

PLANNING COMMITTEE

AGENDA



Wednesday 10 January 2024

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Darby, Feeney, Little, Martin-Wells, Morley, V Nicholson, Oliver, 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 6 December 2023.

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director, Neighbourhood Services*

1. H/2023/0057 A19/Elwick - Construction of new grade separated junction comprising erection of bridge structure and of new highway North of Elwick Village
2. H/2023/0096 Land South of Elwick Road, High Tunstall, Hartlepool (*page 1*)
3. H/2021/0271 Hazelbank Hart Lane, Hartlepool (*page 25*)
4. H/2023/0182 Hartlepool Old Boys R F C Mayfield Park Easington Road, Hartlepool (*page 57*)
5. H/2023/0336 Land on South Side of Stockton Road, Greatham, Hartlepool (*page 67*)

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

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

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

5. ITEMS FOR INFORMATION

- 5.1 Development Management Performance – First and Second Quarter 2023-24
– *Assistant Director, Neighbourhood Services*
- 5.2 Update on Current Complaints and Enforcement Actions – *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 7 February 2023.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

6th December 2023

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

Present:

Councillor Paddy Brown (In the Chair)

Councillors: Rob Darby, Tom Feeney, Andrew Martin-Wells, Veronica Nicholson, Karen Oliver, Carole Thompson and Mike Young.

Also Present: In accordance with Council Procedure Rule 4.2 Councillor David Nicholson was in attendance as substitute for Councillor Sue Little.

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services
Zoe Craig, Environmental Health Manager (Environmental Protection)
Stuart Edwards, Flood Risk Officer
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Stephanie Bell, Senior Planning Officer
Josh Fraser, Legal Advisor
Jo Stubbs, Democratic Services Officer

43. Apologies for Absence

Apologies were submitted by Councillors Sue Little and Melanie Morley.

44. Declarations of interest by members

None

45. Confirmation of the minutes of the meeting held on 15th November 2023

Minutes approved

46. Planning Applications *(Assistant Director, Neighbourhood Services)*

Number:	H/2022/0459
Applicant:	RELIANCE ENERGY LIMITED 12 CONSTANCE STREET LONDON
Agent:	GP PLANNING LTD MISS MAUREEN DARRIE ICON INNOVATION CENTRE EASTERN WAY DAVENTRY
Date received:	02/02/2023
Development:	Proposed Construction, Operation and Maintenance of a Battery Energy Storage System (BESS) Facility and Associated Infrastructure
Location:	NORTH EAST CORNER WHELLY HILL FARM WORSET LANE HART HARTLEPOOL

The Senior Planning Officer highlighted an incorrect reference in the report (where in para 1.93 reference had incorrectly been made to para 170D of the NPPF instead of 174D) and noted revisions to the wording relating to the lighting condition 15 (to require the submission of a scheme for approval), and a correction to the relevant NPPF paragraph number in the reason for condition 19 (bird box provision), which had been included in the documents tabled for Members' attention.

Councillor Moss Boddy arrived during the presentation of this report. As per 15.4 of the Council's Planning Code of Practice he was ineligible to vote on this application.

The Applicant, Neil Drake, was present and addressed members. He advised that developments of this type were needed to provide a renewable power supply across the country. The site chosen was technically perfect for a number of reasons, including that it was close to a substation which the development will connect to. He also noted that in other countries the Government would dictate where developments of this type were placed and, unlike in the UK, there was no option to object. The facility would allow the storage of energy and provide grid resilience to better manage any threats of a blackout, something which would directly benefit the local area.

Members raised concerns around the visual impact the development would have. The Planning and Development Manager acknowledged those concerns and that similar concerns had been expressed by the rural planning group but officers felt the impact was managed, acceptable and should be seen in the context of what was already there.

A member referred to the condition that the site be returned to its previous agricultural condition after 40 years, querying how this could be enforced if

the owner of the Development changed. The Planning and Development Manager confirmed that the condition provided control and any change would require a new application to be submitted. Officers had done all they could but could not predict the future.

A recorded vote to approve the application, as per the officer recommendation, was taken:

For – Councillors Paddy Brown, Tom Feeney, David Nicholson, Andrew Martin-Wells, Karen Oliver, Carole Thompson and Mike Young

Against – Councillors Rob Darby and Veronica Nicholson

Abstain – None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans:
Dwg. No. GPP/RE/WLH/22/05 Rev 3 (Site Location Plan, at a scale of 1:1250),
Project ID. Q4295 'DNO Control Building Elevations',
Project ID. Q4295 'Security Fence Elevations',
Project ID. Q4295 'Inverter Container Elevations',
Dwg. No. 1666-0207-41 Issue 1 (Welfare Elevations),
Project ID. Q4295 '66KV Transformer Elevations',
Project ID. Q4295 'Auxiliary Supply Room Elevations',
Project ID. Q4295 'Client Switchgear Elevations',
Project ID. Q4295 'Site View A Elevations Page 2',
Project ID. Q4295 'Site View B Elevations Page 3',
Project ID. Q4295 'Site View C Elevations Page 4',
Project ID. Q4295 'Site View D Elevations Page 5',
received by the Local Planning Authority on 13th December 2022;

Dwg. No. 1666-0207-41 (Spares and Communications Container Elevations), Project ID. Q4295 'CCTV Elevations',
Project ID. Q4295 Revision 2 'Battery Container Elevations',
Dwg. No. GPP/RE/WLH/22/05 Rev 1 (Vehicle Access into Temporary Construction Entrance),
No. GPP1000-001 Sheet A1 Rev - (Topographical Survey),
received by the Local Planning Authority on 23rd January 2023;

Project ID. Q4295 'Inverter Container Floor Plan',
Project ID. Q4295 'Spares & Comms Floor Plan'

received by the Local Planning Authority on 2nd February 2023;

Dwg. No. 484-UW-P-021 Rev I (Mitigation Plan) and 'Mitigation Plant Schedule' (Rev C), received by the Local Planning Authority on 11th September 2023; and

Dwg. No. PP/RE/WLH/22/04 Rev 5 (Proposed Site Layout Plan) received by the Local Planning Authority on 10th November 2023. For the avoidance of doubt.

3. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity to the plan 'Mitigation Plan' (Dwg. No. 484-UW-P-021 Rev I) and document 'Mitigation Plant Schedule' (Rev C), both received by the Local Planning Authority on 11th September 2023, and shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the installation of the BESS facility hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.
4. Notwithstanding the submitted details and prior to the erection of the temporary construction entrance, as detailed on Dwg. No. PP/RE/WLH/22/04 Rev 5 (Proposed Site Layout Plan, received by the Local Planning Authority on 10th November 2023), details of the temporary construction entrance shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for the installation and thereafter removal of the temporary construction entrance (such removal shall be prior to the first operation/use of the development hereby approved). The scheme shall thereafter be completed in accordance with the approved landscaping details and timetable as required by condition 3 of this permission.
In the interests of visual amenity and to which the permission is based.
5. 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 operational or brought into use 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.

In the interests of protecting archaeological assets.

6. No development shall commence unless and until a Biodiversity Net Gain Plan scheme ("the scheme") to ensure that the approved development provides the delivery of the Biodiversity Net Gain (BNG) as stated in the BNG Metric (The Biodiversity Metric 3.1 - Calculation Tool, received by the Local Planning Authority on 17/10/2023) a minimum of 0.8 Habitat Units and 2.9 Hedgerow Units of habitat creation or habitat uplift (including hedgerow creation) as detailed in 'Headline Results' section of 'The Biodiversity Metric 3.1 - Calculation Tool', received by the Local Planning Authority on 17/10/2023) and the subsequent management of habitats in the condition stated in the BNG Metric has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the compensation, shall be measured in accordance with the biodiversity metric 3.1 (The Biodiversity Metric 3.1 - Calculation Tool, received by the Local Planning Authority on 17/10/2023). The scheme shall include:
 - a) details of habitat creation or habitat uplift sufficient to provide the delivery of the net gain proposed in the metric;
 - b) the provision of arrangements to secure the delivery of the net gain proposed in the metric (including a timetable for their delivery);
 - c) a management and monitoring plan (to include for the provision and maintenance of the net gain proposed in the metric for a period of at least 30 years or the lifetime of the development (whichever is the longer).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.

To provide biodiversity management and biodiversity net gain in accordance with The Environment Act 2021, and paragraphs 8, 174 and 180 of the NPPF (2023) and policy NE1 of the Hartlepool Local Plan (2018).

7. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - Risk assessment of potentially damaging construction activities,
 - Identification of "biodiversity protection zones",
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),
 - Any excavations left open with escape ladders or planks are installed overnight and that they are inspected the following day prior to the start of work,
 - The location and timing of sensitive works to avoid harm to biodiversity features,
 - The times during construction when specialist ecologists need to be present on site to oversee works,
 - Responsible persons and lines of communication.
 - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person,
 - Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless any variation is otherwise agreed in writing by the Local Planning Authority.

In the interests of avoiding or mitigating ecological harm.

8. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and/or earth retention measures (including any bunds or attenuation storage ponds, where required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on the adjacent landscape in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan (2018).

9. Prior to the commencement of development, a scheme for dust suppression measures during site remediation and construction works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.
- In the interest of the amenity of neighbouring properties and land users.

10. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the protection measures to the hedges to the northern boundary of the application site identified in the 'Topographical Survey' (Drw. No. GPP1000-001 Sheet A1 Rev -, prepared by Latitude Surveys, received by the Local Planning Authority on 23rd January 2023), shall be in place and thereafter retained until 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. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the existing trees and the visual amenity of the area.
11. Notwithstanding the submitted information, the development hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
12. Notwithstanding the submitted information and prior to above ground construction, final details of the external finishes to the BESS facility structures hereby approved shall be submitted to and approved by the Local Planning Authority, colour treatments and samples (or high quality photographs) of the desired materials being provided for this purpose. The finishing materials shall include dark green finish to the battery storage containers. The approved finishes shall be implemented and retained thereafter for the lifetime of the development hereby approved.
In the interests of visual amenity.
13. The development hereby approved shall be carried out in accordance with the submitted 'Construction Traffic Management Plan' (CTMP) by GP Planning LTD, dated March 2023 (date received by the Local Planning Authority on 26th April 2023).
In the interests of highway safety.
14. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be implemented prior to the BESS facility being brought into operation/use.
In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water

- management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.
15. Prior to the installation of any fixed or permanent external lighting to serve the development hereby approved, full details of the method of fixed or external lighting, including siting, angle of alignment, light colour, and luminance of external areas of the site, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the agreed lighting shall be implemented in accordance with the agreed scheme.
In the interests of visual and neighbour amenities and for the avoidance of doubt.
 16. The means of enclosure as indicated on Dwg. No. PP/RE/WLH/22/04 Rev 5 (Proposed Site Layout Plan, received by the Local Planning Authority on 10th November 2023) for the development hereby approved shall be carried out in accordance with the submitted details Project ID. Q4295 (Security Fence Elevations, received by the Local Planning Authority on 13th December 2022) and shall be painted/finished in a moss green colour. The agreed means of enclosure shall be erected prior to the first operation/use or completion (whichever is the sooner) of the development hereby approved. No other fences or boundary enclosures shall be erected without the prior approval of the Local Planning Authority.
In the interests of visual amenity.
 17. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 8.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
 18. When the BESS facility hereby approved ceases its operational use, which shall be no later than 40 years from the commencement of development, all containers, support structures, means of enclosure and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its current use as agricultural land in accordance with a scheme and timetable to be first submitted and agreed in writing by the Local Planning Authority. Thereafter the scheme for restoration shall be carried out in accordance with the agreed details and timetable. The developer shall notify the Local Planning Authority in writing of their intended commencement date on site no later than 1 week prior to works starting for the purposes of calculating the time limit for this condition.
The application has been assessed in accordance with the details submitted by the applicant and, taking into account the benefits of the production of renewable energy. At the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.
 19. Prior to the commencement of development above ground level, details of 12no. bird nesting boxes to be installed, including the exact location, specification and design, shall be submitted to and approved in writing

by the Local Planning Authority. Thereafter, the bird nesting boxes shall be installed strictly in accordance with the details so approved prior to the completion or first operation/use (whichever is the sooner) of the development hereby approved, and shall be maintained for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 174 of the NPPF.

The committee considered representations on this item.

Number:	H/2023/0303
Applicant:	RUBICON LTD THE FRONT HARTLEPOOL
Agent:	BARTLETT ID MR SIMON BARTLETT
Date received:	06/09/2023
Development:	Section 73 to vary conditions 2 (approved plans) and 9 (opening hours) and remove conditions 6 (terrace opening hours) and 8 (no music to be played) of planning application H/2022/0194 (Change of use of first floor from a nightclub (Sui Generis use class) and residential flat (C3 use class) to restaurant/bar with live music venue (Sui Generis use class); and installation of an entrance feature and alterations to the first floor front elevation to create a vertical circulation up to first floor and creation of first floor terrace, re-decoration of existing aluminium entrance doors and windows to front elevation, and reparation and re-decoration of existing render, rainwater goods and eaves/verges to front elevation) to amend the design from an open topped roof terrace to an enclosed space, installation of roof windows, minor changes to doors and windows to front, play music and vary the opening hours of the first floor to between 8am and 12.30am daily
Location:	18 TO 25 RUBICON PASTIMES THE FRONT HARTLEPOOL

The Agent and Applicant were both present to answer questions from members.

Councillor Moss Boddy moved the officer recommendation to approve. Councillor Mike Young seconded this. A recorded vote to approve the application, as per the officer recommendation, was taken:

For – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, David Nicholson, Andrew Martin-Wells, Veronica Nicholson, Karen Oliver, Carole Thompson and Mike Young

Against – None

Abstain – None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than 10/11/2025.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Dwg. No. 21750-0101 Rev P-01 (Site Location Plan) received by the Local Planning Authority on 6th July 2022; Dwg. No. 21750-0006 Rev C (Roof Works / Sky Lights) received by the Local Planning Authority on 6th September 2023; Dwg. No. 21750-0332 Rev P-00 (Existing & Proposed Sectional Elevations), Dwg. No. 21750-0330 Rev I (Existing Front Street Elevations and Proposed Front Street Elevations), Dwg. No. 21750-002 Rev G (Proposed Ground/First & 2nd Floor Plans Licensing), Dwg. No. 21750-0331 Rev P-00 (Rear Elevation) received by the Local Planning Authority on 8th November 2023, document entitled 'The Gatsby - Seaton Carew Upper LED Illumination Notes' (not to scale) received by the Local Planning Authority on 13th November 2023.
For the avoidance of doubt.
3. Prior to the first use or completion (whichever is the sooner) of the development hereby approved, a scheme demonstrating appropriate noise insulation between the commercial units at ground floor and first floor and the adjoining property (first floor of No. 26 The Front) shall be first submitted and thereafter approved in writing by the Local Planning Authority. Prior to the first use or completion (whichever is the sooner) of the development hereby approved, the agreed noise insulation scheme shall be implemented and thereafter retained for the lifetime of the development hereby approved.
In the interests of the amenities of the occupants of nearby properties.
4. Notwithstanding the submitted details and prior to the commencement of development, details of all external finishing materials (including the proposed lighting as set out in condition 8) for the proposed development hereby approved shall be first submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter, the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Any Construction/Demolition works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays

and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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

6. The first floor of the premises (annotated as 'Entertainment Area' on Dwg. No. 21750-002 Rev G (Proposed Ground/First & 2nd Floor Plans Licensing, received by the Local Planning Authority on 9th September 2023) shall only be open to the public between 8am and 12.30am, seven days/week including Sundays and Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
7. The second floor uses as shown on Dwg. No. 21750-002 Rev G (Proposed Ground/First & 2nd Floor Plans Licensing, received by the Local Planning Authority on 9th September 2023) shall remain ancillary to the main use of the first floor of the building in line with the other planning conditions of this permission.
For the avoidance of doubt and amenities of area.
8. Notwithstanding the requirements of condition 4, the LED COB lighting as shown on Dwg. No. 21750-0330 Rev I (Existing Front Street Elevations and Proposed Front Street Elevations, received by the Local Planning Authority on 8th November 2023) and as detailed in the document entitled 'The Gatsby - Seaton Carew Upper LED Illumination Notes' (received by the Local Planning Authority on 13th November 2023) shall not flash or blink.
In the interests of visual amenity including the character and appearance of the conservation area.

Number:	H/2023/0264
Applicant:	MR STUART ELLIOTT NORTHBROOK COURT HARTLEPOOL
Agent:	ELDER LESTER ARCHITECTS MR RUSSELL TAYLOR REEDS MILL ATLAS WYND YARM
Date received:	27/07/2023
Development:	Part first floor extension including 5no dormer windows and roof lights and part two- storey extension to create additional level, conversion of garage to habitable room, erection of canopy to front door, erection of chimney,

application of render and
external alterations

Location: 7 NORTHBROOK COURT
HARTLEPOOL

It was noted that the objector, Angela Falconer, had previously served as an elected member on Hartlepool Borough Council therefore a number of existing members were familiar with her. However it was unnecessary for anyone to declare an interest as their ability to consider the application was not prejudiced.

A member queried whether planning covenants had any bearing on planning matters. The Senior Planning Officer confirmed that covenants were not material planning considerations.

The Applicant, Stuart Elliott, urged members to support his application. The property in question had been vacant for over 3 years and he had bought it to give his children a family home. He had never attempted alterations on this scale before and followed all rules and guidelines. He stated that several properties in the area had been altered, including those who had objected to these changes but planning officers had raised no material concerns and recommended approval. The 3 neighbouring properties had not objected. Tree and topography surveys showed no impact and he was happy to install a bat box following preliminary surveys.

Angela Falconer spoke against the application. She noted that there had been 4 objections rather than the 3 stated (The Planning and Development Officer advised that as 2 of these had come from the same household they were classed as 1 objection). She felt that the development should be refused due to a lack of available bungalows in Hartlepool and suggested that the applicant should have purchased a 2-storey property rather than take a single storey bungalow off the market in this way. The objector stated that this was contrary to the 2016 Strategic Housing Market Assessment (which identified a need for bungalows) and a longstanding covenant on this property. The Planning and Development Manager and Legal Adviser confirmed that covenants were a civil matter between parties, not a material consideration and members should not give this any weight. Mrs Falconer reiterated her comments regards the need for bungalows saying a number in the area could be used by the disabled. However a member commented that very few of these bungalows would be suitable for the disabled.

A member commented that one of the attractions of the area under discussion was the number of diverse properties and this would add to that. He also noted that people tended to change properties they have bought and questioned how it would be possible to prevent this.

Councillor Andrew Martin-Wells moved the officer recommendation to approve. Councillor Moss Boddy seconded this. A recorded vote to approve the application, as per the officer recommendation, was taken:

For – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, David Nicholson, Andrew Martin-Wells, Veronica Nicholson, Karen Oliver, Carole Thompson and Mike Young

Against – None

Abstain – None

Decision: **Planning Permission
Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and details: Site Location Plan (scale 1:1250), Dwg. No. 2315-004 (Existing and Proposed Block Plans, at a scale of 1:200), Dwg. No. 2315-003B (Proposed Elevations), and Dwg. No. 2315-002B (Proposed Floor Plans) received by the Local Planning Authority on 27th July 2023.
For the avoidance of doubt.
3. Notwithstanding the submitted information, details of all external finishing materials associated with the development hereby approved shall be submitted to and approved by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter and following the written agreement of the Local Planning Authority, the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Prior to the commencement of development above ground construction of the development hereby approved, details of a minimum 1no. integral bat roost brick to be installed in a south or west facing sides of the development hereby approved at a minimum height of 3m above ground level including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The bat roost brick shall be installed prior to the first use or completion of the development (whichever is the sooner). The bat roost brick shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter for the lifetime of the development.
To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National Planning Policy Framework.

5. 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 approved scheme for the protection and retention of the retained trees (as identified within the Arboricultural Impact Assessment provided by Elliott Consultancy Ltd, dated July 2023, received by the Local Planning Authority on the 27th July 2023) shall be implemented on site (and thereafter retained until the completion of the development). No materials or equipment shall be stored or placed within the identified Construction Exclusion Zone as shown on the Tree Protection Plan (Appendix 7, Dwg. No. ARB/AE/3170/TpP, as identified within the Arboricultural Impact Assessment provided by Elliott Consultancy Ltd, dated July 2023, received by the Local Planning Authority on the 27th July 2023). 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, 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(s) and the visual amenity of the area.

6. The tree work to which this permission relates to shall be solely limited to a crown reduction of a maximum of 1.5 metres on the west side of the canopy of the tree identified as A1 in the submitted Tree Protection Plan (Appendix 7, Dwg. No. ARB/AE/3170/TpP, as identified within the Arboricultural Impact Assessment provided by Elliott Consultancy Ltd, dated July 2023, received by the Local Planning Authority on the 27th July 2023) to facilitate the development. The tree works agreed shall be completed no later than two years from the date of this permission. All tree work shall be carried out in accordance with the submitted Arboricultural Impact Assessment (provided by Elliott Consultancy Ltd, dated July 2023, received by the Local Planning Authority on the 27th July 2023) and shall comply with BS 3998:2010 'Tree work - Recommendations', paying particular regard to section 7 'Pruning and related work'.
In the interests of the health and appearance of the preserved tree(s).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting the Order with or without modification), no additional windows (other than those approved) shall be inserted in the eastern elevation of the dwelling as extended/altered (facing No. 6 Northbrook Court) and no additional window(s) shall be inserted in the northern elevation of the dwelling as extended/altered (facing No. 8

Northbrook Court) hereby approved without the prior written consent of the Local Planning Authority.

To prevent occurrences of overlooking, in the interests of privacy.

The committee considered representations on this item.

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

Members were updated in regard to 3 ongoing investigations and 7 which had been completed. No enforcement actions had been taken during the enforcement period.

Decision

That the report be noted

48. Planning Appeal at Flat 3, 34 Beaconsfield Street *(Assistant Director, Neighbourhood Services)*

Members were advised that a planning appeal had been submitted against the Council's decision to refuse a retrospective application for the replacement of timber windows for uPVC. This was refused under delegated powers, a copy of the officer report was appended.

Decision

That the report be noted.

The meeting concluded at 11.05am.

CHAIR

No: 1.
Number: H/2023/0057
Applicant: HARTLEPOOL BOROUGH COUNCIL, VICTORIA ROAD
HARTLEPOOL TS24 8AY
Agent: MR SCOTT PARKES, HARTLEPOOL BOROUGH
COUNCIL CIVIC CENTRE VICTORIA ROAD
HARTLEPOOL TS24 8AY
Date valid: 11/07/2023
Development: Construction of new grade separated junction comprising
erection of bridge structure and of new highway North of
Elwick Village linking to the existing highway, with
associated hard and soft landscaping, drainage features
and ancillary works.
Location: LAND IN THE VICINITY OF ELWICK VILLAGE AND THE
A19 COMPRISING MULTIPLE PARCELS OF LAND
ELWICK HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The current adopted Hartlepool Local Plan (2018), sets out a requirement for the delivery of a key element of strategic infrastructure, consisting of a Grade Separated Junction at and over the A19, to the west of Elwick, which would also include a new road from the junction to the north of Elwick village. The Local Plan details that the proposed infrastructure is fundamental to a strong, balanced and sustainable growth plan for the borough.

1.3 A number of housing commitments within the Hartlepool Local Plan are linked to and are contributing towards the funding of the Grade Separated Junction and road network to date. Of note, the delivery of HSG5 (High Tunstall), is reliant upon the highway infrastructure being delivered. The associated outline planning application was for the erection of 1,200 houses (H/2014/0428, approved 14 March 2019). Of the 1,200 approved dwellings, the site is restricted (by way of planning condition no 8) at allowing 208 dwellings to be constructed and occupied, meaning that the remaining 992 dwellings cannot be realised until the proposed road network improvement is completed and 'fully open to traffic'.

1.4 With respect to other associated planning history, a previous "outline planning application for all matters reserved for construction of new grade separated junction comprising erection of bridge structure and of new highway North of Elwick linking to existing highways with associated hard and soft landscaping, drainage

features and ancillary works” was submitted to the Local Planning Authority, but was later withdrawn on 24/03/2023 (H/2021/0191).

PROPOSAL

1.5 This planning application seeks planning permission for the construction of a new grade separated junction, comprising the erection of a circular ramped slip road and overbridge structure to include a new road network to the north of Elwick Village. The grade separated junction would link into the existing highway network from the A19, connecting to Elwick Road to the north and north-east of the village. As a result, the existing A19 access/egress to and from North Lane would be re-routed to tie into the new highway junction.

1.6 As noted in the Publicity section below, a full suite of amended plans were received during the course of the application which primarily related to an amendment the design of the on/off slip road (south bound).

1.7 A circular ramped slip road would be located immediately to the west of the North A19 carriageway, and would provide northbound vehicles a new access into Hartlepool from the A19, whilst also providing vehicles leaving Hartlepool access onto the northbound carriageway of the A19. The diameter of the circular slip road would be approximately 126 metres across, where it would connect from the lower road level of the A19 and would raise along a ramped circular elevation to a height of approximately 5.8 metres above the A19 road below, where it would connect to the overbridge structure. At the top of the ramp, as well as connecting to the overbridge, a separate private access would also be provided for Middleton House Farm (north-west).

1.8 The overbridge structure would connect from the ramped slip road and would span approximately 58 metres over the north/south A19 carriageways in an east/west direction. The proposed overbridge would provide single east and west bound lanes with a verge either side and would have a width of approximately 11.3 metres and would be enclosed by an approximately 1.5 metre high railings enclosure. The overbridge would be approximately 11.5 metres high and would provide an approximate 5.7 metre clearance from the A19 traffic below.

1.9 From the overbridge to the east, the new road network would route to the north of Elwick village and would include the provision of two roundabout junctions. The larger of the roundabout junctions would be located approximately 180 metres to the east of the overbridge, at the north-west of Elwick village, which would provide access to and from both the north and south bound carriageways of the A19, and access to and from Hartlepool via Elwick Road (east), as well as linking into the re-routed North Lane junction (south), providing access to and from Elwick village. A separate private access would also be formed to the south-east of the roundabout junction, providing access for the agricultural business located at Martindale Farm and to the north of the roundabout, a separate private means of access would be formed into the field to the north.

1.10 From the roundabout junction, the proposed road would follow an arced profile to the north of Elwick village in an east/west direction for a distance of

approximately 1 kilometre, before connecting into the second (smaller) roundabout junction to the north of the '*Devil's Elbow*' area of Elwick Road. This roundabout would provide both an onward connection east/west along Elwick Road to and from Hartlepool and, to the south-west of the proposed junction, access to and from Elwick Road towards the entrance of Elwick Village.

1.11 The new road network would provide single east and west bound lanes with a verge at either side. The overall road network including the ramped access, over bridge and highway works would extend approximately 1.3 kilometres in length. The proposed scheme also proposes post-construction landscaping, which would include tree and hedgerow planting to line along the length of the proposed highway network.

1.12 The proposed scheme would also include the installation of nine attenuation ponds to manage surface water drainage associated with the proposed development. Three attenuation ponds would be located to the west and five would be to the east of the A19. The largest of the attenuation ponds at the west of the A19 would infill the central space of the circular ramped slip road, with two smaller 'bean-shaped' attenuation ponds located immediately to the south of the larger pond. These ponds would each be linked through piped culverts, which would link into an existing watercourse.

1.13 On the east side of the A19, a large attenuation pond would be located between the A19 and the larger roundabout junction. To the south of the largest pond, beyond the A19 access/egress road, four further circular attenuation ponds are proposed. These attenuation ponds would be linked to the existing watercourse of Char Beck. The remaining attenuation pond would be located at the most eastern part of the red line boundary, adjacent to the second (smaller) roundabout, where a triangular shaped pond would connect into Dalton Beck. The attenuation ponds are detailed to be constructed with gravel beds with the use of aquatic plants in order to filter out pollution ahead of run off entering into the existing watercourses.

1.14 With respect to other associated engineering works, three underpasses are proposed to provide farming access points that would be engineered under the proposed highway to prevent severance of the existing agricultural land, and which would also maintain an existing Public Right of Way that would be minimally diverted to align with one of the new underpasses. Four further culverted underpasses would provide for watercourses to maintain flow through aspects of the application site. The underpasses and culverts are described to be constructed from pre-cast concrete panels.

1.15 In conjunction with the above highways development for which planning permission is sought, additional steps will be required to be taken to bring forward the proposed scheme. Such steps would not of themselves be comprised in any planning permission granted. They would effect highways closure or regulation, whether by way of stopping up order, Traffic Regulation Order or Side Roads Order as appropriate, including the central reservation on the A19, opposite the access track to Middleton House Farm; the closure of the left-hand turn from Coal Lane onto the northbound A19, (the left hand turn from the A19 onto Coal Lane would remain

open); and the closure for vehicular traffic of the junction to and from the A19 at the southern access point at Church Bank.

1.16 The proposed scheme would also permanently divert two footpaths to the west of the proposed overbridge that were previously severed by the construction of the A19.

1.17 The application has been accompanied by an Environment Impact Assessment in the form of an Environmental Statement (ES).

1.18 The application has been referred to the Planning Committee due to the nature of the proposals and that more than 3 objections have been received, in line with the Council's scheme of delegation.

SITE CONTEXT

1.19 The application site relates to land at the western edge of the borough of Hartlepool, which includes an area to the west of, over and to the east of the A19 trunk road. Beyond the A19 (east), the application site includes a large arced corridor of land located approximately 380 metres (at its nearest point) to the north of Elwick Village, which extends in an east/west direction for a distance of approximately 1.4 kilometres, where it would connect to the existing highway network to the north of the '*Devil's Elbow*' area of Elwick Road.

1.20 The redline boundary of the application site includes a length of the existing north/south A19 trunk road of approximately 1.7 kilometres that stretches beyond the northern and southern limits of Elwick village, which is located to the east of the road network. Elwick village is a designated article 4 Conservation Area, where a number of listed and locally listed buildings are situated. The character of Elwick village is predominantly residential, focused around a central village green. To the west of village of Elwick, on the opposite side of the A19 (south-west) are a cluster of residential properties that benefit from direct access onto the A19 and include Sunrise Cottage, The Hawthorns, Woodland House, Mill House and Benknowle.

1.21 The redline boundary includes the Church Bank and Coal Lane access/egresses to the east and west of the A19. The redline boundary also includes new private access points to and from Middleton House Farm on the western part of the A19 and Martindale Farm, to the east of the A19.

PUBLICITY

1.22 The application was originally advertised by way of site notices, a press advert and neighbour letters. Following the submission of amended plans, a further period of re-consultation has taken place by way of neighbour letters.

1.23 A total of 26 letters of objection, 8 letters of support and 6 letters of no objection were received.

1.24 The objections and concerns raised can be summarised as follows:

- That the closure of Church Bank access with the A19 would sterilise and/or have a significant detrimental impact on the businesses within this area.
- That the types of vehicles that operate from businesses at Church Bank and those vehicles that deliver to and from the area cannot practicably navigate the Church Bank access and the village network.
- That the access along Church Bank is too narrow to pass and to turn with limited visibility for large and extended vehicles/machinery.
- That the narrowness of Church Bank would likely cause damage to the embankments in generating the space to these large vehicles, which would risk toppling the load, causing damage to machinery, surrounding houses and property and putting other vehicles, pedestrians and members of the public in danger.
- That the bridge on Church Bank would not be capable of taking the extra weight to cope with typical heavy vehicles and constant heavy farm machinery crossing the bridge on a daily basis, without major re-engineering.
- That the proposed scheme would make Elwick a 'rat run'.
- That directing traffic to North Lane and altering the access/egress at North Lane would be dangerous.
- That the impact from closure of Church Bank would impact on Emergency Services vehicles.
- That the closure of Church Bank must involve a public consultation and it has been questioned whether there is a need for the junction to be closed.
- It has been questioned whether the proposed works are worth the cost, given the current state of public finances.
- That the loss of Coal Lane access onto A19 is unacceptable.
- That there would be an impact from noise, where no acoustic screening proposed.
- Concerns have been raised with respect of the impact on air quality from the proposed development and increased emissions.
- The impact on flooding.
- The impact on wildlife.
- The loss of good quality agricultural land.

- Concerns are raised that the proposed development would result in the compaction of soil.
- It has been questioned whether the proposal would comply with the Rural Plan.
- Questions have been raised as to whether the volume of traffic requires such a road network to be constructed.
- The proposed development would increase litter and rubbish.
- That other options should be considered, including duelling the A179, locating a bypass towards Dalton Piercy and building a whole new route.
- Safety concerns as identified within an independent technical review.
- Concerns with respect to the impact from severing existing farm in two and encroachment onto neighbouring land.
- Concerns that the proposed underpasses do not comply with DEFRA guidelines.
- Reduced security for farmers.
- The scheme should improve sustainable travel means.
- That the proposed works would not represent sustainability and would result in increased carbon emissions.
- That the proposed development would impact on private water supplies.
- That residents wishes are not being listened too. A resident also noted that there was difficulty accessing information relating to the application.

1.25 The letters of support/no objection can be summarised as follows;

- An opportunity to enhance the village.
- The opportunity for growth for wildlife and children in the local area to enjoy a possible new nature reserve if possible.
- A new route for Elwick road is desperately needed since the closure of the central reservation junctions on the A19.
- The traffic in the village is too much now, the new houses are being built near High Tunstall school, this will alleviate that traffic when built.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

1.27 The period for publicity has expired.

CONSULTATIONS

1.28 The following consultation replies have been received:

HBC Traffic and Transport: The proposed road closures on Church Bank / Coal Lane at their junctions with the A19 will require a Traffic Regulation Order, this will be subject to a public consultation.

Further Comments received 20/10/2023

There are no highway or traffic comments to make on this application.

Further comments received 05/12/2023

Further to the opportunity to comment on the above planning application, and in light of neighbouring consultation replies received in relation to highway related matters through this further consultation exercise, the Highways section have considered the points raised within the following response.

Concerns have been raised that the types of vehicles that operate from businesses at Church Bank and those vehicles that deliver to and from the area cannot practicably operate via the Church Bank access and village network. There are concerns raised that the access is too narrow to pass and to turn with large and extended vehicles/ machinery. Comments suggest that navigating the corner after the bridge with long vehicles/ machinery, the steep banks on either side, combined with the road layout, is not compatible. Comments suggest that the narrowness of the access would likely cause damage to the embankments in generating the space to turn these large vehicles, which would risk toppling the load, causing damage to machinery, surrounding houses and property and putting other vehicles, pedestrians and members of the public in danger. Comments have also referenced the presence of the bridge over Char Beck at Church Bank, where it is suggested that the bridge would not be capable of taking the extra weight to cope with typical heavy vehicles and heavy farm machinery crossing the bridge on a daily basis without major re-engineering.

In response The Council's Highway Engineering Design team have undertaken auto-track/swept path analysis (attached at Appendix 1), which demonstrates that such large vehicles, as referenced are able to travel along Church Bank in both directions. This includes for low loader type vehicles and also a large dump truck which has similar dimensions to a combine harvester, which are the largest vehicles referred to within the objections. Large vehicles are able to access Church Bank, provided they don't meet another vehicle coming in the opposite direction.

To address this matter, a traffic signals solution could be implemented to ensure only one direction of traffic runs at the same time over the narrowest section. The proposed traffic signals would prevent any conflict between passing vehicles. A similar engineering solution currently operates across the bridge at Barnard Castle and this could also potentially be a part time signals operation to minimise disruption to the small number of other road users (residents, business staff, church goers), and limited to a specific window when the businesses receive deliveries in agreement with them. Such an engineering scheme would be managed outside of the planning process, through the appropriate highways legislation. It should also be of note that the road in this area would be much quieter than at present, due to the implemented closure at the A19, resulting in much less likelihood of meeting oncoming traffic.

With respect to comments that have suggested that the bridge in this area would not be capable to absorb the weight from heavy farm machinery crossing it; it should be noted that the reason for the imposed weight restriction over this area was to prevent/ limit large vehicles from using this route travelling through the village going to and from Hartlepool rather than any structural issues with the bridge. The Highway Engineering design team consider that the bridge will cope satisfactorily with large vehicles utilising it. The weight restriction currently in place is '*Except for Access*' which does not prohibit vehicles accessing those businesses as it currently stands.

Concerns have also been raised in respect of vehicles being able to turn around without trespassing on neighbouring land. In the event of a planning approval, as a result of the closure of the junction with the A19, an appropriate manoeuvring area could be created to allow for large vehicles to turn around in this area and again, the implementation of such a scheme would be managed through the appropriate highways legislation. Such a solution would provide suitable turning and manoeuvring within the area, without trespassing on neighbouring land. No Through Road signage could also be installed at the village end of Church Bank, along with 'NO ACCESS TO A19' signs, to address the risk of any 'wrong turn' HGV's.

Comments received have raised concerns that closing off the Church Bank access to the A19 would impact on both the time taken for emergency services to access site and function at the site. Whilst the suitability of the access to and from Church Bank has been addressed above, the Council's Highway Engineering Design team have produced a report assessing all possible routes for vehicles arriving/ leaving the business premises/ farms in the Church Bank area to the north and south, and have calculated the mileage undertaken via the various routes. The assessment demonstrates a net saving overall in the mileage, when compared with the existing arrangement. Details of this report are attached at Appendix 2, although the proposed closure of the A19 access in this area is considered not to lead to any significant issues for emergency services accessing the site.

Concerns have been received that closing the access would make a farm business in this area unable to operate between this site and the neighbouring farm site at Coxhoe in County Durham, or carry out movement of livestock and movement of harvested material and fertilisers. Matters concerning the accessibility of Church Bank are addressed above. In addition, the Council's Highways Engineering Design team have calculated the mileage undertaken via various routes to Coxhoe (attached

at Appendix 3), which demonstrates that at present travelling via the A179/ B1280 is a shorter journey than using the A689, which is presumably the route currently used when exiting south onto the A19. The opening of the new GSJ is considered to further shorten this journey.

A number of comments have raised concerns that removing the Church Bank access with the A19 would force traffic onto North Lane past the local school, where it is detailed that the area already experiences parking and access related issues. Concerns suggest that as a result, increased traffic including large vehicles and machinery would increase the likelihood of accidents involving vehicles and pedestrians. In response, any through traffic would be directed to use the new GSJ network and bypass rather than North Lane. In addition, the presence of the GSJ network would also mean that traffic through the village would be significantly reduced. Furthermore, the use of North Lane could be restricted from use by large vehicles/machinery, which would be enforced through a Traffic Regulation Order. Comments received have observed that the GSJ would still inevitably connect to and utilise the existing road network, where it would connect to single lane traffic and concerns are raised that there would be a significant increase in traffic around the High Tunstall School area. In response, mitigation schemes are identified to manage increasing traffic levels in this area.

An objector has highlighted that a privately commissioned review of the GSJ network found it to be unsafe. A further comment was received suggesting that the design of the road with a roundabout at the top of the bank onto a blind summit is not within the guidance set out by National Highways. The Council's Highways section along with National Highways have considered the scheme as a whole and do not consider the proposed scheme to create any significant highway safety issues. In addition, the scheme would be subject to the road safety audit process to ensure it is safe for all road users.

Some concerns have been raised that the closing of the A19 Church Bank junction would impact on road maintenance, gritting and bin collections. In response, the road would continue to be adopted highway, so highway maintenance works will continue as necessary. The proposed turning area west of the Church car park entrance would cater for vehicles such as gritters and bin wagons.

A comment has been received claiming that Church Bank is closed for the day on an annual basis for pruning activity of nearby trees and vegetation. As a result, concerns are raised that access to the businesses at Church Bank would be cut off during this period. In response, tree pruning does not take place on an annual basis, and is more like every few years. Prior arrangements can be made with businesses/ residents/ the church well in advance to identify the most appropriate time/ day for the works and such matters can be managed to prevent any significant impacts on nearby businesses.

Comments have suggested that the closure of the Church Bank junction with the A19 would place pedestrians and motorists at higher risk of accidents. In response, existing footpaths are segregated from the carriageway on Church Bank, therefore it is considered that no such pedestrian conflict would likely occur. In addition there is no evidence to suggest motorists would be at higher risk of accidents, and traffic

levels would be at much lower levels as a result of the closure with an improved road safety environment through the village.

To conclude, it is appreciated that there is some apprehension within the village about the scheme, with a particular focus on the closure of the A19/ Church Bank junction, however the Highways section consider that subject to appropriate alterations to the highway network, outside of the planning process, the proposed changes will significantly benefit the village and would not significantly impact on the businesses operating in the vicinity of the Church Bank area. The Highways section have no concerns or objections to the proposed scheme and no conditions beyond those recommended by National Highways are recommended. Any highway requirements to the local network can be controlled through Traffic Regulation Orders.

National Highways: I write from National Highways with regards the above application.

We are currently in the process of reviewing information sent attached to the above planning application.

Before we received this application a junction design for the proposed junction had passed a Stage One Road Safety Audit.

There are differences from the junction design in the application from the audited design that we are currently reviewing, and, we have received a structures option report which we are reviewing.

We will respond fully when this information has been reviewed. However as the deadline for response for this application is the 8th September 2023 I forward a formal response recommending non-determination valid for three months. As soon as outstanding issues are addressed we will issue a final response.

Further comments received 08/11/2023

Referring to the consultation on a planning application received 27 July 2023 referenced above, in the vicinity of the A19 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via and may not determine the application until the consultation process is complete.

Annex A National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommended Conditions:

1. No development hereby permitted (as shown on drawing number PR568/OD/GA (B)) shall commence until a detailed Construction Design Plan and working Method Statement relating to site earthworks has been submitted to and approved by the Local Planning Authority (in consultation with the Highway Authority for the A19). Construction of the development shall then be carried out in accordance with the agreed Construction Design Plan and working Method Statement.

Reason: To mitigate any adverse impact from the development on A19 in accordance with DfT Circular 01/2022.

2. Prior to the commencement of any excavation works and landscaping works within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH), geotechnical submissions shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

3. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until such time as: the design, materials and construction methods to be adopted have been subject to the full requirements of the Design Manual for Roads and Bridges standard CG300 'Technical Approval of Highway Structures'; have been given Technical Approval by a competent, independent Technical Approval Authority appointed by the applicant; and the Technical Approval has been agreed with the Local Planning Authority (in consultation with the Highway Authority for the A19).

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

4. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until, a drainage survey in line with DMRB CS 551 Drainage Surveys has been undertaken and a detailed

surface water drainage design shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19) and subsequently implemented as approved. The SUDS is to be installed according to the approved SUDS plan and maintained in perpetuity. The design shall give due regard to the requirements of DfT Circular 01/2022 and shall include a maintenance Method Statement and schedule. Surface water drainage shall be implemented in accordance with the agreed design and shall be maintained as such thereafter.

Reason: In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the Trunk Road drainage asset in accordance with DfT Circular 01/2022.

5. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until, a Landscape Management Plan, Planting Schedule and details of implementation and future maintenance shall be submitted to and approved in writing to the Local Planning Authority (in consultation with the Highway Authority for the A19). Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter.

Reason: In the interest of the safe and efficient operation of the Strategic Road Network and to protect the highways soft estate. National Highways Planning Response (NHPR 22-12) December 2022

6. No development hereby permitted (as shown on drawing number PR568/OD/GA (B)) shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A19.

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

7. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until a boundary treatment plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). The plan shall include as a minimum: a) details of the fencing location, type, construction method and maintenance; and b) details for management of existing boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a Method Statement for any works required to address the removal, retention and management of trees along this boundary. All works shall be undertaken in accordance with the agreed plan and maintained in perpetuity as such thereafter.

Reason: For reasons of safety, liability and maintenance in accordance with paragraph 57 DfT Circular 01/2022.

8. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until detailed design has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

9. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until a Stage 2 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) has been submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19.

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.

10. Prior to the development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) opening for traffic, a Stage 3 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) shall be submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19. National Highways Planning Response (NHPR 22-12) December 2022.

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.

11. Within 18 months from the date at which the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) have opened for traffic, a Stage 4 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) shall be submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19.

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.

12. Prior to the development hereby permitted (as shown on drawing number PR568/OD/GA (B)), a Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority (in

consultation with the Highway Authority for the A19). The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

13. Prior to the commencement of the development hereby permitted, a Traffic Monitoring Strategy to monitor traffic flows on the A19 mainline and A19 slip roads (as shown in principle on drawing PR568/OD/GA/NH) must be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).

Reason: To monitor highway safety and to mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

14. Prior to the scheme opening for traffic, the agreed Traffic Monitoring Strategy must be implemented to the satisfaction of the Local Planning Authority (in consultation with the Highway Authority for the A19).

Reason: To ensure highway safety and to mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

Active Travel England – Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

Background

Active Travel England (ATE) welcomes the opportunity to comment on this application for the construction of a new grade separated junction and new highway north of Elwick village linking to the existing highway. The scheme is required to address vehicle safety issues with the existing junction arrangement and provide an alternative route into Hartlepool, which is highly reliant on the A689 and the A179 to provide access from the A19 into the town. The scheme will also remove significant volumes of traffic from Elwick village, improving safety and the environment of the village. In addition, the scheme will facilitate the delivery of new homes, social, and community infrastructure related development in Hartlepool. The need for the scheme is identified within Hartlepool Borough Council's (HBC) Local Plan, with specific planning policy support for the scheme and the wider regeneration proposals.

