

PLANNING COMMITTEE

AGENDA



Wednesday 9 April 2025

at 5.00pm

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy (VC), Darby, Feeney (C), Jorgeson, Little, Martin-Wells, Oliver, Scarborough, Sharp, Thompson and Young.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

No items

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Neighbourhood Services)*

1. H/2023/0368 Land to the East of Hart Lane (Hart Reservoirs (page 1)
2. H/2024/0149 Land to the Southwest of Greatham Village (page 95)
3. H/2024/0331 11 The Beaumont, Wynyard, Billingham (page 149)

5. ITEMS FOR INFORMATION

5.1 Update on Enforcement Actions - *Assistant Director (Neighbourhood Services)*

5.2 Planning Appeal at 78 Grange Road – *Assistant Director (Neighbourhood Services)*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

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

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

- 5.3 Planning Appeal at 54 Grange Road – *Assistant Director (Neighbourhood Services)*
- 5.4 Planning appeal at land North of the A179 and West of Tremaine Close - *Assistant Director (Neighbourhood Services)*
- 5.5 Planning appeal at 14 Albion Terrace - *Assistant Director (Neighbourhood Services)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. 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.

FOR INFORMATION

Date of next meeting – Wednesday 28 May at 10.00am in the Civic Centre, Hartlepool



No: 1.
Number: H/2023/0368
Applicant: PERSIMMON HOMES RADCLIFFE CRESCENT
THORNABY STOCKTON ON TEES TS17 6BS
Agent: PERSIMMON HOMES ALICE HALL RADCLIFFE
CRESCENT THORNABY STOCKTON ON TEES TS17
6BS
Date valid: 11/12/2023
Development: Proposed residential development of 70no. dwellings and
associated infrastructure
Location: LAND TO THE EAST OF HART LANE (HART
RESERVOIRS) 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.

1.2 The application was deferred at the planning committee meeting of 12th March 2025 to allow members to undertake a site visit. A number of planning conditions have also been updated to reflect those that were tabled before members at the previous planning committee meeting. The Council's Planning Policy team have provided updated comments in respect to the number of dwellings sited on land allocated as a 'green wedge' under HLP Policies NE2 and NE3, and consequently, the report has been updated at paragraphs 1.107-1.109, 1.121 and 1.122 to reflect this.

BACKGROUND

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

H/2015/0354 – Outline planning application with some matters reserved for residential development (up to 52 dwellings) with associated access and highway works and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas, approved January 2021. This permission was not implemented and has since lapsed.

H/2020/0071 – Proposed discontinuance and infilling of Hart Reservoirs, was refused in March 2021.

H/2023/0028 – Engineering works to infill and level the disused and drained lower reservoir. 'Minded to approve' at the planning committee meeting of 13th March 2024, subject to the completion of a S106 legal agreement (which is still pending at the time of writing).

PROPOSAL

1.4 This planning application seeks permission for the proposed residential development of 70 detached dwellings and associated infrastructure. The proposed dwellings comprise detached properties of which 46 contain four bedrooms and 24 contain five bedrooms. The proposed dwellings include in-curtilage car parking and private rear gardens to serve each property.

1.5 Access is to be taken at the existing junction off Hart Lane and would necessitate the widening of the existing junction and the provision of a priority junction with a ghost island right turning facility along Hart Lane. A pedestrian-cycle link (via the installation of a kissing gate within the southern site boundary) would be provided to connect the site to the adjacent public footpath that runs along the southern boundary of the site, and an additional connection would be provided to the public footpath at the north east corner of the application site. The proposals also make provision for internal footpath routes.

1.6 The proposal includes a sustainable drainage system (SuDS) feature as well as a retained/enhanced watercourse and retained spillway feature, to serve the proposed development. A grasscrete path would extend around the SuDS feature.

1.7 The proposal includes the retention and enhancement of existing landscaping to the proposed open space areas, comprising the planting of native shrubs, wildflower seeding and native trees. The proposed development also includes the planting of tree lined streets, formal hedgerows and ornamental planting throughout the site. In the centre of the application site, the proposals include provision for a children's play area.

1.8 An existing spillway feature and an existing tower, both former reservoir structures, are indicated to be retained to some extent within the site (within the central areas of open space) with the proposed infill works reducing the height of both structures to a certain height above (the infilled) proposed ground level. The retained valve tower (to be sited approximately 1.2m above proposed ground levels) would be positioned in a small area of open space within the site. Other former reservoir structures within the red line boundary would be retained underground (once the area is infilled). The submitted details indicate that another valve tower would be retained however this falls outside of the application site and therefore the responsibility of its management would rest with the land owner.

1.9 Following the access road which extends from Hart Lane towards the proposed development at its eastern extent, the layout of the proposed dwellings would feature a row along the southern and eastern boundaries of the application site, with an additional road extending to the north, from which proposed dwellings would be laid out along the northern and north east boundaries. Due to these two main sections of internal road layout, proposed dwellings would front on to the retained watercourse feature and proposed play area which run through the centre of the site.

1.10 The materials of the proposed properties include properties with red coloured brick and grey roof tiles, albeit the front of 3 plots (plots 20, 30 and 63) would be

finished in white render, and properties with buff coloured brick and terracotta roof tiles. Properties include fenestration, garage doors, canopies and arch features in a grey colour, and fascia boards and drainage pipes in black. The proposed boundary treatments comprise a knee post fences with an approximate height of 0.45m, railings with an approximate height of 1.05m, brick wall topped with timber fence boards with a total height of approximately 1.2m, and close boarded timber fences with an approximate height of 1.8m.

1.11 Internal roads and footpaths would be black bitmac, whilst the links to the public footpath running around the south and east of the application site would be constructed from an informal whinstone dust path. A small substation is proposed on the northern side of the main access road into the site.

1.12 The proposal has been amended during the course of consideration. These changes include: the siting of plots 32 and 33 have been altered to move them back from the main street line; the curtilages (to the east) of plots 64-70 (inclusive) have been revised to allow for additional landscaping between these plots and the existing residential property of Hart Reservoir House; walkways between plots 49 and 52 to their parking and bin storage areas have been amended; there have been the addition of some feature chimneys to some plots; fencing and landscaping has been amended throughout; the re-positioning of the southern access onto the PRoW and the incorporation of a kissing gate; a landscape buffer in the form of a hedge to the southern boundary, additional window added to plot 1 facing the footpath, render incorporated to the façade of properties 20, 30 and 63; and the siting of plots 44, 46, 47, 48, 63, 67, 68 and 70 has been amended to achieve required separation distances. Updated drainage details have also been provided following comments received through the consultation with the Council's Engineering Consultancy.

1.13 The application is supported by a number of supporting documents to include a Heritage Statement, Flood Risk Assessment and Drainage Strategy, Biodiversity Net Gain Assessment, Archaeological Assessment and Building Recording, Noise Assessment, Ecological Appraisal and Arboricultural Impact Assessment.

1.14 The application has been referred to Planning Committee as more than three objections have been received, in line with the Council's scheme of delegation.

SITE CONTEXT

1.15 The application site relates to land at the former Hart Reservoirs, located off Hart Lane, Hartlepool. The total site area is approximately 4.1ha. The wider site primarily consists of the two former water bodies that formed the reservoirs, which are now in private ownership as well as an area of grassland to the north. The application site relates to the smaller disused reservoir, and the larger reservoir to the north is not within the application site boundary. The surrounding land gently undulates, sloping from northwest to southeast.

1.16 The former reservoirs lie in a modest, steep-sided valley. The former reservoirs are separated by an internal road that extends up from the small, gated site access (taken from Hart Lane) which serves the site and a single dwelling,

known as Hart Reservoirs House located to the north east of the site (which falls outside of the current application site boundary and in separate, private ownership to the current applicant). There are a number of features within the reservoirs including dams, sluices, overflow and valve structures.

1.17 Beyond the site boundaries to the south and to the east is a public access path (understood to be partially within HBC ownership) with residential properties located beyond; properties within Nightingale Close, Kestrel Close and Swallow Close are present beyond the southern boundary and mature tree planting to the south with properties in Kingfisher Close present beyond the eastern site boundary.

1.18 The site is accessed from Hart Lane which runs to the west of the site with High Throston Golf Club and Hart Quarry located beyond this highway. The nearest property to the north west (along Hart Lane) is 'Keepers Cottage'.

1.19 As noted above, planning permission for the engineering works to infill and level the disused and drained lower reservoir (H/2023/0028) is "minded to approve", following the planning committee meeting of 13th March 2024 and subject to the completion of a S106 legal agreement.

PUBLICITY

1.20 The application was advertised by way of nineteen neighbour letters, site notices and press notice. Further consultation was undertaken on three occasions on receipt of amended plans.

1.21 To date, nine neighbour objections have been received from members of the public. The objections can be summarised as follows:

- More houses are not required,
- Loss of green space,
- Increased traffic on Hart Lane,
- Dangerous entry/exit point onto Hart Lane,
- Parking issues,
- Poor footpath links between the site and Hart village (overgrown landscaping, state of disrepair and poorly lit),
- Loss of wildlife since the reservoirs were drained and reservoirs should be reinstated,
- Pressure on existing schools,
- Lack of affordable housing proposed on site.

1.22 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?PKID=159772>

1.23 The period for publicity has expired.

CONSULTATIONS

1.24 The following consultation replies have been received:

HBC Engineering Consultancy;
Contaminated Land

Detailed planning application in relation to the proposed residential development consisting of 70 dwellings on land at Hart Reservoirs, Hartlepool.

Comments from JBA Consulting relating to contaminated land risk on behalf of Hartlepool Borough Council: The proposed change in land use is to Residential Housing. Desk studies, ground investigations and geoenvironmental risk assessments have been undertaken with low risk and no remedial measures required as noted. A standard condition concerning unexpected contamination is recommended.

We would note the EA response concerning protection of their groundwater monitoring borehole and would recommend a condition as per their letter.

A linked planning application (H/2023/0028) has been noted concerning the import and infilling of the land. Details of this are covered in the Cundall Design Statement (attached to both applications). This includes a Materials Management Plan for the import and testing of material. It is recommended that conditions be placed that works are undertaken as per this report, and that a Verification Report is produced on completion of the work (also a requirement of the Cundall report).

Surface water management

As identified in the Planning Statement, the reservoirs have been drained and there is currently no supply of water to the reservoirs.

We note that further consultation comments will be dependent on the outcome of modelling/assessment to demonstrate interactions, either to the development site or downstream. We cannot pre-empt how flood maps, including the published surface water map will vary following further appraisal.

1. Flood Risk – The site is shown to be within Flood Zone 1; however, this is because it is outside of the extents of the EA Flood Risk Map for Planning. The Environment Agency published surface water flood maps indicate inundation of the two reservoirs.

No assessment of the existing watercourse capacity has been undertaken to confirm suitability to convey flood flows without the storage provided by the reservoir.

