

PLANNING COMMITTEE

AGENDA



Wednesday 15 November, 2023

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Darby, Feeney, Little, Martin-Wells, Morley, Oliver, V Nicholson, Thompson and Young.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 11 October 2023

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director, Neighbourhood Services*

1. H/2022/0181 Land North of A689 Wynyard Park Estate, Wynyard Woods, Wynyard (page 1)
2. H/2023/0097 Tall Trees, 13 Egerton Terrace, Greatham (page 77)
3. H/2023/0148 McOrville, 34 The Green, Elwick (page 95)
4. H/2023/0237 73 The Front (page 121)

5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints and Enforcement Actions – *Assistant Director, Neighbourhood Services*
- 5.2 Planning appeal at Hart Moor Farm, North of the A179 – *Assistant Director, Place Management*

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.

5.3 Enforcement Notice appeal at 15 Skelton Street - *Assistant Director, Neighbourhood Services*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FOR INFORMATION

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 6 December 2023 at 10.00 am.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

11 OCTOBER 2023

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

Present:

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Rob Darby, Sue Little, Andrew Martin-Wells,
Karen Oliver, Veronica Nicholson and Mike Young.

Also Present: In accordance with Council Procedure Rule 4.2
Councillor Brenda Harrison was in attendance as substitute for
Councillor Tom Feeney.
Councillor Gary Allen was in attendance as substitute for Councillor
Melanie Morley.
Councillor Rachel Creevy was in attendance as substitute for
Councillor Carole Thompson.

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services
Jim Ferguson, Planning and Development Manager
Jasmine Jones, Graduate Planning Assistant
Zoe Craig, Environmental Health Manager (Environmental
Protection)
Umi Filby, Legal Advisor
David Cosgrove, Democratic Services Team

30. Apologies for Absence

Councillors Tom Feeney, Melanie Morley and Carole Thompson.

31. Declarations of interest by members

None.

32. Confirmation of the minutes of the meeting held on 13 September 2023

Confirmed.

33. Planning Application H/2023/0087 - 13 Stanhope Avenue, Hartlepool *(Assistant Director, Neighbourhood Services)*

The Planning and Development Manager set out the details of the application to the Committee. It was reported that there had been a slight amendment to the application in relation to the retention (not replacement) of a window incorporating stained glass in the side elevation of the property and changes to the side windows in the bay as shown of the amended plans. The principle issue of the application related to the use of replacement uPVC windows on a property that is within the Grange Conservation Area. The Heritage and Countryside Manager considered it would result in less than substantial harm to the conservation area and there is no information to indicate that the identified harm would be outweighed by any public benefits of the proposal.

The applicant was not present at the meeting.

Members considered the application in the context of the neighbouring properties in the conservation area and discussed the appearance of the proposed uPVC windows. There was support for the concerns expressed by the Heritage and Countryside Manager. The majority of Members, however, considered that the application would not result in harm to the conservation area.

Members also commented on the advice being given to applicants in similar situations via the One Stop Shop and questioned if this provided sufficient guidance for applicants. Members requested that there should be further consideration given to the advice and guidance issued to property owners in conservation areas. Members were advised that this application had to be considered based only on what is in front of them including the conservation area designation, material planning considerations and the advice contained within the National Planning Policy Framework.

The Chair moved consideration of the report recommendation to refuse the application. It was noted that Councillor Young had left the room during the debate and therefore did not vote on the application. A recorded vote was taken on the recommendation to refuse the application as reported.

Those for: Councillor Oliver.

Those against: Councillors Brown, Darby, Harrison, Little, Martin-Wells, Allen, V Nicholson and Creevy.

Those abstaining: Councillor Boddy.

A motion to approve the application, as reported was moved by Councillor Andrew Martin-Wells and seconded by Councillor Creevy.

It was clarified that Members had decided to go against the officer recommendation as they felt the proposed windows would not have an

unacceptable impact on the character and appearance of the conservation area. Appropriate conditions to be attached to the approval would be delegated to the Planning and Development Manager in consultation with the Chair of the Committee.

A recorded vote to approve the application was taken

Those for: Councillors Brown, Darby, Harrison, Little, Martin-Wells, Allen, V Nicholson and Creevy.

Those against: Councillor Oliver.

Those abstaining: Councillor Boddy.

Decision

Planning Permission Approved with conditions delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee.

34. Update on Current Complaints and Enforcement Actions *(Assistant Director, Neighbourhood Services)*

The Planning and Development Manager submitted a report updating Members with regard to complaints that had been received, investigations that had been completed and enforcement actions that had been taken.

Members raised queries in relation to a number of the matters reported and the Planning and Development Manager stated that responses would be provided direct to the Members following the meeting.

Decision

That the report be noted.

35. Any Other Items which the Chairman Considers are Urgent

The Assistant Director, Neighbourhood Services informed the Committee of the sad death of the Planning Policy Team Leader Matthew King. The Assistant Director commented that Mr King had been with Hartlepool Borough Council for 23 years and had given dedicated and professional service to the town in that time. The Committee's condolences were extended to Mr King's family.

The meeting concluded at 10.45 am.

CHAIR

No: 1.
Number: H/2022/0181
Applicant: C/O LICHFIELDS
Agent: LICHFIELDS MR JOSH WOOLLARD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF
Date valid: 16/05/2022
Development: Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access. (Amended Description 02.02.23)
Location: LAND NORTH OF A689 WYNYARD PARK ESTATE WYNYARD WOODS WYNYARD

PURPOSE OF REPORT

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

BACKGROUND

1.2 The following applications represent the relevant planning history:

H/2022/0299 - Full planning permission for the erection of 143no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping (Certificate B received 19.01.23)
 Permitted 14.09.23

H/2021/0282 – (Cavendish) Outline planning application with all matters reserved for the erection of 25no. residential plots (Use Class C3) with associated access (Amended site location plan and reduction in the number of proposed dwellings from 29no. to 25no).
 Permitted 18.01.22

H/2021/0157 (Vivre Executive Homes) – Erection of 9 residential dwelling (Use Class C3) with associated landscaping, highways and infrastructure works at land south of Wellington Gardens, Wynyard Park Estate
 Permitted 02.08.21

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

H/2019/0365 – (Duchy) Residential development of 67 dwellings at land at Wynyard Park North
 Permitted 18.03.20

H/2019/0226 – (Baratt) Residential development comprising 243 houses including associated access, link road connection, infrastructure and open space
Permitted 20.10.21

H/2017/0150 – Outline application for the erection of up to 13 no. residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works with all matters reserved (AMENDED RED LINE SITE BOUNDARY)
Withdrawn 07.12.21

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

PROPOSAL

1.3 Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access.

1.4 The application has been referred to Planning Committee, as there have been more than 2 objections in line with the Council's Scheme of Delegation.

SITE CONTEXT

1.5 The application site measures approximately 44 hectares in area and is situated on land to the north of A689. Wynyard Park has two main access points from the A689 Hartlepool Road from which the application land can be accessed. To the west, access is provided from the existing Hartlepool Road/The Meadows/The Wynd roundabout, whilst to the east access is provided from the existing A689/Hanzard Drive roundabout. To the north of the site is woodland beyond which are the administrative boundaries of County Durham. To the west the site is bound by woodland and agricultural land and to the east by rest of Wynyard Park, which is within the administrative boundaries of Stockton-on-Tees Borough Council. The site is bound to the south by A698 and Wynyard Village beyond.

PUBLICITY

1.6 The application has been advertised by way of a site and press notice. To date, there have been 58 letters of objection.

Concerns raised about the site being built on land earmarked for woodland walks and cycling loop.

Serious concerns regarding access to the area from The Meadows.

Not enough infrastructure to support the number of houses being built.

Objecting to the planning application, want to protect the remaining woodland

Promises made about nature trails and woodland walks in marketing literature, want to keep the area designated green space.

Proposed road off The Meadows seen as very dangerous, not thought through enough.

Reduction of green space and woodland risks reducing the character and appeal of the area.

Need for guarantees for joined up walking and cycle routes established

Proposal to fell hundreds of trees next to the Pentagon, displacing more wildlife by destroying their natural habitat.

Road access being proposed is already tight for existing houses, not designed to handle increased traffic.

Limited infrastructure in Wynyard for roads, shops, doctors, dentists, and public spaces.

Planning application does not comply with National Planning Policy Framework or statements in Hartlepool Local Plan regarding protection of ancient woodlands and trees of conservation value.

Walking distance from Wolviston inaccurate, need for safe walking, bicycle, and disabled access infrastructure.

Dental facilities at full capacity for NHS patients in Wolviston.

Education limited in Wolviston and Wynyard Church of England School has extensive waiting list, urgent need for more schools and social infrastructure to be fixed before building more houses.

On the application it refers to an “existing public house” on the Meadows roundabout. This is not only untrue, but the signage for this establishment “coming soon” has now also been removed.

3) As Wynyard as a whole is to be “sustainable” to acquire Green Garden Village status, we are a million miles from that as there are STILL no services or amenities in situ at all North of the A689 on Wynyard Park, despite the vast increase in population over the past few years. A hold on all housing development approvals needs to be implemented for this “catch up” of service provision to be implemented prior to any more large scale housing proposals.

Comments: With regard to the Transport Assessment. In 1.1.4 it mentions that the site that the site is bound to the west by undeveloped land which is incorrect as it actually consists of dense forest including ancient woodland woods which are categorised as green space in the Hartlepool Local Plan 2018.

They also mention 6 parcels of land when 2 of these parcels (the above-mentioned woodlands) have been removed before this application was resubmitted.

1.1.9 stresses that Wynyard Park encourages sustainable travel patterns. This is inaccurate as we have no public bus service, properly linked up cycle routes and the shuttle bus transporting children to the primary school is being discontinued from next month. We will remain dependent on our cars for the foreseeable future.

The conclusion is that the site is well served by existing transport provision. Although they present a lot of charts and figures to back up their conclusion it is doubtful that the A689 will cope with the added pressure from these extra homes as well as all the new homes which will be built on the south side. What is needed in the future is a direct route on to the A19 from the area occupied by Amazon including a bridge over the road to serve south bound vehicles.

In response to WPs response to comments. They say that they now have planning permission for a public house and hotel and stress that development is anticipated in 2024. We have been informed that this is no longer going ahead and the advertising sign has been removed. Also according to the Masterplan the land where the pub was going to be built was allocated for much needed community use and now they plan to build more houses which I feel we should object to.

3.1.3 Wynyard Park mention that we have existing health facilities in the form of the one pharmacy located in Wynyard Village. This growing community require access a full range of GP services as well a pharmacy especially since a Retirement Village is included in the application. It mentions that the site of the Retirement Village was chosen as its close to public bus routes which we don't have.

3.13 Wynyard Park claim that sufficient infrastructure and community facilities would be provided at Wynyard Park to serve the resident population when the reality is we have absolutely no amenities at present and none at all planned for the western section of Wynyard Park.

3.43 This claims that the completion of the 2 spine roads links parcels of development, enhancing walking routes e.g. The Castle Eden Walkway. There is absolutely no mention of where this link will be or any details at all so I can only conclude that this claim is flimsy to say the least and Wynyard Park should be asked for more details.

In 3.7 Wynyard Park mention that the spine roads will enhance walking. Whilst being very convenient, residents need walking routes that offer access to green spaces and nature, including access to Public Rights of Way. This is so important to improve both physical and mental health and go relieving stress.

3.58 states, 'The proposed development is subject to Section 106 agreement to secure financial contributions towards supporting services in light of the population uplift' How do we know that these contributions will benefit the residents of Wynyard? We need some clarity on this issue.

1.7 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>

1.8 The period for publicity has expired.

CONSULTATIONS

1.9 The following consultation replies have been received:

HBC Traffic and Transportation

The proposed development will have a significant impact on the Meadows / A689 Hartlepool Road / The Wynd roundabout, with junction modelling showing there would be severe queues on this roundabout in the AM and PM peak without any further highway mitigation measures. It is proposed to introduce an improvement scheme which will allow A689 east and westbound traffic to run at the same time.

These proposals have been assessed by the Councils traffic signal providers and are considered acceptable and will allow the junction to operate within capacity. Due to the operational difficulties already experienced at this junction it is required that these measures are implemented prior to the first occupation of the development.

Junction modelling has also been carried on several more junctions along the A689 corridor which are located in the neighbouring authority. There are already proposed mitigation schemes in existence which when implemented will allow this development to proceed without traffic queuing on both the local road and trunk road networks becoming excessive. I can confirm that Hartlepool Council support the comments made by National Highways and would also require that these mitigation measures are implemented prior to any occupation of this development.

Internal Network

Site 2 is proposed to be accessed off a priority junction located approximately 20 metres from an existing 3 leg roundabout. This access should be relocated so that it forms a 4th leg at the roundabout.

Conditions

In addition to the conditions required by National Highways the following condition would also be required.

‘Prior to first occupation of any dwelling hereby approved the off-site highway improvement works at the A689/ The Meadows roundabout as shown on drawing PR807/PH2/1 shall be completed as submitted to and approved in writing by Local Planning Authority.

Detailed design work for the scheme is to be undertaken by the Council’s Traffic Signals Engineers and/ or their technical advisers, and funded by the developer.

To ensure the safe and efficient operation of the local highway network.’

HBC Ecology

The Environment Act 2021 seeks to make the delivery of at least 10% net gain in biodiversity post-development a mandatory requirement. The date for this mandatory requirement has been postponed recently from the target date of November 2023. However, despite this change in date the aim for at least 10% remains an important target with the Government’s environment policy.

The National Planning Policy Framework (“NPPF”) seeks to provide net gains for biodiversity (paragraph 174(d)), secure measurable net gains for biodiversity (paragraph 179(b) and 180(d)). The Council’s Local Plan seeks to enhance biodiversity through Policies NE1 and NE3.

Local and National planning policy have a no net loss requirement.

I have met with the Wynyard and its Agents. We have discussed the impact of the proposal on farmland birds and Wynyard Park has stated that they would be agreeable to a financial contribution towards further farmland bird mitigation off-site.

The figure has been agreed and is with Development Control (Helen Smith) to confirm 106 arrangement (as appropriate).

I am content with this approach. I would require to confirm the wording of the Section 106 arrangement as part of the approval.

No further comment.

HBC Arboricultural Officer

The removal of parcels A and B from the application removes most issues, especially regarding the ancient woodland. There is still Ancient woodland to the north of parcel C which will require a buffer of 15m from the development and should not be included into the garden areas or any property.

The following should be submitted as part of the reserved matters application:

1. Tree retention/removal plan
2. Retained trees and RPAs shown on the proposed layout
3. Strategic hard and soft landscape design, including species and location of new tree planting.
4. Tree protection plan
5. Arboricultural method statement

HBC Engineering Consultancy - In response to your consultation on the above application we have no objection to proposals in principle in respect of contaminated land or surface water management. Please include our standard unexpected contamination condition and the surface water condition shown below on any permission issued for proposals:

Notwithstanding the submitted information, no development 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.

Within agricultural land it is possible that land drainage assets may be encountered that may be susceptible to damage or need to be diverted, infilled, etc. In this respect the applicant's attention is drawn to the Land Drainage Act 1991 section 23 whereby

Hartlepool Borough Council's consent is required in its capacity as Lead Local Flood Authority prior to any modification to or interference with any of these drainage assets (Ordinary Watercourses) that may affect flow in those assets.

Economic Development - The employment land allocation at Wynyard as identified in the Hartlepool Local Plan 2018 is formulated on the Employment Land Review that was completed in 2014 and included 32.7ha of land at Wynyard as part of the overall provision made for Hartlepool to meet projected future demand for employment land and meet the forecast job figures for Hartlepool.

As such this is the position as adopted by the Hartlepool Local Plan and is committed to and working towards until a new plan is developed and adopted by the Council.

However it is almost 10 years since the Employment Land Review was undertaken in 2014 and there is a recognition that there are a number of significant changes that have happened locally, nationally and also internationally that will have an impact on the amount of land that will be required for employment purposes in the Borough going forward.

Hartlepool's economy has not grown as predicted in the ELR in 2014 and thus the requirements for employment land has not followed forecasted demand. This will be factored into the revised modelling that will be undertaken as part of developing the next ELR.

Covid-19 and the rise of home and hybrid working has undoubtedly had the biggest impact on a shift of working from a fixed office building to working from home or hot-desking from an office that has reduced in its overall size and how many employees work there at any one time.

Changes in Government policy and the pivoting of the UK economy as a whole to a more greener economy will see the focus on industries such as Wind Energy, Carbon Capture and Hydrogen that have very specific requirements for land and premises.

All of these factors and others will be analysed and considered in detail with extensive consultations with appropriate stakeholders before a new ELR is agreed on that sets out Hartlepool's future jobs growth targets and employment land allocations. It is however likely that less employment land will be required overall.

The notes submitted by Lichfields on behalf of the applicant correctly highlights these issues but it does not provide the level of analysis and detail required to enable a decision to be made that all 32.7ha of employment land at Wynyard is not required as part Hartlepool's allocated employment land provision.

It will be up to the case officer to balance the loss of employment land at Wynyard against the wider benefits of the development in making a decision.

HBC Public Health

Enabling people to live healthy lives is a key part of the Council Vision and supporting “healthy communities” is a key part of the National Planning Policy Framework (NPPF). New housing developments can have significant positive or negative impacts on Hartlepool residents’ physical and mental health. Ensuring a healthy town is particularly important locally as currently people in Hartlepool live shorter lives, and have worse health outcomes, than the average person in England. For its population, Hartlepool has more preventable deaths in under 75 year olds than England and there are more early deaths from cancer, heart disease, stroke and lung disease. People in Hartlepool also live 2-3 years less than the average person in England. However, we can improve health by improving the environment in which people live. It has been estimated that 29% of health inequalities can be explained by poor living conditions. Green/natural spaces, making physical activity easy and providing healthy homes are key building blocks for health.

The proposed development and developer discussions

This Outline Application for up to 1200 homes (including a retirement village) and associated infrastructure, to the north of the A689 and west of Wynyard Business Park, has changed significantly since the original application was submitted in May 2022.

Public Health is grateful for engagement from the developer, and others, in discussions around changes to the application which are likely to have a more positive impact on future residents’ health.

Public Health welcomes the following from revised developer plans or outcomes of discussion, and trust these will be secured by the case officer/decision maker:

- Addition of a sports hub with full size grass pitch and 3G pitch with changing facilities, storage facilities and parking as well as a financial contribution to a built sports facility and ball sports within Hartlepool.
- Additions and improvements to green space, play facilities and a fenced informal kick around area for families/children/teenagers near a proposed play park
- Contribution to a cycleway between Wynyard and Greatham, a variety of circular walking routes, access across the A689 and access to the Castle Eden Walkway
- Affordable and energy efficient homes
- Provision of a primary school
- Provision of a retail space within the development near the proposed pub/hotel.

Public health understands the following are under negotiation (either currently or for inclusion in reserved matters) and would welcome these being secured, where possible, for the reasons given below:

1. Provision of bungalows

Ensuring developments are accessible to people with disabilities and older people is particularly important locally. Hartlepool has a growing number of people aged over 65 years (currently >18,000) and almost a quarter of Hartlepool residents reported a long-term illness or disability. Having a home and community which meets your needs is likely to have significant positive impacts on physical, mental and social

wellbeing. Some people with disabilities will be under the age usually required for living in a retirement village.

2. Consideration of sufficient secondary school places, ideally within walking distance

Education is a key building block of health that can affect the rest of a person's life. If education experts feel there is sufficient demand for secondary places and a nearby location is feasible, a secondary school within walking distance would have additional public health benefits. Being able to walk to school is a key way for children to be physically active on a regular basis. This is particularly relevant in Hartlepool where residents tend to be less active and are more likely to be obese. In the latest figures for Hartlepool, more children are overweight or obese when they start school than any other local authority in the North East. By Year 6 of school, more than a quarter of children in Hartlepool are obese. This is significantly worse than the England average.

3. Public transport or alternatives, e.g. shuttle bus or bus booking system, that allows travel at short notice

Being able to use a bus (or alternative) at short notice is important because people may need to access services on the same day e.g. their GP. This is particularly relevant to residents without a car, which may include many people in the retirement village. However, encouraging public transport over car use will help all residents. For example, flexible public transport options could reduce congestion around commuting times and tends to involve some beneficial physical activity at the start or end of journeys (e.g. walking to or from bus stops).

Potential considerations for subsequent more detailed applications on this site:

During discussions about the outline plan, developer representatives noted that comments on the positives of the illustrative plan would be welcome and could help ensure these are retained in more detailed plans. Some positives noted by public health in the illustrative plan included:

- Paths between cul-de-sacs and different areas of the development. These increase connectivity and encourage walking within the community (with associated public health benefits).
- The location of the retirement village allowing easy access to the SUDs area and planned retail centre to the East.
- A pleasant pathway (not running along a road) to the school from the south, although this is bisected by roads.
- The location of the primary school and sports facilities relatively centrally, reducing walking distances for residents.
- The location of the retail area near the pub/hotel in the west, which is beneficial for residents furthest from the approved retail space in the development to the east.

When determining the specific layout of the final design, the developer may also wish to consider:

- **Proximity of residents to green space and usability of that green space.** There is significant and growing evidence on the health benefits of access to

good quality green spaces. Having green space within a 300m walk seems to be particularly beneficial. Functionality of the space is also important such as including facilities such as play parks, places to sit, shade and ensuring green space is of sufficient size to play, exercise or interact with others. Play parks that are inclusive for disabled children and with a variety of equipment, seating for supervising adults and shade for both children and parents could be particularly valuable in allowing children to safely play for longer and be physically active.

- **Opportunities to encourage walking and cycling within the development.**

For example, ensuring that facilities for play, leisure, education, childcare, employment, retail, health, care and community activity are within walking and cycling distance of all residents can help increase opportunities for both physical activity and wider wellbeing. Connecting paths between roads and areas may offer more direct routes to facilities and encourage walking rather than driving, particularly when the need to cross busy roads can be minimised. This is especially relevant for children walking to school or play parks. Circular walking routes are also associated with increased physical activity and trees along walking routes or in green spaces can provide additional health benefits. Regular seating (such as benches) on key walkways is helpful for all residents to rest or socialise, but is particularly important for allowing people with limited mobility to continue to be active. This may be especially relevant for some people living in the retirement village. Appealing pedestrian routes accessible for all and available as soon as people move in are particularly valuable as habits tend to be built early on. Ensuring it is easy for residents to be physically active is particularly important for developments within Hartlepool since physical activity in the borough is the lowest in the region and has declined significantly over the last six years. Currently, just over half of adults in Hartlepool are as physically active as is recommended for health. This is significantly worse than both the North East and England averages. Hartlepool is also the lowest in the region with regard to the percentage of adults walking for travel at least three days per week

- **Positioning affordable housing throughout the site** (rather than in large groups) to create “mixed and balanced communities” as discussed in the NPPF.
- **Inclusion of renewable energy systems**, and other energy efficiency measures, which could assist in reducing the health effects of cold homes by reducing energy costs (particularly relevant given the high cost of living). Cold homes increase the risk of infections, heart attacks, and strokes and particularly affect older people. Cold homes can also worsen existing health conditions and affect young people’s mental health and education. It is estimated that several thousand people die each year in England and Wales due to cold homes. Developments which take into account energy efficiency (e.g. use of renewable energy, insulation and use of natural light), could help reduce such deaths due to cold homes.

Participation and Strategy Manager

The new application does show two adult football pitches, one of which is a proposed AGP which meets the FA dimensions in regards to size, and is complimented by parking and a pavilion building providing suitable changing. This is

a significant improvement from previous application(s) which is pleasing, however I do have concerns in regards to noise and light pollution due to the proposed separation between the AGP and residential properties. In order for the AGP to be financially sustainable it is mandatory to maximise usage and peak times tend to be on an evening and weekend which could potentially be impacted with the highlighted location of the residential properties. If this concern could be satisfied in addition to ensuring relevant contributions for other areas are adhered to per dwelling (as I was assured would be the case) then my objection no longer stands.

HBC Landscape Architect - A Landscape and Visual Assessment has been provided as a section within the ES.

It should be ensured that any development complies with any current Design Strategy.

HBC Education - Section 14 of the Education Act 1996 states that the local education authority must ensure that sufficient schools for providing primary and secondary education are available for their area. In addition to this there is also an expected requirement in respect of statutory walking distances to school. These being within 2 miles for under 8 years of age and within 3 miles for pupils aged 8 to 16 years of age. The closest secondary school to Wynyard is approximately 4 miles, (Northfield, Billingham) and there is no secondary school within a safe walking distance and therefore secondary school aged children in Wynyard would qualify for help with transport.

Planning policy such as the NPPF and the Hartlepool Local Plan echo that sufficient school places should be provided to cater for the anticipated pupil generation from a development.

In Hartlepool there are five secondary schools. In the preparation of the 2018 Local Plan it was agreed that two of the secondary schools (High Tunstall and Manor Community Academy) could potentially be expanded to accommodate the anticipated growth within Hartlepool in respect of the South West Extension and High Tunstall developments.

With regards to this application, it is noted that 102 units are already accounted for within local plan allocations and thus those anticipated pupils have been factored into existing and planned capacity within Hartlepool. 369 of the proposed units are to be secured as over 55s accommodation only and it is expected no pupils will be generated from these units. In light of this, it's considered that this proposal will add 729 dwellings to those already accounted for within the local plan.

Current pupil yield calculations suggest that 729 dwellings is likely to generate 100 secondary school pupils. As this development has not been factored into the Local Plan, these 100 secondary school pupils have not featured in the existing and planned capacity within Hartlepool and therefore officers cannot determine whether these pupils can be accommodated for and provided with a school place within Hartlepool.

HBC have requested that the applicant safeguards land within Wynyard that could potentially be used for a secondary school, in the area, if the need arises. The applicant considered the anticipated pupils could be accommodated elsewhere (if within the borough and sought informal agreement from a Headteacher of an existing Hartlepool secondary school who considered that said school could be extended to absorb the anticipated capacity from Wynyard. The Headteacher required that any potential extension to be 'fully funded' by monies other than the schools funding.

This informal agreement is not binding and any future school expansion and is subject to planning permission and agreement from Sport England. HBC Education consider there are risks associated with regard to relying on this proposal as a solution to ensuring sufficient school places are provided for Wynyard (Hartlepool) families and their secondary school aged children.

The applicant has agreed to pay the required financial contribution requested (in respect of this development) to assist funding any future secondary school expansion.

Notwithstanding the informal agreement that the applicant sought and put forward as a solution to ensure children are provided a school place, the applicant also contends that within the Garden Village a secondary school will be delivered on the North Burn site. The Garden Village is a proposal to expand Wynyard that is supported by Central Government, HBC and the necessary land owners. It is noted that the Garden Village and associated masterplan and vision document are not local development documents and that the proposals within them have not been through public examination and thus cannot be given significant weight in decision making. Notwithstanding the status of the garden village the contention that a school will come Forward at North Burn is noted, however the land owner (Homes and Communities Agency) has not provided clarity that this will happen and if this application is approved land at North Burn will not be safeguarded via the legal agreement associated with this application. Officers are of the view that there are risks associated in relying on a secondary school coming forward at North Burn.

Officers considered that land should be safeguarded for a secondary school in Wynyard to ensure that Wynyard (Hartlepool) pupils are provided with a school place (subject to securing government funding in the future).-Notwithstanding the fact that the anticipated pupils many be absorbed within expansions in schools, Hartlepool HBC requested that land is safeguarded in Wynyard for a secondary school to ensure that pupils could access a school within 3 miles of their home. In the interests of encouraging children to travel to school by sustainable modes and thus improve physical and mental health along with attainment levels, officers advised that if land is safeguarded then if/when the need arises, a secondary school site would be available and further funding would be sought from central government and children would be able to access a school close to home instead of travelling beyond 3 miles to access such a facility.

Officers were also mindful of the anticipated cost of transporting the anticipated pupils from Wynyard to an existing Hartlepool secondary school. If land is not safeguarded in Wynyard and a school is not provided within a safe walking distance,

families could apply to HBC to transport their children to the closest-secondary school.

HBC school transport planning officers advised that there are numerous scenarios that could occur and all with associated costs for HBC, for example, if children attend a school in Sedgefield, HBC will be required to pay for concessionary bus passes to transport children to Sedgefield. If children are to access schools in Hartlepool then mini busses will need to be purchased by HBC, as the current mini buses have no spare capacity.

This matter was put to the applicant and the applicant advised that a financial contribution will be provided that will assist in transporting children to secondary school.