Summary

The primary purpose of the scheme is to improve highway functionality and road safety for vehicles and create a bypass for the village of Elwick, which is located just to the east of the A19. According to the HBC Local Plan 2018 paragraph 10.53, 'Elwick currently suffers from high levels of cars travelling through the village to and from the A19 and has had ongoing issues with speeding and road safety.' The introduction of a bypass would therefore reduce vehicle movements within Elwick and create a safer environment for walking, wheeling and cycling in accordance with the scheme objectives within the Transport Assessment, which seeks to, 'reduce

community severance and improve the environment for residents, pedestrians, and cyclists in Elwick.’ ATE support this objective. ATE understand that the scheme comprises of an overbridge grade separated junction at the current Elwick north junction to the A19 with slip roads on/off the A19. The previous cross-over junctions have been closed, removing the requirement to cross the A19. The new highway (western link) will loop around the northern side of Elwick, from the A19 to the west, connecting to the existing Elwick Road to the east of the village. At this point, a new roundabout will be constructed, referred to as roundabout 2. ATE believe the introduction of roundabout 2 requires further consideration as it may cause a safety issues for cyclists travelling between Elwick and Hartlepool.

National Policy and Guidance

The National Planning Policy Framework (NPPF) states: 104. Transport issues should be considered from the earliest stages of... development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued; 110. In assessing... specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; [and] b) safe and suitable access to the site can be achieved for all users; 112. ...applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; [and] c) create places that... minimise the scope for conflicts between pedestrians, cyclists and vehicles...; 113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Local Transport Note 1/20 (LTN 1/20) provides guidance to local authorities on delivering high quality, cycle infrastructure, while paragraph 14.3.1 identifies that new housing development provides a major opportunity to create new and improved cycle infrastructure. Gear change: a bold vision for cycling and walking is the Government’s cycling and walking plan for England. This sets the Government’s vision for cycling and walking to be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030, while recognising that the planning system can contribute to the achievement of sustainable development. Inclusive mobility: making transport accessible for passengers and pedestrians provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure. Inclusive mobility: making transport accessible for passengers and pedestrians provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure. Active Design (Sport England, supported by Active Travel England and the Office for Health Improvement & Disparities) sets out how the design of our environments can help people to lead more physically active and healthy lives. It states that through the NPPF, the National Design Guide and the National Model Design Code, places that prioritise activity, health and the characteristics that underpin active environments are encouraged and recommended.

Areas of Concern

It is understood that the extent of the network proposed to be operated by National Highways (NH) is the slip roads on the southbound side, and the slip roads on the

northbound side only as far as the overbridge. Roundabout 2 will be constructed connecting the new highway layout with the existing Elwick Road, however this will form part of the local road network and will be operated by HBC as the local highway authority. As discussed above, the introduction of a roundabout here could introduce conflicts between cyclists and vehicles. Consideration should therefore be given to whether any protective infrastructure and/or warning signs (see Traffic Signs Manual, Chapter 4) could be introduced for the benefit of cyclists. This approach would accord with Local Plan Policy INF2 Improving Connectivity in Hartlepool which references the proposal site as a route protected from permanent development, but also notes that such measures should look to maximise the level of sustainable access, including safe, attractive and where appropriate, well-lit pedestrian and cycle routes.' (6.2.24 Environmental Statement Volume 1).

Next Steps

We request that this recommendation is provided to the LPA case officer and applicant. ATE would be content to review further submitted information to help address the above issue, with a view to providing a further response and recommended wording for planning conditions as appropriate.

Further Comments received 10/10/2023

Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

Background

Active Travel England (ATE) welcomes the opportunity to comment on this further consultation for an application for the construction of a new grade separated junction and new highway north of Elwick village linking to the existing highway.

Summary

ATE has previously submitted a response dated 14 August 2023 Ref: ATE/23/00346/FULL to this application which focused on: • Consideration of roundabout 2 for cyclists travelling between Elwick and Hartlepool. ATE note that since issuing the previous consultation response a series of updated plans have been submitted.

Areas of Concern

Following a review of the application submission documents, it has not been possible to identify how the resubmitted plans address our previous comments.

Next Steps

We request that these comments are provided to the LPA case officer and forwarded to the agent and applicant. ATE would be content to review any further submitted information or engage in dialogue with the applicant to understand what steps have been taken to address comments within our previous consultation response.

Further Comments received 24/11/2023

No Objection: ATE has undertaken a detailed assessment of this application and is content with the submission.

1.0 Background

Active Travel England (ATE) welcomes the opportunity to comment on this application for the construction of a new grade separated junction and new highway north of Elwick village linking to the existing highway.

2.0 Summary

After considering the proposals, ATE are issuing a No Objection to this application subject to acknowledgment of the following Informative.

Informative:

The detailed design of the project should consider the use and location of signage to warn drivers of the likelihood of cyclists entering/using the highway on the transition from the Strategic Road Network to the Local Road Network

HBC Countryside Access Officer - A number of the recorded public rights of way will be required to be diverted. This application and scheme allows, using current legislation, the Council to combine these and other required diversions under one order. Thus creating a usable and more enjoyable access network, in this area of the Borough. Details of the process and legislation will be agreed upon in the coming months. The scheme would also provide opportunity to better connect existing public rights of way between each other and with the neighbouring authority's public right of way. The scheme would offer greater benefit with safer connectivity between the east and west of the A19. There are no objections to this planning application.

HBC Head of Service for Heritage and Open Space - The application site is to the north of Elwick Village a designated conservation area where a number of listed and locally listed buildings are situated. 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. In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) 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).

Policy HE3 of the Local Plan has regard for the setting of conservation areas.

With regard to the properties within the village, attention should be paid to the desirability of preserving the setting of listed buildings in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The NPPF looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 199, NPPF).

Policy HE4 of the local plan states, ‘to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting’.

Further to this in relation to locally listed buildings 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.

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, focused around a central village green.

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 the construction of new grade separated junction comprising the erection of bridge structure and of new highway north of Elwick Village linking to the existing highway, with associated hard and soft landscaping, drainage features and ancillary works.

In form Elwick Conservation Area consists of a linear village running more or less east west, with buildings facing onto a village green which decreases in width to a narrow pinched opening at both the eastern and western ends. Elwick is situated in the cleft of elevated land overlooking towards Hartlepool which continues to rise to the north into Durham. The eastern and western boundaries of Elwick are marked by tributaries of Dalton Beck and Char Beck respectively, which flow to the south towards Greatham. These tributaries form steep denes when approaching Elwick from the east or the west. As a result Elwick is largely concealed within the landscape. Even from the south dense tree cover largely hides the village from view. At certain points within the village the elevated position gives extensive views across agricultural land to the immediate south and further south across the Tees Valley (with its largely industrial character) and into North Yorkshire.

The setting of Elwick Conservation Area is predominantly rural and this is only appreciated when accessing the village; once in the centre there is little sense of the closeness of the A19 in particular. It is considered that this additional road is sufficient distance from the village that it will not disrupt the setting of the heritage assets. Further to this although the enhanced junction at the A19 is in close proximity to a number of assets it is considered that given the presence of the road already this will not cause any further impact on the setting of these assets. The

proposal will contribute to the removal of traffic from the centre of Elwick Village which will positively enhance the conservation area and the setting of those heritage assets within it. No objections.

Further comments received 06/10/2023

The amended plans are noted, however the comments previously submitted on the 12th September remain relevant and it is considered no further comment is required.

Tees Archaeology: Following discussions with the applicant, we understand that there are access issues; as such, we would be willing to condition the required archaeological work in this instance. Additional archaeological mitigation may be necessary depending on the results of the supplementary geophysical survey and trial trenching. We maintain our recommendation that archaeological monitoring take place during preparation of works for the compound and construction phase, as they will have the potential to reveal any archaeological remains close to the surface. I set out the suggested wording of this condition below:-

Recording of a heritage asset through a programme of archaeological works

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

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

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

C) The development shall not be used 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.

Further comments received 10/10/2023

Thank you for the additional consultation. Our comments of September 2023 remain unchanged.

Historic England: Thank you for your letter of 27 July 2023 regarding the above application for planning permission. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Further comments received 09/10/2023

Thank you for your letter of 26 September 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

HBC Landscape Architect: An LVIA has been produced as part of a wide ES, the conclusions of which are generally acceptable. The opportunity for mitigation to enhance the wider road corridor in terms structural landscaping of meadow grassland is recognised. There will be a requirement to consider a scheme of long term management in due course, to ensure effectiveness of proposals.

Further comments received 28/09/2023

No further landscape and visual comments.

HBC Arboricultural Officer: Section 5.4 of the Arboricultural Impact Assessment provided by Elliot's Consultancy Ltd, Ref: ARB/CP/1644 dated January 2023 talks about the proposed culvert going through groups 4 and 6 and overlapping the root protection area, the final position and necessary tree protection measures are to be determined in the Arboricultural Method Statement but they have not been. The Arboricultural Method Statement provided by Elliot's Consultancy Ltd, Ref: ARB/CP/1644 dated April 2023 shows the culvert and the root protection areas still overlapping but the tree protection has been relocated to allow the works. Notwithstanding this, prior to the works for the drainage ditch it should be conditioned that a site meeting takes place with the local authorities Arboricultural Officer and the developer to determine how the culvert and tree protection is going to work and whether some of group 4 will need to be removed to facilitate or whether the culvert can be directed away from Group 4 and closer to Group 6 which is only a category 'C' instead of losing Category 'A' trees. A small loss of category 'C' Trees is the preferred choice over losing category 'A' trees.

There is no objection to the proposed type of tree protection fencing to be used as described as 'B:- Alternative fencing detail' within the Arboricultural Method Statement provided by Elliot's Consultancy Ltd, Ref: ARB/CP/1644 dated April 2023. Trees T2, T3, T4 and T6 as labelled within the Bat Survey from OS Ecology, Ref:

20193 V2 dated 9th January 2023, have been identified as being moderate habitat for bats and one of the trees (T6) currently housing bats. These trees form part of G10 and G11 within the AIA and all the trees that have been identified as being moderately suitable for bats or are housing bats are down to be removed within the AIA to facilitate the new road. These trees therefore have an increased ecological benefit.

The main part of the scheme requires the removal of the majority of the current tree cover and all of the largest and most mature trees within the site due to the current location of the roundabout, junctions and underpasses. Loss is inevitable of a scheme of this size but it should be kept as minimal as possible and trees should be retained wherever possible. Mitigation through tree replacements in a planting scheme will not directly replace mature tree loss and will take a number of years for establishment until they provide the same benefits as before but the proposal is to plant a significant amount more than what is there currently. The NPPF states how trees should be retained wherever possible and this is backed up within the Hartlepool Local Plan 2018 where we would expect trees and hedgerows to be retained unless clear justification for their removal is provided and on this occasion the justification is the need for the new road.

The amount of trees down for removal may mean that a felling licence would need to be obtained from the Forestry Commission as the volume of timber will be higher than the allowance of 5 cubic meters within a quarter.

The proposed 'Landscape proposals', Ref: PR568/OD/011-LP dated 09/03/2023 states that the tree planting will consist of mixed deciduous natives. This limits the planting potential that could be used on this site solely for the reason of using natives. Within the last 20 years the numbers of tree pests and diseases have double from that of the previous 100 years (DEFRA, 2018). This coupled with the increase effects of global warming means we should be introducing a wider range of tree species into the landscape of Hartlepool where possible. This area of new development would be a suitable location to introduce some climate resilient species into the mix as well as some native trees throughout the scheme including the entrance and exit to Elwick village. A detailed landscaping plan that shows what trees will be planted in which location should be conditioned. A scheme for the long term maintenance and aftercare of the proposed planting should also be conditioned.

HBC Parks and Countryside: No issues from our services on this one.

HBC Ecology: The Ecology section has studied the submitted Ecology reports, most of which were produced by OS Ecology and RBA Consulting, as well as the Environmental Impact Assessment (EIA) report. A comprehensive Environmental Statement (ES) replaces an Ecological Impact Assessment report and updates a Preliminary Ecological Assessment report and species survey reports. The Biodiversity Metric 3.1 and the Biodiversity Net Gain Feasibility Assessment Final Report (June 2023), Revision A1-C01, have been assessed.

Summary

The scheme is supported with conditions and legal agreements.

Based on the information submitted, I am satisfied that most of the Ecological assets of the site will not be significantly harmed by this scheme. The Ecological assets that will be significantly harmed can be mitigated through legal agreements and/or planning conditions, as follows:

Ground-nesting Farmland Birds

A significant Ecology issue is the loss of 15 pairs of Ground-nesting Farmland Birds. I support this loss subject to agreement of a Conservation Covenant for a Ground-nesting Farmland Birds compensatory scheme (required to meet Hartlepool Local Plan and NPPF Ecology guidance). Either an appropriate compensatory scheme should be submitted or the compensation should be secured along the lines of:

Prior to commencement of development, details of compensation, including an appropriate timeframe for delivery, for Ground-nesting Farmland Birds shall be submitted to, and approved by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.
REASON: To ensure suitable provision of ecological compensation.

Bat roost

One identified bat roost (in a mature ash tree) will be destroyed. I am satisfied that this loss can be dealt with by the applicant's Ecological consultancy, via a European Protected Species (EPS) bat mitigation licence – known as a CL21 low impact bat licence – issued by Natural England (NE). While the licence is issued to the applicant, a qualified and registered bat Ecologist must be named on the application, who must ensure lawful delivery and reporting back to NE. Normally the applicant's bat Ecologist will submit the application to NE (which is stated by NE to be a 30-day period). I recommend that the applicant is advised that they are responsible for delivering this measure.

Bat boxes

A planning condition should be issued to secure the erection of 30 long-lasting (made of woodcrete material or similar) bat boxes (to mitigate for loss of any potential roosting sites). A total of 30 bat boxes should be positioned on suitable infrastructure such as beneath bridges and in underpasses (20) and in mature trees (ten).

Biodiversity Net Gain

The calculated 32.75% Biodiversity Net Gain (BNG) for Habitat Units and the 331.02% BNG for Hedgerow Units is welcomed and demonstrates 'best practice' for BNG delivery by a local authority. The -4.0% biodiversity change (and lack of 10% BNG) for River Units is acceptable due to the large increases in Habitat Units and Hedgerow Units and does not need to be compensated for in a like for like manner.

The BNG must be secured via the conditioning of the submitted hard and soft landscaping plans.

Badgers and other mammals

There should be a condition stating that any excavations left open overnight will have a means of escape for animals that may become trapped, in the form of a ramp at least 300mm in width and angled no greater than 45°.

Embedded mitigation

I support the Environmental Statement (ES) volume 1 section 5.6 statement:

A hierarchical process to avoid, mitigate and compensate ecological impacts has been applied to the design. This is reflected in the embedded mitigation included in the design. Mitigation by design is beneficial as there is greater certainty that it will be delivered.

I am satisfied that embedded Ecological mitigation measures will be secured by the conditioning of the design plans.

Scheme mitigation

Section 5.6 (ES volume 1) refers to several project mitigation measures (particularly 5.6.3 to 5.6.31) which could be conditioned in a block – the ES states that there is a Landscape and Ecological Mitigation Strategy which presumably collates them all, so this should be conditioned.

Nesting birds

The Hartlepool nesting bird informative should be issued as the applicant has a legal requirement to avoid harm to nesting birds and their nests.

Bird nest boxes

To provide biodiversity enhancement for NPPF, a planning condition should be issued to secure the erection of 30 long-lasting (made of woodcrete material or similar) bird nest boxes. A total of 30 bird nest boxes suitable for swallows, house martins, tawny owls, little owls, starlings, house sparrows and tree sparrows should be positioned into suitable infrastructure (such as beneath bridges and in underpasses) (20) and in mature trees (ten).

Biodiversity monitoring and management

The ES (volume 1) includes, in section 5.6.38, a proposal for post-works monitoring which I support. This states that the BNG targets outlined in the BNG Statement (Volume 3), will be met, and that further details will be detailed in a Biodiversity Monitoring and Management Plan as detailed in the Biodiversity Net Gain Statement. I have not seen the Biodiversity Monitoring and Management Plan.

There should be a condition to deliver a Biodiversity Monitoring and Management Plan prior to work commencing.

Further comments received 07/12/2023

The Ecology section has studied the submitted Ecology reports, most of which were produced by OS Ecology and RBA Consulting, as well as the Environmental Impact Assessment (EIA) report. A comprehensive Environmental Statement (ES) replaces an Ecological Impact Assessment report and updates a Preliminary Ecological Assessment report and species survey reports. The Biodiversity Metric 3.1 and the Biodiversity Net Gain Feasibility Assessment Final Report (June 2023), Revision A1-C01, have been assessed.

Summary

The scheme is supported with conditions and legal agreements.

Based on the information submitted, I am satisfied that most of the Ecological assets of the site will not be significantly harmed by this scheme. The Ecological assets that will be significantly harmed can be mitigated through legal agreements and/or planning conditions, as follows:

Bat roost

One identified bat roost (in a mature ash tree) will be destroyed. I am satisfied that this loss can be dealt with by the applicant's Ecological consultancy, via a European Protected Species (EPS) bat mitigation licence – known as a CL21 low impact bat licence – issued by Natural England (NE). While the licence is issued to the applicant, a qualified and registered bat Ecologist must be named on the application, who must ensure lawful delivery and reporting back to NE. Normally the applicant's bat Ecologist will submit the application to NE (which is stated by NE to be a 30-day period). I recommend that the applicant is advised that they are responsible for delivering this measure.

Bat boxes

A planning condition should be issued to secure the erection of 30 long-lasting (made of woodcrete material or similar) bat boxes (to mitigate for loss of any potential roosting sites). A total of 30 bat boxes should be positioned on suitable infrastructure such as beneath bridges and in underpasses (20) and in mature trees (ten).

Embedded mitigation

I support the Environmental Statement (ES) volume 1 section 5.6 statement:

A hierarchical process to avoid, mitigate and compensate ecological impacts has been applied to the design. This is reflected in the embedded mitigation included in the design. Mitigation by design is beneficial as there is greater certainty that it will be delivered.

Much of the embedded mitigation deals with Biodiversity Net Gain (BNG). The biodiversity for the project has been calculated (via the Defra Biodiversity Metric 3.1) as a 32.75% BNG for Habitat Units and a 331.02% BNG for Hedgerow Units. This demonstrates 'best practice' for BNG delivery by a local authority. The -4.0% biodiversity change for River Units is acceptable due to the large increases in Habitat Units and Hedgerow Units and does not need to be compensated for in a like for like manner.

The embedded Ecological mitigation measures should be secured by the conditioning the appropriate design plans, notably the soft landscaping plan, which is: 'Landscape Proposals' drawing number PR568/OD/011-LP(A) Rev A.

And the conditioning of delivery in accordance with the:

'A19/ Elwick Road/ North Lane Junction and Elwick Road/ Hartlepool Western Link Project, Biodiversity Net Gain Feasibility Assessment, Final Report, June 2023' (Ref: JXX-JBAU-00-00-RP-EN-0010-A1-C01-Biodiversity_Net_Gain_Assessment).*

*For information:

This report details the Habitat loss (section 3.2.1), Habitats to be retained and enhanced (3.2.2) and Habitats to be created (2.2.3) – copied below:

3.2.1 Habitat loss.

The proposed scheme will result in the loss of 22.21ha (73.67 units) of cropland, other neutral grassland, modified grassland and scrub, 3.84km (33.05 units) of hedgerows and treelines, and 0.44km of river (5.76 units) due to re-alignment, culverting or through changes in condition and/or encroachment.

3.2.2 Habitats retained and enhanced.

As part of the proposed design 9.42ha (20.46 units) of cropland, other neutral grassland, scrub, and other woodland; broadleaved will be retained during the scheme. Additionally, there will be 2.51km (17.66 units) of hedge habitat and 0.51km retained (6.44 units) of river habitats retained.

NB: 3.2.2 also includes the wording:

‘Opportunities for enhancing existing habitats within the current landscape proposal are set out within the Landscape and Ecological Mitigation Strategy (LVIA Figure 6.12). Proposals include gapping up of hedgerows and tree management. At this stage, habitat enhancements are provisional and require discussion and agreement with Hartlepool Borough Council. Consequently, they are not included in this revision of the BNG assessment and will be incorporated at a later date’.

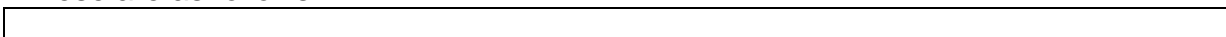
These enhancements have not subsequently been offered and are not in this document. They are not required as the project is showing a significant biodiversity gain.

3.2.3 Habitats created.

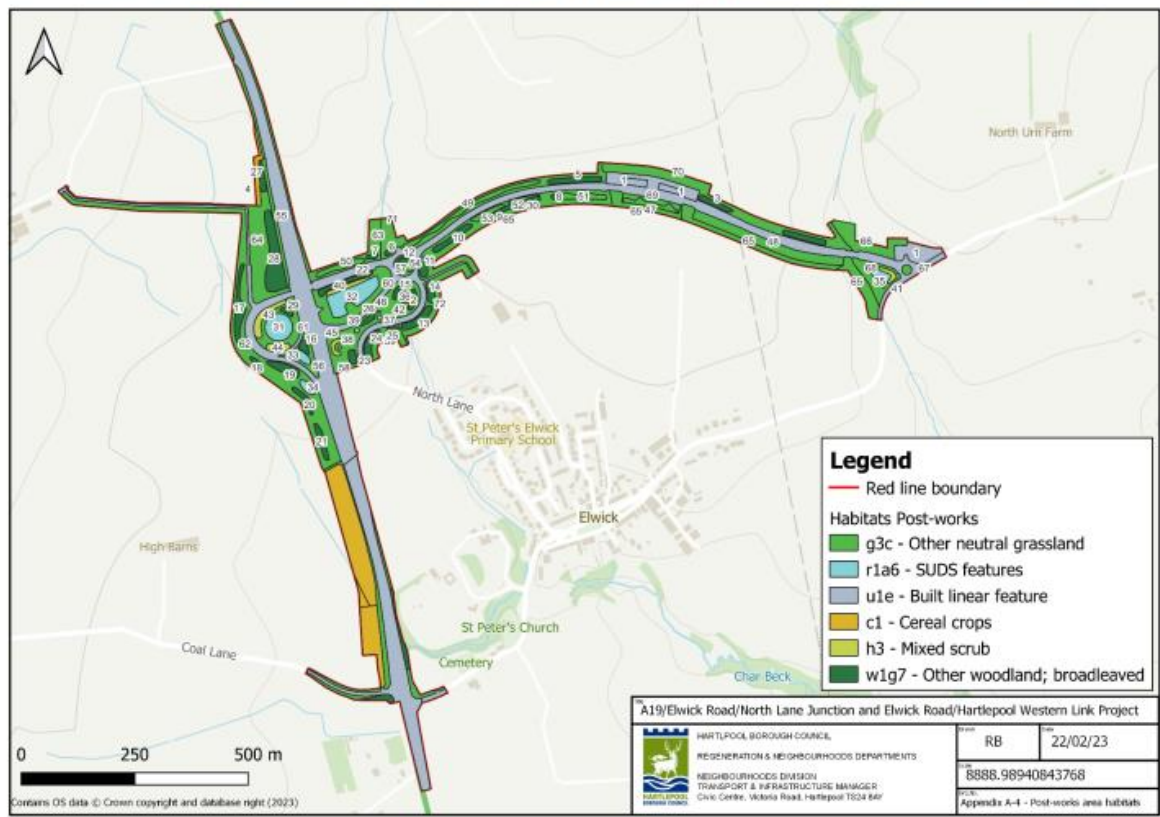
The maps in Appendix A-4, A-5 and A-6 illustrate the post-works habitats. The current landscape proposal will create 22.58 ha (127.69 units) of area habitats, consisting of other woodland, broadleaved (moderate condition), SUDS features (attenuation ponds; moderate condition), native mixed scrub (moderate condition), other neutral grassland (good condition for the herb rich grassland and moderate condition for the low maintenance verges) and urban trees (moderate condition). 15.25km (144.16 units) of native species rich hedgerow with trees (good condition) will be planted and 1.14km (5.27 units) of river habitats created through culverts, ditches, and other river and streams.

The ‘Habitats created’ plans are labelled A-4, A-5 and A-6 in the appendix – snips of each are copied below.

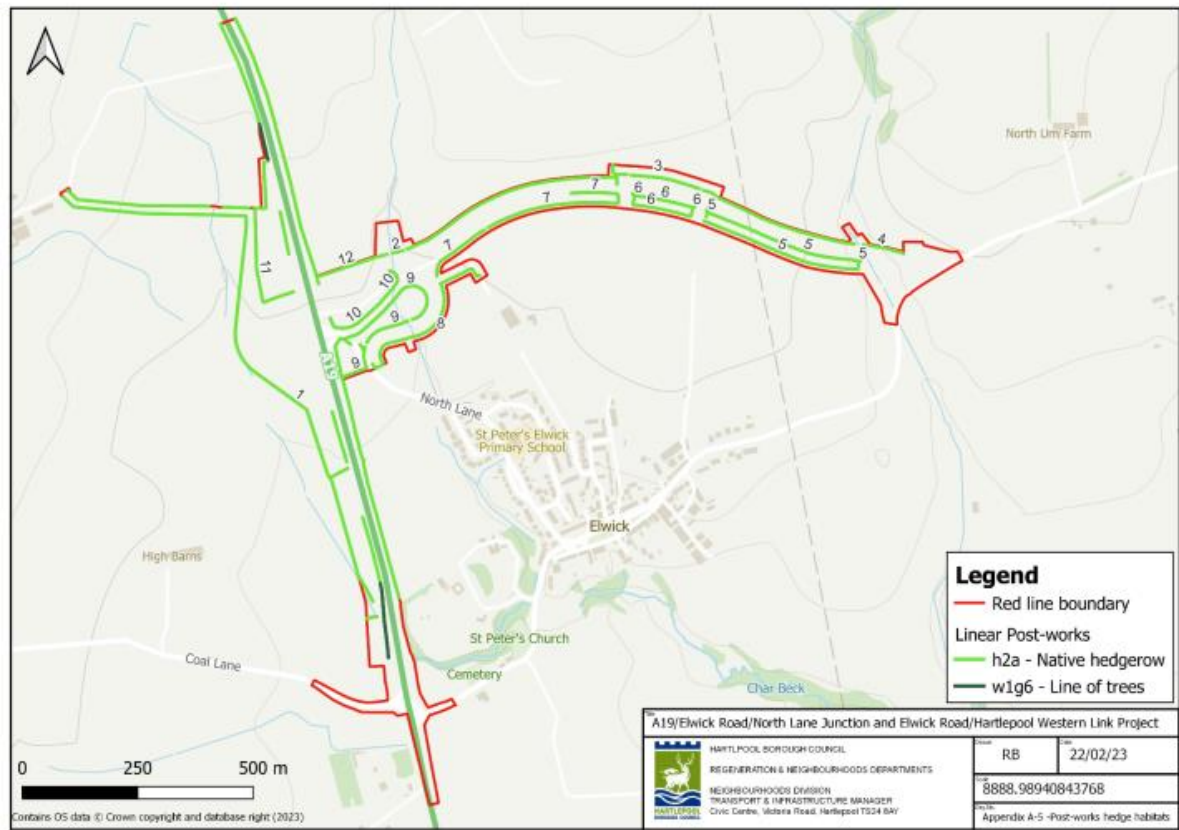
These are as follows:

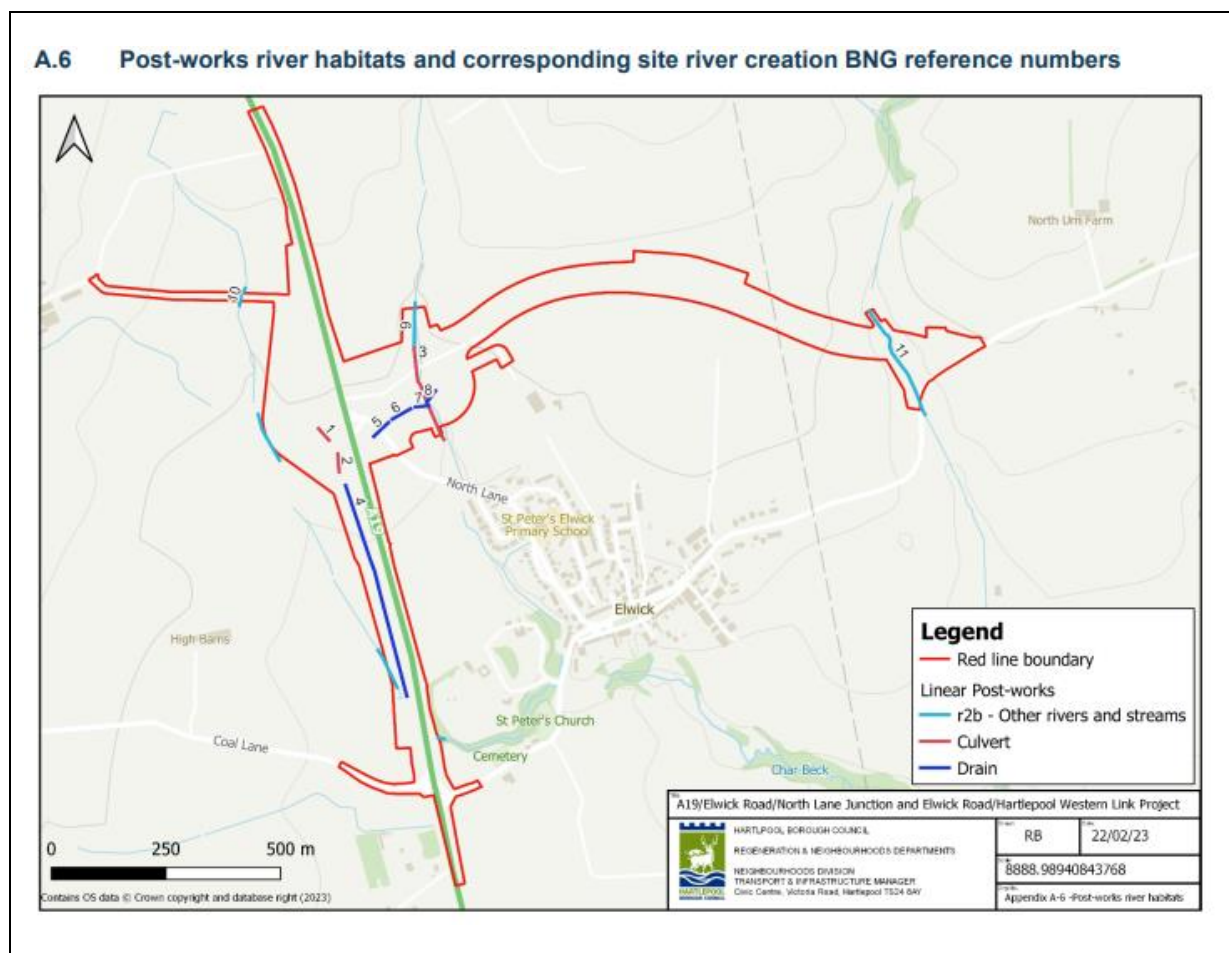


A.4 Post-works area habitats and corresponding site habitat creation BNG reference numbers



A.5 Post-works hedge habitats and corresponding site hedge creation BNG reference numbers





Scheme mitigation

Section 5.6 (ES volume 1) refers to several project mitigation measures (particularly 5.6.3 to 5.6.31) which should be conditioned. [NB: the ES volume 1 states that there is a Landscape and Ecological Mitigation Strategy which presumably collates them all, so this should be conditioned].

The mitigation measures that should be included in the condition are:

Pre-commencement surveys shall be undertaken by an appropriately qualified ecologist prior to the start of vegetation clearance and construction activities on site. The pre-commencement surveys will aim to confirm that the surveys undertaken during the assessment phase are still representative of the ecological status and there have been no changes, e.g. establishment of a badger sett. The pre-commencement surveys will also programme vegetation clearance requirements.

All drainage will be designed to maintain current green field run-off levels. Run-off will be discharged through interceptors. [NB: Section 10 – Traffic and Transportation - of ES Volume 1 is referred to here].

All vegetation clearance works will be carried out under the supervision of an Ecological Clerk of Works, and a precautionary system of work will be put in place. Vegetation clearance drawings will be prepared in consultation with the Landscape

Design team as part of the Contract Documentation. Vegetation clearance shall follow a pre-confirmed method statement.

Vegetation clearance shall be undertaken outside of the breeding bird season (typically March to September), or under the supervision of an experienced ornithologist during the season. Note that any vegetation clearance during the breeding season may be subject to public scrutiny. [NB: A Nesting Birds Informative is already referred to in my response].

Root Protection Zones will be implemented around retained trees. Retained vegetation shall be identified on construction drawings and protected on site through appropriate fencing in accordance with BS 5837:2012. [NB: Section 8 - Landscape and Visual Impact, of ES Volume 1 is referred to here].

All watercourse in-channel works shall be managed to prevent sediment discharge into the watercourses. A works procedure shall be developed by the Contractor and agreed by the Site Supervisor in advance of works. The procedure shall be communicated to the site staff through induction and tool-box talks. All appropriate permits will be obtained in advance of construction works.

New and extended culverts shall ensure that natural stream bed connectivity is maintained, and that channel erosion (bed and banks) is avoided downstream of the culvert outlets. Any natural stream bed material removed during in-channel works shall be replaced to maintain geomorphological continuity.

A biosecurity procedure shall be prepared by the Contractor and implemented through the entire Project construction programme.

Planting of native-species landscaping trees and shrubs will be undertaken, including as copses where appropriate. Two created ponds to be allowed to colonise naturally. There will be creation of deadwood habitat and retention of standing over-mature trees. [NB: Ponds are shown on the Landscape Proposals drawing].

Provision of integral bird nest boxes into bridges and other suitable infrastructure, such as might be used by Swifts, Swallows, House Martins, Little Owls, Starlings, House Sparrows, Tree Sparrows and other cavity nesting species. [NB: bird nest boxes are already referred to in my response].

The following mitigation has been included in the design to reduce impacts on bats:

- Light spill has been minimised, particularly in areas identified as being of value to bats. Only the junctions at the A19 grade-separation will be lit. These are not existing areas of high bat activity.
- Underpasses are provided under the western link to reduce severance and allow bat passage. These have been designed to provide maximum height for bats to fly through, and planting within 2m of the underpass will connect foraging habitats.
- The Landscape and Ecological Design retains hedgerow, scrub and tree cover as far as practical. Where foraging lines have been interrupted (loss of minimum 200m of hedgerow), planting has aimed to restore connectivity. The new balancing ponds will provide foraging opportunities for bats.

- Within the scheme boundary, interlinking hedgerows will be enhanced through gapping up and tree establishment.
- Where tree roosts have been proven tree works will not commence until a Natural England development licence has been obtained and all relevant work will be undertaken as detailed within the terms of the licence. [NB: a bat licence is already referred to in my response].
- Where tree roosts are not proven but there is considered to remain a risk that bats may be present, tree works will follow a detailed method statement which will be prepared in consultation with the Hartlepool Borough Council Ecologist. The Method Statement will form part of the contract documents within the construction contract pack.
- Bat boxes will be installed within retained trees to compensate for the loss of potential tree roosts sites through felling works of mature trees. [NB: bat boxes are already referred to in my response].

NB: The following mitigation measures are said to 'be in the design', so may be labelled in the plans that cover 'Embedded Mitigation'.

Provision of new pond habitat, hedgerows and tree planting, and the maintenance of linear habitats, will provide connectivity across the habitats where the new road layout severs existing areas. Underpasses for farm access will also be available to mammals, with planting within a 2m of the entrances to provide cover for mammals. New and extended culverts shall be designed in accordance with best practice (e.g. Ciria 2021). Mammal ledges shall be provided on the two new 600mm diameter culverts.

Vegetation clearance that may impact great crested newts will be completed under a precautionary method statement approved by the Hartlepool Borough Council Ecologist.

Tree trunks from felling works will be left lying or logged and stacked on site as dead wood habitat.

Standard industry practices such as pollution prevention and silt containment measures or working in the dry should be implemented to enable works to take place without the risk of polluting the water body or causing excess silt mobilisation.

Temporary works within streams will be undertaken in a dry environment, following dewatering of the channel. Fish-friendly pumps should be used to ensure no entrainment of fish occurs. Dewatering works may also need to be supervised by appropriately experienced fisheries specialists, to undertake a licensed fish rescue if necessary.

[NB: The following measures are stated as being in the Landscape and Ecological Mitigation Strategy and the Proposed Landscaping Plan].

Interlinking hedgerows to be enhanced through gapping up and tree establishment, particularly double hedgerows.

Wetland habitat to be created consisting of a series of nine surface and ground water attenuation ponds and SUDS systems spread across the site, with a meadow grass mixture for wet soils including species such as Common Bent *Agrostis capillaris*, Meadow Foxtail *Alopecurus pratensis*, Sweet Vernal-grass *Anthoxanthum odoratum*, Quaking Grass *Briza Media*, Crested Dog's-tail *Cynosurus cristatus*, Tufted Hair-grass *Deschampsia cespitosa*, Slendercreeping Red-fescue *Festuca rubra*, Meadow Barley *Hordeum secalinum*.

Wildflower grass verges will be created.

Tree management will be carried out to promote deadwood habitats and retain standing, over-mature trees.

New fish-free pools and ditches to benefit amphibians and invertebrates.

All surface water drainage will be 'catch pits' instead of standard inspection chambers with a piped floor - which will act as interceptors for oil and spillages. These catch pits will catch any spillages that may occur on the highway, rather than allowing them to pass straight through into the ponds. They can easily be cleaned with a Gully cleansing machine to reduce the damage that potential spillages could cause.

Lighting systems shall be designed in accordance with Guidance Note 08/18 Bats and artificial lighting in the UK: Bats and the Built Environment series.

Badgers and other mammals

There should be a condition stating that any excavations left open overnight will have a means of escape for animals that may become trapped, in the form of a ramp at least 300mm in width and angled no greater than 45°.

Nesting birds

The Hartlepool nesting bird informative should be issued, as the applicant has a legal requirement to avoid harm to nesting birds and their nests.

Breeding birds and their nests are protected by the Wildlife & Countryside Act (1981) as amended. It is an offence to damage or destroy the nest of a breeding bird whilst it is being built or in use. In practice the bird breeding season is mainly confined to the period from March to August inclusive, but it should be noted that some species will breed outside this period. If bird's nests that are actively being built or used are found, then work should be suspended within a 10m circumference until the birds have finished breeding. For further information contact the Council's ecologist on 01429 523431.

Bird nest boxes

To provide biodiversity enhancement for NPPF, a condition should be issued to secure the erection of 30 long-lasting (made of woodcrete material or similar) bird nest boxes. A total of 30 bird nest boxes suitable for swallows, house martins, tawny owls, little owls, starlings, house sparrows and tree sparrows should be positioned into suitable infrastructure (such as beneath bridges and in underpasses) (20) and in mature trees (ten).

Biodiversity monitoring and management

The ES (volume 1) includes, in section 5.6.38, a proposal for post-works monitoring which I support. This states that the BNG targets outlined in the Biodiversity Net Gain Statement (Volume 3), will be met, and that further details will be detailed in a Biodiversity Monitoring and Management Plan as detailed in the Biodiversity Net Gain Statement (Volume 3). There should be a condition to deliver a Biodiversity Monitoring and Management Plan prior to work commencing.

Inconsistencies

I note the following inconsistencies in the submitted material (noting that some may involve document name changes):

- A 'Landscape and Ecological Mitigation Strategy (LVIA Figure 6.12)' is referred to but has not been submitted. The Landscape and Visual Impact Assessment (LIVA) Figure 6.12 has not been submitted.
- A 'Biodiversity Net Gain Statement (Volume 3)' is referred to, but no volumes have been submitted.
- A 'Biodiversity Monitoring and Management Plan' is referred to but has not been submitted.
- A Landscaping Plan Restoration Plan is referred to but has not been submitted.
- Landscape and Ecological Design is referred to.

Environment Agency: (summarised with advice appended as informative) We object to this application as submitted due to the detrimental impact the proposed development scheme will have on priority species and their habitat that we have a role in protecting. We therefore recommend that planning permission is refused.

In this instance, the application does not include adequate information about the measures proposed to ensure that otter are protected in this location. In particular, the application fails to:

- provide sufficient detail on how otter will be protected during the construction phase of development
- provide adequate mitigation on how otter will be protected during the operational phase of development

Reasons

Otter is a protected species under the Wildlife and Countryside Act (1981, as amended) and is listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. England's Biodiversity strategy identifies priority species also listed as being of 'principal' importance under section 41 of the NERC Act 2006. Local planning authorities have responsibilities under NERC to have regard to those species in their decision-making because of their duty to conserve Biodiversity (s40).

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

The proposed vegetation clearance along the Char Beck and Dalton Burn may have a detrimental effect on otter and its habitat along the watercourses. The application does not include adequate information about the measures proposed to protect otter during construction in these locations.

The scheme design also contains a number of Sustainable Drainage Systems (SuDS) and balancing ponds between the slip roads of the proposed junction on either side of the A19. Such features are likely to act as steppingstones for otter between land to the east and the west of the scheme (and wider A19 corridor), leading to increased incidence of roadkill. No avoidance or mitigation measures for this impact pathway have been identified.

Whilst the scheme does include the provision of mammal friendly culverts along the Char Beck, designed to CIRIA C689 guidance (which is welcomed by the Environment Agency), the Environmental Statement (June 2023) indicates that increased roadkill during the operational phase of the development is likely. It is therefore considered that the provision of culverts alone is insufficient to protect otter during the operation of the proposed scheme.

Overcoming our objection

It may be possible to overcome this objection by submitting:

- Details of how otter are to be protected during construction works; this may include a method statement detailing the requirement for a pre-construction survey for otter, and a species-specific method statement for vegetation removal.
- A detailed plan for the protection of otter during the operational phase of the scheme to further reduce the likelihood of otter roadkill, specifically around the proposed SuDS and balancing ponds between the slip roads and A19, and on Char Beck. Whilst the Environment Agency welcomes the use of mammal ledges in culverts, this does not fully prevent otter crossing the road directly. For example, mammal-proof fencing could be installed along length of the road to funnel otter into the culverts.

The design, construction, mitigation, and compensation measures should be based on a survey which is carried out at an appropriate time of year by a suitably experienced surveyor using recognised survey methodology. Guidance to assist with the design of the above measures is provided in the Design Manual for Roads and Bridges, Volume 10, Section 4 (February 2001).

If the above objection can be overcome, the proposed development will only be acceptable if the following conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

Condition – Scheme for compensation required due to watercourse loss from culverting

Prior to the channel realignment and culverting of the watercourses on site, a scheme for mitigation and compensation for the impacts of realignment, loss of watercourse and riparian habitat should be submitted to, and approved in writing by, the local planning authority, in consultation with the Environment Agency.

The scheme shall include the following:

- Details of mitigation and compensation for the impacts of channel realignment and loss of watercourses and associated bankside vegetation / riparian habitat
- Finalised plans for the culvert including bed depths, which should be to CIRIA guidance, have natural beds and be suitable for fish passage

These mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements.

Reason: The proposal would result in channel realignment and the loss of watercourse and riparian habitat due to culverting. It is considered that this proposal would cause disturbance to the watercourse and a net loss in river habitat and riparian vegetation if adequate mitigation and compensation is not secured.

Condition – Programme to avoid sensitive fish period

The proposed development will only be acceptable if a planning condition is included requiring works to be programmed to avoid sensitive times for migratory fish. Without this condition, we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to migratory fish.

Any works permitted that have the potential to disturb spawning fish and/or their habitat and eggs should be avoided between October and May inclusive. These works include the installation of new culverts, operation of new streams and the extension of existing culverts.

Reasons: There is significant fisheries value associated with the site due to the presence of good spawning gravels and habitat for migratory Salmonids on Char Beck. The proposed development of culverts in Char Beck could disturb spawning fish and/or their habitat and eggs. In addition, the increased sedimentation into Char Beck and downstream watercourses as a result of the operation of the new stream could cause a decrease in dissolved oxygen, posing a further risk to spawning Salmonids. Disturbance to Salmonid spawning grounds is an offence under the Salmon and Freshwater Fisheries Act 1975, to which any works that are being carried out in the channel between October and May inclusive, are at risk of doing. While there are no records of fish in the area, the installation of new culverts could damage the riverbed habitat along Char beck which shows to have good spawning gravels. Therefore, the assumption must be made that there is the potential for Salmonids to spawn in Char beck. Furthermore, neighbouring watercourses such as Close Beck and Amerston Beck show to have good populations of Trout and sit at a similar gradient to Dalton Beck/Char Beck, so it is highly likely that Salmonids could do the upstream run to Char Beck.