Infilling of one or more reservoirs will have an impact on surface water flow routes and the published mapping. Therefore, flood modelling should be undertaken to understand the impacts of the proposals and to confirm the post development flood risk beyond the site boundary. Modelling should include any current interactions with the upper reservoir. Modelling should also include representation of the proposed features crossing the watercourse.

How have bridges or culverts been designed with suitable capacities for climate change, soft bed and freeboard? Is there a risk that exceedance flows could discharge to the proposed SuDs basin?

2. Whilst infiltration testing has not been undertaken, significant remediation works are being undertaken and there is a watercourse running through the site. Restricted discharge to watercourse is proposed which appears reasonable in this instance.

3. We understand from the Planning Statement that “the infrastructure from the previous reservoir is not proposed to be removed, rather it will be covered and preserved under the material proposed to level the land”. Who is responsible for the retained spillway feature to the west? This is outside of the current site boundary; however, infrastructure could pose a hazard. Has public safety been appropriately considered in this respect? We note the Planning Statement identifies that “the towers and reservoir infrastructure are particularly dangerous in their current form”. We also note the presence of the historic reservoir control structure within the proposed SuDs basin – is this to be retained and if so, what are the implications?

4. What are the gradients of the side slopes on the proposed SuDs basin? How has the basin been designed for safety given its proximity to the playground? What is the residual risk to the basin or playground based on modelling of the watercourse?

5. Based on the Causeway modelling there is only nominal freeboard with the SuDS basin. In the 100 year plus climate change event the maximum water level is 47.893mAOD and the given crest level of the feature is 47.900mAOD.

We would expect to see an appropriate freeboard allowance.

Please also confirm overflow arrangements for the proposed basin to ensure exceedance flows are managed without increasing flood risk elsewhere. Without modelling of the watercourse, the impacts of the proposed basin surcharging cannot be confirmed.

6. We note that storm durations have only been tested up to 360 mins (6 hours). What is the critical storm duration for the site? Do longer storm events need to be considered?

7. FSR rainfall has been used in the drainage calculations, the system should also be tested against FEH rainfall.

8. Provide details of maintenance of the SuDS features, including who will be responsible for the management and maintenance for the lifetime of development.

Updated Comments received 05/07/2024

In response to your consultation on the above amended application:

Contaminated land

The proposed change in land use is to Residential Housing. Desk studies, ground investigations and geoenvironmental risk assessments have been undertaken with

low risk and no remedial measures required as noted. A standard condition concerning unexpected contamination is recommended.

We would note the EA response concerning protection of their groundwater monitoring borehole and would recommend a condition as per their letter.

A linked planning application (H/2023/0028) has been noted concerning the import and infilling of the land. Details of this are covered in the Cundall Design Statement (attached to both applications). This includes a Materials Management Plan for the import and testing of material. It is recommended that conditions be placed that works are undertaken as per this report, and that a Verification Report is produced on completion of the work (also a requirement of the Cundall report).

Update 15/01/2025 following amendments to the Drainage Strategy:

The revised drainage strategy is suitable for this stage of application, and we have no further comments to make. Whilst basin design has evidently been undertaken, it would be worth requesting the basin cross section detail as well as the management and maintenance plan for completeness so that it is clear what is being consented. This could be via planning condition. This is in line with the compliance summary with Tees Valley Developer's checklist.

HBC Ecology –

Summary

Holding objection.

The following should be secured:

- Garden fences, to include hedgehog holes.
- Approved plans to include details of habitat creation and retention of the watercourse.
- Various conditions and informatives (see below).
- The Biodiversity Offset Site (30-years).
- A Biodiversity Gain Plan (30-years).
- A HRA financial contribution of £17,500 to mitigate harm caused by Increased recreational disturbance.

The holding objection will be removed on confirmation that the required measures have been agreed and secured.

Ecology

I have assessed the submitted Ecology docs which have been prepared by OS Ecology and additional documents:

1. Ecological appraisal (October 2022).
2. Breeding bird survey (September 2023).
3. Bat survey (October 2023).
4. Great crested newt eDNA Survey (July 2023)*
5. Biodiversity Net Gain Assessment, Hart Reservoir Infill (April 2023).
6. Biodiversity Net Gain Assessment, Hart Reservoir (September 2023).

7. Design and Access Statement (December 2023).
8. H/2023/0028 planning application documents

*The great crested newt report refers to: 'OS Ecology (2023) 22221 eDNA v2', which has not been submitted. However, it was submitted for the planning application (decision pending) for the infilling of the reservoir basin – see H/2023/0028. I am satisfied that this information is fit for purpose and have assessed it for this application (below).

I have prepared a separate Habitats Regulations Assessment (HRA) stage 1 screening and stage 2 Appropriate Assessment (AA), which are submitted separately. The findings of these are given below.

For reference, the red line boundary, proposed site layout, aerial photograph and UK Habs Habitat Map are shown in Appendix 1.

For Information

The following extract from the Persimmon Cover letter (dated 30/11/2023) includes an HBC planning reference (H/2023/0354) which is incorrect and should read H/2023/0028.

A separate planning application was submitted by Persimmon earlier in 2023 for the infill and levelling of the land of the application site (ref. H/2023/0354). This was deemed necessary to facilitate any future development on the site. The application to which this Cover Letter relates intends to deliver high quality executive housing that is in line with current building regulations, meeting current and future housing need in Hartlepool.

Each of the reports are reviewed below:

1. Ecological Appraisal report.

I broadly support the findings and I support the proposed planning mitigation measures (avoidance, mitigation and compensatory) recommendations given in section 6.

For the avoidance of doubt, the required mitigation measures are shown below and should be the subject of conditions and/or informatives.

Avoidance Measures.

- Retention of boundary hedges (other than a length needing to be removed for traffic sight lines).
- External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting. The stone tower should not be illuminated, and light spill should be limited as far as practicable on retained habitats such as hedgerows and scrub.
- Works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Retained trees will be protected from damage in line with the

recommendations in BS5837:2012.

- A pre-commencement badger checking survey should be undertaken with three months prior to the start of works.

Mitigation measures.

- Site clearance should be undertaken in accordance with working method statements for:
- common toad (safe removal off site).
- European hedgehog (safe removal from site).
- Himalayan balsam (prevention of spreading).

Working methods should also be adopted to prevent the killing or injuring of species during the vegetation clearance, demolition and construction phases. These Method Statements should include:

- Any piles of brash, rubble or debris (man-made or natural), either currently existing within the site or created during the construction phase, will be dismantled carefully by hand and checked for the presence of hedgehogs and toads prior to disposal.
- If any hedgehogs or toads are found on site at any time, gloves will be used to carefully move the individual(s) to a suitable area within the vicinity which is to remain unaffected by the development, such as scrub and woodland habitat beyond the site boundary.
- No insecticides will be used on site, and the use of herbicides will be minimised.

The Method statement for Himalayan balsam should adhere to current guidance.

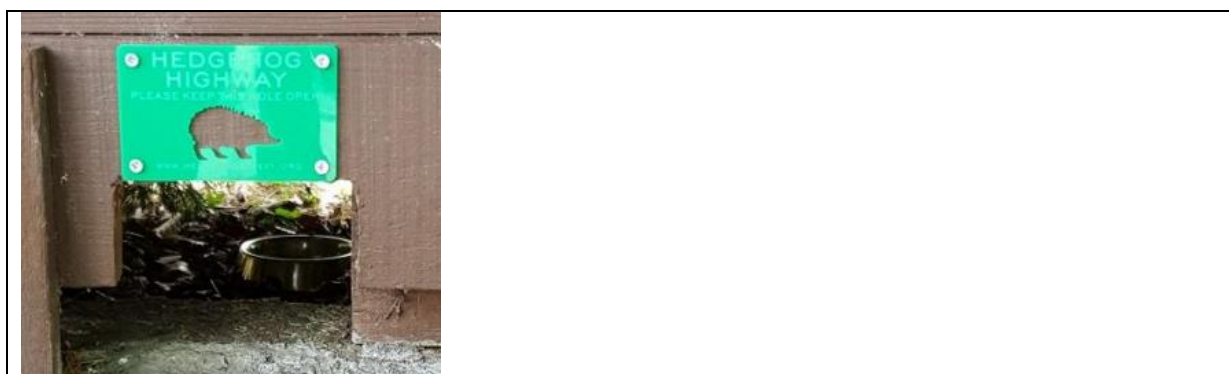
Compensation measures.

- Landscape planting should include berry and fruit bearing species to provide foraging opportunities.
- Each property (house or garage) should include one integral bat roost brick or one integral bird nesting brick. This should total 70 'Universal swift bricks', or 35 bespoke bricks for bats and 35 bespoke bricks for birds.

The Impact Assessment (section 5) has identified likely adverse impact (through habitat loss) on European hedgehog, brown hare, common toad and Priority species butterflies (I have regularly found the following species on similar Hartlepool sites: wall butterfly, dingy skipper butterfly and small heath butterfly). No compensatory mitigation measures have been offered; however, I am satisfied that the Biodiversity Net Gain (BNG) habitat creation will benefit these species. I require the following mitigation measure:

Hedgehog holes should be designed into perimeter and internal garden fences to allow the passage of hedgehogs through the housing site. Each should contain suitably sized 'Hedgehog highway' gaps (13cm x 13cm), to allow the continued movement of hedgehogs through the grounds and wider environment. A sign is

placed above each gap to prevent accidental blocking up.



2. Breeding Bird Survey report.

The Breeding Bird Survey report notes 53 breeding territories of 21 species, of which 11 are Birds of Conservation Concern (BoCC) – six red-listed and five amber-listed. Five species are NERC Act S41 Priority species. These are a material consideration, and harm must be mitigated. Areas of the site are likely to be within the territories of several pairs of birds, overlapping with off-site areas. The relatively recent draining of the reservoirs has reduced the historic value of the site for birds.

Mitigation measures are largely covered in the Ecological Appraisal report and assessed above.

The measure of ‘Trees, scrub and hedgerow will be retained where practicable and buffered to prevent disturbance’ needs to be shown in the Landscape plan, which should be secured by condition.

The measure ‘Areas of grassland within the habitat creation area will be managed to benefit breeding ground nesting species such as grey partridge and foraging raptors such as kestrel’, must be secured via a Biodiversity Gain Plan (see below).

3. Bat Survey report.

The Bat Survey report notes four species of bat identified during surveys and 11,511 bat records obtained remotely over 46 nights. I support the assessment that ‘The site is concluded to be of local value to bats, used for foraging and commuting by small numbers of a locally common range of species with activity dominated by common pipistrelle’, and that ‘The area of grassland, scrub and bare ground to the south of the site appears to be of the greatest value as a foraging resource’.

Planning mitigation measures are covered in the Ecological Appraisal report and assessed above.

4. Great Crested Newt eDNA Survey

The Ecological Appraisal report references a great crested newt (GCN) assessment via a footnote which refers to: ‘OS Ecology (2023) 22221 eDNA v2’. This document was previously submitted to support planning application H/2023/0028 and is fit for purpose for this application. I am satisfied that harm to GCN is unlikely.

