

PLANNING COMMITTEE

AGENDA



Wednesday 10th February 2021

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, Stokell 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 13 January 2021 (to follow)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director for Neighbourhood and Regulatory Services*

- | | |
|----------------|---|
| 1. H/2020/0207 | Deer Run, Land off Coppice Lane, Wynyard (page 1) |
| 2. H/2020/0276 | Land to the South of A179 and West of Middle Warren known as Upper Warren (page 11) |
| 3. H/2020/0205 | Reedston Road / Cairnston Road / Tarnston Road (page 61) |

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.

5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints – *Assistant Director (Place Management)*
- 5.2 Appeal at 131 Lime Crescent – *Assistant Director (Place Management)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

EXEMPT ITEMS

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

7 ITEMS REQUIRING DECISION

- 7.1 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*
- 7.2 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*
- 7.3 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*

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

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 10 March commencing at 9.30 am.



No: 1.
Number: H/2020/0307
Applicant: ROBERTSON HOMES LTD BALTIC PLACE SOUTH
 SHORE ROAD GATESHEAD NE8 3AE
Agent: ROBERTSON HOMES LTD MR STEVEN BURN LEVEL
 6 BALTIC PLACE SOUTH SHORE ROAD GATESHEAD
 NE8 3AE
Date valid: 27/08/2020
Development: Topsoiling works to existing land
Location: DEER RUN LAND OFF COPPICE LANE WYNYARD

PURPOSE OF REPORT

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

BACKGROUND

1.2 This application is part retrospective. The top soil has been deposited on the site as the applicant was unaware they required planning permission for the works. The works are an “engineering operation” and constitute “development” according to Section 55 of the Town and Country Planning Act 1990. The works were halted at the request of the Council’s Enforcement Officer following a complaint.

1.3 The most relevant recent applications are:

H/2015/0386 – Erection of 64 dwellings, access and associated works
 Approved 01/04/16

H/2016/0501 – Variation of condition 2 of planning application H/2015/0386 for the erection of 64 dwellings, access and associated works for substitution of house types and alterations to layout.
 Approved 15/02/17

PROPOSAL

1.4 This application seeks retrospective planning permission for top soiling works to the existing land.

1.5 This application has been referred to Planning Committee as there have been 3 objections.

SITE CONTEXT

1.6 The application site is land to the south and west of plots 32-41 Stoney Wood Drive Wynyard at the administrative boundary between Hartlepool and Stockton. To the south are the existing residential dwellings of Black Wood, which back onto the site, which are within Stockton Borough Council's administrative boundaries. To the east is the existing road of Wynyard Woods and to the west is Stoney Wood Drive. The area is currently under construction.

1.7 The site falls within the limits to defined limits (classed as white land) of the Local Plan as defined by Policy LS1 Rur2 and also within a Green Wedge according to policy NE3.

PUBLICITY

1.8 The application was advertised by way of a site notice. To date, there have been 3 objections.

4.9 The concerns raised are:

- The site plan shows that soil would be deposited on our garden.
- The application form states there are no trees or hedges on the site when in fact there are.
- Soil has been deposited on the roots of trees and hedges and will damage them.
- The top soil is causing flooding of our garden again. This area has flooded for 10 years.
- This land is supposed to be protected from construction.
- The development has been carried out without planning permission.
- The works will be detrimental to existing trees.
- The works have a significant impact on the privacy and enjoyment of my garden, the soil was increased by approximately 1.5m until the day before the Council visit (the levelling works were carried out after the Council served notice and the height reduced to approximately 1m).
- There are historical issues of flooding and have spent ten thousand pounds having drainage ditches and materials put into the garden to eradicate the problem of flooding, because of poor drainage and clay type soil. This was successful until thousands of tonnes of soil were dumped to the rear of my garden increasing the height of the area to the rear of my property. I now have flooding again, the grass is being taken over by moss and the plants are dying off.
- Noise associated with the dumping of the soil. Five wagons per hour working from 07:00-17:30 each day bringing soil from further around the estate (near to The Plantations) and also wagons arriving with soil turning onto the Wynyard Estate from off the A689.
- Insufficient consultation.
- The levels survey is incorrect. The land to the rear of my property has been raised by more than one metre, not 500mm as claimed.
- The levels survey does not show any of the trees to the rear of my property.

- The area shaded showing where the spoil has been deposited is incorrect, it shows the works stopping before my garden yet it covers the whole width of my garden.
- The hedge that borders the houses effected by the soil the most is actually a protected hedgerow, this is now damaged.
- The land is supposed to be a green belt not a dumping ground why can the developer not dispose of waste soil like any other developer would.

1.10 Background papers can be viewed by the 'attachments on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140060>

1.11 The period for publicity has expired.

CONSULTATIONS

1.12 The following consultation replies have been received:

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

HBC Public Protection - Not object.

HBC Engineering Consultancy – I have no objection in respect of surface water management or contaminated land.

HBC Ecology – No objection.

HBC Countryside Access Officer – There is no information 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.

Northumbrian Water – No comments.

Northern Gas Networks – No objections.

Stockton Borough Council – There is no objection to the proposed development. We have however since received a complaint from a Local Member on behalf of local residents over the 'dumping' of the soil and that as a result of this their gardens are flooding.

Councillor Gardner (Stockton Borough Councillor)

Local residents are concerned over the dumping of soil and that as a result of this their garden are flooding.

Hartlepool Rural Plan Working Group – The application sit lies outside the Rural neighbourhood Plan area and the Group have no comments to make.

PLANNING POLICY

1.13 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

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

Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change

HSG6: Wynyard Housing Developments

LS1: Locational Strategy

NE1: Natural Environment

NE3: Green Wedge

SUS1: The Presumption in Favour of Sustainable Development

1.15 Comments:

Planning policy have no objections to the proposals.

National Policy

1.16 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 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

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

PLANNING CONSIDERATIONS

1.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the area and the impact on the amenity of neighbouring occupiers.

CHARACTER AND APPEARANCE

1.18 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish a strong sense of place.

1.19 Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of any area and the way that it function, taking into account local design standards or style guides in plans supplementary planning documents (para. 130).

1.20 Policy LS1 sets out the locational strategy based on a strategy of balanced urban growth. The introduction of multi-functional Green Infrastructure is essential to ensure high quality development that offers opportunities for recreation and leisure and mitigates against the potential effect on the landscape character and the environment.

1.21 Policy Rur2 seeks to protect the countryside by only permitting new dwellings outside of development limits if there is clear justification.

1.22 Policy NE3 seeks to protect, maintain and enhance and where appropriate increase the number of green wedges to provide a wide range of benefits for the town.

1.23 The site is an existing green wedge that lies between new housing being built to the north and existing housing of Black Wood that back onto the site to the south. The top soil that has is currently located within the centre of the site.

1.24 The land beyond this site to the west has previously been top soiled. Currently the north western end of the application site is largely consists of barren clay surface, which is unattractive and detracts from the entrance of the new housing development. The proposal seeks to spread the previously dumped topsoil across the north western end of the site, prior to rotavating and seeding with grass to provide an improved and more attractive approach to the new housing development.

1.25 The works to spread the top soil were halted following a request by the Council's Enforcement Officer pending the outcome of this planning application. Currently the highest point of the top soil is 76.226m (0.426m) higher than before the works. The lowest part of the site is 73.539m (0.051m) higher.

1.26 It is proposed that the topsoil would be spread across the western edge of the site. The highest part of the site towards the southern end would be increased to 76.100 which is 0.300m higher than the original levels and is 0.126m lower than at present.

1.27 For the lowest part of the site it would be increased from 74.334 to 74.550m which is an increase of 0.216m. The proposal to spread the top soil across the land would not result in a significant change in levels and would provide top soil in order to help establish grassland, which would significantly improve the character and appearance of its site and its surroundings in accordance with policies LS1, Rur2 and NE3.

IMPACT ON NEIGHBOURS

1.28 Policy QP4 seeks amongst other matters for development to respect surrounding buildings.

1.29 The neighbours most likely to be directly affected by the proposal are those who back onto the site from Black Wood. The objections to the proposal from neighbouring occupiers of Black Wood are noted. One of the concerns of neighbours is that the proposal has resulted in the flooding of their gardens. The proposed levels shows the land would be profiled to slope away from the existing gardens of Black Wood and the Council's Engineering Consultancy who is responsible for flooding and contaminated land does not object.

1.30 There would not be significant change in levels once the works are complete and this in combination with the seeding of the site would help to improve the appearance of the site for neighbours.

1.31 Concern has also been expressed from neighbours in terms of damage to existing vegetation and trees towards the southern boundary of the site. The application form states that there are no trees or hedges on land adjacent to the proposed development that could influence the development. The proposed plans show that the extent of the top soiling works would be within the crown spread of some of the existing trees that bound to the site to the south. It is considered reasonable and necessary to require tree protection measures in order to protect the tree from damage during the works. It may be necessary to carry out work within the crown spread of these trees, however where this is the case this should be hand dug. The applicant has been consulted regarding these conditions and does not object. The Council's Ecologist, Public Protection, Traffic and Transport do not object.

1.32 It is considered that the proposal would not adversely affect neighbouring properties and would accord with policies LS1, QP4 and NE3 of the Local Plan.

PLANNING BALANCE AND OVERALL CONCLUSION

1.33 This application is part retrospective. The top soil has already been deposited on site and it remains for it to be spread cross the north western end of the site and for it to be seeded. The work has clearly caused annoyance and disturbance to existing residents. However, the proposed scheme will result in an improvement of the overall site. It will allow the current barren area to be seeded, which will allow grass to grow. The re-profiling of the land would mean that the land would slope away from rather than towards existing residents in Black Wood, which would help to overcome issues of garden flooding. It is therefore recommended that planning permission should be granted subject to conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.34 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.35 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.

1.36 There are no Section 17 implications.

REASON FOR DECISION

1.37 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 hereby approved shall be carried out in accordance with the following approved plan(s) and details;
Drawing No. 2103-RHL-XX-DR-A-DR5 (Site Location Plan)
Drawing No. 2103-RHL-XX-DR-A-RD1 (Levels at Onset of Development (End of 2018))
Drawing No. 2103-RHL-XX-DR-A-DR2 (Levels Survey at Start of Robertson Topsoiling works (Feb 2020))
Drawing No. 2103-RHL-XX-DR-A-DR3 (Levels Survey at Point Works Were Halted (March 2020))
Drawing No. 2103-RHL-XX-DR-A-DR4 (Proposed Finished Topsoil Levels)
For the avoidance of doubt.
2. 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.
3. The approved grass seeding shall be carried out within the first planting season following the spreading of the topsoil. Any areas which die, are removed or become seriously damaged or diseased within a period of 5 years from being

planted shall be re-seeded in the next planting season with the same seed mix, unless the Local Planning Authority gives written consent to any variation.

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

4. Prior to the commencement of any site clearance works or of the development there shall be submitted to the Local Planning Authority for their approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chesnut pale or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:
 - a) There shall be no changes in ground levels;
 - b) No materials or plant shall be stored;
 - c) No buildings or temporary buildings shall be erected or stationed;
 - d) No materials or waste shall be burnt;
 - e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority, and
 - f) In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction.

This needs to be pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity.

5. Notwithstanding Condition 4, any work to move the topsoil within the areas protected by the protective fencing shall be hand dug only and no mechanical diggers or heavy machinery shall be used or stored in this area during the duration of the works.

In order to protect the existing trees from damage.

6. No construction works or deliveries shall be carried out except between the hours of 8.00am and 18.00 on Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolitions 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.

BACKGROUND PAPERS

1.38 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140060>

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.

CONTACT OFFICER

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Deer Run Land Off Coppice Lane Wynyard, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 27.01.2021
	SCALE 1:5,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG NO H/2020/0307	REV

No: 2.
Number: H/2020/0276
Applicant: MILLER HOMES & BELLWAY HOMES C/O AGENT
Agent: HEDLEY PLANNING SERVICES 3B EVOLUTION
WYNARD BUSINESS PARK WYNARD TS22 5TB
Date valid: 07/09/2020
Development: Erection of 570 dwellings and provision of a new
roundabout and associated infrastructure
Location: LAND TO THE SOUTH OF A179 AND WEST OF
MIDDLE WARREN KNOWN AS UPPER WARREN
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.

BACKGROUND

2.2 The following planning history is relevant to the current application;

2.3 H/2013/0328 - Outline planning application for the erection of up to 500 new dwellings (all matters reserved apart from access) – Approved 06/05/2015.

2.4 H/2018/0148 - Reserved matters application (appearance, landscaping, layout and scale) for the erection of 500 dwellings with associated infrastructure – Approved 12/04/2019.

2.5 H/2020/0092 - Screening opinion in respect of residential development comprising 570 dwellings including associated access, link road connection, infrastructure and open space. In accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, it was confirmed by the Local Planning Authority on 03/04/2020 that the development (to which the current planning application H/2020/0276 relates) would not constitute Environmental Impact Assessment Development requiring an Environmental Statement.

PROPOSAL

2.6 Planning permission is sought for residential development comprising the erection of 570no. residential dwellings with associated access, infrastructure and landscaping on land to the south of the A179 and west of Middle Warren (known thereafter in this report as ‘Upper Warren’). The proposed development has been assessed in accordance with regulation 6 of the Town and Country Planning

(Environmental Impact Assessment) Regulations 2017 and it does not constitute EIA development.

2.7 It is understood 370no. dwellings (15 different house types) will be constructed by Bellway Homes (Durham) and 200no. dwellings (13 different house types) will be constructed by Miller Homes (Teesside).

The 570 dwellings will consist of a range of dwelling forms including;

- 2 bedroom semi –detached/terraces;
- 3 bedroom semi-detached/detached units;
- 4 bedroom detached units; and
- 5 bedroom detached units

This in turn provides a mix of the following housing;

- 55no. 2 bedroom dwellings
- 314no. 3 bedroom dwellings
- 177no. 4 bedroom dwellings
- 24no. 5 bedroom dwellings.

2.8 The scheme will provide 18% affordable provision in total, equating to 103 units 'pepper-potted' across the site. It is understood that there will be a mix in tenure which includes 52 social rented affordable housing (34 x 2 bed and 18 x 3 bed) and 51 intermediate tenure affordable housing (7 x 2 bed and 44 x 3 bed).

2.9 There is variation in the designs and finishing materials to the proposed dwelling types by both developers, with a predominantly traditional materials palette including facing brick, neutral-coloured render, art stone heads and cills, decorative brickwork and banding, pitched tiled roofs, and roof lights. There are feature entrance porches and openings. All of the proposed dwellings are served by a private garden space to the rear. The proposed plans indicate that rear gardens are to be predominantly enclosed by approximately 1.8m high close boarded fencing with 900mm post and rail fence alongside boundaries (between properties), with 1.8m high brick walls with piers and timber closed boarded infill panels for corner properties and properties where rear garden areas abut footpaths, kick rail fencing separates private driveways from public open space, where necessary.

2.10 The proposed dwellings will accommodate off-street (in-curtilage) car parking spaces, which will range in the number of spaces dependent on house type, some of this provision includes garage parking as a designated space.

2.11 Access to the site will be taken via a new 3 arm roundabout to be constructed towards the north of the site along the A179. A central spine road will be taken into the site, with the housing development served by various spur and loop road systems.

2.12 The proposal includes significant landscaping to ensure that the scheme will assimilate well within the locality and soften the appearance of the development, where possible. The proposed development includes large areas of open space, particularly to the northern and western boundaries. The area of open space along the western boundary, will provide a landscape buffer between the residential

properties and the surrounding agricultural landscape and a new, softer boundary to the settlement edge. There will be areas of open space/landscaping within the development which will provide further amenity space for future residents. The proposal includes a Sustainable Drainage System (SuDS) scheme consisting of 2no. attenuation basins in the south east corner of the development site.

2.13 The landscaped area also functions as a large open expanse of Suitable Alternative Natural Green Space (SANGS) which will be provided to the west and south of the development comprising approximately 6.6 hectares (ha). The SANGS is proposed to include the following;

- A network of informal paths for recreation and dog walking;
- Habitat and ecology mitigation and enhancements;
- New woodland planting around the perimeter of the site to screen the development: and
- A large variety of interesting and native shrub and flower planting to encourage biodiversity.