100 pupils would be accommodate on six mini busses, however during discussions and in considering anticipated build out rates, the potential that not all children will require school transport provision is a minority as parents may choose for their children to attend private education and some may be transported by parents/guardians or in car shares, it has been agreed that although HBC are to highlight the worst case scenario to members, there has to be a level of realism and it was agreed that it may be the case that not all 100 pupils will require school transport.

The applicant also considers that before all the homes are built it's likely that the North Burn site, which forms part of The Garden Village will commence and that it's likely a secondary school will be provided on that land and thus the need to pay travel costs will be reduced as it is hoped, a school in North Burn will be within a safe waking distance.

It was agreed that a sum of £150,000 will be provided to enable HBC to cover transport costs. The anticipated mechanism is that HBC will purchase two mini busses at an approximate cost of £60,000 each and use the remaining £30,000 to cover any other costs i.e. concession passes. The S106 agreement will be written to plan for all eventualities and the applicant is agreeable to this.

To conclude, in the interests of sustainable development and appropriate school place planning, officers are of the view that, in the first instance, land should be safeguarded in Wynyard for a secondary school.

Should land not be safeguarded then the decision maker must be satisfied that the option to accommodate anticipated children in school expansions in Hartlepool is a realistic, sustainable and deliverable option and/or that a secondary school in North Burn will be built and accommodate the anticipated pupils and thus is a realistic option to ensure sufficient places are provided.

The decision maker should be satisfied that there is not likely to be a financial burden placed upon the council with regards to school transport costs.

HBC Waste Services - Provision of Waste and Recycling Collection and Storage Facilities to new properties

Developers are expected provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/ receptacles to enable the occupier to comply with the waste presentation and collection requirements in operation at that time.

Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council's waste collection service and vehicle load handling equipment.

Please see our 'Developer Guidance Waste and Recycling for new properties' document which can be found at https://www.hartlepool.gov.uk/info/20001/bins_and_recycling/189/using_your_bins for further information.

Countryside Access Officer:

As with previous planning applications to develop this area on the north side of the A689; I am conscious that there is a great need to improve the countryside access with existing public and permissive rights of way, walkways and National Cycle Routes (NCR).

I would like to see contributions made for the creation of a direct link to the Castle Eden Walkway to the west of this proposed development. This NCR is also a nationally recognised Walkway and is well used by pedestrians, cyclists and on occasions, horse riders.

It is very important for the residents to gain access to the wider countryside than just what is close to their houses. Studies have shown that the health benefits when walking, running, cycling and on occasions (where possible) horse riding improve when a greater provision of countryside access is made available, opening up wider choice for recreational enjoyment. It was subsequently agreed that a contribution to improve links between the North and South Pentagon would be acceptable.

Tees Archaeology - We note that parcels A and B have been removed from the proposed development, with only parcels C, D, and E remaining. We maintain our earlier comments that the outline application should be subject to an archaeological condition for the evaluation works, the scope of which is to be agreed with Tees Archaeology. Any further archaeological works necessary can then be conditioned on the individual reserved matters applications for sites C, D, and E.

I set out below the suggested wording for this condition:-

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:

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 condition shall not be discharged 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.

National Highways – No objection subject conditions;

We have received a revised Transport Assessment [TA] and Framework Travel Plan [FTP] from the Applicant for this planning application.

Transport sustainability

The lack of aspiration to improve the site's public transport accessibility means that the development's vision does not comply with the policy requirements set out in Circular 01/2022. However, the policy requirements relating to sustainability must be considered alongside the development's residual cumulative impact at the A19(T)/A698 Junction.

Framework Travel Plan (FTP)

Whilst the FTP's targets, monitoring strategy, and finding commitments are deemed to be appropriate, the revised FTP still contains deficiencies. These deficiencies can, however, be resolved through the preparation and submission of a detailed TP.

Assessments

We support the use of National Highways' VISSIM model to assess the residual impacts of this planning application and we agree that the assessment inputs are appropriate.

The impact at the A19(T)/A689 Junction has only been demonstrated to the acceptable with the inclusion of both Strategic Road Network and Local Road Network mitigation. Consequently, conditions are required (as stated below). Should the Council require that either or the designs to the A689 mitigation change from that which has been assessed, we may require further evidence to demonstrate that the agreed assessment results remain appropriate.

The TA states that "...Traffic signals at the A19/A689 junction have been adjusted to protect the A19." Whilst this approach is in line with our previous discussions, we wish to engage with the Council to reach a formal accord that will ensure that the traffic signal timings, phasing and staging deployed in the VISSIM model are

subsequently deployed on-street, as far as is technically possible, to ensure the safe and efficient operation of the SRN until otherwise agreed with National Highways. This could take the form of joint position statement; and we would suggest that this matters is for us and the Councils to agree upon separate to this planning application process.

On the basis of the attached review, I enclose National Highways' formal NHPR 22-12 response recommending no objection subject to the following planning conditons:

- 1) No part of the development hereby approved shall be occupied unless and until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways or its successors). The Travel Plan shall be developed to accord with the principles set out in the Framework Travel Plan [Land North of A689, Wynyard Park Estate, Wynyard Woods, Wynyard, Hartlepool – AMA, June 2023]. The Detailed Travel Plan shall thereafter be implemented coincidentally with the phased occupation of the development;
- 2) No development hereby approved shall be occupied unless and until the works to Wynyard Avenue/A689 Junction, as shown in principle on Andrew Mosely Associates drawing reference AMA/21173/SK003, are implemented to the satisfaction of the Local Highway Authority and are open to traffic;
- 3) No development hereby approved shall be occupied unless and until the works to the A689/Hanzard Drive / The Wynyard Junction as shown in principle of Stockton-on-Tees Borough Council drawing reference A10958-03-04, are implemented to the satisfaction of the Local Highway Authority and are open to traffic;
- 4) No development hereby approved shall be occupied unless and until the highway improvement scheme at the A19/A689 Wolviston junction, shown in principle on Drawing number 276864-ARP-ZZ-XX DR-CH – 0101 & Drawing Number 276864-ARP-ZZ-XX-DR-CH- 0102, is implemented to the satisfaction of the Local Highway Authority (in consultation with National Highways or its successors) and is open to traffic; and
- 5) Construction of no part of the development hereby approved shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways or its successors). Construction of the development shall thereafter be carried out in accordance with the agreed Construction Traffic Management Plan.

Reason: To ensure that the A19 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, and in the interests of road safety.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift

away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should always be taken up.

Moreover, the build clever build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Transport sustainability

The lack of aspiration to improve the site public transport accessibility means that the development's vision does not comply with the policy requirements set out in Circular 01/2022. However, the policy requirements relating to sustainability must be considered alongside the development's residual cumulative impact at the A19(T)/A689 Junction.

Framework Travel Plan

Whilst the FTP's targets, monitoring strategy, and funding commitments are deemed to be appropriate, the revised FTP still contains deficiencies. These deficiencies can, however, be resolved through the preparation and submission of a detailed TP.

Assessments

We support the use of National Highways' VISSIM model to assess the residual impacts of this planning application and we agree that the assessment inputs are appropriate.

The impact at the A19(T)/A689 Junction has only been demonstrated to be acceptable with the inclusion of both SRN and LRN mitigation. Consequently, conditions are required (as stated above). Should the Council require that either of the designs to the A689 mitigation change from that which has been assessed, we may require further evidence to demonstrate that the agreed assessment results remain appropriate.

The TA states that "...Traffic signals at the A19/A689 junction have been adjusted to protect the A19." Whilst this approach is in line with our previous discussions, we wish to engage with the Council to reach a formal accord that will ensure that the traffic signal timings, phasing and staging deployed in the VISSIM model are subsequently deployed on-street.

Natural England - NO OBJECTION

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

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

European sites – Teesmouth and Cleveland Coast Special Protection Area and Ramsar

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

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

- Natural England notes the information provided by the applicant to demonstrate that the proposed development will not result in additional nitrogen entering the catchment of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar.
- We remind your authority that, as Competent Authority, it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the calculation, and that the nutrient budget calculation is correct.

Other advice**Green Infrastructure**

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development.

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

GI can be designed to maximise the benefits needed for this development. Similarly, GI can be used to improve connectivity to other green spaces, provide opportunities for recreation, promote sustainable transport and improve conservation and biodiversity. For example, see the case study on Wynyard Woodland Park. We strongly encourage you to share this advice with the applicant to maximise opportunities to incorporate green infrastructure during the development of the detailed proposal.

Natural England has produced a suite of tools to assist Local Planning Authorities and developers deliver more and better quality GI. See the Green Infrastructure Framework for full details.

Soils and Agricultural Land Quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' (BMV) agricultural land.

For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim

to minimise risks to the ecosystem services which soils provide, through appropriate site design / masterplan / Green Infrastructure. Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.

Further guidance is available in The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction which we recommend is followed in order to safeguard soil resources as part of the overall sustainability of the development.

If, however, you consider the proposal has significant implications for further loss of BMV agricultural land, we would be pleased to discuss the matter further.

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

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of ‘best and most versatile’ agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil

handling for mineral sites is contained in the Institute of Quarrying *Good Practice Guide for Handling Soils in Mineral Workings*.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

1 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>
 2 <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient woodland, ancient and veteran trees You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure

wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's Biodiversity Metric 3.1 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 3.1 and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access. Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.1 and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green

infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraph 100 and 174 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat.

Sport England – Objection

Thank you for re-consulting Sport England in respect of the additional information relating to the above planning application.

Sport England's position is that we want local sports infrastructure to keep pace with housing growth. This can be done by on-site provision or investment to increase the capacity of existing off-site facilities, or a combination of both. We're happy for the mix and match approach being promoted by the developer but as we've advised that the value of on-site provision can be subtracted from the off-site investment it is important to have some certainty that what is being proposed on-site is deliverable and sustainable. This is illustrated by the fact that an adult grass pitch costs £110,000 whilst a full-sized floodlit AGP costs £1,170,000 – a difference of more than £1m.

Sport England would welcome the provision of an AGP within the development provided we were satisfied that it had a satisfactory relationship with surrounding (noise and light pollution-sensitive development). We cannot give a precise distance for an acceptable degree of separation between a floodlit AGP and housing as there a number of variables such as;

- The intrinsic lighting environment
- Existing noise climate
- Dwelling layout
- Levels

These matters are detailed in our guidance on AGP Acoustics – Planning Implications which can be found at <https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/agp-acoustics-planning-implications.pdf?VersionId=eORPPBrK6irJ2FqvHWitOASeYu6U.egt> and our guidance on Artificial Sports Lighting which can be found at <https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/artificial-sports-lighting-design-guide-2012-051112.pdf?VersionId=idf6lPDBxvEehglfTpKhcJMTu0wKmOrx>

There is a danger that if the relationship between the AGP and surrounding dwellings is not satisfactory then through either the planning system or

environmental powers there will be the imposition of a curtailment of hours of use. This will impact on the operation of the AGP during peak evening and weekend hours, and will curtail the revenue needed for the AGP to be sustainable. The maintenance costs for an AGP can be found at https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/2023-08/Life%20cycle%20costs%20-artificial%20sports%20surfaces%20-%202Q2023.pdf?VersionId=6EVxN_rprmq_vpTQbaraQMYkHx6kUV1

We do not place any value on the applicant's empty assurances that the separation distances are acceptable. Our experience, based upon our role as a statutory consultee on these facilities and through joint work with the Football Foundation on their provision around the country, is quite the opposite. Our concerns as to the long term sustainability of sports provision at this site is beyond the applicant's length of interest in the site.

If however the applicant considers that all these concerns can be swept up in a condition Sport England would be happy to consider it.

Environment Agency – No objection

We previously responded to this planning application with no objections subject to the below condition. The additional information submitted does not alter our previous comments, which still apply. Our previous response dated 1 June 2023 has been repeated below.

Environment Agency Position

The proposed development will be acceptable if the following measures are implemented and secured by way of a planning **condition** on any planning permission. **Condition** 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 of the National Planning Policy Framework. The NRBMP 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 WFD status and ecology. On page 37 of the 'Flood Risk Assessment and Drainage Strategy' document there is reference to the preparation of a Surface Water Management Plan, we would like to see this document once it has been prepared.

Separate to the above, we also have the following advice to offer: **Water Quality Permit Requirements - Advice to Applicant** You do not require a permit if you are only discharging uncontaminated surface runoff. If you intend to discharge to surface water for dewatering purposes, this 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. The RPS conditions are available at <https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface-water> 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: Discharges to surface water and groundwater: environmental permits - GOV.UK (www.gov.uk) **SuDS - Advice to Applicant** Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS manage surface water run-off by simulating natural drainage systems. Whereas traditional drainage approaches pipe water off-site as quickly as possible, SuDS retain water on or near to the site. As well as reducing flood risk, this promotes groundwater recharge, helps absorb diffuse pollutants, and improves water quality. Ponds, reedbeds and seasonally flooded grasslands can also be particularly attractive features within public open spaces. SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds, and wetlands. As such, virtually any development should be able to include a scheme based around these principles. In doing so, they'll provide multiple benefits and will reduce costs and maintenance needs.

Approved Document Part H of the Building Regulations 2010 establishes a hierarchy for surface water disposal and encourages a SuDS approach. The first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries pollution risks and may not work in areas with a high-water table. Where the intention is to dispose to soakaways, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365. Further information on SuDS can be found in:

- The CIRIA C697 document SuDS manual.
- HR Wallingford SR 666 Use of SuDS in high density developments
- CIRIA C635 Designing for exceedance in urban drainage – good practice
- The Interim Code of Practice for Sustainable Drainage Systems – the Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDS.

Water Resources - 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. Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) 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 at

<https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills. We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

All new residential developments are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

Forestry Commission – Thank you for the opportunity on the proposed development H/2022/0181 at Wynyard Park Estate. The Forestry Commission has commented on this proposal twice already on the 11th August 2022 and the 5th July 2022. These consultation responses appear on your planning portal for this application and I refer you to these comments in the first instance.

As outlined in the above responses the role of the Forestry Commission in planning can be seen here : <https://www.gov.uk/guidance/planning-applications-affecting-trees-and-woodland>. The joint Natural England / Forestry Commission Standing Advice on how to handle planning applications affecting ancient woodlands in relation to ancient woodland in the vicinity of, or adjacent to the proposed development is set out here: <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>.

Health and Safety Executive

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013] The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Hartlepool (B).

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

Historic England – No comments.

Northern Gas Networks – No comments.

Cleveland Fire Brigade – No comments.

Cleveland Police

No further comments apart from Police always recommend that the guidelines outlined by Secured by Design in relation to physical security and layout are implemented.

Although located in area with lower than average crime rates it always advised to consider crime prevention and community safety at the planning stage.

Cleveland NHS Integrated Care Board

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 ICB 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/2022/0181
GP Practices affected	Skerne Medical Group Marsh House Medical Practice
Local intelligence	This practice falls within the Sedgfield North Primary Care Network and Billingham and Norton PCN which 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	1200
Housing impact calculation	2.3 (changed to x1 due to care home)
Patient Impact (increase)	2760
Maxima Multiplier	0.07
Additional m ² required (increase in list x Maxima Multiplier)	193.2 m²
Total Proposed Contribution £ (Additional m ² x £3kpm ² , based on NHSPS build cost)	£579,600

Stockton-On-Tees Borough Council OBJECT

Following a review of the application and accompany information Stockton Borough Council raises an objection to the proposed development on highway and safety grounds.

- Due to their unknown impact on the local highway network in particular the key junctions along the A698 road corridor.
- Due to the detrimental impact, they may have on the delivery of Stockton Borough Council's Local Plan.

Highways Comments

The Highways, Transport and Design Manager has reviewed the information provided in support of the proposed development and has issues regarding the submitted Transport Assessment (TA).

The key issue is that no assessment of the impact on the local highway network has been provided and whilst it is appreciated that the future development impacts will be assessed using the wider strategic model for the local road network this will only provide one element of the assessments that are required.

The impact of the full proposals on the local highway network should be assessed at the following key junctions along the A689 corridor:

- A689/The Meadows/The Wynd signalised roundabout.
- A689/Hanzard Drive/ The Wynd roundabout (*)
- A689/Wolviston services roundabout.
- A689/A1185/Wolviston Road roundabout
- A689/A19 grade separated junction

Until this work has been undertaken and submitted for consideration, alongside the results from the strategic model as set out in the TA, the Highways, Transport and Design Manager objects to the proposals due to their unknown impact on the local highway network in particular the key junctions along the A689 road corridor.

It is accepted that the junctions of the A689 with both Hanzard Drive and Wynyard Avenue (marked with an * above) are both subject to improvements which have

been secured against application 14/2993/EIS and 13/0342/EIS however, the required s278 Agreements have not been entered into by the respective land owners.

The TA also states that the proposals, which form part of the wider Wynyard Park Development, are no longer subject to a cap at 2,088 dwellings as the Road Safety Audit for the A19/A689 junction improvements has now been signed off. This statement is factually incorrect and any housing over and above the cap of 2,088 dwellings is subject to the A19/A689 improvement works being completed.

Therefore, should the development be recommended for approval a Grampian condition should be imposed preventing any dwellings from being occupied until the required improvement works along the A689 corridor including the improvements at the A689/A19 interchange are complete.

It is also implied within the TA that a total of 5,328 dwellings can be built within Wynyard Park subject to the provision of the A19/A689 improvement works however, no reference is made to applications or allocations outside of the Wynyard Park area or within the administrative boundary of Stockton Borough Council which are also included within this figure. For example, the following sites, which equate to circa 3,000 dwellings, are also included within this figure:

- 500 dwellings at Wynyard Village (13/0342/EIS).
- 130 dwellings at land west of Maynard Grove (20/2408/OUT).
- 240 dwellings at Hanzard Drive (14/2993/EIS).
- 107 dwellings at Coal Lane (14/3308/FUL & 17/1542/FUL)
- 1260 dwellings at Hartlepool SW Extension (H/2014/0405).
- B2/B8 Distribution Centre (20/2481/EIS).
- 750 dwellings within the Local Plan allocations for Stockton Borough Council.

The total level of housing which could be brought forward, subject to the provision of the agreed mitigation, also does not reflect the level of housing set out within the A19/A689 MINI-INFRASTRUCTURE STUDY, prepared by SYSTRA on behalf of National Highways, of 4,415 dwellings and no explanation of the proposed increase in housing numbers has been offered.

Based on the current Local Plan, as set out in the Hartlepool Borough Council Local Plan Policy HSG6, the current level of housing identified within this area of Wynyard Park is 732 dwellings of which circa 650 have already been approved. Therefore, the current proposals would represent an increase of circa 1,300 dwellings over and above what has previously been considered and accepted, as detailed within the A19/A689 MINI-INFRASTRUCTURE STUDY.

It is therefore considered that the TA does not provide sufficient information or take account of sites and local plan allocations which are already reliant upon the proposed junction improvements coming forward and that increasing the level housing, over and above the previously agreed figure of 4,415 dwellings, could prejudice the delivery of the identified Local Plan Allocations within the Borough of Stockton-on-Tees.

Taking the above into account the Highways, Transport and Design Manager also objects to the proposals due to the detrimental impact they may have on the delivery of Stockton Borough Council's Local Plan.

Landscape & Visual Comments

The Highways, Transport and Design Manager raises no landscape and visual comments on this adjoining authority consultation.

Flood Risk management

The Lead Local flood Authority have reviewed the information submitted to support the above application and have no comment to make.

Durham County Council – No objection. Given the distance from the nearest local road under the control of Durham County Council as Highway Authority, it is considered that this development would have a negligible impact on DCC's network. On that basis, we would offer up no objections to the scheme.

Wynyard Parish Council – OBJECT for the following reasons:

Please find attached the comments from the Parish Council which are to be submitted onto the Hartlepool Borough Council Planning Portal in connection with the above application,

WPC(H) are pleased to recognise that the developer has reduced the number of proposed houses by removing the developments on parcels 'A and B' which would have involved the destruction of trees and woodland. These areas need to be protected and made accessible for woodland walks/cycle paths to enable a link up with the established Castle Eden walkway/cycle and bridle path.

With regards area E as stated in our previous comments - this area was originally designated on the Master Plan as an area dedicated for 'Community Use' - and now is proposed for 52 new houses. As no explanation for this change of use is covered within the revised/updated application the Council and Planning Dept need to consider where the originally promised facilities will be sited in line with Garden Village status.

1) Over Development - Whilst this application does not provide for detailed individual plans/design of residential homes it still appears there is a perceived gradual relaxation of closeness of homes and lack percentage of green open spaces, which is contradiction to the Wynyard Park vision and construction type. They also appears to be minimal parking for family vehicles. Assuming that most families will have a minimum of two cars, but more likely three, this will lead to vehicles being parked on the narrow lanes on each of the individual estates which will cause access problems for other residents, cyclist and more importantly emergency vehicles.

2) Sustainability - No clear hard and fast, enforced, timescales for visionary facilities like the public house, schools, healthcare facilities and shops. This is the main frustration of residents at present! Surely trigger points and previously agreed Section106 agreements with past developers on Wynyard Park have now been reached? Yet no community facilities at all are in situ.

Whilst the 2nd primary school is mentioned within the report but with no timeframe for work commencing or planned opening date, plans provided on the allocated land show this to be for Proposed Housing. Please can the land identified for the school be clarified. Equally it is recognised that the existing primary school is currently oversubscribed and that both nursery & primary provision is having to be found elsewhere. Consideration should now be afforded for the provision of a temporary nursery/primary school either on the Village side or ideally on Wynyard Park land to ensure continuity in education for the children resident on the estate.

It is noted also that the GP facility has also been removed from this application, proposing that residents can access GP services from neighbouring areas such as Billingham/Norton. This along with the issues listed above is completely in contradiction of the NPPF, which places a strong emphasis on sustainable development and planning to support national growth. Economic, social and environmental gains are sought jointly and simultaneously through both plan-making and decision-taking, in order to achieve sustainable development. This is underpinned by the following objectives:

- Social objective - strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being; and
- Economic objective: to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; and
- Environmental objective: to protect and enhance our natural, built and historic environment; including making effective use of land. (Paragraph 8).

3) Increased Traffic Flow - appears to be a lack of joined up cohesive thinking when it comes to approving INDIVIDUAL planning applications by DIFFERENT developers. Due to the current size of Wynyard Park consideration must be given hand in glove now with regard to facilities and lack of them south of the A689 in order to abide by Garden Village status and sustainability, along with how they will affect traffic flow both within Wynyard Park and along the A689, rather than an isolated application. This is mainly due to the uniqueness of Wynyard Park and the high number of Major development applications submitted at any one time at present. See also the point made above from NPPF in relation to Social Objectives.

4) H&S / Construction Traffic Access - Whilst it does appear on the drawings provided that the Southern Spine Road (not yet in place) will be used as the access roads for areas 'D & E' and the Northern Spine Road (not yet fully completed) will be used for access to area 'C'. Can the developer confirm that these Spine roads will be completed prior to any works commencing on any of the planned areas.

5) Construction times - Can Planning Officers ensure that all developers adhere to no Construction work Saturday afternoons or Sundays as per other conditions

applied to other developers on Wynyard Park. Ensure Wheel Wash facilities are used on all areas during construction phases to reduce mud on roads causing H&S concerns.

WPC(H) submit our comments and trust Planning Officers and Committee delay approval of this application:

1) with a view to seeking a reduction in housing numbers and increase in off road parking.

2) ensure their contribution of S106 funding is secured and specific timeframes for provision of Education and GP provision along with other amenities as outlined above on Wynyard Village as a whole are implemented.

3) ensure traffic assessments are relevant and up to date for the Wynyard Park developments

4) ensure Northern & Southern Spine roads are completed prior to any approval/works commencing on proposed areas

5) ensure Construction times and wheel wash facilities are applied as a condition and adhered to.

Elwick Parish Council - Elwick Parish Council is very concerned about the increasing volume of traffic on the A689, which is directly impacting current residents of Wynyard and Newton Bewley. With no public transport, and no secondary education provision within the ever increasing Wynyard development, private vehicles, often several per household, are needed to transport children to school and parents to work, etc. This is doing nothing to help the UK reduce its carbon emissions, and is bad for the environment generally. Much of this traffic then uses the A19, which has a significant impact on residents of Elwick parish, particularly those who live on or close to the A19, with noise and air pollution both increasing substantially. The Borough Council should require developers to mitigate this by subsidising public transport to and from Wynard for the next decade at least.

Hartlepool Rural Neighbourhood Plan Group – OBJECT. While the application site is outside the Rural Neighbourhood Plan area there is alarm at the direction that development is taking at Wynyard and the negative impact this is likely to have on the rural area.

Part of this application seeks to destroy previous woodland on the Wynyard Estate. The result will be to fragment remaining ancient woodland to the detriment of wildlife and amenity value. The bridge between areas of ancient woodland will be destroyed and pressure increased from an ever-growing population seeking enjoyment of a shrinking resource. This is entirely unacceptable. No further woodland should be lost, plantation woodland should be improved to support and enhance the ecology of the Borough.

The Borough Council itself (paragraph 16.9 of the Local Plan) has identified that Hartlepool has relatively low tree cover compared to other areas of Tees Valley.

Notable exceptions are at the extremities of the Borough at Wynyard in the south west of the Borough and Thorpe Bulmer Dene in the north. The Local Plan designates both these areas as Special Landscape Areas to provide both with additional protection from development and to encourage schemes for landscape enhancement.

In respect of Woodland and Trees Hartlepool Local Plan states the following:

16.28 Woodland and trees are an important element of the natural capital of the Borough. They perform many functions ranging from filtering out pollutants and storing carbon to providing habitats for wildlife and being a fundamental element of the landscape. There is now plenty of evidence to show that an environment with woodland and trees is a better place to live and work.

16.29 Tree cover in Hartlepool is low compared to many other areas. Only 4.2% of the Borough is woodland compared to an average of 13% in the UK. In the urban area of Hartlepool the mean tree canopy cover is 2.6% compared to 8.2% for the UK.

16.30 The Borough Council has developed a Tree Strategy with the following objectives:

- Retain and protect existing trees and
- Increase the number of trees by planting more, and encouraging others to plan more.

Special Landscape Areas

16.38 Two areas in Hartlepool continue to be identified as Special landscape Areas and these need to be protected through the Local Plan policies.

Local Plan Policy NE1

7) Existing woodland and trees of amenity value and nature conservation value are protected, and an increase in tree cover will be sought in appropriate locations in line with the Borough Council's Tree Strategy.

13) All development proposals, through the careful, sensitive character, distinctiveness and quality of the Borough's landscape is protected and, where appropriate, enhanced. Any development within the Special Landscape Areas as defined on the Policies map or which will have a visual impact on those areas will be required to demonstrate that they are in keeping with the area and will not have an adverse impact on the area's landscape character.

The two western woodland residential parcels of the proposed development are located in their entirety in a designed Local Wildlife Site. Wynyard serves as a reservoir and an oasis for wildlife in the Borough. Any further damage to the environment of the Wynyard estate through increased loss of tree cover will be detrimental to the ecology of the entire area.

It is incredible that one should be presented, at this time of global warming when we should be seeking to increase woodland planting, with an application seeking to profit from the destruction of a woodland landscape. There is surely more than

enough land already destined to be built upon the former Wynyard estate, including that formerly allocated for business/industrial use.

The Rural Neighbourhood Plan Group are further concerned that as development at Wynyard continues the negative impact on the rural area from increasing traffic, particularly along the A689 corridor grows worse with no remedial measures. In particular the village of Newton Bewley, where the residents suffer a deteriorating living environment due an already extremely busy A689 dual carriageway cutting the community in half, requires improvements that will alleviate unacceptable conditions. Improvements are also needed to village approach roads and junctions along the A689. Appropriate measures need to be taken in consultation with the relevant Parish Council to discourage traffic from any new developments from using minor roads through the villages. Measures are also required to promote good driver behaviour, such as speed cameras. All must be designed, as far as possible to be in keeping with the rural settings.

Government advice states Local Plan policies provide an important framework to guide development proposals and aid decision-making for garden communities. Wynyard appears to be using Garden Village status to negate Local Plan Policies. The early engagement with the Community is also flawed – only 86 responses to a consultation and failure to consult Elwick Parish Council or the Rural Neighbourhood Plan Group whose areas include part of the Garden Village area.

The Rural Neighbourhood Plan Group, in support of the Local Plan and the future quality of environment of the Borough, object to this application.

