dwelling and the garage (5 in total) in order to deliver biodiversity enhancement. Subject to a condition requiring details of such a scheme to be submitted for approval, the application is considered acceptable in this regard.

3.46 In terms of soft landscaping, indicative details relating to the front and rear gardens have been provided, subject to a condition requiring final details to be submitted for approval the proposals are considered to be acceptable by the Council's Arboricultural Officer and Landscape Architect. It is noted that a landscaped buffer to the southern boundary of the site is proposed to assist in screening the development and the adjacent depot site, this area was initially indicated to be outside of the curtilages of the properties proposed and therefore a condition requiring a long-term management and maintenance scheme to be submitted for approval was recommended. As an alternative means to address the need for future maintenance, the buffer is now proposed to be within the residential

curtilages, this will mean they are the responsibility of future occupiers/owners, limiting the risk of this area becoming unsightly if unattended.

3.47 Further to this, the Council's Landscape Architect has requested details of hard landscaping and boundary enclosures be provided for approval, noting this should include retention of existing granite kerb and scoria channel detailing within new highway crossing details. Conditions to this effect are duly recommended. With regards to the requirements of policy QP7 of the Local Plan, the submitted Planning Statement outlines the design measures that have been used to ensure the proposals are energy efficient primarily in respect of the layout and building orientation of the proposed dwellings. The Council's Planning Policy team have confirmed the application is in accordance with policy QP7 as a result. The proposed development is considered satisfactory in this regard.

3.48 Full drainage details have not been provided at this stage, however the Council's Flood Risk Officer and Northumbrian Water have confirmed that no objection would be raised if a condition requiring such details to be submitted for approval prior to development commencing were imposed. Such a condition is duly recommended and the application is considered to be acceptable in this regard in light of that.

RESIDUAL MATTERS

3.49 One of the objections received raises concerns about the potential impact of the proposed development on property value, this is not a material planning consideration and cannot be taken into account in determining the application.

3.50 The Council's Public Protection team note there should be no open burning on the site at any time, this would be covered by separate legislation and is not therefore something that could be secured by planning condition. It is, however proposed to include this recommendation as an informative for the applicant's attention.

CONCLUSION

3.51 The proposed development would provide new dwellings in an existing residential area of the town, bringing a currently vacant area of land into use. The location of the development is considered appropriate in principle and all relevant material considerations are considered to have been addressed and subject to suitable conditions, the application is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.52 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.53 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.

3.54 There are no Section 17 implications.

REASON FOR DECISION

3.55 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 00218:06 (Proposed Bungalow Garage Plan & Elevations), drawing number 00218:08 (Proposed Bungalow Plans & Elevations), received by the Local Planning Authority 12/08/19, Existing Site Plan at a scale of 1:1250, received by the Local Planning Authority 04/09/19, drawing number 00218:02, revision F (Proposed House Type), drawing number 00218:05, revision F (As Proposed Site Plan), received by the Local Planning Authority 11/03/20, drawing number 00218:10, revision F (As Proposed Site Sections A & B), drawing number 000218:11, revision F (As Proposed Site Sections C & D), received by the Local Planning Authority 12/03/20.
For the avoidance of doubt.
3. 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, garden levels, car parking levels, and the areas adjoining the site boundary 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 parking areas and the impact on adjacent residential properties.
4. 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.
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.
5. A Construction Management Plan shall be submitted to 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 measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without the prior written consent of the Local Planning Authority.

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

7. Notwithstanding the submitted information, 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.
8. Prior to above ground construction details of sparrow nesting boxes to be installed in each of the approved 4no dwellings and to the 1no approved detached garage (5 in total) shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the

approved scheme shall be implemented in accordance with the approved details and thereafter retained for the lifetime of the development.

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

9. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access 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. Such a scheme shall detail the retention of the existing granite kerb and scoria channel detailing in forming highway crossings. The scheme, including car parking provision, shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the 4no. approved dwellings and the first use of the garage 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.
10. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
12. No part of the dwellings and detached garage hereby approved 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 amenities of the surrounding area.