5. Biodiversity Net Gain Assessment – Hart reservoir Infill

6. Biodiversity Net Gain Assessment – Hart Reservoir

Two Biodiversity Net Gain Assessment reports have been submitted, one covering the Hart Reservoir Infill (April 2023) and one covering Hart Reservoir (September 2023). The former was also submitted for a planning application for the infilling of the eastern-most of the two reservoir basins.

I support the investigation by OS Ecology as to whether the site has been deliberately de-graded of biodiversity value (Biodiversity Net Gain Assessment, Hart Reservoir Infill, sections 1.3 and 1.4):

As detailed within Schedule 14 of the Environment Act, which sets out the biodiversity gain condition for development, measures are included that allow planning authorities to recognise any habitat degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain. In order to ascertain the habitats present and their condition on 30th January 2020, a combination of aerial imagery and information from surveys conducted prior to site clearance have been used to calculate the value of reservoir basin. Practically, the change in recent years in terms of habitat classification comprises the reservoir basin containing bare ground as opposed to its current state of artificial unvegetated, unsealed surface.

And...

Aerial imagery suggested the reservoir last held water in 2018 and was drained sometime between 2018 and 2020. For this assessment it is assumed the reservoir was drained by the end of January 2020.

I can confirm that the reservoir was drained just prior to 02/07/2019.

A Biodiversity Net Gain Assessment was initially provided for an application to fill the on-site reservoir basin. OS Ecology has ensured that the Biodiversity Metric habitat type pre-infilling is retained post-infilling, to ensure that the biodiversity change is accurately assessed. This is explained in Biodiversity Net Gain Assessment Hart Reservoir section 3.2:

At present, the reservoir basin comprises sparsely vegetated land, however it is considered that following the infilling works this habitat will be classified as artificial, unvegetated unsealed surface with the loss of the biodiversity units of sparsely vegetated land already accounted for within the biodiversity net gain assessment for the infilling works⁸. This habitat should be maintained as such following the infilling works to ensure the BNG assessment reflects the current state of the habitats prior to the commencement of the residential development.

Biodiversity Net Gain (BNG) results.

The Biodiversity Net Gain Assessment (using the Biodiversity Metric 4.0) reports No Net Loss of Biodiversity for this project. There will be biodiversity gains in habitats (0.34 Habitat Units), hedgerows (5.19 Units) and watercourse (6.28 Units), as shown by the BM 4.0 table:

--

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	0.34
	Hedgerow units	5.19
	Watercourse units	6.28
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	2.01%
	Hedgerow units	193.18%
	Watercourse units	304.14%

Habitat results.

On-site baseline (4.3 Ha)

Habitats	17.08 Units (all to be lost)
Hedgerows	2.69 Units (all to be lost)
Watercourse	2.06 Units (all to be retained)

Section 3.10 of the Biodiversity Net Gain Assessment report states:

Given the nature of the existing site and the current development proposals, the existing habitats on site are anticipated to be lost and no habitat enhancement is proposed.

To account for this, the following is stated in section 3.11:

It is proposed to enhance the habitats within the off-site mitigation area, which comprises an area of bare ground, which will be split into enhancement to other neutral grassland and enhancement into native mixed scrub. The small of area of woodland within the mitigation area will also be enhanced to improve its condition.

Off-site baseline (1.67 Ha)

Habitats	4.26 Units (all to be lost)
Hedgerows	7.75 Units (all to be retained)
Watercourse	1.35 Units (all to be retained)

On-site post development

New habitats	5.35 Units
New hedgerows	1.4 Units
Retained watercourse	2.06 Units.

Off-site post development

New habitats	15.96 Units
20 specimen trees	0.36 Units
New & retained hedgerows	14.23 Units.
New watercourse	7.63 Units

A Biodiversity Gain Plan must be secured, to ensure the stated habitats, hedges and watercourses (and their stated areas/lengths/quality) are delivered and then appropriately managed for a minimum 30-year period, with monitoring at 5, 10, 20 and 30 years.

The on-site habitats to be created include:

- Introduced scrub.
- Mixed scrub
- Modified grassland (amenity)
- Other neutral grassland (rough)
- Native species hedge
- Non-native/ ornamental hedge

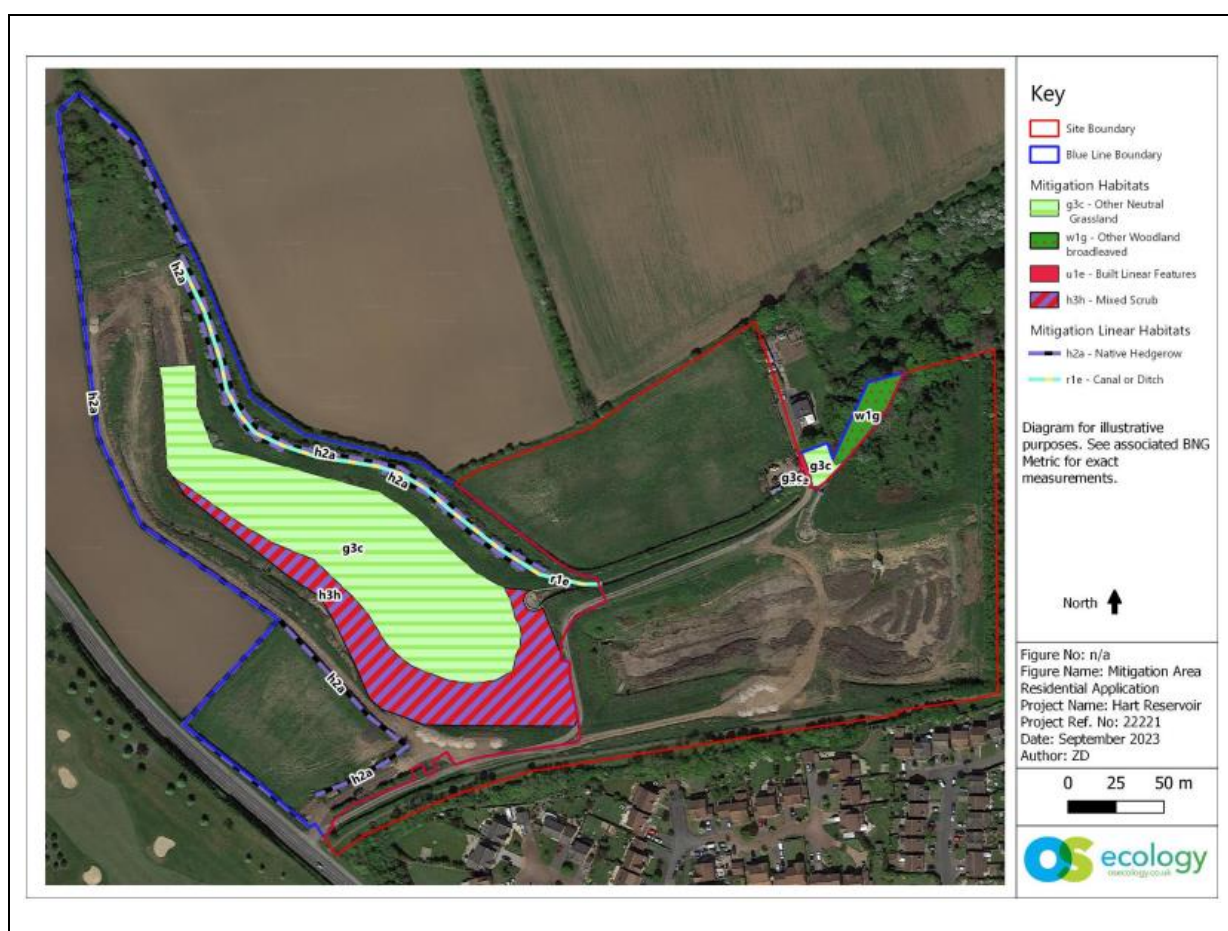
Areas for each are given in table 3.10 of the Biodiversity Net Gain Assessment – Hart Reservoir report. This habitat creation should be reflected in the conditioned Soft Landscape Plan as well as the Biodiversity Gain Plan.

The off-site habitats to be created include:

- Other neutral grassland
- Mixed woodland
- Mixed scrub
- 20 specimen trees

Areas for each are given in table 3.7 of the Biodiversity Net Gain Assessment – Hart Reservoir report. This habitat creation should be reflected in the Biodiversity Gain Plan.

The Biodiversity Offset Site (referred to above as ‘off-site’) is outside of the red line boundary and must be secured for a minimum 30-year period. The area is shown in the Biodiversity Net Gain Assessment – Hart Reservoir report in Appendix 2. A snip is included below:



7. Design and Access Statement

I support the retention of the on-site watercourse as described in the Design and Access Statement (examples below). Retention of the watercourse is integral to the Biodiversity offer and must be secured.



8. H/2023/0028 planning application.

I note the HBC Ecology response for this pending application includes the following recommended conditions:

Condition 1 – CEMP. Prior to the start of engineering works to infill the reservoir a detailed Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the LPA for approval, this shall include methods statements for a

range of protected species and cover site clearance for Himalayan balsam to prevent its spread, reducing residual impacts on reptiles and amphibians as a consequence of clearance and impacts on disturbance / loss of breeding bird habitat.

Condition 2 – Landscape and Ecology Restoration and Management Plan. Prior to the start of engineering works to infill the reservoir, a Landscape and Ecological Restoration and Management Plan (LERMP) shall be prepared and submitted to the LPA for approval. This plan shall illustrate the proposal described in the Biodiversity Net Gain Assessment report and demonstrate how the gains may be achieved. As a minimum, the plan shall show a gain of 1.18% in the habitat units, 2.53% in hedgerow units and 1.29% in watercourse units as presented in the Biodiversity Net Gain Assessment report (OS Ecology, July 2023).

Proposed Condition 1 would usefully apply to this application. Proposed Condition 2 can be replaced by the requirement (above) to condition a Biodiversity Gain Plan. As described above, the BNG for this application has carried forward the BNG scores for the H/2023/0028 scheme.

Proposed Condition 2 might be re-worded as follows:

Biodiversity Gain Plan. Prior to the start of works, a Biodiversity Gain Plan (BGP) shall be prepared and submitted to the LPA for approval. This plan shall illustrate the proposal described in the Biodiversity Net Gain Assessment report and demonstrate how the gains will be achieved. As a minimum, the Plan shall show a gain of 2.01% in Habitat units, 193.18% in Hedgerow units and 304.14% in Watercourse units, as presented in the Biodiversity Net Gain Assessment – Hart Reservoir report (OS Ecology, September 2023).

Habitats Regulations Assessment

The HRA screens out any harm linked to ‘Nutrient Neutrality’ and shows how Increased recreational disturbance can be mitigated by a financial contribution of £17,500 to be spent delivering the Hartlepool Coastal Management Scheme. NB: For viability assessment purposes, this financial contribution is linked to the Habitats Regulations and not to planning legislation. The HRA is submitted as a separate document.

Conclusion

This is an excellent example of a developer using land within their ownership to deliver BNG.

So long as the following measures are secured, the HBC Ecology Section will have no objection.