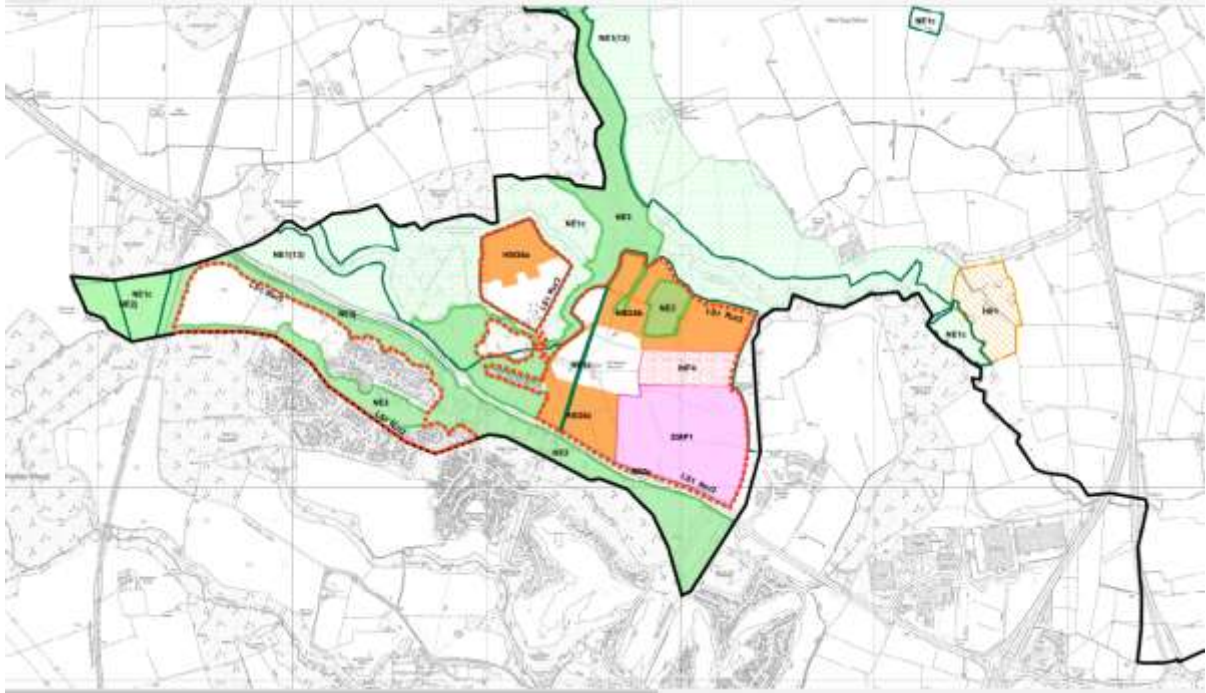
PLANNING POLICY

HARTLEPOOL LOCAL PLAN (ADOPTED MAY 2018)

1.10 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
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG6	Wynyard Housing Developments
HSG9	Affordable Housing
RUR1	Development in the Rural Area

RUR2	New Dwellings outside of development limits
HE1	Heritage assets
HE2	Archaeology
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green wedges



HARTLEPOOL RURAL AREA NEIGHBOURHOOD PLAN

1.11 The proposal is not within the Hartlepool Rural Plan area.

WYNYARD NEIGHBOURHOOD PLAN

1.12 The Wynyard Neighbourhood Plan was drafted prior to 2020 and to date has not been amended and publically consulted upon. The Wynyard Neighbourhood Plan, holds no weight with regard to decision making for this proposal.

ADOPTED TEES VALLEY MINERALS AND WASTE DPD (2011)

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

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

Policy	Subject
MWP1	Waste Audits

1.15 A site waste audit has not been submitted with the application. Planning Policy request that one be submitted prior to determination or that the application be conditioned so that an audit is received prior to commencement of development.

RELEVANT SPDs AND OTHER DOCUMENTS**Wynyard Masterplan (2019)**

1.16 Local plan policy HSG6 requires that development at Wynyard should be in accordance with an approved masterplan. A masterplan was produced and endorsed in November 2019 and is currently a material planning consideration. Albeit, it holds less weight than the local plan policy/s managing the allocations within the Wynyard Area.

1.17 The masterplan delineates the Wynyard Park Green Wedge and archaeological mitigation area to be the same as that set out on the local plan policies map.



Green infrastructure SPD and Action Plan 2020

1.18 Green Infrastructure is important for the people who live, work in and visit the borough, and is also critical for a multitude of species which are present and are at risk of displacement due to development.

1.19 The council's Green Infrastructure Supplementary Planning Document (SPD) is split into two documents; the SPD itself and the accompanying Action Plan. This document provides information regarding the importance of Green Infrastructure (GI) within the borough and details the council's GI vision and what GI can be found within the borough, highlighting where there are any gaps which need to be addressed. The Action Plan builds upon this, setting out specifically where improvements are needed to enhance the GI network within the borough.

1.20 With regards to Wynyard the green wedge at helps to provide an attractive setting for the housing at Wynyard. It provides green space with some tree planting, which provides recreational space including for dog walking. The SPD links to the Wynyard masterplan and advises that The Wynyard Masterplan sets out a green network within the area which will be delivered by developments as they come forward, this green network includes the green wedge.

Residential Design SPD (2019)

Residential Design SPD (2019)

1.21 The Residential Design (SPD) sets out the Council's design aspirations for new residential development. The SPD contains guidance and best practice relating to several aspects of design including space standards, density, local distinctiveness, accessibility, safety and energy efficiency.

1.22 The SPD was created to act as a tool for developers, offices and decision makers in a bid to drive up design standards and move away from creating generic "anywhere estates" that can lack identity. The SPD is a material consideration when

determining planning applications and Planning Policy will have regard to the SPD while assessing the design of the proposal.

Planning Obligations SPD (2015)

1.23 The SPD provides parties with information and guidance concerning the local authority's approach towards securing planning obligations associated with development within the borough. New development often puts pressure on already over-stretched infrastructure and it is generally expected that developers will mitigate or compensate for the impact of their proposals by way of 'Planning Obligations' which will be used to address community and infrastructure needs associated with development.

1.24 Planning Policy have set out below what planning obligations should be secured to ensure that any future residents have the option to live a more sustainable life.

Wynyard Garden Village bid (2020)

1.25 In January 2020 a Wynyard Garden Village was announced at Wynyard. The bid that was submitted and successful, secures funding to investigate infrastructure requirements that will be required for expansion at Wynyard North and to support the production of evidence that will help inform the next iteration of the Hartlepool Local Plan.

1.26 The Wynyard Garden Village bid supporting documentation delineates the green wedge to be the same as that in the 2018 Hartlepool Local Plan. The bid submission draws no reference to historical assets within the Wynyard area.

1.27 Notwithstanding the above, Planning Policy are of the view that the Wynyard Garden Village bid submission and announcement is a not a material planning consideration and has not been factored into this response.

Wynyard vision consultation (2022)

1.28 Planning Policy note that in March 2022 Wynyard Park consulted upon a vision for the Wynyard Park area. The findings of the consultation and the Vision document were presented to Neighbourhood Services Committee for information on 24th March 2022. Legal opinion which was sought in late 2021 confirmed that the Vision document holds no weight in the decision making process.

1.29 Although the garden village bid, consultation & Vision document cannot be relied upon to determine this application, it is prudent to note that in the interests of transparency and community engagement it is beneficial when information is released that material is aligned i.e. this application would have been better placed if aligned with the recent consultation to prevent causing resident confusion and frustration. Planning Policy would advise that a strategic approach, showing the infrastructure and community facilities which will support the housing growth (both inside and outside the red line boundary) at Wynyard is the best approach and that ad hoc proposals should be avoided.

Summary of local policy framework

1.30 Planning Policy are of the view that the Hartlepool Local Plan, the aforementioned SPDs and the 2019 Wynyard Masterplan and should be considered when determining this application. As advised by Counsel, no weight can be afforded to the Vision Document.

NATIONAL PLANNING POLICY FRAMEWORK

1.31 The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires Local Planning Authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

1.32 The NPPF does not change the statutory status of the development plan as the starting point for decision making.

1.33 The following paragraphs in the 2023 NPPF are relevant to this proposal:

Para	Subject
001	NPPF sets out the governments planning policies
002	Determination in accordance with the development plan
003	The NPPF should be read as a whole
007	Achieving sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	The presumption in favour of sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
038	Decision making in a positive way
047	Determining applications in accordance with the development plan
055	Use of conditions or planning obligations
056	Planning conditions should be kept to a minimum
057	Planning obligation tests
058	Obligations in a plan should be viable

060	Significantly boost the supply of homes
064	Affordable housing in designated rural areas
065	Major development and affordable housing
069	Small and medium size sites make an important contribution
075	5 year housing land supply
078	Planning decision should be responsive to local circumstances in rural areas
092	Promoting healthy and safe communities
093	Community Facilities
095	Sufficient choice of school places should be available to meet the needs of existing and new communities
098	Access to a network of high quality open spaces and opportunities for sport and physical activity
100	Protect and enhance public rights of way and access
104	Considering transport issues from an early stage
106	Promoting sustainable transport
110	Promoting sustainable transport
112	Promoting sustainable transport
124	Achieving appropriate densities
126	Achieving well-designed places
130	Achieving well-designed places
131	Trees and development
132	Design quality throughout the evolution of development
134	Permission should be refused for development of poor design
135	Development is not materially diminished by subsequent permissions
152	New development should support the transition to a low carbon future
154	New development should address climate change
157	Decentralised energy and energy efficiency
167	Ensuring flood risk does not occur elsewhere
169	Major development should incorporate SUDS
174	Planning policies and decisions should contribute to and enhance the natural and local environment
180	Avoiding harm to biodiversity
183	Considering ground conditions
185	Impacts of pollution on health, living conditions and the natural environment, and the potential sensitivity of the site or the wider area

CONSIDERATION OF THE PROPOSAL

Original submission for 1400 dwellings



Amended submission for 1200 dwellings.



1.34 Planning Policy are aware that numerous plans have been submitted to delineate infrastructure provisions.

1.35 Planning Policy shall comment further on the infrastructure requirements later in this paper.

1.36 The 2018 local plan allocated land for approximately 732 dwellings to land north of the A689 in three key areas, HSG6 a, b and c. The infrastructure requirements in the area were predicated on the anticipated quantum of development in the area. To date 630 units have been approved across the three allocations thus there is a remainder of 102 planned units still to be delivered.

1.37 Area D is on land that is not allocated for housing within the 2018 Local Plan or 2019 Masterplan and provides an additional 1098 units that have not been strategically planned for via the LP and its associated delivery documents.

1.38 Other applications for housing have been approved at Wynyard but they have been to the south of the A689 or on white land and not included within the planned 732 dwellings and its associated infrastructure requirements. It should be noted that these additional units must be accounted for when considering the delivery of the highway works at the A19/A689 as, along with the permissions above, they take the quantum of development nearly to the limit of what can be approved/built before the highway improvements must be delivered and operational.

Principle of development – Local Plan INF4 area and yellow area page 44 of the 2019 masterplan

1.39 The Hartlepool Local Plan policy HSG6 sets out that a total of 8.9ha of land will be set aside adjacent to the housing land, and allocated under Policy INF4 (Community Facilities), for vital infrastructure facilities. The facilities should include a local centre with retail provision, health facilities, leisure facilities, a primary school with associated playing pitch and accessible changing facility. The area should also allow for playing pitch provision capable of catering for adult football matches with associated changing facilities and a play area and other play facilities included the provision of a multi-use games area and facilities which cater for older children. Policy HSG6 advises that alternative uses, including housing, will only be considered on land covered by policy INF4 once all of the community facilities considered necessary to form a sustainable community have been delivered. The provision of the local centre with the associated facilities in the centralised location assisted in securing the Wynyard allocations within the 2018 local plan.

1.40 During the evolution of the Masterplan and the processing of application H/2019/0226 (Barratts) the location of the local centre was reconsidered. HBC approved application H/2019/0226 for 243 units and relocated the local centre to the east of the WP development area and delineated this in the 2019 Masterplan. Planning Policy consider that the position of the local centre as delineated on the 2019 Masterplan is the location that HBC envisage the new local centre being located.

1.41 Planning Policy note that the proposed housing in site D that is north of the key link road running through site D is on allocated land for the community facilities (INF4 land), this land is allocated via policy HSG6 and delineated on the 2018 Policies map.

1.42 The 2019 Masterplan shows an area marked A in orange, this area was earmarked for an education hub. Land to the north of the orange area A is earmarked as a site for formal recreation/playing fields.

Primary Education

1.43 Planning application H/2019/0226 secured land for a primary school, the land is shown as INF4 land on the 2018 policies map and land for playing pitches on the 2019 Masterplan. It is accepted that the school will be located to the north of the INF4 land and will be to the south of the Green Corridor North but that the land to the south of the school must now be development for formal recreational space and playing fields.

1.44 Planning Policy are satisfied that sufficient land will be secured to provide for the anticipated number of primary school children. The applicant has agreed to reserve land that would allow the expansion of the planned two-form entry primary school to a three form entry primary school should the need arise. If the need does not arise then the additional land will be safeguarded as open space. Planning Policy trust that the land will be secured in a legal agreement.

Sports Hub

1.45 Planning Policy note that the applicant proposed to create a formal sports area that will comprise 3G pitch, a full size adult grass pitch, storage facilities, flood lighting, changing facilities and car parking. Planning Policy support the inclusion of such infrastructure and trust that the infrastructure will be secured in a legal agreement.

1.46 Planning Policy and HBC sports and recreation are of the view that informal play space should also be provided and the facility deemed most appropriate is a Multi-Use Games Area (MUGA). In lieu of a MUGA the applicant proposed a fenced off grass area (kick around area) that can be used on an informal basis for ball game and other free play activities.

1.47 Although the proposed does not include a MUGA, Planning Policy are satisfied that overall the proposal provides meaningful areas of a sufficient size to allow residents to partake in sporting activity.

Local centre

1.48 Planning Policy requested that land for a local centre, as shown on page 44 of the 2019 masterplan should be secured. The applicant considered that a local centre of the size shown in the masterplan is not necessary for the anticipated number of residents. The applicant considered that residents have sufficient options to access commercial uses in the proposed Stockton local centre (north A689), to the immediate east of this application site, the proposed local centre south of the A689 in Stockton and the existing local centre south of the A689. In addition the applicant considers that the commercial area ear marked for a public house and hotel will be an area that provides local service and facilities.

1.49 The applicant considers that the proposed local centre to the east of this site within Stockton is in sufficient walking distance to a significant number of the proposed dwellings.

1.50 In a bid to ensure that all anticipated dwellings are within 15 minutes of a local service and facility the applicant proposed to create additional commercial space to the east of the existing pub and hotel site. The applicant proposed 500 metres squared of floor space, parking and servicing space.

1.51 Planning Policy welcome the provision of the commercial space and although it is not of a size that was originally envisaged within the local plan and masterplan when considering the application as a whole Planning Policy do not feel justified objection to this application based on this matter.

Green wedge north (phase 2)

1.52 Local Plan policy HSG6 and policy NE3 identifies an area of land that should be delivered as a green wedge, the area of land is delineated on the local plan policies map.

1.53 The applicant has put forward that they do not wish to deliver phase 2 of the green wedge and contend that there is sufficient green space and provision for physical activity across all Wynyard Park sites. In addition the applicant has put forward that they will improve an area of open space opposite Musgrave Garden Lane, the applicant considers the improvements will provide real options for accessing open space, area along with being able to sit and enjoy the area, benefit from additional tree planting and take in local information via an interpretation board.

1.54 In the first instance Planning Policy consider that if phase 2 of the northern green wedge, as delineated on the proposals map, is not delivered then the proposal does not fully accord with Local Plan policies HSG6 and NE3.

1.55 Planning Policy note that the area is not earmarked for housing development and thus will not be built upon. Planning Policy still envisage phase 2 being delivered and will look to investigate how this can happen in the future. In addition should an application for that parcel of land be submitted for any other use the policy stipulations are strict that only green uses may be permitted on that land.

1.56 The applicant has offered to improve green infrastructure in another location and Planning Policy welcome that. Although this improvement is not to the size of phase 2 of the green wedge it is a positive element of the scheme and the decision maker must consider the negative impact of the proposal with regards to not delivering phase 2 of the green wedge along with positive elements of the scheme and come to a balanced view.

Housing land supply

1.57 The 2018 local plan allocates sufficient land within the urban limits, Wynyard and the villages of Elwick and Hart for housing growth over the next 15 years.

1.58 Planning Policy are currently of the view that the authority can demonstrate a five year housing land supply for the period 1st April 2020 to 31st March 2025. When considering NPPF paragraph 11, Planning Policy are of the view that the housing

policies within the local plan are not out of date and that in accordance with NPPF paragraph 11 (d) (ii) it is not necessary to assess the application with regards to if the adverse impact of refusing the application would significantly and demonstrably outweigh the benefits of the proposal.

1.59 An updated five year land supply paper is due to be published late summer/early autumn. On site housing monitoring has showed a healthy picture with regards to housing delivery and early assessments indicate that the council can demonstrate a five year housing land supply.

1.60 Planning Policy are of the view that the policies within the local plan should be used as a basis to determine this application.

1.61 Notwithstanding the above, the matter regarding the five year housing land supply is likely to be a moot point. If this application is approved in a bid to ensure homes are delivered within the next five years and the application is conditioned to ensure a start and delivery of such homes within the next five years then such a condition is likely to be unachievable. This is because it is likely that the homes could not be delivered within the next five years as significant highway infrastructure improvements are required prior to the homes being delivered. This infrastructure has yet to commence, planning applications have yet to be submitted and thus achieving planning approval and completion of the infrastructure is highly unlikely within the next 5 years. It is more likely that any housing associated with this proposal would come forward after five years and thus the five year supply matter is moot.

Principle of development - beyond development limits

1.62 Application is located within the limits to development and thus this area of concern is no longer applicable.

Principle of development – loss of employment land

1.63 A large part of the application is for housing on allocated employment land (Policy EMP1). The 2018 local plan was based on economic growth with job creation assisting in determining the overall housing need for the borough. Wynyard Business Park is the most prestigious area of employment land within the borough and this allocation was made with the hope of attracting high skilled employment with a high earning capacity that could purchase homes within the higher end of the market in the borough. The Employment allocations in the local plan were reached based on evidence from a borough wide Employment Land Review (ELR).

1.64 Planning Policy note that the economic development manager has reviewed updated evidence submitted by the applicant and has considered events that have happened since the 2014 employment land review. Although the economic development manager could not say with certainty that the employment allocation at Wynyard would not be required, the economic development manager did not object to the proposal and it was considered that the loss of the employment land should be factored into the balancing exercise when determining the application.

1.65 In light of the information submitted, discussions with the economic development manager and the economic development manager's final comment,

Planning Policy consider echo the view that the loss of the employment land should be factored into the balancing exercise when determining the application.

Principle of development - conclusion

1.66 Planning Policy support the proposal as a whole. The site is within the limits to development in an identified growth area within the 2018 local plan. It is noted that large parts of the application propose residential development on an area designated for prestigious employment land, however Planning Policy are aware that the evidence base relating to this land allocations is from 2014 and that significant changes in that sector have changed and therefore it is likely the case that the loss of the employment land in this location is acceptable and will not hinder the economic growth of the borough.

1.67 The proposal seeks to provide significant infrastructure and contribution to infrastructure that as a whole seeks to ensure that Wynyard developers in a sustainable manner.

Other key considerations that impact upon application suitability.

Highway matters

1.68 Planning Policy are aware that matters regarding the highway infrastructure are complicated at Wynyard and that significant infrastructure improvements are required prior to further significant growth at Wynyard (trigger being 2,263 dwellings across the identified allocated sites and committed development sites identified within the Vissim modelling which supported both the Hartlepool and Stockton Local Plans).

1.69 Planning Policy note that National Highways have advised that none of the proposed development can come forward before the improvements to the A19/A689 junction have been complete.

1.70 HBC Highways – Planning Policy note that HBC highways have not objected to the application providing that the require mitigation measures are secured.

1.71 Planning Policy note the objection raised by Stockton Borough Council (Highway, Transport and Design Manager). “The TA also states that the proposals, which form part of the wider Wynyard Park Development, are no longer subject to a cap at 2,088 dwellings as the Road Safety Audit for the A19 / A689 junction improvements has now been signed off. This statement is factually incorrect and any housing over and above the cap of 2,088 dwellings is subject to the A19 / A689 improvement works being completed”.

1.72 SBC advise that should the development be recommended for approval a Grampian condition should be imposed preventing any dwelling from being occupied until the required improvement works along the A689 road corridor including the improvements at the A689 / A19 interchange are complete.

Sustainable transport

1.73 Planning Policy requested that the WP shuttle bus continued in perpetuity, discussions took place with the applicant in which the applicant considered that the

passenger numbers for the existing WP shuttle bus were low and that the request for a shuttle bus was unjustified. It was discussed that as the population increases the number of passengers may also increase. The applicant put forward that the Tees Flex is a sustainable mode of transport that allows residents to gain services and facilities beyond Wynyard. Planning Policy are aware the Tees Flex service is supported by the Tees Valley Combined Authority and will run for approximately 18 months. No guarantee is in place to ensure that the Tees Flex operates beyond the current time period and so the decision maker must consider that if this proposal is approved then once development commences it may be the case that there is no public transport provision.

1.74 Planning Policy understand that the Tees Flex has been in operation for a number of years and given the service offers transport to many areas across Teesside and that the provision of sustainable transport options is an objective for the current Tees Valley Mayor and in fact all political parties, Planning Policy do envisage that the service will continue beyond the current time period.

1.75 In discussion with Wynyard Parish Council and residents Planning Policy are of the view that the Tees Flex is not as widely used as could be and that the service requires patrons to be tech savvy in order to book. To assist in increasing passenger numbers and the applicant has agreed to holding information sharing events at a time and location demand most appropriate. Planning Policy welcome this and will work with the applicant in due course to assist in ensuring these events are well attended.

Ecology (biodiversity mitigation)

1.76 Planning Policy is aware that HBC Ecologists are engaged with the application on ecology matters and subject to a financial contribution of £100 per dwelling then appropriate mitigation measures can be provided within the borough.

House types

1.77 Planning Policy expect to see a range of house types across all sites with a minimum of 18% affordable homes being delivered on site, 70% of which are to be for the affordable rental market and 30% for intermediate tenure.

Design and layout considerations

1.78 Planning Policy note that 1200 dwellings are proposed, this includes 369 retirement units and apartments to the east of the site. Based on the indicative plans it is considered that the anticipated maximum number of units could be located on the site but Planning Policy are aware that the detail regarding where each unit is to be located will be discussed and agreed at reserved matters stage and thus do not wish to comment further on this matter.

Planning obligations

1.79 Should an application be approved then infrastructure mitigation should be secured via section 106 legal agreement and condition as appropriate.

1.80 Within the wider Wynyard area, and identified throughout the Hartlepool Local Plan and Wynyard Masterplan, there is a variety of infrastructure which is required in

order to make the development sustainable and provide facilities to the local residents. In the Wynyard Masterplan Appendix 1 (Infrastructure Delivery Plan) and Appendix 2 (Infrastructure Delivery Schedule) set out what infrastructure is required across the Wynyard area to make Wynyard into a sustainable community.

1.81 The applications already approved equates to 630 units out of the 732 units. The 630 units did not achieve all of the requirement within the masterplan and therefore the remaining 102 units on the allocated sites HSG6 a, b and c and areas on white land that were minded to approve, should safeguard land and provide the infrastructure as required and as set out in the 2019 Masterplan.

1.82 Planning Policy are aware that an application (H/2022/0255, Duchy 2) is pending consideration. H/2022/0255 is located on 'white land within the policies map and the anticipated quantum of development on the white land at Wynyard was factored into the infrastructure requirements for the Local Plan.

1.83 In the first instance it is application H/2022/0255 that should secure the infrastructure associated with the Local Plan allocations (including the white land area) and three key infrastructure requirements that are yet to be secured for delivery are:

- The sports hub
- The local centre and
- The northern element (phase 2) of the green corridor.

1.84 Planning Policy consider it to be essential that this essential infrastructure either forms part of, or is otherwise secured by, these two pending applications.

The below has been agreed by the applicant and Planning Policy and Planning Policy trust a legal agreement will ensure the infrastructure and/or sum of money is provided.

Affordable housing - 18% across the whole site is 216 units and £0 financial obligation.

Primary education - Additional land for a three form entry primary school if the need arises. If the need does not arise then the additional land will be safeguarded as open space.

Primary education - Financial contribution of £2,417,605.15.

Secondary Education - There is also a requirement for the developer to pay a financial contribution of £1,605,512.70 towards secondary education.

School transport - Financial contribution £150,000.

Local centre – 500 metres squared of commercial floor space, with parking and servicing to the east of the pub and hotel site used for a variety of uses.

Public open space opposite Musgrave Garden Lane (MGL) - Additional walking links in and around the POS opposite MGL along with dropped kerbs, tree planting, and seating and interpretation material.

Play – Play equipment on site D.

Sports hub - Land to accommodate a Sports Hub (3G pitch, adult size grass pitch, changing facilities, parking and storage).

Kick around pitch - A fenced off grass area to be located in the southern element of the green wedge north and to be used for informal play and maintained by WP.

East to west footway/cycleway – A contribution of £992 per dwelling.

Castle Eden Walkway - £250 per dwelling towards providing/upgrading/maintaining links to the Castle Eden Walkway.

Woodland Footpath Connections - Deliver and maintain the on-site footpaths which are set out within the Woodland Footpath Strategy, this should also ensure there are linkages through Wynyard Park.

Tees Flex promotion - Five promotional events over a two year period.

Built sports - Financial contribution of £250 per dwelling.

Tennis - Financial contribution of £57.03 per dwelling for tennis provision within the borough

Bowling greens - Financial contribution of £4.97 per dwelling for bowling facilities in the borough

Ecology (SPA (costal) mitigation) - Financial contribution of £250 per dwelling for

Ecology (biodiversity mitigation) - Financial contribution of £100 per dwelling.

Highways - Financial contribution of £490 per dwelling for highway infrastructure/Highways works

NHS contribution - Financial contribution of 579,600 (£483 per dwelling)

On site renewable energy - 10% of the anticipated energy demand from renewable sources.

Infrastructure provision requested but not secured.

Secondary Education - please see e mail sent to case officer on 25th October 2023.

PLANNING CONSIDERATIONS

1.85 This planning application is submitted in outline only with all matters reserved except access. An application for outline planning permission allows for a decision on the general principles of how a site can be developed. The other matters which are reserved for subsequent approval and therefore are not for detailed consideration now are appearance, landscaping, layout and scale.

PRINCIPLE OF DEVELOPMENT

1.86. Planning law requires that applications be determined in accordance with development plan unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

1.87 Paragraph 73 of NPPF advises that the supply of large numbers of new homes can often best be achieved through planning for larger scale development, such as a new settlement or significant extensions to existing villages and towns, provided they are well located and designed and supported by the necessary infrastructure and facilities.

1.88 The Hartlepool Borough Local Plan was adopted in 2018. Policy LS1 identifies Wynyard as a location for new housing development. Policy HSG6 sets out specific housing allocations at Wynyard and allocates land for 732 new dwellings. Sites HSG6a (known as the Pentagon) is being built out, HSG6b (land north of Duchy) also has planning permission for residential development. In addition construction is also underway on site HSG6c (known as Countryside) and to the north on a site known as Barratt's.

1.89 The Local Plan allocated land for 732 dwellings at Wynyard. So far 630 units have been approved, which leaves 102 dwellings still to be delivered.

1.90 Area D is on land that is not allocated for housing within the 2018 Local Plan or 2019 Masterplan and provides an additional 1,098 units that have not been strategically planned for via the Local Plan and its associated delivery documents.

1.91 The application is a departure from the Local Plan and has been advertised as such. However just because it is a departure, it does not automatically follow that it should be refused, as the application must still be considered in the planning balance, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

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

1.93 Policy INF4 seeks to ensure that all sections of the local a community have access to a range of community facilities that meet education, social, leisure/recreation and health needs of the borough. Under policy HSG6, it states that a total of 8.9ha of land will be set aside adjacent to the housing land for vital infrastructure such as a local centre, a one form entry primary school with associated

playing pitches, accessible changing facilities and associated community use agreement, playing pitch provision, play facilities and a multi-use games area.

1.94 Policy HSG6(9) states that development is to accord an approved masterplan. The Wynyard Masterplan was approved by the Council in 2019. However, it has not been subject of a formal adoption process and therefore it does not have the full weight of a Development Plan Document (DPD). Notwithstanding this the Wynyard Masterplan itself acknowledges that it should not be seen as a rigid blueprint for development and design, but rather a document that sets out the context and development principles within which individual projects come forward. Its purpose is to demonstrate how the allocations in the Local Plan can be built out in a way that creates a sustainable community. This proposal goes beyond the amount of development initially envisaged in the Wynyard Masterplan, but just because it goes beyond that it does not necessarily mean it is harmful.