Further comments received 22/09/2023

The proposed development will only be acceptable if the following conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

Condition – Protected Species Protection Plan

No development shall take place until a plan has been submitted to the local planning authority detailing how otter and their associated habitat will be protected. The plan must consider the whole duration of the development and be carried out in accordance with a timetable for implementation as approved.

The scheme shall include the following elements:

- Details of how otter are to be protected during construction works; this may include a method statement detailing the requirement for a pre-construction survey for otter, and a species-specific method statement for vegetation removal.
- A detailed plan for the protection of otter during the operational phase of the scheme to further reduce the likelihood of otter roadkill, specifically around the proposed SuDS and balancing ponds between the slip roads and A19, and on Char Beck. Whilst the Environment Agency welcomes the use of mammal ledges in culverts, this does not fully prevent otter crossing the road directly. For example, mammal-proof fencing could be installed along length of the road to funnel otter into the culverts.

Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in harm to protected species. It is not necessary for the protected species and habitat protection plan to be provided prior to the granting of planning permission, as this matter can be addressed by a planning condition. Guidance to assist with the design of the above measures is provided in the Design Manual for Roads and Bridges, Volume 10, Section 4 (February 2001).

Reasons: Otter is a protected species under the Wildlife and Countryside Act (1981, as amended) and is listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. England's Biodiversity strategy identifies priority species also listed as being of 'principal' importance under section 41 of the NERC Act 2006. Local planning authorities have responsibilities under NERC to have regard to those species in their decision-making because of their duty to conserve Biodiversity (s40).

This condition is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

The proposed vegetation clearance along the Char Beck and Dalton Burn may have a detrimental effect on otter and its habitat along the watercourses. The application does not include adequate information about the measures proposed to protect otter during construction in these locations.

The scheme design also contains a number of Sustainable Drainage Systems (SuDS) and balancing ponds between the slip roads of the proposed junction on either side of the A19. Such features are likely to act as steppingstones for otter between land to the east and the west of the scheme (and wider A19 corridor),

leading to increased incidence of roadkill. No avoidance or mitigation measures for this impact pathway have been identified.

Whilst the scheme does include the provision of mammal friendly culverts along the Char Beck, designed to CIRIA C689 guidance (which is welcomed by the Environment Agency), the Environmental Statement (June 2023) indicates that increased roadkill during the operational phase of the development is likely. It is therefore considered that the provision of culverts alone is insufficient to protect otter during the operation of the proposed scheme.

Condition – Scheme for compensation required due to watercourse loss from culverting

Prior to the channel realignment and culverting of the watercourses on site, a scheme for mitigation and compensation for the impacts of realignment, loss of watercourse and riparian habitat should be submitted to, and approved in writing by, the local planning authority, in consultation with the Environment Agency.

The scheme shall include the following:

- Details of mitigation and compensation for the impacts of channel realignment and loss of watercourses and associated bankside vegetation / riparian habitat
- Finalised plans for the culvert including bed depths, which should be to CIRIA guidance, have natural beds and be suitable for fish passage

These mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements.

Reason: The proposal would result in channel realignment and the loss of watercourse and riparian habitat due to culverting. It is considered that this proposal would cause disturbance to the watercourse and a net loss in river habitat and riparian vegetation if adequate mitigation and compensation is not secured.

Condition – Programme to avoid sensitive fish period

The proposed development will only be acceptable if a planning condition is included requiring works to be programmed to avoid sensitive times for migratory fish. Without this condition, we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to migratory fish.

Any works permitted that have the potential to disturb spawning fish and/or their habitat and eggs should be avoided between October and May inclusive. These works include the installation of new culverts, operation of new streams and the extension of existing culverts.

Reasons: There is significant fisheries value associated with the site due to the presence of good spawning gravels and habitat for migratory Salmonids on Char Beck. The proposed development of culverts in Char Beck could disturb spawning fish and/or their habitat and eggs. In addition, the increased sedimentation into Char Beck and downstream watercourses as a result of the operation of the new stream could cause a decrease in dissolved oxygen, posing a further risk to spawning Salmonids.

Disturbance to Salmonid spawning grounds is an offence under the Salmon and

Freshwater Fisheries Act 1975, to which any works that are being carried out in the channel between October and May inclusive, are at risk of doing. While there are no records of fish in the area, the installation of new culverts could damage the riverbed habitat along Char beck which shows to have good spawning gravels. Therefore, the assumption must be made that there is the potential for Salmonids to spawn in Char beck. Furthermore, neighbouring watercourses such as Close Beck and Amerston Beck show to have good populations of Trout and sit at a similar gradient to Dalton Beck/Char Beck, so it is highly likely that Salmonids could do the upstream run to Char Beck.

Further comments received 12/10/2023

Thank you for re-consulting us on the above application following updated plans and additional information, which we received on 26 September 2023. The amended plans and provided Biodiversity Net Gain Feasibility Assessment do not change our previous response to this application, dated 22 September 2023. This response still applies.

Natural England (summarised with advice appended as informative) No objection Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

HBC Public Protection: I have no objection to this application and would request the following conditions:

- No open burning at the site at all.
- Dust suppression measures to be in place during construction at the site.
- All construction works to be carried out between 8am-6pm Monday to Friday and 9am – 1pm on Saturday with no working on a Sunday or Bank Holiday. Any deliveries and collections to the site must kept between these hours as well.

HBC Flood Risk officer: In response to your consultation on the above application we have no objection to proposals in respect of contaminated land or surface water management. Please include our standard unexpected contamination condition and the 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 will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). 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.

Further comments received 04/08/2023

In response to your consultation on the above application we have no further comments to make in respect of contaminated land or surface water management.

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

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

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

I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents and Northumbrian Water have no assets in the area. Should the drainage proposal change for this application, we request re-consultation.

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

Hartlepool Rural Neighbourhood Plan Working Group: Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The following Rural Neighbourhood Plan policies are relevant.

POLICY GEN1 – DEVELOPMENT LIMITS

In the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

Elwick by-pass qualifies as essential public infrastructure required to provide access to facilitate new developments on the edge of Hartlepool. The villages of Elwick and Dalton Piercy suffer with the levels and speeds of traffic travelling to and from the A19. It was hoped that at last the needs of the villages would be addressed but the scheme proposed in this application appears to be meet the minimum need of an access to the A19 while introducing new concerns for the rural communities.

POLICY H5 - HOUSING DEVELOPMENT ON THE EDGE OF HARTLEPOOL

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

9. address any significant impacts arising from an increase in traffic on the road network between Hartlepool and the A19 as a result of the new development. This should include mitigation measures identified by Transport Assessments which may include improvements to the junctions from the villages to the A19, A179 and A689 as well measures to discourage traffic from the new development using minor roads through the villages in the Plan area and sympathetic traffic calming where necessary. Adequate measures should be discussed as part of the application and not delegated to a condition and in some instances measures should be put in place prior to the occupation of the first dwelling in the relevant proposal.

11. assist in meeting Hartlepool Borough's housing need for 6000 additional homes within the next 15 years by supporting new developments on the edge of Hartlepool which take into consideration their rural fringe locations and which do not compromise the Green Gaps, subject to design, layout, environmental and traffic impact considerations.

A by-pass for Elwick is essential to address existing problems caused by traffic resulting from the westward expansion of Hartlepool as identified in the Local Plan.

There are serious concerns with the scheme as proposed however as it appears to be insufficient to meet the traffic levels it will undoubtedly attract. Both Greatham and Hart, while relieved to have the unmanageable levels of traffic taken out of their streets, find themselves fighting for improvements to the village accesses to/from their respective by-passes. While finally having some success with one junction both villages continue to fight for improvements to their second access. Issues with safety and ensuring the future of bus routes continue. The failure to plan for the long term and the huge increase in traffic is a repeated failure, the worst example of which is Newton Bewley, a village torn asunder by the busy, noisy, high speed dual carriageway that is the A689.

The scheme is identified within HBC's Local Plan and other transport strategies and is integral for the delivery of housing sites, supporting the growth of the local economy. The proposed scheme is required for the significant delivery of dwellings and deliver direct journey time benefits for people and goods seeking access to Hartlepool. The scheme will unlock a significant element of housing development that will play a key role in meeting Hartlepool's wider growth targets. All well and good for the needs of Hartlepool town but once again it appears all too easy to dismiss the damage done to the smaller communities to meet the ambitions of the town.

There appears to have been little assessment of the effects of the proposed restrictions/closures of Coal Lane and Church Road. These are likely to split the rural community further isolating those living west of the A19. There are also businesses on Church Road who are made less accessible and, given the narrow Church bank with gradient and corner, access difficulties for larger vehicles.

The removal of the link between the new proposed junction and Coal Lane will result in the severance of the village of Elwick and its western hinterland. Residents of the Parish west of the A19 who currently use Coal Lane will have up to 4.5 miles extra journey to/from their village. Any future aspirations for a return of through bus services to Trimdon will also be adversely affected.

The crossroads at Naisberry will need improved traffic management, a roundabout or lights, to permit traffic wishing to join Elwick Road from Dalton Piercy or Worset Lane to do so safely.

The current proposals will prevent pedestrian, cycle and horse access to Hartlepool town, as these cannot use a fast-flowing, narrow transport route; there is no pavement along Elwick Road from Elwick village to Quarry Farm at the edge of the town.

POLICY T1 - IMPROVEMENTS TO THE HIGHWAY NETWORK

3. *improved village approach roads and junctions to the A179, A689 and A19*
4. *alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool*
5. *appropriate measures to discourage traffic related to any new development on the edge of Hartlepool from using minor roads through the villages in the Plan*

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

Crucial among the necessary improvements required to the Highway network is Elwick by-pass and its grade separated junction with the A19. There are benefits to the quality of life and safety by removing the rapidly increasing traffic flows through the centre of the villages of Elwick and Dalton Piercy and reducing traffic using narrow country lanes as rat runs.

Adversely the by-pass as planned has some distinct flaws. The new link between Hartlepool and the A19 is bound to attract a significant increase in volume of traffic, including HGV's, yet it relies on a considerable length on unimproved country lane from Quarry Farm to the start of the new bypass.

The increase in traffic, and potential speeds, that can be expected will impact on the safety of Naisberry crossroads. Still a country lane with bends and sight-line issues combined with a crossroads.

Local Plan Policy INF2 states “no permanent development will be permitted within land corridors shown on the Policies Map that are reserved for the following road and rail schemes: 3) grade separated junction on A19(T) at Elwick; improvements and

realignment of Elwick Road including bypass north of Elwick village, and realignment of Coal Lane”. The decision to omit the Coal Lane realignment perpetuates the separation of the village of Elwick from its natural hinterland. There is not only a detrimental impact on residents of Hartlepool Borough west of the A19 but also an economic impact on the rural businesses along Coal Lane. The application as presented adds to the isolation of this already neglected part of the Borough.

The Elwick village access at the eastern end of the proposed bypass is most oddly located near the top of a steep bank. Will the lane that connects the village to the proposed junction with the bypass to the east of Elwick continue to be gritted? The location hardly makes for an ideal, safe junction.

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

Improvement and extension of the public and permissive network of bridleways, cycleways and footpaths will be supported and where justified by and shown to be directly related to specific development proposals, financial contribution will be sought towards the following schemes.

1. *New bridges over the A19 near Elwick and over the A689 near Greatham suitable for pedestrians, cyclists and equestrians.*
4. *Cycleways and footpaths linking Brierton, Dalton Piercy, Elwick, Greatham, Hart and Newton Bewley and providing direct and circular routes between the villages and the countryside.*

This Rural Neighbourhood Plan Policy and Hartlepool Local Plan Policy INF2 which includes the aim to “develop further opportunities for sustainable modes of transport to serve existing communities throughout the Borough.” This application doesn’t seem to have given any thought to opportunities for improved access to and from the vast area to the west of the A19, both the immediate countryside of Hartlepool Borough with existing rights of way and further afield. How will walkers, cyclists and horse riders access Coal Lane?

Both the bypasses at Greatham and Hart have severely curtailed movement crossing from one side to another as they have become increasingly busy, in particular pedestrians, cyclists and horse riders needing to cross these roads safely. The proposed new bridge over the A19 has little particular provision for pedestrians, cyclists and horse riders to access countryside west of the A19. Clear separation would greatly improve conditions and safety for motorised and non-motorised users alike. Access to rights of way FP2 & FP3 (fig 6-9) would directly benefit from a safer crossing of the A19.

The group welcomes the use of an underpass for the right of way between Elwick and Hart FP5 that bisects the proposed road route. Otherwise, this Rural Neighbourhood Policy has been ignored.

POLICY NE1 - NATURAL ENVIRONMENT

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

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

1. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan.

2. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting must where possible:

b. Provide screening around any non-agricultural uses.

c. Use a mix of local native species appropriate to the landscape character area.

The new bypass appears to offer the opportunity to bring added wildlife habitats, especially through the proposed water management. It is noted that the watercourse, which the route of the new road crosses, does eventually flow into Greatham Beck and thence to the nationally important sites at the mouth of the Tees. The water quality must not be adversely affected by this development.

Although primarily intended to serve the growth of Hartlepool, Elwick bypass should also seek to benefit the rural communities in which it is located, particularly Elwick and Dalton Piercy villages, but there is a distinct impression that in saving costs it is the rural communities that will pay in inconvenience and lost opportunities.

HRNP Group hoped to welcome the long awaited Elwick bypass however the application as presented is such as to introduce a new set of problems and concerns for Elwick Parish and the wider rural area. This despite one of the objectives of the proposed highway scheme being to “reduce community severance and improve the environment for residents, pedestrians, and cyclists in Elwick”.

Highways England aim to turn the A19 into an ‘Expressway’ appears to be being well served to the detriment of the Rural Community. The dropping of the link between the new junction and Coal Lane, which would offer a better longterm option, is a major concern. As it stands, the number of problems raised for the rural community and lost opportunities means the Group cannot support this application and must object to the proposal as presented.

Dalton Piercy Parish Council – Objection.

Hart Parish Council - Further to your email, the only comment Hart Parish Council wishes to make is to confirm they continue to agree with the previous concerns raised by Elwick Parish Council, listed on the planning portal.

Elwick Parish Council - In response to the submitted application for the Elwick Bypass, the Elwick Parish Council welcomes the project moving forward, but on

behalf of residents have a number of concerns that need to be addressed with the current proposed design.

As there will be difficulty making changes once the bypass is in place, it is important that issues are addressed properly at the design stage. The following points outline the major concerns that we have identified and which have been communicated to us.

Closure of Church Bank access onto and from the A19

The closure of the A19 access at Church Bank will have a strong negative impact on the following businesses that rely on easy access for their day-to-day activities. It will most likely cause them to close and relocate, having a huge impact financially on the businesses, and on the aspirations of the Rural Area to enhance the rural economy.

There is a weight restricted bridge at the bottom of Church Bank that limits vehicles to 7.5 tonnes. This would need to be crossed by numerous heavy vehicles regularly.

The following are directly impacted;

Discount Equestrian – An online and in person store with multiple parcel pick-ups daily. The range of supplies here with deliveries and pickups constantly through the day, customers with large and small vehicles coming by including horseboxes and trucks means that the closure of A19 access will have an enormous impact on the business.

Sheraton Group – A building and construction contractor with regular heavy traffic to and from their yard situated behind Discount Equestrian. These include daily deliveries of materials and supplies and moving site cabins and equipment to and from the yard, which would struggle to get out through Church Bank and the village roads, and the weight restrictions.

Dove Cote Farm – A livery and Riding School with a high volume of large vehicles of both equestrian and agricultural nature, as well as visitors and students of riding lessons.

St Peter's Church Elwick – The Church is remotely situated and relies on vehicle access for parishioners, with the narrow Church Bank Road into the village being difficult to negotiate. The Church is experiencing lowering attendances, and making it harder to drive to will only worsen the situation. Funeral hearses travel into Elwick, along North Lane, then out onto the A19 and access St Peter's Church via the A19.

We have requested that the impacted residents and businesses have a meeting with HBC at which the proposals can be explained and concerns heard.

Closure of Access from Coal Lane onto the A19

The closure of entry onto the A19 from Coal Lane will impact several houses, farms and businesses. Their only way to get onto the A19 will be heading on very narrow roads toward Hurworth Burn and around small lanes to the A19 Sheraton Junction.

The properties on the west side of the A19 were already badly impacted by the closure of the crossings, making access to the village very difficult, and more expensive, and this current proposal will make this even worse, to the point where it is questionable what value they would get remaining within the HBC area, rather than joining Durham.

Earlier proposals included a link road from the end of Coal Lane to the grade separated junction. This would have provided the necessary access to the A19 for businesses and residents. This has been removed from the latest plans.

Positioning of the termination roundabout close to Craddon Bank

The roundabout designed for the termination of the bypass on the Eastern end is very badly situated on the exit from Craddon bank. This is a steep bank, often difficult to pass in winter with ice on the road. Traffic coming from the village will find it difficult to enter the roundabout due to expected larger volume of traffic up from the town, and this will lead to cars having to queue on the bank waiting to enter the roundabout.

The termination of the bypass there also leaves a stretch of poorly maintained, narrow and uneven road between the bypass and the housing developments (and planned possible link road from the A689). Studies commissioned have shown that the road is not fit for the increased traffic that it will experience.

It is widely held that the most suitable option would be to carry the bypass on the Dalton Crossroads, where it would terminate at the proposed roundabout that is part of the Tunstall development. Building the truncated bypass, which will lead to an even greater increase in traffic on the already poor road is not a suitable solution.

Access onto the Bypass from the Village

With the current layout, entry onto the roundabouts at either end of the bypass from the village will be difficult given the expected volume of traffic coming from Hartlepool during rush hour. It will be necessary to prepare during construction for traffic management on the roundabout similar to that installed on the roundabout at Wynyard. Faster moving traffic will also impact the already dangerous entry onto the Elwick Road at the Dalton crossroads. The roundabout proposed in the housing development plans must be put in place to alleviate this.

Cycling, Pedestrian and Horse Safety

The current road from Tunstall up to the village is narrow and winding and is already not suitable for cycling, pedestrian and horse traffic up to the village. The increased traffic on this road once the bypass is in operation, given the current plan to terminate at Craddon bank, and not to employ any road widening or improvement will basically make the village inaccessible to anything other than vehicle traffic. We would strongly request that a bridlepath / cycle path is included alongside the current road to the village, and also that the bypass terminates at Dalton Piercy Crossroads, allowing Elwick residents' access to Hartlepool town and its amenities. As the design is currently, the village will be effectively cut off.

There is also little or no provision for cyclists, walkers or horse riders to cross the A19 with the new bridges, which further cuts off a number of residents on the west side of the A19, and also impacts various foot paths out to the west of Hartlepool.

Concerns about noise levels from the raised road

The noise level assessment basically tells us that because of the already high level of noise from the A19, the noise impact from the bypass will be negligible. As the A19 has a poor surface with high noise, this is not a suitable conclusion. Elwick has for many years been requesting that a low noise surface be laid on the A19, and if this were to ever happen, then the impact from the bypass would be much more noticeable. The elevated road will allow noise to travel further into the village, and there seems to be little or no planning for screening to reduce this.

In summary, while the Elwick Parish Council, and the majority of residents, welcome the development of the bypass, there are numerous issues that the current proposals raise that have a high impact on the Village of Elwick and surrounding area. The development of the Bypass was touted to be of benefit to the Village and surrounding area, but it seems that the benefits will be lost by the added impracticalities of access due to both the expected increase in traffic and the choices made at the design stage. It is evident that the design is the easiest solution to facilitate access for further development of housing into the rural area, without full consideration to the existing communities. This once in a generation project should be of benefit to all, which makes it vitally important that the design is made to suit the communities that it will impact.

British Horse Society: General - The project can be divided into two parts. The bypass itself requires full planning permission and the Society does not wish to comment on this. The other part of the project is the set of extensive improvements to the A19 which would appear to be authorised by the GDO apart from environmental issues which the planning authority will need to consider. The Society is seriously concerned about the current proposals in respect of the severance caused to movements crossing the A19 corridor made by walkers, cyclists and horse-riders (WCH users).

These are considered as community impacts in the deposited EIA, so it would seem that it is proper for the Society to comment. It is submitted that the treatment of community severance in the EIA is seriously inadequate for the reasons set out below.

Existing WCH desire lines crossing the A19

WCH users from the Elwick area might be expected to want to access the countryside to the west of the A19. The EIA appears to assume that it is only necessary to consider the public paths. But this is incorrect as WCH users can also travel along all-purpose roads and might reasonably expect to use the quiet roads including North Lane, Church Bank and Coal Lane. Although WCH users are unlikely to want to use the A19 over significant distances, they might well need to follow the verges to link between access routes on each side where a relatively small stagger is involved. On this basis, it is necessary to consider around 1.3 km of the A19, from footpath 11 in the north to footpath 9 in the south. On the west side the A19 there are

three public footpaths plus Coal Lane, while on the east side there are roads at Church Bank and North Lane.

This means there are four desire lines. Leaving Elwick by North Lane, walkers can access footpaths 11 and 18 each around 300 m north and south respectively. Leaving by Church Bank, walkers can access the Benkowie Farm access road around 150 m to the south which is the start of footpath 9 leading to Embleton. All WCH users can use Coal Lane which is almost opposite. This is particularly important to cyclists and horse-riders as being the only crossing point of the A19 over the 8.6 km section between the Wynyard and Hart interchanges. This route has been identified in the Council's Cycling Delivery Plan as a key cycling routes (see next section). It should also be noted that DEFRA equestrian passport data shows that there are more than 1,000 horses registered to people living in the TS27 postcode district which straddles the A19 corridor and includes Elwick and Dalton Piercy.

There appears to be some confusion over the changes made in 2019. The EIA says (at 2.1.10) says HBC in partnership with National Highways closed the gaps in the central reservation at Elwick junctions in 2019 to prevent drivers crossing both lanes of traffic. This is accurate, but the reference to drivers is important. The attached press release issued by the Council at the time of the closure stated that a public right of way will be maintained for pedestrians, cyclists and horse riders. This indicates that the closures were for motor vehicles only and that WCH users continue to be entitled to use the four desire lines identified above.

Policy background

The EIA (at 2.2) contains extensive information on the planning policy context. But it fails to consider either the Council's Rights of Way Improvement Plan (2007) or the Cycling Delivery Plan (2016).

In the Rights of Way Improvement Plan, under the heading "Conclusions drawn from public consultations and surveys" there is the following:

Many comments were received regarding the severance of public rights of way and the problems of crossing the A19 and indeed this is a high priority for the Countryside Access Team as well as the Local Transport Team. Work is ongoing to put in place additional and higher right access either side of the A19 to make a strong case for the building of a multi-use bridge crossing the road in the Elwick area. The bridge scheme is in the LTP and there is a prospect of funding being sourced for its planning and construction, once other multi-user schemes are in place.

Under actions proposed BC2 there is:

2.2 Links to the west – new bridleways and cycle links, including A19 bridge.

Also under IM2.1 there is: 2.2.2 A19 multi-user bridge – Safe crossing of A19 and linking of paths severed when road built.

The Cycling Delivery Plan contains numerous proposals for improving cycling provision within the Borough. The summary plan at Appendix 4 shows the route from Hartlepool via Elwick and Coal Lane as a key link out of the Borough. A particularly

important point for recreational cyclists is that just west of the Borough boundary it links with National Cycle Route 1. This is an old railway route providing an off-road multi-user route all the way from Sunderland to Stockton.

Development of the scheme

The Council considered a number of possible options, and in 2016 consulted on its preferred option. This included a northern bypass connected to the A19 by an interchange approximately at the existing North Lane junction, together with a link to Coal Lane. This would have provided the multi-user links envisaged in the Rights of Way Improvement Plan and allowed the diversion of the Church Bank to Coal Lane link to a safer grade-separated route. The public response to this option was largely positive and the Council commenced more detailed design work in conjunction with National Highways. In 2021 the Council submitted an outline planning application, although this was later withdrawn. By this time the Coal Lane link had been quietly dropped, apparently on the insistence of National Highways.

This meant that the proposed bridge would no longer be available as a multi-user route and cyclists and horse-riders would continue to have to use the at-grade crossing at Coal Lane. This serious failing was flagged up by the Council's Countryside Access Officer, but he was ignored. It is not at all obvious why the option of replacing the Coal Lane link road with a multi-user route along a similar line parallel to the A19 was not considered at that time.

By the current application, it appears that National Highways had insisted on further changes that not only fail to secure the improvements envisaged by the 2016 consultation proposals, but seriously erode even the current unsatisfactory arrangements for WCH users. Table 2.3 of the EIA sets out additional road closures. In respect of Church Bank it says:

This access will be completely severed. Alternative access will be provided via the new junction with the A19 at North Lane.

The justification is stated to be:

The junction is within 1 km of the new grade separated junction which is contrary to DMRB standards therefore the proposed intervention is essential.

Whilst the Design Manual for Roads and bridges (DMRB) standards presumably precludes the Church Bank entry slip as being too close to the proposed new junction, it is not at all obvious that this requires the access to be closed to WCH users as well. The implication is the severing of two of the desire lines noted above – the walking link to footpath 9 and the link for all WCH users to Coal Lane. This would close the only cycling and horse-riding crossing of the A19 between the Wynyard and Hart junctions, this also being the route identified as a key cycling route in the Council's Cycling Delivery Plan.

The statement that alternative access is provided via the new junction is nonsensical given the previous deletion by National Highways of the necessary link between Coal Lane and the new junction.

It is submitted that the EIA is seriously deficient in its treatment of community severance. Although it is correct to say that the scheme improves access to footpaths 11 and 18 reached via North Lane it completely fails to recognise the importance of the Church Bank access, and particularly the impact on cyclists and horse-riders of the loss of the only route from Elwick to the countryside to the west.

Involvement with stakeholder groups.

Finally, the Society wishes to express its serious concerns over the way in which this project has been developed in respect of the failure to involve stakeholder groups representing the WCH users.

Whilst National Highways asserts the need for the design to comply with the DMRB, this seems to be biased towards only those parts of the standards that apply to motor traffic along the trunk road. The standards also include (at GG142) a mandatory requirement for schemes such as this to be subject to the walking, cycling and horse-riding assessment and review (WCHAR) process. This should have started once the Council and National Highways commenced work on the design in 2016. The initial assessment stage should have involved key stakeholders to have identified requirements of the project and reviews should have been carried out as the design continued to check that any changes were acceptable. In practice, the WCHAR process has not even commenced, so the scheme is clearly not compliant with DMRB and National Highways should never have signed it off as being compliant.

Even leaving aside the requirements of the DMRB, it is submitted that there should have been proper consultations with stakeholder groups representing WCH users – in particular the Ramblers Association, Cycling UK and British Horse Society. None of these bodies appear to have been consulted, and instead the Council seems to have relied on feedback from its own Countryside Access Officer. With the greatest of respect to the officer involved, it is submitted that for a planning applicant to consult only with one of its own staff does not constitute meaningful consultation with appropriate stakeholders. The failing of this approach is amply demonstrated by the fact that in 2021 the officer flagged up the serious failings in the design, but nobody took any notice.

(An Appended Article was submitted.)

Further comments received 22/10/2023

I refer to the Society's response of 18th August to the above planning application relating to the proposed Elwick Bypass and wished to add two points of clarification. Existing WCH desire lines crossing the A19.

In the final paragraph of this section I referred to the Borough Council press release regarding the central reserve closures in 2019. National Highways has kindly supplied a copy of the Traffic Regulation Order for these closures, and I attach a copy. This confirms that there remains a right of way for pedestrians and equestrians across the A19 from Church Bank to Coal Lane, Thus the press release was indeed

accurate, and it is the EIA which is erroneous in suggesting that this route no longer exists.

Involvement with stakeholder groups

I referred to the mandatory requirement for a walking, cycling and horse riding assessment and review and stated that the process had not even commenced. National Highways has pointed out that work did commence and that an assessment report was produced in 2021, although the Council has never made this public and the report is not among the documents submitted in support of the application. Nevertheless, the process is by no means complete as the required review of the design has not been carried out. It is particularly important to note that in 2021 the changes to the Church Bank and Coal Lane junctions had not been proposed so these are still outwith the WCHAR process.

HBC Economic Development: We have reviewed the proposed application details and respond as follows.

Overall from an Economic Growth perspective we support the proposals in the context of the benefits it will bring in investment and employment opportunities to Hartlepool. The addition of a new highway link road into Hartlepool directly from the A19 will not only increase accessibility but also unlock development for much needed new quality housing adding to Hartlepool's offer as a place to live, work and invest.

However we also note the direct impact on the operations of rural businesses in the area that the proposals will have. We therefore request the case officer, when determining the application, to take into account the impact on businesses and the concerns they raise in balance to the wider economic benefits to the town that the proposal brings.

Stockton on Tees Borough Council Planning Department - No objections.

Durham County Council Policy Section - Thank you for your consultation for the above. I have consulted colleagues in Durham County Council's Development Management Highways Team, who confirm: Having looked at the location, and what is proposed, I do not consider that this application would have any impacts on Durham's Local Road Network. Therefore, I have no comments to make, and raise no objections to the proposal. I have no issues to add from a Planning point of view, so therefore formally confirm that Durham County Council as Local Planning Authority have no comments to offer, nor objection to this application.

HBC Building Control: I can confirm a building regulations application would not be required for Construction of new grade separated junction comprising erection of bridge structure and of new highway North of Elwick Village linking to the existing highway, with associated hard and soft landscaping, drainage features and ancillary works.

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 Police: In relation to the works described above. I sent the information to our Road Traffic Policing Unit. I know that it was circulated widely. I've not had any direct response, and I note from the portal that nothing has been sent to you, therefore we have no comments to make at this time.

Further comments received 16/10/2023

No comments to submit in relation to these works from us. The proposals have been circulated to our Roads Policing Unit.

Ministry of Defence: Thank you for consulting the Ministry of Defence (MOD) on the above proposed development. The consultation correspondence was received by this office on 26 July 2023.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

This is a full application for the construction of the Elwick Bypass, which consists of a bridge structure, a new highway linking to the existing highway, landscaping, drainage and ancillary works. Kaye Noble Assistant Safeguarding Manager Ministry of Defence Safeguarding Department St George's House DIO Headquarters DMS Whittington Lichfield Staffordshire WS14 9PY Tel: E-mail: www.mod.uk/DIO 02 November 2023 This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the developer's document titled "Design and Access Statement" dated June 2023, "Cross Section 1 and 2", "Site Location Plan", "Landscape Proposals" and "Overbridge Elevation" dated April 2023. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

Teesside International Airport - I refer to your consultation email dated 26th July 2023. The airport safeguarding team has assessed the proposal in accordance with the CAA ADR - Aerodromes Regulation 139-2014 and it does not conflict with the safeguarding criteria for the airport. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information provided.

Further comments received 11/10/2023

I refer to your consultation email dated 26th September 2023. The airport safeguarding team has assessed the proposal in accordance with the CAA ADR - Aerodromes Regulation 139- 2014 and it does not conflict with the safeguarding criteria for the airport. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information provided

Northern Power Grid: (summarised with advice and plans appended as informative) Thank you for your enquiry dated 26/07/2023 concerning the above. The enclosed Mains Records only give the approximate location of known Northern Powergrid Apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

Further comments received 26/09/2023

(summarised with advice and plans appended as informative)
Thank you for your enquiry dated 26/09/2023 concerning the above. The enclosed Mains Records only give the approximate location of known Northern Powergrid Apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

National Grid Electricity Transmission Assets – (summarised with advice and plans appended as informative)

Regarding planning application H/2023/0057, National Grid Electricity Transmission have no objection to the proposal provided the attached safe working guidance and the statutory safe clearances are maintained from the overhead line conductors at all times (including during construction). If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry. Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

Further Comments received 17/08/2023

Thank you for your consultation. Regarding planning application H/2023/0057, National Grid Electricity Transmission have no objection to the proposal provided that our safe guidelines are adhered to including maintenance of the safe clearances from our conductors. If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry. Please note this response is only in

reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

Further comments received 13/10/2023

No changes to our previous response in relation to this application proposal.

National Gas Transmission: Regarding planning application H/2023/0057, there are no National Gas Transmission assets affected in this area. If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Further comment received 27/09/2023

Regarding planning application H/2023/0057 at site location 'LAND IN THE VICINITY OF ELWICK VILLAGE AND THE A19 COMPRISING MULTIPLE PARCELS OF LAND ELWICK HARTLEPOOL ' there are no National Gas assets affected in this area. If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Northern Gas Network – (Summarised advice and plans appended as informative) Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated.

No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Further comments received 02/08/2023

We do not object as per 1400018991

HSE's Planning Advice Web App - Your development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

Coal Authority - I can confirm that the above planning application has been sent to us incorrectly for consultation. The application site does not fall within the defined coalfield; there is no requirement therefore to consider coal mining issues as part of this planning application or to consult The Coal Authority. The Coal Authority has no comments to make on this planning

Vodafone – (Summarised with advice and plans appended as an informative)
Please accept this email as confirmation that Vodafone: Fixed does have apparatus within the vicinity of your proposed works detailed below. Please see attached network information. Please note that according to our records there is leased and/or third party network within your proposed works. However, because the plant is leased/third party we strongly recommend you contact all other utility providers to gather the extent of services within that area. Unfortunately, we are unable to advise who the plant is leased to or who the third party is.

No comments were received from the following consultees;

- **Anglian Water Services**
- **Tees Valley Combined Authority**
- **Cleveland Emergency Planning Officer**
- **National Planning Casework Unit**
- **CPRE**
- **Forestry Commission**
- **HBC Public Health Register**
- **HBC Public Health – Health Improvement Team**
- **HBC Community Safety and Engagement**
- **HBC Waste Management**
- **HBC Estates**
- **CAA Director of Airspace Policy**
- **Civic Society**
- **DEFRA**
- **Ramblers Association**
- **Teesmouth Bird Club**
- **Tees Valley Wildlife Trust**
- **RSPB**

PLANNING POLICY

1.29 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)

1.30 The following policies in the adopted Hartlepool Local Plan (HLP) 2018 are relevant to the determination of this application:

Policy	Subject
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SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Policy Reducing and Mitigating Flood Risk
NF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
HSG1	New Housing Provision
HSG5	High Tunstall
HSG5a	Quarry Farm Housing Site
HSG7	Elwick Village Housing Development
HSG3	Urban Local Plan sites
RUR1	Development in the Rural Area
NE1	Natural Environment
NE2	Green Infrastructure

HARTLEPOOL RURAL AREA NEIGHBOURHOOD PLAN (2018)

1.31 The proposal is within the Hartlepool Rural Neighbourhood Plan (HRNP) area and hence the following policies in the Rural Plan are applicable.

Policy	Subject
GEN1	Development Limits
GEN2	Design Principles
EC1	Development of the Rural Economy
EC4	Service Stations and Travel Related Development
NE1	Natural Environment
T1	Improvements to the highway network
T2	Improvement and Extension of the Public and Permissive Rights of Way Network
H5	Housing Development on the Edge of Hartlepool

ADOPTED TEES VALLEY MINERALS AND WASTE DPD (2011)

1.32 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.

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

Policy	Subject
MWP1	Waste Audits

1.34 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.

NATIONAL PLANNING POLICY FRAMEWORK (2023)

1.35 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.

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

1.37 Planning Policy have looked at the proposal and the paragraphs within the NPPF and consider the paragraphs below to be applicable, however given that the 2018 Hartlepool Local Plan (HLP) and the Hartlepool Rural Neighbourhood Plan (HRNP) are deemed to be in accordance with the NPPF and therefore it is not necessary to give an assessment of each relevant NPPF policy as the HLP and HRNP take primacy with regard 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
060	Significantly boost the supply of homes and provide sufficient and a variety of land

081	Create conditions in which businesses can invest, expand and adapt.
084	Enabling sustainable economic growth and development of businesses in the rural area
092	Promoting healthy and safe communities
093	Plan positively, take on board health strategies to enhance the sustainability of communities and residential environments.
	Access to facilities for physical activity
100	Protect and enhance public rights of way and access
104	Considering transport issues from an early stage and maximising
105	options for sustainable transport varies from urban to rural locations
106	Promoting sustainable transport
110	Promoting sustainable transport
113	Travel Plan and Transport Statement
112	Promoting sustainable transport
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
152	New development should support the transition to a low carbon future
154	New development should address climate change
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
187	New development should be integrated effectively into businesses and communities
199	Significance of a Heritage Asset
203	Non Designated Heritage Asset

Principle of development with regards to the Hartlepool Local Plan and the Hartlepool Rural Neighbourhood Plan

1.38 Hartlepool Local Plan policy LS1 (Locational Strategy) sets out that the development of Hartlepool will be based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built up area and adjacent to areas of strong economic growth. The policy contends that these areas will be delivered alongside local and strategic infrastructure improvements which allow Hartlepool to grow in sustainable manner. The key new element of strategic infrastructure proposed is a grade separated junction on the A19 to the west of Elwick and a new road from that junction to the north of Elwick that will link into Elwick Road to the west of the Dalton Piercy/Elwick crossroad.

1.39 Planning Policy are of the view that the proposal for the road infrastructure accords with policy LS1.

1.40 Hartlepool Local Plan policy RUR1 (Development in the Rural Area) sets out that the council will seek to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost and that development outside the development limits will be strictly controlled.

1.41 Policy RUR1 is a criteria based policy and the relevant criterion with regards to this proposal are that development in the rural area should:

- 1) Be in accordance with the Hartlepool Rural Neighbourhood Plan and any other neighbourhood plan;
- 4) Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion;
- 5) Through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes, taking into account relevant design guides and statements;
- 7) Ensure access is appropriate and there is not a detrimental impact on the highway safety;
- 8) Where possible create and improve sustainable connectivity;
- 10) Avoid areas of best and most versatile agricultural land, those areas classed as grades 1, 2 and 3a in the Agricultural Land Classification.

1.42 Notwithstanding the fact that the proposal is allocated via Hartlepool Local Plan Policy LS1 and delineated on the policies map, Planning Policy consider it prudent to have regard to the relevant criterion within policy RUR1.

1.43 With regard to criterion 1, Planning Policy are of the view that the proposal, in the main, accords with the Hartlepool Rural Neighbourhood Plan, specific reasoning is outlined below when assessing each rural plan policy in turn.

1.44 With regards to criterion 4, Planning Policy are of the view that the location and design of the proposal along with the SUDS provision and landscaping features will assist in ensuring that there is no detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion. Neighbouring land users include farm users, walkers, cyclists and equestrians along with Elwick villagers and it is considered that those users of the rural area can still enjoy the area in which the infrastructure will be without there being a detrimental impact upon quality of life.

1.45 With regards to criterion 5, the design of the scheme is considered to be appropriate. Planning Policy are of the view that through landscaping the scheme will enhance the quality and character of the immediate area and surrounding landscapes. Planning Policy consider that it is not necessary to enhance local distinctiveness in this instance, this is because the A19 overbridge is designed to a standard that is expected along the A19, the design is not outstanding but functional. Planning Policy consider that outstanding and/or locally distinctive design here would not be appropriate as such a design could be a distraction to

surrounding road users, it is more appropriate to provide a bridge that is subtle and thus not a distraction.

1.46 With regards to criterion 7 it is considered that the scheme will ensure there is suitable access to the A19, Elwick and Hartlepool as a whole. In addition Planning Policy are of the view that the overarching aim of the scheme and its inclusion within the local plan is to improve highway safety along the A19, A689 and A179 and through Elwick.

1.47 With regards to criterion 8, Planning Policy note that the proposal does not include dedicated provision for foot, cycle or bridleways. Planning Policy consider that the scheme would better comply with policy RUR1 if the design of the new road infrastructure did have designated foot, cycle and bridleways.

1.48 With regards to criterion 10, Planning Policy note that the Environmental Statement notes that a 'worst case scenario' has been assumed and that the land is categorised as being Grade 3a (best and most versatile). Planning Policy consider that to fully comply with criterion 10 this area of land should be avoided. Planning Policy are of the view that criterion 8 and 10 have not been satisfied, however when taking the scheme and policy as a whole, the proposal, in the main, does comply with policy RUR1.

1.49 Planning Policy are of the view that this criterion has not been achieved but that when taking the scheme and policy as a whole the proposal, in the main, does comply with policy RUR1.

1.50 Hartlepool Rural Neighbourhood Plan policy GEN1 (Development Limits) sets out that in the countryside outside the development limits and outside the green gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community.

1.51 Planning Policy are of this view that the proposal accords with policy GEN1. The road scheme is intended to be considered to be public infrastructure (for use by the public) and that the road will assist in meeting housing and social needs of the villages by virtue of unlocking housing development within the borough. In addition the scheme is intended to meet the social needs by likely reducing the traffic flow through Elwick and thus improving the quality of life in the village.

1.52 Hartlepool Rural Neighbourhood Plan policy EC1 (development of the rural economy) sets out that the development of the rural economy will be supported through a number of measures. Of relevance to this application is that development will be supported if the development is of a scale appropriate to its setting and enhances the local landscape character and nature conservation and if development is not likely to be detrimental to the amenity of nearby residential properties or result in significant impacts on the local highway network or infrastructure.

1.53 Planning Policy are of the view that the road location and bridge design is of a scale appropriate to the rural location and its location on the A19. The proposed SUDS and landscaping will ensure that the road and bridge blend into the landscape, with the landscaping features enhancing the local landscape, in addition

the commitment to enhance farmland bird habitat elsewhere within the borough the landscaping will assist in enhancing the nature conservation of the borough.

1.54 Planning Policy are of the view that the proposal will not have a detrimental impact upon the amenity of nearby residential properties or result in significant impacts on the local highway network or infrastructure. The grade separated junction will provide a quicker access when travelling on the A19 northbound carriage way and accessing Elwick, this quick access was removed with the closure of the central reservation.

1.55 Residents will be able to access the A19 going north and south and be able to access Elwick without going via the A689 or A179, this is considered to be a benefit to Elwick residents with regard to amenity and to Elwick residents and all other road users with regard to highway safety. In addition to providing better A19 links for villagers the road to the north of Elwick should see a reduction in the number of vehicles going through the village which is considered to be to the benefit of the living environment for residents of Elwick.

1.56 Planning Policy are of the view that the proposal accords with Hartlepool Rural Neighbourhood Plan policy EC1.

1.57 Hartlepool Local Plan policy CC1 (Climate Change) is a policy that is applicable to all planning application within the borough. The overarching principle of policy CC1 is to help minimise and adapt to climate change.

1.58 Hartlepool Local Plan policy INF1 (Sustainable Transport Network) sets out that the council will seek to deliver an effective, efficient and sustainable transport by, amongst other priorities, supporting initiatives to reduce carbon emissions from transport (criterion 4).

1.59 It is appreciated that some may consider the building of a road to be counter intuitive to the principles of reducing carbon emissions, however the provision of the infrastructure will assist in reducing queues on key roads within the borough and thus reduce the stop start motion that vehicles go through which are carbon intensive. Although no assessment has been undertaken with regards to if the proposal will have a positive, neutral or negative impact upon the borough's carbon emissions. Planning Policy are of the view that the infrastructure is necessary for the growth of the borough and that the housing and employment sites that will thrive in light of the infrastructure are deemed to be in sustainable locations and will ensure that Hartlepool develops in a sustainable manner.

1.60 One method of reducing carbon emissions from vehicles is to reduce the number of vehicles on the road and to do this policy INF1, criterion 3 seeks to provide realistic alternatives to travel by private car with criterion 10 seeking to ensure proposals provide a comprehensive, safe and well-managed network of footpaths and cycle routes throughout the borough.

1.61 As stated above when assessing this application against policy RUR1 and in particular criterion 8 Planning Policy note that the proposal does not seek to provide foot, cycle or bridleways along the route and/or over the A19 overbridge and in light

of this, the proposal does not meet with the requirements of criterion 3 and 10 in policy INF1.

1.62 Planning Policy consider that the scheme would better comply with policy INF1 if the design of the new road infrastructure did have designated foot, cycle and bridleways.

1.63 Planning Policy are of the view that there is an evidential need for the provision of the road infrastructure and that it is not possible to satisfy all policy criterion within the HLP. With regards to this application the need to provide the infrastructure to unlock jobs and homes takes precedent over any potential increase in carbon emissions and lack of foot, cycle or bridleways over any non compliance with policy CC1 and INF1.

1.64 Hartlepool Local Plan policy INF1 further sets out that some key priorities relevant to this proposal are to support sustainable economic growth and inward investment by improving reliability and minimising delays, to improve connectivity within Hartlepool and to improve connectivity with the Tees Valley and beyond and policy INF1 sets out that a priority is to support and implement the locational strategy identified in policy LS1.

1.65 Planning Policy are of the view that the provision of the infrastructure will improve highway pressures, including delays, on the A179 and A689 and allow further capacity within the borough's highway work and thus have a positive impact upon economic growth and investment along with improving connectivity throughout Hartlepool and beyond with safer connections to the A19.

1.66 Planning Policy are of the view that, by virtue of a likely reduction of vehicular traffic through Elwick, the overall level of road safety will be improved within Elwick.

