

PLANNING COMMITTEE

AGENDA



Wednesday 14th July 2021

at 10.00am

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

A limited number of members of the public will be able to attend the meeting with spaces being available on a first come, first served basis. Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Tuesday 13th July and name and address details will be taken for NHS Test and Trace purposes.

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Cook, Elliott, Fleming, Harrison, Little, B Loynes, D Loynes, 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 23rd June 2021 (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – Assistant Director (Place Management)

1. H/2019/0226 Land to the North of Hartlepool Road (A689), Wynyard Park, Wynyard, Billingham (page 1)
2. H/2020/0453 Abbey Hill Cottages, Dalton Piercy (page 33)
3. H/2020/0336 High Tunstall College of Science, Elwick Road (page 55)

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)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

8.1 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*

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

10. FOR INFORMATION

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 28th July 2021



No: 1.
Number: H/2019/0226
Applicant: BARRATT/DAVID WILSON HOMES NE THE WATERMARK GATESHEAD NE11 9SZ
Agent: BARRATT & DAVID WILSON HOMES NE/WYNYARD PARK MISS AMY WARD BARRATT HOUSE THE WATERMARK GATESHEAD NE11 9SZ
Date valid: 01/07/2019
Development: Residential development comprising 243 houses including associated access, link road connection, infrastructure and open space
Location: LAND TO THE NORTH OF HARTLEPOOL ROAD (A689) WYNYARD PARK WYNYARD BILLINGHAM

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 The following applications represent the relevant planning history:

H/2015/0332 – Outline application with all matters reserved for the erection of up to 383no. residential dwellings (Use Class C3) and a local centre (Use Class A1, A2, A3, A4 and/or A5) with associated landscaping, highways and infrastructure works (AMENDED PLANS RECEIVED + DESCRIPTION UPDATED TO REFLECT REDUCED NUMBER OF DWELLINGS. ADDENDUM TO ENVIRONMENTAL STATEMENT INCLUDED)
 Pending consideration

H/2017/0150 – Outline application for the erection of up to 13 no. residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works with all matters reserved (AMENDED RED LINE SITE BOUNDARY)
 Pending consideration.

H/2019/0365/FUL – Residential development of 67 dwellings at land at Wynyard Park North, Wynyard
 Permitted 18.03.20

H/2019/0473 – Residential development comprising erection of 186 dwellings and associated works including access and landscaping.
 Permitted 03.02.21

PROPOSAL

1.3 Full planning permission is sought for residential development comprising 243 houses, including associated access, link road construction, infrastructure and open space.

1.4 The application has been referred to the planning committee due to the number of objections received (more than 2), in line with the Council's Scheme of delegation.

SITE CONTEXT

1.5 The site is greenfield and measures approximately 11 hectares in area within Wynyard Park, which is to the south western edge of Hartlepool administrative bounties. To the north of Hartlepool Road (A689). To the east is a mature tree belt and to the north is the watercourse Close Beck. To the west is cleared development land.

1.6 Whilst it is noted that this proposal sits within the limits to development at Wynyard (LS1 and Rur2), the siting of the proposal covers land allocated in the Local Plan as employment land (EMP1) and community facilities (Inf4).

PUBLICITY

1.7 The application was advertised by way of a site notice: to date, 23 letters of objection and 2 letters of comment have been received.

23 letters of objection has been received raising the following issues;

The Council is required to demonstrate how and when they intend to provide the critical social infrastructure (connect doorways between the Wynyard sites, medical/social/welfare facilities such as shops. Doctors/dentists, 4G coverage etc) and required for the current residents which is under resourced and not appropriate for current residents requirements before addition to an existing problem.

Not designated building land.

The road structure is not able to cope with current developments.

There is a problem of accessible schooling moving children into cars and not cycling or walking as the Government and NHS guidelines are encouraging.

The Local Plan also shows this land designed for local amenities to improve resident's well-being.

Contrary to the Local Plan, it is intended to be used for community infrastructure, employment and residential amenities.

Over development of the Wynyard area, which continues to have poor bus and train services, internet connectivity and a total lack of shops or facilities.

It will add to the significant traffic congestion and noise.

We will get to the point where residents will be unable to get off the existing estate and onto the A689.

Wynyard Park consists of two very separate areas of housing development. To promote community cohesion a link road with footpaths and cycleways joining up these two developments is required.

Both roundabouts on the A689 need to have safe pedestrian crossings as a matter of urgency for all residents before someone is injured and certainly before these new

homes are occupied. This is very important for both adults and children as the primary school is situated south of the A689.

The development will be unduly large and out of keeping with the rest of the Wynyard development.

The proposed entry road via Bloomfield Drive will not be adequate – it is narrow road for servicing the present developments. A better entry point would be via A689.

We also believe that this application will bring with it a substantial noise issue.

The application also highlights further tree clearance in excess of what has already been undertaken. How is this allowed with the presence of Tawny Owls. This is not sustainable. Planting more trees is not the right answer, as these new trees which take many years to mature and balance out what has been removed.

Wynyard has always been regarded as an exclusive area, however, with more and more new builds / people it is no longer seen as this. Furthermore we are seeing more kids littering / not picking up dog poo / being naughty in the streets.

Additionally, families that have lived in the original Wynyard are not able to get their children into the schools due to lots of new builds. Therefore I strongly object to more houses being built.

2 letters of comment has been received raising the following issues;

We are an oversubscribed outstanding school along the road from Wynyard.

Parents from Wynyard are constantly enquiring directly with the school what they can do to ensure that their child can attend our school, for which there is no answer.

We do take a minority of the students from the new primary school however there is far too much demand than we have capacity to admit.

It is very clear that the Wynyard estate is in need of a secondary school, even more so once these houses are approved.

My larger concern though and my main reason for objecting is the current lack of a secondary school provision for Wynyard. Sedgfield is over-subscribed and is not accepting pupils so is not an option. St Michaels in Billingham is full leaving only Northfield which already has class sizes over 30 in some years & classes.

I believe it is absolutely imperative that any planning application approved must have provision for a secondary school, otherwise it should be summarily rejected.

Unsuitable low lying land requiring the use of large SUDs for drainage as well as sewage pumping station to lift foul water to level of main sewer.

1.8 Background papers can be viewed by the clicking on the following link <http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet> and then typing the application reference number H/2019/0226 into the relevant search box. The background papers can be viewed by clicking on the 'attachments' link.

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

HBC Traffic and Transport – This development would form part of the Local Plan Housing allocation and should be subject to the provision required by the Wynyard Masterplan.

As identified by the VISSIM model the Local Plan Housing allocation would be part of the Local Plan allocation this development should not be allowed to commence until the junction works have been completed or a timetable for the completion of the works has been agreed between Highways England, Stockton Borough Council and Hartlepool BC.

Development Layout – The internal road network should match the requirements of the Wynyard Masterplan. The draft masterplan indicated that there is a Primary Boulevard Street which bisects the site, and this road is an integral part of the highway network and should be maintained in accordance with the Masterplans specification.

The masterplan requires that the development accesses the Primary Arterial Road via a roundabout junction. A standard T-junction is shown on the developers plan. A number of areas have been signed using coloured tarmac/block paving. A number of private access points access the carriageway in these locations, this may impact safety as vehicles will be encouraged to reverse onto the highway onto a sharp bend. There are also concerns that the forward vicinity in these locations will be obstructed by buildings, which may be detrimental to pedestrian safety.

The sight lines at junctions should have a minimum visibility splay of 43 x 2.4 metres. The positioning of trees and parking bays should be taken into account.

HBC Public Protection – Not object.

HBC Ecology - Based on the information available I can provide the following comments.

Habitat Regulation Assessment

This has previously been undertaken as a shadow HRA by the applicant, and the proposed mitigation has been agreed with Hartlepool Borough Council. The proposed mitigation is a financial contribution towards the established coastal warden scheme, and is in line with the Hartlepool Local Plan Mitigation Strategy and Delivery Plan. The financial contribution is £48,600 (i.e. £200/dwelling for 243 dwellings).

To ensure the scheme can be approved by HBC in accordance with the duty the Conservation of Habitats and Species Regulations 2017 (as amended) the above 'HRA mitigation contribution' must be secured through the section 106 agreement.

Significate Ecological Harm

An updated Ecological Impact Assessment (EcIA) has been received by HBC (marked Final and dated March 2020). The recommendations section of this report outlines a number of ecological measures. In the majority of cases these measures are sufficient to prevent the proposed development resulting in residual significant ecological harm (N.B. although I support the measures intended to ensure hedgehog access, the holes should be 13 cm square rather than 9 cm square as suggested in the report). However, it is not clear whether this version of the document, and therefore the ecological measures outlined within, has been agreed by the applicant. Ideally the applicant should agree these measures in writing before determination. In order to ensure the proposals are in accordance with section 15 of the NPPF (para. 175) and policy NE1, further details of the measures outlined within the EcIA report (including amendment to the hedgehog access measures) will need to be secured. This can be done through conditions or obligations requiring the

submission and implementation of a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP); wording to be based on model conditions within BS42020.

As an exception to the above, no clear compensation strategy for harm to farmland birds has been presented within the supporting ecological information. The latest bird survey information submitted indicates that the site is of importance to farmland birds, with the scale of importance assessed at the Cleveland county scale. This will require offsite compensation sufficient to offset the level of impact identified. In line with another recent decision within the Wynyard Park allocation, I am satisfied that a farmland bird strategy can be devised to compensate for this harm. This should be secured through the Section 106 agreement, and to be provided pre-commencement.

Biodiversity Net Gain

The EclA report also includes summary details of the calculated change in biodiversity value using the Biodiversity Metric 2.0. I note that the calculation uses the catchall 'Mosaic of Suburban developed/natural surfaces' habitat type to calculate the value of the post development residential area. While I do not generally support the use of this habitat type for full or reserved matters applications (where a more representative estimation of biodiversity value can reasonably be made by measuring areas of proposed buildings, gardens, etc), I am satisfied that by measuring the road network separately to the main residential areas some effort has been made to represent the post development habitats more accurately. In this instance, as biodiversity net gain appears to have been discussed in detail and agreed by my predecessor, I see limited value in reopening discussion on this topic.

To ensure the proposals deliver the predicted biodiversity net gain, in line with NPPF (para. 170), full details of establishment and future management of the habitats shown in the Habitat Creation and Enhancement plan (dated 16th March 2020), including the target conditions specified in the submitted metric calculation tool, will need to be secured. In my view this is most appropriately done through the section 106 agreement, with wording based on model LEMP wording in BS42020.

Ecological Enhancement

In addition to the ecological measures needed to prevent significant ecological harm, the EclA report specifies measures that enhance the value of the post development site for protected and priority species. This complements the calculated biodiversity net gain, which is concerned with habitats only and does not incorporate consideration of species populations.

By incorporating the specified ecological enhancements I am satisfied that the proposals are in accordance with section 15 of the NPPF (para. 175). This can be secured by condition or obligation requiring a LEMP.

Overall

Subject to the ecological mitigation and enhancement measures outlined in the EclA being secured, in addition to a farmland bird strategy, I have no objection to the proposals. Securing implementation of the measures will require the provision of additional information, the majority of which will be required prior to development

commencing. Ideally this should be secured through the section 106 agreement. In summary, the following should be secured:

- HRA mitigation financial contribution
- Farmland bird strategy
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan

HBC Countryside Access Officer – I am happy that the amended plan provided shows the requested and agreed upon access links along the east side of the proposed development.

HBC Engineering Consultancy – Request standard surface water and site investigation please.

HBC Landscape Officer – No objections subject to conditions.

HBC Public Protection – Not object.

HBC Building Control: I can confirm that the works described will require a building regulation application.

Tees Archaeology – This area has no identified heritage assets and I have no objection to the proposed amendments.

Highways England – have a formal recommendation of non-determination on this application until 18th July 2021 based on the requirement for the completion of a Stage One Road Safety Audit on the proposed junction improvement which is required after 2,088 homes are developed in the Wynyard area across both Hartlepool and Stockton Boroughs.

As part of our previous responses, we have recommended that allocations need to be determined by the Planning Authority. However an allocation between the numerous developers was proposed that would allow on completion of the Stage One Audit, 140 of the 243 homes in application H/2019/0226 to be developed. Should the recommended allocation of homes across the various developers be adjusted such that the whole of this development be allowed to come forward, this would allow us to issue a no objection to this application. However, I would be aware that other developers may wish to bring forward their developments also, and, of the planning applications with allocated sites there are insufficient allocated homes for developers in Hartlepool to make up the 103 home shortfall. Therefore if we adjust the figures, less homes can be brought forward in Stockton borough.

As stated it is not Highways England's business to determine which homes are developed and which are not, that is for the planning authorities. We do however wish to ensure that the number of homes coming forward does not affect the operation and safety of our network.

If you wish to permit H/2019/0226 we can remove our recommendation of non-determination. However, any issues regarding the allocation permitted homes are best discussed with the various developers and Stockton.

Natural England – No comments.

Northumbrian Water – We would have no issues to raise with the application, provided it is approved and carried out in strict accordance with the submitted document entitled “Flood Risk Assessment.” In this document it states that foul water flows shall discharge to the proposed foul sewer within the spine road, whilst all surface water shall discharge to the watercourse. Although the sewer within the spine road is currently under private ownership we can confirm that Northumbrian Water are satisfied that the existing public sewerage network that will ultimately receive the foul flows from the proposed spine road infrastructure has sufficient capacity for this development.

We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document. Condition: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Flood Risk Assessment.” The drainage scheme shall ensure that foul flows discharge to the existing sewer at manhole 7501 via new infrastructure proposed within the spine road and ensure that subsurface water discharged to the existing watercourse.

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

Northern Gas Networks – No objections, 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 details. Should diversionary works be required these will be fully chargeable.

Cleveland Police – No further comments.

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

It should be confirmed 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, below.

Plots of concern are: 01, 02, 04 – 18, 20 – 37, 33 – 36, 49 – 52, 97 – 98, 120 – 122, 125 – 128, 135 – 138, 139 – 142, 147 – 153, 167, 171, 197, 219 - 222, 235 – 236.

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.

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

Rural Plan Working Group – No comments. Although there is concern that the proposed housing site appears to be on land allocated in the Hartlepool Local Plan

as being for community use and employment land. Wynyard already has a considerable amount of land allocated and available for housing.

PLANNING POLICY

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

1.12 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. 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 one, a social one and an environmental one, 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 significantly and demonstrably outweigh the benefits.

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

The following paragraphs are relevant to this application:

PARA 002: Introduction

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: Not change the statutory status of the development plan as the starting point for decision making)

PARA 020: Strategic Policies

PARA 022: Strategic Policies.

PARA 034: Developer Contributions

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 048: Weight to be given to emerging policies (Rural Plan)

PARA 054: Planning conditions and obligations

PARA 055: Planning conditions and obligations

PARA 056: Planning conditions and obligations

PARA 057: Viability Assessments

PARA 059: Significantly boosting the supply of homes

PARA 062: Affordable Housing onsite unless justified

PARA 072: Strategic size housing sites

PARA 073: Maintaining supply and delivery

PARA 074: Five year supply of deliverable housing sites
 PARA 076: Conditions to ensure a timely start of development
 PARA 077: Rural housing
 PARA 078: Rural Housing
 PARA 091: Promoting healthy and safe communities
 PARA 092: Community Facilities
 PARA 094: Sufficient school places
 PARA 096: Access to high quality open space
 PARA 098: Protect and enhance public rights of way
 PARA 102: Promoting sustainable transport
 PARA 104: Mix of uses.
 PARA 108: Access and impacts of development
 PARA 109: Unacceptable impact on highway safety.
 PARA 111 Transport Statements
 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 163: Planning and Flood Risk
 PARA 165: Planning and Flood Risk
 PARA 170: Conserving and enhancing the natural environment
 PARA 175: Habitats and Biodiversity

Adopted Tees Valley Minerals and Waste DPD

1.14 The Tees Valley Minerals DPDs (TVMWP) form part of the Development Plan and includes policies that need to be considered for all major applications, not just those relating to minerals and/or waste developments.