1.95 During the evolution of the Masterplan and the processing of application H/2019/0226 (Barratts) the location of the local centre was reconsidered. HBC approved application H/2019/0226 for 243 units and relocated the local centre to the east of the Wynyard Park development area and delineated this in the 2019 Masterplan. Planning Policy consider that the position of the local centre as delineated on the 2019 Masterplan, is the location that HBC envisage the new local centre being located.

1.96 Planning Policy note that the proposed housing in site D that is north of the key link road running through site D is on allocated land for the community facilities (INF4 land), this land is allocated via policy HSG6 and delineated on the 2018 Policies map.

1.97 The 2019 Masterplan shows an area marked A in orange, this area was earmarked for an education hub. Land to the north of the orange area A is earmarked as a site for formal recreation/playing fields.

1.98 Planning application H/2019/0226 secured land for a primary school, the land is shown as INF4 land on the 2018 policies map and land for playing pitches on the 2019 Masterplan. It is accepted that the school will be located to the north of the INF4 land and will be to the south of the Green Corridor North, but that the land to the south of the school must now be development for formal recreational space and playing fields.

1.99 Planning Policy are satisfied that sufficient land will be secured to provide for the anticipated number of primary school children. The applicant has agreed to reserve land for a three form entry primary school should the need arise in the future. If the need does not arise then the additional land will be safeguarded as open space. Planning Policy trust that the land will be secured in a legal agreement.

1.100 The applicant proposes to create a formal sports area that will comprise 3G pitch, a full size adult grass pitch, storage facilities, flood lighting, changing facilities and car parking. This can be secured in a legal agreement. Sport England object as they remain unconvinced that the necessary separation distances between the sports facilities and the housing can be achieved. The Council's Participation and Strategy Manager shares Sport England's concerns regarding separation distances

However, this is a detailed layout matter and can be dealt with in terms of the reserve matters.

1.101 Planning Policy and HBC sports and recreation are of the view that informal play space should also be provided and the facility deemed most appropriate is a Multi-Use Games Area (MUGA). In lieu of a MUGA the applicant proposed a fenced off grass area (kick around area) that can be used on an informal basis for ball game and other free play activities.

1.102 Although the proposed does not include a MUGA, Planning Policy are satisfied that overall the proposal provides meaningful areas of a sufficient size to allow residents to partake in sporting activity. On balance, this is considered to be acceptable.

1.103 Planning Policy requested that land for a local centre, as shown on page 44 of the 2019 masterplan should be secured. The applicant considered that a local centre of the size shown in the masterplan is not necessary for the anticipated number of residents. The applicant considered that residents have sufficient options to access commercial uses in the proposed Stockton local centre (north A689), to the immediate east of this application site, the proposed local centre south of the A689 in Stockton and the existing local centre south of the A689. In addition the applicant considers that the commercial area earmarked for a public house and hotel will be an area that provides local services and facilities.

1.104 The applicant considers that the proposed local centre to the east of this site within Stockton is in sufficient walking distance to a significant number of the proposed dwellings.

1.105 In a bid to ensure that all anticipated dwellings are within 15 minutes of a local services and facilities the applicant proposed to create additional commercial space to the east of the existing pub and hotel site. The applicant proposed 500 metres squared of floor space, parking and servicing space.

1.106 Planning Policy welcome the provision of the commercial space and although it is not of a size that was originally envisaged within the local plan and Masterplan when considering the application as a whole Planning Policy do not feel justified objection to this application based on this matter. Overall given that local facilities will be within a 15 minute walking distance for residents, this is considered to be acceptable and represent sustainable development.

1.107 Local Plan policy HSG6 and policy NE3 identifies an area of land that should be delivered as a green wedge, the area of land is delineated on the Local Plan Policies Map.

1.108 The applicant does not wish to deliver phase 2 of the green wedge as they do not own it and contend that there is sufficient green space and provision for physical activity across all Wynyard Park sites. In addition the applicant says that they will improve an area of open space opposite Musgrave Garden Lane, the applicant considers the improvements will provide real options for accessing open space, area

along with being able to sit and enjoy the area, benefit from additional tree planting and take in local information via an interpretation board.

1.109 In the first instance Planning Policy consider that if phase 2 of the northern green wedge, as delineated on the proposals map, is not delivered then the proposal does not fully accord with Local Plan policies HSG6 and NE3.

1.110 Planning Policy note that the area is not identified for housing development and thus will not be built upon. Planning Policy still envisage phase 2 being delivered and will look to investigate how this can happen in the future. In addition should an application for that parcel of land be submitted for any other use the policy stipulations are strict that only green uses may be permitted on that land.

1.111 The applicant has offered to improve green infrastructure in another location and Planning Policy welcome that. Although this improvement is not to the size of phase 2 of the green wedge it is a positive element of the scheme and the decision maker must consider the negative impact of the proposal with regards to not delivering phase 2 of the green wedge along with positive elements of the scheme and come to a balanced view.

1.112 Planning Policy support the proposal as a whole. The site is within the limits of development in an identified growth area within the Local Plan. The proposal seeks to provide significant infrastructure and contributions that will help make Wynyard sustainable in planning terms. Therefore on balance, the proposal in principle is considered to be acceptable.

5-YEAR HOUSING LAND SUPPLY

1.113 Paragraph 74 of NPPF requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for land.

1.114 The Council's last published position (April 2020) states that there is a 5.3 year supply of deliverable housing land. The parts of the application site that are not allocated for housing are not part of the five year housing land supply and would be a windfall site. However, it is important to note that the requirement to maintain a five-year supply of deliverable housing land is a minimum and not a maximum. Further planning permissions can be granted that further add to the range and choice of housing.

1.115 The applicant states that some sites which are key contributors to the demonstration of a 5-year housing land supply are failing to deliver as projected which has severe implications in that the Council cannot demonstrate a 5-year housing land supply. Planning Policy are of the opinion that given the nature of the highway works that would be required that the housing is unlikely to come forward within the first five years anyway and therefore would not help the Council towards its 5-year housing land supply target. However, it does no harm in terms of 5-year supply and although it may not be achievable within the first five years, it does

ensure a longer term supply of housing that would count towards the Council's 5-year supply target in the future.

LOSS OF EMPLOYMENT LAND

1.116 Paragraph 029 of NPPG emphasises the importance of considering recent employment land take-up and projections (based on past trends) and forecasts (based on future scenarios), and to identify instances where sites have been development or sought for specialist economic uses. This will help to provide an understanding of the underlying requirements for office, general business and distribution space.

1.117 The proposals would result in the loss of the remaining employment allocation of EMP1 which in total amounts to 35ha of prestige employment land. A 5% loss of the allocated site was considered acceptable under planning permission H/2019/0226 and therefore this would be departure from policy EMP1.

1.118 It is important to note that an application within Stockton-on-Tees Borough (20/2481/EIS) sought planning permission for the erection of a Storage and Distribution unit (Use Class B8 (to the north each of Wynyard Park). Construction is well underway and the unit will be occupied by Amazon providing a major source of employment (1,450 jobs) to the area and Boroughs of Hartlepool and Stockton-on-Tees.

1.119 The Employment Land Review (ELR) was undertaken in 2014. This site was considered to be complex in that review. The ELR Site Appraisal Criteria raises the following regarding the land in considering its suitability for future employment use, these being (1) the site was not being actively marketed as an employment site despite being formally identified for employment use for over 10 years, and (2) the site scores poorly against the ELR's 'sustainable development criteria with the document concluding that it would not be allocated for employment in 2015, having regard to the sustainability requirements of that time.

1.120 There have been a number of significant changes since the ELR was published in 2014. Hartlepool's economy has not grown as predicted. According to the Council's Economic Development Manager Covid-19 and the rise of hybrid working has undoubtedly had the biggest impact in a shift to working from a fixed office building to working from home or hot-desking from an office that has reduced in its overall size and how many employees work there at any one time.

1.121 The applicant argues that the site is no longer required for employment use, but the Council's Economic Development Manager says that the information submitted does not provide the level of analysis and detail required to accept the loss of 32.7 hectares of employment land.

1.122 The proposal would result in the loss of 32.7 hectares of employment land contrary to policy EMP1 of the Local Plan and this is a material consideration that weighs against the proposal.

NUTRIENT NEUTRALITY

1.123. Under Natural England's advice, projects should only be approved if they can guarantee that they will not add additional nitrates or phosphorous to protected areas that are already suffering from excessive nutrient pollution.

1.124 The applicant states that embedded mitigation will ensure that no additional nutrients which could impact on these sites will be released from the development.

1.125 Foul and surface water from this development will discharge to the Billingham Waste Water Treatment Works (WWTW) via a long sea outfall that discharges into the North Sea and outside of the Cleveland Coast SPA and Ramsar site and therefore this application can be screened out, as it will have no impact upon Nutrient Neutrality.

1.126 Natural England have been consulted and do not object.

BIODIVERSITY

1.127. The National Planning Policy Framework ("NPPF") seeks to provide net gains for biodiversity (paragraph 174(d)), secure measurable net gains for biodiversity (paragraph 179(b) and 180(d)). The Council's Local Plan seeks to enhance biodiversity through Policies NE1 and NE3.

1.128 The applicant has submitted a preliminary ecological assessment. There are no sites designated as a national or international level for nature conservation within the one of influence of the proposed development other than the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site, with the site catchment of the River Tees that drains into the site.

1.129 Development proposals will largely result in the loss of agricultural land with limited loss of hedgerow. Proposals include the provision of an areas of management within areas of retained woodland around the site, managing access as well as improving the quality of the habitats retained. The woodland, along with areas of habitat creation within the development area. Will be subject to a long-term management plan to maximise value to wildlife and will include targeted measures in relation to key species.

1.130 Local and national planning policy have a no net loss requirement. The applicant has agreed to financial contribution as a way to mitigate the impact of the development upon farmland birds off-site, which has been agreed with the Council's Ecologist. Subject to securing this contribution, the proposal would not have an adverse impact upon ecology and would accord with policies NE1 and NE3.

AGRICULTURAL LAND

1.131 Paragraph 174 of NPPF states that planning decisions should contribute and enhance the natural and local environment by amongst other matters recognising the intrinsic character and beauty of the countryside by amongst other matters the economic and other benefits of the best and most versatile agricultural land.

1.132 The best and most versatile agricultural land is grades 1, 2 and 3a.

1.133 The applicant has submitted an Agricultural Land Report. This states that of the 40 hectares of land that has been surveyed approximately 7 hectares is Grade 3a, which equates to 17%. However, this is not in one location and is unevenly distributed across wide areas of the site split across five disconnected parcels within Grade 3b agricultural land.

1.134 It is considered that the likelihood of the Grade 3a land coming back into agricultural use is very low given the disconnected nature of the land. However, it would result in the loss of some best and most versatile agricultural land and this would result in some harm, which needs to be considered as part of the overall planning balance.

TREES

1.135. Paragraph 131 of NPPF states, 'Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change.' It goes on to state that decisions should ensure that new trees are tree lined (unless in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate. Opportunities should be taken to incorporate trees elsewhere into development, secure measures to ensure long-term maintenance of newly planted trees and that existing trees are retained whenever possible.

1.136 The amended Arboricultural Impact Assessment (AIA) states that the proposed development would necessitate the removal of 32 individual trees, six groups of tree and sections of four other groups, five entire hedgerows and sections of two others.

1.337 The report acknowledges that from an arboricultural perspective the magnitude of the tree losses that would be necessary for the entire scheme is deemed to be high.

1.138 The proposals have been amended so that only the northernmost plots within Area 5 would be adjacent to the Ancient Woodland, but all outside of the 15m buffer zone. No ancient woodland would be lost.

1.139 The detailed layout and landscaping are reserve matters and not for consideration as part of the application. The Council's Arboriculturalist has been consulted and does not object subject to conditions. In the interests of tree protection, it is considered necessary to require the details of reserve matters to be accompanied by an Arboricultural Impact Assessment, Arboricultural Method Statement and a Tree Protection Plan.

LAYOUT

1.140 Layout is a reserve matter for future consideration. Layout means the way in which buildings, routes and open spaces within the development are provided,

situated and orientated in relation to each other and to buildings and spaces outside of the development.

1.141 Whilst in outline stage it is anticipated that the proposals would deliver a broad range of housing, including 2, 3, 4, and 5-bed homes.

1.142 Each parcel would have a distinctive character based upon its surroundings.

1.143 The indicative Masterplan shows how the site could be developed for up to 1,200 new homes. The overall density of the site would be approximately 27 dwelling per hectare, which is towards the higher end of the rest of Wynyard. An average suburban density is approximately 30 dwellings per hectare. It is not considered that a high density is necessarily harmful, it just depends on how it is designed. There are many villages that have a high density and still avoid having an adverse impact. There would be a range of densities within each development parcel ranging from 27 dwellings per hectare in Area 1 up to 114 dwellings per hectare in Area 4. Area 4 is a high density, but given it would be adjacent to the retirement village, which would also have a density 77 dwellings per hectare and the SuDS pond to the north, it is not considered that it would have an adverse impact.

1.143 The indicative layout accounts for existing residential properties to ensure that there would not be an unacceptable impact in terms of loss of privacy. Separation distances can be met across the site in line with Hartlepool's residential Design SPD, although this would be dealt with as a reserve matter.

SCALE

1.144 Scale is a reserve matter for future consideration. Scale means the height, width and length of each building proposed within the development in relation to its surroundings.

1.145 Building heights would vary between 2-3 storeys. There is a mixture of building heights and sizes on the rest of Wynyard and the proposal would broadly be in keeping with the scale of the rest of Wynyard and would avoid having an adverse impact.

APPEARANCE

1.146 Appearance is a reserve matter for future consideration. Appearance means the aspects of a building or place within the development which determined the visual impression the buildings or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

1.147 As this is an outline application the detailed appearance will be considered as part of the reserve matters stage. However, the proposal seeks to divide the site into three main character appears. These are described as Parkland, Central Park and Green Boulevard.

1.148 In the applicant's Design and Access Statement says that a fundamental principle of the design is to provide for a landscape dominant character. The

development embraces the woodland setting with distinctive character areas. The central areas of development also embraces the landscape character incorporating boulevard trees and open space to tie in with the existing character area of Wynyard Park.

1.149 Wynyard has a variety of styles from the traditional to the more modern and contemporary and it is considered that the proposal would fit in and complement the existing character of the area.

LANDSCAPING

1.150 Landscaping is a reserve matter for future consideration. Landscaping means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes amongst other matters the planting of trees, hedgerows, the laying out or provisions of gardens, courts, squares water features, sculpture or public art and the provision of other amenity features.

1.151 In terms of ecological designations, Close Woods Complex (Local Wildlife Site) is designated for its areas of Ancient Replanted and Ancient Semi-Natural Woodland, as well as its birdlife and butterflies.

1.152 Extensive areas of woodland surrounding the proposed development is defined as 5Ancient Woodland, some of which is semi-natural and some of which is replanted. Ancient woodland is also present along the banks of Close Beck and abuts the northern boundary. The proposal has been amended, so it does not involve the loss of any ancient woodland.

1.153 The site lies within National Character Area (NCA) 23: Tees Lowland and within a Local Landscape Character Area: Lowland Plain.

1.154 The applicant states that the proposal would result in a moderate magnitude of change at worst on the site character, but minor or neutral in terms of magnitude of change on the Landscape Character Areas.

ACCESS

1.155. Access has not been reserved and is for consideration as part of this application. Access, means the accessibility to and within the site, for vehicles, cycle and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network;

1.156 National Highways consider that the Framework Travel Plan contains deficiencies, however they consider that these can be overcome by the submission of a detailed Travel Plan. This can be secured by a condition.

1.157 National Highways go on to state that impact on the A19(T)/A689 Junction has only been demonstrated to be acceptable with the inclusion of both strategic and local road network mitigation.

1.158 The Council's Traffic and Transportation Team do not object subject to conditions. They say that without mitigation the proposed development will have a significant impact on The Meadows/ A689 Hartlepool Road/ The Wynd roundabout with junction modelling showing there would be severe queues on this roundabout in the am and pm peak. It is proposed to introduce an improvement scheme which will allow A689 east and westbound traffic to run at the same time. These proposals have been assessed by the Council's traffic signal providers and are considered to be acceptable and will allow the junctions to operate within capacity.

1.159 Junction modelling has also been carried out on several more junctions along the A689 corridor which are located within Stockton-On-Tees Council's administrative boundaries which already have proposed mitigation schemes which when implemented will allow the development to proceed without traffic queuing on both the local road and trunk network becoming excessive.

1.160 Stockton-On-Tees Borough Council object. However their objection was received on the 8th July 2023. The applicant has carried out the further junction modelling that they requested. They have been re-consulted, but have not responded.

1.161 The Council's Countryside Access Officer states that there is a great need to improve the countryside access with existing and permissive rights of way, walkways and National Cycle Routes. He has no objections subject to S106 contributions towards improving access.

1.162 Vehicular access to Parcel C could be via The Meadows roundabout and along the northern spine road. Phase 1 and 2 of the spine road have been approved and Parcel C would facilitate its completion. The access point has been designed to provide a 5.5m highways with 2m wide footways on both sides.

1.163 Parcel D would facilitate the delivery of the Primary Arterial Road, which would provide an east-west link across Wynyard Park, linking The Meadows roundabout with the Hanzard Drive roundabout. Three priority controlled T-junctions would be provided along with a roundabout. The access points have been designed to provide a 5.5m highway with a 2m wide footways on both sides. Linkages between these two parcels and the Countryside development (H/2019/0473) to the west of Parcel D and the Barratt Homes development to the north of Parcel D would also be provided to deliver a comprehensive and connected network throughout Wynyard Park.

1.164 Parcel E would be accessed via a priority controlled T-junction connecting with Poppy Close, as opposed to the Primary Arterial Road. Again, the access point has been designed to provide a 5.5m highway with 2m wide footways on both sides.

1.165 Within the parcels, two lane roads, designed to adoptable standards would be provided branching into shared surfaces and private drives which are designed to slow vehicle speeds and give priority to pedestrians.

1.166 Car, cycle and EV charging would be provided in accordance with the Council's standards.

1.167 Planning Policy requested that the Wynyard Park shuttle bus continued in perpetuity, discussions took place with the applicant in which the applicant considered that the passenger numbers for the existing Wynyard Park shuttle bus were low and that the request for a shuttle bus was unjustified. It was discussed that as the population increases the number of passengers may also increase. The applicant put forward that the Tees Flex is a sustainable mode of transport that allows residents to gain services and facilities beyond Wynyard. Planning Policy are aware the Tees Flex service is supported by the Tees Valley Combined Authority and will run for approximately 18 months. No guarantee is in place to ensure that the Tees Flex operates beyond the current time period and so the decision maker must consider that if this proposal is approved then once development commences it may be the case that there is no public transport provision.

1.168 Planning Policy understand that the Tees Flex has been in operation for a number of years and given the service offers transport to many areas across Teesside and that the provision of sustainable transport options is an objective for the current Tees Valley Mayor and in fact all political parties, Planning Policy do envisage that the service will continue beyond the current time period.

1.169 In discussion with Wynyard Parish Council and residents Planning Policy are of the view that the Tees Flex is not as widely used as could be and that the service requires patrons to be tech savvy in order to book. To assist in increasing passenger numbers and the applicant has agreed to holding information sharing events at a time and location demand most appropriate. This would be included within the S106 legal agreement.

1.170 The proposal would not have an unacceptable impact on highway safety, or have a residual cumulative impact that would be severe and would comply with policies INF2, QP3 and the advice in NPPF.

OTHER MATTERS

ARCHEAEOLOGY

1.171 An Archaeological Desk-Based Assessment has been submitted. Some field walking has been carried out on Parcel D and trenching has been undertaken on Parcels C, E and part of D. The investigations reveal only a very low level of earlier pre-historic material, exclusively scatters of flint artefacts, which did not translate into buried archaeological features when investigated by trial trenching.

1.172 Settlement remains of the Iron Age/Roman periods were found during trial trenching adjacent to parcel C, but have not been shown to extend into the application site. No remains of this period were found in Parcel D during fieldwalking or trenching though the southwestern quarter of the site have yet been investigated by trial trenching and the potential here is similarly moderate.

1.173 There is negligible potential for buried medieval or post medieval remains of any significance in Parcel C or D.

1.174 Tees Archaeology note that following the amendment to the proposal they have no objection subject to a conditions for archaeological evaluation works.

1.175 Subject to this condition, it is considered that the proposal would not have an adverse impact upon archaeology and would accord with policy HE2 of the advice in NPPF.

NOISE

1.176 A Noise Assessment has been carried out by NJD to support the planning application. The identified sources of potential noise impact on existing people are construction activities and plant during the construction phase and the increase in traffic levels on local roads due to the development.

1.177 The primary noise impact on new residents of the development comes from passing traffic on the A689 (Hartlepool Road).

1.178 Given this is an outline application, the final layout is not known and will be dealt with by the approval of reserve matters. However, it is considered necessary to attach a condition requiring a noise assessment to be submitted with each phase, so that the precise noise mitigation can be agreed.

1.179 Conditions are also recommended to control and limit noise caused during construction.

AIR QUALITY

1.180 An Air Quality Assessment, prepared by NJD, has been carried out to support the planning application.

1.181 During construction, there is potential for dust, however this can be controlled and minimised by conditions.

1.182 Once built, the primary impact on air quality would derive from vehicle movements, arriving and departing the site, however this is not considered to be significant.

FLOOD RISK AND DRAINAGE

1.183 The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy. All if the site is within Flood Zone 1 and is therefore at low risk. In terms of surface water management, discharge via infiltration/soakaway has been discounted due to results of ground investigations finding clay deposits below ground.

1.184 In line with the drainage hierarchy outlined in paragraph 080 of the NPPG, discharge of surface water via watercourse has been identified as suitable.

1.185 The agreed surface water discharge rate for Wynyard is 3.5l per second per hectare and on-site surface water attenuation will be provided in the form of open pond storage with flow control. Therefore this proposal results in a reduction of floor risk in the area.

1.186 The attenuation has been designed to cater for the 1 in 100 year flood event, plus 40% climate change and +2% urban creep, in line with the requirements of the Lead Local Flood Authority.

1.187 In terms of management, the SuDS storage ponds, Hydro-Brake flows and foul wastewater treatment plans will remain privately owned and maintained by Wynyard Park.

1.188 The submitted Flood Risk Assessments and Drainage Strategy confirms the development would not be at risk of flooding, nor would it increase the risk of flooding off-site.

1.189 The Council's Engineering Consultancy has been consulted and has no objection to the proposals in respect of contaminated land or surface water management subject to conditions.

DEVELOPER OBLIGATIONS (IF APPLICABLE)

1.190. Paragraph 57 of NPPF states that planning obligations must only be sought where the meet all of the following tests;
Necessary to make the development acceptable in planning terms;
Directly related to the development; and
Fairly and reasonably related in scale and kind to the development

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

1.192 The WMP and associated Infrastructure Delivery Plan and Schedule give further information on the required infrastructure and delivery timescales which will be tied to development as schemes on sites come forward. In order to be in accordance with policy QP1 of the Local Plan, the proposal is expected to contribute towards the required facilities in the area.

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

1.194 Policy HSG9 seeks 18% affordable housing on sites where 15 or more new dwellings are proposed.

1.195 The Council's Planning Obligations Supplementary Planning Document (SPD) (2015) is a material consideration.

1.196 The Local Planning Authority is seeking the following contributions

Affordable housing - 18% across the whole site is 216 units and £0 financial obligation. Of the 18%, 70% will be for affordable rent and 30% for intermediate tenure.

Primary education - Additional land for a three form entry primary school if the need arises. If the need does not arise then the additional land will be safeguarded as open space.

Primary education - Financial contribution of £2,417,605.15.

Secondary Education - There is also a requirement for the developer to pay a financial contribution of £1,605,512.70 towards secondary education.

School transport - Financial contribution £150,000.

Local centre – 500 metres squared of commercial floor space, with parking and servicing to the east of the pub and hotel site used for a variety of uses.

Public open space opposite Musgrave Garden Lane (MGL) - Additional walking links in and around the POS opposite MGL along with dropped kerbs, tree planting, and seating and interpretation material.

Play – Play equipment on site D.

Sports hub - Land to accommodate a Sports Hub (3G pitch, adult size grass pitch, changing facilities, parking and storage).

Kick around pitch - A fenced off grass area to be located in the southern element of the green wedge north and to be used for informal play and maintained by WP.

East to west footway/cycleway – A contribution of £992 per dwelling which equates to £1,190,400.

Castle Eden Walkway - £250 per dwelling towards providing/upgrading/maintaining links to the Castle Eden Walkway, which equates £300,000.

Woodland Footpath Connections - Deliver and maintain the on-site footpaths which are set out within the Woodland Footpath Strategy, this should also ensure there are linkages through Wynyard Park.

Tees Flex promotion - Five promotional events over a two year period.

Built sports - Financial contribution of £250 per dwelling, which equates to £300,000.

Tennis - Financial contribution of £57.03 per dwelling for tennis provision within the borough which equates to £68,436.

Bowling greens - Financial contribution of £4.97 per dwelling for bowling facilities in the borough, which equates £5,964.

Ecology (SPA (costal) mitigation) - Financial contribution of £250 per dwelling for which equates to £300,000.

Ecology (biodiversity mitigation) - Financial contribution of £100 per dwelling, which equates to £120,000

Highways - Financial contribution of £490 per dwelling for highway infrastructure/ Highways works £588,000. However a contribution towards these works has already been secured by application H/2022/0299 (£70,000) and therefore this application only needs to make up the shortfall which equates to £518,000.

NHS contribution - Financial contribution of £579,600 (£483 per dwelling).

On site renewable energy - 10% of the anticipated energy demand from renewable sources.

1.197 These contributions are considered to meet the tests of paragraph 57 of NPPF and will help make Wynyrd sustainable in planning terms

RENEWABLE ENERGY

1.198 Policy QP7 seeks to ensure high levels of energy efficiency in all development.

1.199 Policy CC1 requires that major development must secure, where feasible and viable a minimum of 10% of their energy from decentralised and renewable or low carbon sources.

1.200 Policy WMP1 of the Tees Valley Minerals and Waste DPD requires applications for major development to be accompanied by a Waste Audit.

1.201 HBC Waste Services state that developers are expected to provide and ensure at the point of first occupancy that all new development have the necessary waste bins/receptacles to enable the occupiers to comply with the waster presentation and collection requirements. A condition can be attached to require the necessary rubbish and recycling bins prior to first occupation.

1.202 A condition is also recommended to ensure that 10% of the energy is secured from decentralised and renewable or low carbon sources in accordance with policy CC1.

PUBLIC COMMENTS

1.203 In terms of the public comments, the proposal has been amended. so that it will no longer adversely affect ancient woodland as no ancient woodland will be destroyed and the 15m buffer zone will be respected.

1.204 The comments in terms of highway safety are noted, however neither the local highway authority and National Highways object subject to conditions and the

proposal will, avoid having an unacceptable impact on highway safety or have a residual cumulative impact that would be severe.

1.205 The proposed S106 Agreement will secure the necessary infrastructure in order to make Wynyard sustainable in planning terms.

1.206 In terms of Countryside Access the Council's Countryside Access Officer does not object.

1.207 Given the additional commercial space that is now proposed adjacent to the public house, this will ensure that local facilities are within a 15 minute walking distance, which is considered to be acceptable.

LOCAL FINANCIAL CONSIDERATIONS

1.208 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as it is material. Section 70(4) of the 1990 Act (as amended) defined a local financial consideration as a grant of other financial assistance that has been, will or that could have been provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

1.209 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus are material in making this development acceptable in planning terms.

CONCLUSION AND PLANNING BALANCE

1.210 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

1.211 Here the development plan is the Hartlepool Local Plan 2018. The application site is within the development limits of Wynyard. It would result in the development for housing of allocated housing sites, in accordance with the Local Plan. It would however result in the loss of approximately 32 hectares of prestige employment land contrary to policy EMP1.

1.212 The proposal would not accord with the Wynyard Masterplan (2019). However, this is not a Development Plan Document (DPS) and cannot be afforded significant weight. The Wynyard Masterplan itself acknowledges it should not be seen as a rigid blueprint for development.

1.213 Although the Council can demonstrate a 5-year housing land supply, this is a minimum and not a maximum. Although it may be the case that it is unlikely that the housing would be delivered within the first five years, given the scale and nature of

the necessary highway improvement works, it will help towards maintaining a 5-year supply in the medium to longer term.

1.214 The proposal would avoid an adverse impact in terms of nutrient neutrality and biodiversity. Approximately 7 hectares of the best and most versatile agricultural land would be lost, however this is unlikely to come back into productive use given its fragmented nature. The proposal would result in the loss of some trees, but the proposal has been amended and would no longer result in harm to ancient woodland.

