

# PLANNING COMMITTEE

## AGENDA



Wednesday 16<sup>th</sup> March 2022

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 15<sup>th</sup> March and name and address details will be taken for NHS Test and Trace purposes.

“You should not attend the meeting if you are required to self-isolate or are displaying any COVID-19 symptoms (such as a high temperature, new and persistent cough, or a loss of/change in sense of taste or smell), even if these symptoms are mild. If you, or anyone you live with, have one or more of these symptoms you should follow the NHS [guidance on testing](#)”

### MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Cook, Elliott, Fleming, Harrison, Little, D Loynes, Stokell, Young and Vacancy

#### 1. APOLOGIES FOR ABSENCE

#### 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

#### 3. MINUTES

3.1 To confirm the minutes of the meeting held on 16<sup>th</sup> February 2022

#### 4. ITEMS REQUIRING DECISION

##### 4.1 Planning Applications – *Assistant Director (Place Management)*

1. H/2020/0307 Deer Run, Land off Coppice Lane, Wynyard (page 1)
2. H/2014/0405 Land between A689 and Brierton Lane, South West Extension (page 13)

### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

**5. ITEMS FOR INFORMATION**

- 5.1 Update on Current Complaints – *Assistant Director (Place Management)*
- 5.2 Appeal at Cherry Tree Cottage, Brierton Lane - *Assistant Director (Place Management)*
- 5.3 Appeal at Hartlepool Rovers Quoit Sports and Social Club and Premises, Easington Road - *Assistant Director (Place Management)*
- 5.4 Appeal at 115 Brierton Lane - *Assistant Director (Place Management)*
- 5.5 Appeal at Three Oaks, Brierton Lane - *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 6<sup>th</sup> April 2022



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **16<sup>th</sup> February 2022**

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

**Present:**

Councillor: Mike Young (In the Chair)

Councillors: Moss Boddy, Paddy Brown, Rob Cook, Jennifer Elliott,  
Tim Fleming, Brenda Harrison, Sue Little and Cameron Stokell

In accordance with Council Procedure Rule 4.2 Councillor Veronica Nicholson was in attendance as substitute for Councillor Denis Loynes

Also Present: Councillors Tom Feeney and Shane Moore.

Officers: Jim Ferguson, Planning and Development Manager  
Dan James, Planning (DC) Team Leader  
Tony Hanson, Director of Neighbourhood and Regulatory Services  
Kieran Bostock, Assistant Director (Place Management)  
Sylvia Pinkney, Assistant Director (Regulatory Services)  
Gemma Ptak, Assistant Director (Preventative and Community Based Services)  
Sarah Scarr, Coast, Countryside and Heritage Manager  
Tim Wynn, Strategic Asset Manager  
Peter Frost, Highways, Traffic and Transport Team Leader  
Chris Scaife, Countryside Access Officer  
Tom Stephenson, Ecologist  
Helen Smith, Senior Planning Policy Officer  
Stephanie Bell, Senior Planning Officer  
Jane Tindall, Senior Planning Officer  
Nick Robertson, Planning Officer  
Alex Strickland, Legal Representative  
Jo Stubbs, Democratic Services Officer

Prior to the commencement of the meeting, the Chair referred to the recent death of the Ceremonial Mayor, Councillor Brenda Loynes. Elected Members stood in silence as a mark of respect.

## **71. Apologies for Absence**

Apologies were submitted by Councillor Denis Loynes.

## 72. Declarations of interest by members

Councillor Paddy Brown declared an interest in planning application H/2021/0139 (1 Seaton Reach) as he was linked with the applicant on social media. However he confirmed this would not impact on his decision.

Councillor Sue Little declared an interest in planning application H/2021/0552 (Sea View Guest House) as Ward Councillor.

Councillor Sue Little declared an interest in planning application H/2021/0139 (1 Seaton Reach) as Ward Councillor.

Councillor Sue Little declared a prejudicial interest in planning application H/2021/0498 (Land East of Brenda Road and South of Seaton Lane) and indicated she would leave the meeting during consideration of this item.

Councillor Mike Young declared a pecuniary interest in planning application H/2021/0139 (1 Seaton Reach) and indicated he would vacate the Chair and leave the meeting during consideration of this item.

Councillor Mike Young declared a prejudicial interest in planning application H/2021/0498 (Land East of Brenda Road and South of Seaton Lane) and indicated he would vacate the chair and leave the meeting during consideration of this item.

## 73. Confirmation of the minutes of the meeting held on 15<sup>th</sup> December 2021

Minutes approved

## 74. Planning Applications *(Director of Regeneration and Neighbourhoods)*

<b>Number:</b>	H/2021/0262
<b>Applicant:</b>	FRUTAROM (UK) LTD ZINC WORKS ROAD HARTLEPOOL
<b>Agent:</b>	MABBETT & ASSOCIATES LIMITED MRS SUSAN BELL 11 SANDYFORD PLACE GLASGOW
<b>Date received:</b>	17/09/2021
<b>Development:</b>	

Construction of an amenity building and odour control unit to service the existing Frutarom facility (part retrospective)

**Location:** FRUTAROM UK LTD ZINC WORKS ROAD  
HARTLEPOOL

The agent spoke on behalf of the Applicant. He advised that this was not an application for an extension but was rather an attempt to improve the current situation regards atmospheric discharges. This was a requirement of the Environment Agency and was not due to any public complaints.

A member queried whether Frutarom were currently fully compliant with all the required environmental licences. The Agent confirmed that they were but this odour control unit would make them more efficient.

A member advised that the public footpath leading to the entrance to the facility had been blocked. The Assistant Director (Place Management) to pass this matter on to the relevant department.

Members approved the application by a majority.

**Decision:** **Planning Permission Approved**

### **CONDITIONS AND REASONS**

1. The development hereby permitted shall be carried out in accordance with the plans Location Plan Rev A, 42 BayCTX, Option 2, Rev 6 and AP6156-0-340 Rev C1 (General Arrangement Free Standing Stack (process Scrubber) and details received by the Local Planning Authority on 7 July 2021, 305564-003aGPansSTFigs AS-F3 Rev 1.2 (Block Plan) received by the Local Planning Authority on 26 July 2021 and Elevation Drawing Rev 1 received by the Local Planning Authority on 27 July 2021 and Level 2 Flood Risk Assessment and Outline Drainage Strategy VO.9 162553/FRA/001 (dated 16/03/2021) received by the Local Planning Authority on 28 May 2021.

For the avoidance of doubt.

2. Within 3 months of the date of the decision notice, a scheme that includes the following components to deal with the risks associated with contamination of the site, as well as an associated timetable for implementation to address each component, shall be submitted to and agreed in writing to the Local Planning Authority:
  1. Site Characterisation  
An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the

Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - a. human health,
  - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - c. adjoining land,
  - d. groundwaters and surface waters,
  - e. ecological systems,
  - f. archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

#### 2. Submission of Remediation Scheme

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

#### 3. Implementation of Approved Remediation Scheme

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

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

#### 4. Reporting of Unexpected Contamination

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

Planning Authority.

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

**5. Long Term Monitoring and Maintenance**

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

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

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

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

3. Notwithstanding the submitted information and within 3 months from the date of the decision notice, a detailed scheme for the disposal of surface water from the development and timetable for implementation shall be submitted in writing by the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the development shall take place in accordance with the approved details and timetable.

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

4. Prior to the demolition of the existing odour control unit, a scheme for dust suppression measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.

In the interest of the amenity of neighbouring land users.

The Committee considered representations in relation to this matter.

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**Number:** H/2021/0473

**Applicant:** MR T WASS NINTH AVENUE BURTON UPON TRENT

**Agent:** FUSION BY DESIGN MR DAVID LOWE FABRIC HOUSE, HOLLY PARK MILLS WOODHALL LANE CALVERLEY LEEDS

**Date received:** 25/10/2021

**Development:** New covered pergola with heaters and festoon lights within the existing beer garden

**Location:** TRAVELLERS REST 363 STOCKTON ROAD HARTLEPOOL

Officers noted a proposed amendment to the conditions. In particular condition 2 (hours of use condition). It was considered that given the fact patrons could simply sit at the beer garden tables after the restriction it served no planning purpose. It's omission was supported by Public Protection.

A member noted reference within the report to a number of other works on site which might require planning permission in the future. He suggested that consideration of the application be adjourned until an application on these works be brought forward. The Planning Team Leader (DC) advised that the only element of these works which would be likely to require planning permission would be the festooned lighting. The member moved that the application be adjourned however there was no seconder.

A member queried whether the pergola would have been acceptable when planning regulations around outside hospitality had been relaxed due to covid. The Planning Team Leader (DC) advised that such relaxation had only applied to temporary structures therefore the pergola would have needed planning permission in any case due to its permanent status.

The Agent urged members to support the application which would provide cover to an established outside seating area. Hospitality had been placed under severe pressure due to covid and people now preferred to sit outdoor during clement weather. Any objections due to noise and disturbance were irrelevant as the outside seating area was already in situ.

Members approved the application by a majority. There was 1 abstention.

**Decision:** **Planning Permission Approved with the agreed omission of previously proposed condition 2 (hours of use).**

### **CONDITIONS AND REASONS**



1. The development hereby permitted shall be carried out in accordance with the plans and details Site Location Plan (scale 1:1250), Drwg. No. 4143-PL03 Rev - 'Existing & Proposed Elevations', Drwg. No. 4143-PL02 'Proposed Part Ground Floor Plan & Beer Garden', Drwg. No. 4143-PL01 'Existing Part Ground Floor Plan & Beer Garden' received by the Local Planning Authority on 14th October 2021; and Drwg. No. 4143-PL04 'Existing & Proposed Block Plans' received by the Local Planning Authority on 25th October 2021.

For the avoidance of doubt.

2. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements, applications, banners or other covers should be displayed on the boundary fences or pergola structure at any time.

In order to protect the character and appearance of the area.

3. The festoon lighting hereby approved and as detailed on plan Drwg. No. 4143-PL02 ('Proposed Part Ground Floor Plan & Beer Garden', date received by the Local Planning Authority on 14th October 2021) shall only be switched on at times when the public house (that the application site relates to) is open to members of the public.

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

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2021/0552
<b>Applicant:</b>	MR JOHN KERRIDGE SEATON CAREW HARTLEPOOL
<b>Agent:</b>	MR JOHN KERRIDGE SEAVIEW 11 THE GREEN SEATON CAREW HARTLEPOOL
<b>Date received:</b>	07/12/2021
<b>Development:</b>	Replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts
<b>Location:</b>	SEA VIEW GUEST HOUSE 11 THE GREEN SEATON CAREW HARTLEPOOL

Members noted that this application had previously been refused for listed building consent as the changes would cause less than substantial harm to the designated heritage asset of a grade 2 listed building and the Seaton

Conservation area. The Heritage and Countryside Manager explained that as a listed building the rules around amendments were on a higher standard and changes should only be allowed if the public benefit outweighed the harm which would be caused. In this case no public benefit had been demonstrated. The onus was on the applicant to give sufficient detail and demonstrate any public benefits and this was made clear to applicants.

Members queried what officer concerns were in this case. The Planning Team Leader (DC) advised that in principle the opening mechanism was acceptable but the use of plastic was not supported on a listed building noting that they would visually differ with thicker frames that did not replicate the finer details of timber. As a listed building in a conservation area these premises were prioritised at the highest level.

The applicant urged members to go against officer recommendations and support his application. He was currently unable to heat the house properly due to its proximity to the coast and UPVC windows would help with this. He rejected the suggested option of wooden double glazing saying this would cause condensation and eventually lead to rotten wood. He also rejected suggestions that the changes would be obvious saying nobody would be able to tell the difference. However the Heritage and Countryside Manager commented that it was very difficult to replicate the fine glazing on timber. There would also be a flatter appearance on UPVC and the window reflection would be slightly different.

Members queried whether there was an option for double glazing in hardwood windows. The Heritage and Countryside Manager advised that it would be easier to get single glazed but secondary glazing could provide energy efficiency and well fitted it could be draught proof. The applicant reiterated his concerns that wooden windows located on the sea front were unsustainable due to rotting concerns. He had explored all options and only UPVC double glazing would give the preferred outcome.

A member moved that consideration of this application be deferred to allow members to see a sample of proposed window for themselves. Officers queried who would provide the sample as this could incur a cost to the applicant. Members also asked if it would be possible to see more detailed plans in terms of the dimensions involved. The motion for deferral was therefore amended to allow for the provision of clear dimensions rather than a physical sample. Officers again queried whether the applicant would provide this information. Another member suggested a site visit noting that getting a sample would be expensive and difficult while detailed dimension information could be hard to translate mentally. The Chair queried whether members felt they had enough information at the moment to make a decision. A member noted the location of the building was having an impact on the applicant while another noted the generalized nature of the pictures which had been provided. The Chair noted that an updated policy on windows in conservation areas was still being formulated however this was a Grade 2 listed building so there was guidance.

A member moved that the vote be taken on the officer recommendation. Members voted to refuse the application using the Chair's casting vote. The Chair expressed his sympathy for the applicant but felt that other options such as secondary glazing should be tested more before they were dismissed given the building status as grade 2 listed. There was 1 abstention.

**Decision:** **Planning Permission Refused**

### **REASONS FOR REFUSAL**

1. In the opinion of the Local Planning Authority, it is considered that the proposal would cause less than substantial harm to the designated heritage assets of the Grade II Listed Building and the Seaton Conservation Area by virtue of the design, detailing and use of materials. It is considered that the works would detract from the setting, character and appearance of the designated heritage asset(s). It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 126, 130, 131, 185, 190, 192, 193, 196 and 200 of the NPPF (2021).

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2021/0139
<b>Applicant:</b>	MR JOSEPH FRANKS DUNSTON ROAD HARTLEPOOL
<b>Agent:</b>	MR JOSEPH FRANKS 4 DUNSTON ROAD HARTLEPOOL
<b>Date received:</b>	08/12/2021
<b>Development:</b>	Change of use of main premises from restaurant (use class E, formerly A3) to restaurant and drinking establishment (Sui Generis use class) and erection of a container (stack) measuring approximately 20ft x 8ft to serve food and drinks (also Sui Generis use class)
<b>Location:</b>	1 SEATON REACH CORONATION DRIVE HARTLEPOOL

**The Chair had previously declared a pecuniary interest and left the meeting.**

**Councillor Paddy Brown in the Chair.**

Officers updated members on a number of additional objections as well as the outcome of additional outstanding consultations with Natural England and the Environment Agency to which no further comments and/or objections were received.

Members noted a number of objections to this application from residents alleging that they had not been personally notified regarding this application. The Planning Team Leader (DC) gave details of the consultation process which had been undertaken in this case. He commented that planning officers always exceeded the statutory consultation requirements but a line had to be drawn somewhere in terms of which residents were personally contacted. The fact that they had objected however indicated that they had become aware of the application, possibly through the extensive use of site notices. The objections referred to came from residents some distance from the premises with a busy highway between them. There had been no objections from nearby businesses. A member referred to the current opening times and the potential for outside noise caused by this application. However it was noted that this would be a licensing matter and not for planning to decide.

The Applicant addressed members advising that his only concern regarding the officer recommendation was the 3 year limit. This was a massive investment but this limit would make it difficult to offer long term employment. The Planning Team Leader (DC) advised that members could extend the permission to a maximum of 5 years should they wish. Members made a number of suggestions for a further time extension beyond 5 years and up to 10 years. Officers felt 5 years was a substantial period and that a temporary permission of this kind had never previously been given for 10 years. Members moved that a motion be made to extend the permission given to 5 years. This was approved by Members. Members subsequently approved the recommendation, with the 5 year amendment, by a majority.

**Decision:** **Planning Permission Approved with the agreed update to condition 1 (temporary permission for the 'stack' element) to allow for 5 years (instead of the previously proposed 3 years).**

### **CONDITIONS AND REASONS**

1. The 'stack' container (and associated seating areas, steps and railings) hereby approved shall be removed from the site in its entirety, the use shall cease and the land restored to its former condition on or before 16.02.2027 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

The use hereby approved is not considered suitable as a permanent form of development to safeguard the future regeneration aspirations of the area, having regard to Policies LT1, LT3 and QP4 of the Hartlepool Local Plan 2018.

2. The development hereby permitted shall be carried out in accordance with the plans and details Dwg. No. 2116.P.03 'Location Plan' (scale 1:1250) and 'Proposed Block Plan' (scale 1:500), Dwg. No. 2116.P.04 'Existing Plans and Elevations' (including Proposed Block Plan With Flood Risk Areas', Dwg. No. 2116.P.02 Rev A 'Proposed Plans and Elevations', Dwg. No. 2116.P.01 Rev C 'Existing Plans & Elevations inc Proposed Block Plan with Flood Risk Areas' received by the Local Planning Authority on 8th December 2021, document JF Pub Group LTD 'Planning Application Supporting Statement / March 2021' received by the Local Planning Authority on 19th January 2022.

For the avoidance of doubt.

3. Prior to above ground construction, details of all external finishing materials for the 'stack' container (and associated seating areas, steps and railings) hereby approved as detailed on Dwg. No. 2116.P.02 Rev A 'Proposed Plans and Elevations' (received by the Local Planning Authority on 8th December 2021) shall be first submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter, the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

4. Notwithstanding the submitted information and prior to the first use of the 'stack' container (and associated seating areas, steps and railings) hereby approved, details of ventilation, filtration and fume extraction equipment to reduce cooking smells, and/or provide air circulation within the kitchen as may be required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the development, the approved scheme shall be

implemented and thereafter retained and used in accordance with the manufacturers' instructions at all times whenever food requiring ventilation, filtration and fume extraction is being cooked on the premises.

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

5. The premises (including the 'stack' container and associated seating areas, steps and railings) hereby approved shall only be open to the public between the hours of 7.00 and 23.30 Mondays to Sundays inclusive.

In the interests of the amenities of the occupants of neighbouring properties and in accordance with Policy RC1 of the Local Plan.

6. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the premises at Unit 1, Seaton Reach (and the 'stack' container) shall be used as a restaurant and drinking establishment (Use Class 'Sui Generis) as defined in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020) and for no other purpose or use.

To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development in accordance with Policy RC1 of the Hartlepool Local Plan (2018).

7. 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 'stack' container (and associated seating areas, steps and railings) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

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

8. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements, applications, banners or other covers should be displayed on the glazed screens at any time without the prior written approval of the Local Planning Authority.

In order to protect the character and appearance of the area.

The Committee considered representations in relation to this matter.

**Number:** H/2021/0498

**Applicant:** KEEPMOAT HOMES MONKTON BUSINESS  
PARK SOUTH KOPPERS WAY HEBBURN

**Agent:** HEDLEY PLANNING SERVICES MISS HANNAH  
CHAPMAN 3B EVOLUTION WYNYARD  
BUSINESS PARK WYNYARD

**Date received:** 11/11/2021

**Development:** Demolition of all existing buildings and erection of  
234no. new dwellings and associated infrastructure  
and landscaping

**Location:** LAND EAST OF BRENDA ROAD AND SOUTH OF  
SEATON LANE (FORMER EWART PARSONS  
SITE) HARTLEPOOL

### **Councillor Sue Little left the meeting**

Officers updated members advising that no objections had been received from Network Rail, Northumbrian Water and the Environment Agency and also tabled an updated list of planning conditions including an additional condition requested from the Environment Agency.

A member raised concerns at the proposed walkway which would link the development with Seaton Lane feeling it could lead to anti-social behaviour. The Planning (DC) Team Leader and the Planning & Development Manager noted that it would be a poorer scheme without the link which was required to deliver a sustainable development. The Planning and Development Manager noted that if this walkway were removed aside from a much longer walk around from the access on Brenda Road, the only access to and from the development would be via a loose gravel path at the other end which was on a steep embankment and much more enclosed with trees, bushes and shrubbery unlikely to be attractive to parents with prams, the elderly and at night. Therefore this walkway between 31-41 Seaton Lane would provide a direct link to the shops and would encourage families to walk and would be much safer and easier for them to use whilst also providing a potential cycle link onto the National Cycle Route 14 which connects Durham and Darlington. The Strategic Asset Manager also noted the potential number of disabled occupants that were expected to move into the on-site bungalows who would be unable to access the other entrance. In terms of anti-social behaviour concerns the Planning and Development Manager noted it was a main route to the shops so would be well used. There were opportunities for passive surveillance which helped address those concerns with a house facing the entrance to the estate and uninterrupted views into and out of the site from the public road through the 6m gap between the two properties, meaning it would be difficult for anybody to hide, or loiter there without being observed. He also

noted that appropriate street lighting could be secured through the Section 38 highway agreement again to deter anti-social behaviour. He asked members to consider the wider benefits of the link, in terms of the sustainability of the scheme (encouraging residents to walk to services) against the risk that it might be misused.

A member was pleased to note the large number of 2-bedroom bungalows included in the submission but asked if some 3-bedroom bungalows could be added. The Assistant Director (Place Management) commented that the provision of 3-bedroom bungalows was being brought forward at other sites across the town. In terms of the walkway he highlighted that there had been similar concerns around the Hillview footpath which had not come to fruition.

In terms of the 106 agreement officers felt that the viability assessment showed a low profit margin for the housing and it was felt that the applicant would be unable to provide all the usual obligations for this reason. It was felt that in this case it was preferable to bring the site back into use.

A representative for the applicant was present and addressed the Committee. He indicated that Keepmoat Homes had been approached to develop this site after others had shown little interest. They had succeeded in receiving a development grant of £1.9 million but this was conditional on work beginning on-site by the end of March. In terms of the two walkway links to Seaton Lane he advised that he would be happy for members of his family to walk the proposed access route alone between 31 and 41, noting that there were houses close to it and with lighting, it would therefore be much safer than the other one proposed. A member queried whether there would be mitigation provided to prevent people from going straight through the footpath onto Seaton Lane. The Planning and Development Manager confirmed that highway officers could work with the developer on these details as part of the section 38 highways agreement.

Members approved the application unanimously.

<b>Decision:</b>	<p><b>Minded to Approve subject to the completion of the s106 legal agreement to secure the following planning obligations consisting of a HRA ecological financial mitigation (£58,500) for indirect adverse impact of SPA feature birds through recreational disturbance, £30,000 towards off-site ecological enhancement in respect of biodiversity net gain, £34,902 towards the provision of a toucan crossing, provision, maintenance and long-term management of on-site open spaces, footpath connections and landscaping (including ecological mitigation/enhancement areas), provision, maintenance of surface water drainage system (SuDS), and subject to the following updated and agreed planning</b></p>
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**conditions (amendments to conditions 3, 5, 8 and 18 and additional condition 26).**

**CONDITIONS AND REASONS**

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

To clarify the period for which the permission is valid.

2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

Flood Risk Assessment and Drainage Strategy Rev C (August 2021),  
12572044-GHD-XX-XX-T-W-1001-S5-P01-Hydraulic Modelling Report  
Rev 02

Hydraulic Modelling Report (Keepmoat Homes 1 February 2022),  
Received by the Local Planning Authority on the 02/02/2022;

FEASIBILITY QD1728-00-01 Rev D Engineering Layout,  
FEASIBILITY QD1728-00-02 Rev D External Levels sheet 1,  
FEASIBILITY QD1728-00-03 Rev D External Levels sheet 2,  
Received by the Local Planning Authority 25/01/2022;

P1569\_20220120\_Brenda Road, Seaton Carew- Transport  
Assessment Rev 3,  
Received by the Local Planning authority 20/01/2022;

N1104-ONE-ZZ-XX-DR-L-0201 Rev P09 Detailed Planting Proposals  
(1 of 3),  
N1104-ONE-ZZ-XX-DR-L-0202 Rev P09 Detailed Planting Proposals  
(2 of 3),  
N1104-ONE-ZZ-XX-DR-L-0203 Rev P09 Detailed Planting Proposals  
(3 of 3),  
Received by the Local Planning Authority 16/12/2021;

Biodiversity Net Gain Assessment V3 (20204 BNG V3 December  
2021),  
Received by the Local Planning Authority 15/12/2021;

DWG NO:1297-KEE SD-10.02 Rev G Materials Plan,  
Noise Assessment NT15197 V2 Date Issued December 2021,

Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural  
Method  
Statement, Tree Protection Plan Ref: ARB/AE/2556 Dated December  
2021,  
Received by the Local Planning Authority 07/12/2021;

DWG NO:1297-KEE SD-10.01 Rev R Proposed Site Plan,

Received by the Local Planning Authority 06/12/2021;

DWG NO: 201 18CORE 9070 Rev 1 Detached Double Garage (6x3)

Received by the Local Planning Authority 30/11/2021;

Ecological Impact Assessment 20204 V4,

DWG NO: N1104-ONE-ZZ-XX-DR-L-0101 Rev P04 Overall Site

Layout,

Received by the Local Planning Authority 26/11/2021;

DWG NO:1297-KEE SD-00.02 Site Plan as Existing,

DWG NO:1297-KEE SD-00.01 Rev B Site Location Plan,

DWG NO:1297-KEE SD-10.02 Rev F Materials Plan,

Received by the Local Planning Authority 11/11/2021;

Keepmoat Homes Construction Environmental Management Plan Doc  
Ref:

HSS-PL-001-CEMP Rev 1 (Document Dated 11/06/2020),

Received by the Local Planning Authority 04/11/2021;

DWG NO: SD/5001 Knee Rail 600-900mm,

DWG NO: SD/5002 Railings - Hoop Top 900-1200mm,

DWG NO: SD/5008 Post and Rail Fence 900mm,

DWG NO: SD/5009 Post and Rail Fence 1200mm,

DWG NO: SD/5013 1.8 Fence, 1.8m Timber Lap Fence,

DWG NO: DF/5019 2.0m Fence Acoustic Fence,

DWG NO: SD/5100 1.8m Fence/Wall Brick Pier with Timber Panel,

18CORE 1200 Rev 4 201 The Bamburgh Working Drawing Pack,

18CORE 1110 Rev 4 201 The Caddington Working Drawing Pack,

18CORE 5030 Rev 3 201 The Carlton Working Drawing Pack,

18CORE 1410 Rev 4 201 The Claremont Working Drawing Pack,

18CORE 5010 Rev 5 201 The Elton Working Drawing Pack,

18CORE 1260 Rev 4 201 The Hardwick Working Drawing Pack,

18CORE 1420 Rev 4 201 The Juniper Working Drawing Pack,

18CORE 5360 Rev 4 201 The Kelham Working Drawing Pack,

18CORE 1070 Rev 4 201 The Kendal Working Drawing Pack,

18CORE 5074 Rev 1 201 The Kenton Working Drawing Pack,

18CORE 2010 Rev 3 201 The Lawton Working Drawing Pack,

18CORE 1040 Rev 4 201 The Leven Working Drawing Pack,

18CORE 2030 Rev 4 201 The Marlow Working Drawing Pack,

18CORE 5170 Rev 5 201 The Preston Working Drawing Pack,

18CORE 1140 Rev 3 201 The Windsor Working Drawing Pack,

18CORE 9060 Rev 1 201 Single Attached Garage (6x3),

18CORE 9050 Rev 1 201 Single Attached Garage (6x3),

DWG NO: QD1728-00-2192 Ghost Island Central Treatment,

Archaeological Desk-Based Assessment Report 5594 Dated July 2021

Received by the Local Planning Authority 28/10/2021.

For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to the commencement of development (excluding any demolition works), details of the existing and proposed levels of the site including the finished floor levels of the buildings to be demolished and erected (within and outwith the site) and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that finished floor levels shall be set no lower than 7.250 metres above Ordnance Datum (AOD) as outlined in section 7.6 of the agreed "Flood Risk Assessment and Drainage Strategy Rev C" (date received by the Local Planning Authority 02/02/2022). The development thereafter shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens, to prevent the increased risk of flooding from any sources, in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan and in accordance with the NPPF.

4. Notwithstanding the submitted information and the requirements of condition 5, no development (excluding any demolition) shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

5. Notwithstanding the requirements of condition no.4, development shall be implemented in line with the drainage scheme contained within the submitted documents entitled "Flood Risk Assessment and Drainage Strategy Rev C" (date received by the Local Planning Authority 02/02/2022). The drainage scheme shall ensure that foul flows discharge to the existing foul sewer downstream of manhole 3505 and to the combined sewers at manhole 5401, 5301 and downstream of manhole 1301 and ensure that surface water discharges to the existing

watercourse.

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

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - a. human health,
  - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - c. adjoining land,
  - d. groundwaters and surface waters,
  - e. ecological systems,
  - f. archeological sites and ancient monuments;
  - g. a detailed unexploded ordnance (UXO) study to confirm the UXO hazard on site;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development unless

otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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

#### 4. Reporting of Unexpected Contamination

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

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

#### 6. Extensions and other Development Affecting Dwellings.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. Prior to the commencement of development above ground level on site (excluding any demolition works), a scheme for the provision of 23no. house sparrow nest features and 23no. bat boxes to be installed integral the completed dwellings, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the sparrow and bat features have been installed. The sparrow nest features and bat boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

To provide ecological mitigation and enhancement in accordance with paragraphs 8, 174, 179 of the NPPF and policy NE1 of the Local Plan.

8. Prior to the occupation of the dwellings hereby approved, the 2m high acoustic fencing as shown on Dwg No: 1297-KEE SD-10.02 Rev F Materials Plan (date received 11/11/2021 by the Local Planning Authority) and Dwg No: DF/5019 2m Acoustic Fence Plan (date received 28/10/2021 by the Local Planning Authority) and as detailed within the submitted Noise Assessment NT 15197 V2 date issued December 2021 (date received by the Local Planning Authority 07/12/2021) shall be implemented in accordance with the agreed details (including the requirement to be designed to have a minimum mass of 15kg/m<sup>2</sup>) unless a similar alternative scheme is otherwise required (by conditions 3 and 18) and agreed in writing with the Local Planning Authority. The acoustic fencing shall be stained a dark oak colour unless an alternative similar colour is agreed in writing with the Local Planning Authority.

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

9. Notwithstanding the submitted information and prior to commencement of development above ground level on site (excluding any demolition works), details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, samples (or high quality photographs) 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.

10. Prior to commencement of development above ground level on site (excluding any demolition works), a scheme for the provision, long term maintenance and management of all landscaping within the site including the created habitats, shall be first submitted to and agreed in writing with the Local Planning Authority. The landscaping, tree, shrub

and hedge planting shall be implemented in accordance with the following plans and details; N1104-ONE-ZZ-XX-DR-L-0201 Rev P09 Detailed Planting Proposals (1 of 3), N1104-ONE-ZZ-XX-DR-L-0202 Rev P09 Detailed Planting Proposal (2 of 3), N1104-ONE-ZZ-XX-DR-L-0203 Rev P09 Detailed Planting Proposals (3 of 3), all date received 16th December 2021 by the Local Planning Authority, and the Biodiversity Net Gain Assessment V3 (20204 BNG V3 December 2021), date received 15th December 2021 by the Local Planning Authority. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the dwelling(s) or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of biodiversity enhancement, visual amenity and to compensate for those trees lost to the development.

11. Notwithstanding the submitted information, prior to the commencement of development hereby approved (excluding any demolition), a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) across the whole of the site will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. The agreed final scheme shall be implemented thereafter.

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

12. No dwellinghouse hereby approved shall be occupied until the existing 30mph speed limit on Brenda Road, in accordance with a scheme first submitted to and agreed in writing by the Local Planning Authority, has been extended along Brenda Road to cover the extent of the site access.

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

13. No dwellinghouse hereby approved shall be occupied until the completion a segregated right turn lane (ghost island) from Brenda Road into the site detailed in drawing QD1728-00-2192 (date received

by the Local Planning Authority 28/10/2021).

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

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

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

15. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. The agreed scheme shall be implemented prior to occupation of the dwellings and/or the site being open to the public.

In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

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

In the interests of visual amenity.

17. The development hereby approved shall be carried out in accordance with the submitted Noise Assessment NT15197 V2 Date Issued December 2021 and associated Drawing No(s) NT15197-008 (daytime) and NT15197-009 (night-time) (all date received by the Local Planning Authority 07/12/2021) and which detail the required mitigation measures to be applied to the identified dwellings hereby approved (including the application of glazing, trickle vents, mechanical ventilation and mechanical cooling). Prior to the occupation of the identified dwellings (where such mitigation measures are required) hereby approved, a verification report to confirm that the requisite measures have been implemented shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the measures shall be retained for the lifetime of the development hereby approved.



For the avoidance of doubt and in the interests of the amenity of future occupiers.

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

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

19. The construction of the development hereby approved shall be solely carried out in accordance with the agreed 'Keepmoat Homes Construction Environmental Management Plan' (doc reference HSS-PL-001-CEMP), date received 04/11/2021 by the Local Planning Authority.

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

20. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (Reference ARB/AE/2556, document dated December 2021), date received 7th December 2021 by the Local Planning Authority, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) including garages hereby approved shall not be converted, externally altered or extended in any way without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of neighbouring properties and future occupiers and to safeguard the visual amenity of the development and the character of the surrounding area.

22. 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), other than the approved boundary enclosures shown on plan Dwg No: 1297-KEE SD-10.02 Rev F Materials Plan (date received 11/11/2021 by the Local Planning Authority), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of neighbouring properties and future occupiers and to safeguard the visual amenity of the development and the character of the surrounding area.

23. The dwellings hereby approved shall be used as C3 dwellinghouses and not for any other use, including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

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

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

25. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

In the interests of the ecology of the area.

26. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Keepmoat Homes Brenda Road, Hartlepool

Flood Risk Assessment and Drainage Strategy Rev C, prepared by Queensberry Design Limited, 01/02/2022), date received by the Local Planning Authority 02/02/2022 and the following mitigation measures it details:

- o Finished floor levels shall be set no lower than 7.250 metres above Ordnance Datum (AOD) as outlined in Section 7.6 and;
- o The proposed swale and basin shall be maintained by the lifetime of the development, as outlined in Section 7.4 and 7.5.

These mitigation measures shall be fully implemented prior to occupation of the dwellings hereby approved. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

The Committee considered representations in relation to this matter.

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**Councillors Sue Little and Mike Young returned to the meeting.**  
**Councillor Moss Boddy left the meeting.**

**Councillor Mike Young in the Chair**

**75. Update on Current Complaints** (*Assistant Director (Place Management)*)

Members were given details of 12 complaints currently under investigation and 24 which had been completed

**Decision**

That the report be noted

**76. Appeal at 58 Grange Road** (*Assistant Director (Place Management)*)

Members were advised that planning appeal against the serving of an enforcement notice following the refusal of part retrospective planning permission had been dismissed. A copy of the inspector's decision was appended to the report.

**Decision**

That the outcome of this appeal be noted.

**77. Appeal at 33B The Cliff** (*Assistant Director (Place Management)*)

Members were advised that a planning appeal against the refusal of planning permission for a roof replacement had been dismissed. A copy of the inspector's decision was appended to the report.

### **Decision**

That the outcome of this appeal be noted.

## **78. Appeal at 2 Chaucer Avenue** (*Assistant Director (Place Management)*)

Members were advised that a planning appeal against the refusal of planning permission had been dismissed. A copy of the inspector's decision was appended to the report.