1.67 With regard to Church Bank and the desire to close the access to the A19 via that route, Planning Policy are aware that such access closure will not be permitted via this application but through another legislative regime. However Planning Policy are of the view that it is prudent to consider this scheme as a whole and that includes the requirement to engage in other legislative regimes to deliver this scheme.

1.68 Planning Policy are of the view that this too will improve the road safety of the village, Church Bank will no longer be used as a 'rat run' by a significant number of vehicles to access the A19, the only vehicles that will be likely to use Church Bank will be those residing at the top of Church Bank, the businesses located to the top of Church Bank and church goers. Vehicles such as HGVs, farm vehicles, hearses and cars will still be able to use Church Bank to access businesses, homes and the church however the vehicle users are likely to benefit from reduced traffic along Church Bank and thus less opportunities for vehicle conflict.

1.69 Hartlepool Local Plan policy INF2 (Improving Connectivity in Hartlepool) sets out that delivering sustainable transport in Hartlepool will be achieved through a balanced package of measures and where improvements to the principal and local

road network are necessary to enable development or to minimise the impact on the existing network, they will be delivered through appropriate legal agreements and/or conditions.

1.70 In addition, policy INF2 sets out that no permanent development will be permitted within land corridors shown on the policies map that are reserved for the grade separated junction on the A19 to the west of Elwick and the proposed new road to the north of Elwick.

1.71 Planning Policy are of the view that one of the balanced package of measures to improve the principal and local road network is the provision of the grade separated junction and new road to the north of Elwick and Planning Policy are of the view that the scheme will be delivered subject to other legal mechanisms such as the compulsory purchase orders, traffic regulation orders and side roads orders.

1.72 Policy INF2 further sets out that one of the package of measures to improving connectivity is to develop further opportunities for sustainable modes of transport to serve existing communities throughout the borough. As previously stated when considering the proposal against policy RUR1 and INF1 Planning Policy note that foot, cycle and bridleways are not included within the proposal. The provision of foot, cycle and bridleways would ensure the proposal better aligns with policy INF2, however the lack of such provision does not lead to the view that the proposal does not accord with policy INF2 as a whole.

1.73 Hartlepool Rural Neighbourhood Plan policy T1 (Improvements to the highway network) sets out that where development proposals are required to contribute towards the improvement of junctions with the A19 along with alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool then appropriate financial contributions will be sought. In addition policy T1 sets out that any improvements must be designed, as far as possible, to be in keeping with the rural setting.

1.74 Planning Policy have set out above that financial obligations have been paid and secured that will be used to pay for the road infrastructure and Planning Policy are of the view that the road and bridge along with the landscaping is appropriate to the rural setting.

1.75 Hartlepool Rural Neighbourhood Plan policy T2 (Improvement and Extension of the Public and Permissive Rights of Way Network) sets out that improvement and extension of the public and permissive network of bridleways, cycleways and footpaths will be supported and that financial contributions will be sought towards new bridges over the A19 near Elwick suitable for pedestrians, cyclists and equestrians.

1.76 Planning Policy note that improvement and extension of the public and permissive network of bridleways, cycleways and footpaths have not been proposed as part of this proposal and for the scheme to better comply with this policy more consideration should be given to if such links can be incorporated and/or enhance. Planning Policy are aware that money has been secured to deliver this road scheme and that the money secured so far and anticipated through the local plan sites will be

used in full and that any residual funding is likely to be directed towards affordable housing and/or other infrastructure priorities and not likely to be direct to this scheme. Planning Policy are of the view that the scheme does not accord with policy T2, however Planning Policy are of the view that it is not necessary to object to the application based on this policy alone.

1.77 Hartlepool Local Plan policies HSG3 (Urban Local Plan Sites), HSG5 (High Tunstall), HSG5a (Quarry Farm Housing Site) and HSG7 (Elwick Village Housing Development) sets out that the sites will be expected to contribute, on a pro-rata basis, to strategic infrastructure provision including the highways works to the A19 and north of Elwick.

1.78 Hartlepool Local Plan policy HSG5 and HSG5a sets out that no development will be permitted at the sites prior to the implementation of the grade separated junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England (now National Highways) and the council.

1.79 In order to make the developments acceptable in highway terms there is a need for major improvements to the road network in the area to minimise the risk of accidents on the A19 trunk road. The council recognises the significant benefits that the infrastructure would result in, the infrastructure would in effect create a third access into Hartlepool from the A19 which will help relieve pressure and congestion from the A689 and A179 through allowing residents within the area to use this new access point.

1.80 Key housing areas linked to the need and delivery of the infrastructure are Quarry Farm (2) that has been approved and is nearing completion along with the large strategic site known as High Tunstall that has been approved in outline. Part of the High Tunstall site (162 dwellings) has been approved in full through reserved matters approvals and development has commenced (H/2020/0048). It is accepted that the 220 units at QF2 and the 162 units (*out of the 208 dwellings permitted*) at High Tunstall may be built and occupied prior to the new road infrastructure being operational however beyond that no new homes beyond 208 on the High Tunstall site may be occupied. This means that until the new road is operation some 992 homes are pending. In addition to these homes all applications that are submitted along the north western edge of Hartlepool are considered for their impact upon the A19 junction and Elwick and if it is considered there will be a negative impact then developers are expected to contribute towards the road infrastructure (subject to viability) and if approved are likely to be subject to a condition preventing any occupation prior to the new road being in public use. Planning Policy are of the view that until the new road is operational the housing market to the north west of the borough will be somewhat halted.

1.81 Planning Policy are of the view that the proposal is necessary to ensure the delivery of the borough's housing sites. Although this proposal does not need to be assessed against the policies within the housing chapter it is important to note that the policies are relevant to this application by virtue of the need for this proposal to ensure the housing policies are delivered.

Specific details of the scheme

Flood risk

1.82 Hartlepool Local Plan policy CC2 (Reducing and Mitigating Flood Risk) sets out that all new development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources.

1.83 Planning Policy note that the plans delineate numerous SUDS ponds. Planning Policy trust that the council's flood risk engineers are satisfied that the measures within the proposal will minimise flood risk to people, property and infrastructure from all potential sources.

Design (general layout, landscaping and bridge design)

1.84 Hartlepool Local Plan policy QP3 (Location, Accessibility, Highway Safety and Parking) sets out that the council will seek to ensure that development is safe and accessible, this matter is addressed below. Policy QP3 further considers that development should be in a sustainable location or have the potential to be well connected with opportunities for sustainable travel. Given that the road scheme is allocated within the HLP, detailed in policy LS1 and delineated on the policies map, Planning Policy are of the view that an inspector considered the infrastructure in the anticipated location to be sustainable development.

1.85 Policy QP3 is a criteria based policy and the relevant criterion are that proposal should seek to ensure that highway safety provisions are in line with the relevant local guidance and the requirements to maintain such provisions over the lifetime of the development (criterion 3). Creating multi-purpose environments, managing the conflict between highways users specifically by distinguishing between paths and roads, whilst recognising the need to limit and/or create sympathetic highways safety measures (criterion 4) is also relevant.

1.86 With regards to the above Planning Policy trust that the two relevant highways authorities are satisfied that the proposal meets with the necessary highway safety provisions and manages any possible conflict between highway users.

1.87 Hartlepool Local Plan policy QP4 (Layout and Design of Development) sets out that the council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. Policy QP4 is a criteria based policy and the relevant criterion are that development should be of an appropriate layout, scale and form that positively contributes to the borough and reflects and enhances the distinctive features, character and history of the local area (criterion 1) and that development should respect the surrounding buildings, structures and environment (criterion 2).

1.88 Planning Policy are of the view that the proposal complies with policy QP4, the layout and scale of the road is functional, but that the landscaping ensures the overall design is of a high standards and respects and enhances this rural location and A19 corridor.

1.89 Hartlepool Local Plan policy QP5 (Safety and Security) sets out that the council will seek to ensure that all developments are designed to be safe and secure. Policy QP5 is a criteria based policy and criterion one sets out that developers will be expected to adhere to national safety and security standards as set out by central government.

1.90 Planning Policy trust that the infrastructure has been designed in accordance with the correct highways standards and that the two Highways authorities are satisfied with the proposal.

1.91 Hartlepool Local Plan policy QP6 (Technical Matters) sets out that the council expects development to be incorporated into the borough with minimal impact and that where appropriate proposals must ensure matters are investigated and satisfactorily addressed. Matters that relate to this application that should be investigated and addressed are as follows:

- 1) The status of any agricultural land and its importance to the borough.
- 4) The presence of any landscape features and in particular protected trees.
- 5) The presence of any heritage assets, including any impact upon their significance and setting.
- 6) The location of any high voltage overhead cables and gas, oil, water and other high pressure pipelines.
- 8) The effects on, or impact of, general disturbance including noise, vibration and dust, fumes, smell, air and water quality.
- 10) The effects on wildlife and habitat.

1.92 In addition Policy QP6 sets out that there is a requirement to satisfy the relevant planning requirements of statutory consultees.

1.93 With regards to criterion 1, Planning Policy note that the proposal does not avoid development on the best and most versatile land (working on the basis of the Environment Statement's worst case scenario) within the borough but that this matter has been addressed when considering policy RUR1 (10). With regards to criterion 4, Planning Policy are of the view that there are no protected trees that will be impacted on as part of this proposal.

1.94 With regards to criterion 5, 6 and 8 Planning Policy trust that the necessary experts have been consulted and are satisfied that the scheme will not have a detrimental impact upon any heritage assets and their setting, overhead cables and gas, oil, water and other high pressure pipelines along, the operation of air traffic and radar systems and/or general disturbance including noise, vibration and dust, fumes, smell, air and water quality.

1.95 With regards to criterion 10 Planning Policy are aware that the council ecologist has given a view on the proposal and has advised that the scheme will lead to a loss of farm land bird habitat. Planning Policy note that compensatory farmland bird habitat will be provided on site and thus Planning Policy are of the view that this criterion has been complied with.

1.96 Planning Policy trust that the applicant and case officer has undertaken the necessary steps to satisfy the requirements of statutory consultees.

1.97 Providing that the technical experts are of the view that the proposal will not have a detrimental impact upon the criteria listed above and that any necessary mitigation is provided then Planning Policy are of the opinion that the proposal complies with policy QP6.

1.98 Hartlepool Rural Neighbourhood Plan Policy GEN 2 (design principles) is a criteria based policy and a summary of the pertinent criterion relative to this application is that the design of new development should demonstrate how the design helps to create a sense of place and reinforces landscape and biodiversity features (criterion 3), how the design preserves and enhances significant views and vistas (criterion 5); how the design demonstrates that it can be accessed safely from the highway (criterion 6) and how the design uses sustainable surface water management solutions to reduce all water disposal in public sewers and manage the release of surface water into fluvial water and (criterion 7).

1.99 Planning Policy are of the view that the bridge design is generally what appears along many road links and is not particularly designed to create a sense of place and nor it is necessary to do that in this instance. Planning Policy are of the view that a more subtle and generic design is more appropriate to ensure road users are not distracted. The landscaping and SUDS features will assist in reinforcing land space and biodiversity features.

1.100 The views and vistas within this part of Hartlepool are generally of rolling open countryside with Elwick to the east (of the A19) and south of the new road, farm houses and other dwellings scattered on the landscape and three wind turbines to the north. Planning Policy are of the view that these wide open views and visits will not be negatively impacted upon by the proposal. It is appreciated that the road bridge and new road will be visible within the area but they do not prevent the wider context of the open countryside being seen and enjoyed. Planning Policy consider that the proposal will, by virtue of significant landscaping, lead to some enhancement of the views and vistas as these new landscape features will be used to ensure the infrastructure blends into the area and can themselves be seen and enjoyed as attractive green/blue features. Planning Policy note that National Highways and HBC highways have not objected to the scheme and therefore Planning Policy are of the view that the proposed road and overbridge can be accessed safely and that the use of SuDS ensures that the proposal uses sustainable surface water management solutions.

1.101 Planning Policy are of the view that, in the main, the proposal complies with Hartlepool Rural Neighbourhood Plan Policy GEN 2.

Assessment with regards to the natural environment

1.102 Hartlepool Local Plan policy NE1 (Natural Environment) sets out that the council will protect, manage and enhance Hartlepool's natural environment by ensuring that development proposals are in accordance with the locational strategy, that ecological networks are enhanced and green infrastructure is

protected and enhanced and that development avoids harm to and, where appropriate, enhances the natural environment by following the sequence of avoidance, mitigation, compensation.

1.103 In addition to the above, Hartlepool Local Plan policy NE1 sets out that all development proposals will ensure that the character, distinctiveness and quality of the borough's landscape is protected and, where appropriate, enhanced. As stated above when considering Rural Plan policy GEN2 criterion 5, Planning Policy are of the view that the borough's open rural landscape in this area will be preserved and by virtue of landscaping, enhanced.

1.104 Planning Policy are of the view that the proposal accords with policy LS1 and that ecological network and green infrastructure will be enhanced by the landscape features to be included on site and via the farmland bird compensation that will be provided elsewhere in the borough. Planning Policy are of the view that the proposal and its compensatory measures accords with policy NE1.

1.105 Hartlepool Rural Neighbourhood Plan Plan policy NE1 (Natural Environment) sets out that the rural plan will seek to protect, manage and enhance the area's natural environment, with regards to this proposal policy NE1 seeks to see an enhancement of wildlife corridors, watercourses and other habitats. Policy NE1 sets out that new development should conserve, create and enhance habitats and that any development should not result in, or contribute to, a deterioration in the ecological quality of the Greatham Beck waterbody. Policy NE1 sets out that, to enhance the landscape character of the plan area, the planting of woodland and trees, and the restoration of hedgerows will be encouraged.

1.106 Planning Policy welcome the landscape proposals and consider that they go some way to enhance the natural environment of the rural area which will in turn enhance wildlife corridors and by the provision of farmland bird habitat elsewhere in the borough there will be no overall negative impact upon habitat within the borough. Planning Policy are of the view that the proposal complies with Hartlepool Rural Neighbourhood Plan policy NE1

Conclusion

1.107 The strategy and subsequent policies within the Hartlepool Local Plan were deemed to be, by an inspector and full council, the best option for Hartlepool, when considered against all reasonable alternatives and Planning Policy are of the view that, in the main, the proposal accords with the relevant policies within the Hartlepool Local Plan and of the Hartlepool Rural Neighbourhood Plan and will have significant benefits for the borough's residents, employees and visitors.

1.108 Planning Policy have reviewed the comments received and have taken the views on board when coming to the overall conclusion with regards to the proposal.

PLANNING CONSIDERATIONS

1.109 The main planning considerations in relation to this application are the compliance of the proposal with national and local planning policy (the principle of development), the impact on highway and pedestrian safety, the impact upon the character of the area and landscaping, the impact on ecology and nature conservation, the impact on heritage assets, the impact on the amenity and privacy of neighbouring land users, flooding, drainage and contamination issues, and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT

1.110 Hartlepool Local Plan policy LS1 (Locational Strategy) sets out that the development of Hartlepool will be based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built up area and adjacent to areas of strong economic growth. The policy states that these areas will be delivered alongside local and strategic infrastructure improvements, which would allow Hartlepool to grow in sustainable manner. The key new element of strategic infrastructure proposed is a grade separated junction on the A19, including a new road network from that junction to the north of Elwick that would link into Elwick Road to the west of the Dalton Piercy/Elwick crossroad. The planning application under consideration seeks approval for this key strategic infrastructure and the proposed development therefore strives to realise and accord with the aims of Local Plan policy LS1.

1.111 Hartlepool Local Plan policy RUR1 (Development in the Rural Area) sets out that the Local Authority will seek to ensure the rural area is protected and enhanced and that proposals outside of the development limits will be strictly controlled. RUR1 requires the development to be in accordance with the Hartlepool Rural Neighbourhood Plan. Hartlepool Rural Neighbourhood Plan policy GEN1 (Development Limits) sets out that in the countryside and outside the green gaps, development will be supported, where it provides for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. The proposed road scheme is considered to represent public infrastructure that would assist in enabling the Local Authority to meet its housing needs, whilst also providing improved quality of life within the village of Elwick by reducing traffic through the village, which is considered to provide associated social benefits.

1.112 Hartlepool Local Plan housing policies HSG5 and HSG5a sets out that no development will be permitted at the sites prior to the implementation of the Grade Separated Junction and bypass to the north of Elwick Village, unless agreement is otherwise reached with National Highways and the Local Planning Authority. Whilst the proposed scheme is not subject to housing policies, this planning application is crucial to the delivery of those housing allocations, which are reliant on the infrastructure being delivered.

1.113 In order to bring a number of these developments forward, there is a requirement for major improvements to the road network in the area, which would provide multi-faceted benefits of allowing sustained growth, whilst also securing safer journeys that have sufficient capacity to accommodate the pressures on the road network. The Local Planning Authority recognises the significant benefits that

the infrastructure would bring to the borough, where the infrastructure would in effect create a third access into Hartlepool from the A19 that would help relieve pressure and congestion from the A689 and A179, which are understood to be operating at capacity. The Council's Planning Policy section have had regard to the relevant planning policies and support the proposed development. In addition, the Council's Economic Development section also support the proposals in the context of the benefits it would bring in terms of how it would unlock investment and employment opportunities within the borough, adding to Hartlepool's offer as a place to live, work and invest (albeit acknowledging the need for any businesses affected to be duly considered).

1.114 In addition to these positive consequences, there are a number of local and rural planning policies that directly relate to other material considerations, and therefore the principle of development is considered to be acceptable, subject to addressing those respective matters, which are considered within the following sections of the report. These material considerations relate to balancing the positive impacts against some of the potential adverse impacts that may arise from the proposed scheme. The considered benefits and adverse impacts of the proposed development are set out below:

Benefits

- The proposed scheme would facilitate existing housing commitments to come forward, which would significantly boost the supply of housing within the borough, including a mix of house types (economic and social);
- The application would provide significant improvements to accessibility and connectivity between the A19 and Hartlepool, providing an additional 'third' route into and from Hartlepool (economic, environmental and social);
- The proposed development would reduce traffic along the existing A179 and A689 routes, which are at capacity and would reduce traffic traveling through Elwick village (economic, environmental and social);
- It will deliver beneficial highway safety mitigation impacts and forms part of a wider highway strategy (in collaboration with National Highways) including central reservation closures (economic, environmental and social);
- It will potentially deliver beneficial ecological benefits (environmental and social);
- The proposed development will create jobs in the construction industry (economic + social).

Adverse Effects

- The proposed development would remove convenient access to and from the A19 junction at Church Bank and from Coal Lane to the A19 (economic and social);

- The proposed development would increase the length of some associated journeys from Church Bank and at Coal Lane (environmental, economic and social);
- The proposed development would result in temporary disruption associated with the construction phase of the proposed works (environmental).
- The proposed development would have a potential impact on the visual amenity of the area and would result in the loss of agricultural land (environmental + economic);
- The proposed development would have potential adverse ecological impacts (environmental);
- The proposed development would have a potential impact on water quality (environmental);

1.115 This report considers each respective material planning consideration within the assessment of the scheme as a whole, with the recommendation being made through the ‘planning balance’, as set out below.

Contributions

1.116 There are no associated requirements as a result of the development for planning obligations contributions, as part of the delivery for this public infrastructure scheme.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

1.117 Hartlepool Local Plan policy QP5 sets out that the council will seek to ensure that all developments are designed to be safe and secure. Policy QP5 advises that developers will be expected to adhere to national safety and security standards as set out by central government. Hartlepool Local Plan Policy RUR1 advises that proposals within the rural area should ensure access is appropriate and there is not a detrimental impact on the highway safety. Hartlepool Rural Neighbourhood Plan Policy GEN2 sets out how the design should demonstrate that it can be accessed safely from the highway (criterion 6).

1.118 As set out within the above principle section, it is envisaged that the proposed grade separated junction with the A19 at the west of Hartlepool would assist in creating a “third” main access point into and from the town that would help to relieve pressure and congestion from both the existing routes of A689 and A179, where it is understood that these existing networks are operating at capacity. In addition, benefits are also envisaged for the village of Elwick, which is understood to experience high levels of ‘through traffic’ that use the route via the village for journeys to and from Hartlepool. As the proposed grade separated junction with the A19 would provide a route that would not navigate through the village, and would limit such through access, it would provide relief from the current associated traffic journeys.

1.119 The proposed scheme would route from the A19 to the north of Elwick village, before connecting into the existing road network approximately 350 metres to the east of the entrance to the village, with a road network stretching approximately 1.5 kilometres in an east/west direction. The proposed scheme would involve some changes to the existing road network, including the re-routing North Lane, at the north entrance to Elwick. In addition, whilst not forming part of the proposed development, subject to confirmation through a separate legal process, a consequence of the proposed grade separated junction would be that the junction at Church Bank would be closed to and from the A19. In addition, on the opposite side of the A19 trunk road (west), the junction from Coal Lane on to the north bound lane of the A19 would also be closed off, although vehicles could still leave from the A19 onto Coal Lane when traveling north. A central reservation of the A19 would also be closed opposite the access track to Middleton House Farm.

1.120 As a result of the consultation period for the planning application, a number of objection comments have been received from residents, local businesses, Elwick, Hart and Dalton Piercy Parish Council's and the Rural Plan Working Group. Comments received include concerns that the proposed development would reduce highway safety; would increase congestion and would sterilise and negatively impact existing businesses located along Church Bank in Elwick.

1.121 The proposed development has been considered in detail, with the key consultees of National Highways, who are responsible for the wider strategic road network, and the Council's Traffic and Transport section, who have had consideration of the local network, as well as reflecting upon the scheme as a whole. The various elements of consideration of the proposed scheme in relation to highway and pedestrian safety are considered below.

Impact on Wider Strategic Network

1.122 National Highways have provided comments with respect to the planning application, which are accompanied by an associated proposed site plan that illustrates the extent of the areas under their consideration. The area relates to the length of the A19 within the redline boundary stretching approximately 1.7 kilometres in a north/south direction and the area to the west of, over and an area of approximately 300 metres to the east of the A19 trunk road. The area also includes both the Church Bank and Coal Lane Junctions.

1.123 National Highways have raised no objections to the proposed Grade Separated Junction works, subject to a variety of requested planning conditions. National Highways have requested planning conditions (14 in total) in relation to the submission of a Detailed Construction Design Plan and a Working Method Statement; Information is sought in respect to Geotechnical Submissions; a condition is sought relating to Detailed Design Materials and Construction Method information; a condition for a Drainage Survey to be undertaken and Surface Water Drainage details to be submitted; the submission of a Landscape Management Plan; the submission of a Construction Traffic Management Plan; details of a Boundary Treatments Plan be provided; information in relation to the Detailed Design of the proposed scheme be submitted; separate planning conditions relating and Stage 2, 3 and 4 Road Safety Audits being carried out; a condition is requested for a

Construction Environment Plan; and conditions relating to a Traffic Monitoring Strategy and Implementation are sought. Subject to the requested planning conditions which can be secured, the proposed development is considered to be acceptable in terms of impact on the wider strategic network.

Local Road Network

1.124 As a result of the proposed Grade Separated Junction, the existing Church Bank/A19 access and the Coal Lane access onto the A19 would be required to be closed for highway safety reasons. Whilst the proposed junction closures themselves do not form part of the proposed development, their consequential impacts are considered to be material to the determination of the planning application and are duly considered below.

1.125 There are a number of businesses that operate from Church Bank who have raised concerns that the closure of the Church Bank Junction would sterilise and/or have a significant detrimental impact on the businesses within this area. Concerns have been raised that the types of vehicles that operate from businesses at Church Bank and those vehicles that deliver to and from the area cannot practicably operate the Church Bank access and village network. There are concerns raised that the access is too narrow to pass and to turn with large and extended vehicles/machinery. Comments received suggest that navigating the corner after the bridge with long vehicles/machinery, the steep banks on either side, combined with the road layout, is not compatible. Comments received also suggest that the narrowness of the access would likely cause damage to the embankments in generating the space to these large vehicles, which would risk toppling the load, causing damage to machinery, surrounding houses and property and putting other vehicles, pedestrians and members of the public in danger. Comments received have also referenced the presence of the weigh bridge over Char Beck at Church Bank, where it is suggested that the bridge would not be capable of taking the extra weight to cope with typical heavy vehicles and constant heavy farm machinery crossing the bridge on a daily basis without major re-engineering.

1.126 In response, the Council's Traffic and Transport section have had regard to the matters raised in relation to highway safety and highway accessibility and have undertaken further analysis in order to establish an understanding of the specific site circumstances. The Council's Traffic and Transport comments detail that auto-track/swept path analysis has been undertaken, which demonstrates that such large vehicles, as referenced within the comments received from the consultation exercise that are used by the respective businesses, are able to travel along Church Bank in both directions. This includes for low loader type vehicles and also large dump trucks that have similar dimensions to a combine harvester, which are the largest vehicles referred to within the objections. The Council's Traffic and Transport section consider that large vehicles are able to access Church Bank, providing that they do not meet another vehicle coming in the opposite direction. Whilst this has not presently been identified as likely to cause a problem, if it did become necessary to take further steps to address it, the Council's Traffic and Transport section consider that such occurrences could be suitably mitigated through the implementation of highway works, such as traffic signals to prevent any conflict between passing vehicles, which could be managed through the appropriate highways powers to design and mitigate

the matter outside of the planning regime. In addition, the Council's Traffic and Transport section also note that the road in this area would be much quieter, due to the implemented closure at the A19, resulting in much less likelihood of meeting oncoming traffic.

1.127 The comments received have noted that the proposed internal routing would require vehicular movement over a weigh bridge that exists over Char Beck and concerns have been received that the bridge in this area would not be capable of absorbing the weight from constant heavy farm machinery crossing it. In response the Council's Traffic and Transport section have clarified that the weigh bridge restriction in this area was imposed to prevent/limit large vehicles from using this route travelling through the village going to and from Hartlepool, rather than for any structural issues with the bridge. The Council's Traffic and Transport section have confirmed that the bridge would be capable to satisfactorily absorb large vehicles utilising it and as the current restrictions on the bridge stipulate '*Except for Access*', the bridge presently does not prohibit vehicles accessing those businesses as currently stands.

1.128 Concerns have been expressed about the ability of larger vehicles having accessed Church Bank having difficulties in turning around without trespassing on neighbouring land. The Council's Traffic and Transport section notes that this effectively represents the current arrangement where such vehicles seek to turn around. Moreover it is intended to erect further signage to advise that there would be 'No Through Road access' and 'No access to A19' in order to address the risk of any 'wrong turn' HGV's. Whilst it is acknowledged that it can sometimes take a little time for road-users to become familiar with new road layouts, once it became established that there was no through route to the A19 it is not anticipated this issue would of itself be problematic. It is therefore not presently considered necessary to make any additional provision for turning other than that comprised in the present scheme. But, as reflected in the Traffic and Transport Section comments, if problems did arise there is potential for additional turning provision towards the junction with the A19 (which is to be closed to vehicular traffic).

1.129 A number of comments have raised concerns that removing the Church Bank access with the A19 would force traffic onto North Lane past the local school, where it is detailed that the area already experiences parking and access related issues. Concerns suggest that as a result, increased traffic including large vehicles and machinery would increase the likelihood of accidents involving vehicles and pedestrians. In response, the Council's Traffic and Transport section have advised that any through traffic would be directed to use the new Grade Separated Junction network works rather than North Lane and the presence of the new road network would also mean that traffic through the village would be significantly reduced. Furthermore, the Council's Traffic and Transport section advise that the use of North Lane could be restricted from use by large vehicles/machinery, which would be enforced through the appropriate highways legislation.

1.130 Comments received have observed that the Grade Separated Junction would still inevitably connect to and utilise the existing road network, where it would connect to single lane traffic and concerns are raised that there would be a significant increase in traffic around the High Tunstall School area. In response, the

Council's Traffic and Transport section have stated that mitigation measures (out with this planning application) have been identified to manage increasing traffic levels in this area.

1.131 An objector has highlighted that a privately commissioned review of the proposed Grade Separated Junction network found it to be 'unsafe'. A further comment was received suggesting that the design of the road with a roundabout at the top of the bank onto a blind summit is not within the guidance set out by National Highways. The Council's Traffic and Transport section along with National Highways have considered the scheme as a whole and do not consider the proposed scheme to create any significant highway safety issues. In addition, the scheme would be subject to road safety audit process (to be secured by planning conditions), in order to ensure the proposed road network is safe for all road users.

1.132 Some concerns have been raised that the closing of the A19 Church Bank junction would impact on road maintenance, gritting and bin collections. In response, the Council's Traffic and Transport section have confirmed that the road would continue to be adopted highway, and therefore any highway maintenance works would continue to operate as necessary. The existing turning head in this area is considered capable to cater for such vehicles such as gritters and bin wagons to manoeuvre.

1.133 A comment has been received claiming that Church Bank is closed for the day on an annual basis for pruning activity of nearby trees and vegetation. As a result, concerns are raised that access to the businesses at Church Bank would be cut off during this period. In response, the Council's Traffic and Transport section have explained that tree pruning does not take place on an annual basis, and is more like every few years. In such circumstances, it is explained that prior arrangements can be made between businesses/residents/the church in advance to identify the most appropriate times a days for such works to take place that prevent any significant impacts on nearby businesses.

1.134 Comments have suggested that the closure of the Church Bank Junction with the A19 would place the pedestrians and motorists at higher risk of accidents. In response, the Council's Traffic and Transport section have commented that the existing footpaths are segregated from the carriageway on Church Bank, whereby no such pedestrian conflict is likely occur. In addition there is no evidence to suggest motorists would be at higher risk of accidents, and traffic levels would be at much lower levels as a result of the closure with an improved road safety environment through the village.

1.135 Having regard to the comments and considerations of the Council's Traffic and Transport section with respect to matters concerning the local road network, the proposed development is considered not to lead to any significant highway safety issues and it would not prevent access to and from existing businesses that operate within the Church Bank area of the village. Further analysis of distance and time savings is set out below.

Existing and Proposed Journey Lengths

1.136 Concerns have been raised that closing off the Church Bank access to the A19 would significantly impact on the operations for the businesses functioning within the area. As part of the Council's Traffic and Transport response, analysis was carried out from routes from the A19 to Church Bank, in order to understand what the distance implications of the Grade Separate Junction would be in comparison with the existing situation. The analysis compared existing and proposed HGV vehicle routes utilising the A19, traveling to and from Church Bank from the various directional combinations.

1.137 Journey 1 considered travelling in a northbound direction from Wolviston Services junction, to Church Bank and continuing northbound from Church Bank on the return journey, terminating at the Sheraton junction (Northbound/Northbound).

1.138 Journey 2 considered travelling in a northbound direction from Wolviston Services junction to Church Bank, and returning southbound terminating back at Wolviston Services junction (Northbound/Southbound).

1.139 Journey 3 considered travelling southbound from Sheraton junction to Church Bank and continuing southbound, terminating at Wolviston Services junction (Southbound/Southbound).

1.140 Journey 4 considered travelling southbound from Sheraton junction to Church Bank and returning northbound, terminating back at Sheraton junction (Southbound/Northbound).

1.141 The table of results is set out below.

Results for existing & proposed journeys lengths to and from Church Bank from Wolviston Services and Sheraton Junction.

Route by HGV vehicles using A19	Existing distance in Km	Proposed distance in Km	Variance in Km
Travel Northbound and Return Northbound	26.85	15.07	-11.78
Travel Northbound and return Southbound	18.2	20.09	+1.89
Travel Southbound and return Southbound	9.55	14.67	+5.12
Travel Southbound and return Northbound	18.2	9.25	-8.95

1.142 The findings demonstrate that as a result of the implementation of the Grade Separated Junction, a vehicle traveling northbound along the A19 to Church Bank and continuing northbound along a return journey would significantly reduce the distance travelled by approximately 12 kilometres. Again, for vehicles travelling southbound, accessing Church Bank and returning northbound, the proposed

scheme would approximately half the journey of distance travelled by approximately 9 kilometres.

1.143 It is acknowledged that for journeys traveling south to Church Bank and continuing south on the return journey, there would be a small increase in the distance travelled when compared to the existing journey, which would increase the distance by approximately 5 kilometres. For vehicles travelling northbound and returning southbound, there would be a negligible increase in distance travelled of approximately 1.9 kilometres when compared to the existing road network.

1.144 The results demonstrate that two routes to and from Church Bank would have significant reductions in journey lengths, one would be largely similar and one would be marginally longer. Where journeys would be extended, they would only do so on a limited basis. Having regard to the existing and proposed journey lengths, the benefits of the proposed scheme in this respect are considered to outweigh the smaller adverse journey lengths.

1.145 It is recognised that these findings solely relate to measurements taken from Church Bank for HGV vehicles and relates only to movements on and off the A19, where other locations and traffic would yield different figures, although given that this area would be affected by the proposed complete closure, it is considered to be the most sensitive and the most appropriate to assess.

1.146 It is recognised that there are various journey options on and around the local network, more particularly for cars than HGVs, and that the scenarios are not comprehensive. However, they are particularly relevant for HGV traffic that currently uses the A19/Church Bank junction, given that it is known their trips include travelling on the A19. HGVs not presently using the A19/Church Bank junction can already be assumed to access the businesses via Elwick Village.

1.147 With respect to concerns raised that the proposed development would significantly impact on the journey lengths taken for emergency services to access properties along Church Bank, unlike HGV's, emergency services vehicles could also access the local road network of North Lane and the impact from the closure of Church Bank on emergency services journey lengths is considered not to be significant.

1.148 A comment received from one of the businesses within the area raised concerns that the proposed scheme would make it difficult to travel between the Church Bank site and the partner farm within County Durham. The Council's Traffic and Transport section have commented that as a result of the proposed scheme, journeys between the separate areas would actually result in shorter distances between these respective locations.

Highways Conclusion

1.149 A number of concerns have been expressed in respect of the effect of the proposed closure to vehicular traffic of the A19/Church Bank junction, particularly as regards the existing businesses most closely located near the junction. Regard has been had to the comments and considerations of both National Highways and the

Council's Traffic and Transport section. It is acknowledged that the closure may render some vehicular trips to such businesses, specifically those travelling South on the A19 – going left-in and left-out - and thereafter continuing southwards, less convenient to a degree, and thereby having some potential adverse impact on access. Such impact however is outweighed by both the overall benefits of the scheme and also the benefits in terms of access to the businesses arising from the distance and time-savings of other journeys as noted above. In addition, no other highway related issues have been raised that cannot be addressed through appropriate highway measures. Consequently, it is considered that subject to appropriate mitigation being identified and carried out through the respective highway legislation, the Grade Separated Junction network is considered to offer significant benefit, not only to the village of Elwick, but borough wide that would outweigh any identified adverse impacts to the area. Taking account of the above matters, the proposed development is considered acceptable in terms of highway and pedestrian safety and any associated highway related issues.

1.150 In addition the provision of a new junction on the A19 between the existing Sheraton and Wolviston junctions also has the potential to generate significant time and distance savings for a range of journeys seeking to utilise both the local road network and the A19. In that way it increases connectivity and convenience for road users whilst also delivering environmental benefits by removing through traffic from Elwick Village.

1.151 It should be noted that the proposed new junction is considered to be significantly safer than the existing accesses on and off the A19. In combination with the central reservation closures the new junction will enhance road-user experience and safety.

Walking, Cycling and Other Modes of Transport

1.152 Hartlepool Local Plan policy RUR1 seeks to ensure that access to development should be appropriate and there is not a detrimental impact on the highway safety and where possible improvements to sustainable connectivity should be made. Hartlepool Local Plan policy INF1 sets out that the council will seek to deliver an effective, efficient and sustainable transport by, amongst other priorities, supporting initiatives to reduce carbon emissions from transport, to provide realistic alternatives to travel by private car and to ensure proposals provide a comprehensive, safe and well-managed network of footpaths and cycle routes throughout the borough.

1.153 Hartlepool Local Plan policy INF2 sets out that delivering sustainable transport in Hartlepool will be achieved through a balanced package of measures and where improvements to the principal and local road network are necessary to enable development or to minimise the impact on the existing network. Policy INF2 further sets out that one of the package of measures to improving connectivity is to develop further opportunities for sustainable modes of transport to serve existing communities throughout the borough.

1.154 Hartlepool Rural Neighbourhood Plan policy T2 sets out that improvement and extension of the public and permissive network of bridleways, cycleways and

footpaths will be supported and that financial contributions will be sought towards new bridges over the A19 near Elwick suitable for pedestrians, cyclists and equestrians.

1.155 The planning application does not identify specific walking, cycling or bridleways. Comments of objection have been received through the consultation exercise from both the Rural Plan Group and the British Horse Society due to the lack of link for walking, cycling and horse access, particularly between Elwick and the western side of the A19, where the lack of such links are considered to create and contribute towards 'severance' of the community.

1.156 The consultation response received from the British Horse Society notes that previous consultations and iterations, outside of this planning application process considered sustainable measures across the A19, although they have not come to fruition as part of the current scheme. Whilst acknowledging this, the scheme is considered on its planning merits as submitted.

1.157 The Council's planning policy section note that the funding for the proposed scheme would be used in full and that any residual monies available are not likely to be channelled towards changes to the bridge link to the west of the A19. Consideration is therefore given to the impact from the proposals in respect to sustainable transport, having regard to the relevant planning policies.

1.158 With respect to the proposed closure of Church Bank and its impacts, the closure of the access with the A19 exclusively relates to preventing the movement of motorised vehicles accessing to and from the A19. With respect to existing access from Church Bank for pedestrians and other modes of transport, whilst not recommended, the current access to the A19 through the central reservation, noting that the central reservation gap was only closed for vehicular access in 2019, and beyond to Coal Lane would still remain available. It is therefore considered that the proposed development would not reduce or restrict the availability for walker's cyclists and horse riders, where the existing situation would not be worsened.

1.159 With respect to consideration of the proposed scheme, whilst it is acknowledged that the proposed bridge would not provide access for other modes of transport other than for motorised vehicles to the west side of the A19, there is an identified evidential need for the provision of the road infrastructure to provide the associated identified wider benefits, which are prioritised over the lack of foot, cycle or bridleways.

1.160 With respect to comments that the lack of a route for walkers, cyclists and horse riders would severe the community, it is considered that the existing division of the A19 has created this separation and whilst the lack of inclusion of sustainable routes would not assist in alleviating the existing situation, the benefits are balanced against the implications such as cost.

1.161 With respect to the considerations for horse movements, it is noted that the area has never contained a bridleway at either side of the A19 and there would be no through journey that would benefit from being connected up by providing such a link over the A19. The proposals have involved consultation with the statutory

consultee Active Travel England, who have raised no objections to the proposed development.

1.162 With respect to consideration of the wider scheme, a comment of support for the proposed development noted that there are currently a number of footpaths in the area that are within a state of disrepair that could be improved and re-established to provide better connectivity from the area of the application site to the wider borough.

1.163 Through the course of the planning application, the Council's Countryside Access officer has provided comments on the proposed scheme in terms of the impact on public rights of way. Whilst the consultee comments suggest that the scheme has the potential to offer some benefits, such works are not established at this stage and have not formed part of the planning application and therefore cannot be considered to represent benefits of the proposed scheme. The Ramblers Association were consulted through the course of the planning application, although no comments were received.

1.164 With respect to consideration of cycling provision, there is no specific integrated cycle lanes proposed as part of the scheme, although cyclists could utilise the existing local road network that connects to the proposed scheme and cyclists could utilise the stretch of road proposed to the north of Elwick village, connecting into North Lane. Through the course of the planning application, dialogue has taken place between the Local Planning Authority and Active Travel England, who have requested the use of appropriate signage to alert motorised vehicles transitioning from the strategic network to local traffic that cyclists may be utilising the local road network. Such signage is considered to be a useful aid in creating awareness and preventing conflict between motorised vehicles and cyclists. The applicant has confirmed agreement to erect signs as part of the scheme, which can be erected without the need for advertisement consent, through the deemed consent process for a highways authority. An informative is therefore recommended to remind and advise the applicant of the use of signage in this respect and Active Travel England have recommended an informative accordingly.

1.165 With respect to consideration of public transport, the proposed scheme is considered not to have any significant impacts on public transport, where the proposed infrastructure could be utilised and integrated into any altered public routes.

1.166 Having regard to the above considerations, whilst it is acknowledged that the proposals would not fully comply with the provisions of INF1 of the Hartlepool Local Plan or those of Hartlepool Rural Neighbourhood Plan policy T2, relevant Local Plan policy RUR1 states that sustainable connectivity should be considered 'where possible' and INF2 states sustainable travel should be considered 'where necessary'. In this instance, having regard to the above considerations, not providing the sustainable transport links within the area between Elwick and the west of the A19 are considered not to be critical in this instance and the proposed development is still therefore considered to be broadly compliant with adopted planning policy and would not be contrary to local adopted planning policy as a whole.

IMPACT ON CHARACTER OF SURROUNDING AREA (& LANDSCAPING)

1.167 Hartlepool Local Plan policy QP4 (Layout and Design of Development) sets out that the council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. Policy QP4 and the relevant criterion sets out that development should be of an appropriate layout, scale and form that positively contributes to the borough and reflects and enhances the distinctive features, character and history of the local area. Hartlepool Rural Neighbourhood Plan Policy GEN 2 (design principles) sets out that the design of new development should demonstrate, how the design helps to create a sense of place and reinforces landscape and biodiversity features (criterion 3); how the design preserves and enhances significant views and vistas (criterion 5). Hartlepool Rural Neighbourhood Plan policy EC1 (development of the rural economy) sets out that the development of the rural economy will be supported if the development is of a scale appropriate to its setting and enhances the local landscape character and nature conservation.

1.168 Given the extent of the area that the proposed Grade Separated Junction and road network would cover, it would be viewed against a variety of landscape contexts. The bridge, slip road junctions and associated infrastructure adjacent to and over the A19, would be viewed against the scale and context of existing associated major highways infrastructure. The impacts in this respect are considered not to be significant.

1.169 The part of the proposed road network traveling east/west at the north of Elwick village however, would result in a notable change from the existing land form and appearance of the area, as the proposed development would replace existing undulating farmland fields with a major road network, which in some areas where levels change, would result in attendant cuttings and embankments.

1.170 The impacts however, are considered to be localised to the immediate vicinity of the route of the new highway and the findings of the Environmental Statement considers the landscape to be of lower sensitivity, displaying few valued elements, influenced by some existing detracting elements such as large-scale turbines at High Volts Wind Farm, high-voltage overhead lines and the A19.

1.171 The submitted application was accompanied by a Landscape and Visual Impact Assessment (LVIA). The LVIA considers that there would only be significant visual effects for one local public footpath that runs from Elwick to Claypit Lane Farm, which is likely to be closed during the construction works. The Council's Landscape Architect has assessed the submitted LVIA and considers the conclusions to be acceptable overall. The Council's Landscape Architect also recognises the opportunity for mitigation to enhance the wider road corridor and to secure a scheme of long term management in due course, to ensure effectiveness of proposals. No significant landscape effects are expected for the construction phase, which is temporary and relatively short-term and no significant residual landscape effects are expected in the longer term, subject to appropriate mitigation measures.

1.172 It is however acknowledged that the provision of the highway infrastructure will result in the loss of some existing landscaping and open up views. In order to

facilitate the proposed scheme, a vertical band of trees are required to be removed, which are located approximately 135 metres to the east of the A19. The trees are located within the area of where the major junctions to and from the A19 and North Lane are proposed. Trees are also proposed to be removed at the eastern part of the site, adjacent to the attenuation pond and second roundabout junction. The proposed scheme would also involve the loss of some boundary hedges, where they intersect the location of key infrastructure.

1.173 The Council's Arboricultural officer has acknowledged the loss of vegetation, detailing that *'Loss is inevitable of a scheme of this size but it should be kept as minimal as possible and trees should be retained wherever possible.'* Trees and hedges would be retained outside of the location of key infrastructure. A Landscape Proposals plan has been produced as part of the application, which illustrates a heavily planted scheme surrounding the highway infrastructure that would be made up from woodland tree planting, shrubs and small trees, hedgerows, grassed areas and field trees. The proposed tree planting would significantly increase the overall amount of planting over the application site as a whole.

1.174 Notwithstanding this, the Council's Arboricultural Officer has detailed that mitigation through tree replacements will not directly replace mature trees and will take a number of years for establishment until they provide the same benefit. This is accepted. The impact from the loss of mature trees can be reduced by the planting of a mixture of trees of age and type including the planting of semi-mature trees. The Council's Arboricultural Officer has further highlighted that the use of a greater array of resilient tree species would markedly increase the success of vegetation covering the application site over time. Detailed landscape proposals are required to come forward and are to be secured by way of planning condition, where such details can be considered. A further condition would secure existing tree and hedge protection measures. The Council's Arboricultural Officer also notes a potential impact from drainage features on a number of high quality trees, which requires further consideration and the associated tree protection measures condition is written to highlight this matter accordingly.

1.175 The Council's Arboricultural Officer also notes that a felling licence may be required from the Forestry Commission and an informative is recommended accordingly to make the applicant aware of any potential requirements in this respect.