2.14 The application has been referred to Planning Committee owing to the number of objections received (more than 2) in line with the Council's scheme of delegation.

SITE CONTEXT

2.15 The site comprises gently sloping undeveloped agricultural land of approximately 28.4 hectares. The proposed built area of the site lies within the defined settlement limits of Hartlepool and has an extant planning permission for the erection of up to 500 no. dwellings. The site is known as Upper Warren.

2.16 The site is located to the north west of Hartlepool approximately 1km to the east of the village of Hart and immediately to the south of the A179. Hartlepool Town Centre is located approximately 3.5 kilometres to the south east of the site. The surrounding local area is partly characterised by residential areas with the application site bound to the north by Clavering estate (separated by adopted highway) and the east and south by the Middle Warren/Bishop Cuthbert estate including the Middle Warren Local Centre. To the west lie mainly open fields which provides a strategic gap between the site and Hart Village. The strategic gap also extends into the western most landscaped areas within the application site. Further to the south west lies Hart Reservoirs (which benefits from a recent outline planning permission for up to 52 dwellings, reference H/2015/0354, decision dated 05/01/2021) and Hart Quarry beyond.

2.17 The adjacent Middle Warren development contains a Local Centre which is within walking distance of the application site and provides a variety of local services and facilities.

PUBLICITY

2.18 The application has been advertised by way of site notices (4), press notice and neighbour letters (584). To date, there have been 2 letters of support, 3 letters of 'no

objection’ and 12 letters of objection received (including an objection from Hart Parish Council, which is set out in full below).

2.19 The concerns/objections raised can be summarised as follows:

- Roads and junction in surrounding area dangerous and congested, this development will increase this issue
- Traffic hazard on 60mph road
- Mud on road from construction vehicles
- Potential for anti-social behaviour
- Significant visual impact
- Loss of privacy
- Noise and pollution
- Insufficient school places
- Flooding issues
- Loss of green space
- Impact on nesting birds and wildlife
- Bishop Cuthbert area already an over developed site
- Impact on property values

2.20 The period for publicity has expired.

2.21 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=139718>

CONSULTATIONS

2.22 The following consultation replies have been received:

HBC Building Control – I can confirm that a Building Control application will be required.

HBC Housing – No comments.

HBC Countryside Access Officer - I seem to remember that there was to be an access link created down in the south eastern corner of the site, near or at the SUDs Pond, onto HBC land to the south so that there was sensible and logical pedestrian access for site residents to be able to access the rights of way and council owned permissive paths to the south, south east and south west.

The plans do not show this. I need assurance and updated plans to show this access link. Otherwise residents will have to walk all the way to the north eastern access point to then walk east and then south through the existing housing, to access the paths and links to the countryside rights of way network.

Not having this link makes it extremely difficult for residents and visitors to access surrounding paths and access routes.

The developer needs to contact me to discuss this – again.

UPDATE 12/01/2021

I am happy for the newly submitted and amended plans to be accepted as the final and correct proposal for the future south eastern access link from the development site to the neighbouring HBC owned access path network.

HBC Engineering Consultancy (Flood Risk Officer) - Contaminated land - Historic mapping information and the Geoenvironmental Appraisal Report submitted with the application do not indicate any potential hazard from contaminated land. As such I have no objection to proposals in this respect and ask that you include our standard unexpected contamination condition on any permission issued for proposals.

Surface water management

I have no objection to proposals in this respect and ask that you include our standard detailed drainage condition on any permission issued for proposals.

In respect of the future discharge of this condition, the applicant is advised to note the following:

The Flood Risk Assessment section 9.8 states that Sewerage infrastructure is to be managed and maintained by NWL under a Section 104 agreement. SuDS components are to be managed and maintained by private management company. The applicant is advised that all SuDS components (including the attenuation basin) must be built to adoptable standard and also adopted under a Section 104 agreement. As such I recommend early discussions with Northumbrian Water in this respect.

The Flood Risk Assessment section 6 details the existing drainage regime and states that Area B of the site generally falls to the north east corner of the site. We will seek clarity as to whether Area B ultimately drains to Hart Burn as this may affect permitted surface water discharge rate.

We will seek clarity on any potential interaction between Hart Burn and Hart Reservoirs (albeit currently empty) as this may be impacted by drainage proposals. We will want to verify that the use of permeable paving has been explored and implemented where practical, for example drives and property hardstanding.

Detailed design will be assessed in accordance with the Tees Valley SuDS Design Guidance.

Within agricultural land it is possible that land drainage assets may be encountered that may need to be diverted, infilled, etc. In this respect the applicant's attention is drawn to the Land Drainage Act 1991 section 23 whereby Hartlepool Borough Council's consent is required in its capacity as Lead Local Flood Authority prior to any modification to or interference with any of these drainage assets (Ordinary Watercourses) that may affect flow in those assets.

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 Waters 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 documents entitled Engineering Feasibility Drainage Layout Sheet 1 and Engineering Feasibility Drainage Layout Sheet 2. In these documents it states the foul flows shall discharge to the combined sewer to the north east of the site at manhole 4002, whilst all surface water shall discharge directly to the watercourse.

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

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted documents entitled Engineering Feasibility Drainage Layout Sheet 1 and Engineering Feasibility Drainage Layout Sheet 2 dated 11/03/2020. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 4002 and ensure that surface water discharges to the existing watercourse.

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.

Hartlepool Water – No comments received.

HBC Arboricultural Officer - I refer to the application above that you have consulted me on in relation to recent changes on the application.

Having commented on a previous application for this site my only concern from a mature tree standpoint is where the access will come off the Hart Road and there will be the loss of a small group of semi mature trees to accommodate the road

infrastructure. This was for application H/2020/0092 (screening) and I stated then that

“There are no tree constraints that would give me concern with this site which have not been mentioned earlier. The trees at the entrance to the proposed development are semi mature (group planted) which can easily be offset with new planting as the applicant has indicated within the Green Infrastructure Plan Document Reference no. 15002375. The various categories requiring detail within the Screening Opinion have been addressed by the applicant and as the land is classified as Grade 3 Agricultural land I have no additional requirements regarding the effects on tree cover here. ”

The current application, in their “Design and Access” statement states:

“Access to the Upper Warren site will be from the A179, a major link road between the A19 and Hartlepool via Hart Village. The site will create a new roundabout off the A179 approximately 750m from the Hart Village roundabout. This primary northern access point is designed to provide an attractive and sinuous 7.3m-5.5m internal ‘boulevard’ For much of its length, this will be a wide street framed either side by attractive verges. The curvature of the route is designed to lead the inhabitant through development, whilst also helping to naturally slow traffic speed. This route will also accommodate a footway either side with verges accommodating supplementary planting arranged into attractive boulevard forms. It is absolutely imperative that the primary access into the development from the northern edge conveys a ‘landscape dominant’ character which is a driving principle of design.”

Overall the landscape/tree element is described as having 6.66 ha of Suitable Alternative Natural Green Space, with an additional 0.9 ha maintained as SuDs and a 1.6 ha specialist area for nature with no access to the public, therefore providing purely ecological benefit. A combined total of approximately 23 % of the development footprint.

An arboricultural survey consisting of an Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan has also been submitted which gives an accurate assessment of the trees and hedges on site and this should be adhered to regarding the tree management.

Subject to the landscape design details being provided, the loss of the group of trees to accommodate the new road junction remains the same and is easily mitigated by the new landscape layout. In this respect I have no objections on this application concerning tree issues.

HBC Landscape Architect - I think that it would be worth trying to get all information up front on this one if possible (landscaping).

UPDATE 20.01.2021

No objection subject to landscaping conditions.

HBC Ecology – I have reviewed the documents listed below in relation to the proposed development and provided comments under separate headings below. Relevant supporting documents are:

Preliminary Ecological Appraisal

Landscape and Habitat Management Plan

Reptile Survey Report

The body of guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM) is clear that the most appropriate format for an ecological report used to support a planning application is an Ecological Impact Assessment (EclA). The guidance provides detailed recommendations for the structure and content of an EclA so as to ensure the decision maker has access to the information necessary to make a sound and lawful decision. The purpose of a Preliminary Ecological Appraisal Report (PEAR) is to communicate the results of ecological investigations to the design team to ensure information is available to inform the scheme design, enabling policy requirements to be achieved. A PEAR should not normally be used to support a planning application.

A key function of an EclA report, if produced in line with the CIEEM guidance, is to provide an assessment of the potential for significant ecological harm, an understanding of which is central to determining if a proposal is in accordance with biodiversity policy (NPPF para. 175(a) and policy NE1). This assessment of significance has not been clearly shown within the supporting ecological information. As a result I have drawn my own conclusions based on the information available, and suggested a range of conditions to ensure appropriate mitigation and enhancement measures are described clearly and in a manner that is capable of being implemented as part of the construction and operational phases of the development. The Landscape and Habitat Management Plan serves to outline various principles that should inform mitigation and enhancement measures, but is not in my view an implementable strategy, in part, due to the uncertainty of the language used.

Based on the information available I have provided comment below on the potential for significant harm to various species and species groups. The headings below follow the standard list of species groups recommended by CIEEM, with the addition of other headings to cover other types of feature. This is not an attempt at a full assessment as set out in CIEEM guidance.

Plants

No attempt at assessment within the supporting information. However, based on the nature of the site significant harm is unlikely.

Invertebrates

Potential for significant harm through loss of habitat for wall butterfly. No survey undertaken but the supporting information suggest a likelihood of its presence. Any population would be an important ecological feature and its loss would be significant harm. Specific compensation for loss of habitat for this species will be required, i.e. ensure availability of caterpillar food plants and basking areas for adults. The supporting information has also identified opportunities for enhancement for invertebrates in general.

Amphibians

Great crested newts unlikely to be present. Populations of other amphibians unlikely to be large enough to constitute an important ecological feature. Significant harm unlikely, but there is potential for enhancement.

Reptiles

Survey did not indicate presence of reptiles. However, suitable habitat exists and the site appears to be connected to sites supporting reptiles. Avoidance measures are needed.

Birds

In respect of this group the supporting information is unclear. It does not appear that the site has ever been subject to a full three visit breeding bird survey, instead reduced scope walkover surveys appear to have been undertaken in 2013 by a third party (E3 Ecology), and in 2019 by the consultant (Surface Property) and separately by Hartlepool Borough Council's Ecologist.

There is considerable disparity between the results of individual surveys, which results in a low degree of certainty in the nature of the impacts. However, it is clear that the site supports an important farmland bird population. In the absence of clear information I have assumed this to be of importance at the Borough scale. The loss of habitats within the site will therefore result in ecological harm that is significant at a Borough scale. Compensation is necessary in respect of this harm, which should be provided offsite as a compensation site for this will need to be remote from human disturbance. Compensation should focus on providing habitat for skylark, grey partridge, linnet and yellowhammer to ensure compensation for any harm to priority species. Avoidance measures are also required during the construction phase to prevent significant harm in respect of nesting birds, and there is opportunity for enhancement within the site as outlined in the supporting information.

Bats

Full bat activity survey was undertaken in support of the approved 2013 application, and a reduced scope survey has been undertaken in 2019. In this instance, due to the relatively low abundance of bats on both surveys, and more importantly the predictable nature of the distribution within the site and the ease with which impacts to bats can be mitigated, I can accept reduced survey scope. As bats were found to be most abundant at the western boundary hedgerow, much of the potential significant harm can be avoided through retention. The remaining harm can be minimised by securing an appropriate lighting design. There is also opportunity for enhancement as outlined in the supporting information.

Other Mammals

The supporting information identifies the potential for the site to support brown hare, harvest mice and hedgehog, each of which is a priority species. Populations of these species would be important ecological features and their loss would be significant harm. It is feasible to compensate for the loss of habitat for these species within the SANGS, and there is potential for enhancement for hedgehogs by ensuring access to garden habitats.

Invasive Non-native Species

Himalayan balsam has been recorded within and adjacent to the site. The accidental spread of this species has the potential to result in significant ecological harm. To avoid this spread development should proceed following an agreed strategy, which can be secured by condition.

Designated Sites

The potential for significant harm to European designated sites is assessed within the accompanying Habitat Regulations Assessment and summarised separately below. The proposals are not anticipated to result in significant harm to other designated sites.

Habitats

Hedgerows are the only local or national priority habitat within the site (arable field margins are discussed within the supporting information, but this habitat is only priority habitat if it is specifically managed for nature conservation). The hedgerows are an important ecological feature and their loss would be significant harm. However, the supporting information indicates that the intention is to retain and enhance these features. This management will need to be secured by condition.

The remaining habitats do not constitute important ecological features in their own right, therefore there is limited potential for significant ecological harm as a result of habitat loss (excluding any consideration of impacts to individual species and species groups, which is covered above).

Biodiversity Net Gain

Information relating to biodiversity net gain is included in the Landscape and Habitat Management Plan. This indicates that the calculation has been undertaken using the latest beta test version of the calculation tool for the Biodiversity Metric 2.0. In general I support this approach, which is the most up-to-date available and also in line with section 15 of the NPPF and policy NE1 of the Hartlepool Local Plan. I will need to review the completed calculation tool spreadsheet in order to verify the calculations, and will be happy to comment further once this is available. However, I note from the information provide within the Landscape and Habitat Management Plan that the 'Suburban/ mosaic of developed/ natural surface' habitat type has been used to describe the development area. Bearing in mind that the metric is currently available only in a beta test version, I do not support the use of 'Suburban/ mosaic of developed/ natural surface' habitat type to describe the proposed post development site. The 'Suburban/ mosaic of developed/ natural surface' habitat type is a catch-all habitat description intended to incorporate all habitat types that might occur within a developed area, such as a housing estate.

While it is convenient to use, as it enables users of the metric to digitally draw the outline of a developed area rather than individual gardens, dwellings, etc, I do not consider the use of this category to provide a reasonably accurate representation of the biodiversity value of such land. To illustrate the issue; the 'Suburban/ mosaic of developed/ natural surface' habitat type provides the same biodiversity unit contribution as a semi-improved grassland (described as 'Modified grassland' within the metric) in the same location when both are assigned as poor condition, and scores more highly if any other condition value is assigned to both. I do not accept

that a typical housing estate has the same, or greater, value to biodiversity as a semi-improved grassland. The use of the 'Suburban/ mosaic of developed/ natural surface' habitat type may have a reasonable use as a predictive tool as part of an outline application, where the precise layout is unknown and there is an understanding that reserved matters applications will be supported by a revised metric calculation. However, where the precise layout is known I am of the view that a more representative calculation can be made by subdividing the developed area into its constituent habitats, such as gardens, open space, buildings and roads.

In order to address this concern the proposals should be reassessed using the Biodiversity Metric 2.0 to include the actual proposed habitat types. This is likely to show a different result for the change in biodiversity units. I will need to review the calculation tool spreadsheet when available.

Habitats Regulations Assessment

The stage 1 and 2 HRA for this application is provided separately and has concluded that, subject to a financial contribution to the established coastal warden scheme in line with the Hartlepool Local Plan Mitigation Strategy, the proposals will not result in an adverse effect on integrity of the Teesmouth and Cleveland Coast SPA or the Northumbria Coast SPA. As the proposals include SANGS that are sufficient in extent and form to be used for a proportion of regular dog walks resulting from occupation of the scheme, the financial contribution is based on distance only. In line with the Mitigation Strategy the contribution is £100 per dwelling, i.e. the standard contribution for a scheme located 2-6 km driving distance from the SPAs.

Conclusion

In order to ensure the proposals do not result in significant ecological harm and are delivered in accordance with the ecological mitigation hierarchy (NPPF para. 175(a), and policy NE1(6)) conditions are required. Conditions are also necessary to ensure an ecological enhancement and, subject to the submission of additional evidence, biodiversity net gain (NPPF para. 175(d)). The following conditions are required, the wording of which can be based on the model conditions in BS42020.