1.215 The proposal would avoid having an unacceptable impact upon highway safety, or result in a residual cumulative impact that would be severe. Neither the local highway authority nor National Highways object subject to conditions. Other matters can also be dealt with by conditions. The proposal would however secure the necessary infrastructure to make Wynyard a sustainable settlement in planning terms and this is a material consideration of substantial weight.

1.216 Although the proposal would provide an additional 1,098 additional units beyond what was envisaged in the Local Plan this in itself is not harmful. Although the Council can demonstrate a 5-year housing land supply, this is a minimum and not a maximum. Approving additional housing above this minimum provides additional choice in the market for housing. Although it may be the case that it is unlikely given the nature of the necessary highway improvement works that the housing would be delivered within the first five years, it does provide the Council with a steady pipeline of housing that will help maintain a 5-year supply in the medium to long term.

1.217 Overall and on balance, it is considered that the proposal represents sustainable development and it is recommended that planning permission should be granted subject to a S106 legal agreement and conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.218. There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.219. 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.

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

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the completion of a S106 Legal Agreement securing (18%) on site affordable housing of which 70% shall be for affordable rent and 70% intermediate tenure, additional land for a three form entry primary school if the need arises. If the need does not arise then the additional land will be safeguarded as open space, a financial contribution of (£2,014.67 per dwelling) towards primary education if the two form primary school is not delivered, a financial contribution of (£1337.93 per dwelling) towards secondary education, financial contribution (£125 per dwelling) towards school transport, 500 metres squared of commercial floor space for a local centre, with parking and servicing to the east of the pub and hotel site used for a variety of uses, Public open space opposite Musgrave Garden Lane (MGL) - Additional walking links in and around the POS opposite MGL along with dropped kerbs, tree planting, and seating and interpretation material, Play equipment on site D, Land to accommodate a Sports Hub (3G pitch, adult size grass pitch, changing facilities, parking and storage). a Kick around pitch - A fenced of grass area to be located in the southern element of the green wedge north and to be used for informal play and maintained by Wynyard Park, a financial contribution of (£992 per dwelling) towards east to west footway/cycleway, a financial contribution of (£250 per dwelling) towards Castle Eden Walkway, Woodland Footpath Connections – to Deliver and maintain the on-site footpaths which are set out within the Woodland Footpath Strategy, Five promotional events for Tees Flex over a two year period, a financial contribution of (£250 per dwelling) towards built sports facilities, a financial contribution of (£57.03 per dwelling) towards tennis provision within the borough, a financial contribution of (£4.97 per dwelling) towards bowling facilities in the borough, a financial contribution of (£250 per dwelling) towards SPA Coastal Mitigation, a financial contribution of (£100 per dwelling) to provide mitigation for farmland birds, a financial contribution of (£431.67 per dwelling) for highway infrastructure/highway works and a financial contribution (£482.50 per dwelling) for NHS provision and the following conditions;

1. Details of the appearance, landscaping, layout and scale (hereafter called the reserved matters) for each phase of the development shall be submitted to and approved in writing by the local planning authority before the development of that phase, and the development shall be carried out as approved.
That your application is made in outline only.
2. 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.

3. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in general conformity with the following approved plans.

Drawing No. SD-00.00C (OS Location Plan)

Drawing No. 1595-WYN-SD-10.01 REVF Illustrative Masterplan(A)

1595-WYN-SD-10.02 REVF Illustrative Masterplan SCHEDULE(A)

1595-WYN-SD-20.01C Land Use

Drawing No 1595-WYN-SD-20.02C Building Heights

Drawing No 1595-WYN-SD-20.03C Connectivity

Drawing No. 1595-WYN-SD-20.04C Green Infrastructure

To ensure that the development as carried out does not vary from the approved plans.

4. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. Prior to or alongside the submission of the first "reserved matters" application, a Phasing Plan/Programme shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plans/Programmes shall identify the phasing of all development, infrastructure, landscaping, the means of access/pathways/cycleways, enclosures and gates, and public and amenity open space of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved unless some variation is otherwise agreed in writing by the Local Planning Authority. To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.
5. The development permitted shall include no more than 1,200 dwellings unless otherwise approved in writing by the Local Planning Authority. More dwellings would result in a denser form of development which would adversely affect the character and appearance of the surrounding area.
6. Prior to above ground works of that phase, a schedule and/or samples of all surfacing materials and finishes for that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development of that phase shall not be carried out other than in accordance with the approved details. To ensure a satisfactory appearance of the development and upon the surrounding area.
7. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 18.00 in Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. To ensure that the development does not adversely affect neighbours living conditions.

8. Notwithstanding the submitted information and the measures outlined within the submitted Flood Risk Assessment, no development shall take place within each phase of development in relation to surface water drainage until a scheme for a surface water management system including detailed drainage/SUDS design for that phase has been submitted to and approved in writing by then Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water: detailed proposals for the delivery of the surface water management system including a timetable for its implementation and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangement for adoption by any public authority or statutory undertaker of any other arrangements to secure the operation of the surface water management system through its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.
In order to ensure satisfactory drainage.
9. Prior to works pertaining to foul water drainage in any phase, a detailed scheme for the disposal of foul water for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter, the development shall take place in accordance with the approved details.
In order to ensure satisfactory drainage.
10. Prior to the commencement of each phase of development, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The CEMP shall include the routing of all HGVs movements associated with the construction phase, effective dust emission controls from the site remediation and construction works which includes earth moving activities, the control and treatment of stock piles, details and location of parking for use during construction, measures to protect any existing footpaths and verges from vehicle movements, and wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The CEMP shall also set out a minimum site specific measures to control and monitor impacts in relation to construction traffic, noise, vibration, dust and air pollution, land contamination, disturbance to ecology and ground water. Thereafter, the development of each phase shall be carried out in accordance with the approved CEMP.
This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area.

11. The development of each phase hereby permitted shall be landscaped in accordance with a fully detailed scheme which shall be submitted as part of the details of the proposed development as required Condition No. 1 above. In the reasons if amenity and to ensure a satisfactory standard of landscaping.
12. All planting, seeding or turfing comprises in the approved details of any landscaping of that phase shall be carried out in accordance with the approved programme of works for implementation. Any trees, plants or shrubs within a phase which within a period of 5 years from the date of the completion of that phase die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity and biodiversity enhancement.
13. No part of the residential development of that phase shall be first occupied until a vehicular and pedestrian access to the phase of development has been constructed to the satisfaction of the Local Planning Authority. In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
14. In the event that contamination is found at any time when carrying out the approved development of any phase works must be halted on that phase affected by the unexpected contamination and must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed on that phase until a remediation scheme to deal with the contamination of that phase has been carried out in accordance with the details first submitted to and approved in writing by the Local Planning Authority. This scheme shall evaluate options for the remedial treatment based on risk management objectives. Works shall not resume on that phase until the measures approved in the remediation have been carried out in full. To ensure any contamination is appropriately dealt with.
15. No development of the phase or phases shall take place until plans of that phase of development showing the existing and proposed ground levels and levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter, that phase shall not be carried out other than in accordance with the approved details. To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways having regard to amenity, access, highway and drainage requirements. To ensure the land levels remain appropriate.

16. Clearance and removal of trees and vegetation in any phase shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site within that phase is first checked within 48 hours prior to the relevant works taking place by a suitable qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In the interests of breeding birds.

17. Notwithstanding the submitted details, prior to occupation of each phase of development, details of the proposed street lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the street lighting of that phase shall be provided in accordance with the approved details, prior to first occupation of any dwellings in that phase.

In the interest of biodiversity.

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

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

19. Notwithstanding the submitted details, none of the dwellings hereby permitted within that phase shall be first occupied until a scheme to ensure that 10% of the energy requirement for each dwelling in that phase is provided from renewable sources has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development of that phase shall be carried out in accordance with the approved details.

In the interests of sustainability.

20. Notwithstanding the submitted details none of the dwellings hereby permitted in that phase shall be first occupied until details of a vehicle charging point for each dwelling has been submitted to and approved in writing by the Local Planning Authority. The vehicle charging points shall be installed and available to use prior to first occupation of the dwelling.

In the interests of sustainability.

21. No dwelling hereby permitted shall be first occupied until details of refuse and recycling bins to be provided at each property of that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be provided to each dwelling prior to first occupation.

To ensure satisfactory refused and recycling bins are provided for residents.

22. Prior to first occupation of any dwelling hereby approved the off-site highway improvement works at the A689/ The Meadows roundabout as shown on drawing PR807/PH2/1 shall be completed as submitted to and approved in writing by Local Planning Authority.
To ensure the safe and efficient operation of the local highway network.
23. No apartments shall be occupied except by a person or persons over the age of 55 years.
That the apartments are not suitable for occupation by families with children.
24. When submitting the details pursuant to condition 1, this shall include an Arboricultural Impact Assessment, Arboricultural Method Statement and a Tree Protection Plan.
To ensure the protection of retained trees on the site.
25. Notwithstanding the submitted information, no development 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.
26. Prior to the commencement of development on any phase of the development a scheme to provide bat mitigation features to provide long term roost sites for the local bat population within that phase including details of the features and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. These shall include bat nesting bricks to be built into 10% of buildings with the selection of buildings facing onto the larger open spaces to be prioritised. The bat mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.
27. Prior to the commencement of each phase of the development a detailed scheme of noise insulation measures for the residential properties shall be

submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings". The approved scheme shall be implemented, and verification that the measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified in the scheme and shall be permanently retained thereafter unless some variation is otherwise agreed in writing by the Local Planning Authority.

To ensure an acceptable residential living conditions for future occupiers.

28. No part of the development hereby approved shall be occupied unless and until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways or its successors). The Travel Plan shall be developed to accord with the principles set out in the Framework Travel Plan [Land North of A689, Wynyard Park Estate, Wynyard Woods, Wynyard, Hartlepool – AMA, June 2023]. The Detailed Travel Plan shall thereafter be implemented coincidentally with the phased occupation of the development;
In the interests of sustainable travel.
29. Prior to first occupation of any dwelling hereby approved, the works to Wynyard Avenue/A689 Junction, as shown in principle on Andrew Mosely Associates drawing reference AMA/21173/SK003, are implemented to the satisfaction of the Local Highway Authority and are open to traffic;
In the interests of highway safety.
30. Prior to first occupation of any dwelling hereby approved, the works to the A689/Hanzard Drive / The Wynyard Junction as shown in principle of Stockton-on-Tees Borough Council drawing reference A10958-03-04 shall be completed and implemented to the satisfaction of the Local Highway Authority and shall be open to traffic, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
31. Prior to first occupation of any dwelling hereby approved, the highway improvement scheme at the A19/A689 Wolviston junction, shown in principle on Drawing number 276864-ARP-ZZ-XX DR-CH – 0101 & Drawing Number 276864-ARP-ZZ-XX-DR-CH- 0102, shall be completed and implemented to the satisfaction of the Local Highway Authority (in consultation with National Highways or its successors) and is open to traffic.
In the interests of highway safety.
32. Construction of no part of the development hereby approved shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways or its successors). Construction of the

development shall thereafter be carried out in accordance with the agreed Construction Traffic Management Plan.

Reason: To ensure that the A19 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, and in the interests of road safety.

33. Prior to first occupation of any of the dwellings within a particular phase a site waste audit shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the site waste audit and maintained thereafter.

In the interests of ensuring waste is appropriately dealt with.

34. Alongside the reserved matters application for each phase of development hereby approved, a noise assessment for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Noise Assessment will identify a scheme of mitigation for that phase. Prior to occupation of the phase of development, the scheme of mitigation shall be completed in accordance with the approved details and retained for the lifetime of the development.

To ensure a satisfactory living environment for future occupiers.

BACKGROUND PAPERS

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

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

1.223 Copies of the applications are available on-line:

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

CONTACT OFFICER

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

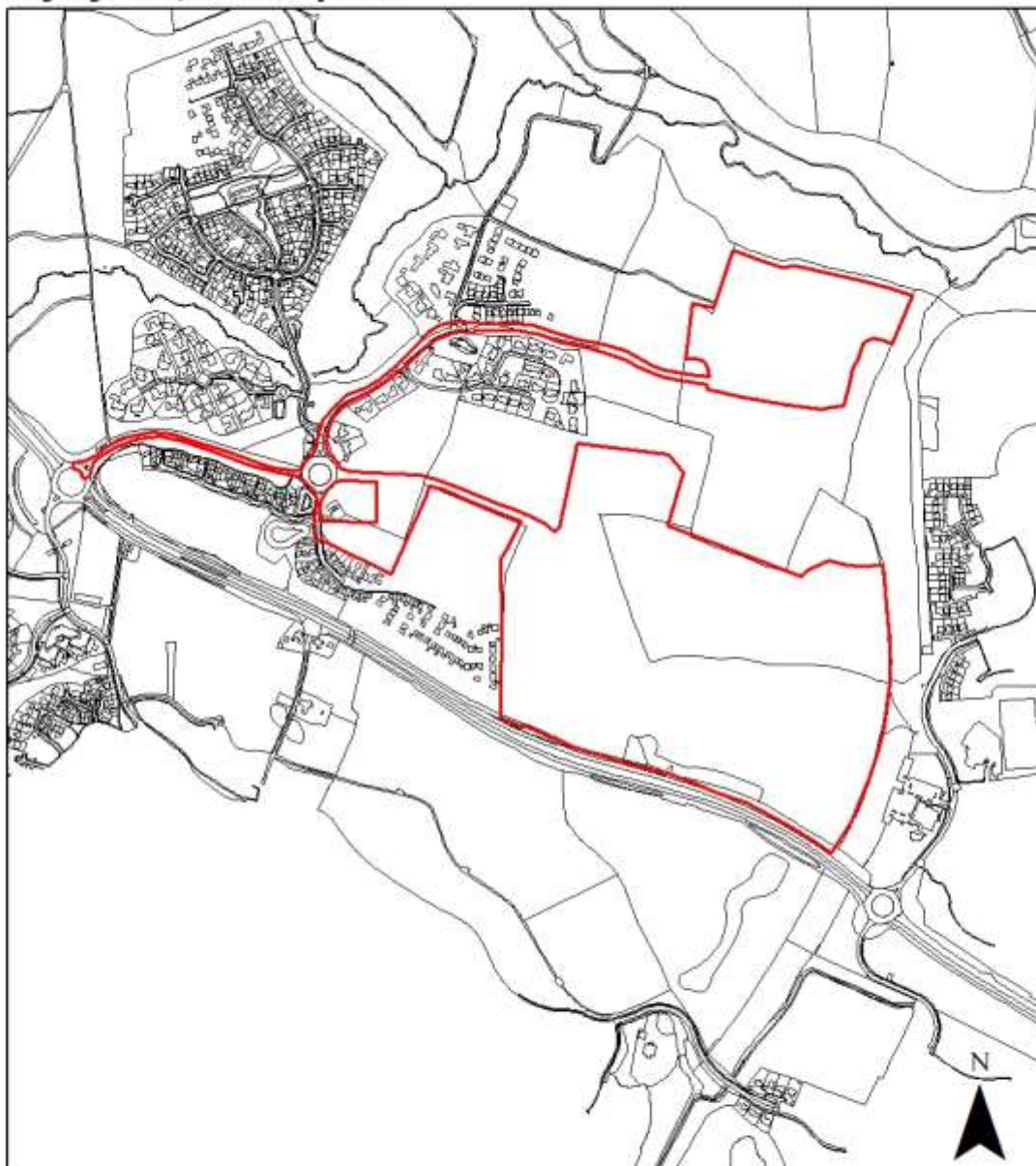
AUTHOR

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

Tel: 01429 523856

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

Land North of A689 Wynyard Estates, Wynyard Woods, Wynyard, Hartlepool



© Crown Copyright. All rights reserved AC0000849987 (2023)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN	JB	DATE	01.11.2023
	SCALE	1:10,000		
	DRG.NO	H/2022/0181	REV	

No: 2.
Number: H/2023/0097
Applicant: COLETTE LACEY 13 EGERTON TERRACE GREATHAM
 HARTLEPOOL TS25 2EU
Agent: SEAN MCLEAN DESIGN MR SEAN MCLEAN 22
 PORTRACK GRANGE ROAD PORTRACK STOCKTON
 ON TEES TS18 2PH
Date valid: 24/05/2023
Development: Erection of single storey extension to side and single
 storey wrap around extension to side and rear including
 demolition of existing sun lounge and replacement
 windows
Location: TALL TREES 13 EGERTON TERRACE GREATHAM
 HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following planning applications are associated with the site:

H/2018/0033 – Erection of a single storey extension at the side, approved 22/03/18.

PROPOSAL

2.3 Permission is sought for two single storey extensions, including demolition of the existing sun lounge at the property, and replacement windows.

2.4 The existing sun lounge to the western elevation of the property projects approximately 2.2m in width and spans a depth of approximately 5.8m. It is proposed to demolish this addition to the property and construct an extension that would project approximately 4.8m in width and span approximately 6.7m in depth. This extension is proposed to have a flat roof with parapet detail and roof lantern, the proposed eaves height is approximately 2.6m, rising to approximately 3m to the top of the parapet detail and approximately 3.7m at the highest point taking account of the proposed pitched lantern.

2.5 Also proposed is a single storey extension that would wrap around the northern (rear) and eastern (side) elevation of the property. At its widest point this extension would measure approximately 5.8m in width, projecting approximately 2.1m beyond the existing side elevation. At the widest depth, the extension would measure approximately 7.1m, projecting approximately 2.1m beyond the existing rear elevation of the property. It is proposed this extension would have a dual pitched

roof tiled in slate with an eaves height of approximately 2.3m and an overall height of approximately 3.4m.

2.6 The replacement sun room extension would include floor to ceiling windows/bi-fold doors in the side and front elevations with decorative header details similar to those in the existing property.

2.7 The proposed 'wrap around' extension would include two windows in the side elevation and three roof lights in the side roof plane, as well as bi-fold doors in the rear elevation and two roof lights in the rear roof plane.

2.8 It is proposed to replace the existing windows within the original property on a 'like for like' basis but with black uPVC frames. Windows in the proposed extension would be to match this. The initial submission indicated the intention to use timber windows, therefore amended plans have been submitted to reflect the proposed and additional consultations were carried out on the amended plans.

2.9 The application has been referred to the Planning Committee in line with the Council's Scheme of Delegation as three objections have been received, namely from the Civic Society, Greatham Parish Council and the Hartlepool Rural Neighbourhood Plan Group.

SITE CONTEXT

2.10 The application site is a detached dwelling on the western side of Egerton Terrace, south west of the junction with Station Road, in a broadly residential area with other dwellings to the north, east and west, albeit bounding open fields to the south. The property is within the Greatham Conservation Area. There are a number of mature trees within the garden of the property, these are not subject to Tree Preservation Orders but are afforded protection by the conservation area location.

PUBLICITY

2.11 The application has been advertised by way of ten neighbour letters, site notice and press notice. Amended plans were received (as detailed above) and a further 14 day public consultation was undertaken to take account of the nature of the amendments (amended window details), following no responses have been received from neighbouring occupiers.

2.12 The period for publicity has expired.

2.13 Background papers can be viewed via the 'click to view attachments' link on the following public access page: [Hartlepool Borough Council | Regeneration and Planning](#)

CONSULTATIONS

2.14 The following consultation replies have been received:

HBC Heritage & Countryside Manager – The application site is located in Greatham Conservation Area which is recognised as a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The special character of the Greatham Conservation Area is predominantly derived from the village centred around the green, its early development as a religious based hospital in the 13th century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses or short terraces and late Victorian terraced housing.

The proposal is the erection of single storey extension to side and single storey wrap around extension to side and rear including demolition of existing an existing sun lounge.

The property is a detached house on a substantial site. There are already some small extensions around the building. It is considered that on balance the proposal is acceptable and will not impact on the significance of the conservation area, no objections.

Updated Comments, received 12/09/2023

These comments are an addendum to those previously submitted and relate only to the alterations to the windows, as outlined on the amended plans.

The previous iteration of the plans indicated that the windows to the main property would be retained. It is now proposed that all of the windows to the property will be replaced. The design will be on a 'like for like' basis in black UPVC.

It is disappointing that the windows are proposed to be replaced, in particular the loss of traditional detailing which contributes to the character of the property and in turn the conservation area.

Further to this the colour of the windows is inappropriate. The majority of the windows within the conservation area are to a traditional design in painted timber. The introduction of black UPVC windows, on all elevations, introduces a coloured frame which is not commonly seen in the area. It is considered that this element of the proposal should be re-considered.

Further Comments, received 03/10/2023

There are a mixture of windows in the property, some of which are replacements. From the photographs and information within the application it would appear that windows of an original design are limited, to the bay window on the south east elevation and the tripartite window on the north west elevation. Those other windows which remain on the property appear to have been replaced or will be removed as part of the renovation works. Whilst it is unlikely that the traditional windows will be replaced on a 'like for like' basis it is clear that the majority of the windows will be in form and opening mechanism. Windows in this conservation area are traditionally white painted timber, however it is accepted that the timber windows that were originally part of the application were proposed to be black. It is therefore considered that, on balance the proposed windows would not impact on the significance of the conservation area.

HBC Building Control – I can confirm that a Building Regulation application will be required for 'single storey extension to side and single storey wrap around extension to side'

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

HBC Arboricultural Officer – Having looked at the Tree Survey, Arb impact assessment and Tree protection plan provided by WeCareTreeCare I am happy that T2 and T3 are of little concern and declining in health. T1 is a large Sycamore on the outside of the property boundary which will require more protection due to the land use. When visiting the property it was clear that the rear garden was being used frequently with a static caravan at the bottom. This brings in to question whether the tree protection plan will provide adequate protection from where materials and machinery may be and therefore it should be altered to protect the entirety of remaining RPA within the garden rather than the bit just near the house. I agree the root disturbance from the extension itself is only minor and that access is needed to build the extension hence the offset of the TPP measures however the part between the protective fencing and proposed extension would need some form of ground protection relevant to whatever weight is being subjected to it as per BS5837:2012 and this would need to be shown on the TPP along with the extension of tree protective fencing around the RPA of T1. Seeing as the extension involves works within the RPA of T1 a method statement of works is also required.

Updated Comments, received 20/07/2023

Revised arboricultural documentation has been provided by WeCareTreeCare that takes into account and addresses previous comments. A revised Tree Protection Plan (TPP) has been submitted which fences off all possible areas of the RPA while still allowing access to the static caravan in the rear garden. Ground protection has

now also been included to the remaining RPA and is specified in the recently submitted Arboricultural Method Statement (AMS). It is agreed that the root disturbance from the extension itself calculated at 2% within the Arboricultural Impact Assessment (AIA) is only minor but the associated works that may be needed within the RPA such as lowering of ground level, access around the extension, removal of existing wall etc may extend into the RPA more than this 2%, this has been dealt with adequately with the AMS.

The arboricultural documentation provides the relevant information and protection needed and should be conditioned as approved plans to be followed with the normal addition that if any trees die as a result of the development within 5 years they are to be replaced within the next available planting season.

Further comments, received 14/09/2023

I have no additional comments to make from an arboricultural point of view.

Hartlepool Rural Plan Group – Thank you for consulting Hartlepool Rural Plan Group with regard to the above application. The application site is within the development limits of Greatham village and within Greatham Conservation Area. 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; how the design ensures that homes are flexible to meet the changing needs of future generations.*

The proposals contained within this application produce what is a relatively neutral alteration to the existing house whose character remains dominant.

The Village Design Statement 'recommendation and guidelines', page 16, include the following statements:-

"Care should be taken in choosing doors and windows which match the character of the rest of the house."

“Brick should be the preferred structural material, care taken in choosing the colour. Random stone or rendered finish would also be acceptable”.

“Flat roofs should be avoided.”

“Extensions attached to buildings eg. garages should complement the character of the main building.”

The use of wood for the new doors and windows in the two extensions is welcome. The existing house has a variety of windows, therefore the style of those proposed on the extensions should be acceptable. The proposed black colour is currently fashionable but is not a traditional appearance in the conservation area. Paint on wood is, however, easily changed.

The use of blockwork is a concern. These are seen as too poor-quality to be a finished material which therefore has to be concealed, this may restrict future alternatives, hence the preference for brick. The existing house has both rendered finish (likely over brick) on the original property and painted brick on the existing two-story extension. The guideline does however allow for rendered finish as such is a familiar feature in the village. Slate for the roof of the kitchen extension is also a positive choice. Is this natural slate?

The sun lounge extension proposes a flat roof. The sun lounge is, however, largely hidden from the general street views.

POLICY HA1. — PROTECTION AND ENHANCEMENT OF HERITAGE ASSETS

Planning applications will be supported which:

1. *preserve and enhance their physical character and facilitate new uses for buildings at risk.*
2. *ensure all heritage assets including Scheduled Ancient Monuments and the ridge and furrow landscape, within the Rural Plan area are conserved or enhanced through a constructive conservation approach;*
3. *ensure that the distinctive character of Conservation Areas, within the Rural Plan area, is conserved or enhanced through a constructive conservation approach;*

POLICY HA2 - PROTECTION AND ENHANCEMENT OF CONSERVATION AREAS

In determining applications within Conservation Areas, or which affect the setting of a Conservation Area, particular regard will be given to the following:

1. *The scale and nature of the development;*
2. *The design, height, orientation, massing, means of enclosure, materials, finishes and decoration proposed;*
3. *The retention of original features of special architectural interest such as walls, gateways and other architectural details;*
4. *The retention of existing trees, hedgerows and landscape features, with appropriate landscaping improvements incorporated into design proposals;*
5. *The protection of important views and vistas;*
6. *The location of appropriately designed car parking, landscaped in such a way as to minimise impact on the character of the area, and*
7. *Guidance provided in relevant Conservation Appraisals, Visual Assessments and Village Design Statements.*

Proposals for demolition within Conservation Areas will be carefully assessed in order to avoid the loss of important features and buildings, but to encourage removal of unsympathetic later additions. Where any demolition in conservation areas is proposed, the Rural Plan will support proposals only if it can be demonstrated that:

1. *The removal would help to conserve or enhance the character or appearance of the Conservation Area;*
2. *Its structural condition is such that it is beyond reasonable economic repair, or*
3. *Retention and restoration through some form of charitable or community ownership is not possible or suitable, and*
4. *The removal is necessary to deliver a public benefit which outweighs the removal.*

The house appears on maps of 1857 and was altered at some time to give the appearance of a 1920/30s villa. The front gable was added at this time with the 'tudor' half-timber detail reflecting that on the younger adjacent Edwardian semi-detached houses of Meadowcroft and Fairfield (locally listed). This half-timber detail has been identified in the Village Design Statement as indicative of the properties overlooking 'The Hills' at this end of Egerton Terrace.

The scale of the proposed extensions are modest and the design, height, orientation and finishes are proportionate and largely sympathetic while adding contemporary additions to a house that has once before been updated in a distinct period style. The history of the house continues to be easily read. Materials and decoration, blockwork and black paint, are questionable. The character of the existing house remains dominant and contributing to this corner of the conservation area. The small amount of demolition proposed removes later minor additions. In the overall scheme these are accepted. As the name of the house, Tall Trees, there are a number of mature trees in the vicinity which contribute greatly to this part of the village conservation area. The protection of these is essential. Although there are some minor concerns where there is divergence from the village design statement on balance the Group have no objection.

Updated comments (received 29/09/2023) following amended plans:

Thank you for consulting Hartlepool Rural Plan Group with regard to the above application. The application site is within the development limits of Greatham village and within Greatham Conservation Area. The following should be read along as supplementary to the original response.

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;*

The use of black uPVC windows both on the new extension and replacing those on the existing house changes this application so that it is no longer relatively neutral. There is insufficient detail provided as to the appearance on the proposed windows. Plastic windows are detailed differently to wooden windows and the frames can be much thicker. 'Like for like' is an insufficient statement, an entirely different material is unlikely to be 'like for like' – more detail should be provided.

We had welcomed the use of wood for the new doors and windows, we do not welcome the introduction of black plastic windows and black aluminium bifold doors.