1.176 Notwithstanding the submitted information, a number of further planning conditions are recommended to exercise further control over the final details of the proposed development in respect to levels, materials and appearance of the elevated slip road and overbridge, means of enclosure and hard surfacing materials.

1.177 Overall, whilst it is fully acknowledged that there would be a permanent and irreversible change in character, any impacts are considered to be localised and subject to the recommended conditions, the effect on the wider area is considered not to be significant in the context of the EIA Regulations.

ECOLOGY AND NATURE CONSERVATION

1.178 Hartlepool Local Plan policy NE1 (Natural Environment) sets out that the Council will protect, manage and enhance Hartlepool's natural environment by ensuring that development proposals are in accordance with the locational strategy, that ecological networks are enhanced and green infrastructure is protected and enhanced and that development avoids harm to and, where appropriate, enhances the natural environment by following the sequence of avoidance, mitigation, compensation.

Biodiversity Net Gain

1.179 The Environment Act 2021 includes Biodiversity Net Gain (BNG), with a requirement for at least 10% BNG post-development, however, the requirement has not yet come into force legally. Meanwhile, HBC Local Planning Authority expects 'no net loss' of biodiversity. Ecological enhancement (as per the NPPF) is additional to BNG and is aimed at providing opportunities for protected and priority species, which are not otherwise secured under the purely habitat based BNG approach.

1.180 The NPPF (2023) requires development to provide net gains for biodiversity. In particular, paragraph 174 states that 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. Net gain should be appropriate to the scale of the development and should be conditioned.

1.181 Paragraph 180 of the NPPF (2023) states that when determining planning applications, local planning authorities should apply the following principles:
a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

1.182 The proposed development would result in the loss of 22.21ha of cropland, other neutral grassland, modified grassland and scrub; 3.84km of hedgerows and treelines, and 0.44km of river due to re-alignment, culverting or through changes in condition. Notwithstanding the loss of habitat, the proposed development would retain 9.42ha of cropland, other neutral grassland, scrub, and other woodland; and there would be 2.51km of hedge habitat and 0.51km retained of river habitats retained. Furthermore, the landscape proposals would create 22.58ha area of habitats, consisting of other woodland, broadleaved, SuDS features attenuation ponds, native mixed scrub, other neutral grassland and urban trees. 15.25km of native species rich hedgerow with trees would be planted and 1.14km of river habitats would be created through culverts, ditches, and other river and streams.

1.183 The biodiversity for the project has been calculated as providing a 32.75% BNG for Habitat Units and a 331.02% BNG for Hedgerow Units. The Council's Ecologist has commented that this demonstrates 'best practice' for BNG delivery by a Local Authority. Whilst there would be a - 4.0% biodiversity change for River Units, the Council's Ecologist considers this to be acceptable in this instance, given that

there are large increases in Habitat Units and Hedgerow Units and no additional compensation is required as a result.

1.184 Additionally, as the applicant is the Local Authority, a suitable mechanism for securing the detailed measures, implementation and monitoring of the required BNG scheme can be done so through a planning condition and therefore does not need to be secured through a legal agreement such as a Conservation Covenant (as suggested in the HBC Ecologist's comments). Subject to the recommended condition, the matter is satisfactory addressed.

Ecology Enhancement and Mitigation Measures

1.185 As noted above, the application is accompanied by an Environmental Statement, which, within Section 5.6, sets out a number of ecological enhancement and mitigation measures that are required to be secured.

1.186 The additional enhancement measures would secure;

- Interlinking hedgerows to be enhanced through gapping up and tree establishment;
- Wetland habitat to be created consisting of a series of nine surface and ground water attenuation ponds and SuDS systems;
- Wildflower grass verges to be created;
- Tree management to be carried out to promote deadwood habitats;
- New fish-free pools and ditches to be created to benefit amphibians and invertebrates;
- All surface water drainage will be 'catch pits' instead of standard inspection chambers with a piped floor;
- New hedges / restored habitats with field trees providing opportunities for bat roost sites and areas of good foraging habitat;
- Lighting systems to be designed in respect of bats.
- Underpasses for farm access shall also be available to mammals, with planting within 2m of the entrances to provide cover for mammals.
- Mammal ledges shall be provided on the two new 600mm diameter culverts.

1.187 The additional mitigation measures would secure;

- Pre-commencement surveys
- All vegetation clearance works will be carried out under the supervision of an Ecological Clerk of Works
- Vegetation clearance shall be undertaken outside of the breeding bird season (typically March to September), or under the supervision of an experienced ornithologist during the season
- New and extended culverts shall ensure that natural stream bed connectivity is maintained.
- A biosecurity procedure shall be prepared through the entire Project construction programme.

1.188 The Council's Ecologist has requested that such enhancement and mitigation measures are secured by separate planning conditions, which are recommended accordingly.

1.189 A detailed soft landscaping scheme (and Landscape and Ecological Mitigation Strategy) is also to be secured by a further planning condition as requested by the Council's Ecologist and reflective of the recommendations of the ES Ecology chapter recommendations.

Farmland Birds

1.190 As the proposed development would result in the loss of existing farmland, a significant ecological matter is the loss of 15 pairs of Ground-nesting Farmland Birds. This can be managed through the provision of a compensatory scheme, whereby the applicant can utilise land within their gift to re-provide such habitat. A planning condition is recommended for the applicant to submit a scheme to be agreed accordingly.

1.191 Additionally, as the applicant is the Local Authority, a suitable mechanism for securing the long term maintenance can be done so through a planning condition and therefore does not need to be secured through a legal agreement such as a Conservation Covenant (as suggested in the HBC Ecologist's comments). Subject to the recommended condition, the matter is satisfactory addressed.

Bats

1.192 In order to facilitate the proposed development, one identified bat roost is required to be lost as a result of the loss of a mature Ash tree. The Council's Ecologist has considered that the applicant would likely be granted the appropriate licence by Natural England to carry out these works and therefore there are no objections to this loss in this instance. An appropriately worded informative is recommended to inform the applicant of their legal responsibilities in this respect.

1.193 In order to mitigate for the loss of potential roosting sites, the Council's Ecologist has requested a total of 30 bat boxes split between bridges and underpasses and within mature trees. A condition is recommended accordingly.

Birds

1.194 In order to provide bio-diversity enhancement, the Council's Ecologist has requested a total of 30 bird boxes to be split between bridges and underpasses and within mature trees. A condition is recommended accordingly.

1.195 An informative is also recommended to remind the applicant about the legal responsibilities to avoid harm to nesting birds at the request of the Council's Ecologist.

Badgers and other mammals

1.196 A condition is recommended to ensure that any excavations left open overnight would have a means of escape for any animals that could become trapped and a condition is recommended accordingly.

Otters

1.197 The Environment Agency have requested a condition for a scheme to be submitted for the protection of otters and their habitat both during the construction period and once operational. A condition is recommended accordingly.

Migratory Fish

1.198 The Environment Agency have requested a planning condition to limit works including the installation of new culverts, the operation of new streams and extensions to existing culverts at sensitive times of the year when there is potential to disturb spawning fish and/or their habitat and eggs. A condition is recommended accordingly.

Other matters

1.199 It is noted within the HBC Ecologist's comments that there are a number of suggested inconsistencies within the submitted documents (noting that some involve a name change). In response, whilst these comments are noted, the Council's Ecologist is, overall, satisfied with the proposals (as set out in his comments) and that the identified ecological requirements (including compensation, mitigation, enhancement and biodiversity net gain) can be secured by separate, appropriate planning conditions.

Ecology Summary

1.200 Having regard to the above considerations and subject to the recommended conditions and informatives, the proposed development is considered not to lead to any impacts that would be considered significant in respect to EIA development.

IMPACT ON HERITAGE ASSETS

1.201 The application site is located to the north of Elwick Village, which is a designated Conservation Area that contains a number of listed buildings. Of note Elwick Hall, Wilton Cottage, and The Forge are Grade II listed buildings and St. Peter's Church is a Grade II star listed building. There are also a number of locally listed buildings within the village and there is a Scheduled Monument in the form of a medieval fishpond in proximity to the application site. 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. Elwick Conservation Area consists of a linear village running more or less east west, with buildings facing onto a village green. The scale and character is predominantly residential, focused around a central village green.

1.202 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 section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a Local

Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. With regard to the properties within the village, attention should be paid to the desirability of preserving the setting of listed buildings in accordance with section 66(1) of the Act 1990.

1.203 In considering the impact of development on heritage assets, the NPPF looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness as set out within paragraphs 190 and 197 of the NPPF. Policy HE3 of the Local Plan has regard for the setting of Conservation Areas.

1.204 The NPPF looks for Local Planning Authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation as set out within paragraph 199 of the NPPF. Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

1.205 Further to this in relation to locally listed buildings 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.

1.206 The Council's Head of Service for Heritage and Open Spaces has considered the proposed scheme and details within the submitted comments how the geography of Elwick, set within its surroundings acts to conceal the village from the wider surroundings, '*where there is little sense of the closeness of the A19 in particular*'. The Council's Head of Service for Heritage and Open Spaces considers that the proposed road infrastructure would be at sufficient distance from the village and the comments note that the proposals would be seen within the context of the existing major road network, where the additional infrastructure would not increase the impact on the setting of the Heritage Assets.

1.207 The submitted Environmental Statement has considered the impact of the proposed development on nearby Heritage Assets, both during the construction period and once operational. During the construction period, impacts can arise through the presence and movement of construction plant and equipment; the siting of construction compounds and activities within working area including associated noise, lighting and dust that may impact the Heritage Assets; and the use of traffic management for temporary measures may result in a short term increased volume of traffic using local roads. All of these construction based impacts have the potential to impact a Heritage Asset, as a result of changes to its setting. The Environmental Statement has considered the impact on each of the identified Heritage Asset in this respect and finds that the impacts are either considered to be moderate, or result in a slight adverse impact.

1.208 With respect to the operational impacts, it is noted that the proposed scheme would decrease the movement of traffic through Elwick Village, as traffic would be directed to use the proposed Grade Separated Junction road network. The submitted

Environmental Statement considers that this would impact the setting of St Peter Church, as lighter traffic movements would be beneficial to the setting of the Grade II* listed building. Similarly, Elwick Hall, The Forge, Wilton Cottage and Elwick Conservation Area would also be impacted by the decrease in the movement of traffic through Elwick Village, whereby lighter traffic movements would be beneficial to the settings of these heritage assets, which is considered to be of medium importance. The Environmental Statement considers that there would be a permanent major beneficial magnitude of impact on these assets during the operation stage.

1.209 Whilst acknowledging these findings, it is also noted that the proposed works would involve the closure of the Church Bank junction, as detailed within the above Highways section. As a result, some vehicle movements would be directed up and down Church Bank and through the village, where they may not currently operate this journey. Notwithstanding this point, it is considered that even taking account of the associated traffic generated in this area, largely serving the businesses along Church Bank, this would still result in a significant overall reduction in traffic through the village. The Council's Head of Service for Heritage and Open Space notes this positive benefit in supporting the proposed scheme. Historic England were also consulted, although no site specific comments were received. The Civic Society were also consulted although no response was received.

1.210 With respect to consideration of the nature of the businesses at Church Bank routing through the village, it is considered that the businesses serving this area would not be out of keeping with what can be expected within the village setting. The Environmental Statement considers the proposed scheme not to have any significant impacts on all other identified Heritage Assets within the area.

1.211 Taking account of the nature of the proposed development, having regard to the relationship and distances involved, including the comments and considerations of the Council's Head of Service for Heritage and Open Spaces officer and the considered impacts, as set out within the submitted Environmental Statement, it is considered that the proposed development would result in a positive overall impact, which provides benefit to the Heritage Assets in this area and the proposed development is considered acceptable in this respect.

Archaeology

1.212 The submitted Environmental Statement considers there is a low potential for previously unrecorded archaeological assets to be within the boundary of the proposed scheme that would date prior to the medieval period, with the possible exception of the Church Bank junction with the A19. Here, the improvements to the Church Bank junction have a low to medium potential to impact buried previously unrecorded archaeological features or deposits from the prehistoric period.

1.213 Tees Archaeology have considered the proposed scheme and raise no objections to the proposed development, subject to a recommended condition in relation to the requirement for a programme of archaeological works for the recording of any heritage assets found in accordance with paragraph 189 of the

NPPF. The planning condition is recommended accordingly and the proposal is therefore considered to be acceptable in this respect.

IMPACT ON AMENITY OF NEIGHBOURING LAND USERS AND SURROUNDING PROPERTIES

1.214 Paragraph 130 of the NPPF requires that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Local Plan Policy QP4 requires, amongst other provisions, that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties. Hartlepool Rural Neighbourhood Plan policy EC1 (development of the rural economy) sets out that the development of the rural economy should not result in a detrimental to the amenity of nearby residential properties.

1.215 The proposed development is for major road infrastructure scheme, consisting of a raised ramped slip road, an overbridge with associated road network and associated infrastructure. The physically larger elements of the proposed scheme would be the raised ramped access and overbridge, which would be located at and over the A19 trunk road. It is considered that this infrastructure would be of a scale and form that would assimilate into the setting of the major road infrastructure.

1.216 It would be located at approximately 360 metres from the nearest properties located on North Lane within Elwick (south-east) and approximately 490 metres from Middleton House Farm (north-west). Given the scale and nature and the distance and relationship of these elements, it is considered that they would not lead to any significant issues concerning loss of amenity or privacy in terms of overbearing, loss of outlook or overlooking related matters for surrounding properties.

1.217 The proposed road network would connect from the overbridge and would route to the north of Elwick village in an east/west direction. Given the organic development pattern at the north of the village and given the arcing route of the proposed highway, the proposed road would be located at varying distances from residential properties located within Elwick. The nearest residential property within Elwick would be located at approximately 289 metres from the roundabout junction and approximately 350 metres from the road network to the north of the village. Martindale Farm would be located approximately 270 metres from the proposed road network to the north. A separation distance in excess of 240m (approx.) would remain from the proposals and the nearest properties beyond the site boundary to the east at Hillcrest, North Urn Farm and North Urn Cottage. Given the nature of the proposed road infrastructure, it is considered not to lead to any significant loss of amenity or privacy in terms of overbearing, loss of outlook or overlooking related matters for surrounding properties.

1.218 A number of objections received have cited concerns that the proposed development would result in high noise levels and poorer air quality as a result of the proposed development. The application has been accompanied by Noise Surveys,

Air Quality Assessments and a chapter within the Environmental Statement considers the implications from the proposed development on human health.

1.219 It is acknowledged that during the construction phase, the proposed development would likely result in an increase in dust and vehicle emissions and would likely involve raised background noise and vibration levels through the operation of machinery, the transport of goods, and construction processes.

1.220 The submitted Environment Statement has considered the potential impacts on air quality, noise and vibration for human health receptors during the construction phase and the temporary impacts are considered to be ‘moderately adverse’.

1.221 Through the course of the planning application, the Council’s Public Protection section have considered the application and have raised no objections to the proposed development, subject to a number of recommended planning conditions relating to the management of the construction phase of the proposed development; conditions relating to dust suppression measures and restrictions on working times and days and deliveries are recommended (and secured accordingly by way of separate planning conditions).

1.222 The use of these conditions are considered to account for and mitigate the associated temporary impacts of the proposed development. In addition to these considerations, it is also recognised that construction activity can result in an increase in construction traffic to an area, which has the potential to temporarily restrict traffic movements. A Construction Traffic Management Plan condition has been recommended by National Highways, which would require the applicant to agree the routes for associated construction traffic. Having regard to the above considerations, subject to the recommended planning conditions, the temporary construction phase of the proposed development is considered not to raise any significant adverse significant impacts.

1.223 The Council’s Public Protection section have also requested that no open burning be carried out on site. An informative can be recommended to advise the applicant accordingly.

1.224 With respect to the impacts of the proposed development at the operational stage, the A19 interchange would be located as a sizable distance from the village and approximately 300 metres from the roundabout junction and any properties along the route of the proposed road network are a sizable distances. The Environmental Statement notes that with respect to air quality, there would be no significant adverse impacts expected from the proposed development and within the village, air quality would likely improve. With respect to noise, the impact from noise is assessed as being negligible. Following completion of the proposed scheme, the impact on air quality, noise and vibration is assessed as ranging from low adverse to moderate beneficial.

1.225 Having regard to the above considerations, taking account of the comments and considerations of the Council’s Public Protection section and the findings of the Environmental Statement, the proposed development is considered not to result in any impacts that would be considered significant detrimental impacts in terms

respect of residential amenity for the surrounding neighbouring occupiers and land users.

FLOOD RISK, DRAINAGE & CONTAMINATION

1.226 Hartlepool Local Plan policy CC2 (Reducing and Mitigating Flood Risk) sets out that all new development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources. Hartlepool Rural Neighbourhood Plan Policy GEN 2 (criterion 7) sets out how the design uses sustainable surface water management solutions to reduce all water disposal in public sewers and manage the release of surface water into fluvial water.

1.227 The application site covers a large area of land from the western aspect of the borough, at the junction of the A19, to a point to the east adjacent to Dalton Beck. The application site is mainly located within flood zone one, although the site would pass through a number of watercourses, where there is a higher risk of flooding.

1.228 The Environmental Statement (volume 1) indicates that Surface Water Management would be subject to a detailed design, although the proposed scheme as submitted illustrates that it would include the installation of nine attenuation ponds at both sides of the A19. Three attenuation ponds would be located immediately to the west of the A19 trunk road and five would be to the immediate east, with a further attenuation pond located at the eastern most aspect of the application site, adjacent to Elwick Road and Dalton Beck. The attenuation ponds are proposed to be linked to the existing watercourses of Char Beck and Dalton Beck. Four culverted underpasses are also proposed that would manage the flow of the existing watercourses through aspects of the application site. The Council's Flood Risk Officer has been consulted who has raised no objections to the proposed development in relation to flood risk and drainage matters, subject to a detailed design and associated management and maintenance of surface water drainage, in accordance with the Tees Valley SuDS Design Guide and Local Standards.

1.229 The Environment Agency have also considered the proposed development and note the proposed culvert works that would impact upon the existing watercourses. The Environment Agency have recommended a condition in respect to providing appropriate mitigation and compensation for the realignment of the watercourse and a condition is recommended accordingly. The Environment Agency also note the requirement for a detailed Surface Water Management Plan and have requested to be consulted on the finalised details and an informative is recommended detailing what the Surface Water Management Plan should include.

1.230 Northumbrian Water were consulted who have confirmed that they have no objections or concerns. Anglian Water were also consulted, although no comments have been received.

1.231 In view of the above considerations and subject to the identified planning conditions being secured and informatives, it is considered that the scheme is, in principle, satisfactory in terms of flooding and drainage related matters.

1.232 With respect to matters in relating to contamination, the proposed development would involve interaction with the watercourse at various areas across the application site. Comments from the Rural Plan Group note this, and state that the water quality must not be adversely affected by the proposed development. The Environment Agency have had regard to this consideration and have provided comments accordingly. In the event of a planning approval, should a pilling technique is used, the Environment Agency advise the Local Planning Authority to ensure that an appropriate controlled waters risk assessment is undertaken. A planning condition is recommended accordingly to control such matters.

1.233 In addition, the Environment Agency have requested that the finalised scheme for Surface Water Management includes the requirement to treat and remove suspended solids from surface water run-off during construction works. The condition is suitably worded to include these details.

1.234 The Environment Agency also recommend a number of informatives highlighting contamination related matters. An informative is recommended concerning the management of silt to prevent the deterioration of water quality; an informative is recommended with respect to groundwater protection and an informative is also recommended in respect to risk management and good practice in relation to land contamination.

1.235 In addition, the Council's Flood Risk Officer has had due regard to the consideration of contamination and recommends a condition in the event that any unexpected contamination is found during the construction period, and it is duly recommended.

1.236 Having regard to the above considerations, subject to the recommended conditions and informatives, the proposed development is considered to suitably manage any issues concerning contamination.

OTHER PLANNING MATTERS

Impact on Agricultural Land

1.237 Hartlepool Local Plan Policy QP6 (Technical Matters) sets out that the council expects development to be incorporated into the borough with minimal impact and that where appropriate proposals must ensure matters are investigated and satisfactorily addressed.

1.238 The status of any agricultural land and its importance to the borough.

1.239 The NPPF defines the best and most versatile agricultural land as being Grades 1, 2 and 3a. Based on Natural England/Defra's 'Agricultural Land Classification' map, the application site is rated as Grade 3 (good-moderate). For the purpose of the EIA, the submitted Environmental Statement notes that a 'worst case scenario' has been assumed i.e. that the land in the study area is Grade 3a (best and most versatile).

1.240 Whilst the proposed development would result in a loss of good agricultural land from production, which cannot be mitigated against, the benefits of the proposed scheme, which underpins the Hartlepool Local Plan, improves road safety and enables housing development and business growth is considered to outweigh the loss of agricultural land and therefore the loss is not considered to be significant enough to warrant refusal on this ground alone.

1.241 Crucially, it should also be recognised that the land/area in question has been allocated (and safeguarded) for the proposed road scheme through the adopted Hartlepool Local Plan (2018), in particular through policies LS1 and INF1.

1.242 Concerns have been received with respect to the matter that the proposals would severe existing farmland for four fields and would involve encroachment onto neighbouring land. Comments suggest that the proposal would create increased security issues for the farmers. Concerns are also raised that the proposed underpasses do not comply with DEFRA guidelines. Whilst the proposed road network would cut across existing field boundaries, it would provide access through the field with the respective underpasses, maintaining connectivity.

1.243 Matters concerning land acquisition would be considered under a separate process to the planning application and is not material to this decision making process. With respect to matters concerning security, Cleveland Police have been consulted and have raised no objections or concerns. Any security related matters can be assisted through appropriate details of boundary enclosures, to be submitted to the Local Planning Authority through the discharge of conditions process. With respect to the underpasses not meeting DEFRA standards, DEFRA were consulted on the planning application and no comments were received.

1.244 Having regard to the above considerations, whilst the proposed impacts on agricultural land are considered to range from negligible to a major adverse impact, it is considered that the wider benefits of the scheme as a whole outweigh the resultant harm and the proposed development is considered acceptable in this respect.

Waste

1.245 In accordance with the requirements of Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document (2011), a planning condition can ensure that a site specific waste audit is provided to identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use.

1.246 Matters of indiscriminate waste and fly tipping would need to be controlled through separate legislation.

Emergency Services

1.247 Cleveland Police and Cleveland Fire Brigade were consulted and no objections or concerns have been received. Cleveland Fire Brigade have provided information in relation to their truck specifications and have provided information in

relation to access to water. These matters are noted and information in relation to access to water is relayed by way of an informative accordingly.

Other Consultee Responses

1.248 The neighbouring Local Authorities of Durham and Stockton-On-Tees were consulted and no objections or concerns have been received.

1.249 The Coal Authority have been consulted who have raised no objections or concerns with respect to the proposed development.

Utilities

1.250 Both Northern Powergrid and Northern Gas Networks were consulted who have raised no objections to the proposed development, although have provided information in relation to any infrastructure within the area. Information concerning these matters is relayed to the applicant by way of informative accordingly.

1.251 The proposal has been considered through the Health and Safety Executive's Planning Advice Web App which confirms that the proposal does not intersect a pipeline or hazard zone and therefore the HSE does not have an interest in the development.

1.252 Northumbrian Water have confirmed that no infrastructure of theirs is located within proximity to the application site.

1.253 As a result of the public consultation exercise, responses were received on behalf of the phone network Vodafone, who have advised that they have infrastructure within proximity to the area. An informative is recommended accordingly to advise the applicant of this for awareness and to manage any conflict with such infrastructure.

National Security & Aviation

1.254 Both the Ministry of Defence and Teesside International Airport were consulted and no objection have been received.

Public Consultation Queries

1.255 Comments from the Council's Traffic and Transport section suggested that works to stop up the highway at Church Bank would be carried out through a TRO process, although it is now understood that this would be carried out through a Side Roads Order (SRO). The change in the highways process does not affect the determination of the planning application.

1.256 A comment received has questioned whether the closure of Church Bank requires a public consultation. With respect to the planning application, the closure of the junction itself does not form part of the proposed development, and therefore does not form part of the description of the proposed development, although it is a consequence of the proposed development and it has therefore been factored into

the material planning considerations, where the majority of responses received from the consultation exercise have reflected their views on the issue. The closure of the junction is a requirement from National Highways and their respective processes, although it is understood that the SRO process would be subject to a public consultation exercise as part of that separate process.

1.257 Comments that have questioned whether the closure of Church Bank is needed and worth the expense are addressed within the principal section, where the benefits and needs for the highway infrastructure is set out in full. The funding, in part for the proposed works is facilitated by developments that would require and benefit from its implementation.

1.258 It has been questioned whether the proposal would comply with the Rural Plan. Consideration of Rural Plan policies have been taken into account both within the principle section and throughout the report, which also includes taking account of the Rural Plan Group comments.

1.259 Comments received have claimed that residents' wishes have not been listened too. A resident also noted that there was difficulty accessing information relating to the application. This report has considered the comments and considerations as raised through the consultation period. With respect to the resident that was having trouble accessing the information, this was understood to be a software issue with the residents' computer, although it is understood that the matter was resolved.

1.260 A comment has suggested that the proposed development may impact on private water supplies. Whilst the comment has been made, there is no detail that has been provided to substantiate how and where this is the case. Such matters are civil considerations, which can be managed through the development stage, if this was an issue, it would not be a reason to warrant the refusal of the planning application on these grounds.

1.261 A comment received has suggested that the proposed works would not represent sustainability and would result in increased carbon emissions. It is appreciated that some residents may consider the construction of a road to be counter intuitive to the principles of reducing carbon emissions, however the provision of the infrastructure will assist in reducing queues on key roads within the borough and thus reduce the stop start motion that vehicles go through, which are carbon intensive. The Council's Planning Policy section have commented that the proposed infrastructure is necessary for the growth of the borough and that the housing and employment sites that would result are considered to be located within sustainable locations and therefore the proposed road infrastructure would ensure that Hartlepool develops in a more sustainable manner.

1.262 Comments have suggested that other options for the location of the works and or alternative solutions should be considered. The Environmental Statement has considered alternative options through the EIA process and the current proposal is considered to be the best and most appropriate option.

1.263 Concerns have been raised that the proposed development would result in the compaction of soil. Whilst no further details are provided in respect to the nature of the concerns, soil compaction can have implications for trees, vegetation, ecology and flood risk. The respective matters of impact on trees/landscape, ecology and flood risk have been considered through the course of the planning application, where the appropriate consultees have provided comments and the proposed development is considered acceptable, subject to a range of planning conditions.

PLANNING BALANCE AND OVERALL CONCLUSION

1.264 The application seeks planning approval for a key piece of strategic infrastructure that is fundamental to the future sustainable growth of the borough of Hartlepool and is central to the aims and objectives of policy LS1 of the adopted Hartlepool Local Plan.

1.265 The proposed scheme would offer multi-faceted benefits in enabling the Local Authority to meet its housing needs, whilst also securing safer journeys that would alleviate and provide additional capacity to accommodate the pressures on the road network throughout the borough. The proposed scheme would also provide improved quality of life and heritage benefit within the village of Elwick by reducing traffic through the village and would provide opportunity for enhancements to green infrastructure that would have both increased visual and ecological benefits.

1.266 Associated adverse impacts include the closure of two access points with the A19 from Church Bank and Coal Lane, which whilst they are considered to be the loss of existing conveniences, they are considered not to be critical to the functions and operations within the area, where overall, the proposed road network would provide distance saving journey lengths to the immediate area and wider borough.

1.267 Subject to a number of highway improvements to the local road network within this area, the proposed scheme is considered to be acceptable in terms of highway safety and highways related matters. It is considered that there are important material benefits arising from the proposed development and that there are no adverse impacts that would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Taking into account the considerations set out in the report, it is considered that the proposed development would, overall, positively benefit each of the threads of economic, social and environmental sustainability and the scheme is also considered to be acceptable in respect of other material considerations for the reasons set out above.

1.268 It is considered that in this instance, that none of the concerns/impacts are so substantial that they would significantly and demonstrably outweigh the respective benefits when assessed against the policies within the Hartlepool Local Plan, Rural Plan and the provisions of the NPPF including each of the three strands of sustainability. In view of the above, it is considered that on balance, the application represents a sustainable form of development and is considered to be acceptable.

1.269 The application is accordingly recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.270 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

REASON FOR DECISION

1.272 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 five years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans:
568-OD-001-SL(B) Rev B (Site Location Plan),
568-OD-009-CS1(B) Rev B (Typical Cross Sections 1),
568-OD-010-CS2(B) Rev B (Typical Cross Sections 2),
568-OD-003-SWD(B) Rev B (Surface Water Drainage Layout),
568-OD-004-AS(B) Rev B (Attenuation System for Surface and Ground Water),
568-OD-005-UC(B) Rev B (Underpasses and Culverts),
568-OD-007-LS(B) Rev B (Long Section from A19 to Elwick Road),
568-OD-008-CS(C) Rev C (Cross Section Location Plan),
568-OD-011-LP(A) Rev A (Landscape Proposals),
568-OD-GA(B) Rev B (Red Line Boundary) and
568-OD-014-OBR(A) Rev A (A19 Overbridge Elevation)
all received by the Local Planning Authority on 19/09/2023.
To define Planning Permission and for the avoidance of doubt.
3. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site and structures and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. To take into account the position of the structures and impact on the surrounding area in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan (2018).
4. 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 will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The scheme shall be designed to treat and remove suspended solids from surface water run-off during construction works. All drainage run-off shall be discharged through interceptors. 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). The scheme shall be designed in consultation with the Environment Agency and the Local Lead Flood Authority. The approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the development being fully open to traffic or completion of the development (whichever is the sooner).

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

5. Prior to the channel realignment and culverting of the watercourse works being carried out on site, a scheme for mitigation and compensation for the impacts of realignment, loss of watercourse and riparian habitat along with a timetable for implementation, shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency. The scheme shall include the following:
 - Details of mitigation and compensation for the impacts of channel realignment and loss of watercourses and associated bankside vegetation / riparian habitat;
 - Finalised plans for the culvert including bed depths, which shall be to CIRIA guidance, have natural beds and be suitable for fish passage.
 Thereafter and following the written approval of the Local Planning Authority, the agreed mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements.
 In order to compensate and mitigate disturbance to the watercourse and to prevent a net loss in river habitat and riparian vegetation.

6. Notwithstanding the submitted information, no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, detailing how otter and their associated habitat will be protected. The scheme shall consider the whole duration of the development and be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements:
 - Details of how otter are to be protected during construction works; this may include a method statement detailing the requirement for a pre-construction survey for otter, and a species-specific method statement for vegetation removal;

- A detailed plan for the protection of otter during the operational phase of the scheme to further reduce the likelihood of otter roadkill, specifically around the proposed SuDS and balancing ponds between the slip roads and A19, and on Char Beck. Thereafter, the proposed development shall be carried out in strict accordance with the approved plan, both during the construction phase and once operational and shall be retained for the lifetime of the development. In order to safeguard protected species both during construction and within the operational phase of the proposed development in accordance with paragraphs 174 and 180 of the National Planning Policy Framework (NPPF, 2023) which recognise that the planning system should conserve and enhance the environment.

7. Notwithstanding the development hereby approved, no development shall commence until a scheme of programmed works for the protection of migratory fish has been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency. The approved scheme shall demonstrate how during sensitive times between October and May inclusive, any works within proximity to controlled waters including the installation of new culverts, operation of new streams and the extension of existing culverts, would protect against the disturbance of spawning fish and/or their habitat and eggs. Thereafter and following the written agreement of the Local Planning Authority, the proposed development shall be carried out in strict accordance with the approved scheme during the construction phase of the development.
In order to prevent disturbance spawning fish and/or their habitat and their eggs.
8. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping, tree, hedge and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the plan 568-OD-011-LP(A) Rev A (Landscape Proposals), received by the Local Planning Authority on 19/09/2023, and shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a timetable and programme of the works to be undertaken, and be implemented in accordance with the approved details and timetable/programme of works. The scheme shall also include a Landscape and Ecological Mitigation Strategy based on the principles detailed in section 5.6 of the submitted Environmental Statement Volume 1 Main Text (Document reference: JXX-JBAU-00-00-RP-EN-0008 dated June 2023 and received by the Local Planning Authority 29/06/2023). Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the development hereby approved being fully open to traffic or completed (whichever is the sooner). Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season

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

In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of Policy NE1 of the Hartlepool Local Plan (2018) and the NPPF (2023).

9. No development shall commence unless and until a Biodiversity Net Gain Plan scheme ("the scheme") to ensure that the approved development provides the delivery of the Biodiversity Net Gain (BNG) as stated in the BNG Metric (The Biodiversity Metric 3.1 – Calculation Tool, received by the Local Planning Authority on 29/06/2023) a minimum of 148.15 Habitat Units, 160.99 Hedgerow Units (with trees) and 11.72 River Habitat Units habitat retention, creation and enhancement (as detailed in 'Headline Results' section of 'The Biodiversity Metric 3.1 – Calculation Tool', received by the Local Planning Authority on 29/06/2023 and the 'A19/ Elwick Road/ North Lane Junction and Elwick Road/ Hartlepool Western Link Project, Biodiversity Net Gain Feasibility Assessment, Final Report, June 2023' (Ref: JXX-JBAU-00-00-RP-EN-0010-A1-C01-Biodiversity_Net_Gain_Assessment), received by the Local Planning Authority on 30/08/2023) and the subsequent management of habitats in the condition stated in the BNG Metric has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the compensation, shall be measured in accordance with the biodiversity metric 3.1 (The Biodiversity Metric 3.1 – Calculation Tool, received by the Local Planning Authority on 29/06/2023). The scheme shall include:

- details of habitat retention, creation and enhancement sufficient to provide the delivery of the net gain proposed in the metric;
- the provision of arrangements to secure the delivery of the net gain proposed in the metric (including a timetable for their delivery);
- a management and monitoring plan (to include for the provision and maintenance of the net gain proposed in the metric for a period of at least 30 years or the lifetime of the development (whichever is the longer).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.

To provide biodiversity management and biodiversity net gain in accordance with The Environment Act 2021, and paragraphs 8, 174 and 180 of the NPPF (2023) and Policy NE1 of the Hartlepool Local Plan (2018).

10. Prior to commencement of development, details of compensation, including an appropriate timetable for delivery, for ground-nesting farmland birds shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) details of habitat creation sufficient to provide the delivery of the compensation;
 - b) the provision of arrangements to secure the delivery of compensation (including a timetable for their delivery);
 - c) a management and monitoring plan (to include for the provision and maintenance of the compensation for a period of at least 30 years or the lifetime of the development (whichever is the longer).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.

The development shall be carried out in accordance with the approved details and thereafter retained.

To ensure suitable provision of ecological compensation.

11. Prior to the commencement of development, a Landscape and Ecological Mitigation Strategy and timetable for implementation shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include the mitigation measures as detailed in section 5.6 of the submitted Environmental Statement Volume 1 Main Text (Document reference: JXX-JBAU-00-00-RP-EN-0008 dated June 2023 and received by the Local Planning Authority 29/06/2023) including the following requirements;

- Pre-commencement surveys shall be undertaken by an appropriately qualified ecologist prior to the start of vegetation clearance and construction activities on site. The pre-commencement surveys shall aim to confirm that the surveys undertaken during the assessment phase are still representative of the ecological status and there have been no changes, e.g. establishment of a badger sett. The pre-commencement surveys shall also programme vegetation clearance requirements;
- All vegetation clearance works will be carried out under the supervision of an Ecological Clerk of Works, and a precautionary system of work shall be put in place. Vegetation clearance shall follow a pre-confirmed method statement following the written agreement of the Local Planning Authority;
- Vegetation clearance shall be undertaken outside of the breeding bird season (typically March to September), or under the supervision of an experienced ornithologist during the season;
- New and extended culverts shall ensure that natural stream bed connectivity is maintained, and that channel erosion (bed and banks) is avoided downstream of the culvert outlets. Any natural stream bed material removed during in-channel works shall be replaced to maintain geomorphological continuity;
- All in-channel and temporary works shall be managed to prevent sediment discharge into the watercourses;
- A biosecurity procedure shall be prepared by the Contractor and implemented through the entire project construction programme;
- Any excavations left open overnight shall have a means of escape for wildlife that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°;
- Temporary works within streams to be undertaken in a dry environment, following dewatering of the channel. Fish-friendly pumps shall be used to ensure no entrainment of fish occurs. Dewatering works may also need to be supervised by appropriately experienced fisheries specialists, to undertake a licensed fish rescue if necessary;

- Bat mitigation measures shall be provided in accordance with those identified within section 5.6.13 of the aforementioned Environment Statement Volume 1.

Thereafter the approved Landscape and Ecological Mitigation Strategy shall be implemented and maintained in accordance with the agreed details and timetable.

To ensure suitable provision of ecological mitigation measures.

12. Prior to commencement of the development hereby approved, full details of additional ecological enhancement measures, as set out within section 5.6.30 of the Environmental Statement Volume 1 Main Text (Document reference: JXX-JBAU-00-00-RP-EN-0008 dated June 2023 and received by the Local Planning Authority 29/06/2023) shall be submitted to and agreed in writing with the Local Planning Authority. The details shall also set out a timetable for implementation of the measures. The scheme shall include as a minimum details of:

- Interlinking hedgerows to be enhanced through gapping up and tree establishment, particularly double hedgerows;
- Wetland habitat to be created consisting of a series of nine surface and ground water attenuation ponds and SuDS systems spread across the site, with a meadow grass mixture for wet soils including species;
- Wildflower grass verges to be created;
- Tree management to be carried out to promote deadwood habitats and retain standing, over-mature trees;
- Tree trunks from felling works to be left lying or logged and stacked on site as dead wood habitat;
- New fish-free pools and ditches to be created to benefit amphibians and invertebrates;
- All surface water drainage will be 'catch pits' instead of standard inspection chambers with a piped floor;
- New hedges / restored habitats with field trees providing opportunities for bat roost sites and areas of good foraging habitat;
- Lighting systems to be designed in accordance with Guidance Note 08/18 Bats and artificial lighting in the UK: Bats and the Built Environment series.
- Underpasses for farm access shall also be available to mammals, with planting within 2m of the entrances to provide cover for mammals.
- Mammal ledges shall be provided on the two new 600mm diameter culverts.

Thereafter and following the written agreement of the Local Planning Authority, the scheme shall be implemented in accordance with the agreed details and timetable for implementation.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 174 of the NPPF (2023).

13. Prior to the commencement of development, details for the erection of 30no. bat boxes and 30no. bird nest boxes (suitable for swallows, house martins, tawny owls, little owls, starlings, house sparrows and tree sparrow) including

the exact location, specification, design, and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird nest boxes shall be made of woodcrete material (or similar) and shall be positioned on suitable infrastructure such as beneath bridges and in underpasses (20no. bat boxes and 20no. bird nest boxes) and in mature trees (10no. bat boxes and 10no. bird nest boxes). Thereafter and following the written agreement of the Local Planning Authority, the bat and bird nest boxes shall be installed strictly in accordance with the details and timetable for implementation so approved and shall be maintained as such thereafter for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 174 of the NPPF (2023).

14. 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 agreed scheme for the protection and retention of the retained trees (as identified in the Arboricultural Method Statement described as 'B:- Alternative fencing detail', by Elliots Consultancy Ltd, dated April 2023, received by the Local Planning Authority on 29 June 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, a site meeting shall take place with the Council's Arboricultural Officer to determine how the tree protection measures are going to be implemented on site (in respect of the proposed culvert works) and thereafter 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. Any trees that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the existing trees, the visual amenity of the area and in the interests of protected species
15. 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 fully open to traffic 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.
In order to ensure that the archaeology of the site is adequately investigated.

16. Notwithstanding the submitted information, and prior to the commencement of development, a site specific Waste Audit which shall identify the amount and type of waste which is expected to be produced by the development of the site, both during the construction phase and once it is in use, shall be submitted to and agreed in writing with the Local Planning Authority. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy, and shall include a timetable for implementation. Thereafter, the site shall be carried out in accordance with the agreed details.
To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring land users, and to ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
17. No development hereby permitted (as shown on drawing number PR568/OD/GA (B)) shall commence until a detailed Construction Design Plan and working Method Statement relating to site earthworks has been submitted to and approved by the Local Planning Authority (in consultation with the Highway Authority for the A19). Construction of the development shall then be carried out in accordance with the agreed Construction Design Plan and working Method Statement.
To mitigate any adverse impact from the development on A19 in accordance with DfT Circular 01/2022.
18. Prior to the commencement of any excavation works and landscaping works within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH), geotechnical submissions shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
19. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until such time as: the design, materials and construction methods to be adopted have been subject to the full requirements of the Design Manual for Roads and Bridges standard CG300 'Technical Approval of Highway Structures'; have been given Technical

Approval by a competent, independent Technical Approval Authority appointed by the applicant; and the Technical Approval has been agreed with the Local Planning Authority (in consultation with the Highway Authority for the A19).

To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

20. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until, a drainage survey in line with DMRB CS 551 Drainage Surveys has been undertaken and a detailed surface water drainage design shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19) and subsequently implemented as approved. The SUDS is to be installed according to the approved SUDS plan and maintained in perpetuity. The design shall give due regard to the requirements of DfT Circular 01/2022 and shall include a maintenance Method Statement and schedule. Surface water drainage shall be implemented in accordance with the agreed design and shall be maintained as such thereafter.
In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the Trunk Road drainage asset in accordance with DfT Circular 01/2022.
21. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until, a Landscape Management Plan, Planting Schedule and details of implementation and future maintenance shall be submitted to and approved in writing to the Local Planning Authority (in consultation with the Highway Authority for the A19). Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter.
In the interest of the safe and efficient operation of the Strategic Road Network and to protect the highways soft estate. National Highways Planning Response (NHPR 22-12) December 2022
22. No development hereby permitted (as shown on drawing number PR568/OD/GA (B)) shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A19.
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
23. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until a boundary treatment plan has been submitted to and approved in writing by the Local Planning Authority (in

consultation with the Highway Authority for the A19). The plan shall include as a minimum: a) details of the fencing location, type, construction method and maintenance; and b) details for management of existing boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a Method Statement for any works required to address the removal, retention and management of trees along this boundary. All works shall be undertaken in accordance with the agreed plan and maintained in perpetuity as such thereafter.

For reasons of safety, liability and maintenance in accordance with paragraph 57 DfT Circular 01/2022.

24. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until detailed design has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).

To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

25. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until a Stage 2 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) has been submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19.

To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.

26. Prior to the development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) opening for traffic, a Stage 3 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) shall be submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19. National Highways Planning Response (NHPR 22-12) December 2022.

To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.

27. Within 18 months from the date at which the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) have opened for traffic, a Stage 4 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) shall be submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19.

To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.

28. Prior to the development hereby permitted (as shown on drawing number PR568/OD/GA (B)), a Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
29. Prior to the commencement of the development hereby permitted, a Traffic Monitoring Strategy to monitor traffic flows on the A19 mainline and A19 slip roads (as shown in principle on drawing PR568/OD/GA/NH) must be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).
To monitor highway safety and to mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
30. Prior to the scheme opening for traffic, the agreed Traffic Monitoring Strategy must be implemented to the satisfaction of the Local Planning Authority (in consultation with the Highway Authority for the A19).
To ensure highway safety and to mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
31. Notwithstanding the submitted details, prior to above ground construction of the ramped slip road and overbridge (and any other structures to be erected) hereby approved, precise details of the materials to be used and their colour in the construction of the external walls and railings shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details.
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity.
32. Notwithstanding the submitted details and prior to above ground construction of the development hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Such details shall include the creation of migration corridors between boundary enclosures to enable hedgehog migration. Thereafter the development shall be carried out in accordance with the approved details prior to the development being fully open to traffic or completion of the development (whichever is the sooner).
In the interests of visual amenity, the privacy of future occupiers and neighbouring landusers and to ensure that the development provides migratory routes for ecology.
33. Notwithstanding the proposed details within the submitted plans and prior to the implementation of such works on site, details of proposed hard landscaping and surface finishes (including access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the

Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed in accordance with the agreed details prior to the development being fully open to traffic or completion of the development (whichever is the sooner).

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

34. Prior to any piling activities being undertaken (as may be required) as part of the proposed development hereby approved, details of such piling works and an associated appropriate controlled waters risk assessment shall be first submitted to and agreed in writing with the Local Planning Authority, thereafter the development shall be carried out in strict accordance with the approved details.

In order to appropriately control the development including consideration of any impacts on controlled waters through contamination.

35. Prior to the commencement of development hereby approved, a scheme of measures to effectively control dust emissions from the site during construction shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall address control of dust from site surfaces and roadways, earth moving activities, control and treatment of stock piles and offsite dust monitoring. Thereafter, the agreed scheme and measures shall be implemented prior to the site becoming operational and shall be maintained for the duration of the construction period development. In the interests of neighbouring amenity and land users.

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

To ensure that any site contamination is addressed.