### **Decision**

That the outcome of this appeal be noted.

## **79. Enforcement Notice Appeal at 170 Park Road** (*Assistant Director (Place Management)*)

Members were advised that an enforcement notice appeal had been submitted in respect of the decision to issue an enforcement notice in respect of a number of unauthorised developments at 170 Park Road.

### **Decision**

That the report be noted

## **80. Enforcement Notice Appeal at 115 Brierton Lane** (*Assistant Director (Place Management)*)

Members were advised that an enforcement notice appeal had been submitted in respect of the decision to issue an enforcement notice in respect of the unauthorised operation of a plant and machinery sales business at 115 Brierton Lane, a residential property.

### **Decision**

That the report be noted.

## **81. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 82 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

Minute 83 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

Minute 84 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

Minute 85 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

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

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Further details are given in the closed minutes.

**Decision**

Detailed within the closed minutes.

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

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Further details are given in the closed minutes.

**Decision**

Detailed in the closed minutes.

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

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Further details are given in the closed minutes.

**Decision**

Detailed in the closed minutes

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

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Further details are given in the closed minutes.

**Decision**

Detailed in the closed minutes

The meeting concluded at 1.25pm

CHAIR

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

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## PURPOSE OF REPORT

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

## BACKGROUND

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

1.3 The most relevant recent applications are:

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

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

1.4 This application was previously considered by Planning Committee on 10<sup>th</sup> February 2021, where it was resolved that the application should be deferred to allow officers to attend the objector’s property to gain a more in depth look from his perspective and to provide further information to Members.

1.5 The Planning Officer visited the objector’s property on 17<sup>th</sup> February 2021. The Planning Officer was concerned by what he had seen. The objector’s garden was waterlogged and there was clear evidence of construction debris, rubbish and branches in the top soil on the application site. Following the site visit the Planning Officer reported his concerns to the Environment Agency who then began an investigation. The investigation concluded stating that the soil that had been



imported would be suitable for use as grassland providing that the applicant undertake the following;

- . Litter picking across the area of land removing any plastics and any other waste material;
- . Area to be rotavated to remove root material;
- . Levels to be changed and soil to be spread to a consistent level over Deer Run area;
- Haul road to be removed when the works are completed.

1.6 The applicant wrote to the Council on 24<sup>th</sup> June 2021 stating that following the conclusion of the Environment Agency's investigation, they would look to update the documents and re-submit picking up the comments of the Environment Agency and the adjacent resident. This further information was submitted on 23<sup>rd</sup> September 2021 and a 14 day re-consultation with neighbours and consultees was undertaken.

1.7 This application was only submitted following an enforcement complaint and currently there is a breach of planning control, which cannot be allowed to continue indefinitely. The current breach must either be regularised or refused, so the Council can consider whether it is expedient to take further enforcement action.

## **PROPOSAL**

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

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

## **SITE CONTEXT**

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

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

## **PUBLICITY**

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

1.13 The concerns raised are:

- The site plan shows that soil would be deposited on our garden.
- The application form states there are no trees or hedges on the site when in fact there are.

- Soil has been deposited on the roots or trees and hedges and will damage them.
- The top soil is causing flooding of our garden again. This area has flooded for 10 years.
- This land is supposed to be protected from construction.
- The development has been carried out without planning permission.
- The works will be detrimental to existing trees.
- The works have a significant impact on the privacy and enjoyment of my garden, the soil was increased by approximately 1.5m until the day before the Council visit (the levelling works were carried out after the Council served notice and the height reduced to approximately 1m).
- There are historical issues of flooding and have spent ten thousand pounds having drainage ditches and materials put into the garden to eradicate the problem of flooding, because of poor drainage and clay type soil. This was successful until thousands of tonnes of soil were dumped to the rear of my garden increasing the height of the area to the rear of my property. I now have flooding again, the grass is being taken over by moss and the plants are dying off.
- Noise associated with the dumping of the soil. Five wagons per hour working from 07:00-17:30 each day bringing soil from further around the estate (near to The Plantations) and also wagons arriving with soil turning onto the Wynyard Estate from off the A689.
- Insufficient consultation.
- The levels survey is incorrect. The land to the rear of my property has been raised by more than one metre, not 500mm as claimed.
- The levels survey does not show any of the trees to the rear of my property.
- The area shaded showing where the spoil has been deposited is incorrect, it shows the works stopping before my garden yet it covers the whole width of my garden.
- The hedge that borders the houses effected by the soil the most is actually a protected hedgerow, this is now damaged.
- The land is supposed to be a green belt not a dumping ground why can the developer not dispose of waste soil like any other developer would.

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

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

1.15 The period for publicity has expired.

## CONSULTATIONS

1.16 The following consultation replies have been received:

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

**HBC Public Protection** - Not object.

**HBC Engineering Consultancy** – We are satisfied with original proposals but as you recognise there is currently an issue with development not being carried out in accordance with proposals. It is up to the planning authority how it wishes to ensure development proceeds in a suitable manner, but I have no issue with you conditioning requirements as you suggest.

**HBC Ecology** – No objection.

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

**HBC Participation and Strategy Manager** – No objections.

**The Environment Agency** - Following our recent site visit to the Deer Run and Wynyard on the 4<sup>th</sup> of June 2021. We believe that the soil that has been deposited by Robertson's would be suitable for use as grassland providing the following is undertaken by Robertson homes:

- . Litter picking across the area of land removing any plastics and any other waste material.
- . Area to be rotavated to remove root material
- . Levels to be changed and soil to be spread to a consistent level over Deer Run area.
- . Haul road to be removed when the works are completed

Robertson Homes are aware of these conditions above.

**National Highways**: do not wish to comment further on this proposal. The impact on the Strategic Road Network (SRN) that we operate is negligible in terms of possible congestion or safety impacts.

**Northumbrian Water** – No comments.

**Northern Gas Networks** – No objections.

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

**Councillor Gardner (Stockton Borough Councillor)**

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

**Hartlepool Rural Plan Working Group** – The application sit lies outside the Rural neighbourhood Plan area and the Group however we support the comments of the Council's Countryside Access Officer.

## PLANNING POLICY

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

### Local Policy

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

#### Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change

HSG6: Wynyard Housing Developments

LS1: Locational Strategy

NE1: Natural Environment

NE3: Green Wedge

SUS1: The Presumption in Favour of Sustainable Development

1.19 Comments:

Planning policy have no objections to the proposals.

### National Policy

1.20 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 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's 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 significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007 : Achieving sustainable development

PARA 008 : Achieving sustainable development

PARA 009 : Achieving sustainable development

PARA 010 : Achieving sustainable development

PARA 011 :The presumption in favour of sustainable development

PARA 012 :The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA059: Enforcement

PARA098: Open Space and Recreation  
PARA126: Achieving well-designed places  
PARA152: Climate Change  
PARA159: Planning and flood risk  
PARA174: Conserving and enhancing the natural environment  
PARA218: Implementation

## **PLANNING CONSIDERATIONS**

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

### **CHARACTER AND APPEARANCE**

1.22 NPPF states that planning decision should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development that is not well designed should be refused (para 134).

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

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

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

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

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

1.28 The works to spread the top soil were halted following a request by the Council's Enforcement Officer pending the outcome of this planning application. Currently the highest point of the top soil is 76.226m (0.426m) higher than before the works. The lowest part of the site is 73.529m (0.086m) higher.

1.29 It is proposed that the topsoil would be spread across the western edge of the site. The highest part of the site towards the southern end would be increased to 76.150m which is 0.150m higher than the original levels and 0.281m lower than at present.

1.30 For the lowest part of the site adjacent to the road towards the north west would be approximately the same level as before the works. The proposal to spread the top soil across the land would not result in a significant change in levels and would provide top soil in order to help establish grassland, which would significantly improve the character and appearance of its site and its surroundings in accordance with policies LS1, Rur2 and NE3.

### IMPACT ON NEIGHBOURS

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

1.32 The neighbours most likely to be directly affected by the proposal are those who back onto the site from Black Wood. The objections to the proposal from neighbouring occupiers of Black Wood are noted. One of the concerns of neighbours is that the proposal has resulted in the flooding of their gardens. The proposed levels shows the land would be profiled to slope away from the existing gardens of Black Wood and the Council's Engineering Consultancy who is responsible for flooding and contaminated land does not object. However, this would not overcome the fundamental concern of the neighbour at Black Wood, who says that since the topsoil/clay has been dumped next to his rear fence that his garden now floods. When the planning officer visited the site 17<sup>th</sup> February 2021, the back garden was waterlogged despite additional drainage having been installed in the garden by the neighbour.

1.33 Paragraph 55 of NPPF advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It is considered that this is the case here. Clearly the current situation of the dumped topsoil and the flooding of neighbouring gardens cannot be allowed to continue. The Council's Engineering Consultancy has asked for

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

1.35 On balance and subject to conditions It is considered that the development would not adversely affect neighbouring properties amenity and would comply with policies LS1, QP4 and NE3 of the Local Plan 2018 and the advice in National Planning Policy Framework (NPPF) (2021).

### **PLANNING BALANCE AND OVERALL CONCLUSION**

1.36 This application is part retrospective. The top soil has already been deposited on site and it remains for it to be spread cross the north western end of the site and for it to be rotavated and seeded. The work has clearly caused annoyance and disturbance to existing residents through the waterlogging of a neighbouring rear garden. The applicant has submitted amended details that would resolve the existing situation and improve the drainage of the land. The proposal would also once the land is rotavated and seeded result in and pleasant area of green wedge, what would contribute to and enhance its surroundings.

1.37 Overall on balance, it is considered that the proposal would not have an adverse impact on the character and appearance of the site, or its surroundings and avoid having an adverse impact upon the amenities of surrounding residential occupiers. It is therefore recommended that planning permission should be granted subject to conditions.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.38 There is no evidence of equality or diversity implications.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

1.39 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.

1.40 There are no Section 17 implications.

### **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE**, subject to the following conditions;

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

Drawing No. 2103-RHL-XX-DR-A-DR5 (Site Location Plan)

Drawing No. 2103-RHL-XX-DR-A-RD1 (Levels at Onset of Development (End of 2018))

Drawing No. 2103-RHL-XX-DR-A-DR2, Rev A (Levels Survey at Start of Robertson Topsoiling works (Feb 2020))

Drawing No. 2103-RHL-XX-DR-A-DR3, (Levels Survey at Point Works Were Halted (March 2020))

Drawing No. 2103-RHL-XX-DR-A-DR4, Rev C (Proposed Finished Topsoil Levels)

For the avoidance of doubt.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Within six months of the date of the planning permission, the following works shall be carried out;

Litter picking across the areas of land removing any plastics and any other waste material;

Area where the topsoil has been deposited to be rotavated to remove root material;

The land shall be re-profiled in accordance with Drawing No. 2103-RHL-XX-DR-A-DR4, Rev C (Proposed Finished Topsoil Levels).

Removal of haul road and the area to be landscaped.

To ensure the works are carried out within a reasonable period of time.

4. The approved grass seeding shall be carried out within the first planting season following the spreading of the topsoil. Any areas which die, are removed or become seriously damaged or diseased within a period of 5 years from being planted shall be re-seeded in the next planting season with the same seed mix, unless the Local Planning Authority gives written consent to any variation.

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

5. Prior to the commencement of any site clearance works or of the development there shall be submitted to the Local Planning Authority for their approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chesnut pale



or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- a) There shall be no changes in ground levels;
- b) No materials or plant shall be stored;
- c) No buildings or temporary buildings shall be erected or stationed;
- d) No materials or waste shall be burnt;
- e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority, and
- f) In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction.

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

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

In order to protect the existing trees from damage.

- 7. No construction works or deliveries shall be carried out except between the hours of 8.00am and 18.00 on Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolitions on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

## BACKGROUND PAPERS

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

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

Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>  
except for such documents that contain exempt or confidential information.

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**Deer Run Land Off Coppice Lane Wynyard, Hartlepool**

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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

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

<b>No:</b>	2
<b>Number:</b>	H/2014/0405
<b>Applicant:</b>	Mr Richard Holland Persimmon House Bowburn North Industrial Estate DURHAM DH6 5PF
<b>Agent:</b>	Persimmon Homes Ltd t/a Persimmon Homes Teesside Mr Richard Holland
<b>Date valid:</b>	20/10/2014
<b>Development:</b>	Full planning application for demolition of buildings, construction of 144 dwellings (C3), construction of accesses to Stockton Road and Brierton Lane, roads, bridge with associated structures and associated earthworks, drainage features, public open space, landscaping, ecological works, electrical sub stations, vehicular circulation, pumping stations and infrastructure. Outline planning application for construction of up to 1,116 dwellings (C3), public house/restaurant (Sui Generis/Use Class E) 500sqm, retail units (Use Class E) 1,999 sqm, primary school (Use Class F.1), medical centre (300sqm), public open space, playing fields (including changing facilities), play spaces, drainage features, landscaping and ecological works, earthworks, electrical sub stations, pumping stations, car parking and vehicle and pedestrian circulation,
<b>Location:</b>	Land between A689 and Brierton Lane South West Extension 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 application was originally considered at the meeting of the Planning Committee on 21<sup>st</sup> October 2015. At the time of the report there was an outstanding objection from the Health & Safety Executive regarding the relationship of the play areas and sports pitches to a pipeline which crossed the site. Members were minded to approve the application subject to the satisfactory conclusion of discussions with the HSE and the completion of a S106 agreement securing planning obligations. Members asked that conditions be returned to Committee for consideration. The concerns of the HSE were addressed. A report with proposed conditions was put to members at the Planning Committee of 16<sup>th</sup> December 2015, the decision was deferred as the applicant had requested discussions on amendments to the proposed conditions members also requested the developer contributions be clarified. The application returned to Committee on 20<sup>th</sup> January 2016. Members were minded to approve the application subject to conditions and the completion of a

Section 106 agreement (S106) securing planning obligations but asked for an additional report on the planning obligations and how they would be delivered. A report (for information only returned) to Committee on 12<sup>th</sup> July 2017 which was noted by members.

2.3 The drafting of the S106 was protracted however Hartlepool Borough Council and the applicant were ready to complete the agreement around January 2018. However because of legal issues (not with HBC) the completion became protracted and the S106 remained unsigned. These obstacles now appear to have been overcome and the applicant wishes to progress with the application. However given the time elapsed since the original submission (2014) and committee decision (2016), it was considered necessary to undertake a refresh of the submission (updating documentation) and a further re-consultation before returning the application to committee for decision.

## PROPOSAL

2.4 The application is a hybrid application incorporating elements for which full planning permission is sought and elements for which outline planning permission is sought. The development briefly proposes two development areas accommodating a total of 1260 dwellings at the northern and southern ends of the site with separate accesses. The northern housing area will accommodate some 460 dwellings served by a new Northern Access Road (NAR) linked to Brierton Lane. The southern area will accommodate some 800 dwellings served by a new Southern Access Road (SAR) linked to the A689. The southern area will also accommodate a local centre, the school, changing facilities and playing fields. A green wedge will run through the site. Sustainable Urban Drainage (SuDS) features will be accommodated throughout the site. Full planning permission is sought for part of the housing and associated infrastructure at the northern end of the site (144 dwellings) and for the main accesses roads to serve the northern and southern development areas. The outline elements predominate and cover the main part of the site.

2.5 During the course of the consideration of the application the application was amended to address concerns with the original proposals the main changes included: alterations to the housing layout and design for the area for which full planning permission is sought to address concerns regarding the design and layout (including detailed designs, separation distances and garaging details); the provision of two bungalows; additional landscaping on the western boundary of the site; and amendments to address highway concerns (including additional highway information, the removal of a proposed bus link to Moffat Road and various improvements to Brierton Lane). To address the concerns of the HSE (raised in 2015) and issues arising during discussions on the S106 there have also been some changes to the Masterplan including the re-siting of two sports pitches, a stand-alone changing facility for the sports pitches is now proposed, and the addition of landscape buffers to the west of the built up areas. (The changes are particularly to the original indicative layout of school and community area where the indicative siting of the sports pitches (including ball netting), changing facility, school and associated parking are indicated on the new Masterplan). The description has also been amended to reflect the fact that stand alone changing facilities for the sports pitches are also now proposed and to take account of recent technical changes to the use

classes order. More recently amendments to the proposed highway improvements on Brierton Lane to address ownership issues have been made.

2.6 The application is outlined in more detail below.

2.7 Full planning permission is sought for the main highway infrastructure (including the access onto the A689 and Brierton Lane the main spine roads and the crossing for Greatham Beck) and a phase of the housing proposals which relates to the erection of 144 dwellings in the northern part of the site taking access indirectly from Brierton Lane and part of the drainage infrastructure to serve that phase. Permission is also sought for various ancillary works including drainage features, public open space, landscaping, ecological works, electrical sub stations, vehicular circulation, pumping stations and infrastructure. The housing area is located at the northern end of the site and will be accessed from Brierton Lane via the northern access road which will pass on the western side of the housing area before cutting across it and the green wedge to the east to provide access for housing areas for which outline permission is sought to the north and south. It will accommodate 144 dwellings which will be arranged to including frontages onto the green wedge public open space and the main access roads. The development will accommodate 2 two-bedroomed bungalows, 7 two bedroomed dwellings, 82 three bedroomed dwellings and 53 four bedroomed dwellings. The dwellings will be two or two and a half storey. The dwellings will be constructed in brick, render with tiled roofs. Off site parking will be accommodated within or close to house plots or in garage courts. A SuDS area will be provided to the south of the housing area which will be linked to Greatham Beck to accommodate surface water drainage from the site.

2.8 In terms of the part of the site for which outline planning permission is sought detailed proposal are not available for consideration at this stage. The indicative masterplan however identifies the main areas of the development. The development can be broadly split into two the southern part will be served by the southern access road (SAR) from the A689. The northern part will be served by the northern access road (NAR) from Brierton Lane. There will be pedestrian/cycleway links via a green link and footpaths in the green wedge but no vehicular links between the northern and southern parts of the site. The scheme incorporates a green wedge varying in width from 30m to many hundreds of metres which runs from south eastern edge of the site to the northern boundary with Brierton Lane. The green wedge incorporates landscaping, Greatham Beck, footpaths, playing pitches, SuDS features and play areas. The two housing areas in the northern part of the site are arranged either side of the green wedge and will be accessed from Brierton Lane. The eastern most of these is located adjacent to the existing build up area, the western most is located on the other side of the green wedge to the north of the site described above for which full planning permission is sought. The southern housing areas are located on the western side of the green wedge. A green link accommodating a footpath cycleway passes through the housing area. No detailed plans have been provided however it is understood that the housing will include open market housing, a proportion of custom build/self build affordable housing and later/senior living accommodation in the form of detached and semi detached dwellings, town houses and apartments. The local centre which will accommodate a public house/restaurant, retail and medical centre and is situated at the southern end of the housing area with a landscaped buffer incorporating further SuDS bounding the A689. The school will be

located in the centre of the site with vehicular access from the SAR via a bridge over Greatham Beck. Alongside the school a stand alone changing facility and sports pitches with parking facilities will be accommodated. Other sports pitches will be accommodated to the south. A pedestrian and cycle link will be provided to Moffat Road to the north. The development will incorporate various SuDS features to manage surface water arising from the site and flood compensation shelving will also be accommodated on the western side of Greatham Beck. The area between the northern and southern parts of the site will be green wedge incorporating SuDS features. In addition other ancillary development is proposed including landscaping and ecological works, earthworks, electrical sub stations, pumping stations, car parking and vehicle and pedestrian circulation.

2.9 The application has been accompanied by a phasing plan which indicates how the site will develop. Phase 1, 2, and 3 form the southern part of the site including housing, the local centre, the southern access road (SAR), the main access onto the A689, the primary school, sports pitches (and changing facilities) and associated open spaces. Phases 4 and 5 cover the development of the northern part of the site and includes housing, the northern access road (NAR) and associated play areas and open space.

2.10 Various highway works on and off site are also proposed to support the development. These are detailed in the response of HBC Traffic & Transportation Section but include,

- The provision of a traffic signal controlled junction at the junction of the Southern Access Road (SAR) and the A689 the operation of which will be linked to the A689/Greatham high street junction to optimise capacity. Street lighting and a footway/cycleway will be provided to link the two junctions and join National Cycleway Route 14. The speed limit on the A689 between Greatham High Street and a point west of Dalton Back Lane will be reduced to 50 mph.
- A689 / A1185 and A689 / Wolviston Services Improvements to optimise capacity at the roundabouts.
- A689 / Stockton Road / Brierton Lane and A689 / Stockton Road It is proposed to convert the A689 Brierton Junction to traffic signal control, including the widening of Brierton Lane (on its north side) to accommodate a flared 2 lane approach.
- Brierton Lane / Catcote Road the provision of a traffic signal controlled junction at the junction of Brierton Lane/Catcote Road to optimise junction capacity.
- Catcote Road / Oxford Road a scheme to increase capacity.
- Catcote Road / Truro Drive a scheme to increase capacity.

- Brierton Lane improvements proposed include the new access and layby parking on the north side of Brierton Lane, extension of the public footpath on the south side and alterations to the Westfields access.

2.11 The application is accompanied by an Environment Impact Assessment. In addition reports submitted with the application include a Transport Assessment, a Travel Plan, a Flood Risk & Drainage Assessment, a Geo Environmental Desk Report, a Planning Statement, a Design & Access Statement, a Five Year Housing Land Supply Assessment, a Statement of Community Involvement, an Air Quality Assessment, a Noise Assessment, a Utilities Assessment, a Site Waste Management Plan, a Sustainability Statement, Ecological Reports and Archaeological Reports.

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

2.13 The application has been referred to the planning committee due to the number of objections received.

## **SITE CONTEXT**

2.14 The application site extends to some 97.25 hectares and largely comprises arable farmland incorporating fields lined by hedgerows. It is located on the south west side of the main urban area of the Town between Brierton Lane to the North and the A689 to the South. The site generally falls from north to south towards Greatham Beck. The land also rises gradually from East to West. Two farm complexes, Claxton Farm and Lower Claxton Farm are located to the southern end of the site. Beyond the site to the north is farmland and amenity land which accommodates a public footpath which affords links to Summerhill Country Park. To the north west Brierton Lane also accommodates a number of dwellings. To the west the site is bounded by farmland beyond which is Dalton Back Lane. To the East is the main urban area of Hartlepool accommodating amenity land and residential areas of Hartlepool including parts of the Manor and Fens Estates. Greatham Beck crosses the site close to its centre point and continues flowing down the eastern side of the site. The beck has well vegetated banks which incorporate mature trees. It is in part designated as a Local Nature Reserve and Local Wildlife site. Overhead power lines and a major hazard pipeline cross the site.

## **PUBLICITY**

### Previous consultations

2.15 The original proposals were advertised by neighbour notification, site notices and press adverts. Sixty four objections were received, four letters of no objection, two letters where no view was stated and one letter raising concerns. Those objecting, or raising concerns, in respect to the application raised the following concerns.



- Plans are impractical and unnecessary. Huge development. No need/justification. Houses not needed. Stagnant population. Housing market has crashed. Will lead to an oversupply of housing. Already empty homes/houses for sale in Hartlepool. Empty homes could be brought back into use, or sites in town redeveloped to meet need. A number of sites are already being developed in and around Hartlepool. Where are the jobs for the people who will live in the houses?
- Design of houses not in keeping with the area. New houses are not good solid family homes and therefore don't sell. Floor areas are compact and window sizes.
- Wrong type of housing in wrong location. Need in Hartlepool is for affordable/social housing, flats and bungalows which should be located near services where it can contribute to regeneration not for executive housing.
- Urban sprawl. Enough land and buildings in Hartlepool to accommodate development. Urban fence should not be breached. Brown field land should be used. Industrial land could be released for development.
- The application for an urban extension at High Tunstall is preferable given improvements to the A179/A19 junction and the central junction on the A179 accessing Hart village.
- Expect that the application will be amended in future to increase number of houses.
- Highway safety /access/egress issues onto A689 and within adjacent estates (Moffat Road, Maxwell Road, Catcote Road/Brierton Lane/Truro Drive). A689 is already dangerous with a history of accidents. The proposals will add to traffic congestion and reduce response times for emergency services. New junction on A689 will slow down traffic and cause congestion. People will use Greatham as rat run. Concerns at location of new junction which is close to other junctions. Lack of parking on the new estate. New school/bus link will cause congestion on Moffat Road. Concerns that any future link between the estate and Macrae Road will add to congestion. The development will cause a rat run in the western part of the town.
- A major western relief road is needed on the west side of Hartlepool to ease congestion on Catcote Road/Truro Drive. This is a long standing aspiration and the development does not make provision for this and so would be of no strategic benefit to Hartlepool.
- Access, vehicular or pedestrian, onto adjacent estates would disturb the peace of residents.
- The school will cause congestion and on street parking especially in Moffat Road.
- Impact on public rights of way.

- Bus services for other areas of the town may be affected if they are diverted to serve the development. Bus services would only be provided when estate has reached a significant size therefore congestion will be increased on the A689.
- Motherwell Road will become a Rat Run if bus link route provided.
- Access of ambulances to new Wynyard Hospital will be affected. Access to Queens Meadow should not be jeopardised.
- Flooding . The beck/land already floods. A bund should be provided to afford additional flood protection to the homes in Newark Road.
- Impact on/loss of wildlife. The area is meant to be green belt. Impact on the environment. Loss of green belt/countryside. Were told fields would not be built on.
- Council does not have the resources (policing, waste, schools, medical, hospital and emergency provision and other services) to take on the burden of serving additional population. Lack of infrastructure (hospital, GP services, schools, shops, transport, recreational facilities, drainage/sewerage). Lack of amenities in existing estates and in proposal. Lack of facilities until estate is built will add to congestion on Owton Manor Lane & Fens shops junctions.
- No need for pub/restaurant or shops. Existing shopping precincts are doing well, playing fields don't get used.
- Shops should be in centre of the site. Facilities should be provided simultaneously with new development not afterwards.
- Medical/hospital provisions are in flux plan should be shelved until come to terms with existing problems. A new medical centre is not required the one at Fens Shops should be retained.
- School not needed. Greatham school could be extended. School should be a main school not primary so that it doesn't affect village school.
- Loss of amenity for existing residents. Noise. Loss of privacy. Dust, noise, mud on roads, and disruption from years of building work. Loss of peaceful and tranquil recreational area for Fens residents. Loss of peaceful countryside outlook. Noise from school, playing pitches, access road, hotel/restaurant, retail units.
- Developers are only looking after their own interests they don't care what this town needs. Taxpayers views should be listened to. Strength of opposition should be taken into account. Developer tail wagging council dog.
- Council should focus on driving jobs and investment not houses. Local firms and labour should be used.
- Loss of property value.

- Along with the gypsy site the SW extension was the other main reason the local plan was withdrawn. What is the point of the Council making decisions only for these to be overturned?
- Object if a travellers site is proposed.
- Alterations to access will facilitate the spread of antisocial behaviour. Green wedge will attract antisocial behaviour as will existing retail facilities. (youths, litter, noise, night time revellers). Rise in Crime. Concerned that ponds will represent a danger to young children.
- Ground stability.
- Loss of farmland. Council should support the farmers at protect the farm buildings at Claxton.

2.16 Amended plans were re-advertised by neighbour notification, site notice and press advert. Fifty two letters of objection, three letters of no objection, one letter of support and one letter of comments were received. Those objecting to the proposals raised the following issues;

- Development is not required. This scale of the development is not needed and unnecessary, it will lead to major disruption to the land and the surrounding area. The homes are not needed. Population of Hartlepool growing slowly. Numerous homes for sale. There has been a free for all for developers and there will soon be a massive oversupply of new homes. Empty homes should be refurbished and sold/rented. People in Hartlepool can't afford new homes and people won't want to move to Hartlepool. Existing new estates are in negative equity.
- Housing market in Hartlepool has never recovered from the recession. House prices are down. Abundance of houses for sale or rent. New development will impact on house prices forcing them down making them harder to sell and lead to running down of good quality existing estates.
- There are enough outstanding housing planning permissions to provide for the town. Hartlepool has unused or under used land and buildings which could be used before green fields are built upon. Brownfield land should be used to accommodate housing close to local amenities and regenerate deprived areas of the town.
- The town needs affordable and social housing and bungalows in central areas not executive homes, where will residents come from given employment situation in Hartlepool? There are no new industries or large public projects to justify housing.
- Heart of the town is dying definitive boundary should be maintained. Council has killed town. Should not build on countryside. Shopping centre built in wrong place has killed off the town. Infrastructure will cost millions town doesn't have the money and there are enough houses. Houses should be built elsewhere on sites in the town. The company has built houses elsewhere and

caused a mess people are suffering. There is nothing in Hartlepool people have to travel to other towns we are the poor of this region.

- Increased noise and traffic in already congested area of the town. Traffic congestion (Brierton Lane, Truro Drive, Catcote Road, Mowbray Road, Owton Manor Lane, A689). Access/egress a major problem at the time of construction and after completion. Speeding traffic. Highway safety, the A689 is a dangerous road another and increased traffic junction will make it more dangerous and add to congestion. Traffic will lead to disruption and air pollution and effect access for emergency vehicles. The petrol station will cause a traffic hazard.
- Access onto A689 and services should be built first otherwise this will add to traffic on roads of adjacent estates.
- Access to Queens Meadow a site of regional strategic importance will be affected.
- Access, pedestrian, onto adjacent estates would disturb the peace of residents.
- Concerns that any future link between the estate and Macrae Road will add to congestion.
- The school will add to congestion in the surrounding area especially on Moffat Road.
- Rerouting of cycle path.
- Lack of amenities (buses). Strain on the existing poor public services for the area. (Poor bus service)
- Doctors surgery when others are in danger of closing? No need for new medical centre we want to keep the one at the Fens. Is the medical centre to be NHS or private?
- Likelihood that the school, medical and other infrastructure is not immediately available could cause major problems.
- Loss of green belt/countryside/open areas and creation of urban sprawl. Loss of view of open fields. Impact on beck and its wildlife. Loss of wildlife habitat/Impact on wildlife. Loss of trees/hedgerows. The green wedge/wildlife corridor should be wider. Natural Environment should become an extension of the Greatham Beck Local Nature Reserve and sufficient funds secured for its maintenance.
- Drainage/Flooding. Drainage system will not cope. The fields/beck floods the development will exacerbate the problem. A clay bund should be provided to protect the residents of Newark Road. Who will pay to repair surrounding houses if the beck floods?

- Electricity sub stations could be dangerous if poorly sited.
- Antisocial behaviour. Noise from school, walkway and green wedge
- New school would cause disturbance to nearby residential areas (traffic and noise). No need for schools other schools could be extended.
- What about secondary school provision.
- No need for a pub/restaurant, some in area have closed are closing, and the area is already well served. Such facilities should be concentrated nearer the coast where improvements are increasing tourism. No supermarket should be allowed. No need for shops, Hartlepool is full of empty shops and there are shops nearby.
- Along with the gypsy site the SW extension was the other main reason the local plan was withdrawn. It would make no sense to go against this decision.
- New houses are too close to power lines.
- Profit is being put first. Developer is trying to profit at expense of Fens residents.
- More jobs are needed not houses.
- Council should consider other methods of obtaining funds rather than selling out to property developers.
- Disruption during building work (noise, building mess, digging of drains, danger of power cables)

2.17 The person supporting the proposal considered the proposal will be a benefit to the town. The person making comments ask whether bus services will be improved, how increased traffic will be managed and whether additional GP surgeries will be built.

#### Re-consultation 2021

2.18 The refreshed application (2021) was advertise by way of neighbour letters, site notices and a press notice. To date, there have been 51 letters of objection, 2 letters of support, 5 letters of no objection and 2 letters which neither support nor object to the application. The concerns raised were:

- Highway issues. Brierton Lane/Mowbray Road/Catcote Road busy. Traffic congestion. Access from Westfields has a blind spot. Junction on A689 and Catcote Road will be dangerous. A bypass is needed linking to Hart.
- A689 access, the existing Dalton Back Lane junction is dangerous, should be a single traffic signal controlled junction incorporating Dalton Back Lane and estate access.
- Proximity of new houses.

- Costs to council of maintenance of these estates
- Loss of green belt, farm land, countryside, open space. Urban sprawl into green fields when brownfield urban renewal is required.
- It will exacerbate climate change
- Destruction of wildlife. Loss of mature woodland.
- Eyesore, Too many cardboard box developments.
- Retail units will attract takeaways we have enough of these.
- Competition from restaurants will impact on existing businesses
- We have enough sports facilities in the town.
- No need for housing. Vacant houses in Hartlepool. Economy can't support more housing.
- Public footpath will be affected/lost.
- Loss of property value/views
- Noise during construction and from sports facilities at night.
- Air, light, water pollution
- Lack of access for riders, walkers and cyclists.
- Rural pursuits and lifestyles will be compromised.
- Impact on village of Greatham.
- Crime & antisocial behaviour, Antisocial behaviour on green wedge and sports pitches given existing problems. Including arising from opening up boundary at south end of Westfields.
- Loss of privacy, overshadowing
- Disruptions from building works (noise, dust, water supply, road closures)
- No regard for home owners. Impact on quality of life of existing residents. Lack of details, discussions need to be had with residents in bringing forward detailed plans. Amenities of residents needs to be considered, a green buffer should separate development from existing estates.
- Concerns as to how foul drainage will be dealt with.
- Flooding
- Proximity of power and gas pipeline.
- Lack of affordable housing
- Concerns over education provision given closure of Brierton School
- Have previous objections been addressed?
- Are medical services accounted for?
- Are shops needed?
- The Green wedge, Greatham Beck Local Nature Reserve (LNR) wildlife corridor future management needs to be secured
- Probably not enough parking
- Spoiling and extending a nice estate.
- No need for medical centre

2.19 The following issues have been raised by those supporting the proposal

- Big demand for new better houses

2.20 The following issues have been raised by those neither supporting or objecting to the proposal.

- Concerned about equestrian accesses. Concerned link between Summerhill and Greatham would be lost. Can we plan for horse accessible routes in the building phase.
- The LNR/ Local Wildlife Site (LWS) designations should be extended with a management plan to serve the whole area.

2.21 The recent amendments to the Brierton Lane Improvements were advertised by way of neighbour letters. A single letter of objection was received raising concerns about the congestion on Catcote Road/Truro Drive.

2.22 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=102061>

2.23 The period for publicity has expired.

## CONSULTATIONS

2.24 The following consultation replies have been received:

**HBC Public Protection** – I have reviewed all documents attached to this planning application. I am happy with the reports submitted for noise assessment and air quality and I have reviewed the information provided for overhead power conductors and am happy that the recorded levels are well within the guidelines

I would have no objection to this application providing the following conditions were met

- Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays not at any time on Sundays or Bank Holidays.
- An extract ventilation condition to any hot food uses on the local centre.
- An opening hours restriction to no later than midnight on the local centre.
- An hours restriction on deliveries to the local centre to restrict all deliveries to daytime hours to protect the amenity of neighbouring residential properties.