POLICY HA1. — PROTECTION AND ENHANCEMENT OF HERITAGE ASSETS

Planning applications will be supported which:

1. *preserve and enhance their physical character and facilitate new uses for buildings at risk.*
2. *ensure all heritage assets including Scheduled Ancient Monuments and the ridge and furrow landscape, within the Rural Plan area are conserved or enhanced through a constructive conservation approach;*
3. *ensure that the distinctive character of Conservation Areas, within the Rural Plan area, is conserved or enhanced through a constructive conservation approach;*

POLICY HA2 - PROTECTION AND ENHANCEMENT OF CONSERVATION AREAS

In determining applications within Conservation Areas, or which affect the setting of a Conservation Area, particular regard will be given to the following:

1. *The scale and nature of the development;*
2. *The design, height, orientation, massing, means of enclosure, materials, finishes and decoration proposed;*
3. *The retention of original features of special architectural interest such as walls, gateways and other architectural details;*
4. *The retention of existing trees, hedgerows and landscape features, with appropriate landscaping improvements incorporated into design proposals;*
5. *The protection of important views and vistas;*
6. *Guidance provided in relevant Conservation Appraisals, Visual Assessments and Village Design Statements.*

The change appears to be aimed at the latest fashion for light-coloured rendered houses with dark contrasting coloured fenestration. The result would not be in keeping with the character of the conservation area. Policy HA2 point 2 says particular regard should be given to materials, finishes and decoration. This change now presented is considered to be at odds with the aim to preserve the character of the conservation area.

In our first consultation response the Group had some minor concerns. The changes now presented elevate those concerns to major. We would urge a return to the

original proposed use of wood, including for replacements to the main part of the house. Failing this we would need to object to the change.

Greatham Parish Council – There are minor details within the plan which clash with local restrictions but nothing extreme. There are trees on site that need greater protection whilst the work is undertaken on the extensions. No objections.

Updated comments, received 28/09/2023, following amended plans

The parish council is disappointed that no detail is given in to what the door/window changes are: materials, reasons for change. The alternatives may be against the rural plan and conservation regulations in place at Greatham.

Civic Society – The original application proposed to use wooden windows painted black and keep the windows in the original house. Whilst the colour black is inconsistent with the majority of houses within the conservation areas at least they could be repainted at a later date. It is now proposed that all windows both in the existing house and extension are to be black uPVC and the patio doors black aluminium. Plastic replacements will not replicate the existing windows as UPVC is totally different in detail and the colour will be very much at odds with the general character of the other properties in the conservation area. We would have no objection to the original proposal of wood windows.

PLANNING POLICY

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

Local Policy

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

HE1: Heritage Assets
 HE3: Conservation Areas
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 SUS1: The Presumption in Favour of Sustainable Development

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

GEN2 – Design Principles
 HA1 – Protection and Enhancement of Heritage Assets
 HA2 – Protection and Enhancement of Conservation Areas

National Planning Policy Framework (NPPF)(2023)

2.18 In September 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019 and 2021 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:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

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

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA134: Achieving well-designed places

PARA189: Conserving and enhancing the historic environment

PARA194: Conserving and enhancing the historic environment

PARA195: Conserving and enhancing the historic environment

PARA197: Conserving and enhancing the historic environment

PARA199: Conserving and enhancing the historic environment -Considering potential impacts

PARA218: Implementation

PLANNING CONSIDERATIONS

2.19 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 conservation area, the impact on the amenity of neighbouring land users and any other relevant planning matters as identified below.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE HOST DWELLING AND OF THE SURROUNDING CONSERVATION AREA

2.20 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

2.21 Further to this, at a local level, Local Plan Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas. Policies GEN2, HA1 and HA2 of the Hartlepool Rural Neighbourhood Plan also seek to set out some design principles as well as the protection and enhancement of heritage assets including conservation areas (as detailed in the Rural Plan Group's comments above).

2.22 The applicant property is a detached dwelling that is positioned so that its side (eastern) elevation fronts the main highway of Egerton terrace, while the principal/front elevation is directed south towards the open field beyond the site. The property has limited space available to the north/rear but a generous side garden that reflects the rear gardens of those neighbouring properties that front Egerton Terrace in a more traditional layout.

2.23 Given the layout noted above, the proposed sun room extension, albeit to the side of the property, is screened from view from the street scene and largely therefore the conservation area more widely, due to its position to the west of the property. The southern boundary of the site is screened by mature trees and hedging, as such it is considered unlikely views of this part of the proposal would be achieved from around the site and therefore it would not have an adverse impact on the character or appearance of the street scene or conservation area. In addition, the extension, although modern in appearance is considered to be of a scale that is subservient to the original property and incorporates some features that reflect the character of the existing property. As such, it is considered that the extension would not detract from the appearance of the property itself.

2.24 The proposed extension to the side (east)/rear (north) has a more traditional appearance incorporating a dual pitched roof reflective of the existing property and is much more modest than the sun room extension, projecting only approximately 2.1m beyond the existing side and rear elevations. Although this element of the proposed works would be visible from the street scene, given the modest scale and sympathetic and subservient design, it is considered that this would not detract from the character and appearance of either the property itself or the wider conservation area setting. The Council's Heritage and Open Spaces Manager has confirmed there

are no objections to the principle of the extensions proposed in terms of their impact on the conservation area.

2.25 The application as originally submitted indicated the intention to retain the existing timber windows to the property and include timber windows to match in the extensions, which was expressly supported by the Rural Plan Group and Greatham Parish Council, however the applicant has since amended the proposals to show the use of uPVC windows with black frames throughout the existing property and the proposed extension.

2.26 Consequently, the Rural Plan Group have advised that they would object to the use of plastic windows (in black) and Greatham Parish Council have expressed concerns with such works, both commenting that the proposals would be contrary to the relevant Hartlepool Rural Neighbourhood Plan policies. The Civic Society have also objected to the application on this basis.

2.27 It is accepted that in the absence of an Article 4 Direction in the conservation area to remove permitted development rights (as is the case here), it would be feasible to replace windows in the existing property in uPVC providing they were of a 'similar' appearance (i.e. white framed with a similar opening mechanism and frame). While uPVC as a material is not something that the Local Planning Authority (LPA) would seek to encourage in the conservation area, it is accepted it could be introduced in this instance without the LPA having control over such works. The issue therefore rests upon whether the change from white timber to black uPVC, which is considered not to be of a 'similar' appearance, is appropriate, and whether including uPVC windows in the extensions, which would not benefit from permitted development rights and therefore does not allow for a 'fall-back' position, is appropriate.

2.28 The Council's Heritage and Open Spaces Manager indicates such proposals are not something they would encourage and seek to see this element reconsidered, but also notes there are a mixture of windows in the property, some of which are replacements and therefore original windows are limited. It is apparent that the proposed windows would be similar in terms of their form and opening mechanism, but the proposed colour of the frames would be different and windows in this conservation area would traditionally be painted white. The original proposals included black timber frames although this did not warrant an objection on conservation grounds. As such, it is considered it would be unreasonable to prevent the use of black window frames, as the Council's Heritage and Open Spaces Manager concludes that on balance the proposed windows would not impact on the significance of the conservation area in this instance.

2.29 Given the above assessment, on balance the proposals are considered to be acceptable in this respect and would not warrant a refusal of the application in this instance.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.30 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.

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

Impact on 12 Egerton Terrace (north)

2.32 The neighbouring property to the north has its blank side elevation directed towards the applicant property and proposed 'wrap around' extension. There is a boundary wall of approximately 1.8m in height, as well as the neighbouring property's detached garage and driveway between the houses themselves. There would be a separation between the proposed 'wrap around' extension and the neighbouring property of approximately 12.9m and a separation of approximately 17.7m to the proposed sun room extension. Furthermore, the proposed replacement windows to the host dwelling would not introduce any new openings and therefore it is considered that it would not adversely affect the existing relationship.

2.33 It is considered that such separation and layout between the properties would prevent any adverse impact on the amenity and privacy of neighbouring occupiers in terms of loss of light, overbearing appearance, loss of outlook or overlooking.

Impact on 11 West Row (north west)

2.34 The neighbouring property to the north west would be approximately 23.1m from the proposed sun room extension and approximately 32.5m from the proposed 'wrap around' extension. This is in excess of the separation distances required by Local Plan policy QP4 and the aforementioned residential design guide. Further to this there is mature hedging and trees along the shared boundary that would effectively screen the proposals from neighbouring properties to the north west. Furthermore, the proposed replacement windows to the host dwelling would not introduce any new openings and therefore it is considered that it would not adversely affect the existing relationship.

2.35 As such, it is considered there would not be an adverse impact on the amenity and privacy of occupiers of this neighbouring property in terms of loss of light, overbearing appearance, loss of outlook or overlooking.

Impact on 2, 4 & 6 West Row (west)

2.36 There is a separation between the applicant property as existing and the neighbouring properties to the west on West Row of approximately 72m, with a distance of approximately 67.2m from the nearest element of the proposals towards these properties. At such a substantial separation it is considered there would not be any adverse impact on the amenity and privacy of these neighbouring occupiers in terms of loss of light, overbearing appearance, loss of outlook or overlooking as a result of the proposed development. Furthermore, the proposed replacement windows to the host dwelling would not introduce any new openings and therefore it is considered that it would not adversely affect the existing relationship.

Impact on Whitehouse Farm (north east)

2.37 The nearest neighbouring property to the north east is understood to be a converted farm building (to 4 residential properties/apartments) known as Whitehouse Farm with No 3 Whitehouse Farm being the nearest property to the application site and which is located approximately 15.7m from the proposed 'wrap around' extension with the highway of Egerton Terrace between the two properties.

2.38 The applicant property has a boundary wall with fencing over along the boundary with the public footpath, this is approximately 2m to 2.2m in height, varying due to changes in the land level. There are also mature shrubs within the applicant property's garden that provide additional screening along this boundary. There is a mature tree within the side garden of the neighbouring property to the north east.

2.39 All of these factors screen the existing windows in the side elevations of the two properties and are considered to prevent any undue perception of overlooking. At present there is a separation between the existing applicant property and the window in the side elevation of the neighbouring property of approximately 17.7m, which is below the policy requirement for distances between habitable room windows. The proposed 'wrap around' extension would reduce this separation further. Whilst it is noted the current policy requirement for separation distances is not met in the current (or proposed) situation, taking account of the factors identified above including the single storey scale and nature of the proposal, the intervening boundary treatments and presence of a highway, it is considered that this would not result in an unacceptable loss of privacy for the neighbouring occupiers at Whitehouse Farm (primarily No 3) to such a degree as to warrant refusal in this instance.

2.40 Owing to the above considerations and the remaining separation distance between the properties, it is considered the proposed relationship and remaining distance would be more than sufficient to prevent an unacceptable impact in relation to an overbearing appearance or loss of light or loss of outlook due to the proposed development as to warrant a refusal of the application.

2.41 Furthermore, the proposed replacement windows to the host dwelling would not introduce any new openings and therefore it is considered that it would not adversely affect the existing relationships.

Impact on 16 Egerton Terrace (south east)

2.42 16 Egerton Terrace is located to the south east of the application property and is separated by the highway of Egerton Terrace and intervening gardens by approximately 32.4m at the closest point. With such a separation, it is considered there would not be any adverse impact on the amenity and privacy of these neighbouring occupiers in terms of loss of light, overbearing appearance, loss of outlook or overlooking as a result of the proposed development. Furthermore, the proposed replacement windows to the host dwelling would not introduce any new openings and therefore it is considered that it would not adversely affect the existing relationship.

Impact on land to the south

2.43 Directly to the south of the site there are open fields, given the nature of the land it is considered there would be no adverse impact on the amenity and privacy of adjoining occupiers/land users to the south.

2.44 Given the above assessment, it is considered that the proposed development is acceptable in relation to impacts on the amenity of neighbouring occupiers.

HIGHWAY SAFETY AND CAR PARKING

2.45 The proposals do not propose any alterations to the existing access or parking arrangements at the property. HBC Traffic and Transport have raised no objections in relation to highway safety. Accordingly, the proposals are considered to be acceptable in this respect.

IMPACT ON TREES

2.46 The site benefits from a substantial number of mature trees, as such a tree survey and Arboricultural Impact Assessment have been submitted as part of the application. It is not proposed to remove any trees to enable the proposed works, although some are close to the proposed extensions. The Council's Arboricultural Officer requested amendments to the tree protection plan and method statement, which have been duly submitted by the applicant. In response, the Council's Arboricultural Officer has confirmed the revised documents are acceptable. Subject to a planning condition requiring the relevant protection set out in the submitted documents and that if any tree were to die as a result of the development within five years they are replaced, no objections are raised. Such a condition is standard in such situations and is duly recommended. The proposal is therefore considered to be acceptable in this respect.

CONCLUSION

2.47 The proposed extensions are considered to be of a scale and design that would be appropriate in relation to the existing house and plot, and would not be out of keeping with the character and appearance of the area to such a degree as to warrant refusal of the application. It is therefore considered the development does

not detract from the character and appearance of the Greatham Conservation Area, impact the amenity of neighbouring occupiers, impact highway safety or impact on trees to such an extent as to warrant refusal, in accordance with policies HE1, HE3 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 126, 134, 189, 194, 195, 197, 199 and 202 of the National Planning Policy Framework.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.48 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.49 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.

2.50 There are no Section 17 implications.

REASON FOR DECISION

2.51 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 planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number 2285/PL/01 (Location Plan), drawing number 2285/PL/03 (Proposed Site Plan), drawing number 2285/PL/04 (Existing and Proposed Floor Plans), received by the Local Planning Authority 27/03/2023; Tree Survey & Arboricultural Impact Assessment received by the Local Planning Authority 24/05/2023, drawing number TLP_TCP_TPP02 (Tree Location, Tree Constraints & Tree Protection Plan) and Arboricultural Method Statement (V1, document dated 14/07/2023) received by the Local Planning Authority 17/07/2023; and drawing number 2285/PL/06, Revision A (Proposed Elevations Flat Roof Option), received by the Local Planning Authority 07/09/2023.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s), as specified in the application form received by the Local Planning Authority 27/03/2023 and those stipulated on drawing number 2285/PL/06, Revision A (Proposed Elevations Flat Roof Option, received by the Local Planning Authority 07/09/2023), unless similar alternative materials are otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.

4. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, the submitted scheme for the protection and retention of the retained trees (as identified on drawing number TLP_TCP_TPP02 (Tree Location, Tree Constraints & Tree Protection Plan) and within Arboricultural Method Statement (V1, document dated 14/07/2023) received by the Local Planning Authority 17/07/2023) shall be carried out in strict accordance with the approved document. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site (and thereafter retained until the completion of the development). 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. If within a period of five years from the commencement of the development hereby approved, any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
In the interests of the health and appearance of the existing trees and the visual amenity of the area and surrounding area.

BACKGROUND PAPERS

2.52 Background papers can be viewed by the 'attachments' on the following public access page: [Hartlepool Borough Council | Regeneration and Planning](#)

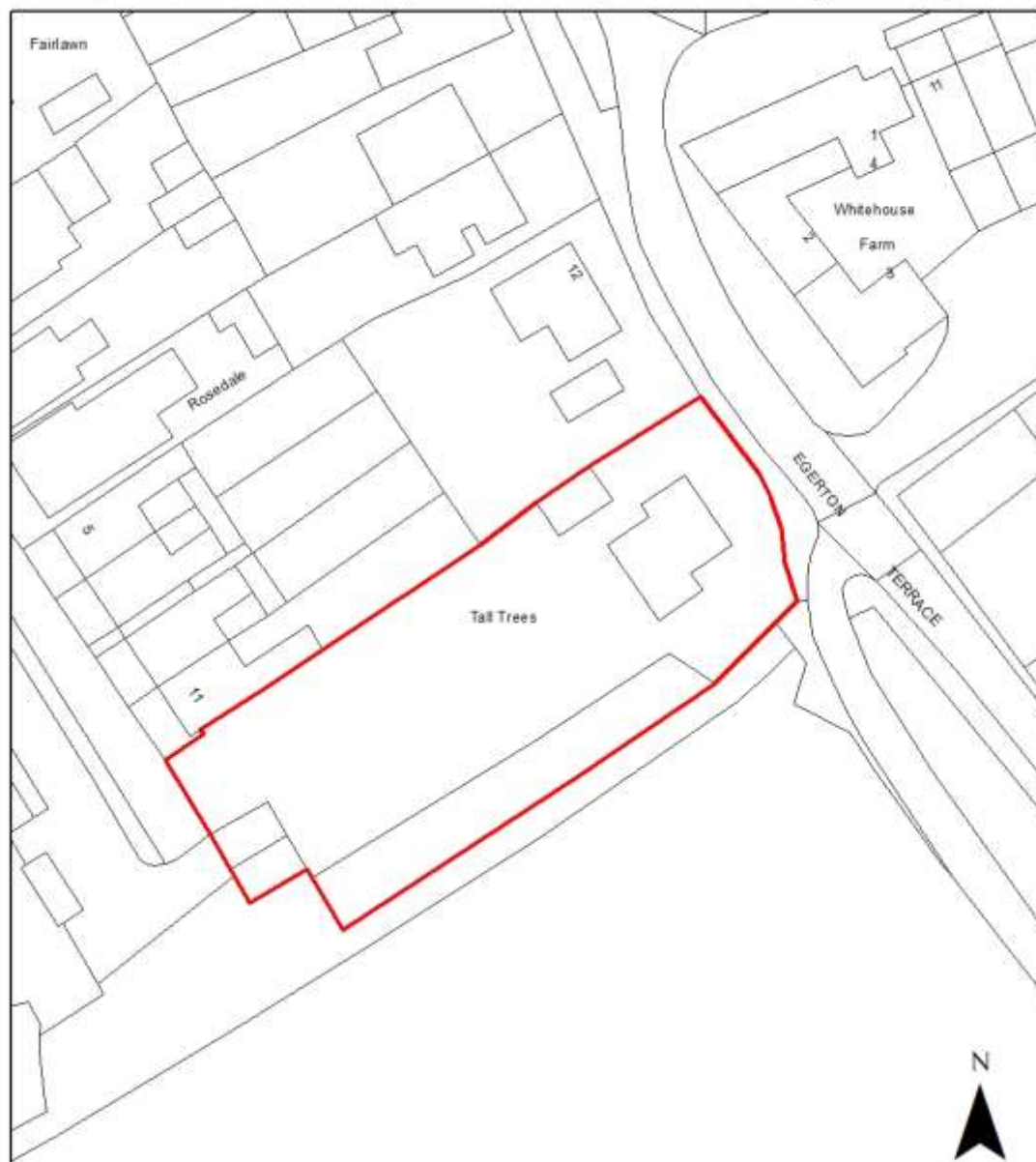
2.53 Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

CONTACT OFFICER

2.54 Kieran Bostock
Assistant Director (Neighbourhood Services)
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

2.55 Laura Alderson
Senior Planning Officer
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 523273
E-mail: laura.alderon@hartlepool.gov.uk

13 Egerton Terrace (Tall Trees) Greatham, Hartlepool

© Crown Copyright. All rights reserved AC0000849987 (2023)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 01.11.2023
	SCALE 1:500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2023/0097	REV

No: 3.
Number: H/2023/0148
Applicant: MR DOUG HENNELLS 34 THE GREEN ELWICK
HARTLEPOOL TS27 3EF
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR
COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK
ROAD HARTLEPOOL TS26 0QE
Date valid: 22/06/2023
Development: Proposed erection of a single storey flat roof extension to
rear to provide restaurant area, conversion of existing
storage area to provide 3no. letting rooms and
retrospective application for replacement windows
Location: MCORVILLE 34 THE GREEN ELWICK HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The following planning applications are considered relevant to the current proposals:

H/2007/0738 – Erection of a single storey rear extension to provide 4 guest bedrooms, approved 28/11/2007.

H/2013/0439 – Change of use from storage games/function room and alterations to stable doors, approved 25/11/2013.

PROPOSAL

3.3 This application seeks planning permission for the proposed erection of a single storey flat roof extension to the rear to provide a restaurant area, the conversion of an existing storage area to provide 3no. letting rooms and retrospective permission for replacement windows to the front and side of the premises.

3.4 Planning permission is sought for the erection of a single storey extension to the south and west of the building in order to form a restaurant and garden bar area. This extension would infill a large proportion of the existing beer garden area. At its furthest extent this extension would have a projection of approximately 20.7m and span a width of approximately 11.1m at its widest point. This extension is proposed to include a flat roof (approx. 2.4m high) with three glazed lanterns within it (overall height approx. 3.7m). Bi-fold glazed doors are proposed within the rear (southern)

elevation of this extension, there are no other doors or windows proposed within the extension.

3.5 An extension is also proposed to the east of the building, to what is currently a storage area, to facilitate conversion to three letting rooms. This extension would project eastwards by approximately 1.9m and span a length of approximately 13.1m. Four pairs of glazed doors with arched windows above are proposed in the east elevation of this extension. The proposed conversion works would see the creation of three self-contained bedrooms each with en-suite facilities, as well as replacement toilet facilities for the existing bar.

3.6 The final element of the proposed works is retrospective and relates to the replacement of the windows to the front and side of the premises. The former windows were timber sliding sash frames at the time of replacement painted green, with a combination of eight over eight and six over nine arrangement. The windows now installed are black uPVC casement frames in a mock sash style. A number of the windows have replicated the eight over eight and six over nine arrangement, however two of the windows to the front elevation do not replicate the original arrangement, going from two windows of eight over eight, to six over six.

3.7 This application has been referred to planning committee at the request of a local ward councillor with the agreement of the Chair of committee and due to three objections being received, in line with the Council's scheme of delegation.

SITE CONTEXT

3.8 The application relates to the Mcorville public house (34 The Green), an end of terrace building fronting northwards towards Elwick Village Green. The property is within Elwick Conservation Area, is subject to an Article 4 Direction limiting permitted development rights. The property is also a locally listed building. There is a residential property adjoining the application site to the west, the village green to the north, with further residential properties beyond. To the east is the access serving the car park to the rear of the public house with the village shop and tea rooms beyond that. To the south of the site is open countryside that is beyond the development limits of the village.

PUBLICITY

3.9 The application has been advertised by way of seven neighbour letters, site notice and press notice. To date, there have been two objections received, to which the objections and concerns can be summarised as follows:

- Worsening of existing parking pressures in the area,
- Loss of outlook to neighbour's habitable living space,
- Noise and disturbance,
- Loss of privacy.

3.10 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=158531>

3.11 The period for publicity has expired.

CONSULTATIONS

3.12 The following consultation replies have been received:

HBC Heritage & Open Spaces – The application site is located in Elwick Conservation Area, a designated heritage asset. The building is recognised a locally listed building and is therefore a heritage asset in its own right. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, ‘seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.’

The NPPF looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 203, NPPF).

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

The buildings to be found in Elwick Conservation Area reflect the settlement’s early agricultural origins. Many properties appear to date from the 18th century, although this may disguise their earlier origin. In addition there are examples of early and late 19th century terraced dwellings and some individual houses. The scale and character is predominantly residential.

The earliest buildings are single and two storey most constructed in rubble or stone, often white washed or rendered subsequently. Roofs are steeply pitched finished with clay pantiles. Windows can be either horizontal sliding sashes (Yorkshire lights) or vertical sash windows. Later 19th Century terraced dwellings are constructed in brick (with contrasting brick detail) with roofs of welsh slate.

The proposal is part retrospective with replacement windows already installed within the property. Further to this it is proposed to erect a single storey flat roof extension to the rear to provide restaurant area, and conversion of existing storage area to provide 3no. letting rooms.

Mock sash, UPVC Windows have been installed replacing traditional timber sliding sash windows to the front, east and side elevations.

The appearance of the windows is different from those which were previously installed. This is because UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

The width, bulk of the framing and opening mechanisms of the windows are also different. They are top hung and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush as with the existing windows.

In addition timber windows have tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

It is considered that the windows cause less than substantial harm to the significance of the heritage asset (Locally Listed Building) and Elwick Conservation Area (Designated Heritage Asset). There is no information presented in this instance which would suggest that the harm is outweighed by the public benefits of the proposal.

In relation to the proposed extension to create a restaurant and garden bar to the rear of the property. This extension is substantial in size and appears to double the footprint of the building. It results in the loss of the garden space to the rear of the property, and therefore the definition of the original structure. In its current state it is considered that this development would cause less than substantial harm to the heritage asset and in turn the designated asset. Whilst it is accepted that there is scope for an extension to the rear of the building it is considered that this could be reduced in scale and more subservient to the host property. It is proposed that if the garden room and bottle store element of this removed, this reduced scale may be acceptable.

The second extension is to the stable block to the rear of the property providing additional floor area and detailed with a flat roof and parapet to the new front elevation. It is proposed that this will be converted from storage units to three, letting rooms. The extension will be across the main frontage of these units, masking the original detailing which remains, namely large timber close boarded doors with four sets of double doors with an arched window over. It is considered that the loss of original detailing and proposed extension will cause less than substantial harm to the heritage asset and in turn the designated heritage asset.

There are a number of elements in this application that require further consideration in order to demonstrate that the proposal will not cause less than substantial harm to the heritage asset and in turn the designated heritage asset. No information has been provided to suggest that the harm cause would be outweighed by the public benefit of the proposal.

HBC Traffic & Transport – The proposed development would require 1 space per 2 bedrooms and, 1 space per 2 seats for the restaurant and 1 space per 5m² of public floor space, the property is currently served by a car park which can accommodate 12 vehicles, although access is restricted and may lead to resident parking on the street.

The proposed development would have an impact on parking around the green, however in order to sustain an objection this impact would have to be considered severe. In this instance would not consider that the impact is severe and would not be able to object on these grounds.

It has been suggested that a residents parking scheme could be used to control parking around The Green. I would not consider a Residents parking zone suitable to tackle the parking issues in this area, resident parking schemes tend to operate week days only between 8.00am – 6.00pm, The pubs busiest periods would be on an evening / weekends when the scheme would not be in operation or enforcement would not be available.

HBC Ecology – The following should be conditioned.

The site is close to greenspace which supports declining species of birds such as swift, house sparrow, tree sparrow and starling, which could benefit from the provision of integral bird nest bricks. To meet current Ecology planning requirements, the following should be conditioned:

The building should include 2no integral ‘universal’ nest brick located in south or east facing walls (where possible) and as high above ground level as possible.

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

See: <https://drive.google.com/file/d/1ljcJ7rlkNMrr4lxd41XcBU3YC6IFKM6z/view>

See: https://www.swift-conservation.org/swift_bricks.htm

Habitats Regulations Assessment (HRA)

I have done a HRA stage 1 screening

1. Stage 1 findings

Nutrient neutrality

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW?	Yes	The scheme is screened out.
-----------------------------------------------------------------------------------------------	-----	-----------------------------

Recreational disturbance

Is Recreational disturbance likely?	No*	The scheme is screened out.
*The number of additional visitors attracted to Hartlepool by this establishment, which will have three rooms to let and is 7.6km from the closest European Site (Figure 1), is assessed as insignificant.		

This ends the HRA process. The scheme is lawful and Natural England does not need to be consulted.

HBC Arboricultural Officer – The Arboricultural constraints on the site are 2 ornamental trees in the rear garden which are only viewable from the beer garden to the rear of the pub. The trees are located in very close proximity to the existing buildings will only cause future problems. The ‘Tree Survey & Arboricultural Impact Assessment’ from WeCareTreeCare dated 1st September sets out the constraints and that the trees would need to be removed to facilitate the development. There is no objection to the removal of the trees due their location and proximity to the already existing buildings. The trees are protected by virtue of being within the conservation area but the notification for their removal can be accepted through this planning application.

Within the AIA conclusion of the ‘Tree Survey & Arboricultural Impact Assessment’ from WeCareTreeCare dated 1st September it states that replacement tree planting should take place to mitigate the tree loss. I agree with this statement and taking into consideration the constraints of the site and available suitable planting environment it would be deemed acceptable for 1 no. replacement tree to be planted in the remaining space at the rear of the development and details of this replacement planting should be conditioned. The tree should be planted in a suitable pit for its intended location. Its final ultimate size should be medium and its form conical to reduce future problems with the design. I would propose that the tree planting is designed using the free guidance document from the Trees & Design Action Group, Tree Species Selection for Green Infrastructure. This will give guidance of what to

tree to plant in a number of varying conditions. It is essential that the right tree be planted in the right location to allow the tree to establish successfully but to also stop any future problems with property boundaries and maintenance issues.

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

The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Deliveries and Collections during the work shall be kept between these hours as well.

No Open Burning at all on site.

HBC Waste Management – No comments received.

HBC Building Control – A Building Regulation application will be required.

HBC Countryside Access Officer – No comments received.

Cleveland Fire Brigade – Cleveland fire Brigade offers no representations regarding the development as proposed. However Access and Water Supplies should meet the requirements as set out in:

Approved Document B Volume 2 :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 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 2 Section B5 Table 15.2.

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

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

Civic Society – No comments received.