37. Prior to the installation of any external lighting and/or floodlights associated with development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained

for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining land users, ecology of the area and highway safety.

38. No construction/demolition/excavation works shall take place at the site or deliveries and collections to and from the site shall be carried out except between the hours of 8:00 and 18:00 Monday to Friday, and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.

To ensure the development does not prejudice the amenity of surrounding land users and their properties.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

- 1.274 Copies of the applications are available on-line:

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

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Land in The Vicinity of Elwick Village and The A19, Hartlepool



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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 12.12.2023
	SCALE 1:11,000	
	DRG.NO H/2023/0057	REV

No: 2.
Number: H/2023/0096
Applicant: DUCHY HOMES
Agent: LICHFIELDS THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF
Date valid: 23/03/2023
Development: Section 73 application to vary condition 1 (approved plans) of planning permission H/2021/0372 (Section 73 application to vary condition 1 (approved plans) of planning permission H/2020/0048 for approval of reserved matters relating to the erection of 162 no. residential dwellings pursuant to outline planning permission H/2014/0428) to allow for house type substitutions and associated amendments.
Location: LAND SOUTH OF ELWICK ROAD HIGH TUNSTALL HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following planning history is considered to be relevant to the current application:

H/2014/0428 – Outline planning permission with all matters reserved was granted on 14th March 2019 for *residential development comprising up to 1,200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting* on land to the south of Elwick Road, High Tunstall, Hartlepool.

2.3 This outline planning permission is subject to a number of conditions, which shall be discussed in further detail below, as well as a legal agreement securing developer obligations/contributions towards the Elwick bypass and Grade Separated Junction (£14,400,000); a financial contribution towards improvements to the local road network (£1,075,000); a financial contribution towards ecological mitigation (£300,000); an obligation requiring the provision and implementation of a Conservation and Habitat Management Plan (including the delivery of 15ha of SANGS, the annual provision of a spring cereal/ autumn-winter stubble plot for twenty years and household information packs); the provision, maintenance and long term management of play facilities, community facilities, landscaping, open space (including SANGS) and permissive paths; the provision, maintenance and long term management of SuDS; an obligation relating to the provision of a suitable landscape

buffer along the western boundary; an obligation to safeguard land for a 2-form primary school and playing pitches which will be for community use; an obligation to make provision of footpaths/cycle links/access to Summerhill Country Park; an obligation to safeguard land for the future provision for a link road between this site and the South West Extension; an obligation relating to securing a training and employment charter/local labour agreement; an obligation to deliver and implement a travel plan (the s106 legal agreement will be flexible enough to “capture” any potential uplift in property sales values over the lifetime of the development which could result in more planning obligations being provided for items such as affordable housing, built sports and education provision, the agreement will also allow the specific contributions identified above to be recycled and used to meet the other obligations identified in this report should they not be required to meet the original purpose (in whole or part)).

H/2020/0108 – A Section 96A (‘non-material amendment’) application to outline planning permission H/2014/0428 for changes to the wording of conditions 10 (Elwick Road roundabout junction and secondary accesses), 11 (Elwick Road speed limits), 12 (Elwick Road street lighting) and 13 (connections to public highway) to reflect proposed phasing of development was granted approval on 17th April 2020.

2.4 The wider site for up to 1200 dwellings is subdivided into 8 phases by virtue of the agreed phasing plan required by condition 4 of the outline planning permission (H/2014/0428). The first phase of the development (for 208 dwellings) is thereafter further subdivided into phase 1a and phase 1b.

H/2020/0048 – Planning permission was granted on 6th November 2020 for the approval of reserved matters relating to access, appearance, landscaping, layout and scale for the erection of 162 no. residential dwellings and associated engineering works pursuant to outline planning permission H/2014/0428 (phase 1a).

H/2020/0459 - A Section 96A (‘non-material amendment’) application to reserved matters planning permission H/2020/0048 to allow for plot swaps, shifting of detached garages, changes to plot boundary lines, shifting of dwellings/plots, omission of substation and associated minor alterations to hard and soft landscaping and boundary treatments was granted approval on 3rd March 2021.

H/2021/0372 – Section 73 application to vary condition 1 (approved plans) of planning permission H/2020/0048 (for approval of reserved matters relating to the erection of 162 no. residential dwellings pursuant to outline planning permission H/2014/0428) to allow for house type substitutions and associated amendments, approved 15th December 2021.

2.5 The current application under consideration (H/2023/0096) is for further amendments to the above section 73 approval (H/2021/0372) in respect of the phase 1a. This first phase of the development remains bound by any conditions and obligations applied to the outline planning permission, in so far as they relate to this phase.

PROPOSAL

2.6 This Section 73 application seeks consent for amendments to the previous section 73 approval (H/2021/0372) to the reserved matters planning permission H/2020/0048 (detailed above), to allow for house type substitutions and associated amendments.

2.7 The application seeks to make changes to the previously approved site layout in order to omit 12no visitor parking spaces, change the colour of block paving from red to grey (the supporting information states that this is due to supply issues), and to update the Planning Layout plan to include a footpath across the central area of public open space, to ensure consistency with the approved Landscape and public open space plans.

2.8 Changes are proposed to the previously approved housetypes with respect to detailing and materials. These changes include the bricktype and colour of the front doors (again indicated to be owing to supply chain issues), the omission of a chimney, introduction of a bay window to the front and installation of French doors to the rear of the Buckingham house type and the omission of a first floor window to the side elevation and installation of ground floor window to side in the Alderley house type.

2.9 Other changes include repositioning of garages to allow for the widening of footpaths and the reorientation of the footpath to the front of plot 47.

2.10 Amended plans have been received during the course of the application, albeit these do not fundamentally alter the nature of what is proposed, but related to the specific materials proposed. Public consultation has been undertaken on the amended plans.

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

SITE CONTEXT

2.12 The application site relates to an approx. 11 hectare parcel of land to the south of Elwick Road. The site is primarily agricultural land serving the existing High Tunstall farm (east of the site boundary) with some ancillary outbuildings. Beyond the farm buildings to the east are existing residential properties and a primary school. A site is currently under construction (with a larger number of dwellings built and occupied) for the erection of 39 dwellings on land off Coniscliffe Road to the south east.

2.13 Beyond the northern boundary (and the proposed access) is Elwick Road with the 81 dwellings on land at Quarry Farm (north) and a number of existing properties (Quarry Farm/Quarry Cottages, north west). Existing residential properties are also present to the north east beyond Elwick Road. Beyond the south and western boundary of the application site is further agricultural land which is defined by field boundaries and hedgerows.

2.14 As detailed above, the site forms part of the approved High Tunstall development (H/2014/0428) which is a strategic allocated housing site in the Local Plan (HSG5).

2.15 The topography of the sites slopes from the highest point in the north west corner down towards the southern boundary with the land undulating east to west. A major hazardous gas pipeline runs along the northern and eastern boundaries of the site (as discussed within the main body of the report). A public right of way also runs from north to south beyond the eastern boundary of the application site/Tunstall Farm down to Duchy Road (Footpath No. 25, Hartlepool) and a public right of way cuts through the middle of the application site, running from east to west (Footpath No 7, Hartlepool).

PUBLICITY

2.16 The application has been advertised by way of neighbour letter (277), site notice and press notice. To date, 4 objections have been received from residents.

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

- Loss of 'greenbelt',
- Unaffordable housing,
- Existing new houses elsewhere have not been sold,
- Traffic and associated highway safety concerns,
- 'Council tax grab'.
- Elwick bypass yet to be built
- Proposed changes are unclear
- Housing will be changed to social housing with 'associated problems' (increased crime, devaluing of surrounding properties)

2.18 As noted in the consultation comments below, objections have also been received from Elwick Parish Council and one from Dalton Piercy Parish Council.

2.19 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=157501>

2.20 The period for publicity has expired.

CONSULTATIONS

2.21 The following consultation responses have been received;

HBC Public Protection – I have no objections to this application or comments to make regarding it.

HBC Traffic & Transport – There are no highway or traffic concerns with the proposed amendments.

National Highways – We understand that this application, pursuant to section 73 of the Act, seeks to vary Condition 1 the previous s73 planning permission to make minor external alterations to the approved house types and minor changes to the approved layout and boundary treatment plans.

In the context of the overall development, we understand that the description of the development and the red line boundary of the site remains unchanged; the alterations apply to the design and appearance of the scheme.

This alteration does not alter any impact on the Strategic Road Network I attach a formal response of no objection to this application.

HBC Ecology – As the competent authority, Hartlepool Borough Council (HBC) has a legal duty to safeguard European Sites. This third response re-assesses (due to new information) the issue of Nutrient Neutrality for this 'in scope' S73 application. A Habitats Regulations Assessment (HRA) for the issue of Nutrient Neutrality (Increased nutrient pollution) for this project is provided.

NB: The likely significant effect (LSE) of Increased recreational disturbance has been previously assessed and mitigated.

HRA Stage 1 screening

The following European Sites are screened in for LSE:

- Teesmouth and Cleveland Coast (T&CC) SPA and Ramsar

The following LSE is screened in:

- Increased nutrient pollution from sewage and from Surface Water run-off mobilising existing, on-site nutrients.

The applicant has submitted a Nutrient Budget Calculator and a Nutrient Statement. The Nutrient Statement provides the following foul water information: Confirmation has been received from Northumbrian Water that foul water generated at Elwick Road, High Tunstall is discharged to the North Sea via a long-sea outfall at Seaton Carew STW. As such, Stage 1 is set to zero.

Natural England and HBC have agreed that if Seaton Carew WwTW is used by a project for foul sewage, then foul sewage can be screened out. This is evidenced by the Nutrient Budget Calculator. However, because this 162 dwellings scheme exceeds the Environmental Impact Assessment (EIA) threshold of 150 dwellings Surface Water run-off must also be assessed. Surface Water run-off is not screened out and therefore this aspect of Increased nutrient pollution could lead to LSE.

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW? Submitted information shows that Seaton Carew WwTW is utilised for foul water. The issue is screened out.

Is Surface Water run-off likely to lead to an increase in nutrients into the Tees Catchment? The issue is screened in.

This project triggers the requirement for an HRA Appropriate Assessment.

HRA Stage 2 Appropriate Assessment

Adverse Effect on Integrity (AEI) findings.

Natural England (NE) has identified that Increased nutrient pollution harms populations of SPA/ Ramsar birds and SSSI vegetation communities by altering the chemistry of the water and allowing growth of damaging plants and algae. Nutrients from the project could enter the Tees Catchment upstream of the T&CC SPA and Ramsar Site and flow into those parts of the Sites which are downstream. Without appropriate and effective mitigation measures this issue could lead to AEI.

This AA assesses that Increased nutrient pollution is likely to cause an AEI of the T&CC European Sites and SSSI, unless it can be removed through mitigation.

Measures to mitigate AEI.

Proposed measures for dealing with Increased nutrient pollution from Surface Water run-off are given in the submitted Nutrient Statement and include the following: Surface water at Elwick Road, High Tunstall is directed towards a series of attenuation basins around the site. Surface water is then discharged south towards a watercourse.

A variety of Sustainable Urban Drainage Scheme (SuDS) techniques would be utilised on site such as:

- Detention basin or ponds: An on-line detention basin will be installed to contain flows up to and including the 100-year event with a 40% allowance for climate change. Detention basins are effective in peak flow reduction, water quality treatment, in the settlement of solids and have good amenity and ecological benefits.
- Flow control: A vortex flow control will be utilised to restrict flows to pre-development greenfield rates.
- Water Quality: All Surface Water flows will discharge through a Downstream Defender prior to discharge to [public sewer network]* to ensure that all positively drained areas of the development have an additional level of surface water treatment. Downstream defenders can provide benefits such as removal of pollutants and silts from storm water run-off.

The combination of SuDS techniques will ensure that planting of wetland meadow grassland and seasonal wetland mixed planting within the attenuation basins will absorb nutrients as Surface Water is attenuated by and passes through the basins, whilst the Downstream Defender is a man-made advanced hydrodynamic vortex separator that provides reliable removal of fine and coarse particles, hydrocarbons and floatable debris from surface water runoff, delivering high levels of stormwater treatment over a wide range of flow rate.

It is considered that the SuDS on-site would absorb surface water nutrients before leaving the application site.

*This phrase is taken to be a grammatical error - the text should say 'a watercourse'.

Assessment of proposed mitigation measures.

It is assessed that the AEOI of nutrient pollution will be adequately mitigated by the delivery of the proposed measures, which will be conditioned within the planning approval notice. It is assessed that near zero (an insignificant level) additional nutrients will enter the hydrological catchment of the River Tees and that the project will not harm the interest features of the T&CC SPA, Ramsar and SSSI designated sites.

Conclusion

Natural England has already viewed the submitted 'Nutrient Neutrality' documents and offered advice that it currently has no comment to make (email dated 18/07/2023). This amended response does not materially affect the advice previously offered by NE and NE does not need to be re-consulted.

HBC Local Planning Authority can lawfully permit this development.

Natural England – Natural England currently has no comment to make on the variation of condition 1.

Updated comments in light of Appropriate Assessment 18/08/23 – Thanks for getting in touch about this and providing a detailed overview of your position.

I can confirm that we are happy with the approach Graham has taken to assessing the potential for surface water only nutrient impacts. As such, we would agree with the conclusions of the Habitats Regulations Assessment / Appropriate Assessment.

As Graham notes, this does not materially change our advice and we welcome the robust approach to requiring and delivering SuDS.

HBC Countryside Access Officer – There are no public rights of way related concerns with regards to this application.

HBC Arboricultural Officer – There are no Arboricultural concerns regarding the variation of condition 1.

HBC Engineering Consultancy – In response to your consultation on the above application, we have no objection to the proposals in respect of surface water management or contaminated land.

HBC Landscape Architect – There are no landscape and visual issues with the proposed variation.

HBC Building Control – no comments received.

HBC Waste Management – no comments received.

HBC Community Safety – no comments received.

HBC Heritage & Open Spaces – no comments received.

HBC Public Health – no comments received.

HBC Housing – no comments received.

HBC Economic Growth – no comments received.

Tees Archaeology – We have no objection to the proposed condition variation.

Northumbrian Water – no comments received.

Anglian Water – no comments received.

National Grid – no comments received.

Cleveland Emergency Planning Officer – no comments received.

Ramblers Association – no comments received.

Rural Plan Working Group – The application site is outside the Rural Neighbourhood Plan area and the Group have no comments to make.

Environment Agency – This variation of condition application proposes alterations that do not impact our previous responses to this development. We note the variations are solely relating to appearance and layout of the proposed plans, as such, we have no objection to this variation of condition.

Northern Gas Networks – We enclose a plan showing our plant in the area of Land South of Elwick Road High Tunstall Hartlepool. We object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out. There are specific building proximity distances for individual pipelines, which are dependent on pre-defined risk levels and the type of development.

Updated Comments 06/06/23: Following our objection on 24th April 2023 to the proposed planning application in the area of LAND SOUTH OF ELWICK ROAD HIGH TUNSTALL HARTLEPOOL we are now willing to rely on our statutory powers and so withdraw our objection.

Cleveland Fire Brigade – Cleveland Fire Brigade offers no representations regarding the development as proposed. However, access and water supplies should meet the requirements set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

It should be confirmed that ‘shared driveways’ and ‘emergency turning head’ areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

Cleveland Police – I’ve noted my colleague’s previous comments on the development.

We can help the proposer with implementing the principles of Secured by Design within the development. This service is provided free of charge, and comes with an award certificate of compliance, which may be used to assist in marketing the site to potential security conscious buyers.

Academic research shows that implementing SBD measures is effective at significantly reducing the risk of burglary and that costs to apply these processes are minimal, estimated at a couple of hundred pounds per property.

Details of the design guide ‘Homes 2023’ can be found by following the link [HOMES GUIDE 2023 web.pdf \(securedbydesign.com\)](https://www.securedbydesign.com/HOMES_GUIDE_2023_web.pdf)

PLANNING POLICY

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

Local Policy

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

HSG5: High Tunstall Strategic Housing Site
 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

National Planning Policy Framework (NPPF)(2023)

2.24 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

PARA 008: 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

PARA058: Enforcement

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA218: Implementation

2.25 HBC Planning Policy comments – Planning policy have no objections to this proposal.

PLANNING CONSIDERATIONS

2.26 The principle of residential development (and the proposed access) has already been established through the extant outline planning permission (H/2014/0428). Furthermore, the layout, scale, appearance and landscaping has been approved through extant reserved matters approval H/2020/0048 and section 73 approval H/2021/0372, to which this proposal seeks to amend.

2.27 The application site is also an allocated housing site within the Hartlepool Local Plan (2018) as identified by Policy HGS5a.

2.28 In view of the above, the principle of development remains acceptable and therefore 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 visual amenity of the application site and the character and appearance of the surrounding area, amenity and privacy of existing and future occupiers of the application site and neighbouring properties, highway and pedestrian safety, landscaping and tree protection, ecology and nature conservation, and flood risk and drainage. These and all other planning and residual matters are set out and considered in detail below.

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

2.29 Policy QP4 (Layout and Design of Development) of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, and respects the surrounding buildings, structures and environment.

2.30 NPPF paragraph 130 stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

2.31 It is considered that the proposed amendments to the approved development do not fundamentally alter the overall scale, layout or appearance of the development, with the arrangement of roads, footpaths and public open spaces remaining intact, and in accordance with the adopted High Tunstall Masterplan and policy HSG5 (High Tunstall Strategic Housing Site) of the Local Plan.

2.32 The amended house types will remain two storey in scale and are of a similar form and appearance to those approved, it is largely detailing that has changed, such as the inclusion of bay windows, French doors and the omission of chimneys. While changes in materials are proposed, the originally approved bricks remain within the scheme, however four other similar brick types are also proposed in combination due to supply chain issues. The additional brick types would have a broadly similar appearance to those previously approved and it is therefore considered this change would have a negligible impact on the character and appearance of the development proposed or the wider area.

2.33 It is considered that the change from the use of red block paving to grey would not detract from the appearance of the development or the surrounding area.

2.34 Due to the minor nature of the proposed amendments in the context of the scale of the overall development, it is considered these changes would not have a significant detrimental impact on the visual amenity of the site or the character and appearance of the area.

2.35 In view of the above, the application is considered to be acceptable with respect to the impact on the visual amenity of the site and the character and appearance of the area, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2023).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

2.36 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that the Borough Council will seek to ensure all developments are

designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

2.37 As above, Policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses. The 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.

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

2.39 Paragraph 130 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

2.40 With respect to the amenity and privacy of future occupiers, the layout of the scheme continues to consist of a number of cul-de-sacs branching out from the main internal access road leading from Elwick Road at the north of the site, through to the southern end of the site, where it meets the proposed SUDS pond. The layout and therefore separation distances remain largely as previously approved.

2.41 Although there are a small number of examples where separation distances are 1 or 2 metres short of the requisite 20m, in such instances these relationships are oblique/offset with a main access road in between (thereby negating any adverse impact), or the distances between habitable room windows in principal elevations are offset and do not overlook private amenity space (for example they overlook turning heads/shared driveways). In any event, these relationships are comparable to those previously approved. It is therefore considered that this would not have a significant unacceptable impact on the privacy or amenity of future occupiers as to warrant a refusal of the application, and separation distances are acceptable throughout the site and in general conformity with the minimum separation distances set out in policy QP4 of the Local Plan.

2.42 With regards to construction disruption and traffic, these matters were considered through the outline planning application and are controlled by relevant planning conditions of the outline planning permission, which this phase of the development remains subject to, if approved. Furthermore, it is noted that condition 14 requires a Construction Traffic Management Plan to be agreed prior to commencement. The Council's Public Protection section has been consulted on the proposed amendments and has confirmed that they have no objections.

2.43 The application is considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users and future occupiers, subject to the identified conditions, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2023).

HIGHWAY AND PEDESTRIAN SAFETY

2.44 Concerns have been raised by Elwick Parish Council and Dalton Piercy Parish Council with respect to the impact on the local highway network and in particular on traffic through nearby country lanes and villages, and at the A19 junction(s). These objections also maintain that the bypass road around Elwick village is required before any development commences.

2.45 Matters with respect to the impact of the development on the strategic and local road networks were considered in detail and, where appropriate, mitigation was secured by virtue of planning conditions and obligations within the s106 legal agreement associated with outline planning permission H/2014/0428.

2.46 The outline planning permission for the wider site is subject to a number of conditions relating to highway and pedestrian safety, including;

- Condition 8 – requiring that a bypass of Elwick Village and a grade separated junction on the A19 shall be fully open to traffic prior to the occupation of the 209th dwelling on the site.
- Condition 10 – requiring that no phase commences until a scheme and phasing programme for the provision of access from Elwick Road to serve that phase is provided.
- Condition 11 – requiring that no phase is occupied until the existing speed limit on Elwick Road has been assessed and mitigation measures for that phase are identified and thereafter implemented in accordance with the agreed phasing programme.
- Condition 12 – requiring that no phase is occupied until a scheme for street lighting along Elwick Road relevant to that phase and a phasing programme for its implementation are agreed.
- Condition 14 – requiring a Construction Traffic Management Plan to be submitted and agreed prior to commencement of each phase.
- Condition 29 – requiring a Construction Management Plan to be submitted and agreed prior to commencement of each phase.

2.47 In addition to the above, the Section 106 legal agreement which the outline planning permission is subject to includes the following planning obligations;

- £12,000 per dwelling towards the Elwick Bypass/Grade Separated Junction and A19 Gap Closures work
- Travel Plan to be submitted and agreed prior to occupation of any unit.

2.48 This application to amend the previously approved reserved matters application, by virtue of its association to the outline planning permission, remains bound by these conditions and obligations and, these matters cannot be revisited through this application. The application relates solely to the amendments described above to phase 1a of the development, and does not include any changes to the

proposed number of dwellings, access arrangement or general layout of the site, that have previously been approved.

2.49 The approved outline phasing plan stipulates that *“access to the wider site will be principally taken via the new distributor road passing through the site and linking to Elwick Road at the North West corner of the site in the form of a three-leg roundabout. A secondary access [serving phase 1a] will be taken from Elwick Road towards the north east corner of the site, with roads continuing into the wider development.”*

2.50 The proposed access to the phase 1a site is taken from the adopted highway on Elwick Road. Whilst this will initially form the sole access into the development's first phase, the approved masterplan and approved phasing plan for the outline planning permission, which future adjacent phases of the development must accord with, indicate that a second access will be formed with the adjacent phase to the west, which will continue into the wider development. This is articulated on the submitted plans for phase 1a, with this road currently stopping at the western site boundary of phase 1a. However, for clarity, the approved phasing plan stipulates that Phase 2 and 3 will not be able to utilise the 'link road' (and access to Elwick Road) through Phase 1 until the main distributor road and access is in place.

2.51 Part of the changes include the omission of visitor parking spaces previously included within shared driveways and a consequent reduction in hard standing. Parking provision for individual houses remains unaffected by the proposed changes and provision for visitor parking would still be made throughout the site.

2.52 The Council's Highways, Traffic & Transport section has not raised any concerns with respect to the proposed amendments.

2.53 In addition, National Highways has been consulted and has provided comments to the effect that this application seeks changes that would not alter any impact on the Strategic Road Network and therefore no objections are raised.

2.54 As above, this application will remain bound by the conditions and obligations of the outline planning permission and these must be complied with where relevant, and as such there is no requirement for any of these conditions to be re-applied in the event this application is approved.

2.55 In view of the above, the proposals are considered to be acceptable with respect to matters of highway and pedestrian safety, in accordance with the relevant paragraphs of the NPPF (2023), the relevant policies of the Hartlepool Local Plan (2018).

LANDSCAPING AND TREE PROTECTION

2.56 Policy QP5 (High Tunstall Strategic Housing Site) of the Local Plan relates to the wider outline site and stipulates that approximately 12.00ha of multifunctional green infrastructure shall be provided, including the required level of Suitable Alternative Natural Green Space (SANGS). The policy also requires a landscape buffer to be created between the site and Elwick Road. Policy NE3 (Green Wedges)

of the Local Plan does however allocate the area of SANGS along the eastern boundary of the site as 'green wedge', protecting this area from any further development that would harm its integrity.

2.57 As above, the proposed amendments do not fundamentally alter the approved layout of the development and therefore areas of amenity open space / green space are retained as approved.

2.58 The Council's Arboricultural Officer and Landscape Architect have both been consulted and no comments or objections to the proposed amendments have been received. Notwithstanding this, details of proposed soft landscaping works are secured by virtue of partial discharge of condition 19 of outline planning permission H/2014/0428 (and will need re-discharging to reflect the amendments proposed as part of this application should it be approved, as is the interaction between the outline conditions and the details required as part of a reserved matters approval). Furthermore, the agreed tree protection measures are also secured by virtue of condition 21 of outline planning permission H/2014/0428 (but again will need re-discharging to reflect the amendments proposed as part of this application).

2.59 Furthermore, the signed Section 106 legal agreement requires a Phase Landscaping and Open Space Management Plan and Phase Conservation and Habitat Management Plan to be submitted and agreed with the Local Planning Authority prior to occupation of any unit.

2.60 In view of the above, the proposals are considered to be acceptable with respect to matters of landscaping and tree protection and in accordance with the relevant paragraphs of the NPPF (2023) and the relevant policies of the Hartlepool Local Plan (2018).

ECOLOGY AND NUTRIENT NEUTRALITY

2.61 The impact of the wider proposals on ecology were comprehensively considered during the outline planning application stage. The signed Section 106 legal agreement also secures £250 per dwelling to mitigate the ecological effects of the recreational disturbance (from future occupants) on The Teesmouth and Cleveland Coast SPA/Ramsar sites, in accordance with the Hartlepool Local Plan Mitigation Strategy and Delivery Plan.

2.62 In addition, 15ha of SANGS is required to be provided as part of the Conservation and Habitat Management Measures. The legal agreement also requires a Phase Landscaping and Open Space Management Plan and Phase Conservation and Habitat Management Plan to be submitted and agreed with the Local Planning Authority prior to occupation of any unit.

2.63 In addition to the above, bat and bird mitigation features are required to be provided by virtue of conditions 25 and 26 of the outline planning permission, respectively. Condition 28 requires details of hedgehog access holes within dividing garden fences. Tree protection measures and ecological buffers will be secured by virtue of conditions 21 and 24 of the outline planning permission, respectively. Condition 27 of the outline planning permission protects against clearance of

vegetation during the bird breeding season, unless agreed by the Local Planning Authority.

2.64 This application, as per the previously approved layout, includes the provision of a large stretch of SANGS along the eastern boundary of the site.

2.65 Since the previous approval, the matter of nutrient neutrality has come to the fore. Although the principle of development has previously been established, determination of the application constitutes a new decision and the nature of the scheme is in scope for nutrient neutrality and therefore the Council's Ecologist (as the appropriate authority) has carried out a Habitat Regulations Assessment.

2.66 Foul water from the site would be disposed of via public sewers at Setaon Carew Waste Water Treatment Works and therefore this matter is screened out.

2.67 Surface water, however is to be dealt with via detention basins on site, flow controls to restrict flows to predevelopment greenfield rates and a downstream defender to remove pollutants and silts from storm water and run off, and therefore must be screened in, triggering the need for an Appropriate Assessment (AA) which has been duly carried out. The AA concludes that nutrient pollution would be adequately mitigated by the delivery of the proposed measures and consequently an insignificant level of additional nutrients would enter the hydrological catchment of the River Tees and the project will not therefore harm in interest features of the T&CC SPA, Ramsar and SSSI designated sites. The AA concludes that the agreed mitigation measures should be secured by a planning condition. In this instance, the surface water details have previously been agreed and discharged as part of condition 18 of the outline permission (H/2014/0428). Nonetheless, a planning condition is secured on this variation to reflect this requirement.

2.68 Natural England have confirmed they are happy with the approach of HBC's Ecologist and agree with the conclusions of the Appropriate Assessment.

2.69 In view of the above, the proposals are considered to be acceptable with respect to matters of ecology and nature conservation and in accordance with the relevant paragraphs of the NPPF (2023) and the relevant policies of the Hartlepool Local Plan (2018).

FLOOD RISK AND DRAINAGE

2.70 The application site sits within Flood Zone 1 (low probability of flooding), with a very low risk of flooding from rivers, and a limited risk of flooding from surface water. The submission includes drainage layout plans, as per the previous application, and includes details of proposed attenuation ponds in the centre and to the south of the site, forming part of the Sustainable Drainage System (SuDS).

2.71 Final details of surface water drainage measures are required to be provided and agreed prior to commencement of development by virtue of condition 18 of the outline planning permission. The long term maintenance and management of the SuDS is secured by virtue of the Section 106 legal agreement associated with the outline planning permission. In addition to the above, final details of foul water

drainage is required to be provided and agreed by virtue of condition 17 of the outline planning permission.

2.72 Notwithstanding the above, the Council's Flood Risk Officer has been consulted and has confirmed that they have no comments with respect to surface water management. No comments or objections have been received from the Environment Agency, Northumbrian Water, Hartlepool Water or Independent Water Networks Limited.

2.73 In view of the above, the proposals are considered to be acceptable with respect to the impact on flood risk and drainage and in accordance with the relevant paragraphs of the NPPF (2023) and the relevant policies of the Hartlepool Local Plan (2018).

OTHER PLANNING MATTERS

Planning Obligations

2.74 The original outline planning permission (H/2014/0428) was subject to a Section 106 Agreement which secured a number of planning obligations and financial contributions as detailed in the planning 'background' section to this report. This application will continue to be subject to these requirements.

Heritage Assets and Archaeology

2.75 The application site is not within a conservation area and is not in proximity to any known heritage assets. The Council's Heritage and Countryside Manager and Tees Archaeology have been consulted on the application. No objections have been received from either.

2.76 It is noted that condition 16 of the outline planning permission requires a programme of archaeological works for each phase to be submitted to and agreed by the Local Planning Authority prior to commencement of development on that phase.

2.77 In view of the above, the proposals are considered to be acceptable in this respect.

Public Rights of Way and Footpath Connections

2.78 The Council's Countryside Access Officer has reviewed the submitted proposals and advised there are no public rights of way related concerns with regards to this application. No comments or objections have been received from the Rambler's Association.

2.79 In view of the above, the proposals are considered to be acceptable with respect to the impact on public rights of way and in accordance with the relevant paragraphs of the NPPF (2023) and the relevant policies of the Hartlepool Local Plan (2018).

Crime and Fear of Crime

2.80 Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 92 of the NPPF states “Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion”.

2.81 An objection received makes comments that the proposals are being changed “in favour of social housing styles” with ‘associated problems’ of ‘increased crime’. Whilst the proposals are understood to be for market housing, there is no evidence in this instance to suggest that there is a link between the end user/occupier and crime, whether the properties are for market or social housing, or in respect to the amendments to the design (that are deemed to be acceptable for the reasons detailed above).

2.82 No comments or concerns have been received from the Council’s Community Safety and Engagement team. Cleveland Police has also confirmed that they have no objections to the application and their advice regarding Secured By Design principles can be relayed to the applicant by way of an informative.

2.83 In view of the above, the proposals are considered to be acceptable in this respect.

Contaminated Land

2.84 The Council’s Engineering consultancy has confirmed that they have no objections to the application. No comments or objections have been received from the Environment Agency.

2.85 It is noted that condition 15 of the outline planning permission requires a scheme to deal with any risks associated with contamination of the site is submitted to and approved in writing by the Local Planning Authority, prior to commencement of development. In view of the above, the proposals are considered to be acceptable in this respect.

Waste Management

2.86 No comments or concerns have been received from the Council’s Waste Management section. A waste audit for the phase is required to be submitted and approved prior to commencement by virtue of condition 34 of the outline planning permission. Final details of waste storage will be secured by virtue of planning condition 35 of the outline planning permission. In view of this, the proposals are considered to be acceptable in this respect.

Hazardous Installation and Pipelines

2.87 A Northern Gas Networks Gas Pipeline runs through the eastern side of the site and thereafter along the northern boundary adjacent to Elwick Road. In both instances, landscaping has been used to safeguard these areas from development and create a suitable buffer from the pipeline, as per the previous approval.

2.88 Cleveland Emergency Planning Unit (CEPU) has again been consulted and no comments or objections have been received.

2.89 Whilst Northern Gas Networks initially objected to the application, following discussions with the case officer, they have since withdrawn their objection.

2.90 Northern Powergrid has also been consulted and no comments or objections have been received.

2.91 In view of the above, the proposals are considered to be acceptable in this respect.

RESIDUAL MATTERS*Fire Safety and Access*

2.92 Cleveland Fire Brigade has advised that they offer no representations regarding the development as proposed.

2.93 Cleveland Fire Brigade has commented that access and water supplies must comply with the relevant section of the Building Regulations. Similarly, the 'shared driveways' and 'emergency turning head' areas should meet the minimum carrying capacity requirements of the relevant section of Building Regulations.

2.94 A suitable informative note can be appended to any decision notice to notify the applicant of this advice, however these matters would ultimately be considered through the Building Regulations approval process.

Non-material objections

2.95 Additional concerns have been raised by a number of objectors that are non-material to this application (i.e. they do not relate to planning, they are not material considerations, they are subject to separate legislative control or they were considered as part of the outline planning permission and/or are not relevant to this application), namely;

- The proposals will be “changed in favour of social housing styles’ with the “associated problems that be associated with this”,
- Lack of need for large scale housing development,
- Other new builds remain unsold,
- Council tax,
- Loss of ‘Green Belt’ (the area is not designated Green Belt)
- Property devaluation

CONCLUSION

2.96 The application is considered on balance to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant identified policies of the adopted Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2023) and the Hartlepool Residential Design SPD (2019). The development is therefore recommended for approval subject to the conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.97 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.98 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.

2.99 There are no Section 17 implications.

REASON FOR DECISION

2.100 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 condition(s);

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

2133.02 (Location Plan),
Energy Reduction document (dated 24th June 2021) received 9th August 2021 by the Local Planning Authority;

2133.BT.01 (1800mm HIGH CLOSE BOARDED TIMBER FENCE WITH 1200mm HIGH STOCK PROOF FENCE) received 25th August 2021 by the Local Planning Authority;

003-13.04.21 (STANDARD CONSTRUCTION DETAILS) received 9th September 2021 by the Local Planning Authority;

drawing number Issue - 04 - 12.02.23 (HOUSE TYPE PORTFOLIO - Duchy Series 2.1, GARAGES- Duchy Series 2.1),
2133.01 REV. S (Proposed planning layout), received 2nd March 2023 by the Local Planning Authority;

R/2502/11F (POS DETAILS),

R/2502/1-1G (LANDSCAPE MASTERPLAN),
 R/2502/1-10G (POS MASTERPLAN),
 R/2502/2F (LANDSCAPE DETAILS Shrub Beds S1-S16),
 R/2502/3F (LANDSCAPE DETAILS Shrub Beds S17-S38),
 R/2502/4G (LANDSCAPE DETAILS Shrub Beds S39-S56),
 R/2502/5F (LANDSCAPE DETAILS Shrub Beds S57-S74),
 R/2502/6F (LANDSCAPE DETAILS Shrub Beds S75-S100),
 R/2502/7F (LANDSCAPE DETAILS Shrub Beds S101-S123),
 R/2502/8F (LANDSCAPE DETAILS Shrub Beds S124-S145),
 R/2502/9F (LANDSCAPE DETAILS Shrub Beds S146-S161), received 23rd
 May 2023 by the Local Planning Authority;

drawing number 2133.03 REV. W (Boundary and finishes plan), received 23rd
 October 2023 by the Local Planning Authority;

112, revision P3 (Section 38 Section 278 Agreement Phase 1),
 119, revision P4 (Section 38 Agreement Planning Drawing),
 206, revision P4 (Section 278 Agreement),
 2133.30, revision K (Surface Treatment Plan),
 31, revision C7 (External Works Layout Sheet 1),
 32, revision C7 (External Works Layout Sheet 2),
 33, revision C7 (External Works Layout Sheet 3),
 129, revision P4 (Section 104 Agreement Planning Drawing),
 ELWICK-SPP-001, revision C (SANGS Phasing Plan),
 ELWICK-CMP-001, revision C (Construction Phasing Plan),
 ELWICK-EASE-001, revision D (Easements & Buffers Layout),
 ELWICK-EEP-001, revision C (Ecological Enhancement Plan),
 ELWICK-HEDG-001, revision C (Hedge Retention Layout), received 20th
 November 2023 by the Local Planning Authority; and

drawing number 2133.04, revision B (Street Scenes), received by the Local
 Planning Authority 5th December 2023.
 For the avoidance of doubt.

2. Notwithstanding the submitted details, the final details of the treatment of the Green Wedge and areas of soft landscaping shall be agreed by virtue of conditions 5 and 19 of outline planning permission H/2014/0428, respectively, and shall include details of additional planting of native trees and hedgerow species along the eastern margins of the gas main easement and a timetable for implementation. The development shall thereafter be carried out in accordance with the approved details.
 For the avoidance of doubt and in the interests of visual amenity and ecology.
3. Notwithstanding the submitted details, the final details of bat and bird mitigation features shall be agreed by virtue of conditions 25 and 26 of outline planning permission H/2014/0428, respectively, and shall include a minimum of 17no. bat boxes and more specific details on the model of bat and bird boxes to be installed. The development shall thereafter be carried out in accordance with the approved details.
 For the avoidance of doubt and in the interests of ecology.

4. The development hereby approved shall ensure that the 'SuDS techniques' referenced in paragraphs 3.7 - 3.14 (inclusive) of the submitted 'Briefing Note' (by Lichfields, ref 63531/01/NW/JWoo, document dated 30/05/2023), date received by the Local Planning Authority 04/07/2023, are implemented in accordance with the approved surface water scheme (previously agreed through the partial discharge of condition 18 of the associated outline planning permission (H/2014/0428) under discharge of conditions approval D/2021/0088, decision dated 27/09/2022).
- To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development and to manage environmental impacts of the development in respect to nitrates.

BACKGROUND PAPERS

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

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

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Land South of Elwick Road (Duchy), Hartlepool



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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 14.11.2023
	SCALE 1:3,500	
	DRG.NO H/2023/0096	REV

No: 3.
Number: H/2021/0271
Applicant: MR WILLIAM ELLIOTT HART LANE HARTLEPOOL TS26 0UQ
Agent: ASP ASSOCIATES JONATHAN LOUGHREY 8 GRANGE ROAD HARTLEPOOL TS26 8JA
Date valid: 13/09/2021
Development: Erection of a new three bedroom detached dwelling (incorporating an existing single storey double garage within the floor area) and erection of a new detached single storey garage. The proposals also include the creation of a new access drive from the main private access from Hart lane and erection of a new boundary wall to separate the site from the existing plot (partially retrospective).
Location: HAZELBANK HART LANE 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 As noted in the report below, this application is part-retrospective with a number of elements constructed at the time of the case officer's most recent site visit (the main structure of the dwelling being almost completed with the detached garage completed). The case officer and Planning Enforcement Officer have advised the applicant in writing that such continued works are undertaken at their own risk and could be subject to the consideration of any necessary planning enforcement action.

3.3 The following applications are considered relevant to the host/donor dwelling within the application site:

H/2020/0311 – Retrospective erection of a tree house. Approved 14/12/2020. This would be within the curtilage of the new dwelling.

H/2021/0048 - Erection of detached double garage to the front and installation of a dormer window to south elevation of existing house. Approved 30/04/2021.

H/2021/0421 - Erection of a double detached garage to front of existing dwelling (retrospective, revised application (partial) of H/2021/0048). Approved 15/11/2021.

PROPOSAL

3.4 This part-retrospective planning application seeks planning permission for the erection of a detached three bedroom dwelling incorporating an existing single storey double garage within the floor area and the erection of a detached single storey garage. The proposals also include the creation of a new access drive from the main private access from Hart lane and erection of a new boundary wall to separate the site from the existing plot (partially retrospective).

3.5 In detail, the proposals include the erection of a 1.5 storey detached dwelling which would be sited toward the western extent of the plot. The proposed dwelling would have a slight south west facing orientation and measure approximately 13.642m in total length (along the north east rear elevation) by approximately 10.235m in total width (along the north west facing side elevation), although it would step in along the front elevation. Therefore the south eastern side facing elevation would measure approximately 4.715m.

3.6 The proposed dwelling would feature a partially hipped roof design, with a total height of approximately 6.8m on the front elevation, a ridge height of approximately 6.5m, an eaves height along the rear/north east elevation of approximately 3.4m, an an eaves height along the remaining sections of approximately 4.3m. The proposed dwelling would feature a chimney in the rear elevation.

3.7 The proposed dwelling would feature 1no. front door flanked by full length windows and a set of 3no. windows above and 3no. windows in the ground floor and 1no. set of 6 pane windows at first floor, and 3no. roof windows in the front (south west) elevation; 1no. set of 5 pane sliding doors and 2no. windows at ground floor and 2no. dormers (1no. of these containing a Juliet balcony) at first floor in the north west facing side elevation; 1no. door and 2no. windows at ground floor in the south east facing side elevation; and 1no. set of patio doors and 1no. window at ground floor and 1no. dormer window and 2no. roof windows in the first floor of the rear (north east) elevation.

3.8 The proposed dwelling would provide a lounge, snug, entrance hall, W.C., open plan kitchen and dining/snug, study and utility room at ground floor and 3no. bedrooms (1no. of which the 'master bedroom' which would contain a dressing room and en-suite bathroom), a bathroom, landing and 2no. cupboards at first floor.

3.9 The proposed dwelling would be sited in place of the existing garage serving the donor property 'Hazelbank'. The submitted plans and Planning and Sustainability Statement indicate that the proposed dwelling would be constructed from Hampton rural blend facing bricks and sandtoft or equiavelnt flat profile interlocking clay roof tiles, with the proposed doors and windows being anthracite uPVC.

3.10 The proposed garage would be sited toward the north east section of the plot and would measure approximately 6m in length by approximately 4.3m in width, and would feature a pitched roof with a total height of approximately 5.1m, dropping to approximately 2.4m at eaves level. The proposed garage would feature a roller shutter garage door in the front/east facing elevation, and a roof light in both the east facing and west facing roof slopes.

3.11 The proposal includes the creation of a driveway to facilitate access to the plot. This would be taken from the existing private driveway/access providing access from Hart Lane to Hazelbank and Seaview House, and would run north to south from this access. The proposed driveway features brick walls topped with close boarded fence inserts, with a total height of approximately 1.8m, and proposed access gates with a height of approximately 1.8m. The tree house that is understood to be in situ (approved under H/2020/0311) would be within the new curtilage of the dwelling.

3.12 The application proposes 2no. stand alone solar panels, to be located within the northern extent of the application site. The proposed solar panels would measure approximately 1.5m in length.

3.13 The application proposes a package treatment plant to provide foul water disposal for the proposal, similar to how the existing donor property (Hazelbank) and adjacent property (Seaview House) are understood to be served.

3.14 The case officer noted during a number of site visits that works had begun to erect the proposed dwelling, boundary walls and fence inserts, and garage, and at the last site visit (28th June 2023), the case officer noting that the proposed detached garage appeared to be completely erected. The proposed garage featured a smaller garage door than shown on the original submitted plans, as well as 2no. roof lights in the east and west facing roof slopes, and the case officer requested that the applicant submit an amended plan to accurately reflect the proposed garage. These were duly submitted by the applicant 4th July 2023. No further consultation was considered necessary given the nature and scale of the amendments.

3.15 The application has undergone a series of amendments during the course of consideration and since it was first submitted. Initially, the proposed dwelling was a larger dwelling containing four bedrooms and was orientated as such that habitable room windows would feature along the south western elevation (facing both Hazelbank and Seaview House).

3.16 Following concerns raised by the case officer in respect to the orientation and scale of the proposed detached dwelling which would result in sub-standard separation distances to the donor property (Hazelbank) and adjacent neighbour at Sea View, the case officer requested that consideration be given to amending the design, layout and scale of the proposed dwelling. Amended plans were submitted as described above and to which further consultation has been undertaken.

3.17 Further details were also requested by the case officer during the course of the application in respect of a) an arboricultural impact assessment and accompanying plans and details, and b) in respect of nutrient neutrality budget calculations and an accompanying nutrient neutrality statement. Appropriate consultations have been undertaken in respect of this additional information as reflected in the consultation responses below. Further amended plans were sought and received in November/December 2023 to address some minor anomalies on the submitted drawings and further consultations were undertaken.

3.18 The application has been referred to be determined in the Planning Committee due to the number of objections received (more than 3), in line with the Council's Scheme of Delegation.

SITE CONTEXT

3.19 The application site relates to a parcel of land to the north of a residential property known as 'Hazelbank' (the donor property), on the eastern side of Hart Lane in Hartlepool. The donor property is a detached dwelling within an L-shaped plot with access taken from the north west of the main property, and is bounded by Sea View House (Hart Lane) to its western side. The proposed plot to allow for the new dwelling and garage would be sited to the north of both Hazelbank and Sea View House, to incorporate the existing garage serving Hazelbank.