- Garden fences, to include ‘Hedgehog highway’ holes.
- Approved plans to include details of habitat creation and retention of the watercourse.
- Various conditions and informatives.
- Securing the Biodiversity Offset Site (30-years).
- An approved Biodiversity Gain Plan (30-years).

- An HRA financial contribution of £17,500 to mitigate harm caused by Increased recreational disturbance.

Update 21/02/2024 following discussions with applicant and amended ecological details:

Ecology responses (in *italics*) to consultee comments dated 11/02/2024.

The Ecologist has placed a holding objection until such a time that the below bullet points can be confirmed. We have provided a response to each of these points in red.

1. Garden fences, to include hedgehog holes.

We will be happy to incorporate hedgehog holes into the development as a part of the biodiversity enhancement. NB: Technically it is mitigation for potential harm to hedgehogs rather than NPPF biodiversity enhancement.

A plan detailing this alongside the inclusion of bat roosting and bird nesting can be conditioned.

These measures are supported. My concern is that they should be captured on a plan which is to be conditioned.

2. Approved plans to include details of habitat creation and retention of the watercourse.

The landscaping proposals plan illustrates the retention of the watercourse and indicative habitats created. Exact details of this will be provided as part of the detailed landscaping plans. Supported. My concern is that they should be captured on a plan which is to be conditioned. *A Biodiversity Plan is currently being pulled together to indicate the areas which will contribute to the biodiversity net gain, both on-site and off-site.* Supported – I will be happy to comment when submitted.

3. Various conditions and informatives.

4. The Biodiversity Offset Site (30-years).

The location of the off-site Biodiversity has been outlined within the BNG Assessment submitted as part of this application. I agree that the off-site Biodiversity has been outlined within the BNG Assessment. I raised the issue as it is outside of the red line boundary and therefore needs to be secured. *However, we are producing a separate plan which will outline the area and an indication of the proposed enhancements within the area.* Supported – this document can be secured.

5. A Biodiversity Gain Plan (30-years).

As stated above, an illustrative plan is being produced. Further detail about the plan for the 30 year period can be agreed via condition and/or as part of the Section 106.

Supported – this can be secured. Presumably it cannot be conditioned as it includes works outside the red line boundary.

6. A HRA financial contribution of £17,500 to mitigate harm caused by Increased recreational disturbance.

The above represents a request for £250 per plot financial contribution recommended for HRA mitigation by the Ecologist. This is £150 in excess of other contributions which have previously been agreed between developers and the Local Planning Authority. We are only aware of a policy requirement to contribute £100 per plot which has been agreed for residential developments, examples of such vary in scale from the previous 52 dwelling scheme on this site up to 1260 units at South West Sector. In light of this, I am therefore asking what is the justification behind the £250 per dwelling contribution request rather than the £100 per dwelling which has been agreed elsewhere within the borough as well as previously on this development site.

Following contact with the Planning Policy Team Leader, to enquire about the standard contributions for residential developments, I was directed to the Hartlepool South West Extension application (ref. H/2014/0405) for reference on previously agreed HRA financial contributions (as this was agreed at EIP). It was agreed that £100 per dwelling would be paid as HRA financial contribution for the Hartlepool South West Extension, a 1260 dwelling scheme. Similarly, the previously approved extant planning application on this site (land to the east of Hart Lane) for 52 residential dwellings had an agreed Section 106 contribution of £100 per dwelling for HRA Mitigation.

Due to the fact that the previously approved application on this site had an agreed HRA financial contribution of £100 per dwelling it seems reasonable that the same proportionate contribution exists for this application.

If you can enquire as to the justification behind the increased sum rather than the £100 per dwelling, as agreed in previous applications, then that would be much appreciated.

The potential harm caused by Increased recreational disturbance can be mitigated either by a financial contribution to the Hartlepool Coastal Management Scheme or through the provision of Suitable Alternative Natural Green Space (SANGS).

The scheme(s) referred to provided a mix of SANGS and a financial contribution. This scheme does not provide any SANGS and the financial contribution has been calculated accordingly, using the table below.

Parameters	£/house	Notes
Accessibility of the coast		
Walking possible (0-1km)	200	Shortest route
Car required (1.1-6.9km driving route)	100	Actual route
Car required (7-11.9km driving route)	50	Actual route
Car required (12+km driving route)	0	Actual route

Update 07/04/2024 following re-consultation on amended details:

I have no Ecology concerns or requirements regarding 'what has changed'. My earlier response (dated 07/01/2024) remains valid.

Update 04/06/2024 following receipt of amended ecological information:

I support the submitted Ecology layout which includes the note:
I support the submitted amended site layout extract plan which includes areas of habitat creation and retention of the watercourse.
Other outstanding issues in my earlier response (dated 07/01/2024) remain valid.

Update 11/09/2024 on receipt of amended ecological information:

The Ecology Section has assessed the updated Biodiversity Net Gain Assessment (version 4) dated 05/09/2024 (following a request for clarification made in a response dated 02/09/2024 [Appendix 1]). BNG v4 now incorporates the landscaping masterplan to provide better understanding of how the future habitats will be incorporated into the development. This is provided in the snip below (Landscape Proposals Plan/ Landscape Strategy – prepared by Fairhurst), which is difficult to read in the BNG v4 report and appears not to be on the planning portal.


The Ecology Section supports the Landscape Strategy and recommends that it is submitted, placed on the planning portal and conditioned as appropriate.

Ecology

The Ecology Section has assessed the Biodiversity Net Gain Assessment (version 3).

The Ecology Section accepts the on-site post development habitat creation (paragraph 3.9, see snip below) and it must be secured by the LPA as referred to in paragraph 3.10 (detailed management plan - normally referred to as a Biodiversity Gain Plan).

22221 BNG Assessment v3.docx
August 2024



Post Development – Habitat Creation

3.9 The following table details the post development habitats proposed to be created on site and the metric category considered to match the proposed habitat types most closely.

Area Habitats		
Habitat Type	Metric Category	Area (Ha)¹
Native trees (25no.) / Street trees (63no.)	Urban tree	0.3583
Ornamental planting	Introduced shrub	0.028
Native shrub planting	Mixed scrub	0.0298
Amenity grassland	Modified grassland	0.5342
Wildflower grassland	Other neutral grassland	0.1722
Wet wildflower (SUDS)	Other neutral grassland	0.1493
Built development	Developed land; sealed surface	1.7607
Built development	Developed land; sealed surface	1.6247
		4.30 (exc. 0.36ha of urban tree)
Hedgerow Habitats		
Habitat Type	Metric Category	Length (Km)¹
Native hedge planting	Native hedgerow	0.19
Formal hedge planting	Non-native and ornamental hedgerow	0.791
		0.981

1. Area and length measurements provided by Persimmon.

3.10 For the purposes of the metric, it is assumed that a detailed management plan will be produced and adhered to, to ensure delivery of the target habitats and conditions.

3.11 A figure illustrating the location of habitat creation proposals is provided within the appendices. The following table details each element of the habitat creation proposed, including the target condition, other criteria assigned by the metric and the associated biodiversity units delivered by each element.

NB: I am unclear where these habitats are to be created. Paragraph 3.11 refers to a figure showing the location of this habitat creation, however, the only habitat figure in the appendix (snip below) is titled 'On-site habitats' and it is unclear whether this is baseline or post-development – clarification is sought.

Any on-site post development habitat creation will need to be detailed in a 30-year Biodiversity Gain Plan, to be conditioned by the LPA.

Following the on-site post development habitat creation there will be a BNG shortfall. It is intended to address this shortfall and provide the required BNG off-site. The report states that this will be delivered in the development area known as the South-west extension (section 5, see snip below). Paragraph 5.2 and table 5.1 detail the types and amounts of habitats to be provided.

The Ecology Section is satisfied that ecologically, this is sound, and recommends that the LPA secures its delivery, which should be guided by a 30-year Biodiversity Gain Plan.

5. Off-Site Proposals

- 5.1 To deliver a net gain for biodiversity in relation to the proposed residential development, off-site habitat creation is proposed at the Hartlepool South West Sector site (see appendices for location). This site lies within the same LPA boundary as the proposed residential development.
- 5.2 To satisfy the trading rules of the metric, the following units are required:
- Medium Distinctiveness Grassland (or a higher distinctiveness habitat): 13.39 units
 - Medium Distinctiveness Heathland and Shrub (or a higher distinctiveness habitat): 0.57 units
 - Hedgerow: 1.29 units
- 5.3 It is proposed to carry out the following habitat creation works within the Hartlepool SWS site, within an area (2.6ha) of arable land. The following table details each element of the habitat creation proposed, including the target condition, other criteria assigned by the metric and the associated biodiversity units delivered by each element.

22221 BNG Assessment v3.docx
August 2024



Table 5.1: Off-site Post Development Habitats – Biodiversity Units Delivered (Habitat Creation)

Area Habitats							
Habitat Type	Area (ha)	Distinctiveness	Condition	Strategic Significance	Time to target condition/years	Difficulty of Creation	Biodiversity Units Delivered
Habitat Creation							
Other Neutral Grassland	2.3	Medium	Moderate	Low	5	Low	15.40
Mixed Scrub	0.3	Medium	Moderate	Low	5	Low	2.01
Habitat Units:							17.41
Habitat Type	Length (km)	Distinctiveness	Condition	Strategic Significance	Time to target condition/years	Difficulty of Creation	Biodiversity Units Delivered
Hedgerow Creation							
Species Rich Native Hedgerow with Trees	0.2	High	Good	Low	20	Low	1.77
Hedgerow Units:							1.77

The final figure in the appendices illustrates the red line boundary of the area known as the South-west extension.

HBC Heritage & Open Spaces – The application site has previously been identified as a heritage asset. Information on rational behind this and how it meets the relevant criteria can be found in Appendix 1. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

The National Planning Policy Framework (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. 209, NPPF).

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

The proposal is the erection of 70 dwellings and associated infrastructure. Previous applications included the retention of both reservoirs and their associated features, albeit with some alterations, and latterly the infilling of the reservoirs. It is accepted that the circumstances have changed and much of the interest has been lost through the draining of the water bodies and the subsequent work on the site. Further to this the site has been assessed and recorded.

In light of the current condition of the sites it is considered that the proposed works are acceptable. It is suggested that where possible opportunities should be considered for interpretation on the site in order to provide information that would offer visitors an understanding of the area. This could include information in close proximity to retained infrastructure, the water way and public space/play area.

Updates received 29/04/2024, 31/05/2024, 12/02/2025 following re-consultation on amended plans (summarised)

No objections to the proposed amendments that have been made. The earlier response, dated 7/2/24 remains valid.

HBC Traffic & Transport – The proposed number of dwellings is below the threshold required for a Transport assessment and it is considered that the development would not have a severe impact on the surrounding highway network. The proposed priority junction with segregated right turn lane is acceptable. The 40 mph speed limit is to be extended to cover the proposed access. The legal and physical costs of the relocation should be borne by the developer.