Rural Plan Working Group – Thank you for consulting Hartlepool Rural Plan Group with regard the above application. The application site is within the development limits of Elwick village and also within Elwick Conservation Area. The building in question is locally listed. The following Rural Neighbourhood Plan Policies are particularly relevant to this application:

POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY The development of the rural economy will be supported through:

1. the retention or expansion of existing agricultural and other businesses;
2. the re-use or replacement of suitable land/buildings for employment generating uses in villages and the countryside;
4. the construction of well designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;
5. appropriate tourism related initiatives;
6. recreation uses appropriate to a countryside location.

The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure.

All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

The proposals contained in this application undoubtedly supports the development and retention of an existing business in Elwick village and offers employment generating potential. The use of the rear wing to provide holiday accommodation is welcomed in principle as an appropriate tourism-related initiative.

The large extension to provide a restaurant and garden bar is a concern due to its size and flat roof design. The use which will support the existing business is accepted. The scale, however, which wraps around a neighbouring domestic property, does raise questions regarding the effect on the amenity of the adjacent residential property. The design with flat roof is questionable, is this good design, in its relation to and respect of the heritage of the conservation area and original building. This may be excused to a certain degree as the extension will be well hidden away from the main vistas of the conservation area and considering the support for an existing business and the wider rural economy.

The larger business is, hopefully, going to attract extra business and presumably customers from outside the village. There is however no increase in the parking provision, which is already quite small and limited in the immediate village. Perhaps the sacrifice of the garden bar would not only reduce the impact on the neighbouring house but also allow a modest increase in parking provision.

POLICY HA1. — PROTECTION AND ENHANCEMENT OF HERITAGE ASSETS

Planning applications will be supported which:

1. preserve and enhance their physical character and facilitate new uses for buildings at risk.
2. ensure all heritage assets including Scheduled Ancient Monuments and the ridge and furrow landscape, within the Rural Plan area are conserved or enhanced through a constructive conservation approach;
3. ensure that the distinctive character of Conservation Areas, within the Rural Plan area, is conserved or enhanced through a constructive conservation approach;

5. encourage the retention of heritage assets on the List of Locally Important Buildings, particularly when viable, appropriate uses are proposed.

POLICY HA2 - PROTECTION AND ENHANCEMENT OF CONSERVATION AREAS

In determining applications within Conservation Areas, or which affect the setting of a Conservation Area, particular regard will be given to the following:

1. The scale and nature of the development;
2. The design, height, orientation, massing, means of enclosure, materials, finishes and decoration proposed;
3. The retention of original features of special architectural interest such as walls, gateways and other architectural details;
4. The retention of existing trees, hedgerows and landscape features, with appropriate landscaping improvements incorporated into design proposals;
5. The protection of important views and vistas;
6. The location of appropriately designed car parking, landscaped in such a way as to minimise impact on the character of the area, and
7. Guidance provided in relevant Conservation Appraisals, Visual Assessments and Village Design Statements.

POLICY HA4 - PROTECTION AND ENHANCEMENT OF LOCALLY IMPORTANT BUILDINGS

In determining applications for planning permission that affect entries on the List of Locally Important Buildings, the effect of the application on the significance of the following will be assessed:

1. The historic or architectural importance of the building.
2. Features which contribute significantly to the character of the building.
3. Their contribution to the appearance of the locality.
4. Their scarcity value to the local area.
5. The scale, nature and importance of the proposed redevelopment, which should clearly demonstrate how it would conserve or enhance the site or setting of other buildings nearby.
6. The design and means of enclosure. A balanced judgement will be made, having regard to the scale of any harm or the loss and the significance of the heritage asset.

The McOrville a heritage asset being part of Elwick Conservation Area and a locally listed building. The local listing description is:- 18th or early 19th century with an earlier pub known as the "Fox and Hounds" which was renamed in 1845 to the current. It is understood the name derives from a race horse bred locally which entered the popular imagination in the 1840's. The building at the rear has late 19th century brickwork exposed while the front elevation is rendered. Later additions in the form of a bay and porch are early 20th century. To the front right hand side the layout is symmetrical with a centre doorway/porch and flanking multi-paned sash windows to ground and first floor. To the side the building is set back with timber sash windows to the first floor and a square bay to the ground floor. The rear of the property is similar with a stable extension. The roof is gabled in slate.

Elwick Village Design Statement design statement is relevant and states:- In particular, buildings are seriously affected by changes to such aspects as roof materials, gutter and downpipes, wall finishes, windows and dormers, doors and door surrounds. Even the simplest cottage or brick terrace is part of Elwick's local heritage and once its quality is destroyed, it is not easily recreated

Heritage priorities for Elwick (as listed in appendix 5 of the Rural Neighbourhood Plan) include:- Review of the Article 4 directive in Elwick Conservation Area and encouragement to use more appropriately designed windows, doors, boundary features and other domestic features.

Elwick Conservation Area Visual Assessment, March 2010, carried out by Hartlepool Borough Council identified potential negative aspects which can undermine the positive qualities of Elwick Conservation Area:

- inappropriate alterations to farmhouses and buildings which have resulted in the removal or alteration of doors, windows and roofing materials for example, which could make a positive contribution to the character of the conservation area.
- poor detailing and design of housing within the identifiable historic core of Elwick which could also make a positive contribution to the quality of Elwick as a village and as a conservation area.

The replacement windows on this locally listed building at the heart of Elwick Conservation area is unacceptable. This is not solely because of the material but the uPVC replacements are NOT sash windows, despite mimicking such, but are casements. This means as soon as the windows are opened even this very poor mimicry is completely lost. While wooden replacement sash windows would be best, even uPVC replacements are available as true sashes. The image of the original small panes are not actually created by mullions but are contained within the glass – thus the light reflecting from the glass creates flat featureless windows as if single panes.

In Elwick Conservation there is a particular emphasis on retaining appropriately designed windows that are correct for the heritage of the location including an article 4 directive. The poor-quality design of the windows that have been fitted without planning permission to this property is unacceptable.

The proposed guest room door/windows are shown with arched openings. It may better reflect the original character of the service block and original openings if these were rectangular, flat-topped openings. This is minor detail which may not warrant an objection in itself but it would display more sensitivity to the heritage style if it was changed.

The application could offer much in the way of economic benefit but as a tourist-related development the lack of attention to the heritage aspect is of serious concern. Heritage is a major feature of tourism, the historic environment is intrinsically linked to economic activity, with many economic activities occurring within it, dependent on it or attracted to it. The Heritage Sector is an important economic sector nationally with a total GVA of £36.6bn and providing over 563,509 jobs in 2020 (source Heritage and The Economy 2020 by Historic England on behalf of the Historic Environment Forum). There is a potential for such benefits locally, especially in a Borough housing a heritage attraction of the stature of the National Museum of the Royal Navy. Heritage is also an essential element in local distinctiveness which is important for local communities and unique attractive character attracts visitors.

The application states that the design and layout of the works have been informed by the significance of the locally listed building and its setting within the conservation area, but this is not born out in the choice of windows which are particularly significant in the appearance of the building. Energy efficiency and a warmer environment for patrons can be achieved with secondary glazing or wooden replacement double glazed sashes thus following Council guidelines and planning policy including the Rural Neighbourhood Plan. The public interest and the aim of attracting new patrons and tourism would be better served by a respected and quality heritage asset.

In summary the extension and use is in line with the economic policies of the Rural Neighbourhood Plan but the support for this is tempered with the proviso that “all proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity”. Unfortunately, design and amenity and in particular the heritage policies have been undervalued and sidelined, which has to be considered especially to the aim of attracting new business and visitors. The replacement windows are damaging to the character of the conservation area and the locally listed building. With this in mind, the Rural Neighbourhood Plan Group object to the application.

Elwick Parish Council – No comments received.

Tees Archaeology – The McOrville public house lies on the south side of the village green in Elwick. The village layout dates to the 11th century and follows the standard Norman template of a broad green which is fronted on either side by a row of properties. The McOrville itself is a locally listed building recorded on the HER (HER 8107), with a public house noted as occupying the site since the late 18th/early 19th century. Given its location, it is likely that the site has been continuously occupied from the medieval period to the present day and that archaeological remains are present on site.

Should the application be approved, we recommend that archaeological monitoring is carried out during the groundworks for the proposal. We would also recommend that historic building recording is carried out prior to works commencing on site, due to the alterations that are proposed to this heritage asset. These recommendations are in line with NPPF para 205, which looks for local planning authorities to “require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible”.

The recommended work could be conditioned upon the application.

Our standard wording for the conditions are below.

For the archaeological monitoring:

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.

For the historic building recording:

Recording of a heritage asset through a programme of historic building recording

A) No demolition/development shall take place/commence until a programme of historic building recording 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 historic building recording 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.

PLANNING POLICY

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

Local Policy

Hartlepool Local Plan 2018

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

HE1: Heritage Assets

HE3: Conservation Areas

HE5: Locally Listed Buildings and Structures

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP5: Safety and Security

QP6: Technical Matters

SUS1: The Presumption in Favour of Sustainable Development

RUR5: Rural Tourism

LS1: Locational Strategy

Hartlepool Rural Plan

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

EC1 – Development of the Rural Economy

EC2 – Retention of Shops, Public Houses and Community Facilities

HA1 – Protection and Enhancement of Heritage Assets

HA2 – Protection and Enhancement of Conservation Areas

HA4 – Protection and Enhancement of Locally Important Buildings

GEN1 – Development Limits

GEN2 – Design Principles

C1 – Safeguarding and Improvement of Community Facilities

National Planning Policy Framework (NPPF)(2023)

3.16 In September 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019 and 2021 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:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

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

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA189: Conserving and enhancing the historic environment

PARA194: Conserving and enhancing the historic environment

PARA195: Conserving and enhancing the historic environment

PARA197: Conserving and enhancing the historic environment

PARA199: Conserving and enhancing the historic environment Considering potential impacts

PARA 202: Where a development proposal will lead to less than substantial harm

PARA 203: The effect of an application on the significance of a non-designated heritage asset

PARA218: Implementation

3.17 HBC Planning Policy Comments – There are no planning policy objections to this proposal provided that the design is appropriate for the conservation area. The views of the Heritage and Open Spaces Head of Service are paramount in this.

PLANNING CONSIDERATIONS

3.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, impact on the character and appearance of the existing building and other heritage assets, the impact on neighbour amenity, highways and ecology. These and any other planning matters are considered below.

PRINCIPLE OF DEVELOPMENT

3.19 Policy RUR5 of the Hartlepool Local Plan 2018 (HLP) seeks to enhance the tourism offer of the Borough, supporting new visitor accommodation and proposals that would benefit the local economy and protect local services. This is echoed in Policies EC1 and EC2 of the Hartlepool Rural Neighbourhood Plan (HRNP). The expansion of the existing public house to offer restaurant facilities and an additional bar, in principle are considered appropriate given the existing, established public house on the site that is located within the development limits/village envelope of Elwick as defined by Policy LS1 of the HLP and Policy GEN1 of the HRNP. The site is 'white land' (no specific policy allocations) within the HLP and identified as a 'community building' under policy EC2 of the HRNP. It is considered that the proposed letting rooms would be complementary to the existing business and offer additional visitor accommodation in the area, within the development limits of the village.

3.20 Notwithstanding this, the relevant, identified policies of both the HLP and HRNP also requires new developments to be of a design that is appropriate to its location, maintaining or enhancing the quality of the built and historic environment, and to be of a design that does not have a detrimental impact on adjacent land users. These matters are considered in further detail below.

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING (LOCALLY LISTED) BUILDING AND SURROUNDING CONSERVATION AREA

3.21 The application site is within the Elwick Conservation Area (a designated heritage asset) and is recognised as a locally listed building and is therefore a (non-designated) heritage asset in its own right.

3.22 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

3.23 Further to this, at a local level, Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas. Policy HE5 (Locally Listed Buildings) sets out need to take account of the historic and architectural importance of buildings when assessing whether the scale and nature of redevelopment proposals relating to locally listed buildings. Policies HA1, HA2 and HA3 of the HRNP also seek the protection and enhancement of heritage assets, conservation areas and locally important buildings respectively (as detailed in the Rural Plan Group's comments above).

3.24 Given the proposals relate to three distinct elements, consideration of the potential impacts on heritage assets is subdivided below to take account of each element in turn.

Proposed restaurant/bar extension

3.25 The proposed extension to the south and west of the building to create a restaurant and additional bar area is considered to be substantial in size and would appear to double the footprint of the building, resulting in a loss of garden space to the rear of the property and therefore the definition of the original structure. Whilst it is considered that there may be scope for some form of extension to the rear of the property, at the scale proposed it is considered by the Council's Heritage and Open Spaces Manager that this extension would result in less than substantial harm to the heritage asset (locally listed building) and in turn the wider designated asset (conservation area). The Rural Plan Group also express concern at the size and flat roof design of the proposed extension and whether this could be considered good design.

3.26 The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm to the character and appearance of Elwick Conservation Area and the locally listed building due to the scale and form of the extension proposed. The applicant has sought to identify public benefits of the proposal within their submitted supporting Planning Statement, as justification for the harm caused, however it is contended that the matters raised are primarily private benefits in terms of the operation of the business and do not identify why any perceived benefits would result only from the design put forward and not a more sympathetic extension. The proposed development is therefore considered to be unacceptable in this respect.

Proposed creation of letting rooms

3.27 The former stable block, now used for storage, is proposed to be converted to form three letting rooms. These works include a proposed extension to the eastern elevation, across the frontage of these units. This element of the scheme would mask the original features of this part of the building, namely the large timber stable doors, replacing them instead with four pairs of glazed doors with an arched window over each pair. It is considered that the loss of original detailing as a result of the proposed extension and conversion works would result in less than substantial harm

to the non-designated heritage asset (locally listed building) and in turn the designated asset (conservation area). It is noted by the Rural Plan Group that the proposed window/glazed door design within this element of the scheme with arched openings is not reflective of the nature of the former stable block. It is highlighted in the planning history section of this report that previous approvals have been granted for works to form tourist accommodation within the stable block, which have since lapsed. Those applications sought alterations of a much simpler form that reflected the original character of the former stables and were therefore considered more sympathetic to the locally listed building than the scheme currently proposed.

3.28 The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm to the character and appearance of Elwick Conservation Area and the locally listed building due to the loss of original fabric and inappropriate new detailing proposed. The benefits identified in the submitted supporting statement in relation to the creation of tourist accommodation within the village is noted, however this could be achieved in a much more appropriate and sympathetic manner than the scheme currently proposed and therefore it is considered this in itself would not constitute public benefit that would outweigh the harm identified. The proposed development is therefore considered to be unacceptable in this respect.

Replacement Windows

3.29 Retrospective permission is sought for replacement of the windows within the existing openings with uPVC mock sash, casement windows, of similar proportions, albeit uPVC windows tend to have thicker frames as it is not possible to replicate the slender frames achievable in timber. It is also noted that uPVC has a smoother, more regular surface finish that is more reflective and ages differently than a timber equivalent would. While detailing such as tenoned corner joints and glass held with putty also have a different appearance than glazing beads and mitred corner joints found in uPVC windows.

3.30 The Council's Heritage and Open Spaces Manager notes that the windows that have been installed are of a different appearance from those they have replaced due to the material used for the frames and the means of opening. While a mock sash style has been used, once the windows are opened, it is apparent the windows are not of a traditional style. The Rural Plan Group also object to the windows that have been installed at the property and for which retrospective permission is sought due to the inappropriate design and style. The NPPF requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm to the character and appearance of Elwick Conservation Area and the locally listed building due to the use of non-traditional materials and non-traditional means of opening. The submitted supporting statement highlights private benefits to the business of having replacement windows, but does not identify why this would relate solely to the type of windows installed. There would be alternative means to create a similar impact in terms of the energy efficiency of the building without having installed windows that do not reflect the character and appearance of the designated and non-designated

heritage assets. The proposed development is therefore considered to be unacceptable in this respect.

3.31 Paragraph 202 of the NPPF (2023) requires that works that would result in 'less than substantial harm' (which is within the scale of harm set out in the NPPF, namely "substantial harm, total loss or less than substantial harm" to the significance of a heritage asset) requires that this harm be weighed against any public benefits of the proposal. Whilst acknowledging the benefit provided by supporting the operation of an existing business in the rural area and the introduction of tourist facilities that the proposed development would likely provide, in terms of economic investment in the area, this would be limited given the size of the application site (and the extent of the proposals). The Council's Head of Service for Heritage & Open Space has identified these works as causing less than substantial harm where the public benefits sufficient to outweigh the identified harm have not been sufficiently demonstrated by the applicant. Furthermore, it is considered that any benefits would amount to very limited public benefit that would not outweigh or justify the harm caused by the proposed development. Officers are not persuaded that any public benefits could not be achieved by a proposal which would be less harmful to the significance of the designated and non-designated heritage assets.

3.32 Through the course of the planning application, discussions with the applicant's agent sought to reduce the size of extension to form a restaurant and garden bar, the alterations to form overnight accommodation and the proposed windows, in order to overcome the concerns raised. No changes were made to the scheme and the application has therefore been considered on the basis of what was originally submitted.

3.33 Overall, it is considered that the proposed extension to the rear, the proposed extension and alterations to form overnight accommodation and the replacement windows to the front would cause less than substantial harm to the designated heritage asset of the Elwick Conservation Area and the non-designated heritage asset being the locally listed building itself, where no information is provided on the public benefit of the proposal that would suggest this harm would be outweighed.

3.34 The proposal is considered to conflict with the relevant identified policies of the HLP and the HRNP and the provisions of the NPPF (2023) which directs at paragraph 199, that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Consequently, the proposed development is considered to be unacceptable in respect to the impact on the character of the Elwick Conservation Area and the locally listed building and is recommended for refusal on these grounds.

3.35 In summary, it is considered all three elements of the proposed development would cause less than substantial harm to heritage assets without any identified public benefit to outweigh such harm, as such it is considered the application is not in accordance with policies HE1, HE3 and HE5 of the Hartlepool Local Plan 2018, Policies HA1, HA2 and HA4 of the HRNP and the relevant provisions of the NPPF (2023).

NEIGHBOUR AMENITY

3.36 Given the proposals relate to three distinct elements, consideration of the potential impacts on neighbour amenity is subdivided below to take account of each element in turn.

3.37 As noted above, objections and concerns have been received from neighbouring occupiers, including from the adjoining neighbour of 35 The Green (also known as 'Kelvin') including concerns regarding an impact on their amenity and privacy as a result of the proposals.

Proposed restaurant/bar extension

3.38 The proposed extension to the south and west of the existing building would be substantial, covering a footprint that is not dissimilar to the existing footprint of the beer garden where the extension is proposed to be sited. The proposed extension would abut the shared boundary with the adjoining property to the west (35 The Green, also known as 'Kelvin') as it projects south, and then extend further westwards along the adjoining property's rear/southern boundary for a distance of approximately 2.5m (being set off the southern boundary to the neighbour by approximately 0.8m-1m). As a result, the proposed extension would effectively enclose the rear garden of the adjoining property on the two sides where the two properties share a boundary. The proposed extension would have an eaves height of approximately 2.4m, rising to an overall height of approximately 3.7m to the top of the proposed roof lanterns.

3.39 The proposed extension would project approximately 2.4m beyond the neighbouring property's own rear extension (application reference H/2010/0007 for the 'erection of a rear single storey extension to provide garden room, bathroom and lobby', allowed at appeal 10/08/2010) and then project westwards along the majority of the rear boundary of the adjoining property's garden.

3.40 Policy QP4 of the HLP requires that extensions should not significantly reduce the separation distances between properties, requiring a separation of at least 10m between a blank elevation and a principal elevation (which would be the relationship in this instance). The section of the proposed extension along the rear boundary of this neighbouring property would be located approximately 6m from the rear elevation of the neighbouring property (as extended) and adjacent to the neighbour's main rear garden/amenity area.

3.41 As such, it is considered that when viewed from the windows in the rear elevation of the neighbouring property (where the occupier indicates that this serves their main lounge, which is classed as a habitable room) there would be an overbearing impact created by an expanse of brickwork that would be approximately 0.4m above the height of the existing boundary fence. It is considered this would create a sense of enclosure that would be overbearing. It is considered that the extension would therefore result in an unacceptable loss of light to windows in the adjoining property's rear elevation.

3.42 There are no windows proposed in the northern elevation of the proposed extension. While there would not be any direct overlooking given the proposed elevation would be blank, as noted above, there would only be a separation of approximately 6m, and this element of the works would not accord with the requirements of Policy QP4 and is therefore unacceptable in this respect.

3.43 The proposed extension to the south and west of the building would be screened by the existing building itself from adjacent occupiers to the east and it is therefore considered this element of the works proposed would not cause an adverse impact on the amenity or privacy of occupiers to the north or east. Given the open countryside to the south of the site, there would be no amenity or privacy impacts on land users to the south in respect of loss of light, loss of privacy or the creation of an overbearing appearance as a result of this element of the works.

3.44 In light of the above assessment, it is considered that the proposed extension to the south and west of the building to form an additional bar area and restaurant would have an unduly negative impact on the amenity of the adjoining occupier to the west (35 The Green, also known as 'Kelvin') in terms of loss of light, loss of outlook and overbearing appearance to habitable room windows and their immediate private garden area, contrary Policies QP4 and RUR5 of the HLP, Policy EC1 of the HRNP and paragraph 130(f) of the NPPF (2023) which states that all new developments should achieve a high standard of amenity for existing and future users. The proposal is therefore unacceptable in this regard.

Proposed creation of letting rooms

3.45 The proposed extension to the east of the building to facilitate conversion of the current storage area to letting rooms is considered to be of a modest scale, it would project eastwards by approximately 1.7m, leaving an oblique separation between this part of the building and the adjacent neighbour (33 The Green understood to be occupied by a village shop and tea room) to the east by approximately 5.1m. There is a solid boundary wall along the shared boundary with the property immediately to the east ranging in height from approximately 2m up to approximately 3m. It is also understood that the gable side elevation of the neighbour is blank. Given the separation that would remain, the commercial nature of the adjacent property, the modest scale of the extension and the substantial intervening boundary treatment, it is considered this element of the proposals would not create an adverse loss of amenity and privacy in terms of overbearing outlook or loss of light or overlooking for the adjacent neighbour to the east.

3.46 Concern has been raised by the neighbouring occupier that is next door but one to the east (32 The Green), in relation to a loss of privacy due to the inclusion of windows in the side elevation of the extension serving the proposed letting rooms, however given there would be a separation of approximately 10m, substantial boundary treatments and another property between the site and this neighbour, it is considered there would not be any adverse impacts on the amenity and privacy in relation to loss of light or outlook, an overbearing impact or overlooking on that neighbour as a result of this element of the proposed development.

3.47 Concerns have also been raised about the potential for this element of the works causing noise and disturbance. Taking account of the existing use of the property as a public house, it is considered that the proposed letting rooms would be unlikely to cause noise nuisance above and beyond the existing commercial comings and goings associated with the site. Furthermore, the Council's Public Protection team have raised no objections to the proposals in this regard subject to a standard construction hours condition which could have been secured by a planning condition had the scheme been deemed acceptable in all respects. Notwithstanding this, should noise nuisance become an issue in future, HBC Public Protection have separate statutory powers to consider such complaints should that be necessary.

3.48 It is considered, that the neighbouring property to the west (35 The Green) would not be adversely affected by this element of the proposed works in relation to loss of light, overlooking or overbearing appearance due to the remaining separation distance and the existing building entirely screening this element of the works.

3.49 It is considered no neighbouring occupiers to the north would be impacted in amenity terms by this element of the works, which is to the rear of the building and therefore screened by the existing building.

3.50 Given the open countryside to the south of the site, there would be no amenity impacts on land users to the south in respect of loss of light, overlooking or the creation of an overbearing appearance as a result of this element of the works.

Replacement Windows

3.51 The windows that have been replaced sit within existing openings and do not result in any additional windows or alter the established separation distances between the applicant property and neighbouring properties. As such, it is considered there would be no impact on the amenity and privacy of neighbouring occupiers as a result of this part of the works.

HIGHWAY SAFETY AND CAR PARKING

3.52 Concerns have been raised by the Rural Plan Group and by objectors in relation to the potential impact on existing parking pressures in the vicinity of the site as a result of the proposed expansion of the business by an additional restaurant area, bar area and letting rooms. The property has a car park to the rear, although the access to it is narrow (too narrow to allow cars to pass) and it is anecdotally stated that visitors to the public house tend to park on-street around the village green rather than using the car park. Some dwellings in the area do not benefit from private off-street parking and are therefore reliant on on-street parking also.

3.53 One of the objections received requests consideration is given to dedicating parking areas for residents through a resident's only parking scheme. The Council's Traffic and Transport team note the concerns regarding the pre-existing parking situation in the area but advise that a residents parking zone would be unlikely to be suitable, usually being enforced during week days, while the times when visitors to the pub might create pressures are more likely to be evenings and weekends when enforcement of restrictions would not be available and therefore would not address

the issue. HBC Traffic and Transport consider the potential increase in parking as a result of the proposed development would not have a severe impact and do not therefore object on this basis. While noting the concerns raised by objectors, only limited weight could be attributed to this issue given Traffic and Transport do not object.

3.54 In summary, it is considered the concerns raised would not be so significantly increased by the proposed development as to have an unacceptable impact on highway safety and parking, and therefore would not warrant refusal of the application and as such the proposals are considered to be acceptable in this respect.

IMPACT ON PROTECTED TREES

3.55 There are two ornamental trees in the rear garden of the property, in close proximity to the building itself. Given the position of the trees, the Council's Arboricultural Officer notes that they are likely to cause future problems. It is proposed to remove the trees in order to facilitate the proposed extension to the south and west. The Arboricultural Officer raises no objections to the loss of the trees due to their location and proximity to the building. The submitted tree survey identifies that replacement tree planting should be provided to mitigate the proposed loss, which is supported by the Arboricultural Officer. Taking account of the constraints of the site it is considered one replacement tree should be planted in the remaining space at the rear of the development, details of which should be secured by a planning condition, had the application been deemed acceptable in all respects.

3.56 In light of the above assessment, it is considered the proposed developments are acceptable in relation to their impact on trees.

ECOLOGY

3.57 The Council's Ecologist has noted that the application site is close to greenspace that supports declining species of birds, such as swift, house sparrow, tree sparrow and starling, and therefore in order to meet NPPF requirements to provide net gains for biodiversity, had the application been deemed acceptable in all respects, a planning condition would have been secured requiring the inclusion of two integral nesting bricks within the building.

3.58 A Habitat Regulations Assessment (HRA) has been carried out which finds that sewerage from the site is disposed of via the public sewer at Seaton Carew waste water treatment works and therefore the scheme is screened out in relation to nutrient neutrality.

3.59 With regards to recreational disturbance, the Council's Ecologist considers that the number of additional visitors attracted to Hartlepool by this development, which would include three rooms to let and is 7.6km from the closest European Site, would be insignificant and therefore the scheme is screened out in this regard also. The HRA process is therefore concluded and the scheme is found to be lawful without the need to consult with Natural England.

3.60 In light of the above, the proposals are considered to be acceptable with regards to ecology.

ARCHAEOLOGY

3.61 Given the age of the building and its location within the historic conservation area, the views of Tees Archaeology have been sought in respect to any archaeological matters. No objections have been raised, however conditions have been recommended in relation to archaeological monitoring and historic building recording, which could have been secured by separate pre-commencement planning conditions, had the application been considered acceptable in all other respects.

OTHER MATTERS

3.62 The submitted application form indicates that that the existing area of car park to the rear of the building would be retained for bin storage for the public houses as well as maintaining the existing access to waste storage for the adjacent residential property for 35 The Green (Kelvin) with the plans annotated to show that the existing access gate to the rear of this property would gain access around the proposed single storey extension beyond the neighbour's boundary. HBC Waste Management have been consulted and no comments (or objections) have been received. Should any issues arise in respect to access for waste storage, this would ultimately be a civil matter.

3.63 Cleveland Fire Brigade have highlighted that they would encourage the applicant to consider the installation of an automatic fire suppression system, such as sprinklers. While this is noted, it is beyond the scope of the planning system to require this and will ultimately need to be considered through Building Regulations. Therefore this matter cannot be attributed weight in the determination of the application.

CONCLUSION

3.64 While the principle of supporting an existing leisure and tourism business within the village to expand would accord with relevant Local Plan and Rural Plan policies, it is considered that the manner in which it is proposed to extend and alter the building are at odds with the requirement to protect the quality of the built environment, cause less than substantial harm to heritage assets (without any public benefits that would outweigh the harm) and negatively impact the amenity of neighbouring occupiers (in particular, the occupiers of 35 The Green). As such, the proposals are considered not to accord with the requirements of the HLP, HRNP and national policy and therefore officer recommendation is to refuse for the reasons detailed below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.65 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.67 There are no Section 17 implications.