- Construction Environmental Management Plan (CEMP); to cover the construction phase and include impact avoidance measures for reptiles, birds and badgers, and the protection of hedgerows.
- An invasive species management protocol; to cover the construction phase (could also be included as part of the CEMP).
- Landscape and Ecological Management Plan (LEMP); to cover post construction management of the site for biodiversity, which includes habitat creation and ongoing management for invertebrates (including wall butterfly), amphibians, reptiles, birds, bats and priority mammal species. The LEMP should also identify how invasive non-native species will be dealt with.
- A lighting strategy to ensure habitats remain accessible to nocturnal species.
- The SANGS and a financial contribution must be secured in order for the LPA, as competent authority, to lawfully approve the application. Therefore, these elements will need to be secured through a section 106 agreement.
- Further information is required in relation to biodiversity net gain. However, in my view it is possible to deliver the proposals while preventing significant ecological harm and providing an ecological enhancement and net gain. This

is subject to satisfactory information being provided pursuant to the conditions outline above.

UPDATE 15/12/2020

Unfortunately this does not address my comment/concerns in relation to the biodiversity metric. I do not accept that the calculation provided is an accurate reflection of the impact of the proposals and therefore I do not accept this as adequate evidence to support the application. On this basis I object to the proposals as it has not been demonstrated that the proposals will provide a biodiversity net gain. Evidence of how significant harm to farmland birds will be compensated for is also required before I can support an application.

Details of objection in relation to biodiversity net gain

It is now clear that the hedgerows currently present around the site boundaries have been classified as scrub habitats. The correct use of the metric is to classify hedgerows as hedgerows, not area habitats (see Box 8.1 of the metric user guide). The baseline presented for area habitats (A1 sheet) and hedgerows (B1 sheet) is not a true representation of the baseline value of the site.

There are also a number of other issues relating to the calculation of the post development value of the site. For area habitats (represented within the A2 sheet) it is not always clear which part of the landscape strategy is being represented by the individual habitat parcels within the metric calculation tool. For example, the latest revision of the completed calculation tool indicates that areas of open water will be provided, which are not visible on the landscape strategy drawings.

Other issues that need to be resolved are:

- The Landscape and Habitat Management Plan indicates that scrub habitats will be established as understory below the tree planting. With the exception of the Urban – street tree habitat type it is not possible to use the metric to calculate the value of different vegetation layers within the same habitat area.
- The Landscape Strategy drawings show rear gardens as “owner specification”. If this indicates that the individual plots are to be sold with un-vegetated rear gardens then this area needs to be represented using the Urban – un-vegetated gardens habitat type.
- I note that the LHMP covers a period of 5 years following completion of the development. This timescale is insufficient to ensure that the habitats provide the long-term compensation needed in respect of the predicted impacts. This is particularly relevant as the habitat creation also functions as a SANGS and has been used to reduce impact to the coastal SPA – unless the appropriate management of this area is secured for the lifetime of the development then the HRA will need to be revisited and likely a higher financial contribution required in mitigation.
- The Urban – street trees habitat type has been used, and I am satisfied that this is the appropriate use of this classification. However, the landscape strategy drawings indicate that the planted trees will be either heavy standards or extra heavy standards. These standard tree sizes would be classed as small trees, not medium sized trees, therefore the area for this habitat should be 0.1465 ha.

For hedgerows the B1 sheet should be used to describe the actual site baseline. Following this it will be necessary to decide whether hedgerows are to be removed and then replaced (by using the B2 sheet) or enhanced (using the B3 sheet). It is because of this misrepresentation of the baseline value that the metric calculation tool shows an unrealistic increase in hedgerow value of over 2600 %.

The above issues are in my view fundamental to the proper use of the biodiversity metric. As such, these will need to be resolved before any meaningful discussion on the condition multipliers for individual habitat parcels can be had.

Nature of supporting evidence

It is now clear that the metric has not been applied correctly. Addressing the above issues will require some measurement of habitat areas using an appropriate software package. As several of my concerns relate to lack of clarity around which areas are being represented by particular habitat parcels within the metric calculation tool, I suggest that the appropriate software package is used to produce drawings showing the extent of individual habitat parcels and hedgerows for the site baseline and post development site.

UPDATE 21/01/2021

Further to my previous comments and the latest information provided by the applicant I have no objection to the proposals subject to various conditions/obligations. The rationale for these conditions/obligations is set out below.

Habitats Regulations Assessment

The stage 1 and 2 HRA for this application is provided separately and has concluded that, subject to a financial contribution to the established coastal warden scheme in line with the Hartlepool Local Plan Mitigation Strategy, the proposals will not result in an adverse effect on integrity of the Teesmouth and Cleveland Coast SPA or the Northumbria Coast SPA.

As the proposals include SANGS that are sufficient in extent and form to be used for a proportion of regular dog walks resulting from occupation of the scheme, the financial contribution is based on distance only. In line with the Mitigation Strategy the contribution is £100 per dwelling, i.e. the standard contribution for a scheme located 2-6 km driving distance from the SPAs.

In their comments of 11th December 2020, Natural England indicates no objection subject to the above mitigation being secured through an appropriate condition or obligation.

Significant Ecological Harm

The applicant has submitted supporting ecological information in the form of a Preliminary Ecological Appraisal, Reptile Survey Report and Landscape and Habitat Management Plan. As a whole this information demonstrates that it is possible to construct and occupy the scheme while preventing significant ecological harm. However, this is subject to the provision of satisfactory additional information, which expands upon the outline ecological measures presented in the supporting

information. This information can be secured through condition or obligations (see conclusion below).

To ensure the scheme does not result in significant ecological harm and is in accordance with the ecological mitigation hierarchy (NPPF para. 175, and policy NE1) information provided to discharge conditions/obligations will need to include:

- Compensation for loss of butterfly habitat.
- Avoidance measures for reptiles.
- Avoidance measures for birds.
- Mitigation for foraging bats.
- Compensation for loss of habitat for priority mammal species.
- Measures to prevent harm through the spread of invasive non-native plants.
- Avoidance measures for priority habitats (hedgerows).

In addition to the above the applicant has submitted information demonstrating how loss of habitat for farmland birds will be compensated for. This includes the maintenance of four skylark plots in an offsite location for a period of 10 years. In outline this compensation strategy is acceptable and will need to be secured through the section 106 agreement.

Biodiversity Net Gain and Ecological Enhancement

The applicant has submitted a calculation of change in biodiversity value using the Biodiversity Metric 2.0. In conjunction with figure 2 of the Landscape and Habitat Management Plan the metric calculation demonstrates that the proposals can achieve a measurable net gain of 2.67% for area habitats and 35.11% for hedgerows. This demonstrates that the scheme can be delivered in accordance with the biodiversity net gain requirements in NPPF paras. 170 and 175.

The habitat creation, together with the long-term management and maintenance, will need to be secured through the section 106 agreement. The maintenance period will need to extend beyond the period of five years specified in the Landscape and Habitat Management Plan, ideally for a 30 year period in line with the mandatory net gain approach. The Landscape and Habitat Management Plan itself will not be sufficient to discharge these 106 obligations.

In addition to the measureable net gain set out above, the Landscape and Habitat Management Plan specifies a number of ecological enhancement measures, which will also need to be secured through the 106 agreement. These are:

- Enhancement for amphibians
- Enhancement for birds
- Enhancement for bats
- Enhancement for hedgehogs

Conclusion

Based on the above, the following conditions/obligations are required to prevent significant ecological harm and ensure the scheme is in accordance with the ecological mitigation hierarchy (NPPF para. 175, and policy NE1), and ensure the

proposals provide an ecological enhancement and biodiversity net gain (NPPF paras. 170 and 175). The wording of these conditions/obligations can be based on the model conditions within BS42020.

- Construction Environmental Management Plan (CEMP); to cover the construction phase and include impact avoidance measures for reptiles, birds and badgers, and the protection of hedgerows.
- An invasive species management protocol; to cover the construction phase to prevent the accidental spread of Himalayan balsam.
- Landscape and Ecological Management Plan (LEMP); to cover post construction management of the site for biodiversity, which includes habitat creation and ongoing management for invertebrates (including wall butterfly), amphibians, reptiles, birds, bats, priority mammal species. The LEMP should also identify how invasive non-native species will be dealt with. To ensure the scheme delivers the predicted biodiversity net gain the LEMP will most likely need input from both landscape architects and ecologists.
- A lighting strategy, to ensure habitats remain accessible to nocturnal species.

Separate to the above, the section 106 agreement will need to secure:

- The agreed offsite compensation for skylark.

In respect of the Habitat Regulations Assessment and mitigation for increased recreational pressure on the coastal Special Protection Areas, the 106 agreement will need to secure the provision of the SANGS for the lifetime of the development, together with the one-off financial contribution of £57,000. This is necessary to ensure that approval of the application is not contrary to the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

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

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Teesmouth and Cleveland Coast Ramsar

Teesmouth and Cleveland Coast Special Protection Area (SPA)

Durham Coast Special Area of Conservation (SAC)

Teesmouth and Cleveland Coast Site of Special Scientific Interest SSSI

Durham Coast Site of Special Scientific Interest (SSSI)

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

The proposal has the potential to have significant adverse effect on the special interest features of the sites named above. It is advised that likely significant effects would be presented through recreational disturbance, increased by the provision of dwellings at this location. Without this information, Natural England may need to

object to the proposal. Please re-consult Natural England once this information has been obtained.

Additional Information required

Survey data of recreational visitors to the Teesmouth and Cleveland Coast SPA and Ramsar highlight that a high percentage of visitors reside within a 10km buffer zone of the coast. With this part of the coastline offering significant opportunity for access to the aforementioned designated sites. Appropriate mitigation may take the form of various schemes and provisions and the developer should liaise with the LPA on how to address the issue of mitigation as and where appropriate. Details of a strategy to mitigate against recreational disturbance needs to be submitted within the context of this application. It is noted that a proposal to include SANGS has been provided as part of the application, however it may be that this forms only part of a suite of mitigation needed. The applicant should discuss further mitigation, potentially in the form of financial contribution as a commuted sum with the LPA to ensure the correct level is provided.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it.

UPDATE 11.12.2020

Thank you for your consultation on the above dated 04 December 2020 which was received by Natural England on the same date.

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

No objection -subject to appropriate mitigation being secured.

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, 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.

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.

A noise attenuation scheme shall be provided as specified in Chapter 5 of the Noise assessment dated July 2020 submitted with the application. The scheme shall be maintained for the life of the development.

HBC Traffic and Transport - A19/A179 Sheraton Junction – A signalisation scheme has now been implemented at this junction, which lies within Durham County Council's area. This has led to lengthy queues at peak periods, which at times can stretch back towards the Hart roundabout. Notwithstanding the extant permission for 500 units, a further modelling exercise is being undertaken by Highways England with the aim of providing an up to date picture of how the junction is operating, and the effects of this. Updated comments will be able to be provided once this exercise has been carried out and reviewed.

West View Rd/ A179 Easington Rd Roundabout – The developer's TA states that no action is required at this junction. The Council has been through a robust independent modelling exercise around the junction which showed full signalisation was necessary, and also the most efficient way of controlling the junction rather than stand-alone crossing facilities or the existing roundabout arrangement. This confirms the work carried out by Milestone Traffic Management consultants on behalf of the previous 500 unit development, rather than the 570 units now proposed, which recommended full signalisation and was also done a number of years ago without factoring in background traffic growth over the intervening period. The previously agreed signalisation scheme must be implemented as part of this application.

A179/Front Street (Hart Village) – It is proposed in the TA to implement minimal changes to this roundabout. Lane 2 would now be marked to allow straight on and right traffic as opposed to just right turning traffic. The previously approved scheme to increase the length of the 2 lane approach eastbound to the roundabout by adjustment of the road markings is essential, along with the physical widening of the northbound and westbound legs to provide 2 lane approaches. Eastbound traffic can already back up all the way to the western Hart access (over a 1km queue) during peak periods, which causes traffic to divert through Hart Village.

A179/Merlin Way/Westwood Way – The TA states that no action is required at this junction, which is not acceptable to the highway authority. The development will make this junction significantly busier and the previously approved scheme to provide 2 lane approaches to the roundabout on the northbound, eastbound and southbound legs, and a 3 lane approach on the westbound leg is still required. Provision of a pedestrian refuge on the A179 to connect the new estate with the north side footpath / cycleway to Hart (including footpath links either side) is acceptable.

New Site Access – The principle of a roundabout with 2 lane entry on each approach as proposed is acceptable. Consideration should be given to the type and placing of roundabout signage to ensure that the route is still accessible to abnormal loads.

Speed Limit – The proposed amendments to the speed limits are acceptable.

Street Lighting – To provide full coverage along the A179 from the existing provision at Merlin Way roundabout, through to the existing provision at Hart Village roundabout.

Public Transport Provision – The proposed bus laybys are acceptable on the A179, provision of bus shelters would be required, however given the prominent location of the stops it may be that Clear Channel wish to site shelters in this location.

£60,000 contribution for other highway works in the vicinity of the development – This was offered in lieu of other improvements not being feasible on the Hart Lane corridor, particularly at the junctions with Serpentine Road, Jesmond Road and Raby Road which were shown to operate above capacity. Appropriate improvements at these locations which could serve in place of the financial contribution should be considered.

Estate Layout - The proposed layout is acceptable. All roads and pavings should be constructed in accordance with the HBC Design Guide and Specification.

UPDATE 21/01/2021

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

A number of off-site highway measures have been proposed to mitigate the traffic generated by the development, these include improvements at;

- 1) A179 / Merlin Way / Bamburgh Road junction
- 2) A179/ West View Road / A1086 junction
- 3) A179 / Hart Lane / Front Street junction
- 4) Hart Lane / Dunston Road junction
- 5) A179 / Cleveland Road junction
- 6) Pedestrian Crossing, Merlin Way
- 7) A179 / A19 Sheraton Interchange (subject to the non- provision of the Elwick By pass)

A new access in the form of a roundabout will also be constructed on the A179 between Hart Lane and Merlin Way, a new footway, bus laybys, pedestrian refuge crossing point and change in speed limit to 40mph are proposed for this section of road.

All these measures have been approved subject to detail design.

The developer has also agreed to pay a £60,000 contribution to further highway works. This was offered in lieu of other improvements being developed on the Hart Lane corridor, particularly at the junctions with Serpentine Road, Jesmond Road and Raby Road which were shown to operate above capacity.

Highway conditions required.

No part of the development shall be occupied until a system of Street lighting has been completed on the A179 which covers the extent of the proposed roundabout

junction and along the section of the A179 up to the existing A179 / Merlin Way roundabout to the satisfaction of the Local Planning Authority.

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

No part of the development shall be occupied until the existing 40mph speed limit has been extended westwards on the A179 to cover the extent of the new roundabout to the satisfaction of the Local Planning Authority.

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

No part of the development shall be occupied until the completion of the proposed roundabout access onto the A179 and highway mitigation works detailed in drawing no. 001 (Potential site access arrangement from A179 (40m Dia. Roundabout)) received at the Planning Authority from White Young Green dated August 2020 shall be completed to the satisfaction of the Local Planning Authority.

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

No part of the development shall be occupied until the completion of the proposed pedestrian crossing on Merlin Way detailed in drawing no. D902 (Merlin Way) received at the Planning Authority from RWO Consulting Engineers dated Nov 2018 to the satisfaction of the Local Planning Authority (This does not include the provision of the bus lay-by and widening of the carriageway as shown on the plan).

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

Within 42 months of the first occupation on the site the highway mitigation works detailed in the drawings, D904 (Greenland Road), D905 (Hart Lane) received at the Local Planning Authority from RWO Consulting Engineers dated Nov 2018 shall be completed to the satisfaction of the Local Planning Authority.

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

Within 24 months of the first occupation on the site the highway mitigation works detailed in the drawing, D902 (Merlin Way) received at the Local Planning Authority from RWO Consulting Engineers dated Nov 18 shall be completed to the satisfaction of the Local Planning Authority. (This does not include the provision of the bus lay-by and widening of the carriageway as shown on the plan).

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

Within 6 months of the first occupation on the site the highway mitigation works detailed in the drawing, D912(A179 / Hart Lane Front Street) received at the Local Planning Authority from RWO Consulting Engineers dated Nov2018 shall be completed to the satisfaction of the Local Planning Authority. In the interests of highway safety.

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

Within 18 months of the first occupation on the site the highway mitigation works detailed in the drawing, D901 (West View Road) received at the Local Planning Authority from RWO Consulting Engineers dated Nov 18 shall be completed to the satisfaction of the Local Planning Authority.