Shared Surface Areas – These should have a minimum 6.0 metre running carriageway with a 0.5m hardened maintenance margin. The plans show that it is proposed to surface the carriageway in red tarmac. Unfortunately this material

causes severe maintenance issues, when potholes / service reinstatements require repair. It is not possible to get hold of small quantities of red tarmac and similar areas have had potholes filled with black tarmac. These areas should therefore be surfaced using a standard black tarmac.

The main carriageways should be a minimum 5.5 metres wide with 2 metre wide footways. The public footway immediately to the south of the site should be upgraded to a footway / cycleway between Hart Lane and Swallow Close. It would be possible to remove the proposed southern footway between Hart Lane and the already proposed footpath link if the PROW is upgraded. The PROW would then form the adopted footway to Hart Lane on the southern side of the site.

We would be looking for the developer to upgrade the existing footway on Hart Lane between the site entrance and the existing cycleway immediately south of Merlin Way to a 3.0m footway /cycleway.

There is a poor history of works vehicles exiting this site and transferring excessive mud on to the highway. In order to tackle this issue a construction management plan is required which details the wheel wash facilities that will be put in place to prevent this occurrence. These should be sited on hard standing. These facilities should be put in place prior to works commencing.

Update 26/04/2024 following receipt of amended plans:

The amended layout is acceptable.

Previous requirements for off-site PROW works remain.

Update 06/06/2024 following receipt of amended plans:

There are no further highway comments to add.

Update 27/02/2025 in respect to submitted Transport Statement and Travel Plan:

The applicant has submitted a Transport Statement in support of the application as the number of properties was below the Transport Assessment threshold. This means that the developer has not done any detailed junction modelling as it is generally accepted that the level of housing would have a minimal impact on the surrounding highway network. The Transport Statement outlines the scope of the development, site accessibility and trip generation. I can confirm that the TS is an accurate assessment.

I can also confirm that the Travel Plan is acceptable and appropriate for a development of this size.

Update 27/02/2025 in respect to 'triggers' for conditions relating to highway works (summary of discussion):

- Confirmed triggers for details of mitigation measures (extension to speed limit, street lighting and proposed access, to be provided prior to first occupation and implemented within same trigger.
- Reiterated importance of CMP condition.

HBC Countryside Access Officer – An existing public access path runs along the outside eastern and southern boundaries. The plans already suggest an access link from the proposed development to this access path, along the southern boundary.

I would like to see, as part of the application, another access route to link to this access path, from the north eastern corner of the development site. This new path would enable residents and visitors to access to and from the new development without having to walk south to the proposed access link, especially if they wish to exit and walk in an eastern or northerly direction.

I would also like to see a s106 contribution towards the surfacing improvement of the access path, along the eastern and southern sections of the access path (as mentioned above).

Additional comments received 15/05/2024

I am comfortable with these proposals.

Update 10/02/2025 following re-consultation on amended plans:

Further to my comments of 8th January 2024; after good discussions, an agreement has been reached, between Persimmon Homes and the Council, to create an access link path, from the proposed housing site to the existing public access path, located along the eastern boundary of the development site.

Also agreed was the decision for either Persimmon to carry out surface works to the relevant section of the public access path, as shown on their latest site layout plan - DWG NO.HAR-HRE-001 REV Q PROPOSED SITE LAYOUT (redacted), or to provide, via a s106 agreement, a developer contribution, to be used towards the said resurfacing of the above mentioned section of path.

My preference is for Persimmon Homes to carry out the works as, if their application is approved, they will have the relevant machinery and equipment, already on site, to carry out these works. I look forward to formal agreement to these works, as outlined above.

HBC Public Protection – 1. Object/Support/Neither

I have no objections subject to the conditions below.

2. Comments and background to any licensing position

None

3. Suggested Planning Conditions

- Prior to installation of the security lighting to be used during the construction period, details shall be submitted to and approved in writing by, the Local Planning Authority.
- The working hours for all construction activities and deliveries and collections on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.
- There should be adequate dust suppression facilities on site.
- Provision of a wheel washing facility to the entrance/exit of the site shall be provided at all times.

4. Informative (advice to applicant re any other requirements such as licensing)

- No open burning at all on site.

Tees Archaeology – Thank you for the consultation on this application. The reservoirs have been subject to archaeological recording, and no further archaeological work is necessary in relation to the reservoirs themselves. The wider site has also previously been subject to archaeological evaluation (Event 1148) in 2015, which revealed remains thought to be Iron Age/Romano-British in date in the south-west corner of the field to the north of the eastern reservoir. The evaluation report recommended that a programme of archaeological work be undertaken in order to mitigate the impact of the development on the archaeological resource. We agree with the recommendation set out in the evaluation report.

The recommended archaeological work can be conditioned upon the development; I set out proposed wording for the archaeological 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 until the site investigation has been carried out in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the

provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

Update 09/04/2024 following query from applicant:

I have no issues with the submitted WSI.

The requested condition can be amended along the lines of:

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place until the site investigation has been carried out in accordance with the approved Written Scheme of Investigation (relevant details here i.e. doc #, when submitted etc).

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

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

Update 11/06/2024 following re-consultation on amended plans:

Our comments of April 2024 remain unchanged.

Environment Agency – Environment Agency Position

The proposed development will be acceptable if the following condition is included on the planning permission's decision notice. Without this condition we would object to the proposal due to its potential adverse impact on the environment.

Condition

A scheme for managing the Environment Agency borehole located on site, installed for the investigation of groundwater, shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how this borehole that needs to be retained, post-development, for monitoring purposes will be secured and protected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development. Reason
To ensure that boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 180 of the National Planning Policy Framework.

Amended comments received 08/04/2024, 04/06/2024, 09/07/2024, 12/02/2025 following re-consultation on amended plans:

We have reviewed the amended information provided and it does not change our previous advice to this application dated 25 January 2024, which still applies. This advice has been repeated below.

Environment Agency Position

The proposed development will be acceptable if the following condition is included on the planning permission's decision notice. Without this condition we would object to the proposal due to its potential adverse impact on the environment.

Condition

A scheme for managing the Environment Agency borehole located on site, installed for the investigation of groundwater, shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how this borehole that needs to be retained, post-development, for monitoring purposes will be secured and protected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason

To ensure that boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 180 of the National Planning Policy Framework.

Hartlepool Rural Plan Group – Thank you for consulting the Rural Neighbourhood Plan Group regarding this application. The application is within the area covered by the Rural Neighbourhood Plan and therefore subject to the policies contained in the Neighbourhood Plan. The following policies are most relevant.

POLICY GEN1 – DEVELOPMENT LIMITS

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

The site of this application is not a site designated by the Local Plan but is within the development limits of the Local Plan. The site is adjacent to the green gap but not within it. The location is one which is acceptable in terms of policy GEN1.

POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

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

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

It would appear from the Character Analysis the source of inspiration for the designs in this application are the adjacent new housing developments built by other major developers. Perhaps one can expect no less than developers insisting on repeating standard generic designs, but it is a new low for one developer to present the work of their competitors to justify their own lack of architectural imagination.

We would suggest this means the applicant's designs fail to address point 3 to create a sense of place and reinforce the character of the village or rural area by being individual and respecting the local vernacular building character ie. local character and distinctiveness.

POLICY H2 - AFFORDABLE HOUSING

1. Affordable housing will be required in applications for residential development that consist of a gross addition of six or more dwellings. For schemes of between 6 and 10 units, financial contributions in lieu of on-site provision can be made and any commuted sums received must be used for the provision of affordable housing within or adjacent to the villages in the plan area.
2. Developers will be required to deliver 18% affordable housing in a bid to contribute to the delivery of this. The affordable provision and tenure and mix will be negotiated on a site-by-site basis, having regard to the economic viability of the development and the most up-to-date evidence of housing need, aspiration and the local housing market. The affordable homes provided must be of a tenure, size and type to help meet identified local housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently for longer.
3. Market and affordable homes on sites should be indistinguishable and achieve the same high design quality.
4. It is expected that affordable housing will be delivered through on-site provision and where appropriate, be pepper-potted throughout the development. However, in certain circumstances it will be acceptable for provision to be made off-site, preferably within the same village, where:
 - applicants can provide sound, robust evidence why the affordable housing cannot be incorporated on-site; and/or
 - Hartlepool Borough Council and the Parish Council is satisfied that off site provision will benefit the delivery of affordable housing in the Rural Plan area.
5. Other than in exceptional circumstances all affordable units will be delivered in partnership with a Registered Provider by means of a Legal Agreement, and appropriate provision to secure long term availability.
6. Where the scheme's viability may be affected, such that an adequate amount of affordable housing cannot be provided, developers will be expected to provide viability assessments which will be submitted as an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to

reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

The reason for a planning requirement for affordable housing is the urgent need for such housing, not least in the Borough of Hartlepool, yet it seems all too easy for developers to avoid this provision. Does the Borough of Hartlepool really require above all else another 70 'executive' houses. What about bungalows, which with an ageing population, these have also been identified as being required.

It is shocking that the developer is unable to afford to provide any form of affordable housing. With the viability assessment being confidential we rely on the officers able to view it to check the developers claim. Does this qualify as an open book viability assessment as required in point 6? Overage payments should also be secured if justified.

POLICY H5 - HOUSING DEVELOPMENT ON THE EDGE OF HARTLEPOOL

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

1. create distinct new communities designed to instill a sense of place, with an attractive community hub, located in the centre of the development, containing a community centre, shops and other local services on a scale that meets the needs of the new community;
2. incorporate a diverse housing mix with a variety of house types, sizes and tenures;
3. provide an open and attractively landscaped development with the gross density of the development of about 25 dwellings per hectare;
4. include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats;
5. include landscaped open spaces, roads and footpaths, incorporating children's play areas, throughout the development linked to the peripheral landscape buffer to provide green routes through the housing areas that enhance the quality of the development and provide wildlife habitats;
6. link new footpath and cycleway routes through the development to routes in the countryside, to existing adjacent communities, to schools, community facilities and the town centre;
7. retain existing farmsteads, trees, hedgerows, ditches, watercourses, and heritage assets within the development;
8. not compromise the Green Gaps between the urban area and villages;
9. address any significant impacts arising from an increase in traffic on the road network between Hartlepool and the A19 as a result of the new development. This should include mitigation measures identified by Transport Assessments which may include improvements to the junctions from the villages to the A19, A179 and A689 as well measures to discourage traffic from the new development using minor roads through the villages in the Plan area and sympathetic traffic calming where necessary. Adequate measures should be discussed as part of the application and not delegated to a condition and in some instances measures should be put in place prior to the occupation of the first dwelling in the relevant proposal.
10. avoid areas at risk of flooding and incorporate sustainable drainage measures to manage rain water runoff from the development.

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

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

As the proposal is for only 70 houses one cannot reasonably expect shops and other local services from this development on its own. Such facilities may be found in the adjacent housing developments but as easily accessible are facilities in Hart village. The provision of a children's play area and adjacent open space is welcome and will provide a communal focus for families especially, this is welcomed. As is the landscaped area to the north east and the watercourse that traverses the development.