13. Notwithstanding the submitted information, prior to their implementation on site, details of the boundary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details prior to first occupation of the new dwellings hereby approved.
In the interests of a satisfactory form of development and in the interests of the amenities of future occupiers.
14. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
15. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In the interests of breeding birds.
16. The development hereby approved shall be used as C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
To allow the Local Planning Authority to retain control of the development.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no external alterations or extensions shall be made to the dwellings hereby approved without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties, the appearance of the wider area and to ensure appropriate parking provision.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no outbuildings shall be erected within the curtilage the properties hereby approved without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a

road or footpath, without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission under condition 14.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

20. The detached garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse ('The Bungalow') and no trade or business shall be carried out therein. The development hereby approved shall not be extended, converted or altered in any way.
In the interests of the amenities of the occupants of neighbouring properties and to control the development.

BACKGROUND PAPERS

3.56 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=133548>

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.

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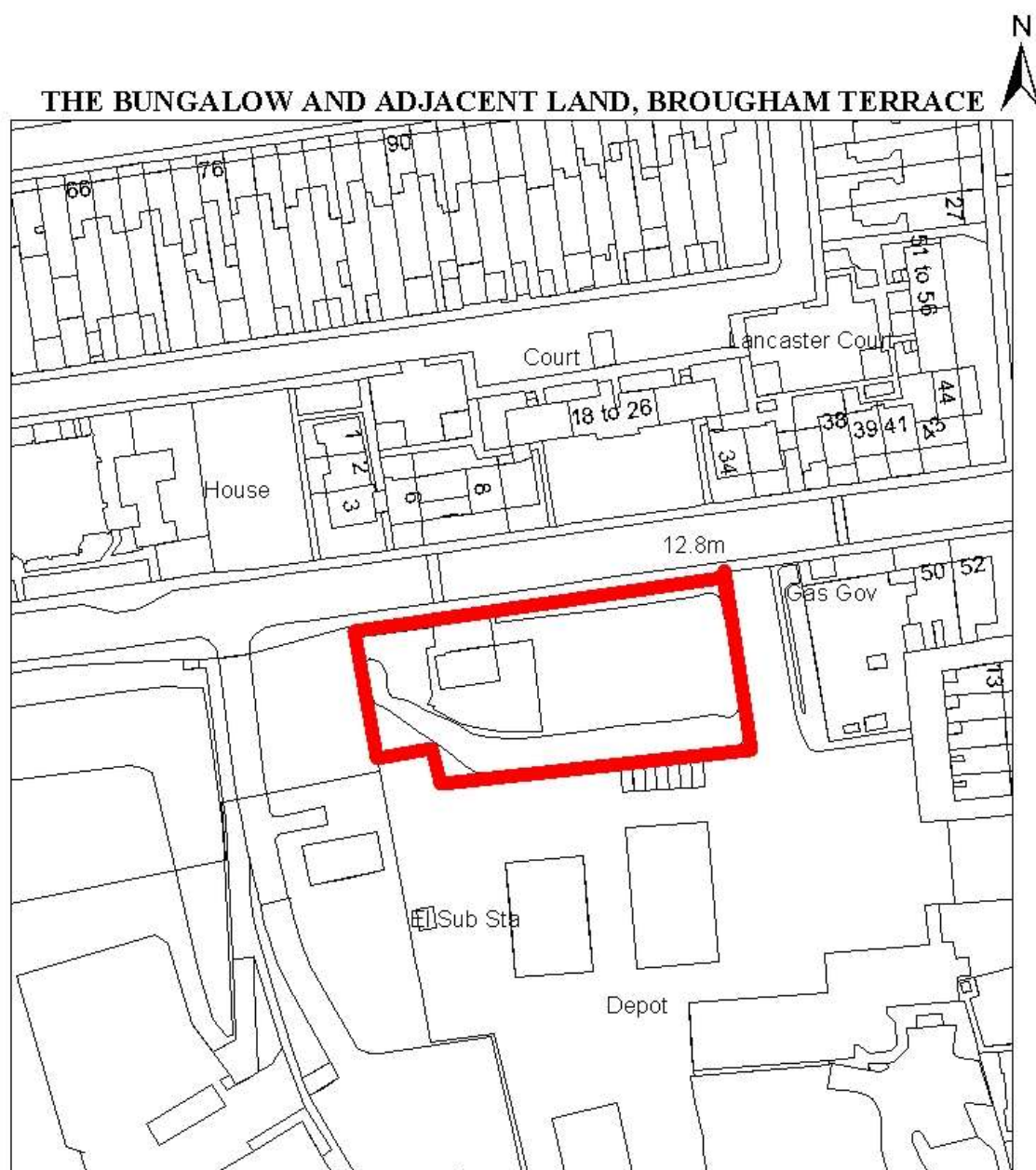
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 13/01/2020
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0369	REV