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

Prior to the commencement of the site a Construction Management plan should be produced CMP to the satisfaction of the Local Planning Authority

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

Highways England – Further assessment is required to ensure that the A19 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road network and in the interests of road safety. The holding recommendation shall be maintained until 2 January 2021 or until sufficient information has been received to enable Highways England to reach an alternative view at which point a further notice will be issued

UPDATE 22.12.2021

Highways England recommended further assessment required. Holding direction in place until 02/04/2021 to allow for further discussion.

UPDATE 20.01.2021

No objection.

I write with regards to the above application for 570 homes.

On the understanding that either the Elwick Bypass and interchange, or, the scheme for the attached improvement at the A19/A179 Sheraton Junction is delivered ahead of completion of the 500th home, we can issue a formal response of no objection.

I include a technical note from our consultants with further details of our decision and a formal response along with a plan of the Sheraton Junction proposal.

Durham County Council (Highways) – I can confirm Durham CC do not object to the application, subject to either the Elwick Bypass and interchange or the scheme for the improvements at the A19/A179 Sheraton junction being delivered ahead of occupation of the 500th home. Also subject to the detailed design being agreed in writing with Durham CC, and the works subsequently being completed to the satisfaction of Durham CC.

Durham County Council (Planning) - A transport assessment has been submitted to support the application for a proposed residential development of 570 homes on land to the south of the A179 Hart Road, Hartlepool. The site currently benefits from an outline planning permission (H/2013/0328) for 500 homes with all matters reserved except for access. That application was supported by a TA prepared by Milestone Transport Planning and outline planning permission was granted in 2015.

Highway improvement works were required within the County Durham boundary and were conditioned at the A19(T)/ A179 Sheraton interchange. The improvement scheme has been funded by Highways England and constructed. This includes part-signalisation to the junction. Traffic signals were installed at the northbound off-slip and southbound off slip-road and on the eastern and western approaches on the A179. As part of the initial transport assessment, modelling of the A19/A179 junction was undertaken. All other junctions within the analysis sit within the Boundary of Hartlepool Borough Council and I do not wish to comment on the modelling output for those junctions. The transport consultant has reported that in accordance with the condition for the original 500 scheme approval, 'The traffic signals scheme is now in place and the junction operates with acceptable queuing in the peak hours.'

I am aware that despite the signals scheme being in place there remains significant queuing and delay at peak on the A179 travelling west towards the A19 from Hartlepool. I therefore do not agree with the consultant's conclusion.

Notwithstanding this point I can accept that the net change at the junction as shown in diagrams 16 and 17 of the TA is low. It must be borne in mind that, when a junction is over capacity the exponential impacts of small additions to flow can have an increasing impact of queues and delay. In this instance due to the limited capacity of the A19 Sheraton junction even small increase in demand would increase delay. It must be borne in mind however, that proposals are advancing to bring forward the Elwick Bypass to the south of the A19/A179 junction which should be delivered during the 10 year analysis period. The impact of that intervention will be to reduce demand at the A19/A179 junction. As such the small addition of trips from an extra 70 units will be able to be accommodated without increasing queuing and delay. I am satisfied that the Elwick bypass intervention will mitigate any potential impacts of the additional 70 units, therefore I would not object to this proposal from a Highways perspective.

Cleveland Fire Brigade - Cleveland Fire Brigade offers no representations regarding the development as proposed, however Access and Water Supplies should meet the requirements as set out in:

Approved Document B, Volume 1:2019, Section B5 for 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 1 Section B5 Table 13.1.

Confirmation is required to ensure that shared driveways and emergency turning head areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above. Further comments may be made through the building regulation consultation process as required.

Tees Valley Local Access Forum (TVLAF) - No comments at this time.

Environment Agency - No comments to make on this application.

Tees Archaeology - The majority of the area covered by the development has been the subject of geophysical survey and archaeological trial trenching which did not reveal any features of archaeological importance. There is therefore no requirement

for any further archaeological work in relation to this development and I have no objection to the application.

NHS Tees Valley Clinical Commissioning Group (CCG) - I am writing in response to the above planning application currently being evaluated by you. Please see below for the required contribution to healthcare should the scheme be approved.

Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured.

Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. Please be advised that we would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld by developers.

In calculating developer contributions, we use the Premises Maxima guidance which is available publically. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation.

We use the NHS Property Service build cost rate of £3,000 per square metre to calculate the total financial requirement.

This development potentially has an impact on 13 GP Practices in the area. 70% of this impact would fall on the 5 Practices.(Chadwick, Hart Medical, McKenzie House, West View Millennium, Wynyard Road Primary Care Centre)

Facilities are already at a premium for Practices and the influx of new patients would add extra pressure on the GP Practice premises

As it would be difficult to staff and maintain any other property in the area, the NHS would wish to use funding to improve facilities and increase floor area on current premises. This would be calculated as below;

Number of Houses proposed	570
Housing impact calculation	2.3
Patient Impact (increase)	1,311 x 70% = 918
GP practice Current List Size	53,698
Proposed GP Practice New List size	54,616
Maxima Multiplier	0.07
Additional m ² required (increase in list x Maxima Multiplier)	64.26
Total Proposed Contribution £ (Additional m ² x £3kpm ² , based on NHSPS build cost)	£192,780

Hart Parish Council - Councillors note that outline planning permission has already been given for 500 dwellings on this site, but are deeply concerned at the 14%

increase to 570 dwellings requested in this application. The result of this, if approved, will be a further increase in the volume of traffic using the A179 a road that is already at capacity at peak times. 570 homes will result in a further 1,000 plus vehicles each day using the A179 past Hart village, leading to further difficulties for villagers wishing to access or leave the village.

Councillors therefore request that, as a minimum requirement of approval, a roundabout be installed at the west junction of the village with the A179, and that traffic lights be installed at both the roundabouts giving access to the village and also at the junctions of Hart Back Lane and School Lane with the A179.

Cleveland Police - Police have no objections to this application but have the following comments in relation to crime prevention and community safety.

Lighting

All roads, footpaths and private drives should be well lit and should look to comply with the requirements of BS5489 2013 Lighting to the play area would also be of benefit. Dusk/dawn lighting should be fitted to all external doors.

Rear of premises

These areas should be kept private and secure from easy access I would prefer that no access footpaths were proposed if this is unavoidable then the footpath should have a secure gate min height 1.8m fitted as close to front building line as possible The entrance gate should be well lit with lock fitted which is operable from both sides The gate should be void of climbing aids. I would recommend that internal sub dividing fencing is to an height that deter easy access to neighbouring rear gardens a more substantial boundary to height of 1.8m close boarded fencing would provide greater security and privacy.

Front Boundaries

Corner plots in particular would benefit of a formal demarcation between front gardens and public areas to deter any conflict low shrub planting fencing or wall to height max of 1m would help achieve this.

Physical Security

All doors including garage doors and accessible windows should deter unauthorised access if doors and windows certified to PAS 24 2016/LPS1175 SR1 are fitted this would provide a suitable deterrent.

Intruder Alarms

It is always easy to install these at the build stage and such measures would provide both a crime prevention measure and reduce fear of crime any intruder alarm installed should also provide coverage of garage

Northern Gas Networks (summarised) - 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.

HBC Community Safety – No comments received.

HBC Waste Management – No comments received.

HBC Heritage and Countryside – No comments received.

Emergency Planning Officer – No comments received.

RSPB – No comments received.

National Grid – No comments received.

Ramblers Association – No comments received.

PLANNING POLICY

2.23 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

2.24 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
INF1: Sustainable Transport Network
INF2: Improving Connectivity in Hartlepool
LS1: Locational Strategy
NE1: Natural Environment
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

National Policy

2.25 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

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 054: Planning conditions and obligations

PARA 055: Planning conditions and obligations

PARA 056: Planning conditions and obligations

PARA 057: Planning conditions and obligations

PARA 058: Enforcement

PARA 091: Promoting healthy and safe communities

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA 153: Planning for Climate Change

PARA 212: Implementation

HBC Planning Policy comments (summarised) – The principle of residential development on this site has already been accepted with a previous application for 500 dwellings being approved. It is noted that the housing would go towards meeting the Council's housing supply. The area which has been proposed as green infrastructure elements to the site is technically outside of the limits to development, which are in place to ensure growth occurs in a controlled way. However, this is deemed acceptable as it is only the natural features of the site which aren't within the limits and there will be no dwellings built outside the limits to development. It is assuring to see that not only is there a good size green strip to the west of the site, but there are small pockets of incidental open space designed into the scheme, which will improve the overall visual amenity of the site. In addition to the green spaces, planning policy support the inclusion of the open space and on-site play areas to provide sufficient facilities for any children living on the site, however it is worth noting that the developer will be expected to pay towards the maintenance through utilisation of a management company and annual charge to residents to ensure they remain in good condition, as the Council are not in a position to adopt any further play areas within the borough.

As some of the green infrastructure/landscaping area sits within the Strategic Gap, it should be assessed against the criteria in Policy LS1 and reference drawn from the

Strategic Gap Assessment Report and Appendices (July 2017) which details the importance of each of the Strategic Gaps. In this instance, it is considered that due to the nature of the development which is within the Strategic Gap, and it being the natural elements of the scheme as opposed to the dwellings themselves, that this is not considered to diminish the physical and/or physical separation, would not compromise the integrity of the gap and the landscape setting of the settlements will not be harmed.

With regards to the layout and design of the housing, whilst it is acknowledged that there is an increase in dwellings to what was previously approved, it appears that these extra dwellings have been designed into the scheme carefully in order to ensure that there are sufficient open spaces and the site will not be crowded or badly laid out. Subject to the dwellings meeting the expected separation distances, Planning Policy are satisfied with the proposed layout.

Although it is not a policy requirement to ensure houses meet the Nationally Describe Space Standards (NDSS), it is an encouragement within the Residential Design SPD in order to ensure that houses provide adequate internal space and bedroom sizes for the residents. Consideration should be given to ensuring that a variety of house types are used to meet the needs of a variety of residents, and these house types contain adequate internal space. It is noted that the applicant has provided a statement to detail their justification with regards to the site's accordance with space standards and planning policy are satisfied with this.

In order to ensure that the development is energy efficient and adapts to climate change, it must adhere to policies CC1 and QP7. As the development constitutes major development, policy CC1 requires the site to include opportunities for charging electric and hybrid vehicles. Alongside this, it must secure where feasible and viable, a minimum of 10% of their energy sources from decentralised and renewable or low carbon sources. Due to the nature of the development, in that it is a greenfield housing site, it is deemed feasible for such measures to be applied to the scheme. The developer should utilise solar panels or another appropriate form of renewable energy to meet this criteria, and this has been achieved on other schemes in the borough through fixing photovoltaic panels to 10-15% of the dwellings per scheme.

Policy QP7 requires development to 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. The submitted sustainability statement demonstrates that the above criteria of QP7 have been considered and the dwellings have been designed in a way which will ensure energy efficiency through orientation, layout etc. Also, through material choices, that the DFEE of the development will provide at least 10% improvement against what is required by building regulations (TFEE), which satisfies the criteria of policy QP7 with regards to energy efficiency of dwellings. Unfortunately, the sustainability statement has failed to discuss if or how the criteria in CC1 will be met with regards to decentralised and renewable or low carbon sources used to secure minimum of 10% of energy supply, which means that the criteria of this policy have not yet been met. As it is such a large scheme, we would expect this policy to be adhered to and so we request that the applicant consider how this can be achieved.

Planning Policy considers that the waste audit submitted in support of the application is acceptable and the requirement of Policy MWP1 has been met.

UPDATE 21/01/2021

2.26 Following discussions and re-assessment for the provision of renewables to be provided it is considered that due to unexpected additional contribution request from the NHS Tees Valley Clinical Commissioning Group (CCG) there is justification to reduce the number of PV panels from 57 (10%) to 34 (6% approx.).

PLANNING CONSIDERATIONS

2.27 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 planning obligations, 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

2.28 The application site is largely located on unallocated 'white land' within the development limits of Hartlepool, as set out in the Hartlepool Local Plan Policies Map, and the site is currently vacant and not protected as valuable open space. It is noted that the site benefits from an extant planning permission for 500 dwellings with associated infrastructure (H/2018/0148). It is considered that the principle of development on this site has been accepted.

2.29 As some of the green infrastructure/landscaping area sits within the Strategic Gap, it should be assessed against the criteria in Local Plan Policy LS1 and reference drawn from the Strategic Gap Assessment Report and Appendices (July 2017) which details the importance of each of the Strategic Gaps. In this instance, it is considered that due to the nature of the development which is within the Strategic Gap, and it being the natural elements of the scheme (landscaping) as opposed to the dwellings themselves, that this is not considered to compromise the integrity of the gap and the landscape setting of the settlements.

Affordable Housing Provision and Housing Mix

2.30 Policy HSG2 (Overall Housing Mix) of the Local Plan seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock. The policy advises 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.

2.31 The proposed development would deliver 103 units of affordable housing on site which equates to 18% of the dwellings provided which will consist of 52 social

rented affordable housing (34 x 2 bed and 18 x 3 bed) and 51 intermediate tenure affordable houses (7 x 2 bed and 44 x 3 bed). The proposed affordable units will be 'peppered' across the site either semi-detached or terraced houses. This will be secured through an obligation in the section 106 legal agreement.

As noted in the 'proposal' section of the report, the overall site will provide a mix of 2 storey and 2.5 storey semi-detached, detached dwellings and terraces (2, 3, 4 and 5 beds).

2.32 HBC Planning Policy consider the development provides a mix of house types that caters for the needs of the borough and that the proposal is aligned with the most up to date evidence (the 2015 Strategic Housing Land Availability Assessment). It is also considered that the provision of affordable housing and the type of tenure at this site would have a positive impact upon meeting the Council's overall affordable housing targets. It is therefore considered that the proposal accords with policy HSG2 and is acceptable in this respect.

Renewable Energy and Energy Efficiency

2.33 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.

2.34 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%.

2.35 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).

2.36 The applicant's submitted sustainability statement demonstrates that the above criteria of QP7 have been considered and the dwellings have been designed in a way which will ensure energy efficiency through orientation, layout and through material choices. As such the development will provide at least a 10% improvement against what is required by building regulations, which satisfies the criteria of Policy QP7 with regards to energy efficiency of dwellings and is therefore acceptable in this respect.

2.37 With respect to Local Plan Policy CC1, it has been confirmed by the applicant that in order to meet this policy they will provide solar panels and electric vehicle charging points within the development. The number and location of charging points have not been confirmed, however the final scheme can be secured by appropriate condition, which the applicant has agreed to.

2.38 To meet the other key criterion of Policy CC1, the developer would be required to provide 10% of the dwellings with renewable energy infrastructure, which would equate to 57 properties having such equipment, for example, solar panels fitted. Following discussions with the applicant and due to the unforeseen obligations being requested by the Tees Valley Clinical Commissioning Group (CCG) for additional health care services (as discussed below to which the applicant has agreed to), HBC Planning Policy consider adequate justification has been given to accept a reduced percentage on the renewable energy equipment (approx. 6% or 34 dwellings) without the need to go through a viability assessment. Notwithstanding this, a planning condition is recommended to secure final details of electric vehicle charging points and implementation of agreed number of solar panels. The proposal is therefore acceptable in this respect.