3.20 To the east and north east, the application site is bounded by a row of properties on the west of Siskin Close (namely Nos. 23-30 (inclusive) Siskin Close). To the north is an open field, beyond which is a public footpath running west to east linking Hart Lane/Worset Lane and the Middle Warren housing estate (east). To the west is the main highway of Hart Lane, beyond which is Worset Lane and a new housing development (of self-builds), initially by virtue of H/2018/0488 (outline permission for 8no. self-build properties).

3.21 A row of trees is present along much of the boundary to the north and along the eastern boundary delineating the site from properties Siskin Close. In addition, a close boarded timber fence with an approximate height of 1.7m forms a boundary along the western and northern sides.

3.22 As noted above, the case officer noted during their most recent site visit (in December 2023) that the main structure of the proposed dwelling has been completed (up to the eaves with the roof trusses in place) whilst the detached garage that is proposed to serve the proposed dwelling had been fully completed. Other completed works include a boundary wall, whilst works had begun on the proposed dwelling and the proposed boundary walls/driveway.

PUBLICITY

3.23 The application has been advertised by way of neighbour letters (11), press advert and site notice. As noted above, further consultation periods have been undertaken with respect to additional and/or amended plans/information.

3.24 To date, there have been 7 objections received.

3.25 The objections and concerns can be summarised as follows:

- Problems with drainage in rear gardens of nearby neighbouring properties,
- Loss of privacy,
- Loss of sunlight,
- The proposed dwelling is not within the permitted confines of the original farmyard,

- The proposed dwelling is larger than originally planned, over 2 storeys in height,
- Difference in site levels,
- Proposal should be sited closer to Hart Lane to reduce privacy concerns,
- Imposing structure,
- Work has commenced,
- Concerns with trees being removed.

3.26 In addition, one response of 'support' has been received.

3.27 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=146469>

3.28 The period for publicity has expired.

CONSULTATIONS

3.29 The following consultation replies have been received:

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

Updated comments received 18th May 2023

There are no highway concerns with the amended plans

Tees Archaeology: The proposed development site is located within the extent of the deserted medieval village of High Throston. In 1995, an earthwork survey was conducted in the triangular field surrounding the development site; this identified a number of boundary features which related to property division in the medieval period. To the north of the proposed development site was part of a ridge and furrow field system, which likely extends southwards into the area of the proposed house and detached garage. However, mid-20th century maps show a long rectangular building situated in the vicinity of the proposed house. This building will likely have removed any medieval remains within its footprint; beyond this, any remains surviving within the development site are likely to relate to the ridge and furrow field system. We do not think that there is a high potential to encounter significant archaeological remains within the proposed development site, and no archaeological work is necessary. However, we welcome the developer's intent to notify the local authority should archaeological remains be exposed so that a method of preservation can be determined and there is minimal disruption to the remains; this could be set out in an informative condition placed on the development. I set out the proposed wording of this informative condition below:-

Informative: Tees Archaeology Should the developer uncover archaeological remains during excavations for foundations or services, the developer should contact Tees Archaeology immediately. Tees Archaeology will then be able to advise on the correct course of action.

Update 02/05 following receipt of amended proposal:

Thank you for the additional consultation on this application. Our comments of October 2021 remain unchanged.

HBC Ecology: Due to the nature of the habitats to be affected there is limited potential for significant ecological harm. However, the proposals will need to demonstrate an ecological enhancement. This can be achieved by installation of bat/bird boxes or tree planting. I recommend a condition discharged prior to above ground construction requiring a scheme for ecological enhancement.

Update 22/06/2023 (summarised):

These two docs replace the earlier HRA stage 1 which I sent.
HRA finds no adverse effects. NE must be consulted on the HRA stage 2
Appropriate Assessment doc.

Update 25/08/2023 following receipt of amended Nutrient Neutrality information (summarised):Increased recreational disturbance HRA.

This issue was HRA Appropriate Assessment (AA) assessed on 22/06/2023 and increased recreational disturbance LSE is mitigated.

Nutrient neutrality HRA

Neither sewage nor Surface Water run-off are dealt with via a Waste water Treatment Works (WwTW). Both are dealt with by a bespoke Treatment Plant drainage system. Therefore, the issue of Increased nutrient pollution (Nutrient neutrality) is a Likely Significant Effect (LSE) and this triggers the requirement for a HRA AA.

The Nutrient neutrality HRA stage 1 screening and HRA stage 2 AA documents are submitted separately.

Findings of the Nutrient neutrality HRA stage 1 screening and HRA stage 2 AA.

HRA stage 1: Nutrient neutrality is screened in.

HRA stage 2: Due to proposed mitigation measures, Nutrient neutrality is assessed as insignificant.

The project is assessed as being in compliance with the relevant legislation, however, Natural England must be consulted on the HRA AA.

Update 01/11/2023 following further discussions with the Council's Flood Risk Officer:

Natural England (NE) has identified that increased nutrient pollution harms populations of SPA/ Ramsar birds and SSSI vegetation communities by altering the chemistry of the water and allowing growth of damaging plants and algae. If nutrients from a project enter the Tees Catchment upstream of, or directly into, the T&CC SPA and Ramsar Site, mitigation measures are required to avoid AEOI. As

the competent authority, Hartlepool Borough Council (HBC) has a legal duty to safeguard European Sites. A Habitats Regulations Assessment (HRA) for the issue of increased nutrient pollution from sewage and from Surface Water run-off for this project is provided.

NB: The likely significant effect (LSE) of Increased recreational disturbance has been previously HRA assessed and mitigated.

HRA Stage 1 screening

The following European Sites are screened in for LSE:

- Teesmouth and Cleveland Coast (T&CC) SPA and Ramsar

The following LSE is screened in:

- Increased nutrient pollution from sewage and from Surface Water run-off (Nutrient neutrality).

LSE assessment.

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW?	Yes	The issue is screened out.
Is Surface Water run-off likely to lead to an increase in nutrients into the Tees Catchment?	No	The issue is screened out.

This project does not trigger the requirement for an HRA [stage 2] Appropriate Assessment. Evidence is provided below.

Evidence

For this proposed project, a Nutrient Budget Calculator and a Nutrient Neutrality Statement have been completed.

For the stage 1 tab on the Nutrient Budget Calculator, HBC has agreed with NE that a locally researched 'Additional population' figure of 0.56 can be used (not the 2.4 entered by the applicant). Sewage is treated on site by a package treatment (Diamond Range) sewage plant. The product website gives an average total nitrogen excess of 25mg/litre. This has been entered into tab 1. Treated water then passes into the Hart Lane carriageway drain which goes to the Seaton Carew Waste water Treatment Works (WwTW) [per. HBC Flood Risk Officer]. Excess nutrients will be removed or discharged via a long outfall pipe, and will not reach T&CC designated sites.

Surface Water does not need assessing (as it falls below the EIA trigger). However, for information, it goes from the proposed development into the highway drain that goes to Seaton Carew WwTW.

Text from the Nutrient Neutrality Statement submitted by the applicant.

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SURFACE WATER & EFFLUENT DISCHARGE

As part of the development and planning application new drainage proposals have been designed for both the surface and foul water. Given the restrictions of the site the new proposals have been designed to treat foul water by means of a newly installed Sewage Treatment Plant that will then discharge only treated, clean water into the highway storm drain in Hart Lane. Surface water is discharged into the same highway drain, but not via the Treatment Plant.

The

Given the drainage outfall from foul and surface water leads to the STW treatment plant, the figure of 0 output means that no mitigation is therefore required.

For clarity, this means:

- Surface water goes from the proposed development into the highway drain that goes to Seaton Carew WwTW.
- Foul water from the proposed development is treated by an on-site sewage treatment plant then goes into the highway drain that goes to Seaton Carew WwTW.
- Where the statement says *Surface water is discharged into the same highway drain, but not via the treatment plant*, it means that surface water does not go via the on-site treatment plant. It still ends up at Seaton Carew WwTW.

Information from the applicant.

New 3 bed property at Hazelbank, Hartlepool. Planning Ref: H2021/0271.

Surface water and effluent discharge. As part of the development and planning application, new drainage proposals have been designed for the removal of surface and foul water. Due to the site location and distance away from the nearest mains drainage, the property will utilize a package treatment plant. This will be a WPL Diamond DMS3. The plant cleans the liquids and effluent that pass into it by bacterial action and discharges clean treated water out of the other side of a quality that can be channelled directly into a stream, river, or other watercourse. The method of disposal of this treated water from the new property is via the highway drain in Hart Lane just outside the front boundary of the plot. The residual sludge is removed from the treatment plant periodically by tanker (usually by Hartlepool Borough Council) as per WPL Diamond operating procedure. The treatment plant will be serviced annually as per WPL Diamond operating procedure. The surface water drainage system is totally independent of this treatment plant and gathers all storm water which is then routed to the final surface water manhole within the boundary of the site, before passing below the boundary fence and below the grass verge on Hart Lane and into the highway surface water drain. For reference, the same method of drainage is used on the existing Hazelbank property and was accepted by both the HBC Highways Authority and Northumbrian Water during the planning process for that dwelling.

Natural England: Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Further comments received 29/06/2023:

I'm happy to confirm that Natural England agrees with the conclusions as set out in the HRA/AA and has No Objections.

Further comments received 07/09/2023:

I've reviewed the HRA and have questions about two points:

1. Package Treatment Plant user defined: at Stage 1 of the calculator the applicant has included a Total Nitrogen mg/l value of 3.2. This figure has not been evidenced by the provision of a manufacturer's efficiency certificate.
 - a. The manufacturer's website gives a mean average TN figure of 25 mg/l for this line of PTPs (WCS Environmental Engineering Diamond (wcs-group.co.uk))
 - b. How have you confirmed the figure that has been provided?
 - c. Completing the calculator with the above parameters gives a TN budget of 0.74 kg TN/year to be mitigated
2. Total Nitrogen Budget: Natural England does not advise using a de minimis threshold for nutrient impacts because the advice is based around the cumulative impact of many small contributions, which in combination result in adverse impacts. Therefore, even if the TN budget is 0.09kg TN/yr, it would need to be mitigated.

As such we would not be able to agree with the conclusions as set out in the HRA. Could you provide further clarification on the above points or if there are mitigating circumstances that have not been set out in the HRA, please?

Further comments received 13/11/2023 following discussions including with the Council's Flood Risk Officer:

The update from your Flood Risk Officer makes it a much more straightforward case to deal with and, as a result, I am content to agree the conclusions of your HRA. Natural England withdraws its objection / request for further information for this consultation and can confirm that we have No Objections.

HBC Flood Risk Officer: In response to your consultation on the above application we have no objection to proposals in respect of surface water management or contaminated land. Please can you include our standard unexpected contamination and standard basic surface water condition on any permission issued for proposals.

Updates 22/04/2022, 13/09/2022 and 16/05/2023 following receipt of additional information, neighbour concerns and amended plans respectively:

In response to your consultation on the above amended application we have no further comments in respect of surface water management or contaminated land.

Update 22/08/2023 following receipt of amended Nutrient Neutrality information:

Properties adjacent to the proposed currently drain to highway drain with agreement and this is an additional property that will do so and we don't have any flooding issues there that will be exacerbated by proposals. The highway drain leads to public sewer which ends up at Seaton Carew treatment plant and as such there are no nutrient neutrality or ecological impacts.

You ask that is the disposal of foul and surface water into the highway drain acceptable, please note that it is proposed to dispose treated foul, i.e. clean water, and surface water to highway drain.

Update 30/10/2023 following discussions with HBC Ecologist:

I think the wording of the statement has caused confusion, there are 2 treatment plants involved, a sewage treatment plant on site and Northumbrian Water's sewage treatment plant at Seaton Carew.

Surface water goes from the proposed development into the highway drain that goes to Seaton Carew sewage treatment plant.

Foul water from the proposed development is treated by the on-site sewage treatment plant then goes into the highway drain that goes to Seaton Carew sewage treatment plant.

Where the statement says *Surface water is discharged into the same highway drain, but not via the treatment plant*, it means that surface water does not go via the on-site treatment plant, which it wouldn't because it is clean. It still ends up at Seaton Carew treatment plant via the highway drain.

Update 04/12/2023 following re-consultation on amended plans to address anomalies:

In response to your consultation on the above amended application we have no further comments in respect of surface water management or contaminated land.

Update 15/12/2023

The Council's Flood Risk Officer verbally confirmed to the case officer that the previously requested surface water condition was no longer required (having visited the site with the Council's Planning Enforcement Officer) and was satisfied with the details.

He also advised that the matter of both surface and foul water drainage would be covered through building regulations.

HBC Public Protection: I would have no objections to this application subject to the following conditions; Construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to

13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays. No open burning at any time on site.

HBC Landscape Architect: An Arboricultural Impact Assessment to BS 5837 should be undertaken as primary information to inform any proposed site layout.

Update 30/11/2023 following re-consultation on amended plans to address anomalies:

There are no landscape and visual issues with the proposed amendments.

HBC Arboricultural Officer: The submitted Arboricultural Impact Assessment, Tree protection plan and Arboricultural Method Statement created by AllAboutTrees Ltd provides all of the necessary Arboricultural information related to the scheme. There are no trees that require removal as part of the scheme and therefore there are no outstanding arboricultural concerns relating to this application providing the submitted documents are adhered to. I note from the documents that work has already started on the site and the tree protection as prescribed must be put in place before any more works are carried out. Any retained trees which within a period of 5 years from the completion of the development die 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.

Cleveland Police: Police have no objections.

Update 11/05/2023 following receipt of amended plans:

No additional comments from us in relation to this development.

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

Cleveland Fire Brigade: Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1. It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

Historic England: On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed. If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

Update 29/11/2023 following re-consultation on amended plans to address anomalies:

Thank you for your letter 29 November 2023 regarding the above application. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

HBC Waste Management: 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 www.hartlepool.gov.uk/usingyourbins for further information

Environment Agency (summarised): We would not provide bespoke comments as this application falls outside of our screening for consultations. Taking a risk based approach, the EA provide comments for applications proposing 10 dwellings or more for non-mains drainage applications. As only 1 dwelling is proposed, we would screen this out for comment.

Looking at the documents provided, there are also no other constraints that would flag an EA response.

Northumbrian Water (summarised, and with a map of the water network attached): We received the consultation but did not comment as the application was for a single dwelling and NWL only look at applications for 5 dwellings or more.

I have had a look at this and as we do not have any plans of the private foul network we would have no comments on this application. However I can confirm that if the applicant is wanting to connect flows from the package treatment plant into existing highway drains that ultimately discharge into a NWL combined sewer we would have capacity and no issues with this.

HBC Building Control: Building regulations application has been received.

Hartlepool Water (Anglian Water): The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

HBC Estates: No comments received.

HBC Parks & Countryside: No comments received.

PLANNING POLICY

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

Local Policy

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

CC1: Minimising and Adapting to Climate Change

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

SUS1: The Presumption in Favour of Sustainable Development

NE2: Green Infrastructure

National Planning Policy Framework (NPPF)(2023)

3.32 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 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 126: Achieving well-designed places

PARA 129: Achieving well-designed places

PARA 132: Achieving well-designed places

PARA 152: Planning for climate change

PARA 155: Planning for climate change

PARA 218: Implementation

3.33 HBC Planning Policy comments: Planning Policy have no objection in principle to the application, the site is located on white land and it is for a residential use within a residential area.

PLANNING CONSIDERATIONS

3.34 The main planning considerations with respect to this planning application are the principle of development, impact of the proposal on the character and appearance of the surrounding area, the impact on the amenity and privacy of existing and future occupiers of neighbouring properties, the impact on trees, impact of surface water drainage, and the impact on highway safety. These and any other matters are considered below.

PRINCIPLE OF DEVELOPMENT

3.35 The application site is currently a front garden area serving a residential property, within a residential area. The land is allocated as white land in the Hartlepool Local Plan (2018) and within limits to development. The site whilst predominately residential in character is within walking distance to a variety of local facilities and amenities (shops and community buildings) and is served by public transport, so is deemed to be a sustainable location.

3.36 The Council's Residential Design Guide SPD (2019) emphasises the creation of sustainable communities by utilising appropriate design that ensures efficient, safe and secure buildings that complement the character and surroundings. The Residential Design SPD (2019) also seeks to ensure that residential development provides adequate amenity and privacy for occupants. It is considered that the proposed dwelling would provide an adequate amount of amenity space (including outdoor space and car parking) that would be in general accordance with this SPD (2019) and relevant Policy QP4 of the Hartlepool Local Plan (2018), which is considered in further detail below.

3.37 Policies CC1 and QP7 of the Hartlepool Local Plan (2018) seek to ensure the provision of renewables and energy efficiency measures. The application includes the provision of solar panels within the main garden area of the proposed plot.

3.38 The Council's Building Control team have confirmed that a Building Regulations application was received in November 2022. It is of note that Building Regulations have been updated on 15th June 2022, and therefore the proposed development will now be assessed under the new Building Regulations in so far as energy efficiency matters are concerned (the updated Regs are understood to constitute approximately 31% betterment than the previous Building Regulations or the policy requirements of Policy QP7 (which required 10% betterment to the previous Building Regulations)).

3.39 A planning condition can secure the implementation of the submitted proposed solar panels and the application is considered to be acceptable in this respect.

3.40 The Council's Planning Policy team have confirmed that the principle of residential development is broadly acceptable within this area, subject to the scheme satisfying other material planning considerations as outlined below.

IMPACT ON CHARACTER AND APPEARANCE OF THE EXISTING DWELLING AND SURROUNDING AREA

3.41 The proposed development comprises the erection of a detached dwelling set within a large plot with the retrospective detached garage sited along the eastern boundary, accessed by private driveway taken from a shared private driveway/access road taken from the main highway of Hart Lane to the west (serving the existing donor property as well as Seaview House).

3.42 The retrospective detached garage building is sited adjacent to an existing treehouse (approved by virtue of H/2020/0311 that would become part of the curtilage of the proposed dwelling subject to this application). Given the siting and height of the garage which is approximately 5.1m above ground level at its ridge, the garage is visible (through trees along the boundary) when advancing along the main highway of Hart Lane and the wider area to the west (Worset Lane). It is considered that the siting of the erected garage close to the boundary with Hart Lane is poorly related to that of the host dwelling, is of a notable scale that would be readily visible

from multiple vantage points when travelling along Hart Lane (in either direction) and when exiting Worset Lane (to the west).

3.43 Notwithstanding this, it is acknowledged that the retrospective garage building is primarily read in the context of the development at the site (which comprises the main dwelling as well as an additional detached garage building to the northern side (within the front garden area), and that it is finished in materials to match the host property and additional existing detached garage. On balance, whilst it is considered that the garage results in a notable development within the application site, it is considered it would not be so incongruous or adversely affect the visual amenity as to warrant a reason to refuse the application in this instance.

3.44 It is of further consideration that Hazelbank and Sea View House are different designs and scales of property. Hazelbank is a brick dwelling with dormers, whilst Sea View House is a two storey dwelling with a projecting single storey element to its frontage. Both dwellings feature detached garages within their respective curtilages.

3.45 In terms of the proposed dwelling, consideration is given to the separation distance of approximately 25m to the main footpath adjacent to the highway of Hart Lane to the west (at its closest point), as well as the above identified buildings around the application site and surrounding plot, including the existing dwellings of both Seaview House and Hazelbank. Of further consideration is that the ground levels of the application site are generally level (relative to that of the donor dwelling and immediate garden area) and therefore no further levels details are required in this instance.

3.46 On balance, it is considered that the proposed dwelling would not be of a scale and design so incongruous in the surrounding context of Hazelbank and Sea View House or the wider area, as to warrant a reason to refuse the application.

3.47 Further consideration is given to the erection of 8no. self-build plots situated to the western side of Hart Lane (by virtue of outline approval H/2018/0488 and associated reserved matters applications for each of the plots). It was noted by the case officer during the site visit that these approved dwellings comprise a mixture of designs and styles, to which it is considered that the proposed dwelling and garage through this application would be read in the context of the wider street scene to include these above mentioned dwellings to the western side of the application site (beyond the highway of Hart Lane).

3.48 Given the siting and height of the boundary walls which are approximately 1.8m above ground level at their highest points, the boundary walls are partially visible (through trees along the boundary) when advancing along the main highway of Hart Lane. Notwithstanding this, consideration is given to the scale and design of the boundary walls which are similar to those found elsewhere within the wider application site.

3.49 Furthermore, no landscape or visual objections have been received from the Council's Landscape Architect.

3.50 In light of the above, it is considered, on balance, that the retrospective garage and proposed dwelling (partially erected), and associated development including driveway and boundary treatment (partially retrospective), would not result in such an incongruous feature on the host property or street scene (including Hart Lane, Worset Lane and Merlin Way) as to warrant a reason to refuse the application in this instance.

3.51 In view of the above discussion, it is considered the proposal is in accordance with Policies QP4 of the Hartlepool Local Plan (2018), aforementioned SPD and paragraphs 126, 129, 130 and 134 of the NPPF (2023).

IMPACT ON AMENITY AND PRIVACY ON NEIGHBOURING PROPERTIES

3.52 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.

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

Impact on Seaview House (to the west)

3.54 The neighbouring property at Seaview House is situated to the south of the application plot of land, west of the donor property (Hazelbank) and to the south west of the proposed dwelling, with a separation distance of approximately 23m (at its closest point) from the proposed dwelling to the main front elevation of this neighbour, with boundary treatments serving Seaview House, Hazelbank and the proposed dwelling between.

3.55 Of further consideration is that the ground levels of the application site are generally level (relative to that of the donor dwelling and immediate garden area) and therefore no further levels details are required in this instance.

Proposed dwelling

3.56 Given the partial screening provided by both the erected boundary treatment and the donor property (Hazelbank) as well as the scale of the proposed dwelling (which is under 7m in total height), the aforementioned satisfactory separation distances and the oblique relationship between the siting of the proposed dwelling and the front elevation of Seaview House (which is set back within its plot), it is considered that the proposed dwelling would not result in any adverse impact on the

amenity of Seaview House in terms of overshadowing, loss of outlook or overbearing impression.

3.57 In terms of privacy, it is noted that the proposed dwelling features 1no. front door flanked by windows in the ground floor and windows in the first floor of the front elevation (facing south west). Nevertheless, given that these windows do not serve habitable rooms for the occupants of the proposed dwelling, and taking into account the satisfactory separation distances, oblique relationship and abovementioned screening are such that it is considered no adverse overlooking into windows in the front of Seaview House could be achieved from the proposed dwelling. Therefore it is considered that the proposed dwelling would not result in any adverse impact on the privacy of Seaview House in terms of overlooking.

Retrospective garage

3.58 The retrospective garage is a separation distance of 39.5m from the front elevation of Seaview House, to the south.

3.59 Given the substantial separation distance, partial screening provided by the boundary treatment, as well as the modest scale overall of the retrospective garage element (which is under 6m in total height), and oblique relationship between the roller shutter doors and roof lights in the retrospective garage and the neighbouring property, it is considered that this element of the proposal would not result in any adverse impact on the amenity or privacy of Seaview House in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

Proposed driveway and boundary treatment

3.60 It is acknowledged that the proposed dwelling and associated driveway would result in increased activity to the application site from the existing access/egress from Hart Lane. However, taking into account the modest scale and positioning of the proposed driveway (which would utilise the same access as this neighbouring property and donor property) and boundary treatment, satisfactory separation distances and the boundary treatment serving Seaview House, as well as the overall modest increase in activity that would be associated with a single additional dwelling, it is considered that the boundary treatment and driveway would not result in any adverse impact on the amenity or privacy of Seaview House in terms of overshadowing, loss of outlook, overbearing impression, overlooking or noise disturbance.

Impact on Hazelbank (donor property, south east)

3.61 An oblique separation distance of approximately 6.9m to the boundary and approximately 8.9m to the front elevation of the donor property at Hazelbank to the south would remain from the proposed dwelling, at the closest point. It is noted that the proposed dwelling splays away from the donor property, to a separation distance of approximately 11.8m at the western extent.

3.62 Of further consideration is that the ground levels of the application site are generally level (relative to that of the donor dwelling and immediate garden area) and therefore no further levels details are required in this instance.

Proposed dwelling

3.63 Whilst it is acknowledged that the proposed dwelling falls short of the minimum separation distance of 10m from the donor property at the eastern extent of its principal elevation, given the partial screening provided by the erected boundary treatment as well as the scale overall of the proposed dwelling (which is under 7m in total height), that the separation distances result in an oblique relationship between the siting of the proposed dwelling and the front elevation of Hazelbank, and that the proposal splays away from the front elevation of Hazelbank, whereby the separation distance increases, it is considered that the proposed dwelling would not, on balance, result in such an unacceptable impact on the amenity of existing and future occupiers of Hazelbank in terms of overshadowing, loss of outlook or overbearing impression as to warrant a reason to refuse the application in this instance

3.64 In terms of privacy, it is noted that the proposed dwelling features 1 no. front door flanked by windows in the ground floor and windows in the first floor of the front elevation (facing south west). Given the orientation being such that views from these windows would not look directly toward the front of Hazelbank, that these windows do not serve habitable rooms for the occupants of the proposed dwelling, and taking into account the above noted separation distances, oblique relationship and abovementioned screening, it is considered no adverse overlooking into windows in the front, sides or private amenity space of Hazelbank could be achieved from the proposed dwelling.

3.65 Notwithstanding this, the proposal features 3 roof lights to serve rooms in the upper floor (cupboard, bathroom and en suite). Whilst these maintain an oblique relationship to the windows in the front elevation of Hazelbank, it is considered appropriate to obscurely glaze and limit the opening (or for the windows to be fixed) of these windows to reduce any loss of privacy in terms of both overlooking and a perception of overlooking, which can be secured by a planning condition. Therefore and subject to this condition, it is considered that the proposed dwelling would not result in any adverse impact on the amenity of Hazelbank in terms of overlooking as to warrant a refusal of the application.

Retrospective garage

3.66 The retrospective garage is a separation distance of 32.9m from the front/side corner of Hazelbank, to the south east.

3.67 Given the substantial separation distance, screening provided by the boundary treatments, as well as the modest scale overall of the retrospective garage element (which is under 6m in total height), and oblique relationship between the roller shutter doors and roof lights in the retrospective garage toward the donor property at Hazelbank, it is considered that this element of the proposal would not result in any adverse impact on the amenity or privacy of Hazelbank in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

Proposed driveway and boundary treatment

3.68 It is acknowledged that the proposed dwelling and associated driveway would result in increased activity to the application site with access from Hart Lane. However, taking into account the modest scale and positioning of the proposed driveway (which would utilise the same access as the donor property and the adjacent property of Sea View House) and boundary treatment, satisfactory separation distances and the boundary treatment serving Hazelbank, it is considered that the boundary treatment and driveway would not result in any adverse impact on the amenity or privacy of Hazelbank in terms of overshadowing, loss of outlook, overbearing impression, overlooking or noise disturbance.

Impact on 23-30 (inclusive) Siskin Close (to the east, south-east and northeast)*Proposed dwelling*

3.69 The application site boundary abounds the rear gardens of a number of properties within Siskin Close to the east and north east of the site. Of these and in respect to the siting of the proposed dwelling, the rear of Nos. 28-30 Siskin Close are sited along the northeast of the application site, with the proposed dwelling set off the site boundary by between 1.1m and 1.86m, with a separation distance of approximately 28m to the rear elevation of No 28; approximately 25m to the conservatory to the rear of No. 29, and approximately 34m remaining to the rear elevation of No. 30.

3.70 To the east/south-east, the rear gardens and elevations of Nos. 23-27 abound the application site with a remaining separation distance of approximately 25m to the closest rear elevation (No. 27), with the remaining row of neighbours sited further to the south of that neighbour with increasing separation distances, in excess of 25 metres (approx. 34m to No. 26, approx. 41m to No. 25, approx. 51m to No. 24 and approx. 63m to No. 23).

3.71 As noted above, the substantial boundary treatments and landscaping between the application site and properties to the north and east would serve to partially obscure views of the proposed dwelling from neighbouring properties along this part of Siskin Close. In view of this and taking into account the satisfactory separation distances which meet the requirements of Policy QP4 of the Hartlepool Local Plan and the Residential Design Guide SPD (2019), it is considered that the proposed dwelling would not result in an adverse impact on the amenity of these neighbours in terms of overbearing, loss of outlook or overshadowing.

3.72 In terms of privacy, it is noted that the rear (north east) facing elevation features 1no. set of patio doors and 1no. window at ground floor and 1no. dormer window and 2no. roof windows in the first floor. However, taking into account the above mentioned satisfactory separation distances and boundary treatments in place, it is considered that no direct overlooking would be achieved toward these neighbours to the south-east, east and north east (23-30 Siskin Close inclusive) including their private garden amenity spaces from the proposed dwelling.

Retrospective garage

3.73 The retrospective garage is a separation distance of a minimum of approximately 36m to the boundary and approximately 48.7m from the conservatory to the rear of No. 29 Siskin Close, the closest neighbour along Siskin Close, to the north east, with various boundaries between.

3.74 Given the substantial separation distances, screening provided by the boundary treatments, as well as the modest scale overall of the retrospective garage element (which is under 6m in total height), and oblique relationship between the roller shutter doors and roof lights in the retrospective garage toward neighbours to the north east, east and south east at Nos. 23-30 (inclusive) Siskin Close, it is considered that this element of the proposal would not result in any adverse impact on the amenity or privacy of these neighbouring properties in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

Proposed driveway and boundary treatment

3.75 Taking into account the modest scale and positioning of the proposed boundary treatment, satisfactory separation distances and the substantial boundary treatments and other site contexts (of the proposed dwelling and wider context including Seaview House to the south and the donor property Hazelbank to the south east), it is considered that the proposed boundary treatment and driveway would not result in any adverse impact on the amenity or privacy of any neighbouring property of Nos. 23-30 (inclusive) Siskin Close in terms of overshadowing, loss of outlook, overbearing impression, or overlooking.

Impact on self-build properties on Worset Lane, to the west

Proposed dwelling

3.76 To the west, beyond the main highway of Hart Lane, a separation distance of approximately 72m would remain between the proposed dwelling and the side elevation of No. 9 Worset Lane, the closest of 8no. self-build plots to the west of Hart Lane.

3.77 As noted above, the substantial boundary treatments and landscaping between the application site and these self-build properties to the west would serve to partially obscure views of the proposed dwelling from neighbouring properties along Worset Lane. In view of this and taking into account the satisfactory separation distances which meet the requirements of Policy QP4 of the Hartlepool Local Plan and the Residential Design Guide SPD (2019), it is considered that the proposed dwelling would not result in an adverse impact on the amenity of these neighbours in terms of overbearing, loss of outlook or overshadowing.

3.78 In terms of privacy, taking into account the above mentioned substantial separation distances and boundary treatments in place, it is considered that no adverse overlooking can be achieved toward these neighbours to the west (self-builds along Worset Lane) including their private garden amenity spaces from the proposed dwelling.

Retrospective garage

3.79 A separation distance of approximately 42m would remain from the retrospective garage at the host property to closest neighbouring property on the adjacent self-build site, on land between Hart Lane and Worset Lane (at No. 9 Worset Lane), with the main highway of Hart Lane between. Given the trees and landscaping in place on both sides of this main highway (Hart Lane), including those within the garden of the application site itself, and significant separation distances, it is considered that the retrospective garage (would not result in any adverse impacts on the amenity or privacy of future occupants of properties sited on this area of land to the west.

Proposed driveway and boundary treatment

3.80 Taking into account the modest scale and positioning of the proposed boundary treatment, satisfactory separation distances and the substantial boundary treatments, the intervening presence of the highway of Hart Lane, and other site contexts (of the proposed dwelling and wider context including Seaview House to the south and the donor property Hazelbank to the south east), it is considered that the proposed boundary treatment and driveway would not result in any adverse impact on the amenity or privacy of any neighbouring property of the self-build plots of Worset Lane, in terms of overshadowing, loss of outlook, overbearing impression, or overlooking.

3.81 In respect of noise and general disturbance, the Council's Public Protection section have been consulted in respect of the proposal and have not offered any comments or objections.

Impact on open land to the north / north-west

3.82 To the north / north-west of the application site is an area of open space allocated as part of the 'local green corridor' by virtue of police NE2 (Green Infrastructure) of the Hartlepool Local Plan (2018), with a separation distance of approximately 0.3m (at the nearest point, with the dwelling splaying away from this boundary) remaining from the proposed dwelling and approximately 1.8m remaining from the retrospective garage to this land. Given the nature of the use of this land (i.e. non-residential/sensitive use), and the remaining intervening boundaries, it is considered that the proposed development would not result in any adverse impacts on the amenity or privacy of users of this land.

3.83 The public footpath to the north of the site (running between Hart Lane and Merlin Way) is a separation distance of approximately 55m from the retrospective detached garage at the host property. The Council's Countryside Access Officer has had regard to the details supplied through the proposal and has not offered any comments or objections in respect of any resultant impacts on any public rights of way.

3.84 The proposal is therefore considered to be acceptable in this respect.

IMPACT ON TREES

3.85 It is noted that the application site includes a number of small trees. During the course of considering the proposals, the Council's Landscape Architect requested an Arboricultural Impact Assessment was undertaken, to which the applicant duly arranged to be undertaken. The Council's Arboricultural Officer has had regard to the submitted Arboricultural Impact Assessment, Tree protection plan and Arboricultural Method Statement and has confirmed that there are no trees that require removal as part of the scheme and therefore there are no outstanding arboricultural concerns relating to this application, providing the submitted documents are adhered to. Given the retrospective nature of the proposals, the Council's Arboricultural Officer requested that the agreed tree protection as prescribed must be put in place before any more works are carried out. Subject to a planning condition to ensure such protection measures are implemented, the Council's Arboricultural Officer is satisfied with the proposals. The application is therefore considered to be acceptable in respect of these matters.

DRAINAGE & CONTAMINATED LAND

3.86 It is acknowledged that a number of objections have been received from neighbouring properties along Siskin Close to the rear (north east) in respect of drainage and flooding issues.

3.87 The Council's Flood Risk Officer has been consulted on the proposals and has undertaken a site visit and has confirmed no objection in respect of surface water drainage (an no longer requires any further details) whereby it is understood that the surface water from the proposed dwelling and site would connect into the highway drain to the west of the site along Hart Lane and in turn, it is understood to connect into the combined public sewer system further north (which is Northumbrian Water's asset). The proposals are considered to be acceptable in this respect.

3.88 The application proposes a package treatment plant to provide foul water disposal for the proposal, in common with the existing donor property (Hazelbank) and adjacent property (Seaview House). The Council's Flood Risk Officer understands that foul water from the proposed development would be treated by the on-site sewage treatment plant that then goes into the highway drain that goes to Seaton Carew sewage treatment plant. The Council's Flood Risk Officer has confirmed that there are no issues with regard to the proposed discharge of cleaned foul water via a package treatment plant in the application site.

3.89 The Environment Agency and Northumbrian Water (NW) have also been consulted on the proposal and have confirmed that they have no comments to make albeit NW has confirmed that the highway drain would connect up to the public sewer (which has capacity), which in turn is served by the Seaton Carew sewage treatment plant.

3.90 Ultimately, non-mains foul drainage (and surface water for a single dwelling) is understood to be covered by the Building Regulations regime and the Council's Building Control section have provided advice in this respect, which can be relayed to the applicant via an informative.

3.91 The Council's Flood Risk Officer has confirmed that there are no issues with regard to flood risk or contaminated land in the application site, subject to the inclusion of a planning condition in respect of any unexpected contaminated land, which can be secured accordingly.

ECOLOGY

Ecological Enhancement

3.92 The Council's Ecologist has been consulted on the application and has raised no concerns or objections to the proposed development. The Council's Ecologist has confirmed that the submitted bat information is acceptable, and that the potential for significant ecological harm is limited given the nature of the proposal, but that the development should provide an ecological enhancement in the form of bat or bird boxes to be constructed integral to the dwelling, or the planting of trees. It is of note that the proposed site plans indicate a row of proposed tree planting along the north east corner (within the rear garden), and further details of such planting (along with other soft landscaping) can be secured by an appropriate planning condition in the interests of biodiversity enhancement (and visual amenity).

3.93 It is also appropriate to include a planning condition securing the provision of an integral bat or bird box/brick and this is recommended accordingly.

Habitat Regulations Assessment (HRA) and Impact on Designated Sites

3.94 The Council's Ecologist on behalf of the Local Authority (as the competent authority) has completed a stage 1 Habitat Regulation Assessment (HRA) to consider any Likely Significant Effects (LSE) on the Teesmouth & Cleveland Coast SPA (and Ramsar) arising from a) nitrate enrichment and b) increased recreational disturbance.

3.95 The stage 1 HRA screened out any LSE from nutrients (as a result of the proposed method of foul and surface water disposal as described in the Drainage section above) and no further assessment is required in this respect.

3.96 A stage 2 Appropriate Assessment has been undertaken to assess and rule out the impacts on recreational disturbance and has concluded this would be mitigated by the Hartlepool Coastal Mitigation Scheme and there would be no Adverse Effect on the Integrity of any European Site and therefore the Council can lawfully permit the development. Natural England concur with the views of the Council's Ecologist and the HRA process.

3.97 Overall, the proposal is considered to be acceptable in terms of ecological matters.

OTHER PLANNING MATTERS

Archaeology

3.98 Tees Archaeology have been consulted in respect of the proposal and confirmed that the application site is located within the extent of the deserted medieval village of High Throston. Tees Archaeology have advised that they be notified should archaeological remains be exposed so that a method of preservation can be determined and there is minimal disruption to the remains. An informative can relay this to the applicant, and the proposal is considered to be acceptable in this respect.

Waste Management

3.99 The Council's Waste Management team have provided advice in regards to access to the property for the collection of waste. This can be relayed to the applicant by way of an informative.

Retrospective nature of application

3.100 As noted above, the application is part retrospective with a number of elements constructed at the time of the case officer's site visit (the main structure of the dwelling being almost completed with the detached garage completed). The LPA does not condone such works and the applicant has been advised in writing that such continued works are undertaken at their own risk and could be subject to planning enforcement action.

3.101 As noted throughout this report, there is a requirement for the applicant to submit and agree further details on a number of matters that can be reserved by the discharge of planning conditions process. However given the retrospective nature of most elements of the application, a number of the recommended planning conditions have been worded to prevent any further development on the site until such details are submitted to and agreed in writing with the Local Planning Authority within an appropriate timescale. Should the applicant continue to undertake any works without such details being agreed, they would continue to do so at their own risk and the LPA would need to consider any available enforcement action available to them at that time.

OTHER MATTERS

Fire Safety & Building Regulations

3.102 Cleveland Fire Brigade have offered no objections to the proposals with advice on the requirement for access and water supplies access. Ultimately this would need to be considered and addressed through the separate legislation of Building Regulations and is not a material planning consideration. Nevertheless, Cleveland Fire Brigade's comments have been forwarded to the applicant for their consideration and a suitable informative note is recommended to reiterate this advice.

CONCLUSION

3.103 The application is, on balance, considered to be acceptable with respect to the abovementioned material planning considerations and in general accordance with policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 11, 126 and 129 of the NPPF (2023). The application is therefore recommended for approval subject to the planning conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.104 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.105 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.

3.106 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the conditions below:

1. The development hereby permitted shall be carried out in accordance with the plans and details:

Dwg. No. 2170/P/7 Rev B (Proposed Block Plan), and Dwg. No. 2170/P/6 Rev B (Proposed Site & Drainage Plans), both received by the Local Planning Authority on 21st February 2023;

Dwg. No. 2170/P/5 Rev C 'Proposed Elevations', 'Tree Protection Plan (AIA TPP) – Retained Trees Shown on Proposed Layout With Protective Measures Indicated' and Tree Protection Plan (AMS TPP) – Retained Trees Shown on Proposed Layout With Protective Measures Indicated', all date received by the Local Planning Authority on 13th April 2023;

Dwg. No. 2170/P/9 Rev A 'Proposed Garage' received by the Local Planning Authority on 4th July 2023;

Dwg. No. 2170-SLP (Site Location Plan, scale 1:1250) received by the Local Planning Authority on 1st September 2023;

Dwg. No. 2170/P/8 Rev B (Proposed Boundary Treatment Plans), Dwg. No. 2170/P/4 Rev C (Proposed Floor Plans) received by the Local Planning Authority on 28th November 2023;

Dwg. No. 1080/C/10 (Proposed Roof Plan) received by the Local Planning Authority on 7th December 2023.
For the avoidance of doubt.

2. Prior to the commencement of any further works at the site and within 1 month from the date of this decision notice, details of all external finishing materials shall be submitted in writing to the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter and following the written agreement of the Local Planning Authority, the development shall be carried out in accordance with the approved details and completed prior to the occupation or completion (whichever is the sooner) of the development hereby approved.
In the interests of visual amenity.

3. Notwithstanding the submitted information and prior to the commencement of any further works at the site or any further equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, the agreed protection measures as identified in the 'Arboricultural Impact Assessment For Trees at Hazelbank, Hartlepool' by All About Trees (document issued 21/03/2023) and associated Tree Protection Plan (AIA TPP) – Retained Trees Shown on Proposed Layout With Protective Measures Indicated', and the 'Arboricultural Method Assessment For Trees at Hazelbank, Hartlepool' by All About Trees (document issued 21/03/2023) and associated Tree Protection Plan (AMS TPP) – Retained Trees Shown on Proposed Layout With Protective Measures Indicated' (all documents and plans date received 13/04/2023 by the Local Planning Authority), 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. Any retained trees that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the existing trees and the visual amenity of the area.

4. Notwithstanding the proposals detailed in the submitted plans and within 1 month from the date of this decision notice, a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree planting within the site shall be submitted in writing to the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all garden areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall make provision for biodiversity enhancement in the form of tree planting. Thereafter and following the written approval of the Local Planning Authority, the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved. All planting, seeding or turfing comprised in the approved

details of landscaping shall be carried out in the first planting season following the first occupation or completion (whichever is the sooner) of the development hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.

5. Prior to the commencement of any further works at the site and within 1 month from the date of this decision notice, full details of a minimum of 1no. integral bat roosting box brick (suitable for crevice roosting bats) or 1no. integral bird nesting brick to be installed in a south or east facing sides of the dwelling hereby approved at a height of a minimum of 3m (including the exact location, specification and design) and 1no. integral bat roosting box bricks (suitable for crevice roosting bats) or 1no. integral bird nesting bricks to be installed in a south or east facing sides of the garage hereby approved at a height of a minimum of 3m (including the exact location, specification and design) shall be submitted in writing to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the bat roost bricks and bird nesting bricks shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the development (whichever is the sooner). The bat roost bricks and bird nesting bricks shall thereafter be maintained as such thereafter for the lifetime of the development.

To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National Planning Policy Framework.

6. Notwithstanding the proposals detailed in the submitted plans and within 1 month from the date of this decision notice, details of all walls, fences, access gates and other means of boundary enclosure (including to each boundary) shall be submitted in writing to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be completed in accordance with the agreed details prior to the occupation or completion (whichever is the sooner) of the development hereby approved. Other than the approved boundary enclosures, no additional fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwellinghouse (as defined by condition 2). In the interests of visual amenity and the amenity of the occupiers of the site.
7. Notwithstanding the proposals detailed in the submitted plans and within 1 month from the date of this decision notice, details of all hardstanding areas including those for the driveway and car parking areas shall be submitted in writing to the Local Planning Authority. The scheme shall ensure that all hardstanding is constructed from porous/permeable materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be completed in accordance with the agreed details prior to the

occupation or completion (whichever is the sooner) of the development hereby approved.

In the interests of visual amenity and to prevent an increase in surface water runoff.

8. The 3no. roof lights in the south facing roof slope (serving a bathroom, cupboard and en suite) as annotated on Dwg. No. 2170/P/4 Rev C (Proposed Floor Plans, received by the Local Planning Authority on 28th November 2023), shall be fixed (or limited to a maximum 30 degree opening) and shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent prior to the occupation or completion (whichever is the sooner) of the development hereby approved, and shall thereafter be retained at all times while the roof light exists. The application of translucent film to the windows would not satisfy the requirements of this condition.

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

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

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

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

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

11. Prior to the occupation or completion (whichever is the sooner) of the dwelling hereby approved, the 2no. proposed ground mounted solar panels as annotated on Dwg. No. 2170/P/7 (Proposed Block Plan, received by the Local Planning Authority on 21st February 2023) shall be installed in accordance with the manufacturers specification ('heliomotion' brochure received by the Local Planning Authority 03/03/2023), unless an alternative, similar scheme is otherwise agreed in writing with the Local Planning Authority.

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

12. The curtilage associated with the dwellinghouse hereby approved shall be in accordance with red line denoted on Dwg. No. 2170-SLP (Site Location Plan, scale 1:1250, received by the Local Planning Authority on 1st September 2023). The approved curtilage shall be retained and not be extended at anytime, for the lifetime of the development hereby approved.
For the avoidance of doubt and to which the permission is based.
13. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays and between 9.00 and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To avoid excessive noise and disturbance to the occupants of nearby properties.
14. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the development hereby approved shall be used solely as a single dwellinghouse (with associated detached garage) in C3 use (dwellinghouse) as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended) and for no other purpose or use (including any other use within the C3 Use Class) and the dwellinghouse and garage shall not be extended, subdivided, converted or externally altered in any manner. The garage hereby approved shall remain ancillary to the residential (C3) use of the main dwellinghouse at all times.
To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development and to manage environmental impacts of the development.