No: 4.
Number: H/2019/0472
Applicant: MRS J ODGERS DALTON BACK LANE HARTLEPOOL
TS22 5PG
Agent: SEAN MCLEAN DESIGN 22 MAP HOUSE PORTRACK
GRANGE ROAD PORTRACK TS18 2PH
Date valid: 19/11/2019
Development: Erection of a single storey extension at the front and a first
floor extension at the side
Location: FERNBECK DALTON BACK LANE

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

4.2 The applications considered relevant to the current proposal are as follows:

4.3 H/2006/0573 – Erection of a stable block incorporating new access and car park. Approved 9th November 2006.

4.4 H/2011/0294 – Erection of a two storey dwellinghouse. Approved 15th December 2011.

4.5 The application was approved subject to a number of conditions including a restriction on the occupancy of the dwelling (condition 03), removal of permitted development rights for the erection of any garages or outbuildings (10) and a restriction on the curtilage of the dwelling (11) in accordance with an approved plan.

4.6 H/2011/0439 – Retention of temporary caravan. Approved 26th October 2012.

4.7 H/2016/0011 – Erection of a single storey garage block and single storey kennel block. Approved 21st March 2016.

4.8 H/2016/0022 – Erection of a portal frame; hay, straw and implement storage building and retention of two stables (part retrospective). Approved 13th May 2016.

4.9 The application has been called in to be determined at the planning committee by the Chair of the planning committee, in line with the Council's scheme of delegation.

PROPOSAL

4.10 This application seeks permission for the erection of a two storey extension to the side and a single storey extension to the front of Fernbeck, Dalton Back Lane.

4.11 The proposal has been amended during the course of the application, as the originally proposed single storey extension was an additional 1.5 metres (approx.) in length, which meant that the property as extended would go beyond the approved curtilage for the dwelling (as defined by the original permission for the dwelling, reference H/2011/0294, as detailed above). The applicant subsequently submitted a revised plan with a reduction in scale of the single storey extension to the front (which would therefore be limited to the approved curtilage).

4.12 The proposed first floor element would project approximately 3.3 metres from the existing side elevation (north west) x approximately 5.3 metres in length (approximately 2.3 metres beyond the existing yard office). The proposed single storey extension would adjoin the two storey extension to the side (north east), projecting approximately 3.8 metres from the front elevation of the two storey extension x approximately 3.5 metres in width. The proposal would include a window in the upper floor of the side elevation (north west), a window and door in the ground floor of the two storey element (south west), and windows in the side and front elevations of the single storey extension (north east and south east). The proposal would incorporate materials to match the existing dwelling and would serve two additional bedrooms for the occupiers.

4.13 The proposed first floor extension to the side would have a total height of approximately 6.9 metres, dropping to approximately 4.9 metres at eaves level. The proposed single storey extension would have a total height of 4.1 metres at the ridge, dropping to approximately 3.2 metres at the eaves. Both elements of the proposal would feature a hipped roof design, using tiles to match the existing property.

SITE CONTEXT

4.14 The application site relates to Fernbeck, a two storey dwelling that is associated with a livery business at the site and is subject to an occupancy restriction, located off Dalton Back Lane, Dalton Piercy, Hartlepool. The existing dwelling is accessed from a track to the east with the existing livery business buildings (primarily a U shaped stable block, in addition to the above referenced single storey garage block and single storey kennel block). The site is partially enclosed by field boundaries and hedgerows with the nearest property located beyond the southern fields at 'Crow's Meadow Farm', which is approximately 160 metres away.