Planning Obligations

2.39 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), the adopted Planning Obligations SPD, and the requirements of consultees, the following developer contributions will be required based on the current submission, as set out below;

- Affordable Housing (103 units equates to 18% with the tenure to consist of 52 social rented housing (34 x 2 bed and 18 x 3 bed) and 51 intermediate housing 7 x 2 bed and 44 x 3 bed);
- Built Sports: £250 per dwelling (£142,500) towards replacement of Mill House Leisure Centre;
- Playing Pitches: £233.29 per dwelling (£132,975.30) towards maintenance/improvement of Grayfields Recreational Ground;
- Tennis Courts: £57.02 per dwelling (£32,501.40) towards provision/improvement of tennis courts at Brierton;
- Bowling Greens: £4.97 per dwelling (£2,832.90) towards Grayfields;
- Education: £1,685,675.25 to be used across the borough (both primary and secondary owing to the changing capacity anticipated at primary and secondary levels and therefore HBC Education requested that this obligation was worded as an 'Education Contribution' to give HBC Education the flexibility if contributions were needed towards secondary education;
- Highway improvements contribution (£60,000);
- Highway improvement works to A179/A19 Junction (if required);
- Additional junction/highway improvements to the local road network;
- Ecological Mitigation in respect to the Special Protection Area(s) as identified through the Habitats Regulations Assessment HRA: £100 per dwelling (£57,000) towards the coastal wardening scheme and provision of 6.6ha of SANGS (see also below);
- Ecological Mitigation, Enhancement & Biodiversity Net Gain measures (Construction Environmental Management Plan (CEMP), an invasive species management protocol, Landscape and Ecological Management Plan (LEMP), a lighting strategy and off site compensation for skylarks (4 skylark plots);
- CCG Health Care Provision Contribution (£192,780);

- Provision, maintenance and long-term management of onsite open spaces and landscaping (including 6.6ha of SANGS, play spaces/equipment, ecological mitigation and enhancement areas and related infrastructure);
- Management and maintenance of surface water drainage system (SuDS);
- Provision and maintenance of permissive footpaths (including south eastern footpath link).
- Phasing Plan/Programme to identify the phasing of all development including infrastructure, landscaping including strategic landscaping, the means of access/pathways/cycleways, enclosures and gates, public and amenity open space (including play areas), suitable alternative natural green space (SANGS), play facilities of the development.

2.40 The applicant has confirmed their agreement to provide the abovementioned obligations and these can therefore be secured through a Section 106 legal agreement.

Principle of Development Summary

2.41 In view of the abovementioned site allocations and considerations, and subject to the identified planning conditions and obligations, 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 AND FUTURE OCCUPIERS

2.42 Objectors have raised concerns with regard to the loss of privacy and outlook for existing properties that bound the site, or that are in close proximity of the site.

2.43 Paragraph 127 of the NPPF requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

2.44 Policy QP4 (Layout and Design of Development) 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. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

2.45 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).

2.46 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.

2.47 The separation distances between existing properties, in particular those east of the development which include Strawberry Apartments and properties on Lady Mantle Close, Viola Close and Snowdrop Road are in excess of minimum separation distances, they range from approximately 30m (closest property) to 60m (depending on the location of the dwellings). Separation distances in most instances exceed minimum distances between the proposed properties. It is considered that the layout has been designed in such a way as to limit the impact upon the amenity of existing neighbouring properties close to the site and overlooking it. It is considered that adequate separation between all the properties proposed and in respect to neighbouring properties comply with Policy QP4 of the adopted Hartlepool Local Plan 2018 and is therefore considered acceptable. The site will be substantially screened from neighbours by boundary treatments. It is considered that the proposed dwellings would not appear overly dominant or oppressive upon the outlook and living conditions of any of the neighbouring properties adjoining the site and is therefore acceptable in respect of the amenity and privacy of existing and future occupiers of established residential properties or future occupiers of the proposed dwellings.

2.48 The residential areas to the north of the application site are separated by the adopted highway (A179) and screened by existing trees/shrubs. The scheme incorporates substantial landscaping which will provide a buffer between the development site and the A179. To the south west of the site is the Hart Reservoirs site, which benefits from an extant outline planning permission for residential development (up to 52 dwellings). Again, there is adequate separation maintained between the development sites with hedging and tree planting in between providing screening. It is not considered that the development would have a detrimental impact upon the amenity and privacy of neighbouring land users (existing and future) to the north or to the south west.

2.49 Concerns have been raised with regard to the increase in noise from additional traffic. It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from HBC Public Protection, subject to suitably worded conditions relating to a Construction Management Plan (CMP), construction working hours and a noise attenuation scheme being provided in accordance with the Noise Assessment submitted in support of the application. These measures have been secured accordingly.

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

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

2.51 Objections have been received from residents to the development relating to the impact upon the character and appearance of the area.

2.52 NPPF paragraph 127 stipulates that planning policies and decisions should ensure that developments;

- Will function well and add to the overall quality of the area,
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, amongst other requirements.

2.53 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.

2.54 The proposed dwellings are a mix of 2 storey and 2.5 storey dwellings which are to be constructed in a mixed palette of materials, this will provide a modest contrasting effect within the development. The proposed house types have a variety of architectural variety which use features such as canopies, bay windows, render and lintels to elevate the design of the house types. The immediate area is a mix of 2 storey, 2.5 storey dwellings and blocks of flats within the immediate area, with a local centre in close proximity to the development site. The proposed development is reflects features of the existing properties in the area and is considered to be sympathetic to its surroundings. It is noted that the site is to be developed as a joint venture by Bellway Homes and Miller Homes and having two developers on site will bring a mix of house types which will complement the area, and will break with the generic feel of a new development site. The range in design will build character into the development.

2.55 It is noted that the site is currently agricultural and that the proposed development will change the character of the application site. However, it benefits from an extant permission for residential development and is located on the edge of the settlement adjacent to existing build up areas, the extensive areas of landscaping will also help to soften urban edge as it transitions to the rural area.

2.56 Overall, it is considered that the appearance, layout, scale and density of the development is acceptable and is reflective of the surrounding area. It is considered that the development would not have a detrimental impact on the character and appearance of the area and that the proposal accords with the general provisions of the relevant saved local plan policies and the NPPF.

LANDSCAPING, OPEN SPACE AND LANDSCAPE FEATURES

2.57 The application has been accompanied by an Arboricultural Survey consisting of an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan which details an assessment of the trees and hedges on site. There will be a loss of a small group of semi mature trees to accommodate the road infrastructure. The loss of these trees can be offset with new planting, which has been indicated within a Green Infrastructure Plan.

It is proposed to provide a children's play area on site and the potential for trail equipment around the perimeter of the site, final details of which can be secured by an appropriate condition. It is noted the HBC are not in a position to adopt any further play areas, which the developers are aware of and will ensure that a maintenance company will manage and maintain this area for the lifetime of the scheme. This can be secured through an appropriate obligation within the Section 106 agreement.

2.58 The Council's Landscape Architect has advised that they have no landscape or visual objections to the proposed development. The Council's Arboricultural Officer has been consulted and raises no objection to the development, however there are a number of small trees which are to be removed to accommodate the development, with replacement trees being incorporated within the scheme, details of which can be secured by appropriate condition, including protection of existing trees during construction (in accordance with the submitted, agreed details).

2.59 Finally, a scheme for the provision, maintenance and long term management of all open spaces and landscaping (including related infrastructure) shall be secured by the section 106 legal agreement, which the applicant has agreed to.

2.60 In view of the above, the application is considered to be acceptable with respect to matters of landscaping and tree protection, subject to the identified planning conditions and obligations.

ECOLOGY AND NATURE CONSERVATION

2.61 Objections have been received raising concerns that the proposal will have a detrimental impact on wildlife habitats and ecology.

2.62 The NPPF and Local Plan Policy NE1 indicate that harm to biodiversity should be avoided. Where a negative impact is unavoidable, mitigation or compensatory measures should be provided. The application has been considered in detail by the Council's Ecologist. Advice has also been provided by Natural England.

2.63 The application is accompanied by supporting ecological information in the form of a Preliminary Ecological Appraisal, Reptile Survey Report and Landscape and Habitat Management Plan. The information provided demonstrates that it is possible to construct and occupy the scheme while preventing significant ecological harm. However, this is subject to the provision of satisfactory additional information, which expands upon the outline ecological measures presented in the supporting information. This information can be secured and the measures delivered through

relevant obligations in the section 106 legal agreement which the applicant has agreed to.

2.64 In addition to the above, the applicant has submitted information demonstrating how loss of habitat for farmland birds will be compensated for. This includes the maintenance of four skylark plots in an offsite location for a period of 10 years. This compensation strategy is acceptable and will be secured again through the section 106 legal agreement or if possible a unilateral undertaking.

2.65 Paragraph 170 of the National Planning Policy Framework 2019 (NPPF) requires development to secure measurable net gains for biodiversity. Paragraph 22 of the planning practice guidance on the natural environment confirms the definition of biodiversity net gain as an approach that “delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development”. Paragraph 25 of the same guidance also identifies the use of a biodiversity metric as a pragmatic way to calculate changes in biodiversity value.

2.66 The Council's Ecologist has therefore assessed the proposals against the Biodiversity Metric 2.0 calculation to identify how a net gain can be achieved. The calculation demonstrates that the proposal can achieve a measurable net gain of 2.67% for area habitats and 35.11% for hedgerows.

2.67 In addition to the net gain set out above, there are a number of other ecological enhancement measures which will be required and can be secured through the Section 106 agreement, these include;

- Enhancement for amphibians
- Enhancement for birds
- Enhancement for bats
- Enhancement for hedgehogs

2.68 The Council's Ecologist has concluded that the following obligations are required to prevent significant ecological harm, ensure the scheme is in accordance with the ecological mitigation hierarchy and to ensure the proposals provide an ecological enhancement and biodiversity net gain. The following measures can be secured through the section 106 agreement;

- Construction Environmental Management Plan (CEMP); to cover the construction phase and include impact avoidance measures for reptiles, birds and badgers, and the protection of hedgerows.
- An invasive species management protocol; to cover the construction phase to prevent the accidental spread of Himalayan balsam.
- Landscape and Ecological Management Plan (LEMP); to cover post construction management of the site for biodiversity, which includes habitat creation and ongoing management for invertebrates (including wall butterfly), amphibians, reptiles, birds, bats, priority mammal species. The LEMP should also identify how invasive non-native species will be dealt with. To ensure the scheme delivers the predicted biodiversity net gain the LEMP will most likely need input from both landscape architects and ecologists.

- A lighting strategy, to ensure habitats remain accessible to nocturnal species.
- The agreed offsite compensation for skylark (4 skylark plots).

2.69 Natural England has also been consulted and has advised that they have no objections subject to appropriate mitigation, in line with the Council's Coastal Mitigation Strategy, to address the potential impacts of the proposal on the Teesmouth & Cleveland Coast Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and a Ramsar site through increased recreational disturbance.

2.70 A Habitats Regulations Assessment (HRA) stage 1 and 2 has been produced for this development. The Council's Ecologist has confirmed the mitigation and conclusions of the HRA to which the findings of the HRA are that as well as the securing of the area of SANGS (6.6ha), a financial payment of £100 per dwelling is required to mitigate against the indirect adverse impact on SPA caused by recreational disturbance. A sum of £57,000 is therefore required to be paid towards the established coastal warden scheme in line with the Hartlepool Local Plan Mitigation Strategy and the applicant has confirmed their agreement to this. This will be secured within the section 106 legal agreement.

2.71 In view of the above and subject to the identified 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

2.72 Objections have been received citing concerns that the local highway infrastructure is not adequate enough to support the proposals, there is insufficient footpath links and the proposals will have a detrimental impact on highway and pedestrian safety including through an increase in traffic, including increased parking pressure.

2.73 Objections have also been received from Hart Parish Council citing concerns that the proposal will have an impact on the village access due to the increase in vehicles associated with this development and therefore additional road improvements should be provided for the village.

2.74 The impact of the development has been considered in detail during the course of the consideration of the application with a number of parties being involved, including Highway England (HE) (responsible for the A19), HBC Traffic and Transport section and Durham County Council (in addition to the applicant's transport consultants).

2.75 Initial concerns raised with regard to the proposed development related to initial improvement works required as a result of the development. Whilst it is acknowledged that there is an extant permission for the site, the addition of a further 70 dwellings had not been fully addressed in the submitted information and modelling that had been carried out for the development.

2.76 Concerns had been raised with the impact the additional dwellings would have on the strategic highway network (A19) and queuing on the Sheraton slip road. This resulted in the HE imposing a holding direction until further discussions could take place to resolve the issues.

2.77 Following extensive discussions with the relevant parties, additional mitigation measures have been agreed that allow for the additional dwellings to come forward, these measures can be secured through conditions and obligations within the section 106 legal agreement. The measures proposed relate to both the wider road network and local road network;

- A179 / Merlin Way / Bamburgh Road junction
- A179/ West View Road / A1086 junction
- A179 / Hart Lane / Front Street junction
- Hart Lane / Dunston Road junction
- A179 / Cleveland Road junction
- Pedestrian Crossing, Merlin Way
- A179 / A19 Sheraton Interchange (subject to the non- provision of the Elwick By pass)

2.78 Highways England and Durham County Council consider the proposed mitigation works to the A19/A179 Sheraton slip road are acceptable, these works will be secured through the section 106 legal agreement. The proposal is therefore considered to be acceptable in respect to the identified impacts on the wider road network.

2.79 The Council's Traffic and Transport section considers the proposals to be acceptable subject to the mitigation measures on the local road network. The developer has also agreed to pay a contribution (£60,000) towards further highway works on the Hart Lane corridor. The proposal includes a new access in the form of a roundabout will be constructed on the A179 between Hart Lane and Merlin Way, a new footway, bus laybys, pedestrian refuge crossing point and change in speed limit to 40mph are proposed for this section of road. The Council's Traffic and Transport section have also confirmed that the proposed estate layout is acceptable and have recommended a condition in respect of a Construction Management Plan, which can be secured by a planning condition accordingly.

2.80 The proposal includes the provision of a number of footpath connections, including a circular link and the provision of a permissive footpath in the bottom south east corner of the site to connect to the existing footpath network, which the Council's Countryside Access Officer has confirmed is an acceptable scheme; this footpath connection can be secured within the section 106 legal agreement. In respect of the proposed permissive footpaths, these works require a licence, which is covered by separate legislation to planning.

2.81 Overall, it is considered that with the mitigation proposed, the proposed development would not result in a 'severe' impact on the local or wider road network, and that the proposal, subject to the requisite, identified planning conditions and

planning obligation(s), is considered to be acceptable in respect of highway (and pedestrian safety) related matters.

FLOOD RISK AND DRAINAGE

2.82 Objections have been received citing that the area suffers from extensive flooding in heavy rainfall and water runs from the fields. Objections have also been received raising concerns regarding the ability of the existing and proposed foul and surface water drainage systems and water supply to support the development, and the potential increase in flood risk.

2.83 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 which shows that foul flows would discharge to the combined sewer. The Flood Risk Assessment states that sewerage infrastructure is to be managed and maintained by NWL under a Section 104 agreement (separate legislation regime to planning). The proposal also includes the provision of SuDS (Sustainable Drainage System) infrastructure, primarily consisting of 2no. attenuation basins to the south east corner of the site to manage surface water with discharge into a watercourse. It is understood that this may be adopted by NWL or private management company.

2.84 The Council's Flood Risk Officer has been consulted and has advised that they have no objection to proposals in respect of surface water management however have requested that the final detailed surface water drainage proposals are secured by virtue of a condition, and this is recommended accordingly. The maintenance and management of the surface water drainage system (SuDs) will be secured by an obligation in the Section 106 agreement. The Flood Risk Officer has advised that all SuDS components (including the attenuation basin) must be built to adoptable standard and also adopted under a Section 104 agreement (of the Water Industry Act, 1991).

2.85 It is also expected that permeable surfacing will be employed for hardstanding areas where possible, which can provide additional attenuation storage. 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.

2.86 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 request that this is conditioned. It has been confirmed by HBC Flood Officer that the suggested condition would not conflict with surface water condition that the LPA would impose, therefore Northumbrian Water's condition is also secured accordingly. Northumbrian Water has also provided advice for the applicant in respect of the presence of private drains and sewers on site, and an informative note to make the applicant aware of this is recommended accordingly.

2.87 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.

2.88 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 obligation, and is in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

LAND CONTAMINATION

2.89 The application is accompanied by a Phase 1 Geo-Environmental Site Assessment. The Council's Engineers have been consulted and have not raised any concerns with respect to land contamination however have requested a standard unexpected contaminated land condition to deal with any land contamination on site, and this is recommended accordingly. No comments or objections have been received from the Environment Agency.

2.90 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

Agricultural Land

2.91 The NPPF defines the best and most versatile agricultural land as being Grades 1, 2 and 3a. Based on Natural England/Defra's 'Agricultural Land Classification' map, the application site is rated as Grade 3 (good-moderate). Whilst the proposed development would result in a loss of agricultural land from production, the loss is not considered to be significant enough to warrant refusal on this ground alone. It is also noted that the site benefits from an extant planning permission for residential development on the site.