The following policies in the TVMW are relevant to this application.

MWP1 – Waste Audits

The case officer should ensure a suitable site waste management plan is in place to deal with the household waste from the site in the future.

Hartlepool Local Plan Policies (Adopted May 2018)

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

CC1: Minimising and adapting to climate change

CC2: Reducing and Mitigating Flood Risk

CC3: Reducing and Mitigating Flood Risk

INF1: Sustainable Transport Network

INF2: Improving Connectivity in Hartlepool

INF4: Community Facilities

QP1: Planning Obligations

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

HSG1: New Housing Provision

HSG2: Overall Housing Mix

HSG6: Wynyard Housing Developments

HSG9: Affordable Housing

EMP1: Prestige Employment Site Wynyard Business Park

Rur2: New dwellings outside of Development Limits

NE1: Natural Environment

NE2: Green Infrastructure

Wynyard lies outside of the boundary of the emerging Rural Neighbourhood Plan and as such it is not a consideration in this proposal.

Planning Policy Comments

Principle of development

1.15 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Whilst it is noted that this proposal sits within the limits to Development at Wynyard (LS1 and Rur2), the siting of the proposal covers land allocated in the Local Plan as employment land (EMP1) and Community Facilities (Inf4). The Local Plan does allocate 3 housing sites at Wynyard under Policy Hsg6 for a total of 732 dwellings. Hsg6b lies to the north and north west of the site of this proposal and covers an area of some 25.8 hectares for approximately 400 dwellings with site Hsg6c being located to the west/south west of the site allocating a further 11.1 hectares for approximately 232 dwellings. These allocations were justified through the Local Plan process on the basis that a sustainable community was being created at Wynyard – in order to justify this and because of its excellent location a prestige employment site was allocated (covering circa 32 hectares) which would provide a range of high quality jobs – this allocation (Emp1) covers the site of the proposal. Also proposed by the plan, through Policy INF4, is an area of community facilities such as a 3g pitch and play equipment which are vital in the creation of a sustainable community. Policy Hsg6 which allocates the housing sites required a masterplan for Wynyard to guide future applications and ensure that development that comes forward is sustainable; that masterplan is a crucial requirement of development at Wynyard as there has been significant housing development already within the area with no community facilities or jobs created to date. The masterplan was prepared by Hartlepool and Stockton Council and was adopted by both Councils in late 2019 with some small amendments agreed by the Chair of Regeneration Services Committee and Director of Regeneration and Neighbourhoods in January 2020. The masterplan was an important development of the policies in the Local Plan as it considered that area and the infrastructure requirements in a lot more precise detail than the more strategic policies of the Local Plan. It identifies quantum's of land to meet the allocations in the Local Plan but has slightly changed the geographic location of some of the quantum of development in order to create a sustainable community in a form which works in terms of development. It is the quantum of development identified in the Local Plan Policy Hsg6 which is the vital element – the Local Plan Policies Plan is less precise in terms of the detail of individual developments. The application is in line with the Masterplan in terms of geographic location of the

development for housing and the principle of housing in this area of Wynyard Park is supported by Planning Policy and the Wynyard Masterplan.

1.16 In viewing statute, planning policy and the information submitted, Planning Policy must have regard to a wide range of considerations to consider if the proposal is deemed to be sustainable development. The following paragraphs consider some of the key issues.

1.17 It is positive to see the applicant has proposed SuDS ponds as a means of minimising risk from flooding especially to ensure that any run-off from the site does not impact on neighbouring sites. The Masterplan requires a site wide drainage strategy to ensure that the developments piece together to minimise flood risk in the area. The views of the Council's engineer should be sought as to the acceptability of the proposal.

Development density, design including energy efficiency and amenity

1.18 The density of the scheme is high in parts and whilst it is appreciated that there will be some areas within Wynyard where the density has to raise to accommodate the housing allocation (given the earlier low density phases and self-build), it is considered this can be achieved without compromising on design quality. The scheme has included on-site affordable properties, which is having an impact on density in places, however the layout is an improvement on earlier versions.

Access, highway safety and car parking standards

1.19 Policy Hsg6 stipulates that development at Hsg6b and c will not be permitted to commence until off-site highway works at the A19/A689 junction are completed. Discussions between officers at Hartlepool and Stockton and Highways England have been ongoing to ascertain whether any development can come forward prior to the improvement at the junctions. If grant funding from the land owner (which was suggested at the Local Plan Examination) cannot be secured to bring forward these works, then developer contributions will be required from sites within Wynyard (both in Hartlepool and Stockton) to contribute towards the cost of these works. This scenario was set out in the Deliverability Risk Assessment (DRA) which was prepared to show deliverability of the Local Plan, which assumed a cost of these works of £5 million and when divided by the 600 dwellings still to come forward give a cost per dwelling of £8,000. The figure used in the DRA was a worst case scenario of only sites contributing from within Hartlepool. A scenario considering the costs divided by sites across the two authorities was presented at the Stockton Local Plan Examination, which effectively halves the cost to just over £4,000 per dwelling. The requirement for the Highway work and further consideration of the Highway issues is included within the adopted Wynyard Masterplan. Comments relating to Highways Contributions are included in the separate Developer Contributions paper which was submitted earlier this summer.

Crime Prevention

1.20 There are no particular concerns in relation to this however the views of the police architectural liaison officer should be sought; this is more likely to be an issue for consideration in future reserved matters applications.

Housing Type

1.21 In a development of this scale Planning Policy would expect, in line with Policy HSg2, to see a full range of house types provided. A range of 2 bed (including an element of bungalows) up to 5 bedroom properties would be suitable in this location. The lack of bungalows is disappointing, however the inclusion of onsite affordable units is supported and will help create a mixed community offering opportunities for a range of home ownership and rented accommodation.

Comments on new layout following discussions earlier in the year

1.22 There have previously been discussions regarding the layout and conformity with requirements within the Wynyard Masterplan. The revised layout appears to have resolved a number of those issues, those being;

- There now appears to be a public footpath around the SUDS pond. This is supported.
- The development has been amended so that there is no built incursion into the ancient woodland to the east of the development. This is now acceptable.
- The housing along the west and southern boundaries now face out into the green corridor, a requirement identified within the Wynyard Masterplan. The amended scheme in relation to this is supported.
- It appears that whilst there are still large areas of tarmac/driveways in the terraced areas of the scheme, some planting to break these areas up slightly is not included which is supported.
- The main road through the development now includes green space along the western side of it. Whilst this does not go as far as the masterplan (which seeks planting on both sides, footpaths and cycleways) it is an improvement on earlier versions of the layout.
- The road junction at the northern boundary is now shown sweeping round which is supported – it is queried however whether the part which sweeps around the west is actually within the red line of the development?
- The housing at the north of the development now appears to face out northwards onto the northern boulevard road which is supported.

Developer Contributions

1.23 10% on-site renewable or decentralised energy provision.

To assist in meeting the EU renewable energy consumption target of the UK energy is consumed via renewable resources and to assist in the Council's climate change agenda, Policy CC1 of the Local Plan sets Policy relating to tackling climate change. The development should provide on-site renewable energy supply from decentralised and renewable or low carbon sources. In many schemes in Hartlepool and at Wynyard this has been done through the provision of solar panels. This Policy also requires developments to include opportunities for charging electric and hybrid vehicles.

Planning contributions

1.24 Within the wider Wynyard site, and identified throughout the Wynyard Masterplan, there is a variety of infrastructure which is required in order to make the development sustainable and provide facilities to the local residents. Appendix 1 (Infrastructure Delivery Plan) and Appendix 2 (Infrastructure Delivery Schedule) of the Wynyard Masterplan set out what infrastructure is required across the Wynyard area to make Wynyard into a sustainable community. This will be secured through

developer contributions and delivery of the infrastructure through the developers/landowners. The following contributions are expected across the Wynyard Park site and will need to be secured through S106 legal agreements on applications. A recent agreement at Director level across the two authorities and with Wynyard Park discussed the next application securing a Pan wide Wynyard legal agreement. Work is currently being progressed in terms of agreeing appropriate contributions/requirements for infrastructure from the sites identified within the masterplan. It is noted that some requirements relate to land which may not be in the applicant's ownership or control, however these are required to be secured and the relevant landowner will need to be party to any relevant part of the legal agreement. The associated legal agreement will need to include suitable clauses that are likely to be based upon timescales and require occupation restrictions/triggers relating to various stages in the procurement process (e.g. reservation of land, marketing, submission of planning application to agreed spec, commencement/completion of development and opening of the facility). The below is a summary of all of the infrastructure required across Wynyard Park. Where a financial contribution is noted below the development will be expected to pay that. In terms of the other elements there will be a need for the developer to be tied, through a legal agreement, to contribute towards, deliver or secure other elements.

- Primary School: There is a requirement to secure an accessible, fully serviced primary school site on the WP site, alongside securing the community use of facilities. There is also a requirement for the developer to pay a financial contribution of **£718,698.75** which will be allocated towards the new school.
- Secondary Education: There is the requirement to secure an accessible, fully serviced site for a secondary school (if this is required in the future). There is also a requirement for the developer to pay a financial contribution of **£469,596.60** towards secondary education.
- Wynyard Park Local Centre: There is the requirement to secure and build a Local Centre to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
 - o Community Centre: Within the Local Centre, there is the requirement to secure the provision of community facilities to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
- Wynyard Public House: There is the requirement to secure a Public House to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
- Sports Hub: There is the requirement to secure a Sports Hub (pitches, changing facilities, parking and ancillary items) to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
- Wynyard Park Green Corridor: There is the requirement to secure a Green Corridor to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.

- The Duchy application secured the first element of this including a play area. This PAN Wynyard agreement and/or this application would be required to secure the green corridor to the west of the site and the southerly element of the green corridor would be secured by the PAN Wynyard agreement or one of the other development sites in line with the timescales identified in the Infrastructure Delivery Schedule.
- Play Provision: The development does not include an on-site play area. For a development of this size it is disappointing that no door step play facilities are included.
- Castle Eden Walkway: This application is required to contribute **£60,750.00** (£250 per dwelling) towards providing links to the Castle Eden Walkway.
- Woodland Footpath Connections: There is the requirement to deliver and maintain the on-site footpaths which will be set out within the Woodland Footpath Strategy. This will also include linkages through Wynyard Park. This development should improve linkages within the woodland to the east of the site.
- Highways: There is the requirement for a submission of series of planning applications which cover the internal road network e.g. the primary boulevard and the arterial route and details phasing plan, to the timescales identified in the Infrastructure Delivery Schedule within the masterplan. The legal agreements will secure the internal road network.
- A19 Widening: It has been acknowledged that there is a requirement for all development at Wynyard to secure the widening of the A19 junction. This is a requirement of Policy Hsg6 and the Masterplan. Recent work between officers and Hartlepool and Stockton have identified that there are 1,345 identified on land at Wynyard Park which can contribute towards the £5 million cost for the works to the A19/A689 on a pro rata basis. This gives a per dwelling cost of £3,717 which on this proposal equates to **£903,231** (£3,717x243).
- Shuttle Bus: There is a requirement to secure a public bus service for the Wynyard residents, to an agreed specification.
- East to West Footway/Cycleway (to improve linkages and accessibility with Hartlepool): This application is required to pay a cost per dwelling towards delivery of this footway/cycleway. It is noted that previous applications have contributed £992 per dwelling to meet the costs of the cycleway and this application is expected to pay the same. This will therefore work out at **£241,056**.
- Affordable Housing: Policy HSG9 of the Local Plan requires on-site affordable housing provision of 18%. The development proposes 44 on site properties – 18, 2 bed and 26 3 bed. This meets the requirements of Policy Hsg9 in terms of numbers. The split of these should be 70% social and 30% intermediate tenure.

- Planning Policy would expect a Local Employment and Training Agreement to be attached to the application to give opportunities within the development for local workers as well as training and apprentice opportunities. The economic development team will give further information on this element.

Suitability of Development

1.21 Subject to securing the contributions, it is considered that with the changes that have been made to the layout, and given that the development sits within a housing area within the Wynyard Masterplan (although not on the Local Plan Policies Map) it is considered that the principle of the development is acceptable and that the layout changes have improved earlier versions to address some of the concerns raised.

PLANNING CONSIDERATIONS

1.23 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies held within the Development Plan and in particular the principle, impact on character and appearance of the site and surroundings, whether sufficient living conditions would be provided for future occupiers and the impact on highway safety.

PRINCIPLE OF DEVELOPMENT

1.24 Local Plan Policy LS1 identifies Wynyard as a location for new housing development. Policy HSG6 sets out specific housing allocations at Wynyard, including the northern part of this site known as “Wynyard Park North (HSG6b). The southern part is allocated for employment purposes by Policy EMP1 and the middle part of the site is allocated for infrastructure according to policy INF4.

1.25 Policy HSG6 allocates sites at Wynyard for a total of approximately 732 dwellings. Part of this site is Wynyard Park North which is allocated 25.8 hectares of land for approximately 400 dwellings.

1.26 Policy EMP1 allocates a site of approximately 35 hectares at Wynyard as a prestige employment location.

1.27 Policy INF4 seeks to ensure that all sections of the local community have access to a range of community facilities that meet education, social, leisure/recreation and health needs of the borough. Under policy HSG6, it states that a total of 8.9ha of land will be set aside adjacent to the housing land for vital infrastructure such as a local centre, a one form entry primary school with associated playing pitches, accessible changing facilities and associated community use agreement, playing pitch provision, play facilities and a multi-use games area.

1.28 The Wynyard Masterplan (WMP) was formally adopted by the Council in 2019 following the adoption of the Local Plan in 2018. Local Plan policy HSG6 expects amongst other matters for development to accord with an approved masterplan. The proposal is in accordance with policy HSG6b, as it would accord with the approved WMP, which shows this area allocated for housing.

1.29 The proposal would also result in the loss of a small amount of employment land (approximately 5% of the allocated site) according to the Local Plan. Approximately 95% of the employment land would remain.

1.30 The applicant has submitted an Employment Position Statement (EPS) to look at whether this land is needed for employment. The Government's policy on Employment Land is set out in NPPF. Paragraph 120 of NPPF states that planning policies and decisions need to reflect changes in the demand for land. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan they should prior to updating the plan support applications for alternative uses where the proposed use would contribute to meeting an unmet need for development in the area.

1.31 Hartlepool Borough Council published an Employment Land review in December 2014. This concluded that there is a substantial surplus of employment land in Hartlepool. This therefore leaves Hartlepool with considerable scope to rationalise its current large supply.

1.32 The employment land that would be lost would be used to provide public open space designed to support the scheme by providing a Suds pond, ecological mitigation, walkways and connections onto the Woodland Footpaths. The applicant states that this land is necessary to make the development suitable in terms of achieving good design, meeting the challenge of climate change, and to providing biodiversity improvements.