PUBLICITY

4.15 The application was advertised by way of four neighbour letters and a site notice. To date no representations have been received.

4.16 One representation from a local ward councillor has been received, detailing support for the application.

4.17 Background papers can be viewed by the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134978>

4.18 The period for publicity has expired.

CONSULTATIONS

4.19 The following consultation responses have been received:

HBC Building Consultancy: There are no landscape and visual objections to the proposed development.

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

HBC Countryside Access Officer: There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

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

Control dust emissions from the site remediation and construction works.

No open burning.

HBC Director, Children's and Joint Commissioning Services: (summarised) I would fully support this proposal being considered by committee and progressed to the significant benefit of children and young people. I do consider the planning application in this case to be an exceptional circumstance which warrants special consideration.

Greatham Parish Council: Whilst the council has no objections to the application they stress that all applications should be pertinent to the livery sited there and the owners of that business.

Dalton Piercy Parish Council: No objections.

Rural Plan Working Group: The Group have no objection to the proposed extension subject to the condition that "the occupation of the dwelling hereby approved shall be limited to a person solely or mainly, or last employed prior to retirement, in the commercial livery business located on the holding (Fernbeck) or a dependent of such a person residing with him or her, or a widow or widower of such

a person” remains in force. This is for continued compliance with HNRP policies GEN1 and H4.

HBC Ecology: Biodiversity enhancement

NPPF (2018) paragraph 170 d) includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The site is in an area that supports declining birds such as house sparrow and starling. These can be helped through the provision of integral nest boxes. The following should be conditioned. The extension should include an integral bird nest box brick for either sparrows or starlings, to be > 3m above ground level.

NB: Nest boxes are sold via a number of UK websites such as:

<http://www.habibat.co.uk/category/bird-boxes>

<https://www.wildcare.co.uk/wildlife-nest-boxes/bird-boxes/sparrows.html>

<https://www.birdbrickhouses.co.uk/>

<https://www.ibstockbrick.co.uk/wp-content/uploads/2015/01/AA6606-Portfolio-Ecoproducts.pdf>

<http://www.schwegler-natur.de/fledermaus/?lang=en>

PLANNING POLICY

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

Hartlepool Local Plan (2018)

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

CC1: Minimising and Adapting To Climate Change

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

HSG11: Extensions To Existing Dwellings

RUR1: Development in the Rural Area

SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan (2018)

4.22 The following policies in the adopted Hartlepool Rural Neighbourhood Plan 2018 are relevant to the determination of this application:

GEN1: Development Limits

GEN2: Design Principles

H4: Housing in the Countryside

National Planning Policy

4.23 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets

out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. 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 interdependent. 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 significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications

PARA 079: Development in the countryside

PARA 091: Healthy, inclusive and safe places

PARA 124: Achieving well-designed places

PARA 125: Clear design vision and expectations

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 212: Implementation

HBC Planning Policy comments;

4.24 When assessing the proposed residential extensions, one of the main policies to note is HSG11. This policy stipulates that opportunities for homeowners to improve their homes will be supported where development can demonstrate that it will:

- Be of a size, design and use materials that are sympathetic to the existing dwelling;
- Not adversely affect the character of the surrounding area;
- Not significantly affect the amenities of the occupiers of adjacent or nearby properties;
- Does not deny the existing and future occupiers adequate private amenity space.

4.25 In this instance, it is accepted that due to the rural location of the development, that there are no concerns with regards to impact on neighbours. However, it is paramount to ensure that the design of the extension is acceptable in order to prevent the main dwellings becoming excessively large and out of place. Policy

RUR1 seeks to ensure that the rural area is protected and enhanced, and development outside the development limits will be strictly controlled. Through good design, development is expected to enhance the quality, character and distinctiveness of the immediate area and be in keeping with other buildings in terms of siting, size, materials and colour. The proposal is also expected to be in accordance with the Rural Neighbourhood Plan, specifically policy GEN2 which ensures that design of development will help to create a sense of place and reinforce the character of the rural area by being individual and respecting the local vernacular building character.