**HBC Traffic & Transport** – The development will comprise of 2 distinct areas, the first will be accessed from the A689 via the Southern Access Road and the second from Brierton Lane via the Northern Access Road. It is not proposed to connect these at this stage forming two separate cul-de-sacs. It is a long term aim of the Council to provide a western relief road, the proposed layout will provide 2 vital links in the chain. It is anticipated that future phases of development will facilitate the

connection of these links. This further phase will need to be constructed to the same standard as the Southern and Northern Access Roads. A requirement to safeguard the land required for the link and for landowners to facilitate delivery should be included in the obligations of the S106 to ensure that the future transport requirements of the town are protected.

**Public Transport** - The developer is looking to provide a supported bus service to serve the southern sector of the development for a 5 year period. This should be secured through obligations within the S106 agreement. Plans should be provided prior to the commencement of the scheme for the provision and location of bus stop infrastructure including half width lay-bys, shelters and low floor kerbs. There are no plans to run bus services in the northern sector of the development as the existing stops at Rift House / Bacon Walk are within 400 metres of the site. With the requirement for the two Access Roads to be joined in future phase's half width lay-bys should be provided on the NAR. Plans should be provided prior to the commencement of the scheme for the provision and location of bus stop infrastructure including half width lay- bys, shelters and low floor kerbs.

**Travel Plan** - The submitted travel Plan should be updated. The revised ravel plan and its implementation should be secured through an obligation in the Section 106. (note it is now proposed to be conditioned)

**School** - A School Safety scheme should be submitted to the council detailing signage, guard railing, parking proposals, traffic Regulation orders associated with school time parking. A school time 20 mph speed limit should be implemented on the section of highway fronting the proposed school. An approved scheme should be implemented prior to the occupation of the school.

**Suspension Bridge** - The proposed bridge across Greatham Creek will place a substantial maintenance cost on the Council, a commuted sum of £100,000 should be paid to the Council through the section 38 agreement. This is to cover the costs of future inspections and maintenance. Prior to construction full design details of the bridge should be submitted to the Councils Structural Engineer for approval.

**A689 / Southern Access Road**-It is proposed the new junction will operate under traffic signal control. The junction should be connected to the A689/ High St, Greatham junction with a SCOOT system to optimise capacity. The principle of the junction design is acceptable however the details will need to be agreed with the Councils Traffic signal Engineers. The developer should provide a £30,000 contribution to help fund the provision of road safety measures, to improve the safety environment at and on the approaches to the new junction. A 3.0 metre wide footway / cycle way is to be provided on the north eastern side of the junction which will join into the existing National Cycle Route 14 at the A689 / Greatham High Street junction. In order to promote the safety of pedestrians and cyclists using this route the speed limit on the A689 between Greatham High Street and to point west of Dalton Back lane should be reduced to 50mph. The developer should fund all costs associated with the reduced speed limit, including signage road markings and Traffic Regulation Orders. The developer should fund street lighting on the A689 between the site access and the commencement of street lighting near to the A689/Greatham High Street junction.



A689 / A1185 and A689 / Wolviston Services - Stockton Borough Council require the developer to pay £1.2 million to carry out Improvements at these two roundabouts, this is to enable the junctions to accommodate the expected traffic growth due to the proposed development.

A689 / Stockton Road / Brierton Lane and A689 / Stockton Road - The modelling shows that there are significant increases in traffic queues on both these junctions particularly in the AM peak. It is proposed to convert the A689 Brierton Junction to traffic signal control, including the widening of Brierton Lane (on its north side ) to accommodate a flared 2 lane approach, and extended signal controlled right turn lane into Brierton Lane and Walk with traffic controlled pedestrian phase over the Brierton lane approach. It is proposed to remove the all pedestrian Phase on the existing A689 / Stockton Road traffic signal junction and replace with a walk with traffic crossing facility on the A689(N) and Stockton Road approaches. The proposed amendments are acceptable. The developer considers that these measures should be introduced following the completion of the 600th property, this would be acceptable. The works would need to be carried out under a section 278 agreement.

Brierton Lane / Catcote Road - It has been identified that this junction will operate over capacity and that the junction will require signalisation. It is therefore proposed to implement the traffic signal junction (plan 14/007/BRI/01) this should be implemented prior to the first occupation of the 145<sup>th</sup> dwelling accessed via the northern access road.

Brierton Lane / Northern Access Road -The proposed carriageway realignment works on Brierton Lane in the vicinity of the Westfields junction and are acceptable (plan 14 / 007/NAR/05 rev B & 14 /007/NAR/01 rev D).

Catcote Road / Oxford Road -The developer considers that the junction will operate well within practical capacity in 2023, although current observed traffic flows indicate that the junction struggles with traffic flow particularly during peak periods. The developer has offered to fund a scheme to increase capacity at the junction, this will include the removal of the pedestrian crossing on the southern leg and the provision of 'walk with traffic' crossing facilities on the northern and eastern legs of the junction. This will require the construction of traffic islands and the realignment of the carriageway. These improvements would be welcome and help with congestion at the junction, however I'm concerned that it will reduce pedestrian crossing options particularly on the main leg on Catcote Road opposite the shops. I have therefore asked HBC signal providers to review the proposed measures and see if they can be improved.

Catcote Road / Truro Drive The developer considers that the junction will operate well within practical capacity in 2023, the assessment of this junction does not correspond with existing conditions where long queues are frequently observed, the developer has offered to fund a scheme to improve capacity of the junction, this will involve the creation of separate right and left lanes on the Truro drive leg. These improvements would be welcome and help with congestion at the junction.

(Relevant Conditions are included within the Conditions within the recommendation below.)

### **National Highways (formerly Highways England) –**

Comments received 01/03/2022 : I am content that the plan can be considered at the 16.3 Committee. We would normally be consulted on a discharge of a condition placed by us. We would comment at this stage. I am happy to attach a copy of the drawing and refer to the proposed mitigation required as part of the condition when we issue our final response to this application. I hope to have more news towards the end of the week regarding the Stage One Audit so will be in contact then.

Comments received 24/02/2022 : Please note that as per our most recent position statement (attached) the Stage One Road Safety Audit (RSA1) for the A19/A689 improvement scheme is not complete and this remains the critical path to us being able to offer a final conditional response. I am not sure if the RSA1 will be approved ahead of your target deadline date, though I am striving towards achieving this ASAP.

It is very likely that subject to an approved RSA1 for the A19/A689 improvement scheme, a conditional response could be agreed upon.

Regarding your proposal that a Travel Plan is secured as a planning obligation on the S106, National Highways cannot be a signatory to S106 agreements and this approach would not allow us to review and approve a Travel Plan. Instead we would seek that subject to an approved RSA1, you request that a planning condition is agreed detailing the requirement for a Travel Plan. This would allow us to be consulted on the discharge of the condition. Then, any obligations for the agreed Travel Plan could be included in an S106 agreement.

We support the amended wording of the proposed Grampian condition for the A19/A689 improvement scheme. However, we would reiterate that the referenced drawing remains subject to an approved RSA1.

Position Statement received 24/02/2022 : Following our meeting on 08/02/2022 with you and others from Hartlepool Borough Council, the applicant, and the applicant's transport consultants (Milestone Transport Planning) for the above planning application. We would provide this additional response explaining our position. It was agreed that a condition can be agreed that secures a Travel Plan for the development. For example:

*“No part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been approved in writing by the local planning authority (who shall consult with National Highways) and implemented. The Travel Plan shall include proportional measures and arrangements for monitoring, review, amendment and effective enforcement.”*

Our previous response stated the following:

*We would state that based on the cumulative pressure of developments impacting the A19/A689 junction, the improvements to the A19/A689 junction, as illustrated on drawing reference WSP-WYP-0545-DR-GA-001 (to be agreed following the road safety audit process), will be required no later than 2024. The proposed development's phasing shows that by 2024, the proposed development will have built 112 dwellings. Subject to an agreement with the Local Planning Authority on the following approach, and subject to an approved Road Safety for the A19/A689 improvement scheme, we would be happy to suggest that the following planning condition be applied to this application:*

*'Prior to the occupation of the 112th dwelling, the improvements to the A19/A689 junction, as illustrated on drawing reference WSP-WYP-0545-DR-GA-001 (to be agreed following the road safety audit process), shall be completed to the satisfaction of the Local Planning Authority and National Highways'.*

As explained during the meeting, the trigger point stated above (for 112 dwellings) was derived considering the build out rates provided by Milestone Transport Planning, and the year in which the A19/A689 mitigation is forecast to be required (2024, based on development phasing agreed with the Local Planning Authorities). It is now understood that the build out rates provided by Milestone Transport Planning were indicative and should not be used to inform trigger points. Consequently, we would revert back to the original maximum trigger point detailing the quantum of development that can come forward prior to the A19/A689 improvements, as informed by our analysis (and agreed with both Local Planning Authorities).

Our assessments identified that, subject to an approved road safety audit, 275 dwellings of the total proposed development (1,260 dwellings) could be occupied prior to the improvements to the A19/A689 junction being required. Consequently, subject to an approved Road Safety Audit for the A19/A689 improvement scheme, we would be happy to suggest that the following planning condition be applied to this application:

*'Prior to the occupation of the 275th dwelling, the improvements to the A19/A689 junction, as illustrated on drawing reference WSP-WYP-0545-DR-GA-001 (to be agreed following the road safety audit process), shall be completed to the satisfaction of the Local Planning Authorities and National Highways'.*

The applicant may wish to suggest an amendment to the wording of the above condition, to increase the quantum of development that can come forward prior to the A19/A689 improvements beyond 275 dwellings. In this case, we would require an agreement with the Local Planning Authorities on a reallocation of development quantum, from another committed development that was included in our A19/A689 mini-infrastructure study.

**The Road Safety Audit for the A19/A689 improvement scheme is not complete and this remains the critical path to a (potential) conditional response from National Highways.** Furthermore, upon approval of the Road Safety Audit for the A19/A689 improvement scheme, an agreement is required between us and the Local Planning Authorities on the wording of any planning. We would note that the approach to conditioning a travel plan and the A19/A689 mitigation on the 275th dwelling was agreed as acceptable in principle during the previous meeting.

On the basis of the above, **our existing recommendation of non-determination is required to remain in place.**

**HBC Engineering** – In response to your consultation on the above application, we have no objection to proposals.

In respect of contaminated land, whilst reports submitted with the application do not find any high risk of contamination they do however recommend further and intrusive investigation. To facilitate this please can you include our standard residential contaminated land condition on any permission issued for the proposals.

In respect of surface water management, please can you include our detailed drainage condition.

(Relevant condition included in the recommendation below)

**Environment Agency** – Further to our previous response, dated 29 June 2015, we wish to reconfirm that we have NO OBJECTION to the proposal subject to conditions. We consider the proposal would be acceptable providing the following conditions are imposed on any grant of planning permission.

Condition 1 – Secure implementation of flood risk assessment

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment and Drainage Strategy, dated November 2020, by Hill Cannon Consulting) and the following mitigation measures it details:

- The proposed mixed-use development shall be built entirely within Flood Zone 1
- The underside of the bridge supporting deck level shall be set to a minimum of 12.70m AOD

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with paragraph 167 of the NPPF.

Sequential test - advice to LPA

In accordance with the National Planning Policy Framework (paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our

flood risk standing advice reminds you of this and provides advice on how to apply the test.

#### Exception test - advice to LPA

In accordance with the National Planning Policy Framework, the proposed development is appropriate provided that the site meets the requirements of the exception test. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.

#### Surface water flood risk – advice to LPA

In our previous response in 2015, we requested a condition in respect a surface water drainage scheme. Since this time, your Lead Local Flood Authority (LLFA) have become the lead in managing local flood risks including risks of flooding from surface water, groundwater and ordinary watercourses. We wish to defer to your LLFA to ensure that the proposal would not increase flood risk off-site in respect to these flood risk matters outside of the EA's remit. In areas with critical drainage problems, surface water run-off generated should be limited so that it will not exceed the run-off from the undeveloped site.

#### Condition 2 – Buffer Zone

No development shall take place until a scheme for the provision and management of a 10metre wide buffer zone alongside the watercourses and ponds shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- Plans showing the extent and layout of the buffer zone;
- Details of any proposed planting scheme (for example, native species);
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
- Details of any proposed footpaths, fencing, lighting etc; and
- Where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.

#### Reasons

Development that encroaches on watercourses and ponds has a potentially severe impact on their ecological value. For example, artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Furthermore, land alongside watercourses and ponds are particularly valuable for wildlife and it is essential this is protected. For example, light spillage may result in potential impacts on fish movement and otters.

This condition is supported by the National Planning Policy Framework (NPPF, 2021), paragraph 174 which recognises that the planning system should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The Natural Environment and Rural Communities (NERC) Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the Northumbria River Basin Management Plan.

#### Habitat Creation and Management Plan – Advice to LPA

We agree with the statement within the document “Environmental Statement, Part 2 – Ecology & Nature Technical Paper, Revision 2 – March 2021”: “Habitat Creation and Management Plan will be produced and agreed with the LPA prior to works commencing on site. This document will include a detailed timetable of works including creation, monitoring and management of habitats”.

We would suggest that this is conditioned to secure this as this will be of benefit to a variety of species and biodiversity, including those outside of the EA’s remit. This could include information specific to our conditions above, including buffer zone/habitat creation and creation of ponds.

#### Otters – Advice to LPA

Given our previous response we do not wish to object to this proposal however we consider that an updated otter survey should have been undertaken to determine if new habitat features have developed since the original otter report was undertaken in 2014. It should be noted that breeding and resting sites of otter have full protection as do their supporting habitat. We are not confident that the risks to the species have been appropriately assessed due to the age of the previous assessment. Ensuring the above buffer zone (suggested condition above) is included would go so far to mitigate for this however it may be prudent to require additional checking surveys prior to commencement.

#### Lighting of watercourse – Advice to LPA

Direct lighting of the watercourse both during construction and operation phases should be avoided. Lighting should follow current best practice guidelines to avoid impacts to local environment and ecology. We would recommend this being included any condition for a construction environmental management plan.

#### Sustainable Urban Drainage Systems (SUDS) – Advice to LPA/Applicant

We are pleased to note that the development is taking a SUDS approach. The following elements of SUDS should be considered:

- All SUDS should be constructed in advance of other elements of the construction phase of the scheme. This will reduce the likelihood of pollution impacts upon Greatham Beck.

- SUDS must be designed following SUDS best practice with the designs of SUDS being focussed upon benefits for wildlife.
- A management plan for SUDS should be produced with a focus upon benefits of wildlife as well as drainage.

### Condition 3 – Surface Water Management Plan

The proposed development will be acceptable if the following measures are implemented and secured by way of a planning condition on any planning permission.

The development hereby permitted shall not be commenced until such time as a Surface Water Management Plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. The plan should include, but not limited to, the following:

- Treatment and removal of suspended solids from surface water run-off during construction works;
- Approach to ensure no sewage pollution or misconnections;
- Approach to ensure water mains are not damaged during construction works;
- Management of fuel and chemical spills during construction and operation, including the process in place to ensure the environment is not detrimentally impacted in the event of a spill;

### Reasons

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 the National Planning Policy Framework.

The Northumbria river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause the deterioration of a quality element to a lower status class because it would result in the elevation of suspended sediments and hazardous pollutants. This could have significant implications for Water Framework Directive status and ecology.

Beyond this, we would like to add the following informative comments:

### Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

#### Land Contamination – Advice to LPA

We previously suggested a condition in respect to contaminated land. We wish to withdraw this and would defer this matter to your public health and/or environmental health teams as our priorities and risk appetites have changed since our last consultation. In relation to land contamination at the proposed development site, please note that we only consider issues relating to controlled waters.

Previously we have recommended conditions based on historic sand & gravel extraction within the development area. These extraction areas are no longer included within the development therefore good practise should be followed, with the site currently not a priority for our site specific involvement.

We recommend that developers should:

1. Follow the risk management framework provided in 'Land contamination: risk management' when dealing with land affected by contamination;
2. Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health;
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed;
4. Refer to the contaminated land pages on [gov.uk](http://gov.uk) for more information.

#### Dewatering – Advice to applicant

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface.

The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests. This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

More information is available on [gov.uk](http://gov.uk): <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.



Discharge to surface water for dewatering purposes may be covered by a Regulatory Position Statement (RPS) for water discharge activities. If you can comply with all of the conditions within the RPS, then a permit is not required for this activity. Please find the RPS conditions [here](#). If any discharges do not fully comply with the RPS, then a bespoke discharge permit will be required.

Please find guidance on applying for a bespoke water discharge permit [here](#), the linked page also provides contact information should you need assistance.

#### Abstraction – Advice to applicant

If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

#### Decision Notice

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR. Customer services line: 03708 506 506 Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) electronic copy of the decision notice or outcome.

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

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

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment & Drainage Strategy". In this document it states the foul flows shall discharge to the public sewerage network via two connections; 1x connection at manhole 8801 and 1x connection at manhole 6603. All the surface water flows shall discharge directly to the watercourse.

We would therefore request that the Flood Risk Assessment & Drainage Strategy form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower

than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards.

**Hartlepool Water** – No representations received.

**HBC Heritage and Countryside Manager** – This site does not include any listed buildings, conservation areas or locally listed buildings.

The main issue for consideration is Claxton Farm and the level of significance which should be attributed to the buildings. As previously commented the structures relating to the farm are of some interest in the context of Hartlepool. It does however appear that the buildings in question have been altered which has diminished the significance leaving only remnants of the original buildings. In addition there are other examples of groups of farm building elsewhere in Hartlepool which are listed or locally listed as they are better examples. In light of this it is considered that there would be no objection to the demolition of the structures and the proposal to record these, prior to the demolition works is welcomed.

**Tees Archaeology** – Comments received 27/01/2022- We have no objection to the proposed Brierton Lane Improvements/ Northern Access Road General Alignment and our comments of July 2021 remain the unchanged.#

Comments received 3/08/21: I have no objections to the proposed phasing. Any archaeological mitigation work requested by Tees Archaeology should be carried out on each individual phase before that phase is developed.

Comments received 26<sup>th</sup> July 2021: The site has previously been subject to desk-based assessment, geophysical survey and archaeological trial trenching, which have determined the need for further archaeological work; it is noted that these reports and previous correspondence with Tees Archaeology has been submitted. A Written Scheme of Investigation detailing the programme of archaeological mitigation work has been submitted to, and approved by, Tees Archaeology. The archaeological mitigation work can be undertaken as a condition of development. I set out the proposed wording of this condition below:-

Recording of a heritage asset through a programme of archaeological works

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

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

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

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

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

**Hartlepool Civic Society** – No representations received in respect to 2021 consultation.

The Civic Society objected in their original response dated 02/12/2014 for reasons relating to design (a failure to promote and reinforce local distinctiveness and innovate), lack of need for the housing, highway safety/congestion, expansion beyond the urban fence (supports brownfield development), impact on the character of Greatham and its conservation area, location and size of local centre, crime and antisocial behaviour, impacts on wildlife corridor and protected sites (SPA).  
(Summary)

**HBC Ecology** – Further to my previous response (dated 26/07/2021) I am now in receipt of the following additional information, which is relevant to the ecological effects of the proposals.

- Phasing plan
- SANGS plan
- Updated Biodiversity Net Gain Assessment report (January 2022)
- Updated Biodiversity Metric 3.0 calculation tool (undated, received on 23/12/2021)

#### Significant Ecological Harm, Ecological Networks and harm to Locally Designated Sites

The ecological survey and assessment information, including the proposed mitigation, used to support the application is sufficient to demonstrate that the proposals will not result in residual significant ecological harm, or harm to ecological networks. I am also satisfied that the harm to the interest features of Greatham Beck Local Wildlife Site and Local Nature Reserve is minimised as far as practicable, and that adequate compensation is feasible in respect of any residual harm to these features. This assessment remains true when considering the proposed changes to the Brierton Lane highways improvements submitted by the applicant.

Recognising that the proposed development is to be constructed in a number of phases and over a number of years, I have suggested a condition to secure updated ecological surveys where existing survey information becomes outdated. These surveys would relate to specific ecological features where there is potential for change in the distribution of species, such that impacts could occur that have not been as part of the present submission. Features to be include in these surveys are roosting bats, nesting birds and badger, which are mobile species capable of moving into future

phases of development within the period of time from planning approval to construction.

Additional conditions are suggested that will ensure full details of the necessary ecological measures, considering and future survey information, are secured in respect of the construction phases (a Construction Environmental Management Plan) and the long-term management of the post development site (a Landscape and Ecological Management Plan).

The proposed crossing of Greatham Beck LWS is the element of the proposals with the greatest potential for significant ecological harm and harm to ecological networks. Therefore an additional condition is suggested specific to Phase 2, which includes the crossing. This condition requires an Ecological Design Strategy describing ecological measures specific to this element.

In addition to this a condition is suggested that, in the event that reserved matters applications for future phases include lighting of the proposed SANGS area, secures details of a lighting design that minimises harm to nocturnal species.

Assuming the above conditions are applied I am satisfied that the proposals are compliant with local plan policies NE1 and NE4.

#### Biodiversity Net Gain

The applicant has submitted an updated calculation of the change in biodiversity value using the latest metric published by Natural England; the Biodiversity Metric 3.0. This calculation is supported by a Biodiversity Net Gain Assessment report that includes drawings showing the classification of before and after development habitats together with rationale for other metric input values. The metric calculation shows a net increase in area habitat biodiversity units (36.83%), hedgerow biodiversity units (36.23%) and river biodiversity units (29.62%).

Taking account of the inherent uncertainty within an outline application, I am satisfied that the proposals are capable of delivering a genuine biodiversity net gain. However, the precise proportion of increase is dependent upon detail to be agreed at reserved matters stage. Provision of this detailed information can be secured through the condition requiring a Landscape and Ecological Management Plan (LEMP) suggested to prevent significant ecological harm, as set out above. In addition to this, obligations with the section 106 agreement will need to include a requirement to achieve a specified proportional increase in biodiversity units for the whole site. This will be in conjunction with a requirement for recalculation of the initial metric calculation for each subsequent reserved matters, as a means of tracking progress towards the specified site wide net gain requirement.

Assuming the LEMP condition is applied, and the appropriate obligations included within the section 106 agreement, I am satisfied that the proposals can be delivered in accordance with NPPF paragraphs 174(d), 179 and 180.

#### Habitat Regulations Assessment

The Habitat Regulations Assessment (HRA) for the application recognises that the proposals include an area of Suitable Alternative Natural Green Space (SANGS) that is expected to mitigate recreational pressures on the Teesmouth and Cleveland Coast SPA and Ramsar, and a reduced financial contribution to wardening and other mitigation measures at the coast is calculated accordingly.

Providing this area of SANGS is secured for the lifetime of the development the conclusions of the HRA remain valid. As the HRA has concluded no adverse effect on integrity of any European Protected Site the application can be lawfully approved under the assessment provisions of the Conservation of Habitats and Species Regulations 2017.

### Conclusion

In conclusion, subject to the conditions and obligations summarised above, the proposals can be considered compliant with local policies NE1 and NE4, as well as the paragraphs of the NPPF that refer to biodiversity net gain (namely paragraphs 174(d), 179 and 180). On this basis I have no objection to the proposed development.

### **Natural England – SUMMARY OF NATURAL ENGLAND'S ADVICE**

#### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area and Ramsar site <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- A financial contribution to the Hartlepool HRA Mitigation Strategy and Delivery Plan, as set out in the Habitats Regulations Assessment Stage 2 (Appropriate Assessment)

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

**Tees Valley Local Access Forum** No comments received in respect to the 2021 consultation. In their original response (01/12/2014) they suggested that the opportunity to add equestrian routes and improve non-motorised access along Brierton Lane be explored and suggested that landscape on the western edge of the development should be increased. (Summary).

**Tees Valley Wildlife Trust** – No representations received.

**Teesmouth Bird Club** – No representations received in respect to the 2021 consultation. In their response to the original consultation the Club raised no objections but made various suggestions in respect to mitigation for wildlife. (05/11/2014)(Summary)

**Durham Bird Club** – No representations received in respect to the 2021 consultation. In their response to the original consultation the Club made various suggestions in respect to the mitigation for wildlife in particular offsetting and

providing compensatory habitat for farmland birds. They also advised care should be taken to prevent pollution of Greatham Beck given its links downstream to the SPA. (Summary)

**Durham CPRE (Campaign for the Protection of Rural England)** No representations received in respect to the 2021 consultation. In respect to the original consultation Durham CPRE raised various concerns in respect to development in open countryside (favour brownfield development), need for the housing, sustainability, impact on the tranquillity of the area and visual impact. The CPRE also query how the green wedge will be protected. They support the retention of the area around Greatham Beck as a wildlife site and the proposals for SUDs.

**RSPB** – No representations received.

**HBC Parks and Countryside** – No representations received.

**HBC Countryside Access Officer** –

Comments received 27/01/2021 (in respect to the Brierton Lane Improvements amendments): Many thanks for this and this afternoon's discussion. These details do indeed clarify and provide a good foundation for the bridleway, cycling and pedestrian access and links, as mentioned. I am happy with these details to form the basis of future application and development.

Comments received 04/01/2022 (in respect to the Brierton Lane Improvements amendments): I would like to see more detail regarding the Northern Road General Alignment plans for Brierton Lane. There is labelled some detail in relation to Public Rights of Way and Bridleways and I would like to discuss these details with the applicant, for my clarification. Proposals to link to the existing Permissive Bridleway do not show enough detail, as to how it is proposed to carry out this. The shared Cycleway and Footway also shows little details and some indication of what is proposed needs to be provided for my clarification and agreement.

Comments received 08/12/2021: There are three Public Rights of Way that are part of the future South West Extension development (H/2014/0405), namely:

1. Public Byway No.02, Greatham Parish Detached
2. Public Footpath No.01, Greatham Parish Detached
3. Public Footpath No.04, Claxton Parish

The Public Byway is not directly affected by the proposed development, as shown on existing outline plans.

Both public footpaths will require diverting and this, although affected by the development, is a separate legal process – Town & Country Planning Act 1990, section 257.

As the application is in outline stage, the public rights of way (PRoW) legal process cannot commence. Once full planning approval is given, applications to divert the

two public footpaths, can be submitted to Hartlepool Borough Council to start the PRow legal process as discussed above.

It would therefore be useful to have an ‘informative’ added to the final planning decision outlining the requirement for the PRow legal process. This legal process is separate to the planning process but is affected by the decision, if given, to approve the development.

The information, discussions and documents provided by the applicant show that they are committed to diverting the two afore-mentioned public footpaths and subsequent plans indicate this, as well.

**Ramblers Association** – No representations received in respect to 2021 consultation. The Ramblers raised no objections in response to the original consultation (02/06/2015).

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

**HBC Arboricultural Officer** – Comments received 23/12/2021 in respect to the Brierton Lane Improvements amendments: The proposed realignment will mean the destruction of a mature hedge row on the northern side of Brierton Lane which is on Council owned land and the removal of a regularly maintained hawthorn hedge on the southern side. That said the land on which the mature hedgerow stands has been successively planted with trees since Cleveland Community Forest arose and the area is now densely forested here but never thinned out as it should have been. This has led to numerous complaints from residents in this area and bearing in mind the history of this piece of land which was originally mown grass, the removal of the hedgerow in question does not cause me any concern other than the habitat issues on ecological grounds. The hedgerow itself consists of remnants of elm, hawthorn, birch and ash and runs for about 125m along the parcel of land on which the aforementioned woodland was planted. Incidentally this was my design and creation originally. In short I have no objections to the proposed realignment.

Comments received 14/12/2021: I have no issues with the proposed design in relation to the mature tree cover here. An Environmental Statement was previously submitted by Spawforths which included a landscape character assessment and tree survey report carried out in 2013 (Document received 25/09/2014) and this mentioned retaining existing trees and hedgerows and add additional infrastructure planting with the following comments:

“Much of the farmland is divided by hedgerows; these hedges consist largely of mature Hawthorn and many of the hedges contains gaps that are void of hedging plants. As would be expected the hedges have been subject to cyclical management over many years although it is estimated that the majority of them have been left uncut for the last two years. There are a relatively small number of trees, interspersed throughout the hedges; these consist mostly of semi/early mature Ash trees which are generally in poor health and in varying stages of decline. There are a number of groups of trees located across the site; the majority of the trees in these groups have been left to grow unmanaged over many years. The largest tree group

is recorded as TG10 ; these trees are growing in a linear fashion along the banks of the stream. There are few trees within this group that warrant arboricultural note but as an entity this group presents significant landscape value. “

In the amended description and masterplan can I refer to the illustrated landscape strategy that was received on the 5/7/21 which showed spatial arrangement of green infrastructure with the main areas running along the Greatham Beck and part of the A689 with the emphasis that existing boundary hedges being retained. Overall there is little loss in terms of existing mature tree cover here and I have no objection on this. Indeed the area of accessible open land would be increased if any.

The latest amended masterplan received on the 2/8/2021 defines the above into green wedges and POS, flood zones, ecology mitigation areas and a 5m landscape buffer running South from the proposed new site access linking Brierton Lane.

In considering the area populated with mature trees and the additional enhancement of POS regarding the application in at the moment, I have no objections or further comments to make other than to make a condition that full landscape details are forthcoming.

**HBC Education / Children and Joint Commissioning** – I can confirm Children's & Joint Commissioning Services department have no objections to the proposed development. However, a satisfactory S.106 legal agreement, detailing education contributions will be required.

**HBC Housing Management** – No representations received.

**HBC Housing** – No representations received.

**HBC Property Services** – Comments received 6<sup>th</sup> January 2022 in response to Brierton Lane Improvements Amendments: There is a small area of HBC owned land required for highway improvements on the junction of Westfields and Brierton Lane, though we would be supportive of it being used for a road widening scheme

Original Comments: I've opened the red line plan on the portal and an area of land within it near Moffatt Road is under Council ownership as per the attached plan. Looking at the indicative site layout it appears to be open space close to where the proposed school is shown.

**HBC Waste Management** – No representations received.

**HBC Public Health** – No representations received.

**NHS Clinical Commissioning Group** – I am writing in response to the above planning application currently being evaluated by you. Please see below for the required contribution to healthcare should the scheme be approved.

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



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

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

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

This reflects the current position based on information known at the time of responding. The NHS reserves the right however to review this if factors change before a final application is approved.

Should you have any queries in relation to this information, please let me know.

Item	Response
LA Planning References	H/2014/0405
GP Practices affected	McKenzie Group Practice Havelock Grange Practice
Local intelligence	These practices fall within the Hartlepool Health and One Life Primary Care Networks and are at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients
Number of Houses proposed	144
Housing impact calculation	2.3
Patient Impact (increase)	331
Maxima Multiplier	0.07
Additional m <sup>2</sup> required (increase in list x Maxima Multiplier)	23.184 m <sup>2</sup>
Total Proposed Contribution £ (Additional m <sup>2</sup> x £3kpm <sup>2</sup> , based on NHSPS build cost)	£69,552

**HBC Sport and Recreation** – No representations received.

**Sport England** – I refer to the above application and your recent reconsultation with Sport England. Thank you for seeking Sport England's view on the additional information that has been submitted by the applicant.

We initially raised a non-statutory objection to this application back in 2014 as the applicant had not committed to make a financial contribution to the built sports facilities contribution arising from the development.

The current consultation includes a draft S.106 which, inter-alia, sets out the applicant's commitment to:

- A built sports facilities contribution of £250 per dwelling;
- Phased implementation of 5 no football pitches;
- Changing accommodation to service the football pitches;
- A community use agreement for use of the football pitches and changing rooms;
- Manage and maintain the pitches

In terms of both the quantum of investment and the mechanisms by which it is secured, Sport England is satisfied with the detail of the draft S.106 agreement. As such the proposal is now considered to meet (in principle at least) the following Sport England planning objectives:

8. Support new provision, including allocating new sites for sport and physical activity which meets identified needs;

9. Ensure a positive approach to meeting the needs generated by new development for sport and physical activity provision;

10. Provide sport and physical activity provision which is fit for purpose and well designed.

Sport England would support the application if it were approved subject to the provisions of the draft S.106 agreement.

**HBC Economic Development** – No comment.

**HBC Building Control** – I can confirm that a Building Regulation application will be required for the works described.

**HBC Community Safety and Engagement** – No representations received.

**Cleveland Police** –No objections from Police but would request to be consulted at an early stage to ensure crime prevention measures and community safety is considered in relation to layout and physical security.

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

Access and Water Supplies should meet the requirements as set out in:  
Approved Document B, Volume 1:2019, Section B5 for Dwellings.  
Approved Document B Volume 2:2019, Section B5 for buildings other than Dwellings

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes.

This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1 and AD B Vol 2 Section B5 Table 15.2.

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, above.

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

**Cleveland Emergency Planning Unit** – Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals. The site is in close proximity to the Northern Gas Networks Gas Pipeline but I can see they have been consulted on already.

**Office for Nuclear Regulation** – I have consulted with the emergency planners within Hartlepool Borough Council, which is responsible for the preparation of the Hartlepool off-site emergency plan required by the Radiation (Emergency Preparedness and Public Information) Regulations (REPPPIR) 2019. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency plan arrangements.

The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

**Health and Safety Executive** – HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Pipelines

7820\_2077 Northern Gas Networks

7825\_2082 Northern Gas Networks

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

The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.

The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

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

**National Grid** – Regarding planning application H/2014/0405 at site location ‘Land between A689 and Brierton Lane’ there are no National Grid assets affected in this area.

**Northern Power Grid** – No objections raised providing rights are not affected and that they will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary. Make various recommendations in respect to safe working in the vicinity of power lines (Summary)

**Northern Gas Networks** – Following our objection to the proposed stopping up of the highway at Land between A689 and Brierton Lane Hartlepool on 13th July 2021 we are now willing to rely on our statutory powers and so withdraw our objection. (Note relevant conditions have been agreed and are included in the recommendation).

**National Planning Casework Unit** – No representations received.

**Hartlepool Rural Neighbourhood Plan Working Group (HRNPWG)** – Thank you for consulting Hartlepool Rural Plan Group with regard the above application. The application site does lie within the boundaries of Hartlepool Rural Neighbourhood Plan. The proposed development is recognised on the proposals map for the neighbourhood plan as being likely to come forward to provide for the expansion of the town of Hartlepool. Policies for the Rural Neighbourhood Plan were drawn up with this fully in mind and seek to ensure the development is sensitive to the rural area and acceptable in planning terms with reference to design, access, residential amenity, impact on visual amenity, drainage, ecology and all other policies contained within this plan. To this end a policy is included in the Neighbourhood Plan to provide a design framework to be used in the consideration of developments on the edge of the urban area. The Neighbourhood plan seeks to assist in meeting Hartlepool Borough’s housing need for 6000 additional homes within the next 15 years by supporting new developments on the edge of Hartlepool which take into consideration their rural fringe locations and which do not compromise the Green Gaps, subject to design, layout, environmental and traffic impact considerations.

The following Rural Neighbourhood Plan Policies are particularly relevant to this application: -

#### POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

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

6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;
7. how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water into fluvial water and;
8. how the design ensures that homes are flexible to meet the changing needs of future generations.