1.33 The applicant states that Covid-19 pandemic has necessitated remote working and this questions the need for providing land suitable for offices. The applicant states that the small section of land for employment use is no longer needed and that the delivery of high quality, well designed houses will instead provide excellent opportunities for working from home. The loss of less than 0.5 hectares of employment land sites not prejudice the ability for the rest of the site to be developed for employment purposes.

1.34 Neither the Council's Economic Growth Manager, or the Council's Planning Policy Team object to its findings.

1.35 It is also not the case that Wynyard would be without employment opportunities. In addition to the necessary community facilities, there has recently been a large application for a Class B8 (Storage and Distribution) Unit with ancillary offices submitted to Stockton Borough Council (20/2481/EIS), which is the adjacent local planning authority. This application was granted planning permission on 11th June 2021 and is expected to create around 1,060 jobs per year during construction and once built 1,450 jobs.

1.36 Although the proposal would not accord with its allocation in the Local Plan, notably policies EMP1 and INF4, it would not result in harm. It would accord with policy HSG6 and the Wynyard Masterplan in terms of the main allocation. It would partially accord with Policy HSG6b.

5- YEAR HOUSING LAND SUPPLY

1.37 Paragraph 73 of NPPF requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

1.38 The Council has published a Housing Delivery Report and consideration of five year supply of deliverable housing sites from 1st April 2020 to 31st March 2015. This concludes that the Council is able to demonstrate a five-year supply of deliverable housing sites. The Council has 5.29 years of supply. This site is part of the five year supply and therefore if approved would help toward enabling the Council to continue to demonstrate a 5-year supply of deliverable housing land. If refused, it would make it more difficult for the Council to be able to demonstrate a 5-year supply of deliverable housing sites.

CHARACTER AND APPEARANCE

1.39 Local Plan policy HSG6 sets out appropriate densities for each of the housing allocations at Wynyard. At Wynyard Park North 25.8ha is identified as being acceptable for housing development with an approximate yield of 400 dwellings. The development proposes 243 dwellings over 10.98ha, which is an approximate density of 22 dwellings per hectare, which is a medium density. The Wynyard Masterplan seeks for this area to be developed for a mix of medium and low density housing.

1.40 The proposed density is higher than that anticipated in the Masterplan, however this in itself is not harmful. The issue is whether the density is appropriate and whether it would adversely affect the character and appearance of the surroundings.

1.41 Policy HSG6 sets out that Wynyard Park North will be developed for a full range of house types, developed to a high standard of design to reflect its rural location. Local Plan Policy HSG2 advises that new housing will be required to deliver a suitable range and mix of house types that are appropriate to their locations and local needs and aspirations. The proposed development of 2, 3 and 4 bed, terraced, semi-detached and detached homes is considered an appropriate mix for this location.

1.42 The Residential Design SPD (2019) contains guidance on issues such as density, local distinctiveness, accessibility, safety and energy efficiency. The provision of the green space and SUDS pond help creating an attractive entrance to the proposed development and also provide opportunities for a pleasant place to walk and enjoy the outdoors.

1.43 Within the Wynyard Masterplan, this site falls within zone WP-E and WP-F, with particular criteria that any development is expected to meet such as;

- Development should be orientated to interact with an Urban Park Area
- Strong street-scape character to be provided to the primary boulevard Street
- Mix of medium and lower density housing;
- Development should be orientated to interact with the adjacent green corridor

- Connection to Primary Arterial Route.

1.44 The layout proposes a Primary Boulevard Street passing through the site from north to south and also provided the ability to link to the west when these sites come forward. There would also be a tree lined east to west green space link situated centrally within the site linking the Primary Boulevard Street to the land towards the west.

1.45 The new homes will be two storey's in terms of height. The proposal would provide a medium density, which is considered appropriate. This will be viewed within the wider context of Wynyard where there are also large self-build plots which provide a much lower density and ensure a mix across the Wynyard Park site as a whole. The houses at key corners and vistas will be reconstituted stone, creating feature plots with visual interest.

1.46 The Residential Design SPD also places a large emphasis on ensuring that any scheme has local distinctiveness and architectural interest. This scheme achieves both.

1.47 In terms of style the proposed dwelling would be traditional with some modern detailing. The main materials used in the existing houses around Wynyard Park are red brick with render with grey roof tiles with elements of red roofs and buff brick. The proposed materials will be a mix of reconstituted Yorkstone, red and cream brick. The roofs would be Forticrete red and grey tiles. The proposed materials and style of properties are considered to be acceptable both in relation to the site and the surrounding area.

RESIDENTIAL AMENITY

1.48 When assessing the scheme against the main characteristics highlighted within the Residential Design SPD, it must be ensured that each house benefits from sufficient daylight. Sunlight and privacy alongside appropriate parking and in-curtilage amenity space.

1.49 Policy QP4 of the Local Plan sets out separation distances between windows. These require a separation of at least 20m between habitable room windows and a separation distance of at least 10m between habitable room and non-habitable room windows and/or gable end. The following properties would not meet the minimum distances and therefore conflict with policy QP4.

Plots	Actual Distance (m)	Required Distance (m)	Difference (m)
10-81	19.3	20	0.7
11-81	19.0	20	1.0
26-74	18.3	20	1.7
29-67	19.4	20	1.6
54-123	17.9	20	2.1
67-29	19.4	20	0.6
109-132	17.6	20	2.4
110-133	17.6	20	2.4

1.51 There a small number of properties within the development with windows that would not meet the separation requirement. However where this is the case, the plot orientation, proposed rooms, and intervening obstructions would on balance ensure an acceptable residential living environment for future occupiers.

1.52 HBC Public Protection have been consulted and do not object.

1.53 Subject to conditions, it is considered that the proposal would provide a satisfactory living environment for future occupiers.

HIGHWAY SAFETY AND PARKING

1.54 The Council's Traffic and Transport have commented that this development should not be allowed to commence until junction improvement works have either been completed or a timetable for the completion of the works has been agreed between Highways England, Stockton Borough Council and Hartlepool Borough Council.

1.55 This position is supported by policy HSG6, which states that development of the site will not be permitted to commence until off-site highway works at the A19/A689 junction are complete.

1.56 Highways England have been consulted and they recommend that planning permission should not be granted until 18th July 2021, or until sufficient information has been received for them to reach an alternative view.

1.57 If the Council were minded to grant planning permission, it would be required to notify Highways England, who could seek to have the application called-in by the Secretary of State. However, this does not prevent Planning Committee from considering this application now and indicating whether or not they are minded to grant planning permission subject to Highways England withdrawing their holding direction.

1.58 There is remaining capacity within the strategic road network, to allow a proportion of this site to be able to come forward prior to the off-site highway works at A19/A689 junction works being completed. When taking into account other developments that are also likely to come forward it has been agreed with Highways England that if Members were minded to grant planning permission a Grampian condition would be imposed that would allow up to 140 dwelling on this site to be built before the necessary highway improvements works must be complete.

1.59 The Countryside Access Officer states that there will be two access links, one in the south east corner and the second north of the SUDS pond on the eastern perimeter of the site. These links will provide sensible and sustainable recreational/countryside access provision to other areas for residents and visitors alike.

1.60 The application has been amended so the site would now be accessed by a roundabout as per the WMP and this is considered to be acceptable in accordance

with policies LS1, INF2, QP4, HSG6 of the Hartlepool Local Plan (2018) and the Wynyard Masterplan (2019).

ECOLOGY

1.61 There is a section of broadleaf plantation woodland adjacent to the eastern boundary of the site, this links to a wider network of woodland which is approximately 400m to the north, which contains Close Bank.

1.62 There are no statutory designated sites within 2km of the site. The site is not within a Site of Special Scientific Interest (SSSI) Impact Risk Zone relating to the Teesmouth and Cleveland Coast SSSI.

1.63 Habitats within the site are generally unsuitable for qualifying species on designated sites associated with the Teesmouth and Cleveland Coast SSSI.

1.64 There are three non-statutorily designated sites allocated within 2km of the application site. The proposal has the potential to impact on the adjacent local wildlife site (Close Wood Complex) through increases recreational pressure such as dog walking etc. The applicant proposes a 10m buffer between the Local Wildlife Site in addition to the creation of a boundary hedgerow to resist access to the woodland.

1.65 In terms of the site itself, the habitats comprise of arable fields and some semi-improved grassland along the field margins. Semi-natural broadleaf woodland lies adjacent to the site at its eastern extent.

1.66 Overall, the site has limited value for foraging and commuting bats, low potential for newts and no evidence of badgers. 9 Ash trees to the west and south of the site were identified as containing various features potentially suitable for use by bats. These trees are proposed to be removed, as give their age and general condition, it would not be appropriate to have these located next to a populated residential areas. Trees of the same types will be planted which would have bird boxes.

1.67 The Council's ecologist says that subject to the ecological mitigation measures outlined in the Ecological Impact Assessment (EclA), in addition to a farmland bird strategy he has no objection to the proposals.

1.68 The Council's Ecologist is seeking the following as part of a S106 Legal Agreement

- HRA mitigation financial contribution £48,600
- Farmland Bird Strategy
- Construction Environment Management Plan
- Landscape and Ecological Management Plan

1.69 The applicant has submitted and updated EclA. The Council's Ecologist says that the recommendations section of this report outlines a number of ecological measures. In the majority of cases these measures are sufficient to prevent the proposed development resulting in residual significant harm.

1.70 In order to ensure the proposals are in accordance with the advice in paragraph 175 of NPPF and Policy NE1 of the Local Plan further details of the mitigation measures outlined in the EclA will be required. However, this can be done through conditions or through a S106 legal Agreement to secure a Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Plan.

1.71 No clear compensation strategy to mitigate harm to farmland birds has been submitted. The latest bird survey information submitted indicates that the site is of importance to farmland birds. This will require off-site compensation. This can be secured by a S106 Legal Agreement.

1.72 By incorporating the ecological enhancements the Council's Ecologist is satisfied that the proposal would accord with the advice in paragraph 175 of NPPF and policy NE1 of the Local Plan.

TREES AND LANDSCAPING

1.73 Policy HSG6 requires that development at Wynyard Park North will be expected to incorporate green infrastructure, informal open space and recreational and leisure land.

1.74 There are 15 individual trees, two hedgerows and one group of trees. The proposals require the removal of all of individual trees on site and the two hedgerows. New tree planting across the site is proposed in order to provide mitigation for the trees that would be lost.

1.75 The amended proposed site layout plan shows areas of open space and on-site areas for play, which would combined with the SUDS pond provide residents and opportunity to enjoy the outdoors.

1.76 The Council's Landscape Officer has no objections subject to conditions. If Members are minded to grant planning permission a landscape scheme could be secured by a condition.

1.77 Subject to this condition, it is considered that the proposal would comply with policy HSG6.

FLOOD RISK AND DRAINAGE

1.78 A Flood Risk Assessment (FRA) has been submitted to accompany this application. This concludes that the site is at low risk of flooding.

1.79 The Environment Agency Flood maps show there are surface water flows from west to east along the minor valley type feature within the farmer's fields. These flows currently enter the site in the northern half of the proposed site. The applicant is proposed to provide mitigation by construct a bund along the western and northern boundaries to deflect any flows. Due to the topography of the existing ground the western boundary needs to be protected by a positive below ground drainage

system. The exact details of the drainage system can be controlled by conditions. Once the mitigation measures are put in place, then flooding due to overland run-off can be deemed as low risk.

1.80 A Sustainable Urban Drainage System (SuDs) pond is also proposed towards the south eastern edge of the site. The flows into this basin and into the proposed pumping station will be restricted to 10.9 litres per second to satisfy the requirements of the Council as Local Lead Flood Authority. This can also be controlled by a condition.

1.81 The Council's Flood Officer does not object subject to standard surface water conditions.

ARCHAEOLOGY

1.82 The Tees Archaeologist has been consulted and states that the area has no heritage assets and therefore they have no objection to the proposal.

PLANNING OBLIGATIONS

1.83 Where up to date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

1.84 The Local Plan identifies a number of elements of infrastructure to be delivered at Wynyard in order to develop a sustainable community including green space, community facilities such as a school, playing pitches, local centre and play areas.

1.85 The Masterplan and associated Infrastructure Delivery Plan and Schedule give further information on the required infrastructure and delivery timescales which will be tied to development as schemes on site come forward. Following the designation of Wynyard as a Garden Village, the Masterplan is now being reviewed to ensure that the elements of a Garden Village can be delivered. However, in order to be in accordance with policy QP1 of the Local Plan, the proposal is expected to contribute towards the required facilities in the area.

1.86 Policy QP1 seeks planning obligations where viable and deemed to be required to address the impacts arising from development.

1.87 Policy HSG9 seeks 18% affordable housing on sites where 15 or more new dwellings are proposed. The requirement for this site would be to ensure that 44 of the homes are affordable.

1.88 The Council's Planning Obligations Supplementary Document (SPD) (2015) states that is a material consideration in the determining of planning applications and

if development proposal do not comply, the SPD may be used as a basis for the refusal of planning permission.

1.89 The Council is seeking the following contributions;

- Primary School: There is a requirement to secure an accessible, fully serviced primary school site on the WP site, alongside securing the community use of facilities. There is also a requirement for the developer to pay a financial contribution of **£718,698.75** which will be allocated towards the new school.
- Secondary Education: There is the requirement to secure an accessible, fully serviced site for a secondary school (if this is required in the future). There is also a requirement for the developer to pay a financial contribution of **£469,596.60** towards secondary education.
- Health Facilities: The masterplan requires the delivery of Health Facilities. There is a requirement to safeguard land. The CCG has noted that they wish to see land safeguarded for a potential future GP service and have requested a contribution of **£117,390** from this development.
- Wynyard Park Local Centre: There is the requirement to secure and build a Local Centre to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
 - o Community Centre: Within the Local Centre, there is the requirement to secure the provision of community facilities to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
- Wynyard Public House: There is the requirement to secure a Public House to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
- Sports Hub: There is the requirement to secure a Sports Hub (pitches, changing facilities, parking and ancillary items) to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
- Wynyard Park Green Corridor: There is the requirement to secure a Green Corridor to the timescales identified in the Infrastructure Delivery Schedule within the masterplan.
 - o The Duchy application secured the first element of this including a play area. This PAN Wynyard agreement and/or this application would be required to secure the green corridor to the west of the site and the southerly element of the green corridor would be secured by the PAN Wynyard agreement or one of the other development sites in line with the timescales identified in the Infrastructure Delivery Schedule.
- Play Provision: The development does not include an on-site play area. For a development of this size it is disappointing that no door step play facilities are included.