Education and School Places

2.92 Objections/concerns have been received regarding the impact on existing school capacity in the area. As noted in the list of planning obligations, the section 106 legal agreement will secure financial contributions for the provision of additional places to meet the shortfall resulting from the development. The application is therefore considered to be acceptable in this respect.

Public Rights of Way

2.93 As detailed above, the Council's Countryside Access Officer requested that a permissive footpath be provided to link from the development site into the wider area (and existing footpath connections). The proposed link will be taken from the south east corner of the development site adjacent to the SuDS area and be constructed with aggregate dust. The applicants have agreed to this provision which can be secured through the section 106 legal agreement.

Archaeology + Heritage

2.94 Tees Archaeology have been consulted and confirmed that the majority of the area covered by the proposed development has been subject of geophysical survey and archaeological trial trenching which did not reveal any features of archaeological importance. There is therefore no requirement for any further archaeological work in relation to this development. No comments or requirements were received from the Council's Heritage and Countryside Manager. The proposal is therefore considered to be acceptable in respect to these matters.

Waste Management

2.95 It is considered that the proposed development provides adequate in curtilage bin storage. The Council's Waste Management section has been consulted and have not provided any comments or objections. The application is therefore considered to be acceptable in this respect.

Crime and Fear of Crime

2.96 An objection has been received citing concerns that the proposed development will lead to antisocial behaviour. Cleveland Police have been consulted and raise no objection to the proposal, however they provided advice for the applicant on measures to improve safety and security for future occupants. A suitable informative note to this effect is therefore recommended accordingly.

2.97 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.

RESIDUAL MATTERS

Fire Safety & Access

2.98 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

2.99 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. This information has been forwarded to the applicant and an informative note is recommended accordingly.

2.100 No comments or objection have been received by Northern Electric or National Grid.

Impact on Wellbeing and Quality of Life

2.101 Objections from neighbours have raised concerns that the proposals will have an impact on the wellbeing and quality of life of existing residents, in particular due to the loss of green / open space. Concerns are also raised with respect to the 'loss of views'.

2.102 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.

2.103 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.

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

Other Non-material Objections

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

- Increase in pollution
- Health and safety concerns during construction
- Alternative sites should be considered (empty properties in other areas)

- Property values
- Loss of views

OVERALL CONCLUSION

2.106 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, and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions and obligations set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.107 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.108 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.

2.109 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the completion of a section 106 agreement and/or other legal agreement securing the following planning obligations; Affordable Housing (103 units consisting of 52 social rented tenure housing and 51 intermediate tenure housing), Built Sports Contribution (£142,500), Playing Pitches Contribution (£132,975.30), Tennis Courts Contribution (£32,501.40), Bowling Greens Contribution (£2,832.90), Education Contribution (£1,685,675.25), Highway improvements contribution (£60,000), delivery of highway improvements to the A179/A19 Junction (if required), Highway improvement works to the local road network (A179/Merlin Way/Bamburgh Road junction, A179/West View Road/A1086 junction, A179/Hart Lane/Front Street junction, Hart Lane/Dunston Road junction and A179/Cleveland Road junction), Ecological Mitigation to mitigate impacts on Special Protection Areas (contribution of £57,000 towards coastal wardening and provision of 6.6ha of SANGS), ecological mitigation enhancement and biodiversity net gain measures (CEMP, LEMP, invasive species management protocol, lighting strategy, off site Skylark compensation (4 Skylark Plots)), CCG Healthcare Provision Contribution (£192,780), provision, maintenance and long-term management of on-site open spaces and landscaping (including 6.6ha of SANGS, play spaces/equipment, ecological mitigation/enhancement areas, and related infrastructure), management and maintenance of surface water drainage system (SuDS), provision and maintenance of permissive footpaths (including south eastern

footpath link), and a phasing plan/programme and subject to the following planning conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
Waste Audit Statement (V1) and Air Quality Assessment received 4th August by the Local Planning Authority

(BELLWAY HOUSE TYPES)

A/680/00/TC/02 Rev F (The Joiner JO-2B-2S-TC Elevations)
 A/680/00/TB/02 Rev F (The Joiner JO-2B-2S-TB Elevations)
 JO-2B-2S-P1 (The Joiner Floor Plans)
 A/643/00/TC/02 Rev J (The Blacksmith BL-2B-2S-TC Elevations)
 UW/643/TB/25/02 (The Blacksmith 2b Semi/Terr Side Elevation)
 UW/643/TB/25/01 (The Blacksmith 2b Semi/Terr Front Elevation)
 UW/643/TB/25/03 (The Blacksmith 2b Semi/Terr Rear Elevation)
 A/643/00/AC/01 Rev J (The Blacksmith BL-2B-2S-AC Layouts)
 A/643/00/AT/01 Rev J (The Blacksmith BL-2B-2S-AT Layouts)
 A/802/00/TC/R1/02 Rev F (The Tailor TS-3B-2S-TC Elevations)
 UW/802/TB/25/01 (The Tailor 3b semi Front Elevation)
 UW/802/TB/25/02 (The Tailor 3b semi Rear Elevation)
 EMC/802/TB/25/01 (The Tailor 3b semi Side Elevation)
 A/802/00/AC/01 Rev F (The Tailor TA-3b-2S-AC Layouts)
 A/802/00/AT/01 Rev F (The Tailor TA-3b-2S-AT Layouts)
 A/750/00/TF/02 Rev H (The Shoemaker SH-3B-2S-TF Elevations)
 A/750/00/TC/02 Rev H (The Shoemaker SH-3B-2S-TC Elevations)
 SH-3B-2S-P2 (The Shoemaker Layouts)
 A/921TU/00/TB/02 Rev J (The Turner TU-3B-2S-TB Elevations)
 A/921TU/00/TC/02 Rev J (The Turner TU-3B-2S-TC Elevations)
 A/921TU/00/AT/01 Rev J (The Turner TU-3B-2S-AT Layouts)
 A/921TU/00/AC/01 Rev J (The Turner TU-3B-2S-AC Layouts)
 A/921/00/TF/02 Rev H (The Thespian TH-3B-2S-TF Elevations)
 TH-3B-2S-TC-E Rev A (The Thespian Contemporary Elevations)
 TH-3B-2S-P1 Rev A (The Thespian Floor Plans)
 CH-3B-2S-TF-E (The Chandler Elevations)
 CH-3B-2S-TC-E (The Chandler Contemporary Elevations)
 CH-3B-2S-P1 Rev A (The Chandler Floor Plans)
 A/981/00/TF/R1/02 Rev G (The Carver CA-3B-2S-TF Elevations)
 CA-3B-2S-TC-E (The Carver Contemporary Elevations)
 CA-3B-2S-P1 (The Carver Floor Plans)
 FO-4B-2S-TF-E (The Forester Elevations)
 A/1528/00/TC/02 Rev A (The Forester FO-4B-2S-TC Contemporary Elevations)
 A/1528/00/AC/01 (The Forester FO-4B-2S-AC Layouts)
 A/1214/00/TF/02 Rev J (The Scrivener 4B-2S-TF Elevations)
 A/1214/00/TC/02 Rev J (The Scrivener 4B-2S-TC Contemporary Elevations)
 A/1214/00/AT/01 Rev J (The Scrivener 4B-2S-AT Layouts)
 A/1214/00/AC/01 Rev J (The Scrivener 4B-2S-AC Contemporary Layouts)

A/1335/00/TF/02 Rev F (The Cutler CU-4B-2S-TF Elevations)
 CU-4B-2S-TC-E (The Cutler Contemporary Elevations)
 CU-4B-2S-P2 (The Cutler Floor Plans)
 A/1083/00/TB/02 Rev D (The Sawyer SY-3B-2S-TB Elevations)
 SY-3B-2S-TC-E (The Sawyer Contemporary Elevations)
 SY-3B-2S-P1 (The Sawyer Floor Plans)
 LO-4B-2S-TB-E (The Lorimer Elevations)
 LO-4B-2S-TC-E (The Lorimer Contemporary Elevations)
 LO-4B-2S-P1 (The Lorimer Floor Plans)

(MILLER HOMES HOUSE TYPES)

304N801V (Masterton 304N-3B/5P/831 Elevations and Floor Plans)
 500N801V (Bayford 500N-5B/9P/1464 Elevations and Floor Plans)
 502N801V (Thetford 502N-5B/10P/1671 Elevations and Floor Plans)
 416N801V (Sherwood 416N-4B/8P/1400 Elevations and Floor Plans)
 411N801V (Maplewood 411-4B/8P/1269 Elevations and Floor Plans)
 407N801V (Hazelwood 407N-4B/8P/1150 Elevations and Floor Plans)
 406C801V (Blackwood 406C-4B/7P/1088 Elevations and Floor Plans)
 405N801V (Elderwood 405N-4B/7P/1045 Elevations and Floor Plans)
 417T801V (Baywood 417T-4B/8P/1408 Elevations and Floor Plans)
 301C801V (Dayton 301C-3B/5P/740 Elevations and Floor Plans)
 302C801V (Overton 302C-3B/5P/819 Elevations and Floor Plans)
 HT3/PD (Elevations and Floor Plans)
 received 26th August 2020 by the Local Planning Authority;

531-BEL-100 Rev D (Overall Site Layout Plan)
 531-BEL-101 Rev D (Site Layout Plan – North)
 531-BEL-102 Rev D (Site Layout Plan – South)
 531-BEL-105 Rev D (Boundary Treatment Plan – North)
 531-BEL-106 Rev D (Boundary Treatment Plan – South)
 received 15th January 2021 by the Local Planning Authority;

D902 Rev A (Merlin Way TA01B Services – excluding Strawberry Apartment road widening and bus lay-by on Merlin Way), received 20th January 2021 by the Local Planning Authority.
 For the avoidance of doubt.

3. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated, all other conditions shall be construed accordingly.
 To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each phase.
4. Notwithstanding the submitted details, no development of any phase shall commence until detailed proposals for the provision of public open space and play areas including details of their phasing, location and design/specification, landscaping, play equipment, surfacing, means of enclosures, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The play facilities shall be provided in accordance with the approved details and timetable.

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

5. 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, road sheeting 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 development shall thereafter proceed in accordance with the scheme so approved.

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

6. 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.

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.

7. Notwithstanding the requirements of condition no. 8, no development shall take place until a scheme for surface water management has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.

8. Notwithstanding the requirements of condition no.7, development shall be implemented in line with the drainage scheme contained within the submitted documents entitled Engineering Feasibility Drainage Layout Sheet 1 and Engineering Feasibility Drainage Layout Sheet 2, document dated 11/03/2020 (date received by the Local Planning Authority 04/08/2020). The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 4002 and ensure that surface water discharges to the existing watercourse.

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

9. No dwellinghouse hereby approved shall be occupied until a system of street lighting has been completed on the A179 in accordance with a scheme first submitted to and agreed in writing by the Local Planning Authority, which covers the extent of the proposed roundabout junction and along the section of the A179 up to the existing A179/Merlin Way roundabout.

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

10. No dwellinghouse hereby approved shall be occupied until the existing 40mph speed limit, in accordance with a scheme first submitted to and agreed in writing by the Local Planning Authority, has been extended westwards on the A179 to cover the extent of the new roundabout.

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

11. No dwellinghouse hereby approved shall be occupied until the completion of the proposed roundabout access onto the A179 and highway mitigation works, detailed in drawing no. 001 Rev E (Potential site access arrangement from A179 (40m Dia. Roundabout), received by the Local Planning Authority 20th January 2021.

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

12. No dwellinghouse hereby approved shall be occupied until the completion of the proposed pedestrian crossing on Merlin Way, detailed in drawing no. D902 (Merlin Way) received by the Local Planning Authority 20th January 2021 (this does not include the provision of the bus lay-by and widening of the carriageway as shown on the plan).

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

13. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been completed.

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

14. 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 and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. The agreed scheme shall be implemented prior to occupation of the dwellings and/or the site being open to the public.

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.

15. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging apparatus, including identifying the dwellings/location of the apparatus has been submitted and approved in writing by

the Local Planning Authority. Thereafter and prior to the occupation of the identified dwellings, the agreed scheme shall be implemented on site.

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

16. Prior to the commencement of works above ground level on site, details of the location and specification for photovoltaic (PV) panels to be applied to a minimum of 34 no. dwellings has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed/installed in line with the approved scheme prior to the residential occupation of the identified dwellinghouses.

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

17. The development hereby approved shall be carried out in accordance with the details provided within part 7 of the submitted Sustainability Statement (version 1 by Hedley Planning Services, document dated August 2020) received by the Local Planning Authority 4th August 2020. 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.

18. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

To ensure that any site contamination is addressed.

19. Notwithstanding the submitted information, and prior the commencement of development, a scheme for noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the mitigation measures as detailed within Chapter 5 of the submitted Noise Assessment (ref NT14497 0002 V3.0, document dated July 2020, date received by the Local Planning Authority 4th August 2020). Thereafter, the scheme shall be implemented as approved and verification that the measures identified in the scheme have been implemented, shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified for the measures in the approved scheme.

To ensure adequate noise measure are in place and for the amenity of occupied dwellings.

20. 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.

21. Prior to the commencement of development hereby approved, details of any proposed pumping station(s) shall be submitted to and approved in writing by the Local Planning Authority. The pumping station(s) shall thereafter be carried out in accordance with the details so approved.

In the interests of visual amenity.

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

In the interests of the ecology of the area.

23. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (Reference ARB/AE/23/13, document dated March 2020 by Elliot Consultancy Limited), received 4th August 2020 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 trees, hedges and other planting that are worthy of protection and in the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.

24. Notwithstanding the submitted information, a detailed scheme of soft landscaping and tree, hedge and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. 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 and to enhance biodiversity in accordance with the provisions of the NPPF.

25. Notwithstanding the submitted information and prior to the commencement of the

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

For the avoidance of doubt and in the interests of visual amenity.

26. 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 (other than those hereby approved), shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

27. 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 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.

28. 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.

29. 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

2.111 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=139718>

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.