Disappointingly the group remain convinced that developers continue to fail to grasp the value of the distinct local and regional style and character. Instead, they are dressing their standard house designs (eg. Kendal and Chedworth house types), which might be found on any site anywhere in the country, with the least imagination possible. Adding heads and cills to standard house types does not achieve the ambition of creating a sense of place and reflecting local distinctiveness. Chimneys do not in themselves add local character or identity. This falls far short of the design principles of the National Design Guide as referenced by NPPF 128, particularly the chapter on Identity and Hartlepool Residential Design Guide section D. The Hartlepool Guide clearly states, “when preparing proposals for development on the urban/rural fringe then reference should be drawn to the site’s existing rural location and any new dwellings should be reflective of the rural setting and the local distinctiveness that exists within that area of the Borough”. The applicants Character Appraisal and Design Code looking to Greatham village as its main inspiration is welcomed, however there is little evidence of this inspiration being productive. Greatham has a Village Design Statement that might be of assistance but is not apparently referenced. As such the application presented falls far short of HRNP policy GEN1 as it stands.

## POLICY H5 - HOUSING DEVELOPMENT ON THE EDGE OF HARTLEPOOL

New housing development on the edge of Hartlepool, where appropriate, should be designed to:

1. create distinct new communities designed to instil a sense of place, with an attractive community hub, located in the centre of the development, containing a community centre, shops and other local services on a scale that meets the needs of the new community;
2. incorporate a diverse housing mix with a variety of house types, sizes and tenures;
3. provide an open and attractively landscaped development with the gross density of the development of about 25 dwellings per hectare;
4. include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats;
5. include landscaped open spaces, roads and footpaths, incorporating children’s play areas, throughout the development linked to the peripheral landscape buffer to provide green routes through the housing areas that enhance the quality of the development and provide wildlife habitats;
6. link new footpath and cycleway routes through the development to routes in the countryside, to existing adjacent communities, to schools, community facilities and the town centre;

7. retain existing farmsteads, trees, hedgerows, ditches, watercourses, and heritage assets within the development;
8. not compromise the Green Gaps between the urban area and villages;
9. address any significant impacts arising from an increase in traffic on the road network between Hartlepool and the A19 as a result of the new development. This should include mitigation measures identified by Transport Assessments which may include improvements to the junctions from the villages to the A19, A179 and A689 as well measures to discourage traffic from the new development using minor roads through the villages in the Plan area and sympathetic traffic calming where necessary. Adequate measures should be discussed as part of the application and not delegated to a condition and in some instances measures should be put in place prior to the occupation of the first dwelling in the relevant proposal.
10. avoid areas at risk of flooding and incorporate sustainable drainage measures to manage rain water run-off from the development.
11. assist in meeting Hartlepool Borough's housing need for 6000 additional homes within the next 15 years by supporting new developments on the edge of Hartlepool which take into consideration their rural fringe locations and which do not compromise the Green Gaps, subject to design, layout, environmental and traffic impact considerations.

Where a developer deems a scheme's viability may be affected they will be expected to submit an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

The local centre is not located in the centre of the development but at the far southern extremity. The application states "the local centre will be highly accessible to residents of the estate and reduce reliance on private cars for basic services" yet this location suggests the need for far longer journeys than necessary from at least half the development. This surely will encourage car use in place of a longer walk. Planning definition of a local centre is "a small group of shops and perhaps limited service outlets of a local nature (for example, a suburban housing estate) serving a small catchment. Sometimes also referred to as a local neighbourhood centre". The location is quite clearly being chosen to attract traffic from the nearby A689 thus seeking a far greater catchment which will cause increase traffic using the junctions both proposed and future. The centre will require children and those with disabilities to travel further to access its facilities than if it was in a more central location.

Associated with the 'Local Centre' is the so called "Urban Core – located immediately to the North of the Local Centre, the Urban Core will be the highest density character zone. It will consist of a mix of semi-detached and terraced units up to 3 storeys in height". Yet due to the location of the local centre this is part of the long-term rural edge at the southern end of the proposed development closest to and most visible from Greatham Village. This is contradictory – the urban core and rural edge side by side! More appropriate is character zone "Rural Edge/Green Wedge". This character zone is designed to reflect the areas semi-rural setting, seeking inspiration from the surrounding Farmsteads and Greatham. A Character Zone

comprised of lower density residential housing directly adjoining the Green Wedge and the outskirts of the development.

The Group seek the relocation of the Centre and the associated Urban Core to somewhere at the opposite end of the so-called boulevard.

Will there be some provision of social/rental properties within the development?  
What proportion of the properties will be much needed bungalows?

The Group welcome and commend the landscaping and network of open spaces, especially that along Greatham Beck. The buffer indicated along the A689 is a little vague and we would seek a condition that it be at least equal to that between the A689 and Mildenhall Close, South Fens. This not only to screen the new residents from the busy A689 but also reduce the impact of the new development on the rural area.

The network of open spaces, footpaths and other links is welcomed, especially the retention of rights of way even where diverted slightly.

The demolition of Claxton Farm being sought by the application is contrary to HRNP policy. It is wasteful both environmentally, culturally and in terms of creating a sense of place. Surely this property could be sold off without detriment to so large a development. The gain in character and heritage would surely be worth its retention. Similarly, the preservation of the ruin at Lower Claxton would provide a unique, attractive and distinct feature for the open space at the Southeast end of the development.

The Group are concerned about the new junction and the level of traffic this new development will place on the A689. Of especial concern is the existing staggered crossroads near Claxton Bank which is very important in linking the rural villages and outlying areas. Its safe use is also vital in ensuring the continued bus service running through Greatham. The modification of this junction to serve the new development with lights or roundabout would have improved safety and avoided the need for yet another junction on the main route into Hartlepool. There would have been benefits for both the existing rural residents and the residents of the new development. We would urge a rethink on the access to the new development.

#### POLICY T1 - IMPROVEMENTS TO THE HIGHWAY NETWORK

Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation:

1. improvement of the A179/A19 junction
2. the dualling of the A179
3. improved village approach roads and junctions to the A179, A689 and A19
4. alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool
5. appropriate measures to discourage traffic related to any new development on the edge of Hartlepool from using minor roads through the villages in the Plan
6. Measures that promote good driver behaviour, such as speed cameras.

The above improvements must be designed, as far as possible, to be in keeping with the rural setting.

As already stated, an improvement of the junction at the top of Claxton Bank is urged. Increased traffic on the A689 is already making this junction which is important to the rural area more difficult to use. All too often development in Hartlepool has caused problems for the villages. As bypasses are built the junctions created become ever more difficult to negotiate. The lights at the junction of Greatham High Street and the A689 were only installed after the death of a child trying to cross the A689 at this point. There have already been accidents around the Claxton staggered crossroads including a fatality on the 30th March 2021.

The Group expect the 50mph speed limit to be extended from just west of Sappers Corner to Claxton Bank (near North Close Farm) as a minimum.

#### **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.

1. New bridges over the A19 near Elwick and over the A689 near Greatham suitable for pedestrians, cyclists and equestrians;
2. A new traffic light controlled safe crossing point on the A689 at Newton Bewley;
3. Cycleways and footpaths from Brierton, Dalton Piercy and Elwick to Hartlepool;
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;
5. A cycleway and footpath from Greatham to the Tees Road at Greatham Creek, to link into routes to RSPB Saltholme, Seal Sands, Middlesbrough via the Transporter Bridge and Graythorp;
6. A network of bridleways throughout the rural area.

In general the provision and link into existing rights of way indicated by this application are good. However, this policy recognises the need for safer pedestrian crossings of the major roads including the A689. With the potential for increased pedestrian and cyclist traffic from the proposed new development a new bridge to take pedestrians and cyclists (including those using National Cycle Route 14) over the A689 at Sappers Corner is urgently requested with the new development contributing to the cost.

Every opportunity should be taken to improve and create new pedestrian and cycle routes as indicated in HRNP policy T2. The location of this development is ideally placed to ensure the right of way network is strengthened.

#### **POLICY NE1 - NATURAL ENVIRONMENT**

The rural plan will seek to protect, manage and enhance the areas natural environment.



1. Nature conservation sites of international and national importance, Local Wildlife Sites, Local Geological Sites and Local Nature Reserves will be protected, managed and actively enhanced. Designated sites are identified on the Proposals Map.

a. Development that would affect internationally important sites will be permitted only where it meets all the relevant legal requirements.

b. Development that would affect nationally important sites will be permitted only where it meets all the relevant legal requirements

c. Development which would negatively affect a locally designated site will be supported only where the reasons for the development clearly outweigh the harm to the conservation interest of the site. Where development on a locally designated site is approved, compensatory measures will be required to maintain and enhance conservation interests. In the first instance compensatory measures should be as close to the original site as possible. Compensatory measures may include biodiversity offsetting where on-site compensation is not possible.

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.

3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. Any development should not result in, or contribute to, a deterioration in the ecological quality of the Greatham Beck waterbody.

4. Existing woodland of amenity and nature conservation value and in particular ancient semi natural woodland and veteran trees will be protected. 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. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing;

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 does seem to be a positive contribution to the environment and biodiversity made by the proposals in this application. We would hope conditions would ensure that Greatham Beck is not only protected from any adverse effects but an improvement in the ecological quality of the beck is gained. Greatham Beck ultimately flows into Greatham Creek and Seal Sands which is of international importance.

The tree planting included in the application must provide at least 10m belts between the new development and adjacent countryside and be in accordance with HRNP

policy NE1. Along the A689 we would expect the tree planting to be at least equal to that between the A689 and Mildenhall Close.

There is an extraordinary opportunity to create distinct vibrant community in this application based around a community hub located in the centre of development with good internal landscaping and a strong landscape buffer. The Neighbourhood Plan hopes to facilitate the best possible opportunity for this to occur and ensure new residents the opportunity to enjoy the benefits of community already enjoyed in the rural area. There should be provision of a site for a Community Centre that can serve as a meeting place for community activities.

In summary HRNP Group object

- a) to the location of the Local Centre and associated Urban Core character zone – it needs to be located more centrally in the development. The centre should retain space for a Community Centre to be added.
- b) the demolition of Claxton Farm is also contrary to HRNP policy which seeks to secure sense of place and local character.
- c) to the lack of effort to ensure the development reflects local character and distinctiveness is contrary to National and Local Design guides and HRNP policies.

The Group seek the following assurances

- a) that the tree planting along the rural/development fringe is a minimum of 10m
- b) that the tree planting along the A689 is as substantial as that between the A689 and Mildenhall Close.
- c) measures to ensure the safety of the staggered crossroads at the top of Claxton Bank including the extension of the 50mph speed limit.
- d) the provision of a pedestrian/cycle bridge over the A689 at Sappers Corner.
- e) That every opportunity will be taken to strengthen and improve the right of way network
- f) for the protection and improvement of the ecological quality of Greatham Beck.
- g) in order to encourage and support the development of a sense of community that space be reserved for a future Community Centre.

Hartlepool Rural Neighbourhood Plan was ‘made’ by Hartlepool Borough Council in December 2018 becoming part of the development framework. The Neighbourhood Plan was produced, in close liaison with Hartlepool Borough Council planning department, by the combined efforts of the Parish Councils of Hart, Elwick, Dalton Piercy and Greatham, supported by government grants. The process involved 6 years intensive work including major consultations in 2012, 2014, 2015 and 2017 (the last conducted by the Borough Council itself) and well over 80% approval via referendum in October 2018

**Fens Residents’ Association (FRA)** – Fens Residents Association (FRA) has carefully considered this re-application, in particular the updated Environmental Statement and we believe that it has evolved sufficiently from the original application to enable us to confine our criticisms to three serious negative areas. As this evolution now means that we are looking at what are effectively two separate developments (the northern Brierton end for which FULL planning permission is

sought for 144 units and the southern Claxton end for which only OUTLINE planning permission is sought for 1116 units) the following comments concern only the southern Claxton end.

#### ACCESS TO THE SOUTHERN CLAXTON DEVELOPMENT OFF THE A689

The applicant intends to have the entry/exit located 615m west of the existing junction with Greatham High Street (Sappers Corner). This will create three junctions in quick succession, those being Sappers Corner, the proposed new junction and the notoriously dangerous staggered junction where Dalton Back Lane joins the A689. The latter claims lives on a regular basis and cannot be left unresolved and this opportunity to do so **MUST NOT BE MISSED!** It would be totally irresponsible not to convert the staggered junction into a much safer traffic light controlled crossroads incorporating entry/exit to the development via a spur road in a northerly direction to one of the roundabouts on the estate road. This would undeniably save lives in the future and reduce the number of proposed junctions on that stretch of the A689 from three to two. The applicant concedes this as a viable alternative which could be considered at a later stage of further development but this could be decades away or never. There is no legal obligation for the applicant to revise their plans accordingly but there is most certainly a moral one which should also be recognised by Planning Officers and members of the Planning Committee.

#### CLOSE PROXIMITY OF THE OVERHEAD POWER LINES TO NEW HOUSING

FRA notes that the gap between some of the new housing and the overhead power lines does not appear to have been increased and remains at the very minimum that the applicant can get away with. Unfortunately UK law about safe distances is almost non-existent and put to shame by other countries including under developed ones. It is a prime example of profit over safety and another area where the applicant and the Council should agree that a much wider gap is needed to properly protect future residents from Electro Magnetic Forces (the dangers of which have not been disproved), power line noise and other problems.

#### LONG TERM SUSTAINABILITY AND MAINTENANCE OF THE GREEN WEDGE

FRA is now satisfied that plans for the Green Wedge in terms of a mosaic of trees, hedgerows, grasslands, ponds, swales and flood shelving along the beck are now good enough to offer a net gain for bio-diversity and flood risk reduction. There is a reference in the Environmental Statement to 'long term regular maintenance' but with no further detail. It is clear to us that a ring fenced maintenance sum should be provided to the Council. It should be sufficient for it to maintain the Green Wedge in excellent condition for a term of at least thirty years' This would ensure that together with the Greatham Beck Local Nature Reserve, Wildlife Site and Corridor it can deliver the 'exemplar site in terms of landscape and conservation' that Mayor Stuart Drummond promised when the idea of a South West Extension was first mooted. Now that Covid may be here to stay and climate change is accelerating, making the most of the Green Wedge is imperative for our mental health and flood risk reduction. Profit should not take priority over people and the environment.

Finally we are pleased that the applicant is employing an Environmental Clerk of the Works throughout the whole construction period and hope that he or she will provide local communities with regular progress reports.

**Rift House Resident's Association (RHRA)** : I write on behalf of Rift House Residents' Association, attendees of which fall within the reach of your consultee letters albeit we have not formerly been approached for comment. Some of our residents form only a small area of overall consultation area but we believe our whole are will be affected should this development be allowed to progress.

Firstly, we feel it is imperative that a further, robust Highway's survey is undertaken by Highways England. We already have crumbling roads and further traffic movements across Brierton Lane/Catcote Road will only exacerbate an already difficult traffic situation. There have also been multiple Anti-Social Behaviour reports at Westfields and Summerhill and more housing will only add to this risk. It would also seem that those members who chose to close Brierton School were somewhat short sighted as we find ourselves presented with yet further housing to the South-West of Hartlepool. It also calls into question the transparency afforded in respect of the S106 agreement previously agreed but not enacted. Surely this needs to be revisited in detail because the previous agreement is an abhorrent insult given the Council has an SPD recommending 18% affordable Housing contribution. This should be in addition to a very sizeable Education contribution that should be immediate given the demands on our school provision in Hartlepool. Less schools and greater attendance simply increases the impact of road usage and once again we believe traffic movements within such a close proximity of the centre of Hartlepool should be avoided at all cost.

Other items that need careful evaluation too are such things as the proposed junction on A689 where it is already notoriously dangerous. There is also consideration regarding ongoing, future proofing maintenance of the 'Green Wedge' as previous promises of an exemplar for landscape & conservation has never come to fruition or nor never shall unless the Council pushes for a long term, maintenance budget within their planning considerations.

We sincerely hope this amended application receives due robust diligence and will be scrutinised by the actual Council Planning Committee to right the previous wrongs in respect of 'contributions' as we believe Hartlepool deserves better and we should not be sold short should we have to endure the loss of this beautiful green space in Hartlepool.

**Dalton Piercy Parish Council (DPPC)** – DPPC understand the application is part of the South West extension of Hartlepool and do not object to the principle of this development.

There are however some serious concerns relating to the current application design, many will have a direct impact on the village of Dalton Piercy.

It appears there is emphasis on green space and protecting the beck which runs from Dalton Piercy through this proposed development eventually leading to Greatham Creek. This is very much welcomed. There is no option, this wildlife corridor must be protected.

DPPC believe other issues that may have a direct impact on the village are mainly due to traffic and the proposed road layout.

It is very concerning to see there are no improvements scheduled for the Dalton Back Lane and A689 junction. This is historically an 'accident blackspot' and following recent loss of life at this junction this should be a priority. DPPC feel adding a new junction for this development from the A689 – creating 3 junctions in close succession - is a mistake and will lead to issues in the future as road usage increases due to the growth of the town.

HBC must prioritise infrastructure across the whole Borough. This is an opportunity to create a link road from the South West through to the large developments at High Tunstall and even the proposed 'Elwick bypass' and new A19 junction. It is not clear to DPPC how this application could facilitate this?

DPPC support the growth of Hartlepool but only while the identity of existing communities are protected and enhanced.

Without suitable infrastructure there will be increased pressure on the country lanes through Dalton Piercy as drivers negotiate routes across the Borough of Hartlepool without going on the A19 or through the centre of town. The back lanes are already at capacity and DPPC have expressed their concerns to HBC relating to the high risk of a serious accident. This developments layout in its current form will increase traffic on the rural lanes. Not only is this unsafe but adds to the 'Carbon deficit' of the rural area. Good infrastructure is required not only for car users but for public transport to run well and as linking routes for cyclists and pedestrians.

DPPC support all of HRP's comments on this application. The proposed house designs seem very 'generic' could this be another opportunity missed to create a community with a real sense of place and nationally leading green credentials?

**Elwick Parish Council** – No representations received.

**Greatham Parish Council (GPC)** – The previous comments provided by Greatham Parish Council remain largely valid. This proposal will take the urban environment beyond Greatham village. Greatham Beck is the natural edge to the town and should continue to be so.

#### OBJECTION TO THE PROPOSED 'LOCAL CENTRE'

Greatham Parish Council strongly objects to the location of the so called 'Local Centre' and the associated Urban Core. This is incompatible with the Rural Edge location. It is contrary to Hartlepool Rural Neighbourhood Policy H5 para. 1. Locating the 'Local Centre' at the far southern end of the development far from minimize journey lengths ensures many journeys are the greatest possible. This will be the least convenient location for the majority of new residents, the young, disabled and those growing older whose access to a car might be limited will be disadvantaged. The location encourages the use motor vehicles to access these facilities, increasing traffic flows. Rather than being designed to serve the new community this proposal is aimed to draw custom from traffic passing on the busy A689. Again, this is going to significantly increase traffic flows and add pressure on the new and existing junctions on the A689.

It is also the least likely location to promote place making as it will be seen to be largely serving the A689, not a neighbourhood centre and the least likely location to build walkable neighbourhoods.

While welcoming the inclusion of a medical centre the Parish Council are concerned whether this will ever materialize. Surgeries in the town are closing (Fens and Hartfields). Will the provision be a condition?

#### OBJECTION TO BUILT DESIGN

If one absolutely must build on greenfield sites into the countryside the most obvious solution must be the village model. The new green wedge between site at Claxton and the Fens estate is about the same size as the strategic gap between Greatham and Queens Meadow. There is a unique opportunity to create a distinct community — a new village of Claxton with all the advantages of a strong community, low crime rates, community facilities maintained by community inspired volunteers and a strong mixed housing market. Part of this should be provision for a ‘village hall’ to serve the new community.

The Parish Council feels the developer has come up with the worst of both worlds in failing to provide anything innovative or of a high standard of design while also failing to realise a scheme that truly endeavours to reflect local distinctiveness. Taking their basic standard house types and applying one or two minor details does not equate to a development which reflects local distinctiveness. This lazy attitude to designing places is contrary to Hartlepool Rural Neighbourhood Plan, Local and NPPF Design Guides. This is contrary to Rural Neighbourhood Policy GEN2 and NPPF section 12. There must be no high rise on sites such as Claxton. A height restriction should be included of not more than three storeys.

#### OBJECTION TO DEMOLITION

The Parish Council objects to the unnecessary demolition of the existing Claxton Farm as this would give the new development immediate provenance and a sense of place. This especially the case located as it is near the entrance to the proposed site. This is contrary to the Rural Neighbourhood Plan Policy H5, para. 7.

#### GRAVE CONCERNS REGARDING HIGHWAYS AND TRAFFIC

New development at Claxton will depend heavily on the A689 ensuring congestion on this road and the junctions at Wolviston will escalate. The expansion of Hartlepool to the south west is unlikely to serve the population of the town but create a dormitory estate for the greater Teesside conurbation. With the main road into Hartlepool from Teesside and the south becoming a bottleneck it will work against Hartlepool as an attractive location to visit or shop. More traffic will start to use Dalton Back Lane which as a single track road is already straining to cope. The Parish Council is very concerned about the safety of the existing junctions which serve Greatham. In line with Hartlepool Rural Neighbourhood Plan Policy T1 safety improvements are requested at the existing junction with Dalton Back Lane and the move of the 50mph speed limit at least as far as Claxton Bank.

The feasibility and advisability of a new western distributor road through these new developments needs to be addressed before any development occurs. Feeding into the existing estates on the western edge of the town will put new stresses on estate roads and affect the quality of life for existing residents on those roads as they turn

into 'rat runs'. If a western bypass is created by stealth rather than intention the same mistake as Catcote Road will occur where little more than a residential street has become the main north-south route bypassing the town centre to the detriment of both users and residents.

#### CONCERNS REGARDING PUBLIC TRANSPORT

While the plan suggests bus routes could be extended from the existing urban estates this would only provide access into Hartlepool. To access public transport towards Teesside new residents will look to the bus stops at Dalton Back Lane or Sappers Corner. Both require pedestrians to cross the busy A689 dual carriageway. Improved pedestrian facilities to enable safer access across the A689 should be a made a condition of any approval. A pedestrian/cycle bridge at Sappers Corner is needed which would also benefit the national cycle route 14. Developer contributions should be directed to these improvements.

With the presence of over 1000 new homes on the new estate which extends in front of Greatham the rerouting of the No36 to serve the larger population to the detriment of the village residents and economy is a serious worry. This continuation of the 36 route through Greatham needs to be guaranteed. The safety of the staggered junction at the top of Claxton Bank is crucial to the 36 route continuing to serve Greatham.

#### CONCERNS REGARDING OVERHEAD ELECTRICITY CABLES

The Parish Council is very concerned about the proximity to the new housing of the existing 66kV overhead electricity line and the potential safety issues of such a line running in the middle of an urban population. The line should be safely buried.

#### ASSURANCES SOUGHT REGARDING RIGHTS OF WAY

The proposal suggests the need to divert existing rights of way. The Parish Council urges if this development does occur that any diversions of rights of way are done in a way that provides attractive routes that do not involve too great a deviation from a route which links to rights of way in the wider countryside. In line with Rural Plan Policy T2 the introduction of new routes must be considered to create new pedestrian and cycle links. There needs to be a good pedestrian/cycle route linking the new development to the village.

#### ASSURANCES SOUGHT ON THE PROPOSED GREEN WEDGE ALONG A689

Greatham village stands on a ridge of high ground which looks over the valley into the southern part of the proposed site. Currently one can look westward from the village and the village retains an uninterrupted link to the remainder of the rural hinterland. The importance of the setting of the village is reinforced by Greatham Village Design statement and the inclusion of part of this open land within Greatham Conservation Area. How intrusive the proposed new estate will be at night when the lights are on needs to be considered.

The Parish Council welcomes the inclusion of a green wedge along the A689 which widens towards Dalton Back Lane. To ensure the proposed landscaped area north of the A689 provides not only a buffer between any new development and the dual carriageway but assists in maintaining the distinct identity of and reduce the visual impact upon Greatham village and the wider rural area the Parish Council asks that

a condition be made that this area include significant tree planting. As a minimum this should be as significant as that between the A698 and Mildenhall Close. There would be a further expectation that this wedge along with that along Greatham Beck be considered as a strategic gap/green wedge in future planning policies.

#### ASSURANCES REQUIRED ON THE ENVIRONMENT

Greatham Beck valley needs to be protected as a wildlife corridor linking the rural hinterland to the important SSSI and RAMSAR wildlife conservation sites at Greatham Creek and Seal Sands. The southern area of Hartlepool is the main area of international nature conservation which it is important to protect. The proposed green wedge along the beck is welcomed. Conditions should be used to ensure this is realised as indicated and maintained into the future.

#### DEVELOPER CONTRIBUTIONS

The Parish Council requests that the school and community facilities in Greatham village are considered for assistance through developer contributions.

**Hart Parish Council** – No representations received.

**Newton Bewley Parish Meeting** – No representations received.

**Durham County Council** – I can confirm that Durham County Council has no objections or detailed comments in respect to the application.

**Stockton Borough Council** – No comments.

#### PLANNING POLICY

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

### 1. HARTLEPOOL LOCAL PLAN (ADOPTED MAY 2018)

The following Local Plan policies are relevant to this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	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
HSG4	The South West Extension Strategic Housing Site
HSG9	Affordable Housing
RC1	Retail and Commercial Centre Hierarchy
RC16	The Local Centres
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green Wedges
NE5	Playing fields, tennis courts and bowling greens
NE7	Landscaping along main transport corridors

## 2. HARTLEPOOL RURAL AREA NEIGHBOURHOOD PLAN (2018)

Hartlepool Rural Neighbourhood Plan was ‘made’ by Hartlepool Borough Council in December 2018, the plan is parts of the statutory development framework.

The vast majority of the site is located within the Hartlepool Rural Plan area and the following policies have been considered.

Policy	Subject
GEN1	Development Limits
GEN2	Design Principles
H1	Housing Development
H2	Affordable Housing
H5	Housing development on the edge of Hartlepool
T1	Improvements to the Highway Network
T2	Improvement and Extension of the Public and Permissive Rights of Way Network
C1	Safeguarding and Improvement of Community Facilities
NE1	Natural Environment
PO1	Planning Obligations – Contributions Towards Meeting Community Infrastructure Priorities

## 3. Tees Valley Minerals & Waste Core Strategy DPD (2011)

Policy MWP1: Waste Audits

Policy MWC4: Safeguarding of Minerals Resources from Sterilisation.

## 4. NATIONAL PLANNING POLICY FRAMEWORK

The NPPF was updated in July 2021. 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 NPPF does not change the statutory status of the development plan as the starting point for decision making.

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

Para	Subject
001	Role of NPPF
002	Determination of applications in accordance with development plan
003	NPPF should be read as a whole
007	Achieving sustainable development
008	Achieving sustainable development
009	Achieving sustainable development
010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
034	Developer contributions
038	Approach decisions on proposed development in a positive and creative way
047	Determining applications
054	Tailoring planning controls to local circumstances
055	Planning conditions and obligations
056	Planning conditions and obligations
057	Planning conditions and obligations
058	Planning conditions and obligations
060	Boost the supply of homes
063	Type of affordable housing required and expect it to be met on-site.
073	Large numbers of homes can often be best achieved through larger scale development
092	Promoting healthy and safe communities
093	Promoting healthy and safe communities
095	Promoting healthy and safe communities
096	Promoting healthy and safe communities
098	Open space and recreation
100	Open space and recreation
104	Promoting sustainable transport
105	Promoting sustainable transport
110	Considering development proposals
112	Considering development proposals
113	Considering development proposals

119	Making effective use of land
120	Making effective use of land
121	Making effective use of land
124	Achieving appropriate densities
126	Achieving well-designed places
130	Achieving well-designed places
131	Achieving well-designed places
132	Achieving well-designed places
152	Meeting the challenge of climate change, flooding and coastal change
154	Meeting the challenge of climate change, flooding and coastal change
157	Meeting the challenge of climate change, flooding and coastal change
159	Planning and flood risk
169	Planning and flood risk
174	Conserving and enhancing the natural environment
179	Habitats and biodiversity
183	Habitats and biodiversity
185	Habitats and biodiversity

## CONSIDERATION OF PROPOSAL

### Background

The South West Extension planning application was submitted in 2014, it was validated on 20<sup>th</sup> October 2014. During the process of determining the application the Hartlepool Local Plan was being produced and was subject to an examination in public.

The application was first presented to Planning Committee on 21st October 2015, however some matters were outstanding relating to an objection from the Health and Safety Executive, members were minded to approve the application subject to resolving the objection and signing a section 106. On 16<sup>th</sup> December 2015 a report was presented to Planning Committee setting out the conditions relating the application, members deferred the application as matters relating to the conditions and the planning obligations needed amending/clarifying. On 20<sup>th</sup> January 2016 the application was presented at Planning Committee, members were minded to approve the application subject to S106. Members requested a further report be tabled for information at Planning Committee setting out how the obligations would be delivered, this report was tabled on 12<sup>th</sup> July 2017.

Through the application process the site was viewed as a strategic site that was to be factored into the final Local Plan, by 12<sup>th</sup> July 2017 the Local Plan was near completion and was adopted in May 2018.

The drafting of the s106 has taken time, the applicant wishes to proceed with that application and so, due to the passage of time, it is necessary to assess the application applying up to date circumstances and policies and allow Planning Committee members to consider the application again.

Planning Policy appreciate that the planning obligations have been allocated to certain elements of the site i.e. the south (area 1 of the site for 800 units) and the north (area 2 of the site for 460 units which includes the full element (144 units) of this application) and that overall the site as a whole will deliver the infrastructure necessary to ensure the whole of the site is sustainable.

A phasing plan (drawing no. HRT-SWT-MAS -003) is available and the plan sets out that the proposed phasing is as follows:

- Phase 1 –the southern first phase, including the local centre and extended to include the Public Rights of Way link around the south of the site and along the western boundary.
- Phase 2 – the central element of the southern section. This includes the school land and any embankments / services / sub stations etc. required to deliver the road up to the school.
- Phase 3 – everything north of the 4th roundabout in the southern half of the site.
- Phase 4 – includes the detailed area in the north of the site (144 units) and then the public open space along the route of the required swale down to its connection with the beck to the south.
- Phase 5 – everything else in the northern part of the site.

#### Principle of the development with regards to the Tees Valley Minerals & Waste DPD (2011)

Part of the northern part of the site lies in a mineral safeguarding area (Policy MWC4) however the later allocations in the more recent development plans for the area (below) allocate the site as a Strategic Housing Site effectively superseding this earlier allocation.

#### Principle of development with regards to the 2018 local plan

Policy LS1 (Locational Strategy) of the Local Plan sets out that the development of Hartlepool will be based on a strategy of urban growth with expansion concentrated in areas adjoining the existing built up area and adjacent to areas of strong economic growth. Policy LS1 sets out that growth should occur in a controlled way and is delivered alongside infrastructure improvements which allow Hartlepool to grow in sustainable manner. With regard to housing development, policy LS1 sets out that between 2016 and 2031 provision for residential uses will be made for at least 6,150 new dwellings and will be located within the urban area, **a south west extension**, a north west extension, sites at Wynyard and extensions to the villages of Elwick and Hart. The introduction of multi-functional Green Infrastructure is essential to ensure high quality development that offers opportunities for recreational and leisure and mitigates against the potential effect on the landscape character and the environment.

Policy HSG1 (New Housing Provision) sets out that new housing will be delivered through housing sites with permission, newly identified sites within the urban areas, edge of the urban area, villages. The policy sets out that 1260 dwellings will be constructed at the South West extension.

Policy HSG4 (The South West Extension Strategic Housing site) sets out that The South West Extension benefits from full permission for 144 dwellings and outline permission for 1116 dwellings (subject to completion of a S106 agreement). The policy seeks to ensure that the SWE develops over the plan period, and it sets out criteria to which applications should be considered against. The criteria within policy HSG4 sets out that no more than 46.33ha of land should be developed, the land should include approximately 1260 dwellings, 2.7 hectares for a primary school, a local centre with retail provision a public house, health care facilities and leisure facilities. In addition the site should be developed with an access road through the site connecting the A689 and Brierton Lane, with sustainable links into the urban area, 48.22 ha of green infrastructure should be developed as a strategic green wedge and should include formal and informal leisure, education related sports provision and recreational facilities and that a landscape buffer that bounds the site with the A689, Dalton Back Lane and the rural fringe.

Planning Policy are of the view that the proposal is in general conformity with local plan policies LS1, HSG1 and HSG4.

Planning Policy note that local plan policy HSG4 sets out that a link road through the site connecting the A689 to Brierton Lane should be provided and that 2.7 hectares of primary school space should be provided.

With regards to the link Road, Planning Policy note that a link road has not been shown within the red line boundary of the application and that the applicant does not intend to provide the link road. The link road is a requirement of Policy HSG4 (criterion 4) and the link road is delineated on the 2018 Local Plan Policies map, albeit the link road on the policies map is to the west of the SWE outline boundary and the limits to development. Planning Policy are of the view that the link road is so closely aligned with this proposal that it must be considered as part of these proposals, the two cannot be separated. The success of the South West Extension and the road network is predicated on the link road being provided either as part of this proposal or in future proposals. Planning Policy would not advocate granting permission without assurances that the link road can come forward and therefore Planning Policy request that the road is included within the red line boundary and delivered as part of this proposal or that the route is safeguarded within the S106 and that the S106 ensures the delivery of the link is facilitated.

With regards to the provision of school space planning policy note that the school site proposed is 1.915. Planning Policy note that the size of the school site is smaller than that within criterion 3 however the council's education team have advised that the size of the school as proposed is acceptable and thus in this instance the deviation from the size set out in policy is considered acceptable.

#### **Principle of development with regards to the Hartlepool Rural Neighbourhood Plan**

Planning Policy note the comments from the Hartlepool Rural Plan working group. The Rural plan group acknowledge that, the application site lies within

the boundaries of Hartlepool Rural Neighbourhood Plan and that the proposed development is recognised on the proposals map for the neighbourhood plan as being likely to come forward to provide for the expansion of the town of Hartlepool. The Neighbourhood plan seeks to assist in meeting Hartlepool Borough's housing need for 6000 additional homes within the next 15 years by supporting new developments on the edge of Hartlepool which take into consideration their rural fringe locations and which do not compromise the Green Gaps, subject to design, layout, environmental and traffic impact considerations.

Planning policy consider the issues to be based on the following:

- The design of the development, (design should reflect local distinctiveness.).
- The location and size of the `local centre` (being bigger than the SWE needs and thus aimed at passing trade and inaccessible by many and encouraging car use & impact of passing trade on SWE traffic levels and A689 junction).
- Location of the `urban Core` which will be located on the new urban fringe.
- Provision for social/rental properties.
- Provision of bungalows.
- Seek a condition that the A689 buffer be at least equal to that between the A689 and Mildenhall Close, South Fens, (to screen new residents from the A689 and reduce the visual impact on the rural area).
- Demolition of the existing Claxton Farm and the preservation of the ruin at Lower Claxton
- Impact of new A689 junction.
- Greatham/A689/Dalton Back Lane crossroads, modification of this junction with lights or roundabout would have improved safety
- A pedestrian/cycle bridge at Sappers Corner is needed which would also benefit the national cycle route 14.
- Conditions to ensure Greatham Beck is protected from any adverse effects and that there is an ecological improvement to the beck.
- The tree planting included in the application must provide at least 10m belts between the new development and adjacent countryside and be in accordance with HRNP policy NE1.
- There should be provision of a site for a Community Centre that can serve as a meeting place for community activities.