REASON FOR DECISION

3.68 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reasons;

1. In the opinion of the Local Planning Authority, the proposed single storey flat roof extension to rear, by virtue of its design, scale and siting would create an overbearing impact, loss of outlook and loss of light to identified habitable room windows (and the private amenity area) serving the rear elevation of the adjoining property of 35 The Green (also known as 'Kelvin'), contrary to the requirements of Policies QP4 and RUR5 of the Hartlepool Local Plan (2018), Policy EC1 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraph 130(f) of the NPPF (2023).
2. In the opinion of the Local Planning Authority, the proposed single storey flat roof extension to rear, the proposed extension to the existing storage area to facilitate conversion to letting rooms and replacement windows (retrospective) would cause less than substantial harm to the designated heritage asset (Elwick Conservation Area) and non-designated heritage asset in the form of the locally listed building by virtue of the scale, design, siting and use of materials proposed. It is considered that the works would detract from the character and appearance of the application site, which is a locally listed building, and the wider Elwick Conservation Area, where there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposed development is therefore contrary to policies HE1, HE3 and HE5 of the Hartlepool Local Plan (2018), Policies HA1, HA2 and HA4 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 126, 130, 189, 195, 197, 199, 202 and 203 of the National Planning Policy Framework 2023.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=158531>

3.70 Copies of the applications are available on-line:

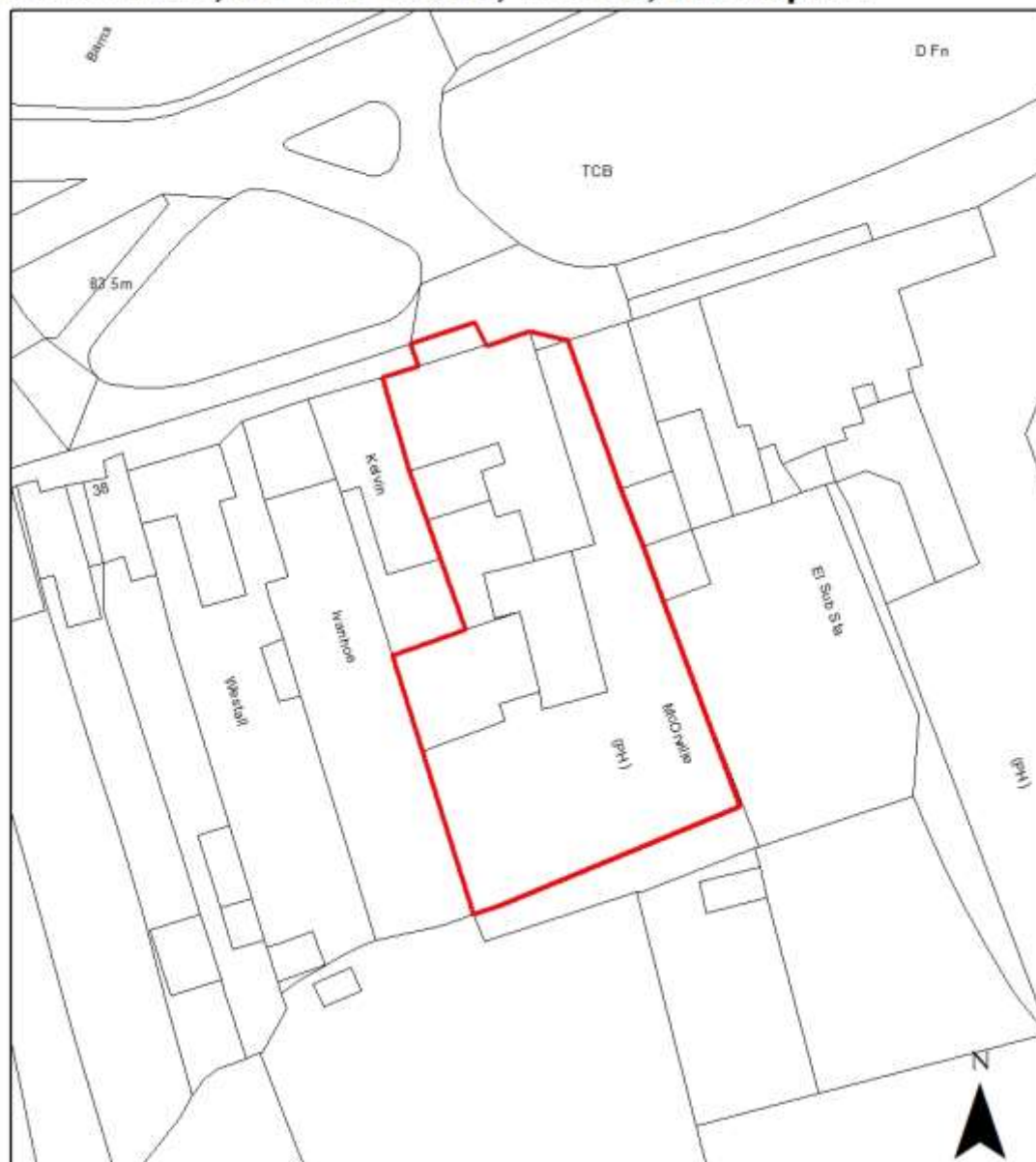
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

CONTACT OFFICER

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

AUTHOR

3.72 Laura Alderson
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 523273
E-mail: laura.alderson@hartlepool.gov.uk

McCorville, 34 The Green, Elwick, Hartlepool

© Crown Copyright. All rights reserved AC0000849987 (2023).

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 01.11.2023
	SCALE 1:500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2023/0148	REV

No: 4.
Number: H/2023/0237
Applicant: MRS S BAXTER THE FRONT HARTLEPOOL TS25 1BU
Agent: STOVELL & MILLWATER LTD 5 BRENTNALL CENTRE BRENTNALL STREET MIDDLESBROUGH TS1 5AP
Date valid: 25/07/2023
Development: Installation of Cabochon Lights to the top of the fascia signs to the front
Location: 73 THE FRONT HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The following planning applications are considered to be relevant to the current planning application which were approved by Members at the relevant planning committee meetings;

H/2021/0509 - Advertisement consent for replacement fascia sign (Supreme Ice Cream) and replacement side panels. Approved 02/08/2022.

H/2022/0061 - Installation of 3 uplighters and repair of side panels within shop front (retrospective application). Approved 02/08/2022.

H/2022/0338 - Advertisement consent to display 2no. side adverts (retrospective). Approved 17/11/2022.

PROPOSAL

4.3 The application seeks planning permission for the installation of 'cabochon lights' (small colourful lightbulbs) to the front of 73 The Front. The proposed lights would measure 60mm in width by approximately 63mm in height, and would be attached to a conduit attached to the shop front signage. The proposed lights would therefore be situated at approximately 3m above ground level, and would extend across the shop fronts by approximately 9m in total (approx. 4.5m across each shop front elevation). The proposed lights would be methachrylate material in a 'warm white' colour.

4.4 The application has been referred to be determined in the Planning Committee at the request of a local ward councillor, in line with the Council's Scheme of Delegation.

SITE CONTEXT

4.5 The application site relates to 73 The Front, a two-storey, terraced commercial property, in the commercial area of Seaton Carew, situated within the Seaton Carew Conservation Area. The property is mid-terrace with the highway of The Front to the front/west, with commercial properties beyond. Attaching to the side/north the commercial property of 71 The Front and attaching to the side/south the commercial property 75 The Front and a car park to the rear/east. The unit is occupied by an ice cream shop at ground floor and is understood to feature a residential flat at first floor.

PUBLICITY

4.6 The application has been advertised by way of neighbour letters (6), letters to ward councillors, a site notice and a press advert. To date, no responses have been received.

4.7 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=158631>

4.8 The period for publicity has expired.

CONSULTATIONS

4.9 The following consultation replies have been received:

HBC Public Protection: I have no objections to this application and no comment to make regarding it.

HBC Head of Service for Heritage and Open Spaces: The application site is located in Seaton Carew Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to

demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century.

To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage. This has contributed to the conservation area being considered to be 'at risk' by Historic England.

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is the installation of lighting on the fascia of the shop front. Policy HE6 of the Local Plan states replacement shopfronts should, "respond to the context reinforcing or improving the wider appearance of the shopping parade within the street." Proposals should be compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

With regard to the lighting the Shop Front and Commercial Frontages Design Guide states, "Where possible illumination should be integrated into the design of the shop front. In all cases the size and number of fittings should be kept to a minimum to avoid unnecessary visual clutter or obtrusive additions."

It is acknowledged that this type of lighting is used elsewhere in the conservation area. In the instances cited the lights have been installed as an integral part of the shop front, rather than an addition at a later date.

From the information provided it is difficult to determine the impact on the shop front and therefore the wider conservation area. The Planning and Heritage Statement proposes that the lights would be installed on an, "aluminium conduit which would be painted to match the colour of the signage". This conduit does not appear to be shown on the elevation or cross section therefore it is difficult to consider the impact of the proposed works.

It is requested that large scale details are provided of the proposed lighting detail along with detailed elevations showing both the lighting and the conduit they will be fixed to on the fascia.

Updated comments received 06/10/2023 following additional information supplied by the applicant:

Further amended information on the shop front has been provided in relation to the proposed lighting at a site located in Seaton Carew Conservation Area.

The additional plans showing the shop front more accurately including the additions already on the fascia, such as the CCTV cameras.

As noted in the previous comments the 'Shop Front and Commercial Frontages Design Guide Supplementary Planning Document' states, "Where possible illumination should be integrated into the design of the shop front. In all cases the size and number of fittings should be kept to a minimum to avoid unnecessary visual clutter or obtrusive additions."

The new plans show that the shop fronts have been incrementally changed over the years. The result is that they are not integrated as part of the design of the building. As noted previously a further change to install lighting would produce another addition to this unplanned shopfront. It is considered that this would cause less than substantial harm to the significance of Seaton Carew Conservation Area. This is because the incremental changes to shop fronts erodes the traditional design of the commercial properties in this part of the conservation. A more appropriate solution would be to consider installing lighting on the property as part of wholesale works to enhance the appearance of the shop fronts, and particular the fascias.

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

Cleveland Police: Cleveland Police offer no comment in relation to this proposal.

HBC Landscape Architect: There are no landscape and visual issues with the proposed development.

HBC Countryside Access Officer: No comments received.

HBC Estates: No comments received.

PLANNING POLICY

4.10 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

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

SUS1: The Presumption in Favour of Sustainable Development

CC1: Minimising and adapting to climate change

HE1: Heritage Assets

HE3: Conservation Areas
 HE6: Historic Shopping Parades
 HE7: Heritage At Risk
 LS1: Locational Strategy
 LT3: Development of Seaton Carew
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 RC16: The Local Centres

National Planning Policy Framework (NPPF)(2023)

4.12 In September 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019 and 2021 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 001: Introduction
 PARA 002: Permission determined in accordance with development plan
 PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development
 PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA 038: Decision making
 PARA 047: Determining applications
 PARA 124: Achieving appropriate densities
 PARA 134: Achieving well-designed places
 PARA 136: Achieving well-designed places
 PARA 189: Conserving and enhancing the historic environment
 PARA 190: Conserving and enhancing the historic environment
 PARA 194: Proposals affecting heritage assets
 PARA 195: Impacts on identified heritage assets
 PARA 197: Assessing proposals in terms of heritage assets
 PARA 199: Conserving and enhancing the historic environment Considering potential impacts

PARA 202: Where a development proposal will lead to less than substantial harm
 PARA 218: Implementation

4.13 **HBC Planning Policy comments:** Planning Policy have no objection to this proposal provided that there is no adverse affect on the conservation area. The views of the Heritage and open spaces manager are paramount in this.

PLANNING CONSIDERATIONS

4.14 The main material planning considerations when considering this application are the impact on the character and appearance of the application site and surrounding Seaton Carew Conservation Area, the impact on the amenity of neighbouring land users and highway safety. These and any other relevant planning and non-planning matters are considered in full in the paragraphs below.

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING BUILDING AND THE SURROUNDING CONSERVATION AREA

4.15 When considering any application for planning permission that affects a conservation area, Section 72 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200).

4.16 Further to this, at a local level, Policy HE3 of the Local Plan states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

4.17 As identified in the comments received from the Council's Heritage and Countryside Manager, the Seaton Carew Conservation Area derives its significance from relatively simple shop fronts, without decorative features. The Conservation Area is considered to be 'at risk' due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs.

4.18 With regard to the proposed cabochon lights to be affixed to the front fascia sign, the Council's Shop Front and Commercial Frontages Design Guide Supplementary Planning Document (2014) states "*Where possible illumination should be integrated into the design of the shop front. In all cases the size and number of fittings should be kept to a minimum to avoid unnecessary visual clutter or obtrusive additions.*"

4.19 Furthermore, Historic England provide some guidance on their website on this matter and suggest that in the first instance consideration should be given to why lighting is necessary.

4.20 Based on this, the Council's Head of Service for Heritage and Open Spaces has concerns as the proposed lighting would not be integrated as part of the design

of the building, and would instead comprise a further change and another addition to the unplanned shopfront of the application property (particularly taking into account the recent, retrospective permissions as detailed in the 'Background' of the report). It is considered that this would cause less than substantial harm to the significance of Seaton Carew Conservation Area. This is because the incremental changes to shop fronts erodes the traditional design of the commercial properties in this part of the conservation area.

4.21 The Council's Head of Service for Heritage and Open Spaces confirmed that a more appropriate solution would be to consider installing lighting on the property as part of wholesale works to enhance the appearance of the shop fronts, and particular the fascias. The case officer requested that the applicant consider a more integrated frontage, however the applicant confirmed they were unwilling to amend the proposals to incorporate an integrated / wholesale replacement shopfront which would include lighting.

4.22 It is noted that the use of similar cabochon lighting is found on other establishments in the immediate surrounding street scene, namely Kitty Bills (28 The Front) and Gelato JoJo (79 The Front) where it is of consideration that within these two examples, the lighting appears to be part of an integrated shopfront. With Gelato JoJo (79 The Front) the lighting was approved as part of shop front alterations in 2014 (H/2014/0458). The integrated design of the lighting within the shop front of Kitty Bills (28 The Front) is also noticeable within the approved new shop front (and other external alterations) approved in 2018 (ref H/2017/0667, decision date 15/03/2018), although there are no known planning records for the erected lighting to this property (Google street view indicates that the lighting has been in place since at least July 2019 and therefore more than 4 years ago/immune from enforcement action). In any event, each application/proposal needs to be considered on its own individual merits.

4.23 The NPPF (2023) requires works that would result in less than substantial harm to be supported by justification in terms of the public benefit that could outweigh the identified harm. The Council's Head of Service for Heritage and Open Spaces has identified that these works cause 'less than substantial harm'. Paragraph 202 of the NPPF (2023) states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". No public benefits have been identified by the applicant as justification for the harm caused. It should be emphasised that the 'test' of providing clear public benefits to outweigh identified harm is a high threshold to satisfy. Therefore, owing to the lack of function and purpose of the installed lighting, and the prominence and colour scheme of the lighting, it is considered that the lighting adversely affects the character and appearance of the existing building and surrounding area, and causes less than substantial harm to the significance of the Seaton Carew Conservation Area and would therefore warrant a refusal of the application.

4.24 In view of the above considerations, the proposed cabochon lighting is considered to be detrimental to the character and appearance of the application site and the surrounding area, including the Seaton Carew Conservation Area and is

therefore not in accordance with the Council's Shop Front and Commercial Frontages Design Guide SPD, Policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018) and paragraphs 128, 129, 132, 194, 195, 197, 199, 200 and 202 of the National Planning Policy Framework 2023.

AMENITY OF NEIGHBOURING PROPERTIES

4.25 As noted above, the surrounding street scene is comprised of commercial properties at ground floor, although at first and second floor and above these properties contain residential premises, including the application site. As noted above, no objections have been received and the first floor flat is understood to be within the ownership of the applicant and that they presently reside there. However, the NPPF (2023) requires safeguarding the amenity of existing and future occupiers of the application property.

4.26 In terms of impact on the amenity of wider neighbouring land users, there is a separation distance from the proposed lighting to the front elevations of surrounding neighbouring properties of approximately 1.4m to the side/south neighbour, approximately 6.9m to the side/north neighbour and approximately 20.8m to the front/west neighbours. Notwithstanding these separation distances, it is considered that due to the modest scale of the proposed Cabochon lighting, the proposal would not result in any impact to the amenity or privacy of any neighbouring property in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

4.27 HBC Public Protection have been consulted on the proposals and have confirmed no objections/comments and therefore it is considered that there would be no adverse impact on the amenity of residents due to the design, siting and luminance levels resulting in light nuisance/pollution.

4.28 In view of the above considerations, it is considered that the proposed cabochon lighting would not result in any detrimental impact on the amenity of surrounding neighbouring properties, and are therefore in accordance with Policy QP4 of the Local Plan and paragraph 130 of the NPPF (2023). The proposal is considered to be acceptable in this respect.

HIGHWAYS SAFETY AND CAR PARKING

4.29 The Council's Traffic and Transport section were consulted on the development and stated that there are no highway or traffic concerns. The development is therefore considered acceptable in respect of these matters.

OTHER PLANNING MATTERS

4.30 No objections have been received from Cleveland Police, whilst no comments or objections have been received from the Council's Community Safety team, Countryside Access Officer or Estates team. The proposal is considered to be acceptable in these respects.

CONCLUSION

4.31 It is considered that the proposed installation of cabochon lighting on aluminium conduits affixed to the front signage would be a further incremental change to the shopfront of 73 The Front, which would adversely affect the character and appearance of the host building and cause less than substantial harm to the significance of the conservation area, by virtue of the design, siting and use of materials. It is therefore considered the development would detract from the character and appearance of the Seaton Carew Conservation Area, contrary to Council's Shop Front and Commercial Frontages Design Guide SPD (2014), Policies HE1, HE3, HE7, LT3 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 129, 132, 194, 195, 197, 199, 200 & 202 of the National Planning Policy Framework 2023.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.32 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.34 There are no Section 17 implications.

REASON FOR DECISION

4.35 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION - REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the proposed cabachon lights to the shop front would be a further incremental change to the shopfront of 73 The Front, which would detract from the character and appearance of the existing building and surrounding area, and cause less than substantial harm to the designated heritage asset of Seaton Carew Conservation Area by virtue of the design, prominence and use of materials. It is further considered that there is insufficient information to suggest that this harm would be outweighed by any public benefits of the development. As such the development is considered to be contrary to policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018), the Council's Shop Front and Commercial Frontages Design Guide SPD (2014) and paragraphs 128, 129, 132, 194, 195, 197, 199, 200 & 202 of the National Planning Policy Framework 2023.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=158631>

4.37 Copies of the applications are available on-line:

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

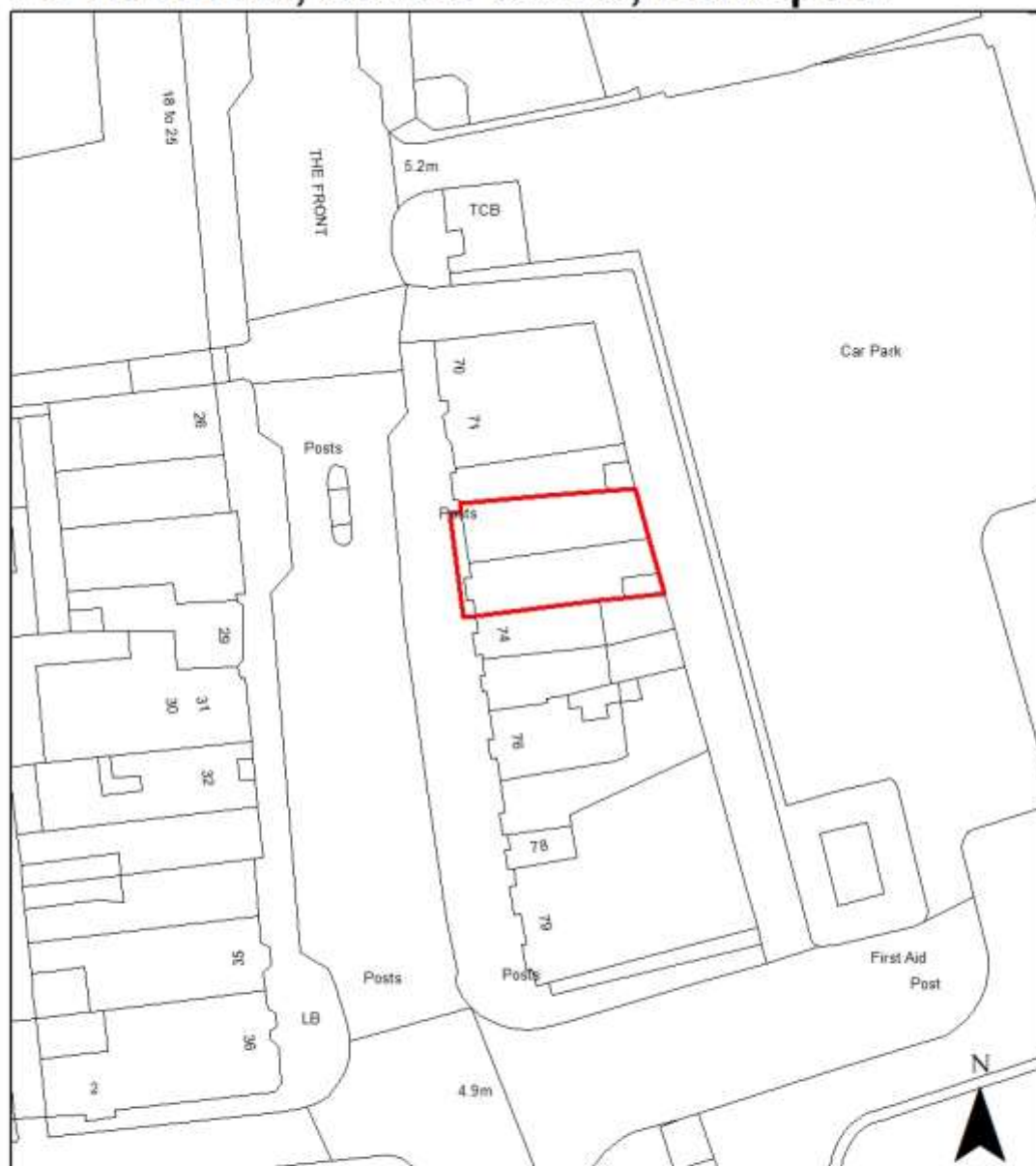
CONTACT OFFICER

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

AUTHOR

4.39 Stephanie Bell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523246
E-mail: Stephanie.Bell@hartlepool.gov.uk

73 The Front, Seaton Carew, Hartlepool



© Crown Copyright. All rights reserved AC0000849987 (2023)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 19.09.2023
	SCALE 1:500	
	DRG.NO H/2023/0237	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

MINERALS & WASTE DPD 2011

https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

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

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

PLANNING COMMITTEE

15 November 2023



Report of: Assistant Director (Neighbourhood Services)

Subject: UPDATE ON CURRENT COMPLAINTS AND
ENFORCEMENT ACTIONS

1. PURPOSE OF REPORT

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

1. Holding a bonfire night event at a sports and leisure complex at land off Tees Road.
2. The change of use of a dwellinghouse in Stockton Road to a hotel.
3. Non-compliance with a condition requiring the restoration of the position of a property boundary at a residential property in Burns Close.
4. The display of an advertising sign at land at Rose Garden Lane.
5. The change of use of a residential property in Blakelock Gardens to a short term let / contractor's accommodation.
6. Non-compliance with a working hours condition, and disturbance caused by lighting at a housing development site at Upper Warren.
7. The installation of a driveway at a residential property in Burke Place.
8. Non-compliance with a construction management and environment plan at a housing development site at land west of Wynyard Village and south of A689.

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

1. The temporary parking of cars on part of a sports and recreation field on Rossmere Way. There is no breach of planning control in this case.
2. Non-compliance with a construction management plan (relates to mud on the road) at a residential development site at land off Coppice Lane. The case was re-directed to the Council's highways section who resolved the complaint.
3. The change of use of a dwellinghouse to a short-term let/contractors accommodation at a residential property in Jackson Street. The property is no longer used for short-term let/contractors accommodation.
4. The erection of a timber framework with attached fabric sheeting to increase the height of a high fence at the side of a residential property in Brinkburn Court. The timber framework with attached fabric sheeting has now been removed.
5. The erection of a porch at the front of a residential property in Huxley Walk. A retrospective planning application was requested however a valid application was not received. The development was therefore considered for enforcement under the Council's scheme of delegation and it was resolved that no further action be taken.
6. The erection of a high fence and incorporation of additional land into residential garden at a residential property in Rosthwaite Close. The fence has now been relocated to its original position.
7. The conversion of a dwellinghouse in Clifton Avenue to create two flats. Although no planning permission has been identified, the house has been subdivided into two flats since at least 2002 and therefore the matter is exempt from enforcement under planning legislation.
8. The relocation of the boundary at the side of a residential property in Hylton Road. The matter is a land boundary dispute that does not fall within the remit of planning enforcement.
9. The construction of a step at the front of a residential property in Ashfield Close. The construction of a step is not considered to be development requiring planning permission.
10. The installation of uPVC windows at a listed residential care home at The Green, Seaton Carew. The uPVC windows have now been replaced with timber windows.

11. The installation of uPVC windows at the front and the painting of the front elevation of a residential property at The Cliff. Permitted development rights apply in this case.
12. The change of use of a residential property in Linden Grove to a mixed used residential with hair dressing salon. The hair dressing use has now ceased.
13. The erection of an extension at the rear of a residential property in Park Road. The rear extension has now been removed.

1.3 No enforcement actions have been taken within this reporting period.

2. RECOMMENDATION

2.1 Members note this report.

3. CONTACT OFFICER

3.1 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 284291
E-mail kieran.bostock@hartlepool.gov.uk

AUTHOR

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

PLANNING COMMITTEE

15th NOVEMBER 2023



Report of: Assistant Director – Place Management

Subject: PLANNING APPEAL AT HART MOOR FARM
NORTH OF THE A179 HARTLEPOOL
TS27 3BQ
APPEAL REF: APP/H0724/Z/23/3316644
Erection of a Synchronous Condenser with ancillary
infrastructure, and associated works including access
and landscaping (H/2022/0302).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a planning application for the erection of a Synchronous Condenser with ancillary infrastructure, and associated works including access and landscaping at Hart Moor Farm / land north of the A179.
- 1.2 The planning application was refused in the planning committee meeting on 19th April 2023 for the following reasons:
 1. In the opinion of the Local Planning Authority, the proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development and village envelopes as defined by Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Rural Neighbourhood Plan (2018) and the proposed use is not supported and does not constitute a sustainable form of development.
 2. In the opinion of the Local Planning Authority, due to its size, siting and design, the proposal would have a detrimental visual impact on the open countryside and A179 main approach into Hartlepool and would have an unacceptable industrialising/urbanising effect on this part of the rural area, contrary to Policies RUR1 and QP4 of the Hartlepool Local Plan (2018), and Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

3.1 Kieran Bostock
Assistant Director – Place Management
Level 4
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4.0 AUTHOR

4.1 Stephanie Bell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 523246
E-mail: stephanie.bell@hartlepool.gov.uk

PLANNING COMMITTEE

15th November 2023



Report of: Assistant Director – Neighbourhood Services

Subject: ENFORCEMENT NOTICE APPEAL AT 15 SKELTON STREET, HARTLEPOOL
APPEAL REF: APP/H0724/C/23/3327169
(HBC REF N/2023/0001)
ERECTION OF A HIGH TIMBER FENCE AT THE SIDE.

1. PURPOSE OF REPORT

- 1.1 To advise members of an enforcement notice appeal that has been submitted against the Council's decision to issue an Enforcement Notice in respect of the unauthorised development comprising the erection of a high timber fence to the side of 15 Skelton Street.
- 1.2 It was considered that the erection of the high timber fence at the side of the host property by virtue of its design, scale and siting, constitutes an unsympathetic and visually intrusive form of development, resulting in a detrimental visual impact on the character and appearance of the area. The works are therefore not considered to be acceptable and contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2023).
- 1.3 An Enforcement Notice was issued to the occupant, with the following requirements:
 - (i) *Reduce the height of the fence shown between positions A and B on the attached block plan so that the fence height does not exceed 1m.*
 - (ii) *Remove any debris associated steps (i).*
- 1.4 A period of 3 months from the date that the notice takes effect was given for compliance with the steps specified.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director – Neighbourhood Services
Level 4
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4.0 AUTHOR

- 4.1 Daniel James
Planning Team Leader
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 284319
E-mail: daniel.james@hartlepool.gov.uk