BACKGROUND PAPERS

3.108 Background papers can be viewed by the 'attachments' on the following public access page:
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=146469>

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

CONTACT OFFICER

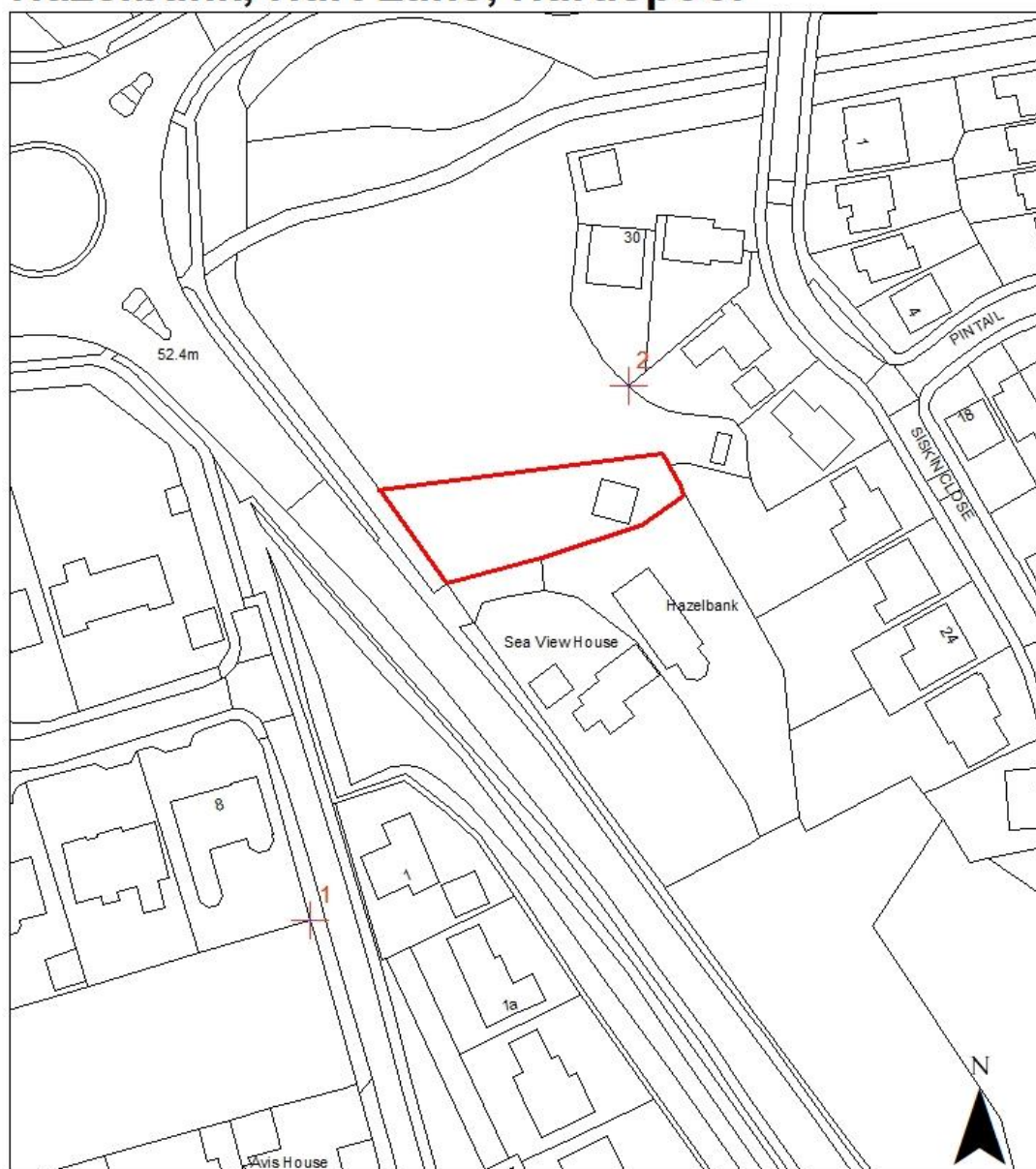
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 05.07.2023
	SCALE 1:7,000	
	DRG.NO H/2021/0271	REV

No: 4.
Number: H/2023/0182
Applicant: HARTLEPOOL OLD BOYS RFC EASINGTON ROAD
 HARTLEPOOL TS24 9BA
Agent: MR SIMON WATTS 10 NIGHTINGALE CLOSE
 HARTLEPOOL TS26 0HL
Date valid: 11/09/2023
Development: Erection of balcony to first floor
Location: HARTLEPOOL OLD BOYS R F C MAYFIELD PARK
 EASINGTON ROAD 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 relevant to the current proposals:

H/1974/0141 – Extension of existing club house including a sports hall and recreation hall, approved 01/07/74.

H/1977/0675 – Residential development, approved 17/01/78.

H/1978/0145 – Equipment store, approved 25/04/78.

H/1978/0375 – Housing development, approved 06/06/78.

H/1980/0152 – Internal alterations and new entrance lobby, approved 01/04/80.

HFUL/1996/0101 – Erection of an aerial tower with 2 omni antennae, 1 dish antenna and 3 radio equipment cabins and chain link security fencing to compound, withdrawn.

H/2006/0207 – Display of 4 illuminated advertisement hoardings and 1 rugby themed sign, approved 13/06/06.

H/2006/0519 – Erection of a 20 metre monopole with 3 antennae, 2x 60mm dishes, equipment cabinets and fencing, approved 06/09/06.

H/2007/0381 – Extension to lounge, approved 28/06/07.

H/2008/0014 – Provision of replacement floodlights, approved 05/03/08.

H/2008/0341 – Display of 1x96 sheet and 1x48 sheet advertising hoardings (retrospective application), approved 14/01/09.

H/2008/0462 – Installation of additional telecommunications equipment including additional antennas and cabinet, permitted development 20/08/08.

H/2013/0246 – Erection of an equipment store room and three replacement training lights, approve 05/08/13.

H/2016/0109 – Replace existing floodlights on first team pitch and erection of additional 12m columns and floodlights to training area, approved 03/06/16.

H/2019/0305 – Proposed upgrade to existing telecommunications site, replacement tower on 6.9 x 6.9m concrete base with new extended compound and associated works, approved 08/08/19.

H/2021/0447 – Installation of 6no new lighting masts with LED lighting to provide lighting for 1st team pitch, approved 10/02/22.

H/2022/0192 – Display 1no illuminated 48-sheet digital advertisement display (3m height x 6m length), approved 04/07/22.

H/2022/0364 – Installation of new container for use as changing facility and reciting of existing equipment store, approved 13/02/23.

PROPOSAL

4.3 Permission is sought for the erection of a balcony to the eastern and southern elevation, wrapping around the corner, it would serve the existing function room at the first floor of the building. The balcony would span a width of approximately 19.7m and approximately 6.4m in depth at the largest extent. It is proposed to include a glass balustrade at approximately 1.1m along the majority of the eastern elevation and the northern return elevation. However to the southern elevation and for a span of approximately 2.3m it is proposed to include a steel privacy screen at a height of approximately 1.8m.

4.4 The application has been referred to planning committee at the request of a local ward councillor in agreement with the Chair of committee, in line with the Council's scheme of delegation.

SITE CONTEXT

4.5 The application site is within the grounds of Hartlepool Old Boys RFC, Mayfield Park, Easington Road. To the east of the site is an area of incidental open space (albeit this land is allocated in the Local Plan for development of approximately 20 dwellings (Policy HSG3)), beyond which is the highway of Easington Road, a dual carriageway with grassed central reservation. To the north of the site is the West View Cemetery, which is locally listed. To the south of the site there are dwellings on Jones Road and to the west are dwellings on Annandale Crescent.

4.6 The main building on the site, the club house, is located in the north west corner of the site, adjacent to the open space and Easington Road, to the south of the building is car parking. The remainder of the site west of this is primarily playing pitches.

PUBLICITY

4.7 The application has been advertised by way of neighbour letters (75). To date, there have been two objections received from the same address, following re-consultation on amended plans. The concerns raised are:

- Noise and potential to worsen existing situation.

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

https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2023/0182

4.9 The period for publicity has expired.

CONSULTATIONS

4.10 The following consultation replies have been received:

HBC Public Protection – I have no objections to this application subject to the following: No speakers or tannoy/public address system shall be installed on the outdoor balcony area.

HBC Building Control – I can confirm that a Building Regulation application is required for Erection of balcony to first floor.

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

Cleveland Police – I've had a look at the proposals. There is nothing really much that I can add. If CCTV is considered for covering this area, choose cameras that can record in colour in all lighting conditions.

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.

Recommendations

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

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

PLANNING POLICY

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

Hartlepool Local Plan

4.12 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

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP6: Technical Matters

HSG3: Local Plan Sites

NE2: Green Infrastructure

National Planning Policy Framework (NPPF)(2023)

4.13 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
 PARA126: Achieving well-designed places
 PARA130: Achieving well-designed places
 PARA134: Achieving well-designed places
 PARA218: Implementation

PLANNING CONSIDERATIONS

4.14 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 site, and impact on neighbour amenity and privacy.

PRINCIPLE OF DEVELOPMENT

4.15 The application site is an existing sports club with associated club house building, the proposed balcony would serve the existing function room to the first floor of the building. The site is allocated in the Hartlepool Local Plan 2018 as Green Infrastructure (Policy NE2 (2d)), namely outdoor sport including playing fields. The proposed development would see the alteration of an existing building, above an area of existing hard standing, it would not result in the loss of any playing pitch or green infrastructure. As such, it is considered the proposals would be acceptable in principle in relation to the requirements of policy NE2.

4.16 The site is adjacent to an area of land that is currently incidental open space but is allocated in the Local Plan for future housing development (HSG3). As the proposed balcony is primarily to the east of the existing building, and therefore the existing building would sit between the proposed development and the adjacent land, it is considered it would not have an impact that would prejudice the future development of that site. It would not, for example, create any overlooking of the land to the west that would create an amenity issue for future occupiers. As such, it is considered the proposals are acceptable in respect to policy HSG3.

4.17 In principle, it is considered the proposed development is acceptable, subject to a detailed assessment of the other material considerations identified below.

CHARACTER & APPEARANCE

4.18 The existing club house building on the site is a modest, functional two-storey building of a buff brick finish with a flat roof. The proposed balcony would have a modern appearance finished in steel and glazing, which would be a departure

from the current design of the building, however this is not considered to be detrimental to the character or appearance of the building. Given the position of the proposed extension, views of it would not be possible from Easington Road and therefore it is considered there would be no appreciable impact on the character of the wider area as a result of the proposals. The proposed development is therefore considered to be acceptable in relation to its impact on the character and appearance of the site.

NEIGHBOUR AMENITY & PRIVACY

4.19 The proposed balcony would be approximately 63.7m north of the neighbouring properties to the south on Jones Road at the closest point, with the club's car park located between the two. Although a substantial separation, the applicant was made aware of concerns regarding the perception of overlooking by those using the balcony in respect of neighbouring properties to the south. Revised plans were therefore submitted to include a solid privacy screen across the southern elevation of the balcony and a return of approximately 2.3m along the eastern elevation. At approximately 1.8m in height this would effectively prevent views being taken towards dwellings on Jones Road but would still allow those using the balcony to look out over the playing pitches to the east. This amendment is considered sufficient to address any potential for overlooking or the perception of it.

4.20 Concerns have been raised by a neighbouring occupier regarding the potential for noise nuisance as a result of people using the proposed balcony. The Council's Public Protection service have been consulted on the application and confirmed they have no objections subject to a condition to prevent the use of speakers or a tannoy system on the balcony, which is duly recommended. The premises are already subject to restrictions regarding keeping doors and windows closed during regulated entertainment (except in an emergency) and in relation to use of an existing balcony to the south of the building after 9pm as part of their premises licence. HBC Public Protection have confirmed they are satisfied these restrictions would continue to apply to the proposed development and would suitably address concerns regarding noise and therefore no further restrictions are required by way of planning condition. While the concerns of the neighbouring occupier are noted, given the advice from Public Protection, it is considered such concerns would not warrant refusal of the application. Should noise nuisance be an issue in future, Public Protection have powers to address that under statutory nuisance legislation or through licensing. In light of the above assessment, the proposals are considered to be acceptable in relation to potential noise impacts.

4.21 The closest neighbouring dwellings to the west of the site (Cranesbill Avenue) are approximately 129m away with the dual carriageway of Easington Road in between, at such a separation and given the proposal is to the east of the existing building and therefore largely screened by the building, it is considered there would be no significant negative impact in terms of amenity or privacy for neighbouring occupiers to the west.

4.22 The closest neighbouring dwellings to the east of the site (Annandale Crescent) are approximately 257m away with the existing sports pitches in between, at such a significant separation it is considered there would be no significant

negative impact in terms of amenity or privacy for neighbouring occupiers to the east.

4.23 The closest neighbouring dwellings to the north west (John Howe Gardens) are approximately 137m away at the closest point. At such a separation and given the proposal is to the east and south of the existing building and therefore largely screened by the building itself, it is considered there would be no significant negative impact in terms of amenity or privacy for neighbouring occupiers to the north west.

4.24 The site is bounded to the north by West View Cemetery, given the location of the balcony to the south east corner of the existing building it is not considered it will significantly affect users of the cemetery.

4.25 Given the above assessment, it is considered the proposed development would be acceptable in relation to the privacy and amenity of neighbouring occupiers.

OTHER PLANNING MATTERS

4.26 The proposals would see no alterations to the site's existing access and parking arrangements, and HBC Traffic and Transport have confirmed there are no concerns with the proposals. As such, the application is considered to be acceptable in relation to highway safety and parking.

4.27 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 therefore this matter cannot be attributed weight in the determination of the application.

4.28 Cleveland Police have raised no objections to the application but have made recommendations in relation to CCTV, which could be relayed to the applicant via an informative.

CONCLUSION

4.29 The proposed development would support the operation of an existing sport and leisure facility without any loss of green infrastructure (i.e. no loss of playing pitches). The proposed design of the balcony is considered to be acceptable and includes measures to protect the privacy of neighbouring occupiers. Although concerns have been raised about potential noise nuisance, no objections have been received from HBC public protection and this is not considered to warrant refusal of the application. The proposals are considered to be acceptable in relation to other material planning considerations. As such, the officer recommendation is to approve subject to the conditions identified below.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.30 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.31 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.

4.32 There are no Section 17 implications.

REASON FOR DECISION

4.33 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: Location Plan at scale of 1:1250, received by the Local Planning Authority 01/08/23, and drawing number 2301.P01, revision B (Proposed Site Plan), drawing number 2301.P02, revision B (Proposed Plans), drawing number 2301.P03, revision B (Proposed Elevations), received by the Local Planning Authority 06/11/23.
For the avoidance of doubt.
3. No speakers or tannoy/public address system shall be installed or used on the outdoor balcony area at any time.
In the interests of the amenity of neighbouring occupiers.
4. Prior the balcony hereby approved being brought into use or its completion (whichever is the sooner), the 1.8m high 'steel privacy screen' along the 'Proposed East Elevation', 'Proposed South Elevation' and 'Proposed North Elevation' as detailed on drawing number 2301.P03, revision B (Proposed Elevations, received by the Local Planning Authority 06/11/2023) shall be installed and thereafter maintained and remain in situ for the lifetime of the development hereby approved.
In the interests of the privacy of neighbouring occupiers.

BACKGROUND PAPERS

4.34 Background papers can be viewed by the 'attachments' on the following public access page:
https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2023/0182

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

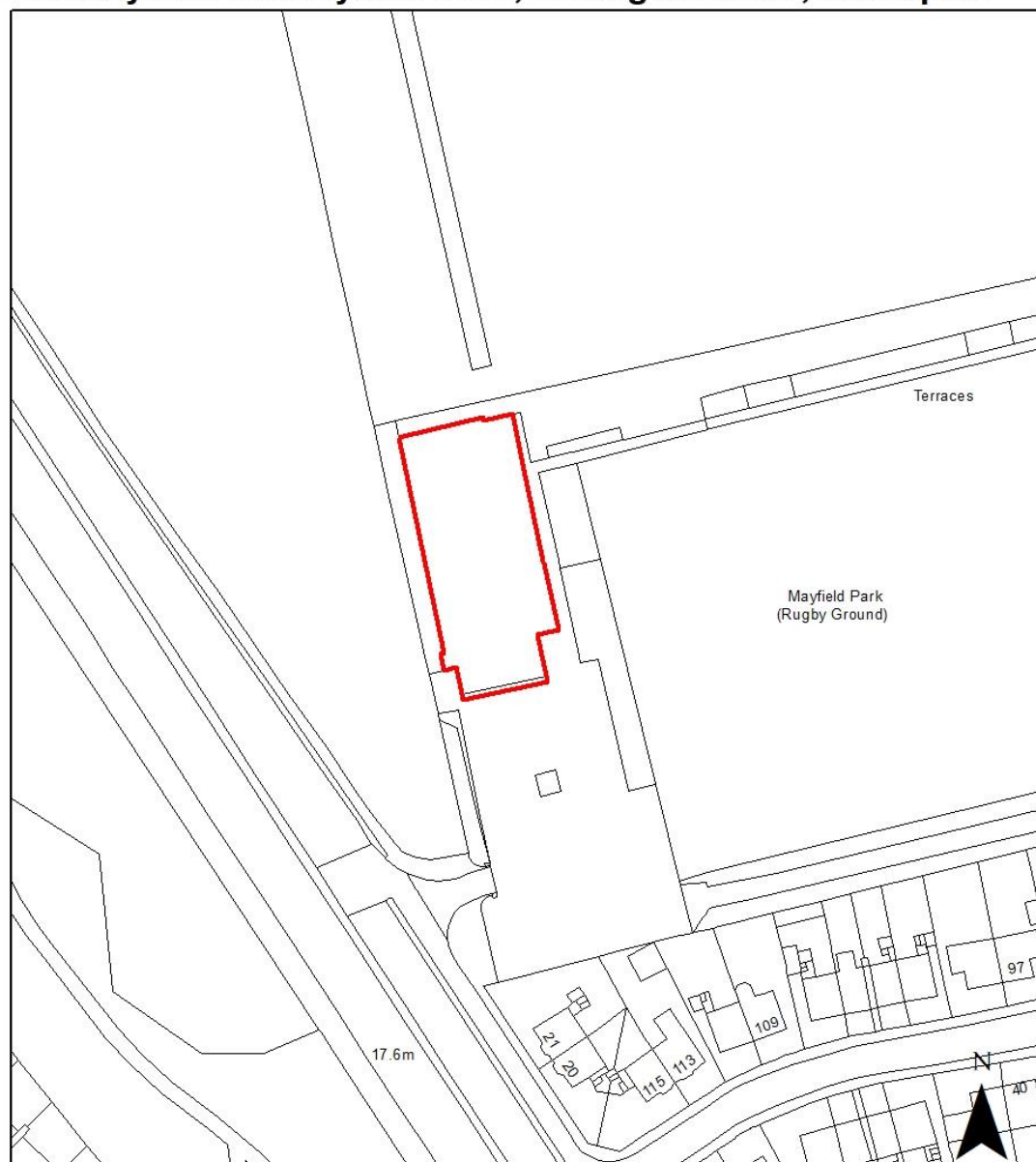
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Old Boys R.F.C. Mayfield Park, Easington Road, Hartlepool



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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 12.12.2023
	SCALE 1:1,000	
	DRG.NO H/2023/0182	REV

No: 5.
Number: H/2023/0336
Applicant: WILDSTONE ESTATES LIMITED BARTHOLOMEW
LANE LONDON EC2N 2AX
Agent: STANTEC UK LTD MR JUSTIN KENWORTHY 7 SOHO
SQUARE LONDON W1D 3QB
Date valid: 20/09/2023
Development: Advertisement consent for the installation of 1no. digital
advertising screen (D-Poster)
Location: LAND ON SOUTH SIDE OF STOCKTON ROAD
GREATHAM HARTLEPOOL

PURPOSE OF REPORT

5.1 An application has been submitted for the development highlighted within this report. The applicant has submitted an appeal to the Planning Inspectorate (PINS) in respect of the application on the grounds of non-determination. Hartlepool Borough Council will therefore no longer be able to make a formal decision on this application, with the decision resting with PINS. However for the purposes of the appeal it is required that the Local Planning Authority indicate what its decision would have been had it been free to determine the application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

5.2 There are no other relevant planning applications associated with this site.

5.3 It has been necessary to refer this application to Planning Committee for a decision, in line with the Council's scheme of delegation, due to the number of objections received meaning a decision under officer delegation has not been possible. The agent was asked to confirm an extension of time to allow the application to proceed to the next available committee meeting date, however they have not responded to those requests. Instead, they have chosen to submit an appeal (as discussed in paragraph 6.1). The matter is being reported to Committee so that its position on the application can be included in the Council's appeal statement in due course.

PROPOSAL

5.4 Advertisement consent is sought for the installation of a free-standing digital advertising screen (D-Poster) to be located on land to the south of Stockton Road (A688), at the entrance to Greatham Village, known locally as Sappers Corner. The proposed advertising screen would be approximately 6m in width by 3m in height, although the structure it would be mounted on would result in an overall height of approximately 5m in height from ground level. The screen and mounting would measure approximately 0.25m in depth. The proposed sign would be located in the

highway verge, in front the brick boundary wall serving the Up North Combine site to the west.

SITE CONTEXT

5.5 The application relates to an area of land to the south of Stockton Road (A689) at the junction with High Street, Greatham, known locally as Sapper's Corner. The land concerned is not owned by the Council, although part of it is adopted highway. There are a number of highway signs, street lighting columns, traffic lights etc. associated with the vehicular and pedestrian junction adjacent to the site. The site is located approximately 88m north of the Greatham Conservation Area and the listed buildings St Francis and Briarmead.

5.6 The site is adjacent to a commercial building and telecommunications mast site to the west, further south are residential properties within the village of Greatham. To the east are open fields. To the north is the highway of Stockton Road (A689), a dual carriage way with central reserve and tree lined verge beyond.

PUBLICITY

5.7 The application has been advertised by way of neighbour letters (2) and a site notice. To date, there has been one response of no objection from neighbouring occupiers.

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

https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2023/0336

5.9 The period for publicity has expired.

CONSULTATIONS

5.10 The following consultation replies have been received:

HBC Traffic and Transport – There are concerns that the location of the advertisement boards will have a severe impact on highway safety and I would like to raise an objection to this proposal. The site is located on a traffic signal junction, the main carriageway is dual with a 50mph speed limit, this changes to the national speed limit immediately west of the junction. Pedestrian crossing are present at the junction. There are concerns that the digital advertising boards will be a distraction at this high speed traffic light controlled junction.

HBC Landscape Architect – The proposed development will introduce a digital advertising screen to the verge at Sapper's Corner. Key visual receptors will be users of the A6898, users (vehicle and pedestrian) of the highway approach to Greatham and users of the Public Right of Way (cycle route 14) directly opposite the junction.

The elevation of the building at the road junction is well known locally and forms a gateway to the Greatham Conservation Area (boundary approx. 100m distant to the south). The proposed advertising screen would be an additional structure, independent of the building elevation. It would introduce further street scene clutter to the semi-rural location, when considered cumulatively with the existing junction highway infrastructure, and negatively impact landscape character of the approach to the conservation area.

HBC Public Protection – I have no objections to this application subject to the following conditions which are all in line with the Institute of Lighting Professionals guidance – The Brightness of Illuminated Adverts 2014:

No individual adverts displayed on the panel shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signs.

The interval between successive displays shall be instantaneous (0.1 seconds or less) with no flashing and a smooth instant change to the next static poster image and the complete screen shall change, there shall be no visual effects including sweeping or other animated transition methods between successive displays.

The intensity of the luminance anywhere on the surface of the advertisements hereby granted shall be no greater than 300 candela per square metre during night time hours (23:00hrs to 06:00hrs).

The sequential advertisement on any display shall not changes more than once every 10 seconds.

HBC Heritage and Open Spaces – This site is not in a conservation area, nor does it impact on any listed or locally listed buildings, no objections.

Hartlepool Civic Society – This proposal is outside the development limits and therefore classed as in a rural location. It will inevitably detract from the visual impact of the entrance to Greatham village and despite the applicant claiming ‘The proposal would not be detrimental in either an immediate or wider sense. It is not within a conservation area, attached or adjacent to a listed building, or within close proximity of any local heritage assets’ in reality it is in close proximity to and would be highly visible from Greatham Conservation Area and the two grade II listed buildings of Briarhead and St Francis.

Another factually incorrect statement within the application makes me wonder if the applicant has actually visited the site. ‘The proposed display will be located in a commercial character area in a position where advertising of this type is commonplace. The advertising is in scale with the surrounding built development. The proposed conditions to control luminance of the screens and the operation of the digital screens will ensure that there is no adverse impact on road safety.

Greatham Parish Council – The council strongly objects to the application. The site chosen is rural and not an industrial estate. There being just one building. It could be classed as hazardous to traffic being next to the A689. No mention is made of the owners of the site who have given permission for the project to be applied for.

Rural Plan Group – Thank you for consulting the Rural Neighbourhood Plan Group regarding this planning application.

Policy GEN1 – Development Limits

Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

In the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

The location of this application is outside the development limits and within the Green Gap as identified in the Rural Neighbourhood Plan and the Strategic Gap between Greatham and Hartlepool identified by Local Plan Policy LS1.

The proposed free standing advertisement panel would compromise the openness of the countryside, introducing into a rural setting a distinctly urban feature (as illustrated in appendix 3 of the applicant's cover letter). The advertising panel is not essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. It is not identified how it would support the rural economy. The proposed feature is not considered appropriate to a rural area or respectful of the local countryside. It will have a significant impact on visual amenity departing Hartlepool and as the approaching to Greatham Village and Conservation Area. As the location is a backdrop to the traffic lights at Sappers Corner junction it is also felt that it will have a significant impact on the local road network. Considering this application cannot be supported.

Local Plan Policy RUR1: Development in the Rural Area

The Borough Council will seek to ensure that the rural area is protected and enhances to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. Development outside the development limits will be strictly controlled.

Hartlepool Local Plan QP8: Advertisements

The Borough Council will seek to ensure that advertisements are appropriately located within the Borough and are of an appropriate scale and size.

*Applications for advertisements should have regard to the following criteria:
The impact of the advertisement either individually or by a resultant cumulative effect upon the building/land on which it is to be displayed up upon the surrounding area;
and*

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

Advertisements which introduce visually obtrusive features will not be permitted.

The rural area is considered as the countryside, which is defined as land beyond the limits to development. The countryside has many uses and is an important resource that should be protected, managed and enhanced.

The proposed location is inappropriate being outside development limits therefore in a rural location. The proposed advertisement panel will be an obtrusive alien feature at the entrance to Greatham Village. It will partially obscure the landmark Sappers Corner Garage form which this location has acquired its name of Sappers Corner. Public safety is also in question as the advertisement panel will be viewed through the traffic light as motorists approach heading west. As a free-standing advertisement at this location would introduce a visually intrusive feature it should not be permitted.

The applicant's cover letter, page 4 states 'The proposal would not be detrimental in either an immediate or wider sense. It is not within a conservation area, attached or adjacent to a listed building, or within close proximity of any local heritage assets'. In fact, it is in close proximity to and visible to/from Greatham Conservation Area and the two grade II listed buildings of Briarmead and St Francis. It would change the character of the approach to these heritage assets.

Also in the applicant's letter, page 4 'Public Safety. Digital advertising is now a common feature in town centres and adjacent to major roads across the Country and there remains no causal evidence that they cause traffic collisions. Nevertheless, it is an accepted fact that advertisements are intended to attract attention. As such, they are best located in situations where demands on a driver are low, and they do not conflict or confuse with other traffic signs or signals'. As the proposed advertisement panel is located directly behind the traffic lights at Sappers Corner and motorists travelling west would view it through the traffic lights when they ought to be concentrating on the colour of the lights it would risk conflict and confusion.

Further on page 5 (Conclusion) 'The proposed display will be located in a commercial character area in a position where advertising of this type is commonplace. The advertising is in scale with the surrounding built development. The proposed conditions to control the luminance of the screens and the operation of the digital screens will ensure that there is no adverse impact on amenity or road safety'. One commercial building does not make a commercial character, especially when surrounded by fields. By no means is advertising of this type commonplace at this location.

The site appears to be on the roadside verge outside the wall surrounding the forecourt of the Up-North Combine owned garage. A location that volunteers from the local community have tried to enhance by planting hundreds of daffodils which will be destroyed by works required to install this advertisement. Has the Borough

Council actually been approached and given consent as owner for the intrusive advertisement?

The Rural Neighbourhood Plan Group consider this an inappropriate location for such a free-standing advertising panel and therefore object to this application.

PLANNING POLICY

5.11 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

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

HE1: Heritage Assets

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters Advertisements

RUR1: Development in the Rural Area

SUS1: The Presumption in Favour of Sustainable Development

Rural Neighbourhood Plan Policy

5.13 The following policies from the Hartlepool Rural Neighbourhood Plan 2018 (HRNP) are relevant to the determination of this application:

GEN1: Development Limits

National Planning Policy Framework (NPPF)(2023)

5.14 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

PARA111: Refusal on highways grounds

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA136: Achieving well-designed places

PARA218: Implementation

5.15 HBC Planning Policy Comments: Planning Policy note that the location of this proposal is beyond the limits to development and that planning policies RUR 1 (development in the rural area) and QP8 (advertisements) are of paramount importance when considering this proposal.

5.16 Policy RUR- 1 states that the council will seek to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost and that development outside the development limits will be strictly controlled.

5.17 Policy QP8 sets out that the council will seek to ensure that advertisements are appropriately located and are of an appropriate scale and size. Applications for advertisements should have regard to the impact of the advertisement either individually or by a resultant cumulative effect upon the building/land on which it is to be displayed or upon the surrounding area and the impact upon public safety. In addition policy QP8 sets out that advertisements which introduce visually obtrusive features will not be permitted.

5.18 The proposal is located beyond the limits to development, in the countryside albeit located at the entrance to Greatham village. The proposal is located on a prominent corner at the entrance to Greatham and along a main route through the borough, the A689. Planning Policy are of the view that the proposal does not enhance the rural setting, Planning Policy consider that the proposal is imposing, dominating and highly inappropriate in this location. Planning Policy are of the view that the advert would detract from the visual amenity of the rural area and in turn have a detrimental impact upon the entrance to Greatham and a key route through the borough. The proposal is not of an appropriate size and scale for this rural location, the advert will be visible from along the A689 and when coming and going

from Greatham, Planning Policy note the concerns raised by HBC highways engineers and would echo their views.

5.19 As a whole Planning Policy consider that the proposal does not comply with the most pertinent policies of the Hartlepool Local Plan, policy RUR1 and Policy QP8, Planning Policy has serious concerns with regard to the impact the proposal would have on visual amenity and public safety.

PLANNING CONSIDERATIONS

5.20 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, visual amenity and highway safety.

PRINCIPLE OF DEVELOPMENT

5.21 The application site is located beyond the development limits of Hartlepool itself and Greatham Village, it is therefore within the rural area. Policy RUR1 of the Hartlepool Local Plan 2018 seeks to ensure the rural area is protected and enhanced to ensure that amongst other things, its rural landscape character is not lost. It further states that 'Development outside of the development limits will be strictly controlled'. A number of exceptions are identified within the policy for development beyond development limits, such as proposals necessary for the continued viable operation of agriculture, forestry, equine uses or other appropriate land bases businesses. The proposed advert does not fall within this scope. Similar concerns are reflected in the Hartlepool Rural Neighbourhood Plan GEN 1 (HRNP).

5.22 Given the above, it is considered the proposed advert would not be acceptable in principle in relation to Local Plan policy. Notwithstanding that, national policy directs local planning authorities to determine applications for advertisement consent on the basis of amenity and public safety. These two matters are addressed further below.

VISUAL AMENITY

5.23 Given the site is within the rural area, it is considered the introduction of a typically urban feature, such as digital advertising would be at odds with the prevailing character of the area. It would introduce clutter that would not serve any purpose identified under relevant policies (Local Plan policy RUR1, HRNP) as an exception for allowing development beyond settlement limits – such as for the purposes of agriculture, for example.

5.24 The Council's Landscape Architect has highlighted concerns in relation to the introduction of street clutter in this location which when considered cumulatively with the existing highway infrastructure at the junction, would have a negative impact on the character of the area. This would directly conflict with Policy RUR1 of the Local Plan, which states that development in the rural area should not have a significant impact in terms of visual intrusion or have a detrimental impact on landscape character.

5.25 The submitted application suggests that the application site is commercial in nature, however this appears to be based on the fact the closest building is in commercial use. This in itself does not create a 'commercial area' that would suggest the site is a suitable location for digital advertising. It is apparent in a wider view of the site that it is at the entrance to a village and otherwise typified by views of fields beyond. The application also makes reference to this type of advertising being commonplace in town centre locations, it is self-evident this location is not a town centre and therefore a typically urban feature would be at odds with the character of the area, to the detriment of visual amenity. This conflicts with the requirements of Local Plan policies QP4 and QP8, the latter of which specifically states that 'advertisements which introduce visually obtrusive features will not be permitted'.

5.26 For the reasons discussed above, and in the conclusion below, it is not considered that the sign is acceptable in terms of its impact on visual amenity.

PUBLIC SAFETY

5.27 The submitted application notes that in the interests of public safety, digital adverts 'are best located in situations where demands on a driver are low, and they do not conflict or confuse with other traffic signs or signals'. The application site is adjacent to a high speed traffic light junction, where traffic is travelling at 50 miles per hour, rising to national speed limit immediately west of the traffic light junction, with relevant signage in place to alert drivers' attention to this. The junction includes pedestrian crossings and therefore drivers need to be mindful of the potential need to stop at the signals as well as of the safety of pedestrians crossing a busy, high speed main thoroughfare. It is not considered that demands on drivers are low in this location.

5.28 The Council's Traffic and Transport team have raised concerns about the safety implications of the proposals, as they consider it would have an unacceptable severe impact in this location. The proposals are therefore considered to be in conflict with the requirements of policies QP3, QP8 and RUR1 of the Hartlepool Local Plan 2018. Paragraph 111 of the NPPF highlights that development should be refused where it would have an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe, it is therefore considered appropriate in this instance that the application is refused on highways grounds.

CONCLUSION

5.29 It is considered the proposed advert, by virtue of its design, appearance and location would have a significant negative impact on the visual amenities of the surrounding rural area, being an incongruous and dominant presence in a rural area, at a prominent location on a main thoroughfare exiting Hartlepool and at the entrance to Greatham Village. It is also considered the proposals would have a severe impact on highway safety. In addition to the principal matters for consideration in advertisement consent applications, the Local Plan is considered to be a material consideration and has a number of policies with which the proposals conflict, most notably being inappropriate development beyond the development limits and therefore within the rural area.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.30 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

REASON FOR DECISION

5.32 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 – Members be minded to **REFUSE** and defend any subsequent appeal accordingly for the following reasons:

1. The proposed development would be an incongruous and dominant feature that would be inappropriate in the rural area, beyond the development limits, and would compromise the visual amenities of the area, contrary to policies LS1, RUR1 and QP8 of the Hartlepool Local Plan (2018), Policy GEN1 of the Hartlepool Rural Neighbourhood Plan 2018 and paragraph 136 of the NPPF.
2. The proposed development would have a severe impact on highway safety, contrary to policies QP3, QP8 and RUR1 of the Hartlepool Local Plan 2018 and paragraph 136 of the NPPF.

BACKGROUND PAPERS

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

https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2023/0336

5.34 Copies of the applications are available on-line:

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

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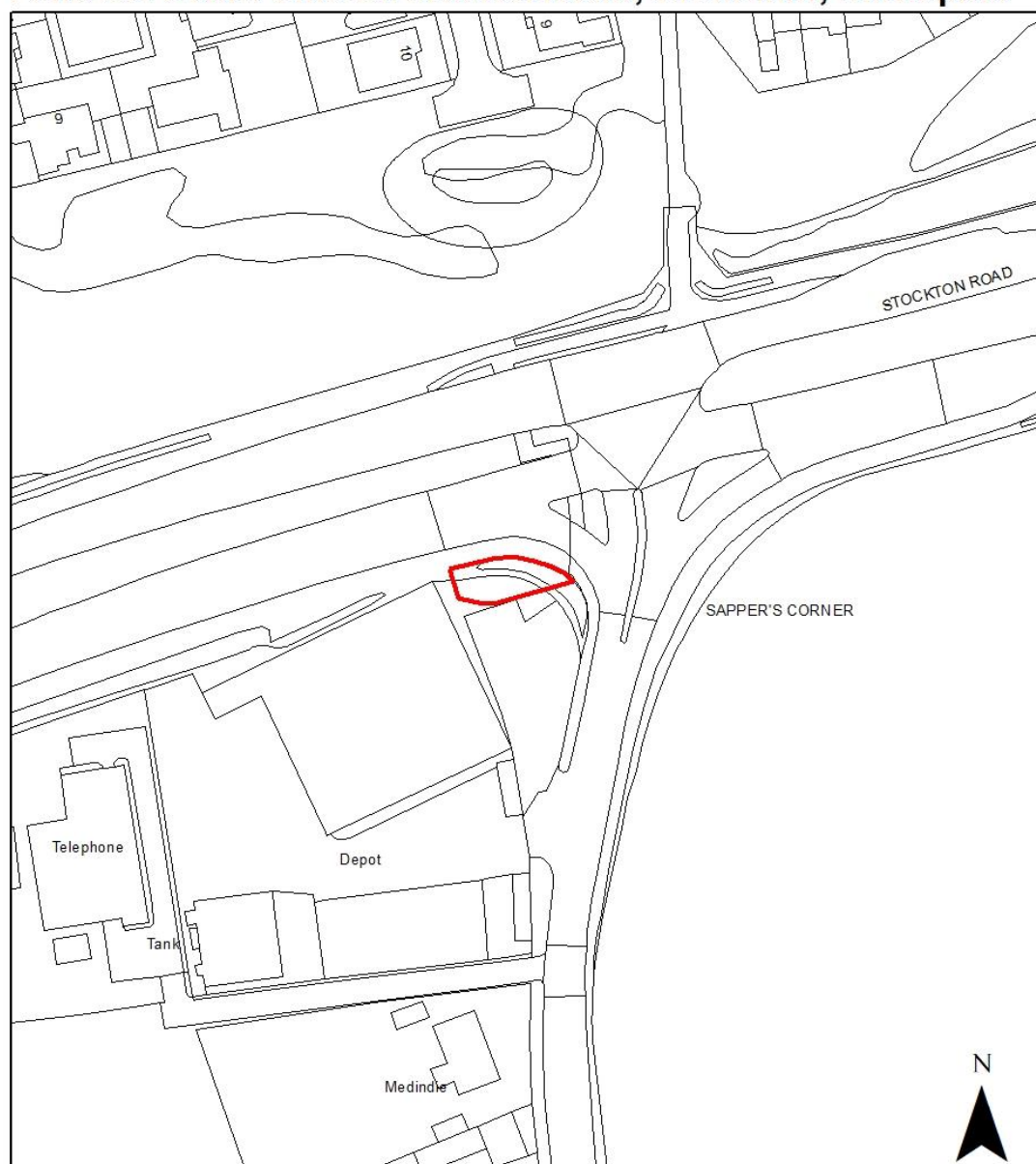
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Land On South Side Of Stockton Road, Greatham, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 12.12.2023
	SCALE 1:1,000	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2023/0336	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

PLANNING COMMITTEE

10th January 2024



Report of: Assistant Director – Neighbourhood Services

Subject: Development Management Performance – First and Second Quarter 2023-24

1. PURPOSE OF REPORT

1.1 This report is for information.

2. PURPOSE OF REPORT

2.1 To update the Planning Committee on performance of the Development Management service for the first and second quarter of 2023/2024.

3. BACKGROUND

- 3.1 The Development Management service focuses on determining planning applications. The service encourages the use of an advisory service (One Stop Shop) to enable proposals to be considered informally before applications are submitted, helping to improve the quality of development where appropriate. The section is also responsible for monitoring development and, where necessary, implementing enforcement action against unauthorised development.
- 3.2 The Government's current statutory determination periods for planning applications are 8 weeks for non-major development, 10 weeks for technical details consent, 10 weeks for development relating to major public service infrastructure projects (excluding EIA development) involving schools, hospitals and criminal justice accommodation, 13 weeks for major development and 16 weeks for EIA (Environmental Impact Assessment) development.
- 3.3 The Government sets stringent standards for performance, if these are not met then an authority can come under special measures which would mean that an applicant could apply to the Planning Inspectorate to determine an application rather than the planning authority. The Government's performance criteria for special measures designation require that, in terms of speed of decision making, 60% of major and 70% of non-major applications are determined within the statutory periods (or within an agreed extension of time). In terms of quality of decision making the criteria require that less than 10% of an authorities total decisions are overturned on appeal.

4. PERFORMANCE FOR THE FIRST & SECOND QUARTER

Speed of decision making

- 4.1 For the first quarter the service recorded that 100% of major applications (district matters) were determined within the statutory periods (or within an agreed extension of time). For non-major ('minor' or 'other') applications 100% of applications were determined within the statutory periods (or within an agreed extension of time). For county matters (mineral and waste) no applications were determined in quarter 1.
- 4.2 For the second quarter the service recorded that 100% of major applications (district matters) were determined within the statutory periods (or within an agreed extension of time). For non-major ('minor' or 'other') applications 100 % of applications were determined within the statutory periods (or within an agreed extension of time). For county matters (mineral and waste) no applications were determined in quarter 2.
- 4.3 In all cases, the service is far exceeding the government's performance criteria. Further in quarter 1 & 2 some 93% of applications were approved.
- 4.4 In terms of determining applications within the statutory time periods without extensions of time. The government's performance tables, at the time of writing, currently record that for the two year period ending in September 2023 (the end of quarter 2) the service determined some 28.88% of major applications (district matters) within 13 weeks far exceeding the north east average (18.7%) and the national average (19.43%). In terms of major applications (county matters-minerals & waste) some 67% of applications were determined within 13 weeks far exceeding the north east average (18.18%) and the national average (25.11%). Finally in terms of non-major applications some 49.7% were determined in less than 8 weeks again exceeding the north east average (48.47%) and the national average of (48.12%). This is notwithstanding the fact that, amongst other things which can effect performance, the period covers the time when decisions on in-scope applications were delayed due to the Nitrate pollution issue which was ultimately largely resolved through the diligent work of officers.

Quality of decision making

- 4.4 For the first quarter of the year, two appeals were part dismissed and part allowed (one an enforcement appeal on the same site). For the second quarter one appeal was allowed and one was dismissed. The allowed appeal related to an appeal against a planning condition, two were part allowed and part dismissed (one being an enforcement notice relating to the same retrospective development), none of these appeals are taken into account in the performance criteria. Therefore in relation to the government's performance criteria 0% of the authorities decisions were dismissed on appeal again the performance exceeds the government's target of less than 10% of its decisions overturned on appeal.

5. RECOMMENDATION

- 5.1 That members note the report.

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PLANNING COMMITTEE

10 January 2024



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. Demolition works at a redevelopment site on Miers Avenue.
2. Non-compliance with the construction management plan (relates to mud on the road) at a housing development site at land at Quarry Farm.
3. Non-compliance with an archaeological written scheme of investigation at a road construction scheme at Wynyard Park Estate.
4. The erection of a fertiliser store at an agricultural property at land off the A19.
5. The erection of railings at the front of a residential property in Kingsley Avenue.
6. The erection of a high fence at the rear, the running of a business, and the felling of a tree in the rear garden of a residential property in Park Road.
7. The erection of a garage, woodstore and outbuildings at a residential property at The Green, Elwick.

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

1. The siting of an external laundromat at a local centre on Belle Vue Way. The laundromat has now been removed.

2. The erection of two outbuildings at the rear of a residential property in Mayfair Gardens. A retrospective planning application seeking to regularise the development has since been approved.
 3. The display of banner signs on a residential property in Mayfair Gardens. The banner signs have now been removed.
 4. The painting of a mural on the side of a residential property in Lumley Square. Permitted development rights apply in this case.
 5. Non-compliance with a construction management plan (relates to site compound lighting) and a working hours condition at a housing development site at land at Middle Warren. The site is now operating in compliance with the construction management plan and the working hours condition.
 6. Non-compliance with the approved plans at a householder development in Bolton Grove. A retrospective planning application seeking to regularise the development has since been approved.
 7. Failure to discharge a pre-commencement surface water condition at a housing development site at land west of Wynyard Village. A discharge of conditions application has since been approved.
- 1.3 The following enforcement actions have been taken within this reporting period.
1. A section 215 notice has been served in respect of the untidy condition of a former sports and leisure complex at land off Tees Road.

2. RECOMMENDATION

- 2.1 Members note this report.

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