4.26 Notwithstanding the above, it is worth noting that the original permission for the dwelling was granted on the grounds that there was an established functional need with regards to the equestrian use on the site, due to the fact that the dwelling was outside the limits to development and was an isolated rural dwelling. The associated planning statement does not make reference to a need for the extension relating to the livery use, as it will be for personal/family use. There are fairly rigid criteria in national and local criteria that must be met before an isolated rural dwelling can be permitted and the current design of the house was considered acceptable as it was a three bedroom dwelling of a modest scale and was considered to be commensurate with the needs of the holding. There are concerns that due to the additions of the two extensions, that this will result in the dwelling becoming excessively large, especially when its use as an equestrian worker's dwelling is considered. If the extension was deemed to be too large, then it would be contrary to the above policies. When looking at the existing elevations against the proposed elevations, it cannot be doubted that the existing dwelling is already of a fairly sufficient size, and that the addition of both a ground and first floor extension will result in the dwelling becoming much larger. It could be argued that the alterations are not necessary for the functioning of the building and so there are policy concerns that it does not meet the requirements and criteria of a worker's dwelling.

PLANNING CONSIDERATIONS

4.27 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 and the impact on the character and appearance of the surrounding area, the impact on the amenity and privacy of neighbouring land users, ecology, and the impact on highway safety. These and any other planning matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

4.28 The proposed two storey extension and single storey extension would be sited within the approved curtilage of the existing dwelling that is present on site. The dwelling was approved in 2011 as the applicant was able to satisfactorily demonstrate that there were exceptional circumstances to justify the need for the workers dwelling (associated with the existing livery business) located beyond the development limits and in the open countryside.

4.29 Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN2 of the Rural Neighbourhood Plan (2018) seek to ensure that the rural area is protected and

enhanced, and development outside the development limits will be strictly controlled. Through good design, development is expected to enhance the quality, character and distinctiveness of the immediate area and be in keeping with other buildings in terms of siting, size, materials and colour.

4.30 The essential need for a rural worker to live permanently at or near their place of work invariably requires consideration to be given to both functional and financial matters. In particular, given the planning history of the site and whether the business enterprise is financially sound and would continue to remain so if the extension was to be built, is a material consideration. An objective assessment of whether the enterprise is likely to be economically sustainable/viable is a requirement (and well established in planning case law) and should be based on proportionate evidence. Otherwise there is a risk that the proposed extension would make the enterprise financially unsustainable and the enlarged dwelling would fail to meet the essential need for the rural worker to live permanently at or near their place of work. Furthermore, it may consequently lead to applications for the removal of the agricultural occupancy condition, which would fundamentally undermine the original accepted principle of a dwelling in the open countryside with an occupancy restriction.

4.31 In order to justify an extension to a rural worker's dwelling (in this instance commercial livery business) that has a restricted occupancy, it is considered necessary for the applicant to demonstrate that the proposed extensions are acceptable in terms of being commensurate with the functional requirements and viability of the existing livery business.

4.32 In this context, the Local Planning Authority (LPA) would expect the agricultural business to demonstrate that it can support the dwelling as extended. It is considered that the dwelling originally approved in 2011 was done so as the applicant was able to satisfactorily demonstrate both the viability and need of the dwelling with the business employing one full time employee. The application was approved subject to a number of conditions enabling the LPA to control and restrict the development at the site to ensure that the occupancy of the dwelling remained restricted to someone employed full time in the commercial livery business and that the size of the dwelling could not be extended (without applying for planning permission) so that it remained commensurate with that of the business that the original dwelling house was justified on (i.e. for one full time employee to the commercial livery business).