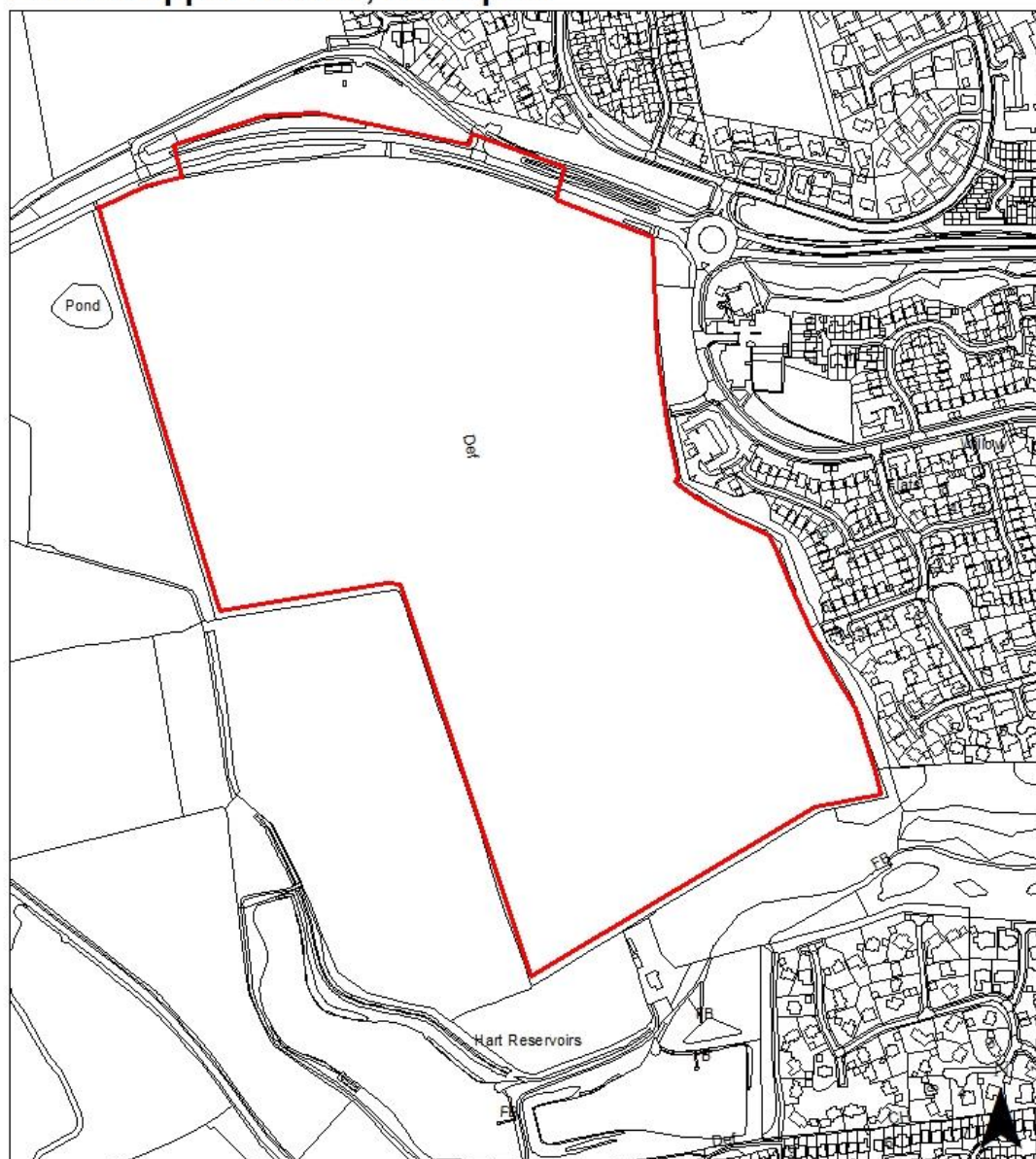
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Land at Upper Warren, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 27.01.2021
	SCALE 1:5,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG NO H/2020/0276	REV

No: 3.
Number: H/2020/0205
Applicant: BARRATT HOMES NE GATESHEAD NE11 9SZ
Agent: BARRATT HOMES N E MR S DOBBING THE
 WATERMARK GATESHEAD NE11 9SZ
Date valid: 30/09/2020
Development: Display of 2no. development advertisement signs
 (comprising 1no. double-sided pole mounted board on
 Reedston Road and 1no. pole mounted tri-board on
 Cairnston Road).
Location: REEDSTON ROAD, CAIRNSTON ROAD, TARNSTON
 ROAD HARTLEPOOL 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

'Elwick Gardens' / 'Quarry Farm 2' (adjacent to current application site)

3.2 H/2015/0528 - Outline planning permission was granted on 12th October 2018 for up to 220 residential dwellings with associated access, all other matters reserved, subject to planning conditions and obligations.

3.3 H/2019/0352 – An application seeking approval of reserved matters of outline planning permission H/2015/0528 (above), relating to the development, appearance, landscaping, layout (including internal roads) and scale was approved on 23rd January 2020.

3.4 H/2020/0104 – A Section 73 application for amendments to planning permission H/2019/0352 (above) comprising house type substitutions to 92no. plots and associated amendments to plot hard and soft landscaping, and minor alterations to site landscaping and bin stand locations was approved on 18th September 2020.

PROPOSAL

3.5 Advertisement Consent is sought for display of 2no. development advertisement signs (comprising 1no. double-sided pole mounted board on Reedston Road and 1no. pole mounted tri-board on Cairnston Road). The proposed signage advertises the new residential development at 'Elwick Gardens' ('Quarry Farm 2') accessed via Reedston Road, approved by virtue of the above referenced outline and reserved matters planning permissions.

3.6 In detail, the proposals consist of:

- 1no. double-sided pole mounted board at Reedston Road measuring approximately 4.1 metres in height. The proposed signage board is hung between two poles at a height of 1.05 metres above the ground, with dimensions of approximately 3 metres (height) by 1.9 metres (width). The signage is located immediately north-west of Reedston Road, at the site entrance to the new 'Elwick Gardens' development ('Quarry Farm 2'), on the southern/western side of the new site access road. The proposed signage is north-west and south-east facing.
- 1no. pole mounted tri-board sign on Cairnston Road measuring approximately 4.1 metres in height. The proposed signage features 3no. boards hung between three poles in a triangular arrangement at a height of 1.05 metres above the ground. Each board measures approximately 3 metres (height) by 1.9 metres (width). The signage is located in an area of incidental open space adjacent to the junction of Cairnston Road and Elwick Road. The proposed signage is north, south-east and south-west facing.

3.7 The proposals have been amended through the course of the application. Initially, the application proposed the display of 8no. development advertisement signs (comprising 1no. double-sided pole mounted board on Reedston Road, 1no. pole mounted tri-board on Cairnston Road, 5no. double-sided pole mounted 'lead-in' boards on Cairnston Road, and 1no. double-sided pole mounted 'lead-in' board on Tarnston Road). However, following objections from a number of neighbours and concerns raised by the case officer and the Council's Highways, Traffic and Transport section, the applicant has reduced the amount of signage proposed to the 2no. signs described above only.

3.8 The application has been referred to the Planning Committee due to the number of objections received, in line with the Council's scheme of delegation for planning applications.

SITE CONTEXT

3.9 The area in which the signs are proposed is predominantly residential in nature. As above, the application site initially included 8no. separate locations at Reedston Road, Cairnston Road and Tarnston Road, Hartlepool, to accommodate 8no. signs. The application has however since been amended to omit 6no. signs, and therefore signs are now proposed in just 2 of these locations, as described in detail below.

3.10 The first consists of a small rectangular stretch of grass verge immediately north-west of Reedston Road, at the site entrance to the new 'Elwick Gardens' development ('Quarry Farm 2'). The sign is to be located on the southern/western side of the new site access road, opposite 12 Reedston Road (to the north-east) and adjacent to 9 Riverston Close (to the south). To the north / west of the sign is the site of the approved development at 'Quarry Farm 2' ('Elwick Gardens'). To the south-east is the adopted highway on Reedston Road.

3.11 The second location is within an area of incidental open space adjacent to the junction of Cairnston Road and Elwick Road. The proposed sign is set back from the adjacent footpath in excess of 2.5 metres. To the east of the site is the adopted highway on Cairnston Road, to the south of the site is the adopted highway on Elwick Road. To the north and west of the site is further incidental open space, with a residential dwelling at 1 Beckston Close beyond, to the north.

PUBLICITY

3.12 The application has been advertised by way of neighbour letters (45) and site notices (5). To date, there have been 9 objections received.

3.13 The concerns raised are:

- Too many proposed signs.
- Proposed signs are too large.
- Inappropriate location / position of proposed signs (incl. too close to properties, in proximity to highway / junctions).
- Visual impact on the character and appearance of the area.
- Impact on the amenity / outlook of neighbouring properties.
- Impact on highway and pedestrian safety.

3.14 Upon receipt of amended plans in November 2020, re-consultation of neighbours was carried out by way of neighbour letters (45). Following re-consultation, no further representations were received from neighbours.

3.15 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=138738>

3.16 The period for publicity has expired.

CONSULTATIONS

3.17 The following consultation replies have been received:

HBC Traffic & Transport – Provision for development signs on the adopted highway is made within the DfT's Traffic Signs manual. These signs are relatively small and are usually erected on existing street furniture. The proposed signs are much larger and will increase sign clutter on the highway.

The developer should only use the DfT's prescribed signs within the adopted highway.

I would have no objections to the sign located at the site entrance, although this should be set off the public highway.

UPDATE 09/11/2020: The main reason for objection is to minimise sign clutter within the public highway, the signage would also obstruct grounds maintenance teams from cutting the grass.

There is also the slight chance that the signs may distract motorists and obscure the view of children crossing the road.

A previously stated there are prescribed temporary signs set out by the DfT for new housing estates, this would be our preferred method of signage, they can be located in the key areas indicated and attached to existing street lighting columns.

Location 2 – Is located in POS just out of the adopted highway, I would have no objections with this sign.

UPDATE 02/12/2020: There are no highway or traffic concerns.

HBC Public Protection – Do not object.

UPDATE 30/11/2020: I have no objections to the amended plans.

HBC Landscape Architect – While there are no landscape and visual objections to the proposed development conditions should be applied regarding a time limit and reinstatement on removal.

HBC Arboricultural Officer – I don't have any issues for the proposed siting of the signs in relation to existing trees. I note that this is a second attempt to get the signs erected as residents were not happy with the original locations. The breach in the shelterbelt where sign no. 1 is to be located has already been approved and a sign here will not create any physical damage to the trees nearby.

HBC Countryside Access Officer – The proposed position of the welcome / advertising site sign for Barratt homes, on Reedston Road, is close to the section of Public Footpath No.3, Hartlepool, which is currently temporarily closed.

The location of the sign is clear and shows that it does not interfere with any future permanent diversion of the public footpath.

HBC Property Services – No representations received.

PLANNING POLICY

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

Local Policy

3.19 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

QP5: Safety and Security

QP6: Technical Matters

QP8: Advertisements

SUS1: The Presumption in Favour of Sustainable Development

National Policy

3.20 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 132: Achieving well-designed places

PARA212: Implementation

HBC Planning Policy comments - Planning policy have no objections to the proposals subject to case officer satisfaction that the development will not have any detrimental impact on neighbouring uses.

PLANNING CONSIDERATIONS

3.21 Part 1 Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) stipulates in paragraph (1) that, in determining applications for Advertisement Consent, a local planning authority shall exercise its powers under the Regulations in the interests of amenity and public safety, taking into account;

1. the provisions of the development plan, so far as they are material; and
2. any other relevant factors.

3.22 Without prejudice to the generality of paragraph (1)(b) above, the regulations indicate that;

- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
- (b) factors relevant to public safety include—
 - i. the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - ii. whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - iii. whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3.23 In view of the above, the main planning considerations with respect to this application are the principle of the development and the impacts of the proposal on the general amenity of the application site and surrounding area, and highway and pedestrian safety. These and any other planning and residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

3.24 There are no spatial policies/designations within the Hartlepool Local Plan (2018) in respect of advertisements and there are no areas of special control in respect of advertisements within the Borough.

3.25 Notwithstanding this, Policy QP8 (Advertisements) of the Local Plan stipulates that the Borough Council will seek to ensure that advertisements are appropriately located within the Borough and are of an appropriate scale and size. The policy indicates that applications for advertisements should have regard to the following criteria:

1. The impact of the advertisement either individually or by a resultant cumulative effect upon the building/land on which it is to be displayed or upon the surrounding area; and

2. The impact upon public safety in particular whether the advertisement itself, or the location proposed, is likely to be so distracting or impacts upon site lines that it creates a hazard.

3.26 The policy also states that advertisements which introduce visually obtrusive features will not be permitted.

3.27 The Council's Planning Policy section has been consulted and has advised that they have no objections to the proposals subject to the consideration of the impact of the proposed signage on neighbouring land users.

3.28 The principle of development is therefore considered to be acceptable subject to the consideration of all other relevant material planning considerations as set out below.

AMENITY OF APPLICATION SITE AND SURROUNDING AREA

3.29 Both of the proposed signage locations are located within an established and predominantly residential area, in the vicinity of the proposed new residential development at 'Quarry Farm 2' ('Elwick Gardens').

Visual Amenity and Character of the Area

3.30 With respect to the visual amenity and character of the area, objections have been received from neighbours citing concerns that the proposed signs are too large, too numerous and are inappropriately located, and that this will result in a detrimental impact on the visual amenity and character of the surrounding area. Concerns were also initially raised by the case officer with respect to the original number of signs proposed, and the potential impact on the visual amenity of the area.

3.31 In view of these concerns, the applicant amended the initial submission during the course of the application to omit 6no. (smaller) signs along Cairnston / Tarnston Road and to reposition sign 1 (Reedston Road), moving this approximately 6 metres to the north-west, beyond the adopted highway of Reedston Road, into the boundary of the application site for the adjacent new development, and next to the new site access road.

3.32 With respect to the 2 remaining signs at Reedston Road and Cairnston Road, whilst it is acknowledged the signs are large, and there are no development advertisement boards in this area currently, it is noted that this type of signage is common on the approach to new residential developments generally, and has been seen within and on the periphery of other residential areas of the Borough, in proximity to new residential developments.

3.33 The first proposed sign is situated at the north-western end of Reedston Road, at the site entrance to the new development, which is currently under construction. To the north-east, south and south-west of the sign are detached dwellings at Reedston Road and Riverston Close. The sign also sits adjacent to an existing tree belt (breached in order to facilitate the new estate access road) and therefore will be

partially screened in some views (primarily from within the new development) due to the existing planting in its immediate vicinity. The approved sales area for the new development is located approximately 35 metres north of the sign. When viewed from the south therefore, this sign will be seen in the context of the adjacent sales area behind, which is likely to feature further branding and advertisements by the developer, which in some instances (e.g. flags) can lawfully be displayed without the local planning authority's express consent.

3.34 With respect to the second sign located on Cairnston Road, this is located in an area of existing incidental open space adjacent to the junction with Elwick Road. The sign sits next to a small group of trees, with further planting on the opposite side of Cairnston Road, and therefore will be partially screened from some vantage points (particularly from neighbouring dwellings to the north-west / west and north-east / east). The sign also sits within the context of existing highway signage along Elwick Road and signage associated with the adjacent secondary school at High Tunstall College of Science.

3.35 Furthermore, it is noted that the proposed signage is temporary, and due to be removed by November 2023, and a condition is recommended to ensure this and that the land is restored to its former condition once the signs are removed.

3.36 In view of the above, it is considered that the signage proposals (as amended) would not have such a significant detrimental impact on the visual amenity or character of the area to warrant refusal of the application.

Amenity of Neighbouring Properties

3.37 With respect to the amenity of neighbouring properties, objections have been received from neighbours citing concerns with respect to the impact of the signs on the amenity and outlook of neighbouring properties.

3.38 The closest residential dwellings to the first sign are 12 Reedston Road (to the north-east), located on the opposite side of the road at an oblique distance of approximately 17 metres, and 9 Riverston Close, located adjacent to the sign (to the south) at an oblique distance of approximately 10 metres.

3.39 With respect to 12 Reedston Road, as above, the applicant has amended the location of this sign to move it further to the north-west and therefore out of the direct line of sight from the front elevation of this neighbouring property. The proposed sign faces north-west / south-east and therefore does not directly face towards this neighbouring property, with the pole / narrow side of the sign facing north-east. In view of the relationship between the proposed sign and this neighbouring dwelling, and the abovementioned separate distance, it is considered the sign would not have a significant detrimental impact on the amenity of this neighbouring property (to the north-east), in terms of poor outlook, overshadowing or any overbearing effect.

3.40 With respect to 9 Riverston Close, again the proposed sign is not within the direct line of sight from the rear elevation of this neighbouring property. Whilst there are no minimum separation distances between signs and dwellings set out in the Council's Local Plan, it is noted that the approximate 10m+ oblique separation

distance between the sign and the rear elevation of this neighbouring dwelling is in line with minimum separation distance requirements between dwellings/buildings set out in policy QP4 of the Local Plan. The proposed sign is also set back approximately 6 metres from the high rear boundary garden fence / wall of this property and therefore, whilst it will be visible in some views from the rear garden, it is unlikely to appear overbearing. The sign is also located to the north of the dwelling and therefore is unlikely to result in any significant overshadowing of this neighbouring property or its associated garden. In view of the above, it is considered that the proposed sign would not have a significant detrimental impact on the amenity of this neighbouring property (to the south), in terms of poor outlook, overshadowing or any overbearing effect.

3.41 The first sign is also considered to be at sufficient distance from other neighbouring dwellings within Reedston Road / Riverston Close, or proposed dwellings within the new estate, to negate any significant detrimental impact on the amenity of any other existing or future occupiers of neighbouring properties.

3.42 With respect to the second proposed sign, the closest residential dwelling is located to the north at 1 Beckston Close, at an oblique distance of approximately 20 metres. The sign is also screened substantially from this neighbouring dwelling by an existing group of trees within the surrounding area of incidental open space. Again the sign is also not within the direct line of sight from the rear elevation of this neighbouring property. Given this, and in view of the abovementioned separation distance and screening, it is considered that the proposed second sign would not have any significant detrimental impact on the amenity of this neighbouring property (to the north), in terms of overshadowing, any overbearing effect or poor outlook.