- Castle Eden Walkway: This application is required to contribute **£60,750.00** (£250 per dwelling) towards providing links to the Castle Eden Walkway.
- Woodland Footpath Connections: There is the requirement to deliver and maintain the on-site footpaths which will be set out within the Woodland Footpath Strategy. This will also include linkages through Wynyard Park. This development should improve linkages within the woodland to the east of the site.
- Highways: There is the requirement for a submission of series of planning applications which cover the internal road network e.g. the primary boulevard and the arterial route and details phasing plan, to the timescales identified in the Infrastructure Delivery Schedule within the masterplan. The legal agreements will secure the internal road network.
- A19 Widening: It has been acknowledged that there is a requirement for all development at Wynyard to secure the widening of the A19 junction. This is a requirement of Policy Hsg6 and the Masterplan. Recent work between officers and Hartlepool and Stockton have identified that there are 1,345 identified on land at Wynyard Park which can contribute towards the £5 million cost for the works to the A19/A689 on a pro rata basis. This gives a per dwelling cost of £3,717 which on this proposal equates to **£903,231** (£3,717x243).
- Shuttle Bus: There is a requirement to secure a public bus service for the Wynyard residents, to an agreed specification.
- East to West Footway/Cycleway (to improve linkages and accessibility with Hartlepool): This application is required to pay a cost per dwelling towards delivery of this footway/cycleway. It is noted that previous applications have contributed £992 per dwelling to meet the costs of the cycleway and this application is expected to pay the same. This will therefore work out at **£241,056**.
- Affordable Housing: Policy HSG9 of the Local Plan requires on-site affordable housing provision of 18%. The development proposes 44 on site properties – 18, 2 bed and 26 3 bed. This meets the requirements of Policy Hsg9 in terms of numbers. The split of these should be 70% social and 30% intermediate tenure.
- Planning Policy would expect a Local Employment and Training Agreement to be attached to the application to give opportunities within the development for local workers as well as training and apprentice opportunities. The economic development team will give further information on this element.
- Ecology: The Council's Ecologist is seeking the following as part of a S106 Legal Agreement
HRA

1.90 In summary, excluding the biodiversity requirement to provide £48,600 towards the established coastal warden scheme, the Council is seeking 18% on-site

affordable housing and a financial contribution of £2.393m towards planning policy requirements listed above.

1.91 The applicant states that if they were to provide all of the contributions sought by the Council this would make the scheme unviable. To support this position, they have submitted a viability assessment. This has been subject to an independent assessment. This concludes that the proposed 243 dwelling scheme can viably support the full planning policy target of 18% on-site provision of affordable housing and £2.393m of financial contributions towards planning policy requirements. The applicant disagrees. The applicant has been given the opportunity to challenge the findings of the District Valuer. The District Valuer concludes that she has considered the applicant's arguments, but has not been persuaded to change her view. However the assessment did not include the costs of providing a roundabout, which the applicant has now agreed to provide.

1.92 The applicant has made a final offer of 17% affordable housing (50% affordable rent 50% discounted market sale) and £1.4m in terms of S106 contributions. This would secure all of the S106 contributions that the Council is seeking apart from the £900,231 towards highway improvements. The landowner does not consider it necessary, as the highway works are to be funded either via the Department for Transport or Tees Valley Combined Authority in association with the major storage and distribution planning application (20/2481/EIS) which was granted planning permission on 11 June 2021. If the event the Department for Transport bid is unsuccessful, then Tees Valley Combined Authority has committed to meeting the costs of the works. This commitment can only be revoked by the unanimous decision of the Tees Valley Combined Authority Cabinet, which includes the Leaders from both Hartlepool Borough Council and Stockton-on-Tees Borough Council.

1.93 Although the offer does not provide the full 18% sought by Policy HSG9, it would come close, providing 17% (the difference is 3 affordable homes). On balance and taking into account the need to provide the roundabout, this is considered to be acceptable. Members need to decide whether they agree?

RENEWABLE ENERGY

1.94 It is positive to see that the developer has already taken steps to meet the criteria of policy QP7 which seeks to ensure high levels of energy efficiency, as the developer has worked to provide 10% betterment of building fabric over the requirements of the most up to date Building Regulations.

1.95 Policy CC1 requires that major development must secure, where feasible and viable a minimum of 10% of their energy from decentralised and renewable or low carbon sources. Roof mounted photo-voltaic systems are proposed on 10% of the total number of dwellings on the site. Each dwelling will be provided with a blanking plate, to enable them to install an electric vehicle charging point and this can be controlled by a condition.

1.96 Policy MWP1 of the Tees Valley Minerals and Waste DPD requires applications for major development to be accompanied by a Waste Audit. The developer has

complied with this policy, and the document provides detail regarding how the developer will ensure that waste will be minimised and managed correctly.

1.97 Photovoltaic panels are proposed on approximately 53 plots which is 22% of the houses and this can be controlled by a condition.

LOCAL FINANCIAL CONSIDERATIONS

1.98 The proposal would provide jobs during the construction phase and also Council Tax contributions once the houses are occupied.

CONCLUSION AND PLANNING BALANCE

1.99 Policy SUS1 echoes the advice in NPPF that there is presumption in favour of sustainable development. However, this does not change the statutory status of the development plan. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal would provide new housing on a site allocated as such in the Wynyard Masterplan. It would help the Council towards continuing to be able to demonstrate a 5-year supply of deliverable housing land. It would also secure on-site affordable housing, albeit not the full 18% sought by policy HSG9. It would provide all of the remaining S106 contributions that are necessary to make the development acceptable in planning terms. On balance, it is recommended that application should be approved.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.100 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.01 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.

1.102 The final scheme will be designed with the reduction of crime and anti-social behaviour in mind.

REASON FOR DECISION

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

RECOMMENDATION - RECOMMENDATION – APPROVE, subject to the completion of a Section 106 Agreement securing 17% on-site affordable housing, a primary education contribution (£718,698.75), secondary education contribution of (£469,596.60), health facilities (£117,390), Castle Eden Walkway (£60,750), East to West Footway/Cycleway (£241,056), and a contribution towards the established

coastal warden scheme of (£48,600) a Farmland's Bird Strategy and a Training and Employment Charter.

1. The development hereby approved shall be carried out in accordance with the following plans and reports:
 - a. Drawing No. 100, Rev P1 (Site Location Plan)
 - b. Drawing No. 103, Rev D4 (Proposed Site Layout)
 - c. Wynyard Phase 2 Housetype Drawing Pack, dated 26 March 2019
 - d. Drawing No. P07:3674:25 (206 Alderney (AS) Embassy Range
 - e. Waste Audit Dated September 2019
 - f. Travel Plan, dated March 2019
 - g. Ecological Appraisal, by E3, dated 2019
 - h. PV Schedule, dated 7th February 2019For 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. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Notwithstanding the submitted details prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected, garden levels, car parking levels and the areas adjoining the site boundary any proposed mounding or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
This needs to be pre-commencement to ensure that the land levels are properly recorded to take into account the position and levels of the building and car parking areas and the impact on adjacent residential properties.
5. Notwithstanding the submitted information and the measures outlines with the submitted Flood Risk Assessment, no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water: detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance

including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system through 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.

The needs to be pre-commencement to prevent increased risk of flooding from any sources in accordance with the NPPF and to ensure future maintenance of the surface water drainage.

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

This needs to be pre-commencement to prevent the increased risk of flooding from any sources in accordance with the NPPF.

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

This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area.

8. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, programme of the works to be undertaken, and implementation in accordance with the approved details and programme of works.

In the interests of visual amenity and biodiversity enhancement.

9. 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 other of the same size and species, unless the Local Planning Authority gives written consent to any variation.

10. No part of the residential development shall be occupied until a vehicular and pedestrian access to the proposed development has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highways and pedestrian safety and in the interest of the visual amenities of the surrounding area.

11. Prior to first occupation of the dwellings hereby approved, a compliance report to confirm that the energy demand of the development and its CO2 emissions (measured by the Dwelling Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policies QP7 and CC1.
12. 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 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 the contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objective. 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 the site is suitable for its intended use.
13. No construction/building/demolition 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 demolition on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the development does not adversely affect neighbours living conditions.
14. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitable qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In the interests of breeding birds.
15. Notwithstanding the submitted details none of the dwellings shall be first occupied until details of the proposed street lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the street lighting shall be provided in accordance with the approved details.

In the interests of biodiversity.

16. No development shall take place until details of a Construction Environment Management Plan (CEMP) based on the model wording within BS42020 and incorporating the measures identified within the Ecological Impact Assessment (EclA) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall only be carried out in accordance with the approved CEMP.

This needs to be pre-commencement to ensure that biodiversity interests are suitably protected in advance of work commencing.

17. No development shall take place including any vegetation or tree removal until details of a Landscape & Biodiversity Management Plan based on the model wording within BS42020 to incorporate measures identified within the Ecological Impact Assessment (EclA). Thereafter development shall only be carried out in accordance with the approved Landscape and Biodiversity Management Plan.

This needs to be pre-commencement to ensure that biodiversity interests are suitably protected in advance of work commencing.

18. No more than 140 dwellings authorities by this permission shall be first occupied until the local planning authority has approved in writing a full scheme of works of improvement to the A19/A689 junction and the approved works have been completed in accordance with the local planning authority's written approval.

In the interests of highway safety.

19. Notwithstanding the submitted information, prior to first occupation of the development hereby approved, details of the boundary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter development shall be implemented in accordance with the approved details prior to the occupation of each dwelling.

In the interests of a satisfactory form of development and in the interests of the amenities of future occupiers.

20. Notwithstanding the submitted details should the primary boulevard not connect into an adjacent section of the road where it leaves the site at the northern boundary, a vehicle turning head must be provided in accordance with the Council's Design Guide and Specification. The boulevard should also exit the site in a direction which facilitates smooth connection with further sections of the road in the future.

In the interests of highway safety

21. Notwithstanding the submitted details, no development above damp proof course on plot 202-213 shall commence until amended details have been submitted to and approved in writing to allow a maximum of 5 properties to be accessed from a private drive. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of highway safety.

INFORMATIVE 01 – STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

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

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

Copies of the applications are available on-line:

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

CONTACT OFFICER

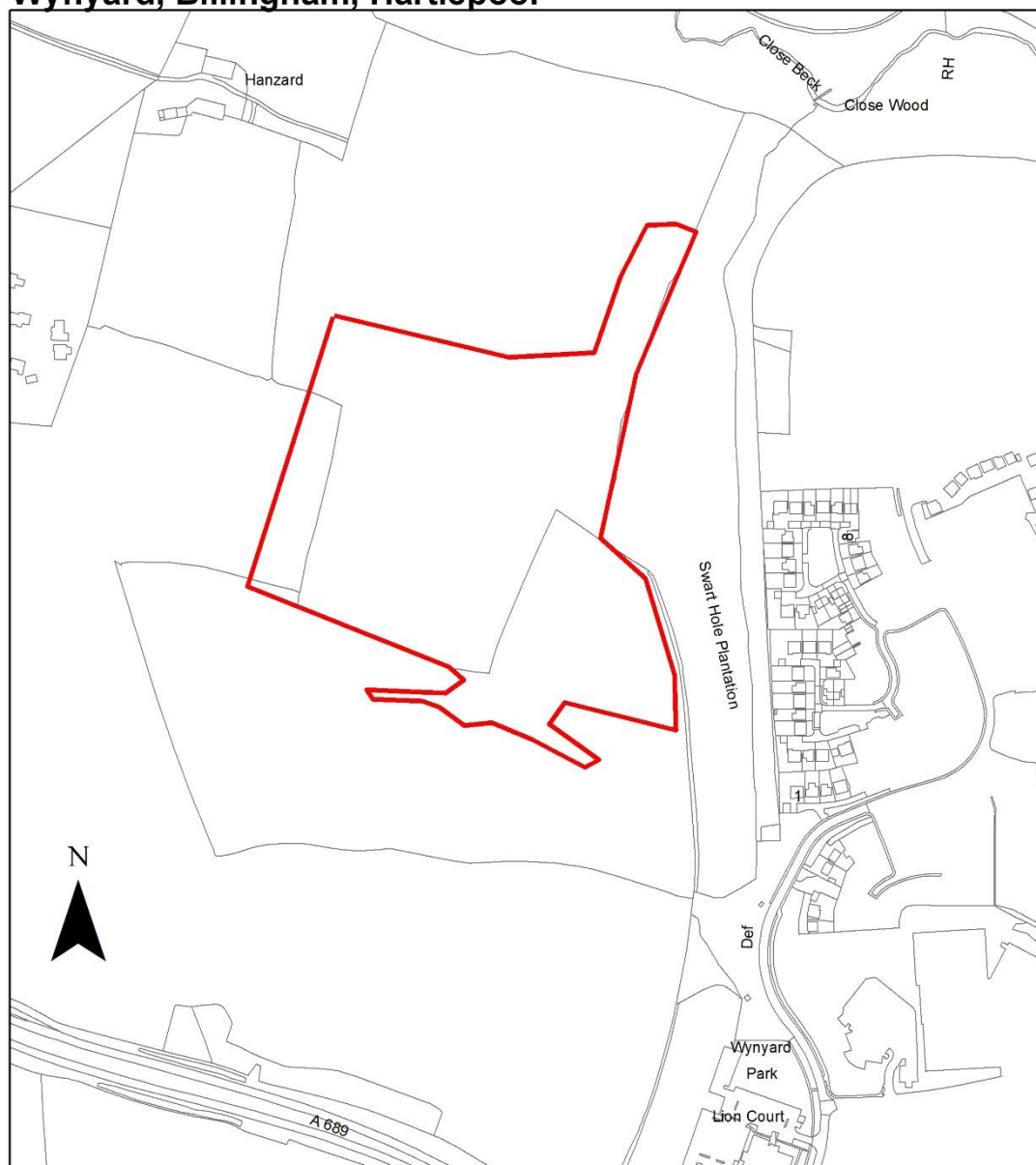
Kieran Bostock
Assistant Director – Place Management
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

Aidan Dobinson Booth
Principal Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523856
E-mail: aidan.dobinson-booth@hartlepool.gov.uk

Land to the north of Hartlepool Road (A689), Wynyard Park, Wynyard, Billingham, Hartlepool



Copyright Reserved Licence No100023390 (2021)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.06.2021
	SCALE 1:5,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0226	REV

No: 2.
Number: H/2020/0453
Applicant: MR P REED DALTON PIERCY HARTLEPOOL TS27 3HY
Agent: STOVELL & MILLWATER LTD 5 BRENTNALL CENTRE BRENTNALL STREET MIDDLESBROUGH TS1 5AP
Date valid: 15/01/2021
Development: Erection of 4 X 4 bedroom detached holiday cottages
Location: ABBEY HILL COTTAGES DALTON PIERCY 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 applications are considered to be relevant to the current application site (most recent first);

H/2020/0350 – Erection of a single storey side extension to existing detached laundry/storage building used in association with the holiday cottages and fishing ponds - Approved 17/02/2021.

H/2015/0382 - Retrospective change of use from holiday cottage to manager's accommodation associated with existing business – Approved 16/01/2017.

H/2014/0566 - Alterations to existing holiday cottages (2) approved by H/2012/0210 to sub-divide to create additional 2 units (2 x pair semi-detached) including external alterations and realignment of cottages – Approved 10/04/2015.

H/2014/0360 - Erection of wc/storage building – Approved 15/10/2014.

H/2014/0187 - Erection of a single storey side extension and detached garage – Approved 15/10/2014.

H/2012/0210 - Erection of two holiday chalets and formation of a fishing lake and retention of amendments to approved details including retention of a single lake, nature pond, WC/store, alterations to chalets, and relocation of Package Treatment Plant – Approved 11/10/2012.

H/2010/0234 – Formation of two fishing ponds erection of six holiday chalets and reception building, associated works and access road approved – Approved 21/06/2021.

H/FUL/0255/01 – alterations and conversion of redundant farm buildings to form tourist accommodation – Approved 20/03/2002.

H/FUL/0530/94 - Erection of two holiday chalets and formation of a fishing lake and retention of amendments to approved details including retention of a single lake, nature pond, wc/store, alterations to chalets, and relocation of package treatment plant approved – Approved 16/03/1995.

2.3 The following applications, which are close to the application site, are considered to be relevant to the current application;

H/2020/0215 - Outline application with all matters reserved for residential development comprising the erection of 5no. detached dwellings with associated detached garages and access, including demolition of existing dwelling, detached garage and stable block (Mayfield house, Dalton Piercy) – ‘Minded to approve’ subject to the signing of the 106 legal agreement.