Policy GEN1 (Development Limits) of the Hartlepool Rural Neighbourhood Plan seeks to support appropriate development within the development limits in a bid to create developments in the most sustainable locations and prevent inappropriate development in the rural area. The South West Extension site is considered to be within the development limits as delineated on the Hartlepool Rural Neighbourhood Plan Policies Map and is considered to be in accordance with policy GEN1.

Policy H5 (Housing development on the edge of Hartlepool) of the Hartlepool Rural Neighbourhood Plan sets criteria with regards to how development on the existing urban edge should develop. The policy seeks to ensure that development creates distinct communities with attractive community hubs that are centrally located and sets out that a mix of house types and tenures should

be provided along with the development being open and attractive with a density of approximately 25 dwellings per hectare along with ensuring that existing farmsteads, trees, hedgerows, ditches, watercourses, and heritage assets are retained. The policy seeks to ensure that strong landscape buffers are provided along with open spaces, children's play and green routes throughout that enhance the quality of the development and provide wildlife habitats and provides access to the existing urban up area and that natural features such as watercourse should be retained where possible, traffic impact should be mitigated against, the green gaps should not be compromised, areas of flood risk should be avoided and sustainable drainage measures are incorporated.

Policy GEN2 (Design Principles) sets design criteria for all development within the neighbourhood plan area. The policy seeks to ensure that village design statements and conservation area appraisals are taken on board and that new housing should be scored against the rural plan check list (appendix 4) along with being flexible to meet the needs of future generations. The policy sets out that development should create a sense of place and reinforce the individual character of the villages and rural areas along with preserving and/or enhancing views and vistas the heritage assets, landscape and biodiversity and that development should reinforce the existing streetscape and public spaces by facing onto them. Furthermore the policy sets out that developments should be accessed safely with sufficient parking, should consider sustainable surface water management solutions.

The South West Extension is deemed to be a location which is on the edge of Hartlepool and policy H5 was intended to apply to any development at the South West Extension as well as other urban edge locations within the rural plan area. Planning Policy are of the view that the proposal is in general conformity with policy H5.

Planning Policy note the view with regards to the location of the 'urban Core' and the conflict that this could have with the future rural fringe. Planning Policy would look to address the relationship between urban form and the rural fringe at reserved matters stage. Planning Policy consider that the proposal has the opportunity to create a distinctive community with high standards of design that reflect local character. Currently house types proposed and layout on the majority of the site is indicative and will be subject to further consultation and comments at reserved matters stage. Planning Policy would welcome a condition requiring that any reserved matters application is accompanied by a design code that sets out design principles of the site as whole, the matter regarding height of buildings can be included within such a design code.

Planning Policy note that the Rural Plan Working Group have requested that a community centre is included within the local centre and that the local centre (Policy H5 'community hub') is not centrally located with the site. The local centre will not contain a community centre, it will contain a public house/restaurant, retail units and a medical centre, and it will be located to the south of the development, off the main through road and close to the A689 access point and will span either side of a north south green link. Planning

Policy note that a community centre has not been provided and that one may be beneficial for a housing site of this size, however Planning Policy are of the view that the residents will be able to utilise other community centres and/or village halls within the borough thus assisting in sustaining them. Planning Policy consider that the development to the north will have access to the Brierton Lane local centre and that it is more appropriate to provide a local centre in the southern elements of the proposal. The location of the local centre is not strictly aligned with policy H5, however Planning Policy consider that the proposed location will serve the residents of the southern element of the site and is within an acceptable walking distance from all properties, so residents will have the option to walk or cycle to the local centre along a green link.

Planning Policy note that the local centre many benefit from some passing trade from the A689 and that such trade will inevitably bring car usage to the area, however Planning Policy consider this additional traffic to be manageable and will be on a limited stretch of road prior to reaching the car park. Having the Local Centre in the proposed location prevents passing trade from going too far into the SWE before accessing the shops and facilities. Planning Policy are of the view that even if the Local Centre were located further north of its current location, it is still beneficial to be located on a main through road and that no matter its location, if drivers are inclined to use the local centre they will use it no matter its proximity to the A689. Planning Policy are of the view that there is no evidence to suggest that the location of the local centre would have a significant detrimental impact upon the proposal and thus do not consider its relocation necessary.

Planning Policy are of the view that the size of the landscape buffer to the south will be significant enough to frame the development in its rural setting, screening residents from the A689 and ensuring the development blends into the countryside location and thus protecting the visual amenity of the countryside. The proposal will provide a significant amount of open spaces along with three childrens play parks and green routes linking areas. Planning Policy are of the view that the natural environment will be protected along Greatham Beck, there will be a net increase in biodiversity and that any impacts upon the SPA will be mitigated against.

Planning Policy note that the Rural Plan Working Group have requested that, in accordance with Policy NE1, tree planting must provide at least 10m belts between the new development and adjacent countryside. It is noted that in the far north and far south of the site the main road will be adjacent to the countryside, the area in between is for housing. The location of the main road is subject to consent under this application however the specific location of the dwellings will be assessed at reserved matters stage. Tree planting to act as screening is proposed on the western edges of the built development and Planning Policy are of the view that the matter regarding this tree planting on the western edge can be assessed at reserved matters stage. Notwithstanding that it is Planning Policy's view that if tree planting to a depth of 10 metres is not provided then that alone does not demonstrate a lack of compliance with Policy NE1 and would not, alone, be sufficient to state that the proposal does not comply with the policy.



With regards to the demolition of the existing Claxton Farm and the preservation of the ruin at Lower Claxton, Planning Policy note that it is often desirable to maintain as many traditional features of an area as possible and that to do so can assist in creating a sense of place and local distinctiveness. Planning Policy would welcome the farm building being converted and the preservation of the ruin at Lower Claxton however that is not the proposal that has been put forward. Demolishing the farm is contrary to policy H5 criterion 7, and whilst retention is preferable, demolition does not mean that the application is contrary to the policy, as a whole the application is in the main compliant with Policy H5.

The Claxton Medieval moated site is located to the west of the development site, beyond the red line boundary, and it is considered that the proposal will not have a detriment impact upon the site and that there is no onus on the applicant to enhance the medieval site.

Planning Policy trust that matters regarding congestion and highways safety along Dalton Back Lane, the A689, the A689 access to the south of the proposal, the Greatham access points, the Greatham/A680/Dalton Back Lane crossroads the existing estate roads and access to bus stops along with the request for a bridge over the A889 will be addressed by the council's highways engineers.

#### The principle of development is acceptable.

The principle of development is acceptable. The proposal is in accordance with policy LS1 which sets the strategic locations for development across the borough, it is in accordance with policy HSG1, which sets out housing location and number of units and policy HGS4 which sets out how the South West Extension should be designed and what infrastructure is required. The proposal is also in general accordance with the most relevant Rural Neighbourhood Plan policy H5 (Housing development on the edge of Hartlepool). The proposal will deliver much needed market and affordable housing, the overall design is acceptable and the necessary infrastructure required to deliver the scheme and ensure it is sustainable will be provided either by condition or via a section 106 legal agreement.

#### Local centre

The local centre is welcomed and is a requirement of local plan policy HSG4, Planning Policy request that operational hours are conditioned to accord with Local Plan policy RC17 (Late Night Uses) in that businesses shall not be open between the hours of 11.30pm and 7am.

#### Highway infrastructure considerations

Local Plan policy QP3 (Location, Accessibility, Highway Safety and Parking) seeks 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. Local Plan policies INF1 (Sustainable Transport Network) and INF2 (Improving Connectivity in Hartlepool) aim to deliver an effective, efficient and sustainable transport network. Developments that are likely to

generate significant amounts of movement and traffic will be required to produce a Transport Assessment or Travel Plan to demonstrate that all opportunities for sustainable transport modes have been fully explored.

Planning Policy note that the council's highways engineers have advised on matters regarding the local road network and have liaised with National Highways with regards to any impact and thus necessary mitigation with regards to the strategic road network.

Linking the north and southern parts of the development

It is noted that the route identified on the policies map for a potential Hartlepool western distributor road has been safeguarded and that this proposal does not prejudice the road coming forward. It is noted that the northern element of this proposal will not be linked by road to the southern elements of this proposal.

Greatham Creek bridge crossing

Within the site Planning Policy note that the council's highway engineers have advised that the proposed bridge across Greatham Creek will place a substantial maintenance cost on the council, a commuted sum of £100,000 should be paid to the council to cover the costs of future inspections and maintenance and that this cost can be delivered through a separate agreement under the Highways Act.

A689 / Southern Access Road

With regards to the A689 / Southern Access Road, Planning Policy note the highway comments and understands that the principle of the junction design is acceptable. Planning Policy welcome the advice regarding promoting the safety of pedestrians and cyclists using this route and the request that the speed limit on the A689 between Greatham High Street and to point west of Dalton Back Lane should be reduced to 50mph. Planning Policy welcome that the costs associated with the reduced speed limit, including signage road markings and Traffic Regulation Orders will be paid by the developer.

A689 / A1185 and A689 / Wolviston Services roundabouts

With regards to the A689 / A1185 and A689 / Wolviston Services roundabouts Planning Policy note that the applicant has agreed to pay £1,200,000.00 to cover the costs of improvements at these two roundabouts, the improvements are required to enable the roundabouts to accommodate the expected traffic growth due to the proposed development. It is noted that part of these improvements have already been undertaken at the Wolviston roundabout however issues with the flow of traffic due to the lights has been identified and requires further design changes and that the £1,200,000.00 is to be paid to Stockton on Tees Borough Council who will carry out the works to both roundabouts.

Sustainable travel options

With regards to sustainable travel options, Planning Policy welcome the commitment to provide a supported bus service to serve the southern sector of the development for a 5 year period. Planning Policy understand that there are no plans to run bus services in the northern sector of the development as the

existing stops at Rift House / Beacon Walk are within 400 metres of the site. Planning Policy also welcome that all new dwellings with curtilages that allow for it will be equipped with electric vehicle charging facilities and Planning Policy request that the application is conditioned to secure the delivery of such infrastructure.

#### Housing mix considerations

Local Plan policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock. Given the size of the site and its strategic importance a site of this nature is expected to deliver a full range of house types containing a various number of bedrooms. The mix of house types should include affordable housing and bungalows.

Local Plan policy HSG9 (Affordable Housing) advises that the council will seek an affordable housing contribution of 18% on all sites above the 15 dwelling threshold. Given that the proposal is for 1260 dwellings then an 18% contribution would equate to 227 dwellings provided on site.

Hartlepool Rural Plan Policy H1 (Housing Development) states that on proposals for five or more dwellings, a full range of house types should be provided based upon information within the Strategic Housing Market Assessment (SHMA).

Planning Policy note that when the application was minded to approve in 2015, the developer sought to provide a mix of 2, 3 and 4 bedroom properties with some being terraced and semi-detached. The most up to date plans still show a mix of house types and varying number of bedrooms. In 2015 the applicant agreed to erect 137 affordable units on the site, 82 for affordable rent and 55 for discount market sales, this equated to an overall provision of 11%.

During recent re-consultations information has been received from Stockton on Tees Borough Council setting out that the A689 highways contribution has increased from £592,000.00 to £1,200,000.00 and due to the highway contribution increasing by £608,000.00 the affordable housing contribution has consequently had to be reduced to ensure that the scheme remained viable.

In light of the highway contribution Planning Policy note that 121 affordable homes are to be provided across the whole site, this equates overall to 9.6%. A total of 53 will be of intermediate tenure (Discounted Market Sales Housing) and 68 will be for affordable rent.

The northern area will provide 47 affordable rental units and 13 Discounted Market Sales Housing; a total of 60 affordable units out of the 460 units proposed in the whole northern section, this equates to 13.04%.

The southern area will provide 21 affordable rental units and 40 Discounted Market Sales Housing, a total of 61 affordable units out of the 800 units proposed in the whole southern section, this equates to 7.6%.

Planning Policy note that a greater percentage of affordable homes are provided on the northern element of the site than on the southern element of the site. Planning Policy accept that because the developer of the southern element is paying the increased cost of the A689 / A1185 and A689 / Wolviston Services roundabouts then the level of affordable housing associated with the southern element must too be reduced for viability reasons. Planning Policy have assessed the viability information pertaining to the increased highway contribution and reduced affordable housing contribution and find the figures accurate. It is appreciated that in some circumstance Planning Policy would request that the profit margin is reduced, however given that the current profit margin is 15.5%, which is on the lowest end of the NPPF/NPPG guideline of 15 -20% then Planning Policy do not feel in a position to insist on more affordable units as to do so could render the scheme unviable and thus contrary to national and local policy.

Planning Policy support the delivery of affordable homes across the site, and although the target within policy HSG9 of the Hartlepool Local Plan has not been achieved, the contribution is considered to be in accordance with policy HSG9. Policy HSG9 allows for viability to be taken into account when assessing a planning application and Planning Policy are of the view that to request 18% affordable housing would render the scheme unviable.

Planning Policy are aware that a bid (The A689 MRN (Major Road Network) bid) has been submitted to Department for Transport to assist in funding the A689 / A1185 and A689 / Wolviston Services roundabouts and if the bid is successful then all of the £1,200,000.00 contribution may not be required. Planning Policy trust that any unspent money attributed to these highway works will be redirected towards off site affordable housing within the borough. This will need to be a clause within the s106 agreement.

#### Bungalows

Planning Policy note that bungalows have not been detailed in any of the indicative plans or submissions attached to the application, this is disappointing but is not such a significant conflict with the policy, to warrant an objection to the proposal.

Overall Planning Policy support the mix of house types provided and having reviewed the viability information accept that the level of affordable housing is acceptable in this instance.

#### Climate change matters

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% (this measure would be above and beyond that required by policy QP7). Local Plan policy CC1 also requires major developments to include opportunities for charging electric and hybrid vehicles.

In accordance with Local Plan policy QP7 (Energy Efficiency) the applicant is expected to design the scheme to ensure that solar gain etc. is maximised. Where the design and layout of the development, construction methods and green infrastructure provision does not ensure greater energy efficiency through solar gain etc. then, Planning Policy would encourage the dwellings to be 10% more efficient than that required by the building regulations through building fabric improvements.

Planning Policy note that on site renewable energy has not been factored into the viability assessment and given the profit margin of 15.5% (lower level of the 15 – 20% NPPF margin), Planning Policy consider that if the renewable energy were insisted upon then it could render the scheme unviable. Planning Policy request that the application be conditioned to ensure buildings are energy efficient and that provision is made for electric charging infrastructure.

#### Impact upon biodiversity

Local Plan policy NE1 sets out that the council will protect, manage and enhance Hartlepool's natural environment. Criterion 2(a) applies to internationally designated sites. Within Hartlepool the borough's coast is designated as The Teesmouth and Cleveland Coast Special Protection Area (SPA) and a wetland of international importance designated under the Ramsar Convention 1971 (A Ramsar site). These international designations were made due to the area's importance for water birds and their preservation is paramount. Criterion 2(c) applies to Local Wildlife Sites (LWS). Greatham Beck LWS which is located in the south east of the development site to the west of Newark Road, Brendon Close and Wisbech Close. Criterion 6 sets out that development should avoid harm to and, where appropriate, enhance the natural environment. This can be done by enhancing habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. Criterion 6 further states that in seeking to avoid harm the sequence of avoidance, mitigation then compensation should be followed.

The NPPF at paragraph 120 sets out that planning policies and decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation. Paragraph 174 sets out that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst many things, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Planning Policy welcome the information submitted by the applicant and the proactive work that the applicant has undertaken with the council's ecologist. Planning Policy are of the view that although the proposals are complex and cover a large area, the council's ecologist is of the view that sufficient detail is available to enable an understanding of the broad requirements for mitigation and enhancement and to demonstrate that the ecological mitigation hierarchy has been applied appropriately.

Planning Policy are aware that the development will be constructed in a number of phases over a number of years and that some of the ecological research may be out of date as the site builds out. The council's ecologist has advised that if the application is approved then planning conditions or obligations should be attached to the decision and the requirements must secure that existing survey information is updated where sufficient time has lapsed, and for details of ecological mitigation and enhancement to be provided prior to construction of each phase. Planning Policy trust that the appropriate condition will be used.

#### Biodiversity Net Gain

With regards to the ecological matters on the site the NPPF and policy NE1 sets out that development should provide net gains for biodiversity. In November 2021 the applicants submitted an updated biodiversity net gain assessment report and separate Biodiversity Metric 3.0 calculation tool in order to demonstrate a measurable biodiversity net gain as a result of the proposals. Various matters in this respect are outstanding.

The council's ecologist is of the view that there is a level of uncertainty regarding the metric calculations for the outline elements of the site and these matters, at the time of writing are being addressed by the applicant. Planning obligations/conditions should be used to secure a recalculation of the metric score at each subsequent reserved matters application stage. Implementation and long-term management, as well as monitoring, of the habitat creation will also need to be secured; potentially in conjunction with detailed plans for mitigation and ecological enhancement.

#### Greatham Beck Local Wildlife Site

The proposed crossing of Greatham Beck Local Wildlife Site results in pathways to potential ecological harm that requires specific consideration. The green infrastructure areas proposed in outline are also sufficient to compensate for any loss of interest, and the level of GI is welcomed. Outline mitigation measures are proposed within the Environmental Statement, which include pre-works survey for otter and water vole. While these measures are necessary, the detailed design of the crossing will need to ensure that ecological connectivity of the beck is maintained. Planning Policy trust that a condition or obligation requiring an Ecological Design Strategy specifically for the crossing, based on model wording in BS42020 will be attached to the application if it is approved.

#### Bat habitat

Due to the presence of favourable bat habitats throughout the site, including known roosts and habitat corridors, inappropriate lighting has the potential to result in significant harm to bat populations. Due to the arrangement of residential areas and associated access roads the potential for harm due to installation of normal residential street lighting is minimal. However, inappropriate lighting of the green infrastructure areas and playing pitches, and tertiary road between the proposed school and Stockton Road, including the crossing of Greatham Beck, would result in significant ecological harm.

Planning Policy are satisfied that a condition, requiring appropriate lighting design, will be attached to the application if it is approved.

#### Roosting bats and great crested newts

The presence of roosting bats and of great crested newts has been confirmed. Where these features are to be affected appropriate licences will need to be obtained. The masterplan shows an area set aside for mitigation/enhancement for great crested newts, Planning Policy trust that this area will be secured.

#### Costal mitigation

With regards to ecological matters outside of the site, Planning Policy note that although the South West Extension housing site is not located next to the coast there is the possibility that those residing in the SWE will use the coast for recreational purposes. If those residing in the SWE choose to visit the coast then it is likely they will cause disturbance to the protected birds, it is this likelihood that must be mitigated against.

The council's ecologist recognises that there is sufficient green infrastructure throughout the site to be used as areas of Suitable Alternative Natural Green Space (SANGS) which should alleviate pressure on the Teesmouth and Cleveland Coast SPA and Ramsar site and that the financial contribution of £100 per dwelling (£126,000 in total), that will be directed towards wardening and other mitigation measures at the coast, has been calculated accordingly. Provision and management of a defined area will need to be secured through a planning obligation for the lifetime of the development, this is to ensure that the area is visually attractive and is an alternative to the coast. The area/s to be used as SANGS has been agreed with the LPA, delivery and maintenance of the area/s should be secured via obligation in order for the LPA to discharge its statutory duties in respect of European sites.

#### Ecological Clerk of Works

The role and responsibilities of an Ecological Clerk of Works should be defined so that monitoring the implementation of ecological measures can be undertaken effectively. Wording of conditions/obligations that relate to individual phases can be based on model conditions described in British Standard BS42020.

#### Design considerations

Planning Policy note that the dwellings proposed will meet the nationally described space standards.

#### Outline development area

Planning Policy consider that the quantum of development can be accommodated on the site and consider that specific matters relating to design and layout can be addressed at reserved matters stage.

#### Full development area

Planning Policy consider that the proposed layout and design of the dwellings are acceptable and trust that the case officer will undertake the necessary checks to ensure separation distances are met.

## PLANNING OBLIGATIONS

In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms and in accordance with Local Plan policy QP1 (Planning Obligations) a number of developer contributions were initially requested in 2014. Since 2014 and the times this application was reported to Planning Committee (2015, 2016 and 2017) matters regarding planning obligations have evolved.

Planning Policy have interrogated the viability of the scheme and consider that if the obligations originally requested in 2014 and those required as part of the 2018 Local Plan were insisted upon then it is likely that the scheme would be unviable.

Given the size of the site and the significant infrastructure requirements along with the possibility that different parts of the site could be delivered by different developers then it is noted that the required obligation have been tied into different stages and associated locations of development. Set out below are what obligations have been secured overall for the site and provided a table as to what obligations are to be paid for and linked to the northern or southern elements of the development.

### On site Green infrastructure

Planning Policy welcome the provision of a green wedge running throughout the whole site i.e. from north to south and it is welcomed that the green wedge provides a green landscape buffer to the south of the site on the boundary with the A689, this landscape buffer and the green wedge is a requirements of policy HSG4 and is delineated on the Local Plan policies Map.

The green infrastructure shown on the area relating to the `full` application for 144 units is welcomed. The masterplan as a whole has a good level of green infrastructure throughout the site. Planning Policy note that further details regarding the exact location of dwellings and informal green infrastructure will be delineated at reserved matter stage and that Planning Policy will have the option to assess the proposals.

### On site play facilities

The development is likely to be home to a number of children and thus the three proposed play parks, (one in the north, one in the centre and one in the south) are welcomed. Planning Policy note that the playing facilities will be managed and maintained by a management company, who will be funded by charging a fee to each household.

### Off - site play contribution

Planning Policy welcome the contribution of £30,000 to be directed towards play facilities in the existing adjacent built up area. Planning Policy anticipate that children residing in the SWE will use facilities in the existing urban area and welcome that children can use the existing facilities from an early stage without having to wait for the on -site facilities to be built.



On site sports provision

A total of five playing pitches will be provided across the site, it is envisaged that the pitches will be primarily be used for football but other activities could occur if patrons desired. Three pitches are directly adjacent to the school site, in a fenced off area to the north of the school. Two others, an under 14/15 and an under 13/14 pitch will be located within the green wedge to the south of the primary school site and to the east of the main through road. All pitches will be subject to a community use agreement, and will have access to changing facilities and car parking.

Off-site sports provision

Planning Policy welcome that a sum of £315,000.00 will be secured and directed towards the built sports facilities at Brierton Sports Centre.

Education

Education contributions are determined based on the number of dwellings proposed and the existing school capacity in the borough at the time the development is expected to come forward. In liaison with the council's education team Planning Policy welcome that primary and secondary school provisions will be provided.

With regards to primary education, Planning Policy welcome that an area of land will be safeguarded for a primary school and car park. The primary school site is located within land allocated under policy INF4 of the Local Plan, the proposed school site, measuring 1.915 hectares will include the school building, car parking and green space. The school will have a foot and cycle link into the existing housing to the east via Moffat Road. A sum of £3,726,299.50 will be provided to build the school. Also on land allocated under policy INF are three sports pitches (a mini soccer pitch, an under 9/10 pitch and an under 11/12 pitch) which form the balance of the five pitches to be provided on site.

The education department have advised that the matter regarding a primary school should be assessed as the development progresses, this will allow the education team to assess again if a new school is required or if it may be more appropriate to use the financial contribution to expand school capacity elsewhere. Planning Policy trust that this flexibility can be incorporated within the s106 legal agreement.

With regards to secondary school provision Planning Policy note that a secondary school contribution of £2,434,287.24 will be secured and directed towards Manor Community Academy or English Martyrs.

Table 1: summary of planning obligation requirements and costs associated with the northern and southern elements of the scheme.

<b>Obligation</b>	<b>Northern element</b>	<b>Southern element</b>
Affordable rent housing	47 units	21 units
Discount Market Value AH	13 units	40 units
On site Play	One play facility	Two play facilities
Off site play contribution	£10,952.38	£19,047.62

Sport and recreation	£115,000.00	£200,000.00
Secondary school contribution	£2 ,434,287.24	-
Sports pitches	-	Five pitches delivered on site
Changing facilities (sports pavilion)	-	Delivered on site
Highway Contribution	-	£1,200,000.00
Primary school provision	-	£3,726,299.50 and provision of the land (£132,000.00).

#### Health care provision

It is noted that the CCG have requested that financial contribution of £69,552 contribution be sought and secured and invested within medical facilities within the area. Planning Policy have reviewed the updated viability assessment and note that the developers profit margin (15.5%) is within the bounds of NPPG guidance, albeit in the lower levels of generally accepted profit margins. To insist that the developer pays the £69,552 could render the scheme unviable, this is because the profit level would dip to a level that is unacceptable to the applicant and or an unacceptable return to the land owner. If the £69,552 is secured then it is likely that two affordable units would be lost (one DMOV and one discount market rent), to reduce the affordable units could undermine the overall sustainability of the development. The application does set out that a medical centre can be provided within the local centre and if necessary the CCG could utilise that space to offer medical services to the community.

#### Monitoring fees

Planning Policy trust that the monitoring fee of £500 per obligation will be secured in the section 106 agreement.

#### Training and employment charter

Planning Policy welcome the commitment from the applicant to employ local residents and Planning Policy welcome that this will be set out in a training and employment charter.

## **PLANNING CONSIDERATIONS**

2.26 The main issues for consideration in this instance are the appropriateness of the proposals in terms of the policies of the Development Plan and in particular the principle of development, highway safety, design/layout/ impact on the visual amenity of the area, the amenity of the occupiers of adjoining properties/future occupiers of the site, crime fear of crime and antisocial behaviour, flooding and drainage, ecology and biodiversity, heritage assets, education, contamination, pipelines and overhead power lines, loss of farm land and loss of access to minerals.

## **PRINCIPLE OF DEVELOPMENT**

2.27 Government guidance and statute advises that decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this case the development plans for the area are the

Hartlepool Local Plan (2018), the Hartlepool Rural Neighbourhood Plan (2018) (HRNP) and the Tees Valley Joint Minerals & Waste Core Strategy and Policies and Sites Development Plan Document (2011). The policy position in respect to these documents is set out in detail in the policy section above.

2.28 The application site is an allocated strategic housing site both within the Hartlepool Local Plan (2018) and the Hartlepool Rural Neighbourhood Plan (2018). The allocation is for approximately 1260 dwellings and includes provision for a local centre/community hub and provision for services and facilities. Policy MWC4 of the Tees Valley Minerals and Waste DPD 2011 seeks to safeguard part of the area for mineral exploitation however it predates the later allocations. The principle of the development of the site is therefore considered acceptable.

2.29 It is noted, that the Hartlepool Rural Neighbourhood Plan Working Group (HRNPWG) whilst welcoming the extensive landscaping, network of open spaces and footpath links proposed and acknowledging positive contributions to the environment and biodiversity associated with the development raise a number of concerns. The HRNPWG conclude by objecting to the proposal in particular due to the proposed location of the local centre (& associated urban core), the absence of a community centre, the loss of Claxton Farm and concerns that the development does not adequately take account of local character and distinctiveness citing the specific criteria listed within relevant HRNP policies. These objections are also reflected in the comments of Greatham Parish Council (GPC).

2.30 In respect to the Hartlepool Local Plan (2108) it is noted again that the development does not strictly accord with every criteria of the relevant criteria based policy HSG4. In particular the size of the school site (criteria 3) is slightly less than set out in the policy and no through route between the A689 and Brierton Lane (criteria 4) is proposed as part of this development.

2.31 It is acknowledged that the proposals do not strictly accord with every criteria listed in the relevant criteria based policies of the HRNP or the Hartlepool Local Plan. However, notwithstanding this it is not uncommon for a development not to adhere to all the criteria of every criteria based policy in a plan, or for policies to pull in different directions, and yet to be acceptable and this judgement is a matter for the decision maker. In such cases decision makers should have regard to the development plan as a whole. In respect to this application the site is an allocated strategic housing site in both relevant development plans and is considered to be in general compliance with the relevant policies. Notwithstanding this the specific issues raised are discussed in the relevant sections below where the proposal is considered on balance to be acceptable.

2.32 In respect to the location of the local centre it is acknowledged that this is not “located in the centre of the site” as criteria 1 of policy H5 of the HRNP indicates that “where appropriate” it should be. The concerns expressed focus particularly around the location of the local centre at the southern extremity of the development close to the rural edge, encouraging the use of cars, attracting passing traffic and being less accessible to children, the elderly and those with disabilities. The matter has been raised with the applicant who has advised “The location of the local centre was carefully considered by Persimmon Homes prior to the submission of the application.

A review of existing services in the locality identified that to north of the proposed development the existing centre on the corner of Brierton Lane / Eskdale Road would be within walking distance of future residents of the estate (approximately 250m from the site entrance). With residents in the north expected to use these existing services, the focus was then to improve the accessibility of the southern part of the development. By locating the local centre towards the access on the southern tip of the development adjacent to the A689 this will ensure that the site can be delivered early within the build programme, thereby ensuring that the services are available to the first residents of the estate. It also has the added benefit that in the longer term disruption from HGV deliveries to the local centre would be kept to a minimum as the HGV's will not need to pass through an established residential estate before unloading. In addition, as illustrated on the site-wide masterplan the local centre will also be dissected by the public footpath / cycleway which will run north to south through the development. This will provide residents of the estate with a safe, direct and car-free route to the services on offer within the local centre and in the process encourage walking and reduce the reliance on the private car for short trips. Whilst it is accepted its position will attract passing traffic, these are likely to be linked trips (for example people passing on the way to or from work, people coming into the town along the A689) thereby the direct impact of the local centre on traffic flows is likely to be minimum. Given the scale of the centre also it is unlikely to compete with other established local centres in the area which will be more convenient to local residents of those areas (Fens, Owton Manor, Seaton Carew for example) whilst it is also unlikely to attract trade from the town centre. The visible presence towards the front of the site will make the site more attractive to operators which in turn will best ensure that the local centre is a commercial-success long term for the benefit of the future residents of the estate. The local centre is therefore deemed to be in an appropriate position with the site plan given the existing services on offer in the locality, the need to deliver it early within the build programme and the obvious commercial / viability considerations associated with such a development.” No objections to the location of the local centre have been received from HBC Traffic & Transportation. The phenomena of linked trips, (where residents might call into a local centre on their way in and out of a development whilst on other errands) is acknowledged. The masterplan indicates that the centre will have good accessibility with a footpath/cycleway passing through the centre of the site and the local centre. This footway/cycleway extends to the Northern part of the development though no vehicular link is currently proposed and it is anticipated that the residents of this part of the development would be served by the existing local centre on Brierton Lane. It is also noted that there are other examples, notably Middle Warren, where the local centre is not located in the centre of the development. The layout and visual impacts arising from the development are discussed in more detail below. Clearly there are reasons to support the location of the local centre in the location proposed, or more centrally, within the development however notwithstanding the objections in this respect it is considered that the location of the local centre is, on balance, acceptable.

2.33 In terms of the provision of a community centre, again this is referenced in Criteria 1 of policy H5 of the HRNP which indicates that “where appropriate” it should be provided within the local centre. A community centre is not proposed, however

considerable community facilities are including a school (which could in theory accommodate community meetings), playing pitches and associated changing facilities, a local centre (accommodating a medical facility), play areas and extensive footpaths cycleways and areas of public open space. This is in addition to many other planning obligations agreed to by the developer which are outlined below. It is considered that to request a Community Centre in addition to the obligations already proposed to be secured would threaten the viability of the development.

2.34 The objections relating to the loss of Claxton Farm and concerns that the development does not adequately take account of local character and distinctiveness are discussed in the relevant sections below where it is concluded that, on balance, the proposal is acceptable.

2.35 In respect to the Hartlepool Local Plan (2108) it is noted that the development does not entirely accord with every criteria of the relevant criteria based policy HSG4. In particular the size of the school site (criteria 3) is slightly less than set out in the policy 2.7ha and no through route between the A689 and Brierton Lane (criteria 4) is proposed as part of this development. In respect to the school site HBC Education have confirmed that the size is acceptable and in respect to the absence of a link road, whilst not proposed by this application the applicant has agreed to enter into a section 106 agreement to safeguard the route and facilitate its future provision and this is acceptable to HBC highways.

2.36 In conclusion it is acknowledged that the proposal development does not accord with every detailed criteria set out in the policies of the HNRP (2018) or the Hartlepool Local Plan (2018) however it is considered that on balance it is in general conformity with the relevant policies and allocations of both plans and in principle the proposed development is, on balance, considered acceptable.

#### Housing mix and affordable housing

2.37 Local Plan policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock. Given the size of the site and its strategic importance a site of this nature is expected to deliver a full range of house types. Hartlepool Rural Plan Policy H1 (Housing Development) states that on proposals for five or more dwellings, a full range of house types should be provided based upon information within the Strategic Housing Market Assessment (SHMA).

2.38 The detailed part of the scheme includes a mix of 2,3,and 4 bedroom properties including two bungalows. The outline part of the proposal will be subject to reserved matters applications when the mix of house types will be assessed however it is anticipated a full range of house types would be provided. The proposed housing mix is considered acceptable.

2.39 Local Plan policy HSG9 (Affordable Housing) advises that the council will seek an affordable housing contribution of 18% on all sites above the 15 dwelling threshold. In light of viability issues 121 affordable homes are to be provided across

the whole site, this equates overall to 9.6%. A total of 53 will be of intermediate tenure (Discounted Market Sales Housing) and 68 will be for affordable rent.

### Climate change matters

2.40 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% (this measure would be above and beyond that required by policy QP7). Local Plan policy CC1 also requires major developments to include opportunities for charging electric and hybrid vehicles.

2.41n accordance with Local Plan policy QP7 (Energy Efficiency) the applicant is expected to design the scheme to ensure that solar gain etc. is maximised. Where the design and layout of the development, construction methods and green infrastructure provision does not ensure greater energy efficiency through solar gain etc. then, Planning Policy would encourage the dwellings to be 10% more efficient than that required by the building regulations through building fabric improvements.

2.42 In terms of delivering the maximum range of energy efficiency and renewable energy measures viability issues have made this challenging however the applicant has agreed to accommodate electric vehicle charging points within garages within the development which will be conditioned and will need to meet relevant standards in respect to the building regulations.

### Planning Obligations

2.43 In the interest of providing sustainable development and ensuring that the proposal is acceptable in planning terms, and having regard to the viability of the development the following Planning Obligations, which will be secured through a S106 agreement have been agreed.

### Affordable Housing

2.44 In total 121 on site affordable dwellings will be provided including 68 affordable rent units and 53 discount market sale units. (A recycling clause in respect to unspent contributions for other infrastructure will be incorporated into the S106 agreement. This will allow any unspent contribution to be directed towards the provision of affordable housing). In phases 1 to 3, 21 affordable rent units and 40 discount market sale units will be provided. In phases 4 to 5, 47 affordable rent units and 13 discount market sale units will be provided.