4.33 It is considered that to extend such a property would require recent accounts for the commercial livery business and/or a business plan to demonstrate how such an increased dwelling could be financed by the business it serves. If this was required for the justification of the new dwelling, it follows that an extension should not compromise the long term viability of the commercial livery business should it be approved. Otherwise there would be a risk in the future that the dwelling approved to house livery workers would be lost, as it was not able to be supported by the business in its own right. The cost of the extension should not be excessively expensive in relation to the turnover of the enterprise, because it is the needs of the enterprise which justify it and the turnover of the enterprise which must therefore pay for it.

4.34 It was therefore requested by the case officer that additional information in the form of recent accounts for the commercial livery business and/or a business plan to demonstrate how the proposed extensions would be financed by the business it serves. Despite the request, no recent figures, accounts or budgets have been received and therefore it is not possible to determine whether or not the dwelling as proposed to be extended would be commensurate (and not excessively expensive) in relation to the turnover of the enterprise. It is therefore considered that without the information requested, the LPA cannot be satisfied that this enterprise is, or would be, still economically sustainable and likely to remain so in the future should the dwelling be extended as proposed. Furthermore, in the absence of such evidence, the dwelling as proposed to be enlarged would raise a significant risk and place an undue pressure that that an application for the removal of the agricultural occupancy condition would be difficult to resist. This may lead in future to the establishment of a new dwelling in the open countryside, contrary to national and local planning policies.

4.35 It is accepted that the functional need for the dwelling has already been established by the previous permissions and the completed house is occupied by the applicants and their family. The applicant's Planning Statement indicates that the need for the dwelling to be extended is due to applicant's grown up daughter returning to the family home whilst the applicants also foster children and this is their justification for the need for the additional bedrooms at the property. The Council's Director for Children's and Joint Commissioning Services fully supports the application in the context of the importance (and quality) of the foster care that is provided by the applicants at the property.

4.36 Whilst these personal circumstances (and benefits of the foster care provided) are fully acknowledged, fundamentally this would not overcome the planning policy concerns of the application in terms of being able to sufficiently demonstrate the functional need for extensions to the dwelling (that is restricted to the occupancy to someone fully employed in a commercial livery business). As stated above, it is considered that the need and justification based on the policy for a commercial livery business workers' dwelling is such that it should support the business itself. In order to sufficiently demonstrate the function of the proposed extension, a further and fuller understanding of the dynamics of the business (who works at the livery business, and so on) in view of the original dwelling being approved on the basis of the business employing one full time employee, would be required and was therefore requested.

4.37 Whilst it is acknowledged that the applicant has advised in their Planning Statement that the extension is required to facilitate the day to day functions of the family residing at the property (of which the circumstances have changed since the original approval for the dwelling), it is considered that more information is required that would justify the proposal for an extension that would create two additional bedrooms in terms of *need* for the additional bedrooms in order to meet the demands of the livery business with which it is required to serve via planning conditions appended to the original application (H/2011/0294). Specifically, details were requested to demonstrate that additional bedrooms are necessary in order to support the business itself (i.e. detailed employee information).

4.38 In light of the above and without the requested information, it is considered that the proposal which would result in a five-bedroom dwelling that has the potential to undermine the justification of the original planning permission for a dwelling house to support a livery/equestrian business. It is further considered that the approval of the application has the potential to prejudice the continued use of the site for its original intended and approved purposes i.e. to support an equestrian business.

4.39 Overall, it is considered that there is insufficient evidence to demonstrate that the costs of the extension could be sustained by the turnover of the business or that the resultant size of the dwelling would remain commensurate with the requirements of the business. The principle of development is therefore not acceptable in this instance and would warrant a refusal of the application.

IMPACT ON CHARACTER OF SURROUNDING AREA

4.40 The application site is located within the open countryside where national and local planning policies seek to strictly control development. The proposal originally submitted was not wholly contained within the agreed curtilage of the dwellinghouse approved to serve the livery business. Following the amended scale and design of the proposed two storey extension and single storey extension offering a reduction in scale, it is considered that the proposal, being located within the approved curtilage of the dwellinghouse (albeit accessed via the existing driveway serving the property), therefore on balance would constitute a scale and design that would not adversely affect the character and appearance of the host dwelling and application site as a whole, as to warrant a reason for the refusal of the application.