H/2018/0249 - Change of use of land within Ashfield Caravan Park to site additional 37 static caravan pitches (Ashfield Caravan Park, Dalton Piercy) - Approved 31/07/2020.

PROPOSAL

2.4 The application seeks full planning permission for 4no. detached 4-bedroom holiday cottages at Abbey Hill Cottages, Dalton Piercy.

2.5 The proposal would be an extension to the existing fishing lake and holiday accommodation at the site and as such would utilise the same vehicle access as the current site. The proposed cottages are set on the east side of the existing fishing pond, across from five of the existing lodges/cottages. Each of the four cottages provides parking spaces next to the accommodation.

2.6 The scheme has been amended since the original submission following concerns raised by officers with respect to the scale/design of the proposed cottages. Further consultation was undertaken in March 2021 with respect of the amended plans. A further proposed elevation plan was received in June 2021 to address the changes to the floor plans on the previously submitted amended plans (an upper floor side window had been removed). Given the scale and nature of the change, no further consultation was considered necessary.

2.7 The proposed cottages (as amended) measure approximately 12.7m in width x 8.7m in length/depth x 6.7m in height (to the ridge line). Each of the proposed cottages would feature a set of French doors, 2 roof lights and a window in the front/west elevation as well as a projecting entrance which includes a pitched roof, connecting into the front roof slope (extends approximately 0.6m x 4.8m in width and 6m in height). The proposed cottages would feature a blank gable side elevation

(north) whilst the southern elevation would feature 2 x ground floor lounge/kitchen windows, and a utility door. The cottages provide 2 en suite bedrooms within the roof space which feature 2 velux windows in the front roof slope (west) and 2 velux windows in the rear roof slope (east). On the ground floor there would be 2 bedrooms, a bathroom, a utility and an open plan kitchen/lounge. The submitted details indicate that the proposed cottages would be finished in a mix of materials which include cedar cladding, white coloured render, slate roofing and anthracite grey uPVC windows and doors.

2.8 The application has been referred to committee due to the number of objections received in line with the Council's scheme of delegation.

SITE CONTEXT

2.9 The site is part of holiday accommodation which currently comprises of ten holiday cottages, one fishing pond and a wild life pond. The site is approx. 6 acres and is located approx. 0.9km - 1km from the edge of the built up area of Hartlepool to the east, with a similar distance from Dalton Piercy to the south west. The site is bounded to the north and west by mature hedgerows, to the south by planting and the buildings of Abbey Hill and Four Acres. To the east is Ashfield Caravan Park, to the south east is Field House Farm and to the north is Mayfield House. The area is characterised by a series of smallholdings and buildings served by a network of private drives.

PUBLICITY

2.10 The application has been advertised by way of press notice, site notice and neighbour letters (10). To date, one objection has been received. The concerns raised can be summarised as follows:

- Endorse concerns of the Hartlepool Rural Plan Group
- 'Overloading' beyond the 'reasonable tourist threshold'
- Use of accommodation by contractors/travelling workers should be channelled to existing underused facilities within the town area

2.11 As noted in the main consultation responses below, concerns have been received from the Hartlepool Rural Neighbourhood Plan Group as well as objections from Dalton Piercy Parish Council, and Elwick Parish Council. Their respective comments are set out in full at paragraph 2.14 below.

2.12 The period for publicity (neighbour letters, site notice, press advert) has expired.

2.13 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=141944>

CONSULTATIONS

2.14 The following consultation replies have been received:

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

HBC Public Protection – No objection.

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

UPDATE 24/03/2021

No further comments.

HBC Arboricultural Officer – No comments.

HBC Landscape Architect - Landscape and visual impacts of the proposed development will be minimal. There are no landscape and visual objections to the proposed development.

HBC Traffic and Transport - There are no Highway or traffic concerns. There would be minimal impact on the highway. The proposed homes should be restricted to holiday use.

HBC Economic Growth – Hartlepool Borough Council's Economic Growth Team have reviewed the planning application for an additional four holiday cottages on the land at the Abbey Hill Cottages, Dalton Piercy and the team approves of the proposal. The proposal is economically beneficial to Hartlepool – it allows an existing successful accommodation provider to provide additional, high quality accommodation to families and large groups, and aligns with the council's tourism objectives to increase visitor numbers and visitor length of stay. In addition, guests of the accommodation are likely to visit Hartlepool and spend their money locally, benefiting both local businesses and the local economy. Moreover, it is highly likely that as a result of the coronavirus pandemic the UK staycation market will boom and there will be an increased demand for accommodation such as holiday cottages.

UPDATED COMMENTS 25/03/2021

The Economic Growth Team have reviewed the amended plans for the erection of 4 X 4 bedroom detached holiday cottages at Abbey Hill Cottages, Dalton Piercy. The team continue to approve of the proposal in relation to its benefits to the local economy and the visitor economy sector in particular.

HBC Engineering Consultancy – In response to your consultation on the above application, I have no objection to proposals in respect of contaminated land or surface water management. Please can you include our standard unexpected contamination condition on any permission issued for proposals and in respect of surface water management we are satisfied that development takes place as shown on details submitted, that is surface water is managed on site by means of infiltration.

UPDATE 06/04/2021

In response to your additional consultation on the above application, we have no further comments.

HBC Ecology - Although the habitats to be directly affected by the proposals are not considered to be ecologically important, great crested newts have previously been recorded in the wider landscape. Therefore there is potential for the two waterbodies on site to support great crested newts (although it is unlikely that this species will breed successfully in the fishing lake due to predation of tadpoles by fish). The proposals are not likely to impact other protected species.

In order to understand the potential for significant ecological harm through impacts to great crested newts, the proposals should be supported by an appropriate scope of great crested newt survey. The presence or absence of GCN can be determined through analysis of water samples for environmental DNA (eDNA). This type of survey is relatively low cost, but has limitations in that it cannot provide population data that would be needed in order to obtain a mitigation licence should GCN be present. An ecological consultant will be able to advise on the merits of each survey type. The results of the survey undertaken should be submitted in support of the planning application.

Advice on employing an ecological consultant can be found on the following website: <https://cieem.net/i-need/finding-a-consultant/>

Based on the information available there appears to be a risk of significant ecological harm, which may require specific mitigation and/or protected species licencing. Currently I am not able to support the application.

UPDATE 27/04/2021

Having reviewed the submitted report in the context of the site I am satisfied that the proposals are unlikely to affect great crested newts. Therefore I have no objection on the basis of significant ecological harm.

In order to secure an ecological enhancement I suggest a condition securing implementation of the recommendations in section 4.2 of the Ecological Appraisal report.

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.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Environment Agency – No comments received.

HBC Waste Management – No comments received.

Hartlepool Rural Neighbourhood Plan Group - Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The Group make the following comments.

POLICY GEN1 – DEVELOPMENT LIMITS

Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham. The application site lies within the Green Gaps as identified on the Policies Map of the Rural Neighbourhood Plan. While it is an extension to an existing use this area is becoming increasingly intensively developed. To mitigate the growing impact on the openness of the countryside between the villages and Hartlepool particular attention needs to be taken with regard associated planting schemes. The Group would therefore request a condition be made in the interests of visual amenity, should the application be approved. This condition should require a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the new chalets are commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas and be implemented in accordance with the approved details and programme of works within as short a time period as possible from the completion of the development. The condition should also require 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 be replaced in the next planting season with others of the same size and species.

External lighting should be kept to a minimum and be as unobtrusive as possible in the interests of the visual amenity of the area. A condition for such lighting should be required to be submitted to and approved by the Planning Authority.

POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate: Para. 3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character. Para. 6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking space. It is regretted that the proposed chalets do not demonstrate any sense of place with regard the locality. There is also concern that this development increases traffic further on the single-track lane which is already under pressure from increased traffic. Improvements to the maintenance, condition and safety of the country lanes must be considered. Alleviating the impact on the villages, particularly Dalton Piercy and Elwick, of the increase in traffic arising from new development must also be considered.

POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY

The development of the rural economy will be supported through: Para. 1. The retention or expansion of existing agricultural and other businesses; Para. 5. appropriate tourism related initiatives; The development should be of a scale

appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure. All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward. This application is supported by with this policy in that it does expand an existing tourism related business which is already operating in the rural area. Caution is urged that any business does not enlarge to a point where it is detrimental to the environment and amenity of the rural area. To ensure the continued economic benefit the Group would ask for conditions to ensure that the holiday chalets, should they be approved, can only be used for holiday accommodation, and shall not be occupied as a person's sole or main place of residence. The operators should also be required to provide evidence of this continued use for inspection by the Local Planning Authority.

POLICY T2 - IMPROVEMENT AND EXTENSION OF THE PUBLIC AND PERMISSIVE RIGHTS OF WAY NETWORK

Improvement and extension of the public and permissive network of bridleways, cycleways and footpaths will be supported and where justified by and shown to be directly related to specific development proposals, financial contribution will be sought towards the following schemes. Para. 3. Cycleways and footpaths from Brierton, Dalton Piercy and Elwick to Hartlepool; Para. 4. Cycleways and footpaths linking Brierton, Dalton Piercy, Elwick, Greatham, Hart and Newton Bewley and providing direct and circular routes between the villages and the countryside; In order to encourage visitors to leave their vehicles at the holiday accommodation and further contribute to the local economy improvements to the rights of way away are desirable. Such will also provide an alternative to the narrow winding lanes for cyclists and pedestrians thereby increasing safety.

POLICY NE1 - NATURAL ENVIRONMENT

Para. 2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or wetland creation. Opportunities to de-culvert parts of Greatham Beck and its tributaries will be encouraged within the Neighbourhood Plan area.

Para. 3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. Para. 4. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting must where possible:

- a. Aim to reduce the impact of any new buildings or structures in the landscape setting;
- b. Provide screening around any non-agricultural uses;

- c. Use a mix of local native species appropriate to the landscape character area;
- d. Ensure that trees are planted at distances from buildings that provide sufficient space for the future growth of the tree to maturity.

There is considerable scope for improvements to the environment of the area around Abbey Hill as part of this application. The Group would encourage proposals for increase native hedge and tree planting. As stated previously the group would wish to see a condition requiring a detailed planting scheme along with a time scale for its completion. A scheme to enhance the wildlife potential of the site should also be required to be submitted to and approved in writing by the Local Planning Authority. The scheme to include proposed measures and a timetable for their implementation. Implementation to be in accordance with the agreed timetable and thereafter maintained for the lifetime of the development. In the interests of enhancing and maintaining the biodiversity of the site.

UPDATE 09/04/2021

(summarised) The comments of the group remain unchanged

Dalton Parish Council – Dalton Piercy Parish Council wish to object to application number H/2020/0453, 4x4bed holiday cottages at Abbey Hill Cottages on the following grounds; the proposed 'cottages' seem very large and while described as cottages the designs appear to be more like houses. What is the demand for such large holiday accommodation? Is this the true purpose for the dwellings? The Parish Council fully support businesses in this area running as holiday destinations. However, DPPC oppose the creation of a new village in this area and dwellings to be used as permanent homes here would be unacceptable. Are conditions attached to this development? The Parish Council continue to have safety concerns regarding the sharp blind corner and any increased pressure at this point is unacceptable.

UPDATE 12/04/2021

Amendments to the above application appear to be very minor, Dalton Piercy Parish Council remain unchanged in their wish to object to the proposals. DPPC are very concerned this area which lies within the Green Gap as identified in the Rural Neighbourhood Plan, is becoming intensively developed which is not in line with the rural setting of the area. Councillors wish to support the rural economy and particularly tourism activities in this setting. However, the cottages appear to be very large. Can the applicant prove there is a business case for this type of 4x bedroom holiday accommodation? DPPC very strongly support the following comments from HRP; to ensure the continued economic benefit the Group would ask for conditions to ensure that the holiday chalets, should they be approved, can only be used for holiday accommodation, and shall not be occupied as a person's sole or main place of residence. The operators should also be required to provide evidence of this continued use for inspection by the Local Planning Authority.

Furthermore; safety concerns, as increased pressure on local road infrastructure from multiple developments which includes this and others, must be considered. Dalton Road and the sharp bend close to the junction is under increased unacceptable- pressure. Again, DPPC strongly support the following comments from HRP; It is regretted that the proposed chalets do not demonstrate any sense of place with regard the locality. There is also concern that this development increases

traffic further on the single-track lane which is already under pressure from increased traffic. Improvements to the maintenance, condition and safety of the country lanes must be considered. Alleviating the impact on the villages, particularly Dalton Piercy and Elwick, of the increase in traffic arising from new development must also be considered.

Elwick Parish Council - Elwick Parish Council is very supportive of rural enterprises as a rule, but Councillors have some concerns about this considerable enlargement of the facilities on offer at this site. The increase to 4 x 4 -bedroom cottages, on top of the 2 and 3 -bedroom cottages already available, seems large; we would ask that, before planning permission is considered, concrete evidence of need for this many larger cottages is obtained from the owner. The financial information provided indicates the owners expect to let these cottages for 50 weeks every year, with 6 people per cottage every week, but is that realistic? Councillors are also concerned about the impact of yet more vehicles on the narrow Dalton Piercy road.

Should solid evidence of an on-going demand be provided to HBC, then EPC would expect conditions to be imposed, limiting lettings to holiday use only and for a limited number of weeks.

UPDATE 09/04/2021

Elwick Parish Council reiterates the concerns raised in response to the original application, which do not appear to have been addressed in this amended application

Highways England – Highways England do not wish to comment on the application. Please find our formal response of no objection.

Tees Archaeology - Thank you for the consultation on this application. I have checked the HER, and the site lies c. 300m to the west of a prehistoric enclosure (HER 8750) and c. 360m to the west of an Iron Age-Romano British settlement (HER 9446). However, the majority of the proposed development site appears to have been substantially landscaped, and is thus considered to be of low archaeological potential. I therefore have no objection to the proposed development.

PLANNING POLICY

2.15 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

2.16 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
 INF1: Sustainable Transport Network
 INF2: Improving Connectivity in Hartlepool
 LS1: Locational Strategy

LT4: Tourist Accommodation
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
RUR1: Development in the Rural Area
RUR5: Sustainable Rural Tourism
SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan

2.17 The proposal is within the Hartlepool Rural Neighbourhood Plan (2018) area and the following policies apply to this proposal:

GEN1: Development Limits
GEN2: Design Principles
EC1: Development of the Local Economy
PO1: Planning Obligations
T2: Improvement and Extension of the Public and Permissive Rights of Way

National Policy

2.18 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.

2.19 The following paragraphs are relevant to this application:

PARA 001: Introduction
PARA 002: Permission determined in accordance with development plan
PARA 003: Introduction
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 083: Supporting a prosperous rural economy
 PARA 084: Supporting a prosperous rural economy
 PARA102: Promoting Sustainable Transport
 PARA109: Considering Development Proposals
 PARA 124: Achieving well-designed places
 PARA 127: Achieving well-designed places
 PARA 130: Achieving well-designed places
 PARA153: Planning for Climate Change
 PARA170: Conserving and enhancing the natural environment
 PARA212: Implementation

2.20 HBC Planning Policy comments (updated)

2.21 There are no Planning Policy concerns with regards to this proposal providing that the council's highway engineers are satisfied that an intensification of the access is unlikely to increase highway safety risks in the area. To ensure that visitors have the opportunity to enjoy the rural area on foot, a contribution of £500 per lodge should be secured to the upgrading of the surrounding public rights of way. Given the isolated location of the proposal and the likelihood of a high number of vehicle trips associated with the accommodation, mitigation should be made with regards to the level of co2 emissions that will be associated with the site. 10% of the anticipated energy use should derive from a renewable source.