### Primary Education Provision (Phases 1 to 3 only)

2.45 A fully serviced and accessible school site will be secured on the site on the area identified in the masterplan. A primary education contribution of £3,726,299.50 will also be secured. An option to convert this provision to an off-site provision will also be reserved.

### Secondary Education Contribution (Phases 4 to 5 only)

2.46 A secondary education contribution of £2,434,287.24 will be secured. This is to deliver provision at Manor Community Academy or English Martyrs.

### Ecological Mitigation

2.47 Obligations within the section 106 agreement to include a requirement to achieve a specified proportional increase in biodiversity units (Biodiversity net gain) for the whole site. This will be in conjunction with a requirement for recalculation of the initial metric calculation for each subsequent reserved matters, as a means of tracking progress towards the specified site wide net gain requirement.

### Habitats Regulation Assessment (HRA) Mitigation

2.48 A HRA mitigation contribution of £100 per dwelling (£126,000) to be used towards wardening and other mitigation measures at the Teesmouth and Cleveland Coast SPA will be secured.

2.49 An obligation requiring the delivery and retention on site of Suitable Alternative Natural Green Space (On site) will be secured.

### Highway Mitigation (Phase 1 to 3 only)

2.50 An obligation requiring a highway contribution of £1,200,000 towards improvements to the A689/Wolviston Services and the A689/A1185 Junctions will be secured.

2.51 A contribution of £30,000 towards the provision of road safety measures at the A689 junction will be secured.

### Bus Service Provision (Phase 1 to 3 only)

2.52 An obligation requiring the provision of an agreed bus service for five years serving phases 1 to 3 will be secured.

### Link Road

2.53 An obligation to safeguard the land for the route of Hartlepool Western link road (A689 to Brierton Lane) and facilitate its future provision will be secured.

### Built Sports

2.54 A contribution of £315,000 towards the provision of built sports within the Borough to be used towards facilities at Brierton Sports Centre or towards other sports facilities in the Borough will be secured.

### Children's Play Facilities

2.53 An obligation to secure the maintenance of Children's Play Facilities provided within the site and a contribution of £30,000 towards the provision of play equipment or improvements to play areas within the Manor House Ward will be secured.

#### Playing Pitches & Changing Facility (including Car Park)

2.54 An obligation to secure the provision, management and maintenance of five playing pitches, changing facilities including car parking and a community use agreement will be secured.

#### Local Centre

2.55 Obligations to ensure the local centre site is reserved and it is brought forward will be secured.

#### Training & Employment Charter

2.56 An obligation to agree a training and employment charter to encourage job opportunities and training for local people on the development will be secured.

#### Phasing

2.57 An obligation to ensure that development proceeds in accordance with the phasing plan unless some variation is otherwise agreed in writing will be secured.

#### Landscape Buffer (Western edge screen planting)

2.58 An obligation to deliver screen planting to the western edge of the development will be secured.

#### Maintenance of the proposed Sustainable Urban Drainage System (SUDS)

2.59 An obligation to secure the maintenance of the SUDS scheme serving the site will be secured.

#### Maintenance/Management of Green Infrastructure

2.60 An obligation to secure the maintenance/management of all green infrastructure within the site including SANGS, BNG areas, open space and the Landscape Buffers (western edge screen planting) outwith the site will be secured.

#### HIGHWAY SAFETY

2.61 The proposal has been supported by a Transport Assessment which includes modelling of the impacts of the development on key junctions and proposes mitigation to address these and increase junction capacity where this can be accommodated.

2.62 In terms of the local highway network the proposals incorporate separate accesses for the northern and southern parts of the development. At the northern end of the development a vehicular access will be formed directly onto Brierton



Lane. The southern part of the development will have access directly on to the A689, one of the principal routes into and out of Hartlepool, here traffic will be controlled by a traffic signal controlled junction whose operation will be linked to the existing traffic controlled junction to the west at Greatham High Street in order to optimise capacity. A 3metre wide footway and cycleway will link the development to this junction and National Cycle Route 14. The applicant has also agreed to provide a £30,000 contribution to help to fund any future road safety requirements here. A condition will secure the delivery of a speed reduction scheme (funded by the developer) to 50 mph between Greatham High Street and a point west of Dalton Back Lane. A further condition will also secure the provision of street lighting (funded by the developer) between the new access and Greatham High Street. At Wolviston, the applicant has agreed to fund further works (some £1.2 million) to the two roundabouts on the approaches to the A19 including signalisation and lineage amendments. Elsewhere various key junctions throughout the town will be improved (funded by the developer) with the works secured by appropriate conditions. A school safety scheme relating to the on site school will also be secured by a condition.

2.63 In addition the applicant has agreed to various measures to promote the use of sustainable modes of transports these include a travel plan, bus stop works, a subsidised bus service for five years and bus stops work on the site and in Rift House in the vicinity of the site. These works will be secured through appropriate planning conditions or obligations. The applicant has also agreed to provide a sum (£100,000) to allow for the future maintenance of the new on-site bridge over Greatham Beck this will be secured separately through a section 38 highway agreement.

2.64 There are long term aspirations to provide a future western link road between the A689 and the A179. It is anticipated that the northern (NAR) and southern (SAR) access road would ultimately provide parts of this link, and have been designed to accommodate this, though it is not proposed to link these as part of this proposal. The applicant has however agreed to enter into planning obligations to safeguard the land between NAR & SAR for the route of a future Hartlepool Western link and facilitate its future provision, though no link is proposed as part of the current application.

2.65 Concerns in relation to the impact of the development on highway safety have featured heavily in the concerns raised by objectors in relation to the development. In particular the HNPWG, GPC, DPPC, RHRA and the FRA raise a number of concerns in respect to the proposed new junction onto the A689, and its impacts on traffic congestion and safety, suggesting instead that the junctions here be rationalised with the Dalton Back Lane junction incorporated into a revised scheme which would serve the development as well as offering safety improvements at this staggered junction. A contribution towards a new pedestrian/cycle bridge at Sappers corner is also suggested by both HNPWG and GPC. There is also support for the creation of a link to the High Tunstall development (The Western Relief Road discussed above). These comments are noted, however whatever merits they may have, they are not proposed as part of the current development and instead the application must be considered in terms of what is proposed. In this respect HBC highways have raised no objections to the scheme as it stands.

2.66 In terms of the impacts on Strategic Highway Network National Highways have indicate that subject to conditions securing a travel plan and a condition limiting occupation until junction improvement works (already planned) to increase the capacity of the A19/A689 junction are completed. These works are currently the subject of a road safety audit which is expected to be completed imminently and the final response of National Highways await this. This position, and the required conditions, is accounted for in the recommendation.

2.67 In terms of Public Rights of Way (PRoW) concerns in relation to the impact of the development on PRoW have featured in representations made in respect to the application. Notably, Greatham Parish Council has sought assurances that any PRoW diversions are attractive and enjoyable routes and that any new routes are considered. Existing PRoW will be retained albeit with some diversions being undertaken, where appropriate. The most significant of which involves the diversion of Public Footpath No.4, Claxton Parish, to the south of the development, through the green wedge. Any new rights of way and access links, through the Green Wedge and Green Link, will significantly enhance public access across the site. Any legal diversion will be subject to a separate legal process. However at this stage no concerns to the proposals have been raised by HBC Countryside Access Officer and in conclusion in terms of its impact on PRoW, the proposal is considered to be acceptable.

2.68 It is acknowledged that highway impacts will arise from the development and mitigation works are therefore proposed to address these impacts. National Highways and HBC Traffic & Transportation have been consulted on the proposals and have raised no objections subject to relevant conditions and an appropriate legal agreement securing relevant planning obligations discussed above and set out in the recommendation and conditions. In highways terms the proposal is on balanced considered acceptable subject to the final response from National Highways.

#### DESIGN/LAYOUT/ IMPACT ON THE VISUAL AMENITY OF THE AREA

2.69 The application is a hybrid application. It incorporates development for which full planning permission and outline planning permission is sought. In terms of design it should be noted that the majority of the proposal is in outline and so the detailed design of much of the site is yet to be agreed and will be subject to further consideration when future reserved matters application are considered.

2.70 It should also be noted that the site is subject to a number of constraints which to a degree have dictated the form of the development these include Greatham Beck and its floodplain, the presence of a major gas pipeline and utility apparatus.

2.71 Concerns in respect to design, layout and the visual impact of the development have featured heavily in the responses to the application. Notably the HNRPWG raises concerns that the development does not adequately take account of local character and distinctiveness contrary to policy GEN1 of the HNRP, these comments are reflected in the comments of DPPC and GPC. Concerns are also raised in respect to the layout of the development in respect to the location of the

local centre and higher density parts of the development close to the rural edge and most visible from Greatham rather than in the centre of the development. It is also request that the buffer between the southern part of the site and the A689 be as substantial at least as that between the A689 and Mildenhall Close and that 10m tree belts are provided between the new development and the open countryside to the west in accordance with HRNP policy NE1 criteria 4a.

2.72 In terms of the detailed part of the scheme, the 144 houses, the development will provide a mix of house types consisting of 53 four bedroomed houses, 82 three bedroomed houses, and nine two bedroomed houses (including 2 two bed bungalows). The houses are predominantly detached though 19 pairs of semis and four short terraces of three dwellings are proposed. Parking is largely accommodated in garages some integral and in on plot parking spaces. The proposals have been assessed against the guidelines contained with the Hartlepool Local Plan (2018) and the development meets or exceeds the separation distances outlined within the Local Plan. The scheme for the most part has been designed so that dwellings look out onto the green wedge and the main thoroughfares. The provision of public open space is limited to one area at the northern end of the site however this will be more than compensated for by the substantial provision which will eventually be delivered within the wider site covered by the outline part of the application. During the course of the consideration of the application amended proposals were brought forward by the applicant to incorporate elements of traditional design within the housing including chimneys, corbel eaves details, sash style windows with stone head and cills inspired by surrounding farmsteads and Greatham Village to reflect the sites semi-rural location. It is noted that this has not addressed the concerns of those raising objections however these designs were considered acceptable when the application was considered by Committee in 2015/2016 and are considered acceptable. The detailed part of the scheme also incorporates drainage features such as swales and Suds ponds which are relatively benign landscape features and again considered acceptable. Elsewhere the provision of the main highway infrastructure, including the access points north and south will result in the loss of a number of trees and open up views from the A689 and Brierton Lane however this impact will be localised and additional planting can be accommodated within the site. The layout and design of this element of the detailed scheme is considered acceptable.

2.73 The layout of the wider scheme for which outline consent is sought, as indicated on the masterplan, is considered broadly acceptable. The detailed layouts and buildings including house types will be subject to reserved matters applications. The layout incorporates a substantial green wedge which has the potential to provide a significant ecological, landscape and recreational asset for existing and future residents and wildlife. The proposed residential areas which flank the green wedge, can be, designed where possible to overlook the area to give a pleasant aspect to the properties and to ensure the green wedge benefits from passive surveillance. The school located in the centre of the site is considered relatively accessible with a good part of the school routes from the northern and southern parts of the site capable of being accommodated on dedicated footpaths/cyclelinks within the green wedge or the green link well away from the road. Similarly a pedestrian and cycle link will be provided into the adjacent housing estate at Moffat Road. There is provision for public open space, play areas and sports pitches (including changing

facilities) for future and existing residents. Existing Public Rights of Way will be retained albeit with some diversions the most significant of which involving footpath Claxton 04 which will be diverted to the south of the development through the green wedge. New public rights of way through the Green Wedge and Green Link will enhance public access. As discussed above the relocation of the local centre was raised with the applicant who for the reasons outlined above considers its location to the southern end of the site to be most appropriate and this is considered acceptable.

2.74 In terms of the detailed design of the outline parts of the scheme, which form the majority of the proposal, the applicant has prepared a Character Appraisal and Design Code however during the course of the application it has been recognised that there is an opportunity to amend, update and refine this code which will guide the future development/design of the development. The applicant has agreed that a suitable condition can be imposed on the development which will require that an amended Character Appraisal and Design Code, identifying the parameters and general design principles for the development, is agreed prior to the submission of the reserved matters applications and that applications thereafter are in conformity with it to ensure that going forward there is a coherent and acceptable design approach here.

2.75 In terms of its wider visual impact, the site is partially screened or filtered by existing roadside hedging and established trees along the A689, Dalton Back Lane, Brierton Lane and Greatham Beck. Notwithstanding this the proposed development will clearly have a significant impact on the landscape in this area with the existing farmland being replaced by urban development. It is considered that these impacts will be both positive and negative. The green wedge will, with the additional planting proposed provide a buffer between the site and the existing housing to the south east corner of the development and provide a green thread through the site. It has the potential to form a significant and attractive landscape asset on the western edge of the town. In addition a landscaped buffer will be provided in the southern part of the site between the local centre and the A689. Following discussion the applicant has agreed to provide additional landscaping in the form of a 5m tree planting strip on the western edge of the development to assist in the screening of the site and to soften the treatment where it meets with the rural edge. Whilst this is not the 10m strip requested by those making representations it is noted that the built development itself will be further set back from the rural edge due to the intervening spine road and verges (which are also shown as tree lined on the illustrative landscape strategy) and that existing field hedge boundaries to the west which will be unaffected will also provide intervening screening. In many views the site will be seen in the context of the modern estates of the existing urban area and the landscaping and planting proposed will assist in further softening, filtering or screening views of the development however given the scale of development proposed and the elevated nature of parts of the site relative to adjacent areas notably to the south and south east it will not be possible to screen the development entirely and the development will have an inevitable change the character of the site. Notwithstanding this, it is an allocated housing site and in landscape terms the proposal is considered acceptable.

2.76 Whilst the concerns are noted, and the devil will be in the detail, it is considered that the development with its generous provision of open space, “beckside” location and significant amenities represents a clear opportunity to create a distinctive sustainable development with a real sense of place to the benefits of future residents who will occupy the development and wider benefits in terms of access to open space and amenities for residents in adjoining areas and in terms of ecology. In conclusion the development is considered acceptable in terms of its design, layout and its impact on the visual amenity of the area.

#### THE AMENITY OF THE OCCUPIERS OF ADJOINING PROPERTIES/FUTURE OCCUPIERS OF THE SITE

2.77 The closest neighbouring residential properties to proposed developed areas of the site, are located in the north east corner and eastern side of the site and on Brierton Lane. They include new and established residential development in adjoining estates and individual properties. Here the development proposed includes residential areas, playing pitches (including changing facilities and parking) and the school. The proposals in this area are in outline and so detailed designs are not available and whilst objections have been received in relation to the impact of the development on these neighbouring properties it is considered that suitable designs could be accommodated at the reserved matters stage which would ensure that the amenity of the neighbouring properties was not unduly affected. In terms of the part of the site for which full planning permission is sought the proposal meets or exceeds the council minimum separation distances both within and without the site. Elsewhere the green wedge incorporating sports pitches and SUDS areas will provide a buffer which will ensure that the amenity of the residents is not unduly affected.

2.78 Concerns have been raised by objectors regarding the disruption that would be caused during the development of the site. It is inevitable that the development of a site of this scale will cause some disruption however appropriate conditions will help to manage disruption. As well as the conditions identified below it is proposed to impose a condition requiring the submission of a Construction Management Plan which will require the developer to address relevant issues in relation to noise, dust, wheel washing, construction traffic routes and consultation with neighbours to seek to minimise disruption. Finally there are various powers available to the council under the relevant public health and highway acts should incidents arise.

2.79 HBC Public Protection have been consulted and have raised no objection to the proposals subject to conditions relating to the operating hours and deliveries to the local centre, an extract ventilation condition on any hot food uses in the local centre and a hours restriction on construction and demolition works. Relevant conditions are included in the recommendation.

2.80 It is considered that with appropriate conditions the proposal will have an acceptable impact on the amenity of adjoining properties/future occupiers of the site.

#### CRIME FEAR OF CRIME AND ANTISOCIAL BEHAVIOUR

2.81 Concerns in relation to anti-social behaviour have featured in the responses received from objectors to the proposal. In particular that the green wedge will attract antisocial behaviour and that improvements to accessibility along the western edge of the town will result in the spread of antisocial behaviour. The objectors cite existing issues.

2.82 Cleveland Police have been consulted and have not objected to the proposal. In terms of the concerns that the green wedge and alterations to access will attract and spread antisocial behaviour whilst behaviour cannot be eliminated it is considered that good design can help to minimise it. The proposed residential areas which flank the green wedge in the detailed part of the proposal have been designed to overlook the green wedge and this same approach can be secured as the reserved matters applications are brought forward ensuring that these areas benefit from passive surveillance. Similarly the likely increased use of the area by residents is in itself likely to add to the passive surveillance of the area. Landscaping, paths design and lighting can be designed at the detailed stage to seek to minimise such issues. Where issues arise these will need to be dealt with by the appropriate authorities.

2.83 It is considered that the proposal is acceptable in terms of issues relating to crime, fear of crime and antisocial behaviour.

## FLOODING & DRAINAGE

2.84 Concerns regarding the impact of the development on flooding have featured heavily in the concerns raised by objectors in relation to the development.

2.85 The applicant has submitted a Flood Risk Assessment & Drainage Strategy in support of the application this advises the larger part of the development falls within Flood Zone 1 (Low Probability), with Flood Zone 2 (Medium Probability) and Flood Zone 3a (High Probability) areas in the central and south eastern locations of the site associated with Greatham Beck. It notes that the masterplan details indicate that construction will only take place within flood zone 1 with no construction or raising of land levels proposed within areas designated as Flood Zone 2 and 3a so as to retain the current flood volume within critical areas. The proposed level of the underside of the bridge, which crosses Greatham Beck, will be above the Environment Agency modelled 1 in 1000 year flood level plus climate change, The area adjacent Greatham Beck central and southern portion of the site falls into Flood Zone 2 and 3a areas this area will remain largely undeveloped and allocated for public open space.

2.86 A drainage strategy for the proposal, developed in consultation with the HBC Engineers (as the lead flood authority) and the Environment Agency, is also included within the FRA. In terms of surface water drainage arising from the site this will be managed through a Sustainable Urban Drainage System (SUDS) incorporating onsite attenuation basins, swales and oversized pipes. The strategy has been designed ultimately to discharge via 6 discharge points into Greatham Beck at a total maximum restricted discharge to replicate the Greenfield Run-off Rate for the site. Further, the surface water drainage system will be designed to accommodate up to a 1 in 100 year critical storm event, plus 40% climate change allowance, with 10%

urban creep applied to each residential unit in accordance with the “Tees Valley SuDS Guidance – Local Guidance Table LS17. The scheme also incorporates flood shelving on the west side of Greatham Beck, opposite Newark Road, which will provide additional flood water storage capacity. The flood risk assessment identifies that the site can be developed with no increased risk of flooding to the development or to third party land with improvement and betterment provided as part of the proposed scheme.

2.87 In terms of flooding and drainage HBC Engineering Consultancy and the Environment Agency have examined the proposals and subject to conditions have raised no objections. These conditions are recommended accordingly.

2.88 In terms of foul drainage Northumbrian Water have confirmed that foul water flows from the development can discharge to the public sewers. The new foul water drainage system serving the development will be offered for adoption to Northumbrian Water. No objections have been received from Northumbrian Water who have requested that the Flood Risk Assessment and Drainage Strategy be conditioned and this is recommended accordingly.

2.89 In terms of the flooding and drainage issues the proposal is considered to be acceptable.

## ECOLOGY & BIODIVERSITY

2.90 The site is currently largely in use as farmland and occupied by agricultural fields with associated trees, hedgerows and crossed by Greatham Beck.

2.91 The policies of the HRNP (Policy NE1) and the Hartlepool Local Plan 2018 (Policy NE1), seek to protect, manage and enhance Hartlepool’s natural environment including designated local nature reserves and Ecological Networks including the Greatham Beck riparian corridor (Policy NE4) part of which is designated as a Local Nature Reserve/Local Wildlife Site. The NPPF (Para 174 -182) advises that planning policies and decisions should contribute and enhance the natural and local environment by, amongst other things, minimising impacts on, and providing net gains for, biodiversity.

2.92 Whilst the green spaces identified in the masterplan have been welcomed concerns regarding the impact of the development on the Ecology and the future management of the area have featured heavily in the responses to the application, notably from the HNPWG, Greatham PC and the FRA.

2.93 In support of the application the applicant has provided a number of ecological reports including a habitat survey, surveys for bats, great crested newts, otter, water vole, wintering and breeding birds and a bio diversity net gain assessment.

2.94 The breeding bird survey found that the site supported 36 breeding species, of which 18 are listed as Birds of Conservation Concern. Twelve of the 36 breeding species are priority species including house sparrows, sky lark, song thrush and grey partridge. An additional 8 species were recorded during the breeding bird surveys but were not considered to be breeding within the site. The wintering bird survey

recorded 41 species using the site including 22 Birds of Conservation Concern, with 12 of the 41 species listed as priority including Herring Gull, Lapwing and Linnett.

2.95 The presence of a small population of great crested newts is confirmed in one pond on site and two ponds off site. A number of bat roost (common pipistrelle) were found in the buildings within the Claxton Farm complex and a section of the tree belt that lines Greatham Beck, with other bat species noted using the site for foraging. No presence of badgers on site were noted though badger tracks were noted off site. No Otters or Water Vole were recorded.

2.96 The biodiversity net gain assessment indicated that the development has the potential to deliver a substantial net gain through hedgerow and tree planting and other habitat creation and enhancement.

2.97 HBC ecologist has considered the proposals and advised that the ecological survey and assessment information, including the proposed mitigation, used to support the application is sufficient to demonstrate that the proposals will not result in residual significant ecological harm, or harm to ecological networks. He has also advised that he is satisfied that the harm to the interest features of Greatham Beck Local Wildlife Site and Local Nature Reserve is minimised as far as practicable, and that adequate compensation is feasible in respect of any residual harm to these features. He notes that the development will be phased over a number of years and requested conditions, that will require updated ecological surveys (where the survey information becomes outdated), secure ecological mitigation measures during the construction phases and in terms of the long term management of the site, secure a Ecological Design Strategy in respect to the crossing of Greatham Beck and a condition relating to a lighting strategy in the suitable alternative natural greenspace (SANGS) area that minimises harm to nocturnal species.

2.98 In terms of biodiversity net gain HBC Ecologist notes that the submitted biodiversity net gain assessment shows a potential net increase post development in habitat biodiversity units of 36.83%, hedgerow biodiversity units of 36.23% and river biodiversity units of 29.62%. Whilst acknowledging that much of the application is in outline, and therefore details are unknown, he is satisfied that the proposals are capable of delivering a genuine biodiversity net gain the details and delivery of which can be secured through appropriate planning conditions and obligations.

2.99 The site is not within the Teesmouth and Cleveland Coast SPA and Ramsar site SPA however potential indirect impacts could arise in terms of residents visiting the SPA for recreational purposes. The proposal includes a large area of SANGS) on site for use by residents to accommodate some of this recreational pressure and a financial contribution towards wardening and other mitigation measures at the SPA. The Habitat Regulations Assessment concludes that provided these matters are secured through planning obligations the application can be lawfully approved.

2.100 No objections have been received from Natural England subject to the mitigation identified in the HRA being delivered. Any potential impacts on water quality will be addressed by relevant conditions.

2.101 HBC Arborist has considered the proposals and confirmed that he has no objections to the proposals subject to a landscaping condition.



2.102 In conclusion it is considered that subject to the identified conditions and planning obligations the proposal is considered acceptable in terms of its impact on Ecology & Biodiversity.

## HERITAGE ASSETS

2.103 In terms of heritage assets the site contains no listed buildings, conservation areas or locally listed buildings. Greatham Conservation Area is located to the south but given the separation distances it is not considered the proposal will have any significant impact on this heritage asset.

2.104 The HNPWG and Greatham Parish Council have objected to the proposed demolition of Claxton Farm, contrary to criteria 7 of HNRP Policy H5 suggesting that it should be retained for its heritage value and to assist in creating a sense of place.

2.105 The issue has been raised with the applicant who has confirmed that it is not proposed to retain Claxton Farm. A Heritage Assessment to assess the significance of Claxton Farm was undertaken to support the application. This concluded that the complex, whilst originating in the nineteenth century, had been subject to various alterations over the years. HBC Heritage and Countryside Manager has advised that whilst the structures relating to the farm are of some interest in the context of Hartlepool their significance has been diminished by later alterations. In addition that there are other examples of groups of farm building elsewhere in Hartlepool which are listed or locally listed as they are better examples. In light of this she concludes that there would be no objection to the demolition of the structures and that the proposal to record these, prior to the demolition works is welcomed. It is also the case that as the buildings are not listed nor in a conservation area, they could in theory currently be demolished with the only control available in planning terms being a consideration of the method of demolition and the restoration of the site (through the requirement to submit a prior notification application for demolition). In light of the above whilst the concerns of the objectors are noted it is considered that on balance the loss of Claxton farm is acceptable. A condition is proposed to ensure the buildings are recorded.

2.106 The development area has been subject to archaeological evaluation, including a geomagnetic survey followed by extensive trial trenching which determined the need for further work. The trial trenching identified various archaeological features including medieval (or post medieval) furrows, and enclosures and ditches some likely to be Iron Age or Romano-British in date. The report recommends that areas of archaeological interest are subject to archaeological excavation in advance of development. Tees Archaeology have reviewed the reports provided by the applicant and requested that the recording of the areas of archaeological interest is conditioned. An appropriate condition is proposed.

2.107 It is considered that in terms of its impact on heritage assets the proposal is considered acceptable subject to appropriate conditions.

## EDUCATION

2.108 Concerns have been raised at the impact of the development on local schools. The development incorporates proposals for a new primary school and contributions towards primary and secondary education have been agreed. HBC Education/Children's Joint Commissioning have raised no objections to the proposal. They have requested that a legal agreement (S106) securing detailed educational contributions be secured. This requirement forms part of the recommendation.

## CONTAMINATION

2.109 The application is supported by a Geo-Environmental Desk Study to examine the risk of contamination being present on the site. The report concludes that, based on the previous known site uses, the risk of the whole site being affected by significant contamination is considered to be negligible to low. The risks from localised contamination associated with farm activities are considered to be low to moderate and the presence of underground fuel storage tanks and septic tanks within the farms should be anticipated. It is considered that the risk to the principal aquifer (Sherwood Sandstone) from on site contamination is low and to shallow aquifers (superficial soils) and Greatham Beck moderate with a low risk of migration from off site sources.

2.110 It advises that there are no official landfills recorded within the site. However, several small sand and gravel pits have been recorded and backfilled with unknown materials. Additionally, two known landfills are present in the northwest and southwest of the site within approximately 500m of the site boundary. Organic deposits (alluvium) and other deposits of potential Made Ground (associated with the farms) are anticipated, which could present other potential ground gas sources. The risk of the whole site being affected by hazardous gas is considered to be low to moderate. The report therefore recommends a programme of ground investigations to address these risks.

2.111 No objections have been received from either the Environment Agency or HBC Engineering Consultancy. The latter have advised that whilst reports submitted with the application do not find any high risk of contamination they do recommend further investigation. In order to facilitate this an appropriate residential contaminated land condition is requested and forms part of the recommendation. This will ensure that contamination is identified and any risks suitably remediated,

2.112 It is considered that subject to an appropriate condition the proposal is acceptable in respect to issue relating to contamination.

## PIPE LINES & OVERHEAD POWER LINES

2.113 A gas pipeline which is classed as a major hazard runs through the centre of the site. The land in the close proximity of the pipeline cannot be developed. In order to address this the applicant is proposing to leave the area largely undeveloped (save where roads cross the pipeline), and instead it will be used as a green link (walkway/cycleway) through the site.

2.114 The HSE have been consulted and have advised that they do not advise against the granting of planning permission on safety grounds. The Cleveland Emergency Planning Unit have advised they have no objections to the proposal, they note the presence of the pipeline and that the operator has been consulted.

2.115 The pipeline operator (Northern Gas Networks) has been consulted, and whilst raising initial concerns, following clarifications has advised that they have no objections. The pipeline is any case protected by an easement. However none the less a number of conditions are proposed to clarify the details where the road/bridge and pipeline are in proximity to ensure that any detailed treatments are acceptable.

2.116 The site is crossed by Overhead Powerlines, concerns have been raised by objectors in relation to the impact the powerlines, in particular the electro-magnetic fields they generate, might have on the health of any future occupier of the development, and that noise from the powerlines might cause nuisance to the occupiers. This matter was looked into in detail in 2015 when it was observed that in the UK there are no mandatory requirements in relation to appropriate set back distances from such structures. Instead the applicant has entered into discussions with the operator of the lines and followed their guidance. Further the advice of Public Health England was sought, who advised that they in general, 66 kV overhead lines are expected to comply with the 1998 International Commission on Non-ionizing Radiation Protection (ICNIRP) recommended exposure guidelines but suggested clarification be sought from the operator. The operator undertook monitoring of the EMF generated by the overhead powerlines at that time and confirmed that it is well within the limits set out in the relevant guidelines (which are still current). The operator, Northern Power Grid, have raised no objection to the proposal. HBC Public Protection have raised no concerns in this respect.

2.117 In terms of the relationship with the gas pipeline and overhead powerlines the proposal is considered acceptable.

## LOSS OF FARMLAND

2.118 Concerns have been raised that the development will result in the loss of agricultural land and buildings. This is the case. However the land is not classed as the best and most versatile land and in any case the site is allocated for development in the relevant development plans and so the principle of development is considered acceptable.

## LOSS OF ACCESS TO MINERALS

2.119 Part of the northern part of the site lies in a mineral safeguarding area in the Tees Valley Minerals & Waste DPD. However the site is allocated for development in the relevant development plans for the area, which are more up to date, and so the principle of development is considered acceptable.

## CONCLUSION

2.120 In conclusion it is acknowledged that the proposal development does not accord with every detailed criteria set out in the policies of the HNRP (2018) or the

Hartlepool Local Plan (2018) however it is considered that on balance it is in general conformity with the relevant policies and allocations of both plans and in principle the proposed development is considered acceptable. It is considered that development with its generous provision of open space, “beckside” location and significant amenities represents a clear opportunity to create a distinctive sustainable development with a real sense of place to the benefits of the future residents who will occupy the development and wider benefits in terms of ecology, access to open space and amenities for residents in adjoining areas. The proposal is recommended for approval.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.121 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

2.122 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.

2.123 Section 17 implications are considered in the relevant section of the report.

## **REASON FOR DECISION**

2.124 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 receipt of satisfactory comments from National Highways, the completion of a section 106 agreement securing the following developer obligations/contributions (As set out in the report) Affordable Housing (121 dwellings 68 affordable rent and 53 discount market sale) , Primary Education Provision (including provision of a fully serviced and accessible school site, contribution of £3,726,299.50 and off site option), Secondary Education Contribution (£2,434,287.24), Ecological Mitigation obligations (BNG on site), HRA Mitigation obligations (£126,000 & delivery and retention of onsite SANGS), Highways Contributions (£1,200,000 and £30,000), Bus Service Provision, Link Road obligations, Built Sports Contribution (£315,000), Children's Play Facilities obligations (Maintenance of facilities on site and £30,000 contribution), Playing Pitches and Changing Facilities Obligations (including Car Park and Community Use agreement), Local Centre obligations, Training & Employment Charter, Phasing obligations, landscape buffer (western edge screen planting) obligations, SUDS maintenance obligations, maintenance/management of green infrastructure obligations and subject to the following conditions;

1. The part of the development for which full planning is hereby approved, as defined on drawing no on drawing no HRT-SWE-MAS-001revG (“South West Extension Hartlepool Master Plan”) received at the Local Planning Authority on 2<sup>nd</sup> August 2021 shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.

2. For the part of the development for which outline planning permission is sought, as defined on drawing no HRT-SWE-MAS-001revG ("South West Extension Hartlepool Master Plan") received at the Local Planning Authority on 2<sup>nd</sup> August 2021 application for the approval of the reserved matters (referred to below) and the commencement of development, shall be as follows. The first reserved matters application shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matters of that phase. Thereafter, all subsequent phased reserved matters applications shall be made to the Local Planning Authority not later than 10 years from the date of this permission and the development so approved shall be begun not later than the expiration of 2 years from the final approval of the last reserved matters relating to each phase.  
For the avoidance of doubt.
3. Approval of the details of the internal pedestrian and highway layout, layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
In order to ensure that these details are satisfactory.
4. The details submitted at the reserved matters stage shall be in general conformity with the drawing no HRT-SWE-MAS-001revG ("South West Extension Hartlepool Master Plan") received at the Local Planning Authority on 2<sup>nd</sup> August 2021 and drawing JBA 20275 Rev B ("Illustrative Landscape Strategy Plan") received at the Local Planning Authority on 5<sup>th</sup> July 2021  
In the interests of the proper planning of the area.
5. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly.  
For the avoidance of doubt.
6. The development hereby approved shall be carried out in accordance with the following plans HRT-SWE-MAS-001revG ("South West Extension Hartlepool Masterplan") received at the Local Planning Authority on 2<sup>nd</sup> August 2021 and drawing JBA 20275 Rev B ("Illustrative Landscape Strategy Plan") received at the Local Planning Authority on 5<sup>th</sup> July 2021, Phase 1 Proposed Layout (H(SWX)-P1-001 Rev J), Phase 1 Proposed Layout H(SWX)-P1-002 Rev B, Phase 1 Materials Layout H(SWX)-P1-003 Rev B received at the Local Planning Authority on 20<sup>th</sup> July 2015, Location Plan (0100 200 Revision F), Existing Site Plan (0100 201 Revision A), Bungalow (BG-WD01); Roseberry (Village) (RS-WD01 REV S); Rufford (Village) (RF-WD01 REV P); Hatfield (Village) (HT-WD01 REV P); Hatfield Corner (HTC-WD06 REV J); Souter (Village) (SU-WD01 REV R); Moseley (Village) (MS-WD01 REV L); Winstor (Village) (WS-WD01 REV S); Kendal (Village) (KL-WD01 REV B); Clayton (Village) (CA-WD01 REV C); Clayton Corner (CCA-WD01 REV F); Chedworth

(Village) (CD-WD01 REV M); The Moulton (Village) (ML-WD06 REV H) received at the Local Planning Authority on 7th May 2015, Standard Single / Double Garage (SGD-01 REV B), Standard Triple Garage (SGD-02 REV B), Standard Quad Garage (SGD-03 REV B) received at the Local Planning Authority on 29th August 2014, Electrical Sub Station (GTC-E-SS-0010\_R1-7\_1\_of\_1) received at the Local Planning Authority on 19th September 2014, the Southern Access Road General Alignment (Sheet 1 of 2) (14/007/SAR/01 (Part 1) Revision G) & (14/007/SAR/01 (Part 2) Revision G) received at the Local Planning Authority on 2<sup>nd</sup> July 2021, the Phasing Plan (HRT-SWE-MAS-003 Rev G) received at the Local Planning Authority on 6<sup>th</sup> August 2021 and the plan Northern Access Road General Alignment (14/007/NAR/01 Rev D) received at the Local Planning Authority on 22<sup>nd</sup> December 2021. For the avoidance of doubt.