There is no diversity in the housing mix. All are large detached executive houses. The development therefore fails to address address point 2.

The northern boundary adjoins the countryside. A strong landscape buffer is required along this boundary to reduce the visual impact. No such provision is indicated, a six foot high solid wooden fence is an unacceptable intrusion into the rural landscape. This is unacceptable and contrary to point 4.

The indication of a 'future access link' on this northern boundary is not welcome as this would access into the protected green gap and strategic gap. Development in this area would be strongly opposed.

A pedestrian route should be provided from the vicinity of the children's play area via the north east corner of the site to the existing open space which continues to the green wedge south of the Bishop Cuthbert estate.

Traffic from this development will put extra pressure on Hart Lane and the A179. Contributions to improvements as indicated in the Rural Neighbourhood Plan Policy T1 should be secured (see following).

POLICY NE1 - NATURAL ENVIRONMENT

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

1. Nature conservation sites of international and national importance, Local Wildlife Sites, Local

Geological Sites and Local Nature Reserves will be protected, managed and actively enhanced. Designated sites are identified on the Proposals Map.

2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or

wetland creation. Opportunities to de-culvert parts of Greatham Beck and its tributaries will be encouraged within the Neighbourhood Plan area.

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

4. Existing woodland of amenity and nature conservation value and in particular ancient semi natural woodland and veteran trees will be protected. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting must where possible:

- a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing;
- b. Provide screening around any non-agricultural uses;
- c. Use a mix of local native species appropriate to the landscape character area;
- d. Ensure that trees are planted at distances from buildings that provide sufficient space for the future growth of the tree to maturity.

Every effort should be made to improve the watercourse that runs through the proposed development for the benefit of biodiversity. New tree and hedgerow planting must be added to reduce the impact of the new buildings in the landscape as set out in Rural Neighbourhood Policy NE1 (4a & b). This is especially important along the Northern boundary of the proposed development where no planting is indicated in the application. If approved this development will become the new western urban fringe and a tree belt of 10 meters is expected.

The Rural Neighbourhood Plan Group is shocked by the extremely limited area covered by the community consultation process, restricted to a few neighbouring streets. The limited questions are limited, none deal with subjects such as local distinctiveness. Hartlepool Civic Society might have been a useful contact. As the location is within the Rural Neighbourhood Plan area one would have hoped the Neighbourhood Plan Group would have been involved and at least Hart Parish Council as the site is within the parish.

The Rural Plan Group accept this site as suitable for development and find some positives in the open spaces included in the application. Unfortunately, the proposal fails to address the design principles addressing local character and distinctiveness that is sought in policy GEN2. This cannot be addressed by taking inspiration from new developments adjacent but outside the Rural Neighbourhood Plan area that may also have failed to address local character – a persistent failure of major developers who seek to repeat generic designs. The lack of any affordable housing is also unacceptable (policy H2) as is the lack of housing mix (policy H5). The failure to provide a landscape buffer where the development adjoins the countryside is contrary to policies H5 and NE1.

As this application has failed to address several Rural Neighbourhood Plan policies the Group object to this application as presented.

Update received 11/04/2024 following reconsultation on amended plans:

Hartlepool Rural Neighbourhood Plan Group welcome the improved pedestrian access to the existing paths/ St. Cuthbert Estate to the east of the proposed development. One questions the use of a kissing gate as this will restrict use by those with pram/pushchair and disabled.

All other comments on our earlier responses remain valid and therefore our objection.

Update 04/06/2024 following reconsultation on amended plans:

Thank you for consulting Hartlepool Rural Neighbourhood Plan Group. The Group's earlier comments remain valid.

Update 10/07/2024 following reconsultation on amended plans:

Thank you for consulting Hartlepool Rural Neighbourhood Plan Group. The amendments do not alter our initial response and objections which remain.

Natural England – No objection – subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- Have an adverse effect on the integrity of Northumbria Coast Special Protection Area and Ramsar site and Durham Coast Special Area of Conservation and the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site <https://designatedsites.naturalengland.org.uk/>.

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

- Contribution to the Coastal Mitigation Scheme as set out in the appropriate assessment.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to

mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions¹, providing that all mitigation measures are appropriately secured in any planning permission given.

Teesmouth and Cleveland Coast Site of Special Scientific Interest

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

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

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Updated comments received 18/04/2024, 03/06/2024, 14/02/2025 following re-consultation on amended plans:

Natural England has previously commented on this proposal and made comments to the authority in our response dated 01 February 2024, our reference number 462578 (attached).

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

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.

HBC Landscape Architect - There is a previous outline approval for residential development on the site, so the principle of dwellings is established. An Arboricultural Impact Assessment has been provided and I would refer to Arb Officer Comments regarding this. It is noted however that Hedgerow 2 is to be removed at the site entrance. While a new highway access is required the loss of hedgerows will alter the exiting rural character of the lane and appropriate replacement planting should be provided.

There are a number of issues with the layout which need to be addressed should any development proceed.

1. The Northern edge of the development (plots 54-64) requires an appropriate buffer of structural landscaping to fully integrate and assimilate the development into the existing rural / agricultural landscape context and provide an appropriate settlement edge.

2. Street trees are located within gardens of dwellings. These will be difficult to control and maintain and the longer term contribution to the street scene cannot be guaranteed.

Subject to an agreed layout, full details of hard and soft landscape proposals shall be provided prior to any consent being given.

Hard landscape details should include all enclosing elements, street furniture and street lighting locations. Details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings. Soft Landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of any rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. Details of proposed soft landscape management should be provided.

The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years.

Update 11/04/2024 following receipt of amended plans:

Previous landscape comments remain.

Update 29/05/2024 following receipt of amended plans:

The fundamental issues regarding lack of appropriate structural planting to the northern boundary remain.

It is noted that a high proportion of trees are within private gardens and so will be difficult to control in the long term.

Detailed hard and soft landscape details should be provided in due course.

Update 14/02/2025 following re-consultation on amended layout, landscaping, materials and boundary treatments:

There are no landscape issues with the proposed amendment.

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

From the plans it is not clear if the surface leading to houses 16,17,41,42,43,54,55 and 56 is adequate and would accommodate the specified weight as detailed below for access to reach all the premises within 45m.

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 18 tonnes.

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

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 1 Section B5 Table 13.1.

Hart Parish Council - This site is within the development limits of the Local Plan. The site is adjacent to the green gap but not within it.

Hart Parish Council are concerned that the landowner has been allowed to drain the reservoir and destroy a local nature reserve which form a part of this land holding.

The northern boundary adjoins the countryside. A strong landscape buffer is required along this boundary to reduce the visual impact. No such provision is indicated, a six foot high solid wooden fence is an unacceptable intrusion into the rural landscape. Landscaping must be included.

The indication of a 'future access link' on this northern boundary is not welcome as this would access into the protected green gap and strategic gap. Development in this area would be strongly opposed.

A pedestrian route should be provided from the vicinity of the children's play area via the north east corner of the site to the existing open space which continues to the green wedge south of the Bishop Cuthbert estate.

Traffic from this development will put extra pressure on Hart Lane and the A179.

Every effort should be made to improve the watercourse that runs through the proposed development for the benefit of biodiversity.

New tree and hedgerow planting must be added to reduce the impact of the new buildings in the landscape. This is especially important along the Northern boundary of the proposed development where no planting is indicated in the application. If approved this development will become the new western urban fringe and a tree belt of 10 meters is expected.

Finally, if approved HBC and the developer must adequately deal with vehicles moving on and off the site to ensure mud and other debris doesn't affect Hart Lane one of the town's arterial main roads. During the recent years this has been a major problem for the residents of Hart and Hartlepool and appropriate conditions and enforcement action must be taken by HBC to ensure this problem is rectified.

Cleveland Police - I've looked at the layout of the estate.

I would ask Persimmon to consider 1.8m gates flush to fronts of properties to deter unauthorised access to the rear.

I recommend a minimum 1.8m fencing at the rear boundary, and between properties at the rear.

I hope that Persimmon will work with us to achieve the Secured by Design 2023 Homes Award, which is available free of charge, and can be used to give confidence to prospective buyers, that security considerations have been addressed.

Here is a link to the guide [HOMES_GUIDE_2023_web.pdf](#)

Updated comments received 02/05/2024, 12/06/2024, 19/07/2024 following re-consultation on amended plans:

No further comments in relation to this development.

HBC Arboricultural Officer - The submitted Arboricultural Survey/ Arboricultural Impact Assessment/ Arboricultural Method Statement and Tree Protection Plan by Elliot Consultancy Ltd dated April 2023 provides all of the necessary information in relation to the current trees and the proposed impacts. There is a loss of 2 sections of native hedging throughout the site but this is minor in its scale and will be mitigated through proposed landscaping.

The development to the east of the site requires the pruning of the hedgerow. To put the fence where it is proposed would require extreme pruning of the hedge, almost back to the stem. This is not good for the long term retention of the hedge and by having fencing so close to it will mean that when the hedge grows back it is likely to

cause future issues and complaints for owners of them properties and hedges and damage to the fence as has happened with previous sites in within Hartlepool. To combat this the fence could be brought forward so it is not up tight against the stem of the hedgerow. Appendix 6, Tree Protection Plan shows the Hedgerow protection fencing to be put in place but nothing is shown in place for Hedgerow 3, I would think this has been accidentally missed but should be altered to include the protective fencing on the plan.

Proposed tree planting is proposed for the front gardens of a number of properties to ensure the streets are tree lined however I feel the rear gardens of plots 21 - 43 could benefit from some additional planting to break up the unobstructed view of people looking into a row of back gardens from the rear windows, columnar formed species could break up the space whilst not spreading too widely. The submission of the detailed planting plan and execution of the proposed planting would need to be done prior to the occupation of any development and should be secured by condition to ensure the planting can be carried out as planned rather than facing opposition after residents have already moved in.

Updated comments received 18/04/2024 following receipt of amended plans:

Previous comments have not been addressed and still remain.

Updated comments received 05/06/2024 following receipt of amended landscaping:

The fence to the east of the site appears to have been moved and fence type changed to accommodate the existing hedgerow to be retained. The submitted Arboricultural Survey/ Arboricultural Impact Assessment/Arboricultural Method Statement and Tree Protection Plan by Elliot Consultancy Ltd dated April 2023 needs to be updated to reflect the change especially Appendix 6, Tree Protection Plan. No protection is shown in place for Hedgerow 3, I would think this has been accidentally missed but should be altered to include the protective fencing on the plan.

Proposed tree planting is proposed for the front gardens of a number of properties to ensure the streets are tree lined however I feel the rear gardens of plots 21 - 43 could benefit from some additional planting to break up the unobstructed view of people looking into a row of back gardens from the rear windows, columnar formed species could break up the space whilst not spreading too widely. I echo the concerns of the landscape architect that control of the trees post development would be difficult to manage. The submission of the detailed planting plan and execution of the proposed planting would need to be done prior to the occupation of any development and should be secured by condition to ensure the planting can be carried out as planned rather than facing opposition after residents have already moved in.