PLANNING CONSIDERATIONS

2.22 The main planning considerations with respect to this application relate to the principle of development (including renewables and planning obligations), the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring land users, the impact on highway safety, drainage and ecology. These and any other planning matters are considered as follows.

PRINCIPLE OF DEVELOPMENT

2.23 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the Borough consists of the policies within the adopted Hartlepool Local Plan (2018) and the Hartlepool Rural Neighbourhood Plan (2018), as well as minerals and waste policies where relevant.

2.24 The National Planning Policy Framework (NPPF) is a material planning consideration in the determination of planning applications. The NPPF was updated in February 2019. The policies within the 2018 Local Plan and 2018 Rural Neighbourhood Plan were found to be in accordance with the 2012 NPPF. The Council's Planning Policy section are of the view that the policies within the 2018 Local Plan and 2018 Rural Neighbourhood Plan are significantly aligned with the 2019 NPPF and thus the Local Plan and Rural Neighbourhood Plan are paramount

in determining this application. Notwithstanding the above, the relevant NPPF paragraphs have been applied to assist in determining this application.

2.25 As set out in full above, objections have been received from Dalton Piercy Parish Council, Elwick Parish Council, and concerns raised from the Hartlepool Rural Plan Group, including the view that they consider the proposals to be contrary to the relevant policies of the Rural Neighbourhood Plan and Local Plan. Notwithstanding the objections and concerns, all three parties have suggested that mitigation could be provided through relevant planning conditions to address some of these concerns, should the proposal be recommended for approval. These elements are considered at the relevant material considerations of the report below.

2.26 Both the Hartlepool Local Plan (2018) and the Hartlepool Rural Neighbourhood Plan (2018) set development limits, beyond which there is a presumption against development. Development limits tend to be tightly drawn around the Borough's urban core and around the villages. The current application site is beyond the development limits of both the urban core (to the east) and Dalton Piercy (to the south west) as defined by Local Plan Policy LS1 (development limits). The application site is designated within the allocated 'Green Gaps' as shown on the Hartlepool Rural Neighbourhood Plan Proposals Map (as designated by Policy GEN1 (Development Limits) of the Hartlepool Rural Neighbourhood Plan).

2.27 Notwithstanding this, the nature of the proposed use for an extension to existing tourism accommodation associated with the fishing lake is considered to support the rural economy and can be considered acceptable in principle under the relevant policies of the Local Plan (in particular Policies RUR1 and RUR5) and those of the Rural Neighbourhood Plan, subject to appropriate conditions to secure the use (including a standard condition to prevent permanent residential occupation) and consideration of the other material planning consideration identified below. This view is supported by HBC Planning Policy. Furthermore, the proposed use is supported by the HBC Economic Growth team who consider that the proposals offer benefits to the local economy and the visitor economy sector in particular.

ENERGY EFFICIENCY AND RENEWABLE ENERGY

2.28 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.

2.29 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%.

2.30 The ability of the scheme to mitigate its carbon emissions through the use of renewable energy technology is particularly important in this instance given its isolated location in the open countryside and resulting reliance on private cars for

access to services. These measures can be secured by an appropriate planning condition. The proposal is therefore considered to be acceptable in this respect.

PLANNING OBLIGATIONS

2.31 In the interests of providing sustainable development, in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 (Planning Obligations), Rural Neighbourhood Plan policy PO1 (Planning Obligations - Contributions Towards Meeting Community Infrastructure Priorities) and the Council's adopted Planning Obligations Supplementary Planning Document, the Council's Planning Policy section has confirmed that developer contributions will be required given the site's location.

2.32 As such, every attempt should be made to ensure that users have the choice to take more sustainable transport options. Policy QP3 (Location, Accessibility, Highway Safety and Parking) of the Local Plan stipulates that the council will seek to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel. Policy T2 (Improvement and Extension of the Public and Permissive Rights Of Way Network) of the Rural Neighbourhood Plan states that improvement and extension of the public and permissive network of bridleways, cycle ways and footpaths will be supported.

2.33 To ensure visitors have the opportunity to enjoy the rural area on foot, the Council's Planning Policy has requested a contribution of £500 per lodge (£2000 in total) for the upgrading of the surrounding public rights of way. The applicant has agreed to this financial contribution, which will need to be secured through a section 106 legal agreement. This will help toward improvements to accessibility and safety of walking links within the area which is considered to be acceptable by the Council's Planning Policy section and the Council's Countryside Access Officer.

IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

2.34 The application site is located within open countryside, and forms part of an existing holiday complex which is characterised by cottages overlooking a fishing lake. The existing cottages on the site are a mix of single storey and 1 ½ storey cottages which provide 6 x 2 bed cottages, and 4 x 3 bed cottages. The proposed cottages will provide 4 bedroom accommodation. The Hartlepool Rural Plan Group has raised concerns that the "chalets do not demonstrate any sense of place with regard the locality". Whilst these comments/concerns are noted and officers relayed such concerns to the applicant in seeking an amended design and reduced scale of the cottages, the design of the properties have been amended to reduce the size, which officers consider to be more in keeping with the application site, in particular being of a similar scale to the existing buildings on the site to the south. It is therefore considered that the scale and appearance is, on balance, considered to be acceptable in this instance and would not warrant refusal of the application.

2.35 Furthermore, the immediate area is characterised by holiday accommodation with cottages on the application site and a caravan park which is located to the east of the site. The site is screened in part by virtue of the surrounding land levels and

mature hedging and trees. The proposals do not include the loss of any existing hedges, and actually proposes additional hedging and soft landscaping, which can be secured by a planning condition (and as requested by the Rural Plan Group). The Council's Landscape Architect has confirmed that given the location that the proposal would not have a detrimental impact upon the landscape. Concerns raised by the Rural Plan Group that any lighting should be kept to a minimum and be unobtrusive within the area. Whilst no details of lighting have been provided, in the event that such additional lighting is required, this can be controlled by condition.

2.36 Subject to conditions for detailed landscaping proposals and any lighting, the proposals are considered acceptable with respect to the impact on the character and appearance of the surrounding area and the development is considered to accord with the relevant policies of the Local Plan and the Rural Neighbourhood Plan.

IMPACT ON AMENITY OF NEIGHBOURING LAND USERS

2.37 Paragraph 127 of the NPPF requires that planning decision should ensure that developments create places with a high standard of amenity for existing and future users. Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that development should not negatively impact upon the relationship with existing and proposed neighbouring land users 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.

2.38 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 adopted Residential Design SPD (2019).

2.39 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.

2.40 Whilst it is acknowledged that the proposed cottages are not for permanent use and are for holiday accommodation, the proposals should still meet separation distances as detailed above to protect not only existing properties adjacent to the site, but also the privacy and amenity of users of the holiday cottages themselves.

2.41 The existing cottages within the Abbey Hill site located to the west are separated by the fishing lake, with a separation of approximately 75m in between whilst the proposals would be sited at an oblique angle of approximately 30m to the existing cottages to the south. It is therefore considered that the proposal would not have a significant detrimental impact on the privacy or amenity of these existing

neighbouring cottages within the site in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

2.42 The 4no. proposed cottages themselves, which are located on the east side of the site, are to be set in a slightly staggered layout (north to south) facing on to the fishing lake. Each of the proposed cottages would have two windows and an access door within the side/south elevation which in turn would face onto a blank gable wall of the adjacent cottage. There is also a separation of approximately 10m between the cottages, which are separated by tree planting a parking spaces, and therefore the proposal accords with the aforementioned Policy QP4 and the SPD in this respect.

2.43 The closest neighbouring properties beyond the application site are those at Mayfield House (north) which is in excess of being approximately 60m away. This site is subject to a recently 'minded to approve' recommendation for outline planning permission for residential development subject to the signing of a section 106 legal agreement (which has yet to be progressed by the applicant at the time of writing). Given the distance between the two sites, it is considered that there would not be a significant impact upon the amenity and privacy of existing and future occupiers of the adjacent site in terms of loss of outlook, overbearing or overlooking.

2.44 The neighbouring site to the east is Ashfield Caravan Park, which has both touring accommodation and static caravans and the separation distance between this site and the application site (and proposed cottages) is in excess of 80m (approximately) and is screened in part by existing hedging, and the site levels with the application site sitting on a lower level to the adjacent caravan park. It is therefore considered given the separation between the two sites that there would not be a significant impact upon the amenity and privacy of existing and future occupiers of the adjacent site in terms of loss of outlook, overbearing or overlooking.

2.45 It is acknowledged that the proposal is likely to result in an intensification and increase in activity at the existing (and proposed) site entrance, however given the scale of the development and remaining separation distances to neighbouring land users, it is not considered that the proposals would result in an adverse loss of amenity in terms of noise disturbance for surrounding properties. Furthermore, no objections or requirements have been received by HBC Public Protection.

2.46 The proposed separation distances as set out above are therefore considered to be acceptable and in accordance with the minimum separation distance requirements as set out in Policy QP4 of the Local Plan and the Residential Design SPD. In view of the satisfactory separation distances, and existing and proposed boundary screening, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

HIGHWAY AND PEDESTRIAN SAFETY

2.47 Concerns have been raised with regard to the intensification of the local road network and access to the site, and the potential impact on highway and pedestrian safety. The existing access to the site would be used with access to an internal

route and parking for each cottages being provided. The site also retains a large parking area between the access road and the internal access route within the site.

2.48 The Council's Traffic and Transport section have confirmed that they have no objection to the proposal and are satisfied with the proposed layout and parking arrangements, however they have requested that the cottages be retained as holiday accommodation, which can be secured by appropriate condition (as required to restrict the use in planning terms in any event). Highways England were consulted and have raised no objections. The proposal is considered to be acceptable in highway and pedestrian safety terms.

2.49 As noted above, the proposal is to also secure financial contributions towards improvements to the existing public rights of way network.

ECOLOGY, LANDSCAPING AND NATURE CONSERVATION

2.50 The Council's Ecologist advised of the need for a Great Crested Newt Survey to be carried out. A report was duly submitted and has been reviewed by the Council's Ecologist who is satisfied that the proposals are unlikely to affect great crested newts, and therefore raises no objection on the basis of any significant ecological harm.

2.51 Notwithstanding this, the submitted Ecological Appraisal makes a number of recommendations for ecological enhancement which include (but not limited to) the installation of wildfowl refuge tubes, removal of vegetation around the wildlife pond and the fishing lake, willow tree cut out and removal, and where possible include wildlife friendly features which is supported by the Council's Ecologist who has requested that the measures be secured, which can be done by an appropriate planning condition.

2.52 The proposal does not require the removal of any existing trees or hedgerows. The submitted information indicates additional planting and enhancement of existing hedgerows in accordance with the relevant policies of the Local Plan and Rural Neighbourhood Plan. Full details can be secured by an appropriate planning condition. The Council's Arboricultural Officer and Landscape Architect have been consulted and raise no objection to the proposal.

2.53 In view of the above and subject to the identified conditions, the application is considered to be acceptable with respect to the impact on ecology, landscaping and nature conservation, and in accordance with the relevant policies of the Local Plan, Rural Neighbourhood Plan and the relevant paragraphs of the NPPF.

FLOOD RISK AND DRAINAGE

2.54 The Council's Flood Risk Officer has been consulted on the application and has confirmed that he has no objections to the proposals and is satisfied that surface water is managed on site by means of infiltration and this can be secured by an appropriate planning condition. Furthermore, no objection has been received from Northumbrian Water. The submitted information indicates that the foul sewage is to be disposed of by a new package treatment plant. No comments have been received

from the Environment Agency in respect of this however it is understood that such works may also require an Environmental Permit from the Environment Agency, and an informative can be applied to the decision notice for the applicant's consideration. Furthermore, it is understood that this element will need to be considered through the requisite building regulations application for the cottages. The proposal is therefore considered to be acceptable in this respect.

OTHER PLANNING MATTERS

Land Contamination

2.55 The Council's Engineers have been consulted and have advised that they have no objection to proposals in respect of contaminated land, however have requested a standard condition to deal with any unexpected contamination discovered during the works, which is recommended accordingly.

Public Rights of Way

2.56 The Council's Countryside access Officer has confirmed that there is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. As noted above, the applicant has agreed to pay developer contributions (£2,000) towards improvements to accessibility and safety of walking links within the area, which it is envisaged will improve accessibility to the public rights of way network in this area. This is to be secured by way of a section 106 legal agreement.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.57 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.58 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.

2.59 There are no Section 17 implications.

REASON FOR DECISION

2.60 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 completion of a s106 legal agreement to secure £2000 towards improvement works to public rights of way, and subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.

2. The development hereby approved shall be carried out in accordance with the following plans:
 HL/20/003/003/A Rev A (Proposed Site Plan), HL/20/003/006/A Rev A (Proposed Sections), HL/20/003/001/A Rev A (Location Plan) received by the Local Planning Authority on 14.03.2021; HL/20/003/004/B Rev B (Proposed Floor Plans) received by the Local Planning Authority on 18.03.2021; Ecological Appraisal (Jonathan Pounder, JP Environmental Services date issue 21 March 2021) received by the Local Planning Authority on 22.03.2021; and HL/20/003/005/C Rev C (Proposed Elevations) received by the Local Planning Authority 23.06.2021.
 For the avoidance of doubt.
3. 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 the visual amenity of the surrounding area, in accordance with Policy QP4 and LS1 of the Hartlepool Local Plan.
4. Prior to the commencement of development a report identifying how the scheme will generate 10% of the predicted energy supply from on-site renewable energy shall be first submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed/installed in line with the approved scheme prior to occupation.
 In the interests of promoting sustainable development in accordance with Policy CC1.
5. All ecological enhancement measures shall be implemented in accordance with the details contained in paragraph 4.2 of the Ecological Appraisal (Jonathan Pounder, JP Environmental Services date issue 21 March 2021, received by the Local Planning Authority on 22.03.2021), final details of such works, including a timetable for implementation, shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved scheme and timetable for implementation.
 To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.
6. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme of landscaping and tree and shrub planting, to include native hedge and tree planting, and a schedule for implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following first use of the dwellings (holiday accommodation hereby approved) 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.

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

7. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. Thereafter, the agreed scheme shall be implemented following first use of the dwellings (holiday accommodation hereby approved) or completion of the development, whichever is the sooner.

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

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

To ensure any site contamination is satisfactorily addressed.

9. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

10. The holiday cottages hereby approved shall be used only for holiday accommodation and shall not be occupied as a person's sole or main place of

residence. The operators of the holiday cottages shall maintain an up-to-date register of the names of all occupiers of the holiday cottages on the site and of their main home addresses and shall make this information available for inspection at all reasonable times to the Local Planning Authority.

The accommodation has been allowed as holiday accommodation its permanent occupation as a main residence would not be acceptable, and in the interests of highway and pedestrian safety.

11. 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 dwellings (holiday accommodation) hereby approved shall not be extended in any way, nor shall any garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.

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 adjacent land users and protect the character of the area.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of Enclosure, shall be erected within the curtilage of any chalets without the prior written consent of the Local Planning Authority.

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

13. Prior to the erection of any lighting associated with the development hereby approved, details of such lighting shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter the approved scheme shall be installed and maintained in accordance with the approved details.

In the interest of the visual amenity of the surrounding area.