- 7 The total development hereby approved shall not exceed the following maxima in respect to the uses identified:  
 Up to 1260 residential dwellings (C3 Use Class).  
 Up to 500sqm public house/restaurant floorspace (Sui Generis/Class E Use Class)  
 Up to 1,999 sqm retail floorspace (Class E Use Class)  
 Up to 300 sq m of medical centre floorspace (D1 Use Class)  
 For the avoidance of doubt.
  
8. No development within any phase shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the part of the site within that phase has been submitted to and approved in writing by the Local Planning Authority:
  1. Site Characterisation  
 An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:
    - (i) a survey of the extent, scale and nature of contamination;
    - (ii) an assessment of the potential risks to:
      - a. human health,
      - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
      - c. adjoining land,
      - d. groundwaters and surface waters,
      - e. ecological systems,
      - f. archaeological sites and ancient monuments;
    - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
 This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

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

## 3. Implementation of Approved Remediation Scheme

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

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

## 4. Reporting of Unexpected Contamination

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

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

## 5. Long Term Monitoring and Maintenance

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

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

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

## 6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any

order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without the prior written consent of the Local Planning Authority.

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

9. A) No demolition/development within any phase shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for that phase has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).  
C) No phase shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.  
In order to ensure that the archaeology of the site is adequately investigated.
10. Prior to any demolition or dismantling of the Claxton Farm buildings, a scheme for the recording of the buildings at Claxton Farm including a timetable for the recording shall be submitted to and approved in writing by the Local Planning Authority. The recording scheme shall thereafter be carried out in accordance with the approved scheme and two copies submitted to the Local Planning Authority prior to any demolition, or dismantling, of the aforementioned buildings, unless some variation is otherwise obtained in writing from the Local Planning Authority.  
In order to ensure that the details of the building(s) are recorded for posterity.
11. Notwithstanding the submitted information, no development on any phase shall take place until a detailed design and associated management and maintenance plan of surface water drainage for that phase based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water



drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

To prevent the increased risk of flooding, to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

12. No development shall commence until a scheme for the provision of flood shelving at Greatham Beck in accordance with the drawing "Greatham Beck Proposed Flood Shelf" (Dwng No :N13215-920 Rev P1) received at the Local Planning Authority on 18<sup>th</sup> May 2015, including a timetable for its provision, has been submitted to and approved in writing by the Local Planning Authority. The flood shelving shall thereafter be provided in accordance with the agreed timetable and details.  
In order to ensure that Flood Risk is adequately managed.

13. No development shall take place within any phase until a scheme for the provision and management of a 10 metre wide buffer zone alongside the watercourses and ponds within that phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- Plans showing the extent and layout of the buffer zone;
- Details of any proposed planting scheme (for example, native species);
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
- Details of any proposed footpaths, fencing, lighting etc; and
- Where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.

Development that encroaches on watercourses and ponds has a potentially severe impact on their ecological value. For example, artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Furthermore, land alongside watercourses and ponds are particularly valuable for wildlife and it is essential this is protected. For example, light spillage may result in potential impacts on fish movement and otters.

14. Prior to the commencement of each phase of the development (including the bridge over Greatham Beck), an Arboricultural Impact Assessment and Method Statement for the removal and protection of any trees and hedgerows within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Method Statement, unless some variation is otherwise agreed in writing by the Local Planning Authority.  
In order to ensure that any impact on trees is minimised in the interest of visual amenity and the ecology of the area.
15. Prior to the commencement of each phase a detailed scheme of landscaping (in general conformity with the drawing JBA 20275 Rev B received at the Local Planning Authority on 5<sup>th</sup> July 2021 unless some variation is otherwise agreed in writing with the Local Planning Authority) for that phase shall be submitted to and approved in writing by the Local Planning Authority before the phase is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works unless some variation is otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity, ecology and to ensure any species planted within the easement of the high pressure pipeline are appropriate.
16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
17. None of the commercial uses hereby approved that involve the preparation /sale of hot food shall commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.  
In the interests of the amenities of the occupants of neighbouring properties.
18. The commercial premises hereby approved shall only be open to the public between the hours of 07:00 and 23.30 on any day.  
In the interests of the amenities of the occupants of neighbouring properties.
19. Deliveries to the commercial premises hereby approved shall only take place between the hours of 07:00 and 21.00 on any day.

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

20. Notwithstanding the submitted details prior to the commencement of the southern access road beyond the 4th roundabout (counted from south to north), full design details of the proposed bridge over Greatham Beck and the southern access road including structural calculations and details of associated earthworks shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northern Gas Networks. These details shall also include an assessment of the potential impact of the bridge and the southern access road on the underground gas pipeline and specify any necessary protection measures required to protect the gas pipeline. The bridge and the southern access road shall then be constructed in accordance with the details so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.  
In order to ensure that the detailed design of the bridge and road is acceptable to Hartlepool Borough Council's Highway Engineers and the pipeline operators, the pipeline is accounted for and that the safety of road users is also taken into account.
21. Notwithstanding the submitted details no development of any phase shall commence until detailed proposals for the provision of play areas within that phase including details of their location and design/specification, landscaping, play equipment, surfacing, means of enclosure, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The play facilities shall be provided in accordance with the approved details and timetable. Play areas shall be sited beyond the inner zone of the HSE consultation distance of the high pressure gas pipeline ref. 2077: Cowpen/Naisberry (CH08/300mm), i.e. more than 15 metres from the pipeline.  
In the interests of public health and delivering a sustainable development and in order to ensure that the play areas are provided in a planned and appropriate manner.
22. Notwithstanding the submitted details no development of any phase shall commence until detailed proposals for the provision of sports pitches within that phase including details of their location and design/specification, equipment, landscaping, means of enclosure, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The sports pitches shall be provided in accordance with the approved details and timetable. Sports pitches shall be sited beyond the inner zone of the HSE consultation distance of the high pressure gas pipeline ref. 2077: Cowpen/Naisberry (CH08/300mm), i.e. more than 15 metres from the pipeline.  
In the interests of public health and delivering a sustainable development and in order to ensure that the sports pitches are provided in a planned and appropriate manner.
23. During the construction of any phase no demolition/construction/building works, including deliveries or dispatches to or from the site shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays

and between 8.00 am and 1.00 pm on Saturdays and at no time on Sundays or on Bank Holidays.

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

24. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring and communication with local residents.  
In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.
25. No development shall commence on any phase until details of existing and proposed levels within and outwith the phase including any earth retention measures within and adjacent to the phase have been submitted to and approved in writing by the Local Planning Authority, the phase shall thereafter proceed in accordance with the agreed levels unless some variation is otherwise approved in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
26. Prior to the first occupation of any dwelling within phases 4 or 5 the bus stops at Rift House, Bacon Walk, Eskdale Road and South End shall be improved in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. No dwelling within phase 4 or 5 shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.  
In order to ensure that adequate provision is made for bus stop infrastructure in the interests of encouraging sustainable modes of transport.
27. Prior to the commencement of development within phase 4 or 5 a scheme for the provision and location of bus stop infrastructure within the site along the northern access road including half width lay-bys, shelters and low floor kerbs and a timetable for the delivery of the infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The bus stop infrastructure shall thereafter be provided in accordance with the details and timetable so approved unless some variation is subsequently agreed in writing with the Local Planning Authority.  
In order to ensure that adequate provision is made for bus stop infrastructure in the interests of the encouraging sustainable modes of transport.
28. Prior to the commencement of development within phase 1, 2, or 3 a scheme for the provision and location of bus stop infrastructure within the site along the southern access road including half width lay-bys, shelters and low floor kerbs and a timetable for the delivery of the infrastructure shall be submitted

to and approved in writing by the Local Planning Authority for that phase. The bus stop infrastructure shall thereafter be provided in accordance with the details and timetable so approved unless some variation is subsequently agreed in writing with the Local Planning Authority.

In order to ensure that adequate provision is made for bus stop infrastructure in the interests of encouraging sustainable modes of transport.

29. The school element of the proposal shall not be occupied until a school safety scheme has been submitted to and approved in writing by the Local Planning Authority, and implemented. This shall provide details of signage, guard railing, parking proposals, Traffic Regulation Orders associated with school time parking and a school time 20 mph speed limit on the section of highway fronting the proposed school.  
In the interests of highway safety.
30. Prior to the new access onto the A689 from the southern access road being brought into use a scheme for the reduction of the speed limit on the A689 to 50 mph between Greatham High Street and a point west of Dalton Back Lane, including required signage, shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority. The access shall not be brought into use unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.  
In the interests of highway safety.
31. Notwithstanding the submitted details, a highway mitigation scheme for the Brierton Lane / Stockton Road / A689 junctions in accordance with the submitted drawing 14/007/BRI/02 Revision B received at the Local Planning Authority on 29<sup>th</sup> July 2021 shall be submitted to and approved in writing by the Local Planning Authority. No more than 600 dwellings on the site shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.  
In the interests of highway safety.
32. Notwithstanding the submitted details, a highway mitigation scheme for the Brierton Lane /Catcote Road junction in accordance with submitted plan 14/007/BRI/01 received at the Local Planning Authority 2<sup>nd</sup> July 2021 shall be submitted to and approved in writing by the Local Planning Authority. No more than 144 dwellings within phase 4 and/or 5 shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.  
In the interests of highway safety.
33. Prior to the commencement of development on phase 4 and/or 5 of the development a highway mitigation scheme for the Oxford Road/Catcote Road junction shall be submitted to and approved in writing by the Local Planning Authority . No more than 144 dwellings within phase 4 and/or 5 shall be occupied unless and until the Local Planning Authority has certified that the

works detailed in the approved scheme have been completed to its satisfaction.

In the interests of highway safety.

34. Notwithstanding the submitted details, a highway mitigation scheme for the Truro Drive/Catcote Road junction in accordance with the submitted plan 14/007/CCR/02 received at the Local Planning Authority on 29<sup>th</sup> July 2021 shall be submitted to and approved in writing by the Local Planning Authority. No more than 144 dwellings within phase 4 and/or 5 shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.  
In the interests of highway safety.
35. Notwithstanding the submitted details, prior to the commencement of the construction of the southern access road details of the proposed junction works at the A689/southern access road including a method statement detailing the construction / traffic management used in the implementation of the junction and a timetable for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority. No dwellings within phase 1,2 or 3 shall be occupied unless and until the works so approved have been implemented to a minimum of base course level.  
In the interests of highway safety.
36. No dwellings within phase 4 and/or 5 shall be occupied unless and until the highway improvements (including the parking lay-by, public footpath along Brierton Lane and alterations to the Westfields access) detailed on drawing 14/007/NAR/05 RevB (Brierton Lane Improvements) received at the Local Planning Authority on 22<sup>nd</sup> December 2021 have been completed and the Local Planning Authority has certified that the works have been completed to its satisfaction.  
In the interests of highway safety.
37. The junction between the northern access road and Brierton Lane shall be constructed to a minimum of base course level prior to the first occupation of any dwelling within phases 4 and/or 5 of the development. No dwellings within phase 4 and/or 5 shall be occupied unless and until the Local Planning Authority has certified that the works have been completed to its satisfaction.  
In the interests of highway safety.
38. Prior to the first unit of each phase being constructed above damp proof level details of all external finishing materials and hardstandings for that phase shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
39. Prior to the commencement of any phase details of all walls, fences and other means of boundary enclosure for that phase shall be submitted to and approved by the Local Planning Authority before the phase is commenced.

Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

40. Notwithstanding the submitted details prior to the commencement of the southern access road between the 1st and 2nd roundabout (counted from south to north) , full design details of the southern access road including structural calculations and details of associated earthworks shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northern Gas Networks. These details shall also include an assessment of the potential impact of the southern access road on the underground gas pipeline and specify any necessary protection measures required to protect the gas pipeline. The southern access road shall then be constructed in accordance with the details so approved unless some variation is otherwise agreed in writing by the Local Planning Authority in consultation with Northern Gas Networks.

In order to ensure that the detailed design of the road is acceptable to Hartlepool Borough Council's Highway Engineers and the pipeline operator, the pipeline is accounted for and that the safety of road users is also taken into account.

41. Notwithstanding the submitted details no application seeking the approval of reserved matters for any phase shall be submitted until a Character Appraisal and Design Code identifying the parameters and general design principles for the development has been submitted to and approved in writing by the Local Planning Authority. The reserved matters applications shall thereafter be in general conformity with the Character Appraisal and Design Code Guide, unless some variation is otherwise agreed in writing with the Local Planning Authority.

In the interest of the ensuring the design of the development is appropriate and consistent, in the interests of the visual amenity of the area.

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

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

43. Prior to the commencement of development of any phase of the development hereby approved details of any proposed pumping station(s) required within that phase shall be submitted to and approved in writing by the Local Planning Authority. The pumping station(s) shall thereafter be in accordance with the details so approved.

In the interests of visual amenity.

44. Notwithstanding the submitted details prior to the installation of the footpath link and swale crossing the existing NGN High Pressure Gas Transmission Pipeline Spur at MaCrae Road, full design details of footpath link and swale including any structural calculations and details of associated earthworks shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northern Gas Network. These details shall also include an assessment of the potential impact of these features on the underground gas pipeline and specify any necessary protection measures required to protect the gas pipeline. The footpath link and swale shall then be constructed in accordance with the details so approved unless some variation is otherwise agreed in writing by the Local Planning Authority in consultation with Northern Gas Network.  
In order to ensure that the detailed design of the footpath link and the swale is acceptable to Hartlepool Borough Council and the pipeline operator, the pipeline is accounted for and that the safety of footpath users is also taken into account.
45. Prior to the commencement of development within phases 1, 2 or 3 a scheme for the provision of a 3.0m wide footway / cycleway which will extend from the site access on the A689 to the existing National Cycle Route 14 at the A689 / Greatham High Street including a timetable for its provision shall be submitted to and approved in writing by the Local Planning Authority. The footway/ cycleway infrastructure shall thereafter be provided in accordance with the details and timetable so approved unless some variation is subsequently agreed in writing with the Local Planning Authority.  
In order to ensure that adequate provision is made for walking and cycling in the interests of encouraging sustainable modes of transport.
46. Prior to the commencement of development within phase 1, 2 or 3 a scheme for the provision of street lighting between the A689/southern access road junction and the commencement of existing street lighting at the A689 / Greatham High street junction shall be submitted to and approved in writing by the Local Planning Authority. No dwellings within phase 1, 2 or 3 shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.  
In the interests of highway safety.
47. In the event that an application for approval of reserved matters for any phase of development is submitted after the expiration of 18 months from the date of this planning permission, survey information pertaining to roosting bats, nesting birds and badger shall be reviewed and where necessary updated. This review shall be made in view of any significant changes to the habitats present, but this does not imply any requirement to re-evaluate the habitat baseline used to calculate biodiversity net gain. The findings of the review, and any updated survey data, shall be used to inform the subsequent CEMP and LEMP (pursuant to conditions 48 and 49 respectively) and submitted with the reserved matters application.  
In the interests of the ecology of the area



48. No development shall take place (including demolition, ground works, vegetation clearance) within any phase of development until a construction environmental management plan (CEMP: Biodiversity) for the phase within which development is to be commenced has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities, informed by up-to-date ecological survey.
  - b) Identification of “biodiversity protection zones”, including Greatham Beck LWS and Greatham Beck LNR and a 10 m buffer around all watercourses.
  - c) Use of protective fences, exclusion barriers and warning signs.
  - d) Practical measures (including but not limited to pre-works checking survey, sensitive working practices, and timing of works) to avoid or reduce impacts during construction, including measures relating to terrestrial mammals (badgers, hedgehogs), roosting and foraging bats, great crested newts and other amphibians, nesting birds and trees to be retained.
  - e) The role and responsibilities on site of an ecological clerk of works (ECoW), including the times during construction when this person need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the Ecology of the area.
49. The application for the approval of reserved matters for each phase of development shall include a landscape and ecological management plan (LEMP), the detail of which shall be in general conformity with the Illustrative Landscape Strategy (JBA 20/275 Rev B) submitted to the Local Planning Authority 05/07/2021). The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed, including retained habitats and habitats to be created.
  - b) Broad aims of management, to include a contribution to the Biodiversity Net Gain of the wider site, mitigation and/or enhancement for farmland birds, great crested newts (where appropriate), roosting and foraging bats and urban associated birds.
  - c) Specific actionable objectives of management to achieve above aims, to include target ecological condition with reference to the most recent calculation of BNG and species specific measures.
  - d) Appropriate management options for achieving aims and objectives relating to vegetated habitats.
  - e) Prescribed arrangements for the management of the phase for the lifetime of the development which arrangements shall include the review of management practices and requirements at 5 year intervals.
  - f) Details of an annual work plan and of the body or organisation responsible for implementation of the plan.
  - g) Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

In the interests of the Ecology of the area.

50. No development shall take place within phase 2 (as indicated on drawing no HRT-SWE-MAS-003RevG “South West Extension Hartlepool Phasing Plan” received at the Local Planning Authority on 6<sup>th</sup> August 2021) until an ecological design strategy (EDS) addressing short-term disruption and the long-term maintenance of ecological connectivity within Greatham Beck Local Wildlife Site has been submitted to and approved in writing by the Local Planning Authority.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works, i.e. maintenance of ecological connectivity.
- b) Review of site constraints, including but not limited to the potential presence of protected species (and any requirement for updated survey) and presence of trees to be retained.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives, such as otter ledges or other means of ensuring no barrier to movement.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial action for ecological measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

In the interests of the Ecology of the area.

51. Prior to the first occupation of any dwelling within each phase, and only where lighting is proposed within the area of SANGS for that phase, a “lighting design strategy for biodiversity” for that area of SANGS shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) be informed by joint guidance from Institute of Lighting Professionals and Bat Conservation Trust (Guidance Note 8: Bats and artificial lighting);
  - b) identify those areas/features on site that are particularly sensitive for bats and/or otters and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - c) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications)

so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed within the SANGS without prior consent from the Local Planning Authority.

In the interests of the Ecology of the area.

52. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging points within garages have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the identified dwellings, the agreed scheme shall be implemented on site.  
In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
53. The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment and Drainage Strategy, dated November 2020, by Hill Cannon Consulting) and the following mitigation measures it details:
  - The proposed mixed-use development shall be built entirely within Flood Zone 1
  - The underside of the bridge supporting deck level shall be set to a minimum of 12.70m AOD

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with paragraph 167 of the NPPF.

54. The development hereby permitted shall not be commenced until such time as a Surface Water Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. The plan should include, but not limited to, the following:
  - Treatment and removal of suspended solids from surface water run-off during construction works;
  - Approach to ensure no sewage pollution or misconnections;
  - Approach to ensure water mains are not damaged during construction works;
  - Management of fuel and chemical spills during construction and operation, including the process in place to ensure the environment is not detrimentally impacted in the event of a spill;

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 the National Planning Policy Framework.

55. No more than 274 dwellings on the site shall be occupied unless and until the Local Planning Authority (in consultation with National Highways) has certified that the improvement works to the A19/A689 junction, as illustrated on drawing reference WSP-WYP-0545-DR-GA-001, have been completed to its satisfaction.

In the interest of highway safety

56. No part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been approved in writing by the Local Planning Authority (who shall consult with National Highways) and implemented. The Travel Plan shall include proportional measures and arrangements for monitoring, review, amendment and effective enforcement.

In order to encourage the sustainable travel modes and patterns in the interests of the environment and the amenity of the area.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=102061>

2.126 Copies of the applications are available on-line:

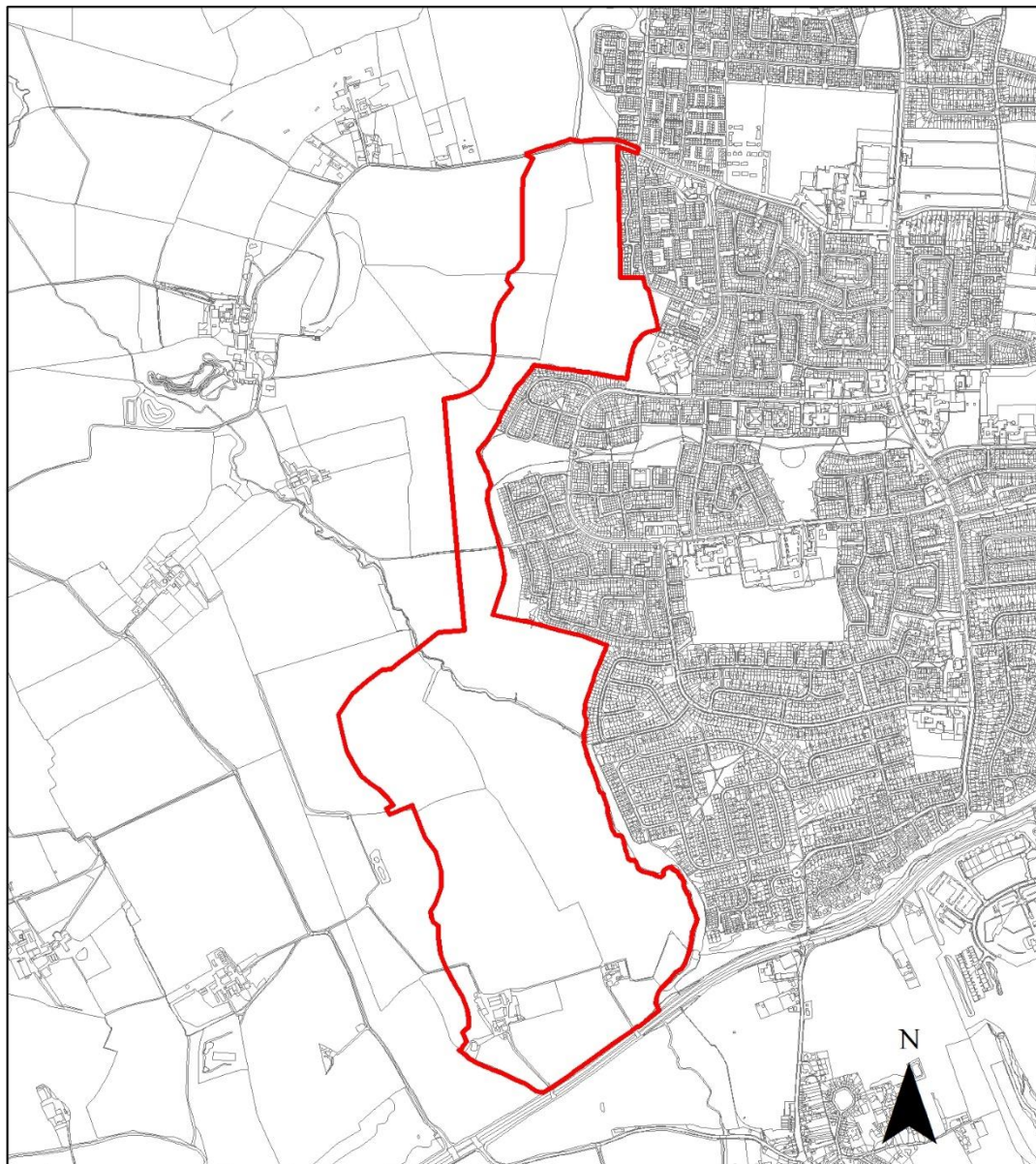
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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**Land between A689 and Brierton Lane South West Extension**

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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>06.01.2022</b>
	SCALE <b>1:15,000</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2014/0405</b>	REV

## **POLICY NOTE**

The following details a precis of the overarching policy documents referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

### **HARTLEPOOL LOCAL PLAN POLICIES**

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

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp\\_2016-2031\\_-\\_made\\_version\\_-\\_december\\_2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018)

### **MINERALS & WASTE DPD 2011**

[https://www.hartlepool.gov.uk/info/20209/local\\_plan/317/tees\\_valley\\_minerals\\_and\\_waste\\_development\\_plan\\_documents\\_for\\_the\\_tees\\_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

### **REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

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

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



# PLANNING COMMITTEE

16 March 2022



**Report of:** Assistant Director (Place Management)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 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 a gazebo at the rear of a residential property in Rillston Close.
2. The erection of a high fence at the front of a residential property in Rossmere Way.
3. The cladding and rendering of the front elevation of a residential property in Raby Road.
4. Non-compliance with conditions at a listed residential property in Grange Road.
5. The installation of a first floor window at a residential property in Rillston Close.
6. The removal of a dormer window from a commercial premises in Upper Church Street.
7. The erection of a timber fence at the front of a residential property in Tanfield Road.

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

1. The change of use of a former shop to a café and hot food takeaway at a commercial premises in Owton Manor Lane. The premises was found to be operating as a café with ancillary takeaway provision. As shops and

cafes are within the same use class, in this case the change of use does not involve development requiring planning permission.

2. The erection of an extension at the rear of a commercial premises on Murray Street. The complaint relates to a dispute relating to access to an existing rear offshoot, and is a civil matter.
3. The erection of steel uprights and timber fencing at a residential property in Redcar Close. Permitted development rights apply in this case.
4. Non-compliance with a construction management plan (relates to mud transfer to roads) at a residential development site at land off Wynyard Woods. It was found that the site is operating in accordance with the approved construction management plan.
5. The installation of a TV aerial on the exterior of a residential property in Meadowcroft Mews. The TV aerial has since been removed from the exterior of the property.
6. A development not built in accordance with the approved plans at a residential development at land off Wynyard Woods. It was found that the development has been built in accordance with the approved plans.
7. Non-compliance with the approved plans (relates to the front elevation) at a commercial re-development on Catcote Road. A retrospective planning application seeking to regularise the development has since been approved.
8. The removal of trees from the front of a residential development on Dalton Piercy Road. It was found that the tree removals formed part of the approved plans for the development of the property.
9. The erection of a section of fence to the side of a residential property in Witton Drive. Permitted development rights apply in this case.
10. Running a car valeting business at a residential property in Burn Valley Road. It was found that the car valeting is taking place on the public highway, therefore would not fall within the remit of planning enforcement. The complaint has been redirected to the Council's civil enforcement section.
11. External seating to the front, and change of use to a drinking establishment, at a restaurant at Navigation Point. The external seating has been removed, and the premises has now reverted to restaurant use.
12. Non-compliance with a condition relating to delivery timings at a residential development site at land off Coniscliffe Road. The site is now operating in compliance with the relevant condition.
13. Non-compliance with a condition relating to the provision of surface water drainage at a residential development site at land off Coniscliffe Road. The drainage feature subject to the complaint has now been installed.

14. The installation of gates at the rear of residential properties at Jacques Court. Permitted development rights apply in this case.
15. The erection of a timber fence at the front of a residential property in Marine Drive. Permitted development rights apply in this case.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

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## PLANNING COMMITTEE

16<sup>th</sup> March 2022



**Report of:** Assistant Director - Place Management

**Subject:** APPEAL AT CHERRY TREE COTTAGE,  
BRIERTON LANE, HARTLEPOOL, TS22 5PP  
APPEAL REF: APP/H0724/D/21/3286210  
Extensions to front and rear of existing bungalow with  
the addition of a first floor over the whole ground floor  
footprint, including Juliet balcony at first floor and  
new pitched roof to create a two storey dwelling..  
(H/2021/0185).

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the refusal of planning permission extensions to front and rear of existing bungalow with the addition of a first floor over the whole ground floor footprint, including Juliet balcony at first floor and new pitched roof to create a two storey dwelling at Cherry Tree Cottage, Brierton Lane.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. (**Appendix 1**)

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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## Appendix 1.



## Appeal Decision

Site visit made on 4 January 2022

by J Symmons, BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 1<sup>st</sup> February 2022

**Appeal Ref: APP/H0724/D/21/3286210**

**Cherry Tree Cottage, Brierton Lane, Billingham, Hartlepool, TS22 5PP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Nicola Duffy against the decision of Hartlepool Borough Council.
- The application Ref H/2021/0185, dated 22 April 2021, was refused by notice dated 13 August 2021.
- The development proposed is a 2 No ground floor infill rear extensions to the existing bungalow, small 2 No storey front extension to part with new first floor level addition with a pitched tiled roof over the full extended ground floor footprint.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal site lies in an open and rural area with a mix of agricultural, commercial and residential properties scattered across the landscape. It is located off Brierton Lane, a narrow country lane with typically high hedges and hedgerow trees. There is a significant variation in building size, shape and form and this adds interest to the rural setting. Most residential properties are bungalows but there are some examples of properties with rooms in the roof and a very limited number of larger two-storey houses. The design of these properties is generally simple with both brick and rendered buildings.
4. The appeal property is a relatively large bungalow with garage, parking area and some small outbuildings. It has a pitched roof, three full height bay windows to the front and rendered external walls. It is set away from Brierton Lane on a raised part of the land. Access is via an access track. There are gardens, a mix of timber fencing, relatively mature trees, and hedging to the boundaries. Situated approximately 69m away the nearest property is large with a pitched roof, rendered walls, dormer windows, and a conservatory.
5. The proposal would extend the existing bungalow to the front and rear and add a first floor. It would be finished with grey slate effect pitched roofs, smooth rendered walls with stone detailing, and uPVC windows. The frontage would include an approximately 3m wide two-storey glazed unit to the entrance hall area. A Juliet balcony would be located on the western first floor side elevation.

6. Notwithstanding that the proposal would be located predominantly on the footprint of the existing bungalow, the extensions and first floor addition would significantly increase the size and height of the building, making it much larger than many of the properties in the area. Although it would be in an open rural setting, its height and overall massing would be rather dominant. Its elevated position within the landscape exacerbates this. Even with the retention of mature trees and hedge boundaries, the proposed development would be overly prominent and dominate the area.
7. Changes to the existing bungalow would be significant and the proposal would not simply extend or add to it but largely overshadow and engulf it resulting in the essence of it in terms of character, form and layout being lost. The resulting building would not reflect the existing bungalow in any substantial way and would not represent a sympathetic addition to the existing bungalow, instead being more akin to a new build replacement.
8. Notwithstanding the consideration given to the design of the proposed development, many of the proposed finishes and architectural features, such as the stone detailing and large glazing unit, are not in keeping with the character and appearance of the area. Furthermore, the proposed development would not take design cues from the residential properties seen in the surrounding landscape. Irrespective of the separation between properties and the mix of buildings in the area, the proposed development would create a house more suited to a suburban setting. It would therefore not reflect the surrounding built environment or be sympathetic to the rural character of the area.
9. While the appellant considers that the proposed development would enhance the quality and character of the appeal property and would provide functional space for its occupiers, this would not outweigh the harm I have identified. Furthermore, it is not unusual for the planning officer's report and decision to differ from the views of one or more consultees. It will be seen from my decision that I agree with the Council's decision.
10. In conclusion the proposal would conflict with Policy QP4, HSG11, and Criteria 6 and 9 of Policy RUR1 of the Hartlepool Local Plan (2018), and Paragraph 134 of the National Planning Policy Framework (2021) (the Framework). These policies, amongst other matters, seek high quality development which is well-designed, positively enhances the location and setting, and is sympathetic to the existing dwelling and in keeping with other buildings in the area, and would not have a detrimental impact on the landscape character.

### Conclusion

11. For the reasons given above, having regard to the development plan as a whole, the approach in the Framework and all other relevant considerations, I conclude that the appeal should be dismissed.

*J Symmons*

INSPECTOR

## PLANNING COMMITTEE

16<sup>th</sup> March 2022



**Report of:** Assistant Director – Place Management

**Subject:** APPEAL AT HARTLEPOOL ROVERS QUOIT  
SPORTS AND SOCIAL CLUB AND PREMISES,  
EASINGTON ROAD, HARTLEPOOL, TS24 8JZ  
APPEAL REF: APP/H0724/Z/21/3270282  
The erection and display of a single, freestanding 48-  
sheet digital LED advertising unit (H/2021/0394)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against the refusal of advertisement consent by Hartlepool Borough Council in respect of the above referenced advertisement display (Hartlepool Rovers Quoit Sports and Social Club) at Easington Road, Hartlepool.
- 1.2 The appeal was dismissed on 17<sup>th</sup> February 2022. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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## Appeal Decision

Site visit made on 1 February 2022

by C Megginson

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> February 2022

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**Appeal Ref: APP/H0724/Z/21/3286698**

**Hartlepool Rovers Quoit Sports And Social Club And Premises, Easington Road, Hartlepool, TS24 8JZ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Alight Media against the decision of Hartlepool Borough Council.
  - The application Ref H/2021/0394, dated 17 August 2021, was refused by notice dated 5 November 2021.
  - ▶ The advertisement proposed is a new single illuminated 48-sheet digital advertisement display.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The effect of the appeal proposal on the visual amenity of the area.

### Reasons

3. The appeal site is a corner plot of open land located on Easington Road, to the west of a roundabout between Easington Road, Winterbottom Avenue, Powlett Road and Raby Road. The appeal site lies to the east of the Sports and Social Club building. To the west is St Thomas More Church, with residential dwellings beyond and to the north is a small commercial building and the Richardson and Westgarth Sport and Social Club. Beyond the main highway of Winterbottom Avenue to the east is Oakway industrial estate and to the south of the appeal site is a residential area. A small commercial development with car parking to the front, is located across the roundabout to the south east from the appeal site.
4. In terms of the character of the area, whilst it contains commercial and industrial elements, it is largely residential in nature. The wide road and lawned roundabout allow the appeal site to be visible from some distance, particularly when travelling from east to west along Powlett Road. The appeal site is surrounded by a dense low hedge, with shrubs and trees along the site boundary adjoining Winterbottom Avenue.

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

Appeal Decision APP/H0724/Z/21/3286698

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5. The proposal is for a single illuminated 48-sheet digital display, situated on the south-east corner of the site and facing onto the roundabout towards Powlett Road. The base of the display would be 2.5 metres from the ground and the sign itself would be 3 metres high by 6 metres wide.
6. I recognise that the appeal proposal is located on a busy, well-lit road and in an area with some mixed uses, as identified above. I also recognise that the area is not subject to a Conservation Area designation and does not contain any listed buildings. However, the scale of the proposal when combined with the illuminated, frequently changing commercial images displayed on the appeal proposal would be incongruous when seen against the backdrop of the social club and the fairly extensive green space, hedge and trees on the site and would be at odds with the residential character of the surrounding area. As such the appeal proposal would appear as a prominent, inharmonious and visually intrusive feature in the street scene.
7. There is disagreement between the parties over whether the proposal would adversely affect some of the trees which would form a backdrop to the proposal. However, even if there were no impact on trees as part of the appeal proposal, that would not make the appeal proposal acceptable in terms of visual amenity. The presence of the trees and hedge give the site a verdant quality which would be adversely affected by the presence of the proposed advertisement.
8. I note the benefits of the appeal proposal put forward by the appellant in terms of sustainable development and economic development. Whilst I acknowledge that there will be some economic benefits, these do not outweigh the harm that I have identified.
9. I note the disagreement between the Council and the appellant over whether the appeal site is located on a 'gateway road'. I have limited evidence available to me on this issue, however, regardless of the status of the road, this does not alter my findings of harm to visual amenity. I also note the lack of objections to the appeal proposal, however, the absence of objection does not in itself render the scheme acceptable.
10. I therefore conclude that the proposed advertisement display would by reason of its height, size and illumination, adversely affect the visual amenity of the area. I note the appellants concerns that the Council have afforded too much weight to the Local Plan policies. Under Regulation 3(1) in England, a local planning authority shall exercise its powers in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material. I have taken into account Policies QP4 and QP8 of the Hartlepool Local Plan (2018) which are material in this case. Policies QP4 and QP8 of the Local Plan seek to ensure that development respects the local environment and that advertisements are appropriately located and are of an appropriate scale and size, and so are material in this case. The proposal would also be contrary to the National Planning Policy Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed; and is also material in this case. Given I have concluded that the advertisement harms amenity, the development conflicts with Policies QP4 and QP8 of the Local Plan and the Framework.