4.41 The design of the proposed extensions further assists in reducing any significant adverse impact on the visual amenity of the surrounding area and open countryside, given that the proposed two storey extension would feature a subservient design to that of the main dwelling. Whilst the proposed extensions would be positioned to the east/north (front) of the dwelling which would mean they are readily visible from the main highway to the east (approximately 90m away), it is noted that further screening would be offered by the hedge boundary planting to the north and the aforementioned separation distance. This view is supported by the Council's Landscape Architect who has raised no objections to the scheme from a landscape and visual perspective.

4.42 The accompanying Planning Statement indicates that the proposed extensions would be constructed from materials to match the existing dwelling, including windows and roofs. Had the application been considered acceptable overall, a condition could have been secured to ensure the external finishing materials match those of the main dwelling.

4.43 Therefore, and on balance, it is considered that the proposal would not result in a significant adverse intrusion into the open countryside or adverse loss of visual amenity for the surrounding area as to warrant an additional reason for the refusal of the application, had the proposal been acceptable in terms of its principle of development.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.44 As noted above, the property is in a rural location and the closest neighbour is approximately 160 metres to the south. Owing to the modest scale and siting of the proposed extensions being on the northern and eastern elevations, and therefore screened from this neighbour by the orientation of the existing dwelling, and the remaining separation distances to the nearest neighbouring land users (primarily the Crow's Meadow Farm located to the south), it is considered that the proposals would not result in an adverse loss of amenity and privacy for neighbouring land users.

4.45 Furthermore, the Council's Public Protection team has raised no objections to the proposal including noise disturbance, subject to the requirement of a planning condition to control the proposed works, which could have been secured accordingly had the application been considered acceptable in all regards.

ECOLOGY

4.46 The Council's Ecologist has been consulted in respect of the proposal and has confirmed that the site is in an area which supports declining birds such as house sparrow, tree sparrow and starling. These can be helped through the provision of integral nest boxes such as a sparrow terrace. To that effect, the Council's Ecologist has requested that a condition for the instalment of an integral bird nesting box or brick be appended to any planning approval. Had the proposal been considered acceptable overall, a condition would have therefore been necessary in respect of this requirement.

HIGHWAY SAFETY

4.47 Access to the dwelling is via an existing farm track leading off Dalton Back Lane. The Council's Traffic and Transport section have raised no objections to the proposal. The proposals are therefore considered to be acceptable in this respect.

OTHER MATTERS

4.48 As noted above, the Council's Public Protection section have requested that dust emissions from the site remediation and that there would be no open burning on the site. Had the application been considered acceptable in all respects, these matters are such that can be controlled through separate legislation but could have been relayed to the applicant by a suitable informative.

CONCLUSION

4.49 On balance, in light of the above planning considerations, it is considered that whilst the proposed extensions would not give rise to adverse impacts on visual or neighbour amenity, it does not constitute an acceptable development that is justified appropriately in terms of being commensurate to the viability and functional needs of the rural enterprise. On balance it is considered that the applicant has failed to demonstrate that the dwelling as extended would remain commensurate with the business approved at the site, or that there is a need for the dwelling to feature five bedrooms in order to maintain the livery business it was approved to serve. It is

therefore considered the proposal would be contrary to policy RUR1 of the Hartlepool Local Plan (2018), policy GEN2 of the Rural Neighbourhood Plan (2018) and paragraph 79 of the NPPF (2019) and it is therefore recommended that the application be refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.50 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.51 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.

4.52 There are no Section 17 implications.

REASON FOR DECISION

4.53 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, the applicant has failed to demonstrate that the proposed extensions would be commensurate with the functional requirements of the existing rural enterprise or the current and/or future income generated by the existing rural enterprise, contrary to the requirements of Policy RUR1 of the Hartlepool Local Plan (2018) and policy GEN2 of the Rural Neighbourhood Plan (2018).

BACKGROUND PAPERS

4.54 Background papers can be viewed by the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134978>

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.

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FERNBECK, DALTON BACK LANE

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 024/06/20
	SCALE 1:5000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0472	REV

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>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031 -
_made_version_-_december_2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_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) 2019

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