3.43 The second sign is also considered to be at sufficient distance from other neighbouring dwellings at Beckston Close (north-west), Moorston Close (north-east) or Kielder Road (south) to negate any significant detrimental impact on the amenity of any other existing or future occupiers of neighbouring properties.

3.44 It is also noted that the proposed signs are non-illuminated, and no concerns or objections have been received from the Council's Public Protection section.

3.45 It is therefore considered that the signage proposals (as amended) would not have a significant detrimental impact on the amenity of existing or future occupiers of neighbouring properties.

Amenity conclusion

3.46 In view of the above, it is considered that the application is acceptable with respect to the impact on the general amenity of the application site and surrounding area and in accordance with policies QP4 and QP8 of the adopted Hartlepool Local Plan (2018) and paragraphs 124, 127 and 132 of the NPPF (2019).

HIGHWAY AND PEDESTRIAN SAFETY

3.47 With respect to the visual amenity and character of the area, objections have been received from neighbours citing concerns that the proposed signs are too large and are inappropriately located, and that this will result in a detrimental impact on highway and pedestrian safety.

3.48 Concerns were also initially raised by the Council's Highways, Traffic and Transport section regarding the size, quantity and the location of the signs as initially proposed. In particular, concerns were raised that the signs were too large and would increase sign clutter on the highway. Furthermore, the signage would obstruct grounds maintenance teams (see below) and there was a chance they would distract motorists and obscure the view of children crossing the road. The Council's Highways, Traffic and Transport section advised that only signs that accord with guidance set out by the Department for Transport (for new housing developments), and which could be attached to existing street lighting columns, should be located within the adopted highway.

3.49 The Council's Highways, Traffic and Transport section however clarified that they had no objections to the sign (1) located at the site entrance to the new development (Reedston Road) and the sign (2) located in public open space (at the junction of Cairnston/Elwick Rd), provided these were outside of adopted highway.

3.50 As above, in view of these concerns, the applicant has since amended the application to omit the 6no. signs on Cairnston Road / Tarnston Road which were considered to be unacceptable, and to move the sign (1) in Reedston Road beyond the adopted highway.

3.51 The Council's Highways, Traffic and Transport section has been re-consulted on the amended proposals and have confirmed that they no longer have any highway or traffic concerns.

3.52 In view of the above, the application is considered to be acceptable with respect to the impact on highway and pedestrian safety and in accordance with policies QP3 and QP8 of the Local Plan, and paragraphs 127 and 132 of the NPPF.

OTHER MATTERS

Trees and Landscape Features

3.53 As above, the proposed signage is in proximity to a number of trees. The Council's Arboricultural Officer has been consulted and has confirmed that they don't have any issues with the proposed siting of the signs in relation to existing trees.

Public Rights of Way

3.54 The Council's Countryside Access Officer has been consulted and has advised the proposed position of the welcome / advertising site sign for Barratt homes, on Reedston Road, is close to the section of Public Footpath No.3, Hartlepool, which is currently temporarily closed. However, the footpath is required to be diverted by the

developer of the new residential development at 'Quarry Farm 2' ('Elwick Gardens') to accommodate the new access road and the Council's Countryside Access Officer has confirmed that the proposed sign does not interfere with any future permanent diversion of the public footpath.

Land Ownership and Maintenance

3.55 The applicant has indicated in their application form that they do not own all of the land in which the signs are located. In particular, it is noted that the second sign sits within an area of incidental open space understood to be in Council ownership. The Council's Property Services section have been consulted and have not raised any concerns or provided any comments. The applicant has also been advised that they will need the separate agreement of the land owner(s) to proceed with the development, should Advertisement Consent be granted, and an informative note to reiterate this to the applicant is recommended accordingly. Notwithstanding this, land ownership is not a material planning consideration and therefore is beyond the remit of this application for Advertisement Consent.

3.56 It is noted that the Council's Traffic and Transport team also initially advised that the signage would obstruct grounds maintenance teams from cutting the grass, however in view of the amended / reduced scheme have since confirmed they no longer have any highway or traffic concerns. As above, the Council's Property Services section have also not raised any concerns with respect to this matter. Notwithstanding this, as above, the impact of the proposals on the ability of the Council to maintain its own land is a matter for the Council (as the land owner) to consider in deciding whether to permit third party use of its land for this purpose, and is therefore not material to this Advertisement Consent application.

CONCLUSION

3.57 The application is considered to be acceptable with respect to the abovementioned material planning considerations and in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and the relevant paragraphs of the NPPF. The application is therefore recommended for approval subject to the planning conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.58 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.59 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 implications.

REASON FOR DECISION

3.60 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 This consent shall be for a limited time period expiring on 30th November 2023. On or before that date, the advertisement(s) hereby permitted shall be removed, and the site shall be restored to its former condition, unless otherwise agreed in writing with the local planning authority.
For the avoidance of doubt and in the interests of visual amenity.
- 2 The development hereby permitted shall be carried out in accordance with the following plans and details;
Site location plan (Scale 1:1250),
Location 1 (Main Medium Development Board and Streamers),
Location 2 (Main Medium Tri- Development Board and Streamers) received 23rd November 2020 by the Local Planning Authority.
For the avoidance of doubt.
- 3 This consent is granted subject to the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).
For the avoidance of doubt.

BACKGROUND PAPERS

3.61 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=138738>

3.62 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.

CONTACT OFFICER

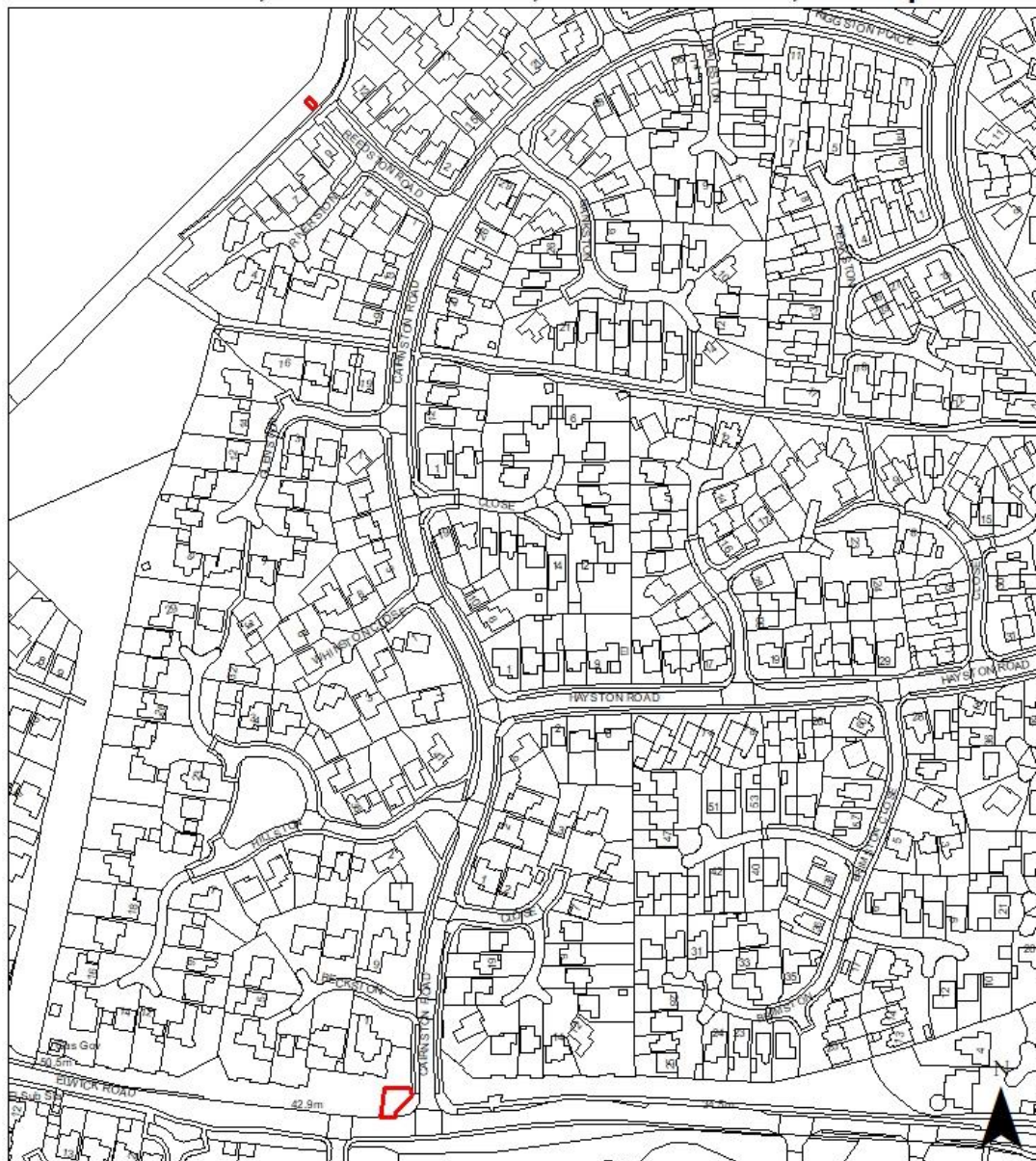
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Reedston Road, Cairnston Road, Tarnston Road, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 27.01.2021
	SCALE 1:2,500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG NO H/2020/0205	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

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

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

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

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

Material Planning Considerations	Non Material Considerations
<i>Can be taken into account in making a planning decision</i>	<i>To be ignored when making a decision on a planning application.</i>
<ul style="list-style-type: none"> Local and National planning policy 	<ul style="list-style-type: none"> Political opinion or moral issues
<ul style="list-style-type: none"> Visual impact 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Hypothetical alternative proposals/sites
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Building Regs (fire safety, etc.)
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Private access disputes
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Loss of trade / business competition (unless exceptional case)
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Crime and the fear of crime 	
<ul style="list-style-type: none"> Planning history or previous decisions made 	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

PLANNING COMMITTEE

10 February 2021



Report of: Assistant Director (Place Management)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. Running a hairdressing business at a residential property on Linden Grove.
2. Alterations to an earth bund involving obstruction of a footpath at a residential development site at land at Wynyard Woods.
3. Running a vehicle dismantlers at a residential property in Winterbottom Avenue.
4. Demolition of a rear off-shoot and other building works at a residential property in Arncliffe Gardens.
5. Non-compliance with a condition relating to the colour of advertising boards at a sports pitch complex on Rossmere Way.
6. Building works including the conversion of an outbuilding/garage into a boat repair shed at a residential property on Hart Lane
7. Non-compliance with a condition requiring the erection of a timber fence at a residential property in Sandbanks Drive.
8. Non-compliance with a condition requiring the installation of obscure glazing at a residential development at Beaumont, Wynyard.
9. The erection of a first floor balcony at the rear of a residential property in Brigandine Close.
10. The erection of an extension at the rear of a residential property in Saddleston Close.

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

1. The change of use from a restaurant to a bar at a commercial premises at The Front, Seaton Carew. It was found that no material change of use requiring planning permission had occurred.
2. The erection of a timber outbuilding in the rear garden of a residential property in Hart Lane. A retrospective planning application seeking to regularise the development has since been approved.
3. Lorries waiting with engines running, and manoeuvring in roads approaching a residential development site at land off Elwick Road. It is considered that the subject of the complaint is not within the remit of planning enforcement. Nonetheless, the matter has been raised with the developer and appropriate steps requested in order to remedy the matter.
4. The erection of a timber outbuilding in the rear garden of a residential property in Intrepid Close. A retrospective planning application seeking to regularise the development has since been approved.
5. The erection of timber outbuildings at the front of a residential property in Harvester Close. The timber outbuildings have since been removed.
6. Non-compliance with the construction management plan (relates to contractor parking and mud on the road) at a residential development site at land at Brierton Lane. The site is now operating in accordance with the construction management plan.
7. The raising of ground levels in the rear garden and along the eastern boundary of a residential property in Harvester Close. A close boarded timber fence has since been erected along the boundary in compliance with an enforcement notice.
8. The erection of high timber fencing and incorporation of land at the rear of a residential property in Tintagel Close. A retrospective planning application seeking to regularise the development has since been approved.
9. Non-compliance with the approved layout at residential development at land off Coniscliffe Road. It was found that the development has been carried out in accordance with the approved layout plan.
10. The change of use of a shop to a foot care premises at a commercial premises on Warrior Drive. Permitted development rights apply in this case.
11. Alterations to ground levels involving the creation of mounds at a residential development site at land off Elwick Road. The mounds are temporary stockpiles of earth and the land is to be re-profiled to create a lower landscaped bund as part of the finished development.

12. Operating a car wash at a residential property in Nuthatch Close. The car wash activity has since ceased.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

10th February 2021



Report of: Assistant Director – Place Management

Subject: APPEAL AT 131 LIME CRESCENT, HARTLEPOOL
TS24 8JP
APPEAL REF: APP/H0724/D/20/3261876
Erection of a single storey rear extension and a two
storey side extension (H/2020/0031)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against the refusal of planning permission by Hartlepool Borough Council in respect of the above referenced property at 131 Lime Crescent, Hartlepool.
- 1.2 The appeal was dismissed on 15th January 2021. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2021

Appeal Ref: APP/H0724/D/20/3261876
131 Lime Crescent, Hartlepool TS24 8JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr George Stones against the decision of Hartlepool Borough Council.
 - The application Ref H/2020/0031, dated 22 January 2020, was refused by notice dated 25 September 2020.
 - The development proposed is a single storey rear extension and two storey side extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. However, the original description adequately describes the proposal and I have determined the appeal on this basis.

Main Issues

3. The first main issue is the effect of the two-storey side extension on the living conditions of the neighbouring occupier at 133 Lime Crescent (No.133) with particular regard to any outlook, overbearing impact and overshadowing. The second is its effect on the character and appearance of the area.

Reasons

Living conditions

4. The two-storey side extension would be of significant width and at 4.5m would almost double the width of the existing dwelling. It would extend southwards towards the side elevation of No.133, which has a different design including different window placement to the host dwelling. No.133 incorporates two bedroom windows on its northern side elevation. The evidence indicates that one of these bedrooms is not served by any other windows.
5. The southern elevation of the extension would sit in close proximity to these windows, and the bulk of the extension when viewed from No. 133 would only be increased through the incorporation of a gable end to the roof. The extension would therefore result in a significant material reduction in outlook available from these windows. This would have an overbearing impact on the

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/H0724/D/20/3261876

occupiers which would be harmful to their living conditions and the enjoyment of their home.

6. The proposal would therefore conflict with Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) (HLP) which amongst other things seek to protect the living conditions of neighbouring occupiers including in relation to outlook. I have not identified any conflict with Part 4.8 of the SPD¹ guidance which only relates directly to daylight, sunlight and privacy.
7. I have not identified any unacceptable impact in relation to overshadowing given that the appeal site sits to the north of No.133.

Character and appearance

8. In visual design terms, while of significant width, the two-storey side extension would simply read as an extension of the existing terrace, being of the same roof form, ridge height and depth. It would incorporate materials to match and the proportions of the first-floor window would match the larger windows on the front elevation of the host dwelling. It would subsequently have no unacceptable adverse impact on the character or appearance of the area.
9. In this respect, the proposal would not conflict with Policies QP4 and HSG11 of the HLP which amongst other things require development that would not adversely affect the character of the surrounding area. There would also be no conflict with the requirements of the National Planning Policy Framework in relation to this matter.

Other Matters

10. While I do afford some weight to the fact that the neighbouring occupier has offered no objection to the proposals, I cannot be sure that any future occupier would feel the same and this matter does not therefore outweigh the harm that I have identified. There is no evidence that it would not be possible to pursue another scheme which would not result in the same level of harm.
11. Although it is suggested other nearby property has been permitted to be built close together, no evidence is submitted that a relationship such as that proposed between the appeal site and No. 133 has been found acceptable. I therefore afford this matter limited weight.

Conclusion

12. The appeal should therefore be dismissed.

T J Burnham

INSPECTOR