Appeal Decision APP/H0724/Z/21/3286698

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**Conclusion**

11. For the reasons given above, I conclude that the appeal should be dismissed.

*C. Megginson*

INSPECTOR

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## PLANNING COMMITTEE

16<sup>th</sup> March 2022



**Report of:** Assistant Director - Place Management

**Subject:** APPEAL AT 115 BRIERTON LANE, HARTLEPOOL  
TS25 5DR  
APPEAL REF: APP/H0724/C/21/3287891 (Appeal A)  
and APP/H0724/C/21/3287892 (Appeal B)  
Running a plant and machinery sales business at a  
residential property.

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an enforcement notice appeal that has been determined in respect of the issuing of an Enforcement Notice of the unauthorised development comprising the operation of running a plant and machinery sales business at a residential property at 115 Brierton Lane.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. (**Appendix 1**)

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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## Appendix 1.



The Planning Inspectorate

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## Appeal Decisions

Site visit made on 10 February 2022

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

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**Appeal Refs: APP/H0724/C/21/3287891 (Appeal A) and  
APP/H0724/C/21/3287892 (Appeal B)  
115 Brierton Lane, Hartlepool TS25 5DR**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeals are made by Miss Sarah Waite (Appeal A) and Mr David Gould (Appeal B) against an enforcement notice issued by Hartlepool Borough Council.
  - The enforcement notice is dated 28 October 2021.
  - The breach of planning control as alleged in the notice is: Without planning permission, the change of use of a residential property to a mixed use residential with plant and machinery hire and sales.
  - The requirements of the notice are: (i) Remove all commercial vehicles, plant and machinery from the property. (ii) Cease the use of the property for plant and machinery hire and sales.
  - The period for compliance with the requirements is one month.
  - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended.
- 

### Decision

1. It is directed that the enforcement notice be amended by the deletion of all the text in the allegation and the substitution of it by the following text: 'Without planning permission, the material change of use of a residential property to a mixed use residential with plant and machinery hire and sales.'
2. Subject to this amendment, Appeals A and B are dismissed and the enforcement notice is upheld.

### The enforcement notice

3. With regard to the wording of the notice, it alleges '... the change of use of a residential property to a mixed use ...'. The allegation is imprecise in that it refers to a 'change of use', whereas to reflect the definition of the term 'development' in s55(1) of the Act, it should state a 'material change of use'. I am satisfied that this correction does not cause any injustice, or make the notice more onerous.

### The appeals on ground (b)

4. Ground (b) is that the breach of control alleged in the enforcement notice has not occurred as a matter of fact. Ground (b) is a legal ground of appeal and consequently, the onus is on the appellants to make out their case to the standard of the balance of probabilities.
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Appeal Decision APP/H0724/C/21/3287891

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### **The Council's evidence**

5. The Council first received a complaint relating to an unauthorised use at the appeal site in March 2021. At their Appendix B, the Council provide three photographs taken on a site visit to the property in May 2021. These show the area in front of the house taken up with parked vehicles, mostly vans, and some machinery. One photograph also shows a trailer parked on the highway.
6. Similarly, the photographs in Appendix D, dated April 2021, show the presence of vehicles, machines and trailers at the site, and also vehicles parked on the other side of the road.
7. The Council contacted the appellants in March 2021 to discuss the breach. The appellants stated that, at that time, there was not enough room at the business premises and so No 115 was being used for storage. Mr Gould had made some enquiries at that time seeking an alternative premises, and was also looking at the potential of the back garden of No 115 for business use. However, as shown in the Council's Appendix 8, a further complaint was received in April 2021 that the unauthorised use was continuing, and that customers were coming to the property to pick up plant and machinery.

### **The appellants' evidence**

8. The appellants state that Mr Gould has a separate business property where he works on machinery and conducts sales. Reference is made to an address at Burbank Street in Hartlepool where he has had a premises for 10 years. As part of the business, he receives part exchange in machinery which is routinely stored in various locations around the country.
  9. However, due to restrictions related to the coronavirus pandemic, and a lack of storage at the business address, a need arose for Mr Gould to store a couple of machines, in the appellants' words, at No 115. They emphasize in their statement of case that the land has been used for storage purposes only, and this use was contained within the property. In her final comments, Ms Waite reiterates that some machinery was temporarily stored at the site, but she states that they have recently acquired a larger work yard and that the machinery has been moved.
  10. With reference to the photographs of April/May 2021, she states that not all the vehicles photographed belonged to the appellants, and that the road no longer looks as it does in the images. Nonetheless, she confirms that trailers with machinery were parked outside the property for a time, and that work vehicles were present in the front garden.
  11. I agree that it is not an offence, as such, for work vehicles to be parked on private land or on a highway where parking is unrestricted. However, highways matters are not relevant to the issue of the appeal, which is whether or not the alleged material change of use has occurred. Nonetheless, Ms Waite's comments seem to confirm that the work vehicles were within the property in connection with a business.
  12. The appellants go on to say that following their move to Brierton Lane, they spent a summer tackling the overgrown front and rear gardens, cutting down mature trees and removing the stumps. This work required the presence of machines on the site, but the appellants assert that this was for personal use only.
-

### **Consideration**

13. Whilst there may have been a need for machinery for domestic tasks, this does not amount to evidence that no business use was being carried on at No 115. By their own admission, it is clear that the appellants have carried on activities at the property that relate to their business. It is necessary to consider whether the plant and machinery business amounts to a material change of use of the land. The concept of material change of use is not defined in statute or statutory instrument; it is a question of fact and degree in each case. For there to be a material change of use, there needs to be some significant difference in the character of the activities from what has gone on previously.
14. In comparison to the Council's photograph of 2012, it seems to me that the number of vehicles and machines present on site in 2021 represents a significant degree of intensification of use. The coming and going of customers would be a further change to the character of the use of the land. At this level, the business use could not be regarded as de minimis and could not be taken to be ancillary to the residential use of the property. I am therefore satisfied that a material change of use took place, resulting in an unauthorised mixed use of No 115.
15. The appellants claim that these business activities were temporary and have now ceased. However, at the time of my site visit, I saw that there were still several vehicles parked in the front of No 115, which appeared to be above and beyond the number that would normally be associated with residential use.
16. Nonetheless, it makes no difference whether the breach has been genuinely stopped or not. S174(2)(b) is worded in the past tense, and so the question is whether the breach had occurred by the date of issue of the enforcement notice. As noted above, the onus of proof lies on the appellants in this case. They have not proved, on the balance of probabilities, that the breach of planning control as alleged did not take place.
17. The appeals on ground (b) therefore fail.

### **Conclusion**

18. Appeals A and B are dismissed, and the enforcement notice, as amended, is upheld.

*Elaine Gray*

INSPECTOR

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## PLANNING COMMITTEE

16<sup>th</sup> March 2022



**Report of:** Assistant Director – Place Management

**Subject:** APPEAL AT THREE OAKS, BRIERTON LANE,  
HARTLEPOOL, TS22 5PP  
APPEAL REF: APP/H0724/W/21/3286775  
Erection of two storey extension to gable to provide  
double garage at ground floor with additional en-suite  
bathroom and robes to existing bedroom at first floor  
(H/2021/0272)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision in respect of an application for the erection of two storey extension to gable to provide double garage at ground floor with additional en-suite bathroom and robes to existing bedroom at first floor at Three Oaks, Brierton Lane.
- 1.2 The appeal will comprise a virtual Hearing event on 22<sup>nd</sup> March 2022.
- 1.3 The planning application was refused for the following reason:  
*In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposed extensions would be commensurate with the functional requirements of the existing rural enterprise or the current and/or future income generated by the existing rural enterprise, contrary to policies RUR1 and RUR2 of the Hartlepool Local Plan (2018).* (Report Attached – **APPENDIX 1**).

### 2. RECOMMENDATIONS

- 2.1 That Members note this report.

### 3. CONTACT OFFICER

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## Appendix I

## DELEGATED REPORT

**Application No** H/2021/0272

**Proposal** Erection of two storey extension to gable to provide double garage at ground floor with additional en-suite bathroom and robes to existing bedroom at first floor

**Location** THREE OAKS BRIERTON LANE HARTLEPOOL

**PS Code:** 21

<b>DELEGATION ISSUES</b>	Neighbour letters:	22/09/2021
<b>1) Publicity Expiry</b>	Site notice:	22/09/2021
	Advert:	N/A
	Weekly list:	27/09/2021
	Expiry date:	07/10/2021
	Extended date:	14/10/2021
<b>2) Publicity/Consultations</b>		
<b>PUBLICITY</b>		
The application has been advertised by way of neighbour letters (8). To date, there have been no representations received.		
<b>CONSULTATIONS</b>		
The following consultation replies have been received:		
<b>HBC Public Protection</b> – No representation received.		
<b>HBC Traffic &amp; Transport</b> – There are no highway or traffic concerns.		
<b>HBC Heritage and Countryside Manager</b> – This proposal will not impact on any listed or locally listed buildings, nor any conservation areas, no objections.		
<b>Tees Archaeology</b> – Thank you for the consultation on this application. I have checked the HER and can confirm that the proposed works will not have a significant impact on any known heritage assets, and no archaeological assessment is required.		

**HBC Ecology** – No objection subject to a condition to require ecological enhancement. The habitats surrounding the have the potential to support foraging bats, therefore enhancement aimed at this group of species is most feasible. A condition should be applied requiring an integral bat box in the new gable.

**HBC Arboricultural Officer** – No representations received.

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

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

**HBC Engineering** – In response to your consultation on the above application, we have no objection to proposals in respect of surface water management or contaminated land.

**HBC Building Control** - I can confirm that a Building Regulation application is required for erection of two storey extension to gable to provide double garage at ground floor with additional en-suite bathroom and robes to existing bedroom at first floor.

**HBC Estates** – No representations received.

**Cleveland Police** – No representations received.

**HBC Community Safety and Engagement** – No representations received.

**Hartlepool Rural Neighbourhood Plan Group** – The following Rural Neighbourhood Plan Policy is relevant to this application:

**- POLICY GEN1 – DEVELOPMENT LIMITS**

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

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.

In the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

The site of this application is outside Development Limits and within the Green Gaps shown on the Proposals Map. This is a modest extension to an existing property which is linked to an existing rural business, as such the Group has no objections to this application.

Hartlepool Rural Neighbourhood Plan was ‘made’ by Hartlepool Borough Council in December 2018 becoming part of the development framework. The Neighbourhood Plan was produced, in close liaison with Hartlepool Borough Council planning department, by the combined efforts of the Parish Councils of Hart, Elwick, Dalton Piercy and Greatham, supported by government grants. The process involved 6 years intensive work including major consultations in 2012, 2014, 2015 and 2017 (the last conducted by the Borough Council itself) and well over 80% approval via referendum in October 2018.

**Dalton Piercy Parish Council** – No representations received.

**Elwick Parish Council** - No representations received.

<b>3) Neighbour letters needed</b>	N
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<b>4) Parish letter needed</b>	Y
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### **5) Policy**

#### National Planning Policy Framework (NPPF)(2021)

In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 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’s 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 significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA002: Determination of applications in accordance with development plan

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA038: Decision making  
 PARA047: Determining applications  
 PARA130: Achieving well-designed places  
 PARA134: Achieving well-designed places  
 PARA154: Meeting the challenge of climate change, flooding and coastal change  
 PARA218: Implementation

#### Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change  
 LS1: Locational Strategy  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 QP7: Energy Efficiency  
 RUR1: Development in the Rural Area  
 SUS1: The Presumption in Favour of Sustainable Development

#### Hartlepool Rural Neighbourhood Plan 2018

GEN1: Development Limits  
 GEN2: Design Principles

**HBC Planning Policy comments** - Having looked at the proposal for the extension at Three Oaks, we expect any development within the rural area to comply with policy RUR1 of the Local Plan, and given that it is an extension to an existing dwelling, the key is to ensure that through good design, the proposal will enhance the quality, character and distinctiveness of the immediate area, villages and landscapes alongside being in keeping with other buildings in terms of siting, size, materials and colour. In this instance, we are satisfied that the extension will be in keeping with the host dwelling. We expect accordance with the relevant policies in the Rural Plan, namely GEN2, which focuses on design principles. This policy sets out the general design principles to be considered in all forms of development and seeks to ensure that new buildings are well designed and respect the built character of the local area.

Notwithstanding the above, it is worth noting that at the stage of the original permission for the dwelling, planning policy raised concerns that there was not an established functional need with regards to the necessity of the dwelling on the site, due to the fact that the dwelling was outside the limits to development and was an isolated rural dwelling and there are strict policy criteria that such proposals must adhere to. The associated planning statement does not make reference to a need for the extension relating to the shooting ground use, as it will be for personal/family use. There are fairly rigid criteria in national and local criteria that must be met before an isolated rural dwelling can be permitted and the current design of the house was not considered acceptable by policy at that early stage, as it was a four bedroom dwelling and was not considered to be commensurate with the needs of the holding. There are concerns that due to the addition of the extension, that this will result in the dwelling becoming excessively large, especially when considering that the original permission is tied to the workers of the shooting ground is considered. When looking at the existing elevations against the proposed elevations, it cannot be doubted that the existing dwelling is already of a fairly

sufficient size, and that the addition of both a ground and first floor extension will result in the dwelling becoming much larger. It could be argued that the alterations are not necessary for the functioning of the business and so there are policy concerns that it does not meet the requirements and criteria of a worker's dwelling.

Having looked at the associated financial statement that has been submitted for this application, we have concerns with regards to the appropriateness of the extension given the fact that it is tied to the business. It has been demonstrated that the business is currently performing at a loss, and given the absence of wages from 2020 it appears as if the applicant has absorbed the losses of the business personally. It must be considered that there is a possibility that the business would get sold to somebody outside of the family in the future and that the house is tied to the business in perpetuity. There are concerns that if the mortgage is currently such a large outgoing in the context of the modest performance of the shooting lodge, that additional rooms and a bedroom may result in a higher re-valuation of the property and subsequent larger mortgage payments, this may make ownership of the dwelling potentially unaffordable for any future owners of the business and our aim is to ensure that this dwelling would not be sold off as an isolated dwelling and remains part of the shooting lodge.

## **6) Planning Consideration**

### **BACKGROUND**

HFUL/1999/0569 - Temporary planning permission was granted in March 2000 for use of land as private members clay pigeon shooting club, 10.00 a.m. - 12.00 noon Saturdays and Sundays and 6.00 p.m. - 8.00 p.m. Wednesday evenings (Summer months only).

HFUL/2001/0038 – Temporary planning permission HFUL/1999/0569 was renewed in May 2002, in addition to variation of Wednesday evening shooting times to 6.30 pm-8.30 pm April - September and retention of portakabin for use as restroom and toilet block.

HFUL/2002/0094 – Temporary planning permission HFUL/2001/0038 was renewed in October 2002 (to cease on or before 30 September 2003).

H/FUL/2003/0646 – Planning permission was granted on in October 2003 for permanent use of land as a clay pigeon shooting club to operate 11:30 am to 2 pm Saturday and Sunday, Wednesday evening 6:30 pm to 8:30 pm and one introduction day per week 10 am to 4 pm when required, and provision of mounding.

H/2012/0158 - Variation to conditions of planning permission H/FUL/2003/0646 to allow longer opening hours, removal of condition to allow operation of shooting ground year round and erection of replacement club house was granted on 21<sup>st</sup> June 2012.

H/2013/0251 - Variation to condition of planning permission H/2012/0158 to remove condition No. 3 to enable use of the site for clay pigeon shooting on a year round basis was granted on 31<sup>st</sup> July 2013.

H/2016/0273 – Planning permission was refused on 16<sup>th</sup> November 2016 for erection of a detached dwellinghouse with attached triple garage on two grounds, firstly that it was considered that the submission failed to justify the need for the development to support the rural enterprise. Secondly that the scale of the development would not be commensurate with the turnover of the rural enterprise and would therefore result in an unjustified isolated dwelling in the open countryside to the detriment of the character and appearance of the rural area.

H/2017/0315 – Planning permission was granted on 6<sup>th</sup> September 2017 for erection of a detached dormer bungalow with single garage. This planning permission was subject to a condition (no. 4) which stipulates; *“the occupation of the dwelling(s) hereby approved shall be limited to a person mainly, or last employed prior to retirement, at the Oak Lodge Shooting Ground or a widow or widower of such a person.”* The reason given for this condition was *“the site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that the new housing should only be allowed where it is essential in the interests of agriculture or forestry, unless exceptional circumstances prevail.”*

## SITE AND SURROUNDINGS

The application site is an area of land immediately adjacent to the Oak Lodge Shooting ground. The site was historically agricultural land and is bounded to the north and east by agricultural land. Planning permission was granted in 2017 for the erection of a detached former bungalow (as above) on the site. The shooting ground club house, gun shop, associated car parking and shooting ranges are to the west. There is a bungalow directly to the south of the site which it is understood was owned by the previous owner of the shooting ground and as such is known as ‘Oak Lodge’.

The application site is located outside the limits to development and the wider area is largely rural in nature.

## PROPOSAL

Planning permission is sought for the erection of a two storey extension to gable to provide double garage at ground floor with additional en-suite bathroom and robes to existing bedroom at first floor.

## MATERIAL PLANNING CONSIDERATIONS

The main issues for consideration when assessing this application are the principle of the development, the impact on the visual amenity of the application site and the character and appearance of the surrounding area, the amenity and privacy of neighbouring land users, ecology and nature conservation and highway and pedestrian safety. These and all other planning and residual matters are set out in detail below.

## PRINCIPLE OF DEVELOPMENT

### *Policy Context*

Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that, in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, any local finance considerations, so far as material to the application, and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that where regard is to be had to the development plan for the purpose of determining a planning application, the determination must be in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Hartlepool comprises the adopted Hartlepool Local Plan 2018 and the adopted Hartlepool Rural Neighbourhood Plan 2018. The application site is located outside the limits to development as set out in the adopted Local Plan and Neighbourhood Plan and their respective associated Policies Maps. The site is therefore considered to be in the open countryside.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications, as stipulated in paragraph 218 of the Framework. The Council's New Dwellings Outside of Development Limits (NDODL) Supplementary Planning Document (SPD) (2015) is also a material consideration in the determination of planning applications.

Policy RUR1 (Development in the Rural Area) of the Hartlepool Local Plan and Policy GEN2 (Design Principles) of the Rural Neighbourhood Plan seek to ensure that the rural area is protected and enhanced, and development outside the development limits will be strictly controlled.

Policy GEN1 (Development Limits) of the Rural Neighbourhood Plan stipulates that in the countryside outside the Development Limits and outside the Green Gaps, development that is appropriate to a rural area and supports the rural economy will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network. Policy RUR2 (New Dwellings Outside of Development Limits) of the Hartlepool Local Plan restricts the construction of new dwellings outside the limits to development, unless there is clear justification in line with the criteria of the policy and guidance within the NDODL SPD. This policy position reflects the principles set out in paragraph 80 of the NPPF.

As set out in the NDODL SPD, one justification could be that there is an essential need for a rural worker to live permanently at or near their place of work, however this invariably requires consideration to first be given to both functional and financial matters. In particular, the planning history of the site, the functional requirements of the rural business and whether the business enterprise is financially sound and would continue to remain so if the dwelling (which it will be bound to by planning condition as per policy RUR2) was to be built, are material considerations.

This is the context in which the previous planning application (ref H/2017/0315 above) for the host dwelling was considered and, ultimately, the application was approved by the Council's planning committee, albeit against officer recommendation. The planning permission for the dwelling however remains subject to an occupancy condition requiring that the occupation of the dwelling shall be



limited to a person mainly, or last employed prior to retirement, at the Oak Lodge Shooting Ground or a widow or widower of such a person, thereby tying the dwelling to the business (given that the only justification for the new dwelling beyond development limits is to support the business).

The existing (and any future) occupants of the dwelling are therefore expected to be mainly employed by the business, and therefore the income generated by the business must be able to support the financial costs associated with the dwelling on its own. Dwellings that are unusually large in relation to the needs of the business, or unusually expensive in relation to the income it can sustain in the long-term, should not be supported, and it is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding. This principle was set out in the former Planning Policy Statement 7 (PPS7) and the Council has adopted this position through its adopted NDODL SPD.

In view of the above, in assessing an extension to such a workers dwelling, it is considered logical that the implications of the extension for the overall size and value of the dwelling and whether it remains commensurate to the functional need and current/future income of the associated business, is a material consideration.

There is otherwise a risk that the proposed extension would make the enterprise financially unsustainable and the enlarged dwelling could fail to meet the essential need for the rural worker to live permanently at or near their place of work. Where a business can no longer support the associated workers dwelling, it may consequently lead to applications for the removal of the occupancy condition, which would fundamentally undermine the original accepted principle of a dwelling in the open countryside with an occupancy restriction.

It is therefore considered necessary for the applicant to demonstrate that the proposed extension is acceptable in terms of being commensurate with the functional requirements and viability of the existing business. An objective assessment of whether the enterprise is likely to be and to remain economically sustainable/viable is a requirement (and well established in planning case law) and should be based on proportionate evidence.

### *Functional Need*

The applicant's supporting statement states that they have limited storage facility at Oak Lodge Shooting Ground and require additional garages to store equipment and maintenance vehicles of high value to support the business, as well as to store the owners' personal vehicles. This is stated to be required as Brierton Lane is known as a high crime area, with the applicant having provided supporting (albeit unreferenced) statistics. The applicant also correctly highlights that the application for the host dwelling (ref H/2017/0315 above) was approved by the Council's Planning Committee for reasons of health and safety, prevention of crime and fear of crime, and states that the presence of the dwelling has been very effective, significantly reducing anti-social behavior and criminal activity. Cleveland Police and the Council's Community Safety and Engagement Team have been consulted on this application, however no representations were received.

It is notable however that this position was not supported by Officers through the consideration of the original application, on which Cleveland Police and the Council's Community Safety and Engagement Team did comment, with the application recommended for refusal by officers due to lack of established functional need. The Council's Planning Policy team has highlighted again that they raised concerns through the previous application that there was not an established functional need with regards to the necessity of the dwelling on the site.

Irrespective of this, whether there is an accepted functional need for the host dwelling for security reasons or not, this does not in itself justify the provision of any size of dwelling, with the requirement for the dwelling to be commensurate to the functional need of the business and its long term financial viability still applicable.

The Council's Planning Policy section has also highlighted that they considered at the time of the previous application that the size of the host dwelling itself was not commensurate with the needs of the holding, and maintain that it could be argued again that the proposed extension is not necessary for the functioning of the business and so they again have policy concerns that it does not meet the requirements and criteria for a worker's dwelling.

It is noted that the host dwelling itself is already a large 4-bed executive style home of generous proportions with a significant amount of living space. Whilst the applicant's arguments around safety and security are noted, the proposed additional/expanded living space appears to be for personal use/enjoyment only and does not appear to relate to the functional needs of the business. It is also noted that the host dwelling is set within its own private and gated compound with ample parking which it is considered should provide significant security benefits for vehicles associated with the business.

Furthermore, it is noted that the applicant states in their supporting Planning Statement that the presence of the host dwelling has been very effective and has significantly reduced anti-social behavior and criminal activity, thereby undermining the justification for the extension based on functional need as the site is now, by the applicant's own admission, safer and less prone to crime.

In view of the above, whilst the previous decision is noted, and the arguments around safety and security acknowledged, it is considered that insufficient evidence has been provided in this instance to demonstrate that there is an identified functional need for the proposed extension and that the extension is commensurate to the functional requirements of the business.

### *Financial Viability*

In view of the above policy context, the Local Planning Authority (LPA) would expect the rural business to also demonstrate that it can support the dwelling as extended. If this was required for the justification of the new dwelling, it follows that an extension should not compromise the long term viability of the rural business should it be approved. Recent accounts for the rural business and/or a business plan to demonstrate how a larger dwelling could be financed by the business it serves are typically required.

In this instance the applicant has provided financial accounts for the financial year 2019-2020. The applicant's supporting statement also notes that the business has exceeded the expected sales. Notably, the submitted accounts run to 31 March 2020 only, and should therefore also be largely unaffected by the Covid19 pandemic (with lockdown measures in the UK not introduced until 26 March 2020), and so should provide a fairly typical picture of the business's accounts (before the disruption caused by the pandemic).

Having assessed the submitted financial information however, the case officer and the Council's Planning Policy team note that the latest financial accounts (for the financial year 2020-2021) have not been provided, only 1 year of financial accounts have been provided (for financial year 2019-2020), and these accounts would not appear to suggest that the business could support the dwelling (as extended) on its own, without external intervention, as the financial information appears to indicate that the business was operating at a net loss in the years ending 2019 and 2020.

Given that officers' view previously was that the host dwelling itself was not commensurate in size to the turnover of the rural enterprise, and as no evidence has been provided by the applicant as part of this application to suggest anything has changed in this respect, there would appear to be no financial justification to enlarge the size of the existing dwellinghouse. This would only serve to exacerbate this issue by making it even more difficult for the business to support the costs associated with the dwelling on its own, prejudicing the long term financial viability of the business further and increasing the likelihood of pressure to remove the occupancy condition on the dwelling in future.

The applicant has indicated in their supporting statement that the extension will be personally financed and the work will be carried out by the applicant themselves, purchasing supplies through trade accounts keeping costs to a minim, which it is argued will not impact on the business finance accounts. Whilst this is acknowledged, this does not take into account long term running costs of a larger dwelling (for instance higher energy bills and larger mortgage/higher rent for future owner/occupiers) and ultimately the LPA must be satisfied that the business in isolation can shoulder the financial burden of being tied to the proposed dwelling as well as support the required level of employment and necessary expenses and therefore remain financially sound without external intervention going forward. This is particularly important should the business (along with the associated dwelling) be sold on in future as any future essential worker/business owner will be required to support the costs associated with the extended dwelling (given that the dwelling is tied to the business by planning condition).

In view of the above, it is considered that the applicant has failed to demonstrate that the dwelling as extended would be commensurate to the existing and/or future income generated through the rural enterprise.

#### *Other Policy Matters*

The applicant's supporting statement also acknowledges that, whilst it was the intention for Mr Calvert (the applicant's husband) to run Oak Lodge Shooting Ground as his sole means of income prior to the Covid19 pandemic neither he nor Mrs Calvert are currently working at the business as their sole/main employment.

The applicant has advised that, in order to ensure the survival of the business (in the face of Covid19 and national lockdowns), both Mr and Mrs Calvert continue to work in other employment.

Whilst the impacts of the pandemic are acknowledged and understood, the above would appear to indicate that the dwelling is currently not being used in line with the conditions of the planning permission (as neither occupants would appear to be mainly occupied at the shooting ground). This is further evidence that the business currently cannot support the costs associated with the dwelling on its own (without external intervention) and the dwelling is therefore already not serving its purpose as a rural workers dwelling for someone mainly employed by the shooting ground, even before being extended in size.

Whilst the LPA is sympathetic to the current situation, and it is hoped this will improve in time, it would not seem prudent to extend the host dwelling and thereby add an additional financial burden to the business during such periods of uncertainty and going forward. Notwithstanding this, clearly if the situation was to change in future and the applicant (or future owner/occupier) was to be mainly employed by the business, and the business could in future demonstrate that its income was sufficient to support the costs associated with the dwelling (as extended), then the LPA's position on the matter could also change.

In addition, the Hartlepool Rural Neighbourhood Plan Group has been consulted and has not raised any objections to the proposals.

#### *Principle of Development Conclusion*

Overall, it is considered on balance that there is insufficient evidence to demonstrate that the proposed extension would result in a dwelling that is commensurate in size / scale to the functional needs and financial viability of the business going forward. The principle of development is therefore not considered to be acceptable in this instance.

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

Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) require, amongst other provisions, that proposals should be of an appropriate size, design and appearance sympathetic to the host property and the character of the surrounding area. Policy RUR1 (Development in the Rural Area) of the Local Plan requires that development in the rural area should through good design, enhance the quality, character and distinctiveness of the immediate area, be in keeping with other buildings in terms of siting, size, materials and colour and not have a detrimental impact on the landscape character, amongst other requirements.

Policy GEN2 (Design Principles) of the Hartlepool Rural Neighbourhood Plan stipulates that the design of new development should demonstrate, where appropriate, how the design; helps to create a sense of place and reinforce the character of the rural area, and preserves and enhances significant views and vistas, amongst other requirements.

The surrounding area is predominantly rural in nature and neighbouring properties typically consist of relatively modest single storey or dormer dwellings of a simple rural design, as well as other ancillary or agricultural buildings. The host dwelling however is a large 4-bed executive style home of generous proportions with a significant amount of living space, set within its own private and gated compound. The existing dwelling itself is therefore considered to be somewhat out of keeping with the scale and character of surrounding properties and the rural nature of the area.

Notwithstanding this, whilst the proposed extension is itself also large and would only exacerbate the difference in scale and character between the host dwelling and neighbouring properties, it is acknowledged that the extension is located on the southern side of the dwelling, and therefore would be almost entirely screened from views from the north by the main dwelling. The extension would also benefit from significant screening to the east, south and west by existing landscaping/mounding and the existing boundary walls and gate of the property. Given this significant screening from viewpoints within the surrounding area, it is considered that the proposals in this instance on balance would not have such a significant detrimental impact on the visual amenity of the site or the character and appearance of the surrounding area to warrant a reason for refusal.

The Council's Landscape Architect has also confirmed that they have no landscape or visual objections to the proposals.

Notwithstanding the aforementioned concerns with the principle of the development, the application is therefore otherwise considered to be acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF.

#### THE AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

- Principal elevation (habitable room window) to principal elevation (habitable room window) - 20 metres.
- Gable (blank or non-habitable room window) to principal elevation (habitable room window) - 10 metres.

The policy also states that extensions to buildings that would significantly reduce separation distances will not be permitted. The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019).

The application site is located at the end of an unadopted road with no sensitive (residential) land users to the immediate west, north or east. To the south of the site

is a residential bungalow albeit set within a large plot of land and set off the shared boundary by approximately 40 metres, with an oblique separation distance of approximately 60 metres to the site of the proposed extension. In view of these significant separation distances and screening to the site boundaries, it is considered that the proposal would have no significant detrimental impact on the amenity or privacy of neighbouring land users.

No concerns or objections have been received from the Council's Public Protection team.

Notwithstanding the aforementioned concerns with the principle of the development, it is considered that the application is otherwise acceptable with respect to the impact on the amenity and privacy of neighbouring land users, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

#### ECOLOGY AND NATURE CONSERVATION (INCL. TREE PROTECTION)

The habitats surrounding the site have the potential to support foraging bats. The Council's Ecologist has been consulted and has advised they have no objections subject to a condition to require ecological enhancement. Enhancement aimed at foraging bats is most feasible due to the location and so the Council's Ecologist has requested a condition requiring an integral bat box in the new gable, which would have been recommended accordingly had the application been considered acceptable in all other respects.

The Council's Arboricultural Officer has been consulted and has not submitted any comments or objections in respect of the proposals.

Notwithstanding the aforementioned concerns with the principle of the development, the application is therefore otherwise considered to be acceptable with respect to the impact on ecology and nature conservation (including tree protection), subject to the identified condition.

#### HIGHWAY AND PEDESTRIAN SAFETY

The Council's Highways, Traffic and Transport section has been consulted and has confirmed they have no highway or traffic concerns with the proposals.

Notwithstanding the aforementioned concerns with the principle of the development, the application is therefore otherwise considered to be acceptable with respect to the impact on highway and pedestrian safety.

#### OTHER PLANNING MATTERS

##### *Safety and Security*

Cleveland Police and the Council's Community Safety and Engagement team have been consulted and no comments, concerns or objections have been received. The application is therefore considered to be acceptable in this respect.

*Heritage Assets and Archaeology*

The Council's Heritage and Countryside Manager has been consulted and has confirmed this proposal will not impact on any listed or locally listed buildings, nor any conservation areas, therefore they have no objections. Similarly, Tees Archaeology has advised that the proposed works will not have a significant impact on any known heritage assets, and no archaeological assessment is required. The proposals are therefore considered to be acceptable in this respect.

*Public Rights of Way*

The Council's Countryside Access Officer has been consulted and has confirmed 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. The application is therefore considered to be acceptable in this respect.

*Flood Risk and Drainage*

The Council's Engineering section has been consulted and has confirmed that they have no objections to the proposals in respect of surface water management. The proposals are therefore considered to be acceptable in this respect.

*Contaminated Land*

The Council's Engineering section has been consulted and has confirmed that they have no objections to the proposals in respect of contaminated land. The proposals are therefore considered to be acceptable in this respect.

**RESIDUAL MATTERS***Building Regulations*

The Council's Building Control section has confirmed that a Building Regulation application would be required and a suitable informative note would have been recommended to be appended to the decision notice to make the applicant aware of this had the application been considered acceptable.

**CONCLUSION**

On balance, in light of the above planning considerations, it is considered that whilst the proposed extensions would not give rise to adverse impacts in respect of all other relevant material consideration, the principle of development is unacceptable in this instance as it does not constitute an acceptable development that is justified appropriately in terms of being commensurate to the viability and functional needs of the rural enterprise. On balance it is considered that the applicant has failed to demonstrate that the dwelling as extended would remain commensurate with the business approved at the site, or that there is a need for a dwelling of this size in order to maintain the business it was approved to serve. It is therefore considered the proposal would be contrary to policy RUR1 and RUR2 of the Hartlepool Local Plan (2018), and paragraph 80 of the NPPF (2019).

<b>7) EQUALITY AND DIVERSITY CONSIDERATIONS</b> There are no equality or diversity implications.	
<b>8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS</b> There are no Section 17 implications.	
<b>9) Alternative Options Considered</b> No	
<b>10) Any Declared Register of Interest</b> No	
<b>11) Chair's Consent Necessary</b>	N
<b>12) Recommendation</b> <b>REFUSE for the following reason(s);</b>	
<b>CONDITIONS/REASONS</b> <p>1. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposed extensions would be commensurate with the functional requirements of the existing rural enterprise or the current and/or future income generated by the existing rural enterprise, contrary to policies RUR1 and RUR2 of the Hartlepool Local Plan (2018).</p>	
<b>INFORMATIVE</b> <p><b>INFORMATIVE 01 – STATEMENT OF PROACTIVE ENGAGEMENT</b> The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, acknowledges the need 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, however it has not been possible to address the identified constraints in this instance.</p>	

**Author of Report: Ryan Cowley**

**Signed: R. Cowley**

**Dated: 11/10/2021**

**Signed: JP Ferguson**

**Dated: 12/10/2021**

Planning & Development Manager