Update 12/02/2025 following re-consultation on amended layout:

I note from the proposed conditions from the applicant that they have proposed the following condition in terms of landscaping: Notwithstanding the submitted details and prior to commencement of development, a detailed scheme for the provision,

long term maintenance and management of all soft landscaping (primarily in respect to the landscaping and surface finish to the infilled area) within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all 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. 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 completed. Any landscaping/planting 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.

The plans once approved prior to the development should be implemented in my opinion, prior to the first occupation of the site/ or a dwelling and not after the development is completed. Not doing this may lead to a situation where the landscaping cannot be completed adequately and as per the approved plans due to people living in the properties and not wanting landscaping as has happened on previous sites in Hartlepool. Without this tree planting being implemented there would be very little tree cover on this site. If this cannot be agreed it may be expedient to apply a Tree Preservation Order to the trees prior to planting pursuant to The Town and Country Planning Act 1990, Part 8, Chapter 1, 198 to ensure that the planting of the trees are further safeguarded beyond a condition and so the trees remain protected once planted for their lifetime.

HBC Building Control - A Building Regulation application will be required for 'residential development of 70 dwellings'.

National Highways - Thank you for engaging with National Highways regarding the above planning application. We have reviewed the Transport Statement (TS) and Travel Plan (TP) in support of the application and would provide the following comments in response.

National Highways understand that this planning application seeks to bring forward development comprising of 70 dwellings on a site that had previously been granted planning permission for 52 dwellings (application reference H/2015/0354). For reference, we previously recommended no objection to application reference H/2015/0354.

Travel Plan

We support the proposed measures within the TP that provide high speed broadband and space for home working, in addition to internal footways connecting to active travel facilities adjacent to the Site.

Whilst we support the proposed baseline modal splits, we would have expected the modal share targets to have been fully disaggregated into individual modes of travel, so that the modal shift can be reviewed based on the measures that are proposed.

The proposed monitoring strategy is not compliant with the requirements of DfT Circular 01/2022 because the monitoring requirements of the TP should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan, in line with PPG (2014).

We would state that the funding strategy for the TP is appropriate and we support the firm financial commitments that are made regarding TP delivery.

Site sustainability

We support the consideration of the site's accessibility but would state the site does not have a high level of public transport accessibility. Ideally, the Applicant should, therefore, engage with HBC and local bus operators to see if there's a possibility of increasing the frequency and / or adding digital timetables and bus shelters at the stops on Merlin Way.

We would note that the TP and TS were not prepared in accordance with Circular 01/2022 or National Planning Policy Framework (2023) (NPPF).

Transport Statement

Upon review of the proposed person trip rates, we would state that these are appropriate and represent a robust baseline scenario.

We do not support the approach used to derive the vehicle trip generation of the proposed development as this does not take into consideration the targeted modal shift detailed within the TP. The TP must be considered in the trip generation methodology in order to be considered as 'residual', as per Circular 01/2022.

Despite this, National Highways would agree that the proposed development only generates a marginal number of trips onto the A19 / A179 Sheraton Junction and therefore, no further evidence is required.

National Highways would note that we are disappointed with the policy deficiencies highlighted above and would reiterate that we won't accept this approach for sites that do assign a potentially significant number of trips towards the SRN.

Notwithstanding the deficiencies that have been identified, on the basis of the above, I enclose National Highways' formal NHPR 22-12 response recommending no objection.

Update 11/04/2024 following receipt of amended plans:

The changes to this application do not affect our previous response of no objection. Please maintain this as National Highways position on this application.

Northern Gas Networks – We do not object to your planning application.

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.

Update 11/02/2025 following re-consultation on amended plans:

We do not object to your planning application.

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.

Northern Power Grid – No objections. Plan attached.

Update 11/02/2025 following re-consultation on amended plans:

No objections. Plan attached.

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/>

We do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled “Flood Risk Assessment and Drainage Strategy September 2023”. This document reflects our pre-planning enquiry advice.

We request that the following approval condition be attached to any planning consent granted, so that the development is implemented in accordance with the named document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Flood Risk Assessment and Drainage Strategy” dated “September 2023”. The drainage scheme shall ensure that foul flows discharge to the public foul sewer at manhole 5307 and ensure that surface water discharges to the existing watercourse.

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

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

For Information Only

Please note that the site lies within drainage area 11-D24. This drainage area discharges to Seaton Carew Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

Hartlepool Water: This application amendments are not relevant to Anglian Water – we have no further comments to make since our last response. Please note Anglian Water will only comment on matters relating to drainage/surface water connections to our network.

HBC Community Safety: No comments received.

PLANNING POLICY

1.25 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)

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

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG9	Affordable Housing
RUR1	Development in the Rural Area
RUR2	New Dwellings outside of development limits

NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green Wedges
HE1	Heritage assets
HE5	Locally Listed Buildings and Structures

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN (2018)

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

Policy	Subject
GEN1	Development Limits
GEN2	Design Principles
H1	Housing Development
H2	Affordable Housing
H5	Housing development on the edge of Hartlepool
T1	Improvements to the Highway Network
T2	Improvement and Extension of the Public and Permissive Rights of Way Network
NE1	Natural Environment
PO1	Planning Obligations – Contributions Towards Meeting Community Infrastructure Priorities
HA1	Protection and Enhancement of Heritage Assets Policy
HA4	Protection and Enhancement of Locally Important Buildings

ADOPTED TEES VALLEY MINERALS AND WASTE DPD (2011)

1.28 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.

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

Policy	Subject
MWP1	Waste Audits

National Planning Policy Framework (NPPF)(2024)

1.30 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021, and the 2023 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 strong 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	Subject
1	NPPF sets out the governments planning policies
2	Determination in accordance with the development plan
3	The NPPF should be read as a whole
7	Achieving sustainable development
8	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
9	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
10	The presumption in favour of sustainable development
11	The presumption in favour of sustainable development
12	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
39	Decision making in a positive way
48	Determining applications in accordance with the development plan
56	Use of conditions or planning obligations
57	Planning conditions should be kept to a minimum
58	Planning obligation tests
59	Obligations in a plan should be viable
61	Significantly boost supply of homes
64	Delivering a sufficient supply of homes
65	Delivering a sufficient supply of homes (affordable homes)
67	Delivering a sufficient supply of homes
82	Rural housing
83	Rural housing
85	Building a strong, competitive economy
88	Supporting a prosperous rural economy
96	Promoting healthy and safe communities
97	Promoting healthy and safe communities
98	Promoting healthy and safe communities
99	Promoting healthy and safe communities
100	Promoting healthy and safe communities
103	Open space and recreation
105	Open space and recreation
109	Promoting sustainable transport
110	Promoting sustainable transport
112	Promoting sustainable transport
115	Considering development proposals
116	Considering development proposals
117	Considering development proposals
118	Considering development proposals

124	Making effective use of land
125	Making effective use of land
129	Achieving appropriate densities
131	Achieving well-designed places
135	Achieving well-designed places
136	Achieving well-designed places
137	Achieving well-designed places
139	Achieving well-designed places
161	Meeting the challenge of climate change, flooding and coastal change
163	Meeting the challenge of climate change, flooding and coastal change
167	Meeting the challenge of climate change, flooding and coastal change
181	Planning and flood risk
182	Planning and flood risk
187	Conserving and enhancing the natural environment
193	Habitats and biodiversity
195	Habitats and biodiversity
198	Development in appropriate locations
200	Integration of development
202	Heritage assets
207	Describing significance
208	Impact on a heritage asset
209	Neglect or damage to a heritage asset
210	Determining applications
212	Considering impact on heritage assets
213	Justifying harm or loss
216	Non designated heritage asset
217	Loss of a heritage asset
218	Recording and advancing understanding of heritage asset
231	Implementation
232	Implementation

HBC Planning Policy Comments:

HBC SUPPLEMENTARY PLANNING DOCUMENTS

1.31 The following SPDs should be considered prior to the submission of any planning application.

- Transport Assessments / Statements and Travel Plans SPD 2010

NB this SPD was prepared under the 2006 local plan and prior to the national planning policy framework but it still contains useful guidance for when assessments are likely to be required, content, structure etc.

- Residential Design Guide SPD 2019
- Trees and Development Guidelines SPD 2013
- Green infrastructure SPD and Action Plan 2020
- Public Rights of Way Standards and Guidance SPD 2020
- Planning Obligations SPD 2015

NB this SPD was prepared under the 2006 local plan and superseded national planning policy, however the information within it is still relevant and thresholds and contribution levels are applicable.

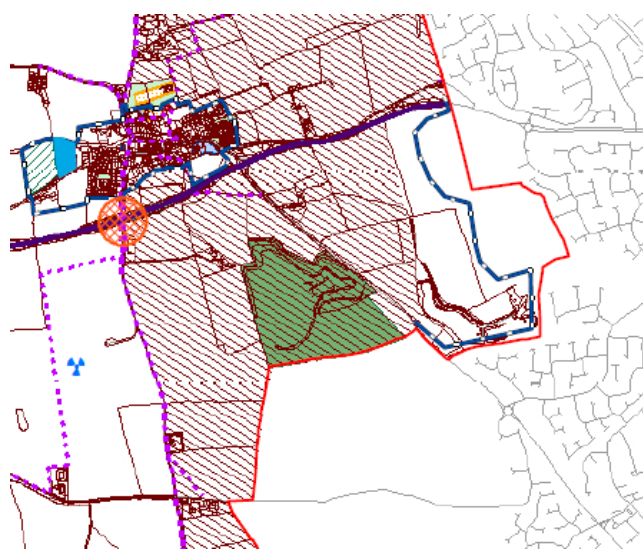
CONSIDERATION OF PROPOSAL

Principle of development

1.32 Planning Policy note that an application was approved in this location but the outline approved has since lapsed. Notwithstanding, any previous consents on this site, Planning Policy must consider the application submitted and apply the relevant policy applicable at this point in time.



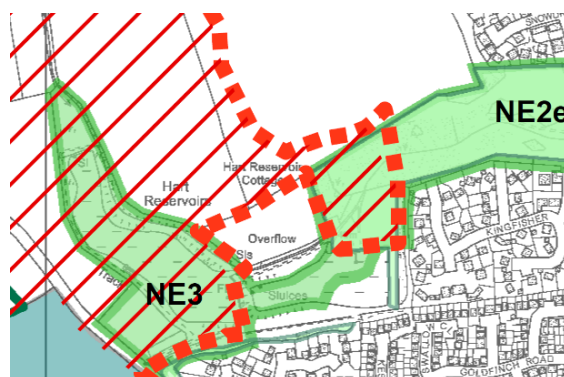
Source: Hartlepool policies map



Source: Hartlepool Rural Plan policies



Source: Persimmon Homes, site location plan



Source: Hartlepool Policies map

1.33 With regard to the Hartlepool Local Plan, Planning Policy note that the north eastern area of the site is beyond the limits to development, within the strategic gap and within the How Beck, Middle Warren Green Wedges (NE3 area).