14. The surface water drainage for the development hereby approved shall be carried out solely in accordance with the submitted details as shown on Dwg No: HL/20/003/003 Rev A (Site Plan) date received by the Local Planning Authority 04.03.2021.

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

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141944>

2.62 Copies of the applications are available on-line:

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

CONTACT OFFICER

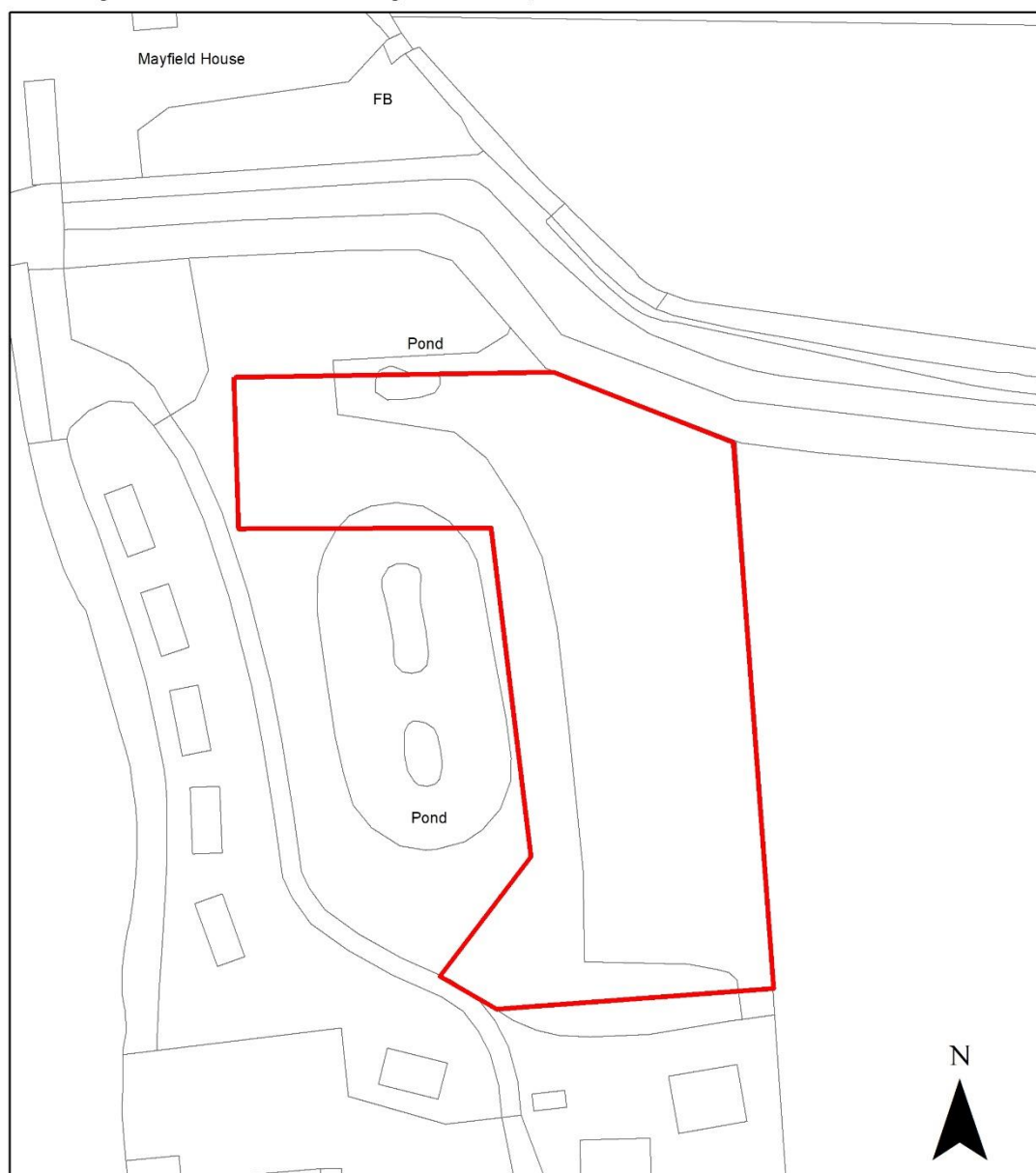
2.63 Kieran Bostock
Assistant Director – Place Management
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

2.64 Jane Tindall
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523284
E-mail: jane.tindall@hartlepool.gov.uk

Abbey Hill Dalton Piercy, Hartlepool

Copyright Reserved Licence No100023390 (2021)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.06.2021
	SCALE 1:1,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0453	REV

No: 3.
Number: H/2020/0336
Applicant: SARAH PRESTEDGE ELWICK ROAD HARTLEPOOL TS26 0LQ
Agent: SARAH PRESTEDGE HIGH TUNSTALL COLLEGE OF SCIENCE ELWICK ROAD HARTLEPOOL TS26 0LQ
Date valid: 30/03/2021
Development: Provision of 6 x 8m high Flood Lights on the existing multi-use games area.
Location: HIGH TUNSTALL COLLEGE OF SCIENCE ELWICK ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The site has a detailed planning history of which the following most recent applications are considered to be relevant to the current proposals;

H/2018/0150 - Demolition of existing school buildings and redevelopment of the site to provide a replacement school building and playing pitches along with car parking, hard and soft landscaping and access arrangements – approved 05/07/2018.

H/2019/0256 - Erection of extension to school building to create sports changing pavilion – approved 19/08/2018.

H/2019/0268 - Display of 2no. school name signs on the northern elevation of the new building and 1no. sign on the eastern elevation of the main building – approved 21/10/2019.

H/2019/0418 – Provision of an all weather playing pitch, installation of 8 x 15m high floodlights, fencing, gates and associated works – approved 20/12/2019.

H/2019/0438 – Installation of catering pod to south of new school block/west of new sports block – approved 20/03/2020.

H/2020/0114 - Remodelling of existing car park and landscaping areas to provide additional 142 parking bays, new vehicle and pedestrian access, security fencing, CCTV and lighting - approved 13/07/2020.

H/2021/0186 - Retention of demountable classroom and continuation of previous planning approval (H/2008/0695). Change of use from storage facility to classroom – pending consideration.

PROPOSAL

3.3 Full planning permission is sought for the provision of 6 x 8m high floodlights to be erected around an existing multi use games area (MUGA). The MUGA is enclosed by mesh fencing approx. 2.4m in height at High Tunstall College of Science. The games area (understood to be formerly tennis courts) is located within the school grounds on the eastern side of the site.

3.4 The application is supported by a 'floodlighting lighting impact study/overspill readings' report. The proposal has also been amended during the course of the application with the provision of 'backshields'/'spill-light control louvres' to be applied to the floodlights. Despite officer requests, an actual full elevation of the floodlight has not been received (although a technical specification of the floodlight has been submitted) and in the event that the application is approved, the final detail could be secured by a planning condition. In view of the information submitted, officers consider that there is a satisfactory level of detail to consider and determine the application without prejudice to the planning process.

3.5 The application has been referred to the Planning Committee due to the number of objections received and the officer recommendation, in line with the Council's Scheme of Delegation.

SITE CONTEXT

3.6 The application site is an existing school site at High Tunstall College of Science, Elwick Road which has recently been subject to a new build and redevelopment of the site (which is currently ongoing) along with other developments, as detailed in the recent planning history of this report. The main school building is west of the MUGA, with a number of school buildings to the north of the MUGA. The school site is bound by residential properties. The closest residential property to the MUGA is 29 West Park (south east) which is approximately 18m from the fencing of the multi use games area. Woodlands Grove to the east of the site is approximately 60m away, Blaise Gardens to the north of the site is approximately 170m with properties to the west at Keilder Grove in excess of 280m (with the new school buildings in-between).

PUBLICITY

3.7 The application has been advertised by way of neighbour letters (47) and site notice. To date, there has been 3 letters of objection.

3.8 The concerns raised can be summarised as follows:

- Increase in activity and noise late into the evening
- Loud music and microphones coming from the school
- Floodlighting detrimental to living conditions

- Increase in traffic/parking
- Not in keeping with residential area
- How will the area be supervised including lights being turned off
- Loss of views

3.9 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=140338>

3.10 The period for publicity has expired.

CONSULTATIONS

3.11 The following consultation replies have been received:

HBC Landscape Architect – There are no landscape and visual objections to the proposed development.

HBC Ecology - While no supporting ecological information has been submitted, based on the presence of mature trees and aquatic habitat, there is significant potential for habitats to the east of the application area to be important for foraging and commuting bats. I have some concerns that the proposal will result in harm to any population of bats using this area.

While I recognise that an impact study has been completed this has not considered ecological impacts, which are a relevant consideration in this case. Specific issues with the current design are a high increase in light levels falling on the adjacent habitat and the colour temperature of the proposed lighting. At present I cannot support the proposal.

Information on measure to mitigation impacts to bats can be found in joint guidance from Bat Conservation Trust and Institution for Lighting Professionals (<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>). Specific mitigation measures may include timing restrictions to avoid sensitive periods, avoiding light spill to the east and selecting luminaire types that avoid UV elements.

UPDATE 22.06.2021

Subsequent to my previous consultation response discussions have taken place between myself and High Tunstall College, this has included a site visit undertaken on 19th May 2021. I have also been made aware of a bat survey report undertaken in relation to the previous application for construction of the school, which I have had the opportunity to review.

Having visited the site I can confirm that the habitats to the east of the application area are suitable for foraging and commuting bats, being comprised of a mosaic of semi-natural vegetation including watercourse, trees, scrub and unmanaged grassland and displaying a good level of connectivity with higher value bat foraging habitats in the wider area, including Ward Jackson Park.

Having reviewed the previous bat survey information I can also confirm that, although previous bat survey focused on the now demolished building, common pipistrelle bats have previously been recorded within the vicinity of the application area and the habitats to the east. Given the quality of this habitat in relation to that within the school site, it remains likely that this area is well used by foraging and commuting bats. In light of the additional information available my concerns regarding harm to bats have not been alleviated.

Subsequent to my previous consultation response the applicant has amended to scheme design to include shielding. This has reduced the light spill to the east, however this reduction is not sufficient to avoid impacts to foraging bats. The amendment has not addressed the potential harm caused by disruption to invertebrate prey assemblages through the introduction of a UV light source adjacent to the habitat.

Further mitigation measures are required to minimise impacts. From the site visit it is clear that screening planting is impractical, however timing of the use of lighting remains a potential solution. I have proposed a cut-off time of 8:00 pm from March to October inclusive (i.e. outside of the bat hibernation period) to reduce the impact to an acceptable level. The applicant has proposed a cut-off time of 9:00 pm, in line with previous planning conditions for adjacent areas, with this time brought forward to 8:00 pm during September and October.

My assessment is that a cut-off time of 8:00 pm during the period when bats are actively foraging would result in ecological harm. However, this harm would occur predominantly during March, at which point nocturnal hours are longer and a number of months remain prior to the main breeding season. Therefore the harm caused is unlikely to be significant. In my view, any longer use of lighting in this location, including the timings proposed by the applicant, would result in significant ecological harm.

Paragraph 175 of NPPF and paragraph 6 of policy NE1 both require that significant ecological harm be prevented through the application of the ecological mitigation hierarchy. In this instance the mitigation hierarchy has not been applied and the proposals would appear to result in significant residual ecological harm. In such cases both NPPF and policy NE1 are clear that permission should be refused.

HBC Sports and Recreation - After looking at the associated documentation relation to planning application H/2020/0336 I don't have any concerns from a sport and physical activity perspective. The proposed floodlighting provides increased accessibility to high quality facilities within the borough, it also links to the Playing Pitch Strategy in regards to enabling community use of the MUGA.

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

HBC Engineering – No objection (verbal)

HBC Public Protection - I would have no objection to this application providing the following conditions were met.

- a condition limiting the hours of operation - from the 1st March through to 31st October the site and floodlights will only be used between the hours of 08:00hrs and 20:00hrs and from 1st November and (to the end of) February between the hours 08:00hrs to 21:00hrs.
- A condition allowing the operator to control the levels of illumination, including the output and intensity of lighting.
- a condition requiring that shielding be used around the light in order to minimise light spillage so to minimise the visual disturbance to the surrounding area

Cleveland Police – No comments received.

Sport England – It is understood that the proposal affects playing field land, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- . all or any part of a playing field, or
- . land which has been used as a playing field and remains undeveloped, or
- . land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

Having responded on the statutory aspect of this development, we also wish to pass comment on the value of sports floodlighting. Outdoor sports lighting provides an important way of extending the use and the overall value of outdoor sports facilities. In the summer period, England enjoys long hours of daylight that give the opportunity to take part in sports and leisure activities during the long summer evenings. In contrast, the winter daylight can be as short as 7 hours a day and can restrict opportunities for outdoor sports to short periods during the weekends. In numerical terms, outdoor sports lighting can extend the playing hours by some 1000 -1500

additional hours per annum and this can allow people to train or play evening matches 7 days a week, all year round. Sports facilities at school sites are ultimately funded by the taxpayer and as a matter of principle Sport England considers right that where possible they should be made available for community use. We therefore welcome and applaud the school's ambitions for curriculum and community sporting benefits and health and well-being benefits set out in the Planning Statement submitted in support of the application. As set out above the floodlights are fundamental to realising the full value of the refurbished courts and allowing the wider community to share that sporting value. Accordingly Sport England wishes to additionally support the floodlighting of the courts. The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

PLANNING POLICY

3.12 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

3.13 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

INF4: Community Facilities

LS1: Locational Strategy

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

3.14 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so

would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 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 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

3.15 HBC Planning Policy Comments - Planning policy have no objections subject to case officer satisfaction that the proposed lighting will not have a detrimental impact on the amenity of neighbouring uses

PLANNING CONSIDERATIONS

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

3.17 The main planning considerations with respect to this application are the principle of the proposed development, the impact of the proposals on the amenity of neighbouring land users, the design of the proposals and impact on the character and appearance of the area, ecology, flooding and drainage, highway safety, and any other planning matters.

PRINCIPLE OF DEVELOPMENT

3.18 Policy INF4 of the Hartlepool Local Plan seeks to ensure that all sections of the community have access to a range of community facilities. The principle of development has been established by the current use of the site (i.e. a sports facility used by High Tunstall School). The existing multi games area is considered to have health and wellbeing benefits, alongside providing a facility that the wider community can access. HBC Planning Policy considers that the proposals are in line with Policy INF4.

3.19 Furthermore, there have been no policy objections to the proposed development or objection from Sport England or the Council's Sport and Recreation team, both of which support the application and the benefits that it can offer.

Therefore, it is considered the principle of development is acceptable subject to the consideration of other material planning matters.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.20 Policy QP4 of the Hartlepool Local Plan stipulates 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. Paragraph 17 of the NPPF requires that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

3.21 Objections have been received from neighbouring properties with regard to the floodlights and the perceived impact it will have on neighbouring residents within the immediate area in terms of noise, loss of outlook and impact from the lighting.

3.22 The proposed floodlights are to support an existing multi games area (MUGA) which is located in the east of the school site (it is understood to have previously been used as tennis courts). The MUGA benefits from high weld mesh fencing, around the perimeter of the pitch. The proposed floodlights would sit outside of the mesh fencing around the playing pitch, but will be fully contained within this area of the school site as a whole, which has weld mesh fencing securing the site (albeit the floodlights would clearly be higher than the existing boundary fence). The proposed lights are to enhance the use of the existing multi games area. The use of the games area will be managed by the school.

3.23 The proposed floodlights (and existing MUGA) are fully contained within the school site, which is set back from the public highway. The residential properties to the west on Kielder Road would be primarily screened from the proposed floodlights by the existing school buildings and are approximately 220m away from the proposed siting of the floodlights. The residential properties to the north at Blaise Garden Village are approximately 135m away from the proposed site, with the presence of school buildings and the highway of Elwick Road in between. The residential properties to the east at Woodlands Grove are approximately 38m away and are partially screened by planting/trees along the perimeter of the school. The properties to the south on Coniscliffe Court and Coniscliffe Road are in excess of 160m away (approx.).

3.24 The closest residential properties to the multi games use area (and proposed floodlights) are the properties to the south/south east along West Park, of which No 29 is the closest property; the gable side elevation (north) and main rear (west) elevation are located at a separation distance of approximately 18m from the proposed floodlighting and existing MUGA. It was observed that this dwelling features a blank gable side elevation (north) whilst there is some screening from existing planting and trees along the boundary with this property.

3.25 To this effect, it is acknowledged that the proposal will be visible from a number of properties within vicinity of the application site (including those closest at West Park) and that the proposal has the potential to result in a change to the outlook and increased disturbance to these properties (as a result of the proposal facilitating later

use of the MUGA, particularly during winter evenings and provision of illumination at a high level (approximately 8m)).

3.26 The proposed flood lighting scheme would consist of 6 x 8m high columns, mounted with eight LED luminaires. The application is supported with a flood lighting specification report to demonstrate anticipated light spillage whilst all of the floodlights are to be fitted with integral louvres or 'backshields' to reduce lightspill and glare for residential properties. This has been considered by the Council's Public Protection team who have raised no objections to the scheme. They have however requested a number of conditions to include limiting the hours of operation when the lights can be used (to reflect the same requirements from ecological mitigation perspective, as discussed further below in this report), the provision of the shielding to be used around the light in order to minimise light spillage and visual disturbance to the surrounding area, and a condition to allow the operator to control the levels of illumination, including the output and intensity of lighting. Subject to the securing of these measures by appropriate planning conditions, the scheme is considered acceptable.

3.27 In view of the above considerations including the satisfactory remaining separation distances, the established siting of the school and associated MUGA, and that HBC Public Protection have raised no objections to the application, it is considered on balance that the proposed development either in isolation or in combination with the recent approvals at the school site (including permission H/2019/0418 which includes provision of 8 x 15m high floodlights to the north of the school site and that of the current application site) would not have a significant detrimental impact on the amenity and privacy of neighbouring land users in terms of outlook, overbearing, overlooking and general noise and disturbance as to warrant a refusal of the application. The proposal is therefore considered to be acceptable in this respect and in accordance with paragraph 17 of the NPPF, and policy QP4 of the Hartlepool Local Plan.

IMPACT ON CHARACTER AND APPEARANCE OF APPLICATION SITE AND SURROUNDING AREA

3.28 The Hartlepool Local Plan 2018 advises that development should be of a scale and character which is in keeping with its surroundings. Policy QP4 (Layout and Design of Development) seeks to ensure all developments are designed to a high quality and positively enhance their location and setting through appropriate layout, scale and form, the use of a variety of appropriate design elements and a mix of materials and colours amongst other considerations. The National Planning Policy Framework (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3.29 The existing multi use games area (MUGA) is set within the school site and set back from the public highways to the north with substantial planting to the east. Furthermore, certain sections of the proposal would be partially screened by existing school buildings and existing planting within the school site.

3.30 The proposed floodlights would be fully contained within the school site and set back from the public highway. As noted above, it is considered that the remaining separation distances to the identified residential areas are acceptable from a residential amenity perspective but also in turn from a visual amenity perspective for the wider area.

3.31 It is further considered that the introduction of floodlighting to an existing multi use games area within an existing school would not be out of character with the overall area when taken as a whole. The use of floodlights to facilitate existing sport and leisure facilities and schools is considered appropriate in design terms.

3.32 It is acknowledged that the provision of floodlighting along the east and south-east boundary of the playing pitch approximately 8m in height would be visible from surrounding properties, albeit at satisfactory separation distances as detailed above. Notwithstanding this, consideration is given to view that the proposed floodlighting would be read (from certain views) against the backdrop of the existing and new school buildings, which are substantial in scale. In view of the siting of such structures and distances to the adjacent boundaries, that the proposed floodlights have been designed to reduce horizontal and vertical light overspill to neighbouring properties (and will be subject to a condition for when the lights are to be turned off), it is not considered that the proposal would have a significant detrimental visual impact upon the visual amenity of the surrounding area as to warrant a refusal of the application. As detailed in the proposal section, the final design (finishing colour, provision of the louvres/backshields and provision of a lighting control) can be secured by a planning condition.

3.33 In view of the above, it is considered that the proposal would not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area, subject to the abovementioned condition(s). The proposal is therefore considered to be acceptable in this respect and in accordance with policies INF4 and QP4 of the adopted Hartlepool Local Plan (2018) and paragraphs 124 and 127 of the NPPF (2019).

ECOLOGY

3.34 The Council's Ecologist has been consulted and raised initial concerns in regard to the potential impact on foraging bats. Following a site visit carried out by the Council's Ecologist and discussions with the applicant, an amended lighting scheme has been received which will include the provision of shielding. This has shown a reduced light spill to the east, however this reduction is not sufficient to avoid impacts on foraging bats. Furthermore, this amendment has not addressed the potential harm caused by disruption to invertebrate prey through the introduction of a UV light source adjacent to the habitat and as such the Council's Ecologist considers that further mitigation measures are required to minimise impacts. It is acknowledged that the provision of screen planting in this location would be impractical, however the Council's Ecologist considers that a timing of the use of lighting would be a solution. Therefore it is recommended that the lights are turned off at 2000 hours between the 1st March - 31st October (inclusive), and at 2100 hours between 1st November - 28/29th February (inclusive). The mitigation measures of the backshields and hours for the lights to operate can be secured by

appropriate conditions. Subject to the relevant planning conditions the application is, on balance, considered to be acceptable in terms of ecology and the natural environment.

HIGHWAY SAFETY AND CAR PARKING

3.35 Objections has been received with regard to the increase in traffic and parking. It is understood that the proposed development would use the existing school access points and parking areas that has provision for 150 spaces for community visitors. The Council's Highways, Traffic and Transport section has been consulted and raise no concerns with regard to parking and highway safety. The application is therefore considered to be acceptable with respect to highway and pedestrian safety.

FLOOD RISK AND DRAINAGE

3.36 The application site is located in Flood Zone 1 and is therefore at a lower risk of flooding. The Council's Engineering section has been consulted on the application and has raised no concerns. The application is therefore considered to be acceptable with respect to matters of flood risk and drainage.

OTHER MATTERS

3.37 An objection received has made reference to the loss of views; the 'Right to Light' and 'Right to a view', operate separately from the planning system and is not a material planning consideration.

3.38 Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

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

CONCLUSION

3.40 The proposed development would enhance the sport and recreation facilities available at the site and is considered to be acceptable in principle. It is not considered that the development would adversely affect the amenity of neighbouring land users or the visual amenity of the surrounding area. The proposal is also considered to be acceptable in respect to all other material planning considerations. On this basis the officer recommendation is to approve the application subject to the identified relevant planning conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.41 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.43 There are no Section 17 implications.

REASON FOR DECISION

3.44 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 conditions below:

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 plan(s) and details Dwg No(s) HTTCF 01 (Location Plan), HTTCF 02 (Site Plan) and HTTCF03 (Block Plan) received by the Local Planning Authority on 09.03.2021; Halliday Lighting Report Project Ref: 1424 (Floodlighting Lighting Impact Study/Overspill Readings) received by the Local Planning Authority 01.03.2021; 'Philips OptiVision LED gen3.5 floodlighting system' data sheet received by the Local Planning Authority 05.03.2021; and Design A (Project No. D1) (Amended Lighting Design Plan) date received by the Local Planning authority on 14.06.2021.
For the avoidance of doubt.
3. Notwithstanding the submitted information and prior to any above ground construction, the final design details of the 6no. 8m high floodlights hereby approved shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the final finishing colour, the external spill-light control louvres/backshields to be installed to each of the 6no. flood lights, and details of a light sensor or other mechanism/scheme to control the levels of illumination (including the output and intensity of lighting) to be fitted

to the floodlights hereby approved. Thereafter the development shall be carried out and operate in accordance with the approved details for the lifetime of the development hereby approved.

In the interests of the visual amenity of the surrounding area, and the amenity of neighbouring land users.

4. The floodlighting hereby approved shall only operate between the following times and months as follows:

0800 and 2000 hours between the 1st March - 31st October (inclusive), and 0800 and 2100 hours 1st November - 28/29th February (inclusive) and shall be turned off outside of these hours.

In the interests of the amenities of the occupants of neighbouring properties and for the protection of European Protected Species, in accordance with paragraph 175 of the NPPF.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140338>

3.46 Copies of the applications are available on-line:

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

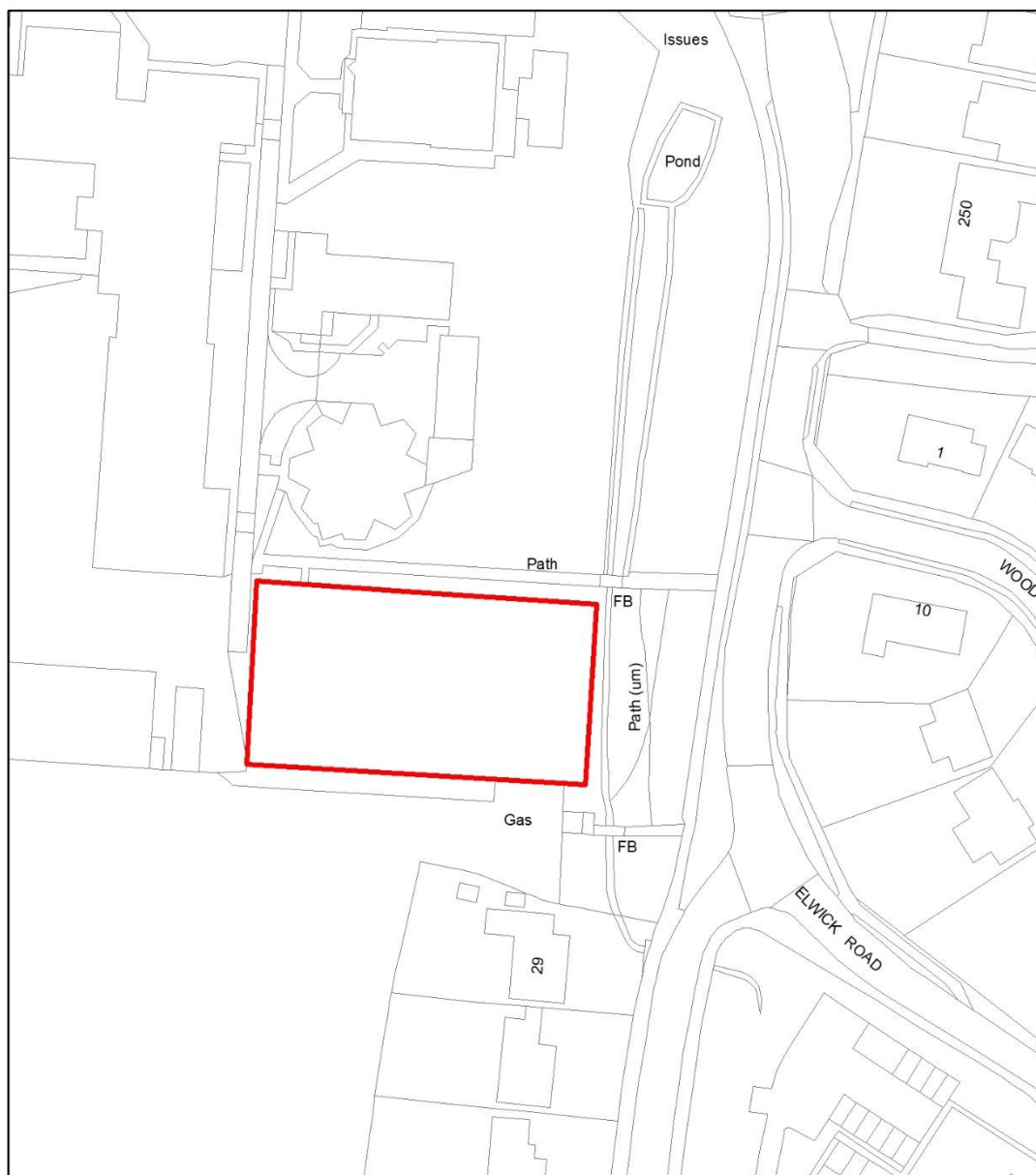
CONTACT OFFICER

- 3.47 Kieran Bostock
Assistant Director – Place Management
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

- 3.48 Jane Tindall
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523284
E-mail: jane.tindall@hartlepool.gov.uk

Tunstall School Elwick Road, Hartlepool

Copyright Reserved Licence No100023390 (2021)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.06.2021
	SCALE 1:1,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0336	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

14 July 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. The erection of an outbuilding in the rear garden of a residential property in Kirkstone Grove.
2. Running a beauty business from a converted residential garage at a residential property in Caistor Drive.
3. The use of land as a drive-in cinema at land adjacent to a leisure complex on Tees Road.
4. The change of use of a former shop in Errol Street to a residential property.
5. The installation of a uPVC window and the poor maintenance of guttering at a commercial premises in Scarborough Street.
6. The erection of a large studio, incorporation of land at the rear, and running a business at a residential property in Nightingale Close.
7. Running a car and motorcycle repair business at a residential property in Sandringham Road.
8. Damage to a wall and non-compliance with a working hours condition at a residential development site at land at Worset Lane.
9. Running a car scrapping business at a residential property in Jones Road.
10. The installation of a wind turbine at a residential property in Challoner Road.
11. The installation of a gate at the rear of a commercial premises in Chester Road.

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

1. The erection of a high fence on the side boundary at the rear of a residential property in Bartram Court. The fence has since been reduced in height in accordance with permitted development rights
2. The installation of uPVC windows and a uPVC door at a residential property in Friar Terrace. The uPVC windows and door have since been replaced with timber windows and a timber door.
3. The installation of a pink timber door at a residential property in Friar Terrace. There has been no breach of planning control in this instance.
4. The erection of an outbuilding in the rear garden of a residential property in Oakwood Close. Permitted development rights apply in this case.
5. The painting of a mural at a licensed premises on Croft Terrace. Permitted development rights apply in this case.
6. Earthworks involving the creation of additional hardstandings and associated works at a residential park homes site on Easington Road. Permitted development rights apply in this case.
7. The erection of an outbuilding in the rear garden of a residential property in Shields Terrace. Permitted development rights apply in this case.
8. The change of use to a homeless shelter of a residential property in St Aidan's Street. The property is currently vacant. No change of use has occurred.
9. Running a hot food takeaway business at a residential property in Bolton Grove. The hot food takeaway business has since ceased to operate at the property.

2. RECOMMENDATION

2.1 Members note this report.

3. CONTACT OFFICER

3.1 Kieran Bostock
Assistant Director – Place Management
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 284291
E-mail kieran.bostock@hartlepool.gov.uk

AUTHOR

3.2 Tony Dixon
 Enforcement Officer
 Level 1
 Civic Centre
 Hartlepool
 TS24 8AY
 Tel (01429) 523277
 E-mail: tony.dixon@hartlepool.gov.uk