1.34 With regard to the Hartlepool Rural Neighbourhood Plan the site is within the plan area, adjacent to the green gap but not within the green gap.

1.35 Planning Policy note that four units (plot 14, 15, 16 and 17) on the eastern side of the site appear to be beyond the limits to development, in the strategic gap and within the green wedge.

1.36 The principle of development for the area within the limits to development is acceptable.

1.37 A comprehensive assessment of policy RUR1 (Development in the Rural Area), LS1 (Locational Strategy) NE2 (Green Infrastructure) and NE3 (Green Wedge) is necessary to set out the acceptability of the area beyond the limits to development. The assessment and further consideration of the proposal should then be used to assist the decision maker when considering the balancing of the application.

Consideration with regard to policy RUR1 (Development in the Rural Area)

1.38 Local plan policy RUR1 sets out that development outside the development limits will be strictly controlled and that proposals in the rural area must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses.

1.39 Policy RUR 1 sets out criteria in which development within the rural area should adhere too, the relevant criteria with regard to this application are criteria 1, 4, 5, 6, 7, 8, 9 and 10 and are summarised below.

1) Development in the rural area should, where relevant be in accordance with the Hartlepool Rural 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;

6) Be in keeping with other buildings in terms of siting, size, materials and colour;

7) Ensure access is appropriate and there is not a detrimental impact on the highway safety;

8) Where possible create and improve sustainable connectivity;

9) Not have a detrimental impact on the landscape character or heritage assets; and

10) Avoid areas of best and most versatile agricultural land, those areas classed as grades 1, 2 and 3a in the Agricultural Land Classification.

1.40 With regard to criterion 1 Planning Policy consider that the proposal does not fully accord with the Hartlepool Rural Plan. Rural plan policies are discussed further below along with suggestions as to how the proposal could better align with the rural plan.

1.41 With regard to criterion 4 Planning Policy do not wish to comment on this criterion but trust that the decision maker will be satisfied that the proposal does not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion.

1.42 With regard to criterion 5 Planning Policy are not convinced that the design proposed enhances the quality, character and distinctiveness of the immediate area and landscapes. This is a rural edge location yet the design is typical of a generic urban estate, with standard urban house types and boundary treatments. Of particular disappointment is the relationship between the edge of the site and the adjacent rural area to the west.

1.43 With regards to criterion 6 Planning Policy consider that the plot sizes of the proposal are broadly comparable to those dwellings to the south. However the proposed units and the neighbouring houses to the east and south are separated by a green corridor so it is not necessary to reflect those dwellings. The site is relatively self-contained and is separated from existing buildings by green buffers so the site is not likely to be seen in the context of other buildings and so Planning Policy consider that this criterion is not difficult to satisfy but equally it is not essential in this instance.

1.44 With regard to criterion 7 Planning Policy trust that the council's Highways engineers will ensure access is appropriate and there is no detrimental impact on the highway safety.

1.45 With regard to criterion 8 Planning Policy note that the site is linked directly to the Middle Warren Green Wedge and that the green wedge will allow access to a variety of services that exist within Middle Warren. There is currently a footway located to the east of the site, this footway is currently on the urban edge of the borough and provides a link from the Middle Warren Green Wedge to Hart Lane to the west or Swallow Close and Kestrel Close to the south. Consideration should be given to allowing a direct access from the site to the existing footway, potentially by punching through at plot 13 or 14 and chamfering off an access so that it is open onto the existing path and allows for wide visibility splays. Currently the site turns its back on the footway.

1.46 With regard to criterion 9 Planning Policy note that the council's landscape architect has raised concerns with regard to the relationship between the properties along the northern edge of the site and the adjacent rural area. The officer requested a softer approach to this boundary and Planning Policy echo this request. Planning Policy note that the landscape architect also requested that, due to the loss of a hedgerow and the relationship the site has with the adjacent rural area, replacement planting is provide on the site entrance, planning Policy echo this request. Without a softer norther edge and access Planning

Policy are of the view that the proposal will have a detrimental impact on the landscape character.

1.47 With regard to impact upon heritage impact, Planning Policy note that the non-designated asset has been lost and that the applicant seeks to provide interpretation boards, Planning Policy welcome and support the provision of interpretation boards.

1.48 With regard to criterion 10 the site is classed as being grade 3 Good to Moderate on the Natural England Agricultural Land Classification. Planning Policy are satisfied that the site is not located on the highest of land grading areas grade 1 (Excellent) and 2 (Very Good).

1.49 Policy RUR1 sets out that for new dwellings in the rural area, the development must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document and be in accordance with policy RUR2. Planning Policy consider that as the three units beyond the limits to development form part of a wider site it is not necessary to apply the criteria within the SPD and have not considered the SPD when considering this proposal.

1.50 Policy RUR 1 sets out that where developments are likely to have an impact upon existing infrastructure or require new infrastructure, the applicant will be required to provide such infrastructure in accordance with policy QP1, the Planning obligations Supplementary Planning Document and the Local Infrastructure Plan. The infrastructure requirements deemed to be required as part of this application are set out further in these policy comments.

1.51 Overall Planning Policy consider that as a whole the proposal does not comply with policy RUR1 and the applicant should reconsider the number of units and western edge of the site and its relationship with the adjacent rural area.

Consideration with regards to policy LS1 (Locational Strategy)

1.52 Local plan policy LS1 sets out that protection will be given to the rural character of the borough avoiding coalescence between the urban areas of Hartlepool and surrounding villages. To maintain the separate character of directly neighbouring rural settlements, the generally open and undeveloped nature strategic gaps are identified on the policies map and these gaps will be expressly protected. The green gap relevant to this application is the Hartlepool and Hart strategic gap.

1.53 Local plan policy LS1 sets out that development within these strategic gaps will only be permitted where criteria a, b and c are adhered to criteria, b and c are set out below.

Development within these strategic gaps will only be permitted where:

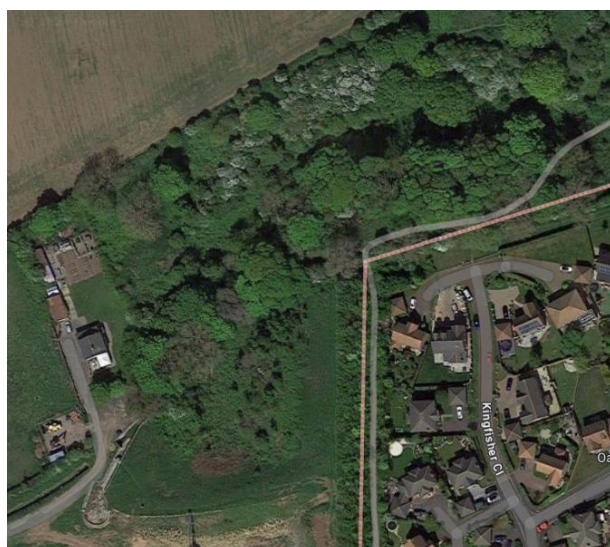
- a) It would not diminish the physical and/or visual separation; and
- b) It would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development; and
- c) The landscape setting of the settlements would not be harmed.

1.54 Planning Policy are satisfied that if the proposal is approved then there will still be a meaningful gap between Hart and the existing urban area and the integrity of the gap would be maintained. Planning Policy trust that the council's Landscape Architect will advise on if the landscape setting in this area is harmed.

1.55 Local plan policy LS1 sets out that a network of new and existing green wedges will be protected from development, managed and enhanced. The green wedge relevant to this application is the How Beck, Middle Warren Green Wedge.



Source: Google earth



Source: Google earth



Persimmon Homes

1.56 This proposal does seek to enhance some of the green wedge by incorporating a play space within it, however it appears that a substantial amount of trees will have to be felled to make way for four units and what appears to be a SUDS area. The SUDS area could be considered to be a positive element of the green wedge, however Planning Policy consider that the trees in this location

override the need for drainage, the SUDS is only required as parts of the housing site and if the homes were not built then the green wedge could maintain its good cover of trees in this location.

1.57 Overall Planning Policy are of the view that the positive additions to the green wedge do not outweigh the harmful effects i.e. loss of trees and built form within the green wedge.

Consideration with regards to policy NE2 (Green Infrastructure)

1.58 Local plan policy NE2 sets out that the council will safeguard green infrastructure from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities. The policy sets out in criterion 2 (a) that green wedges are considered to be a type of green infrastructure.

1.59 Local plan policy NE2 sets out that the council will investigate the potential for improving access to open spaces and the countryside and will seek opportunities to expand and improve the Rights of Way network. Planning Policy are aware that surfacing improvements to the walking link to the south and east of the site, a link from the site into the green wedge in the north east corner and a formalised access from the site to the existing footway to the south of the site, have been sought by the Highways department (Countryside Access Officer). Planning Policy support this request and after liaising with the countryside access officer can advise that HBC expects the developer to fully fund the resurfacing of the path rather than HBC seeking a contribution of £250 per dwelling. Surfacing works would include a scrap of the current surface, infilling of the base material and then a dust covering. The eastern link would require some vegetation clearance before work could commence. The countryside access officer would expect a phase approach to delivery and will work with the applicant to achieve this. The eastern link would have to be closed while works are undertaken but the southern link could remain open as there is an embankment that would provide temporary access. The routes are not officially Public Rights of Ways or cycleway but potential users would have to be informed of closures and works, HBC can provide closure and works notices but the developer would be expected to display them and maintain them.

1.60 Policy NE2 sets out that the loss of green infrastructure components will generally be resisted and that proposals affecting the green wedges will be assessed against policy NE3.

1.61 Policy NE2 sets out that where an area of open space is lost to development, the council will impose planning conditions or a legal agreement as appropriate, to ensure compensatory provision of an alternative site or enhancement of adjoining open space. This requirement is not subject to viability, it is a measure needed to ensure that the loss is weighed against a benefit, without a green infrastructure (GI) benefit the loss is not justified in policy terms.

1.62 Planning Policy note that an area of green wedge will be lost to 17 dwellings, in this instance the developer can either remove the dwellings from the green wedge or provide compensation. Planning Policy would not seek financial compensation for

the loss of GI, but would look to see improvements brought forward by the developer. Compensation in the form of tree planting, improvements to the exciting walking routes to the east and south and creation of a direct access from the site to the green wedge in the north east corner. Planning Policy is of the view that this is a minimum that is required to ensure Planning Policy are comfortable and can justify the loss of green wedge in this instance.

1.63 Policy NE2 sets out that the council will seek to ensure that the development of a high quality green infrastructure network complements high quality design in the built environment and that sufficient green space is provided as part of development. The overall level of GI across the site is acceptable however consideration should be given to proving a green link through the site and to the existing footway and green wedge to the north east of the site.

Consideration with regards to policy NE3 (Green Wedges)

1.64 Local plan policy NE3 sets out that the council will seek to protect, maintain, enhance and, where appropriate, increase the number of green wedges and that development within the green wedges, will be strictly controlled.

1.65 Policy NE3 sets out that approval within the green wedges will only be given for the development of buildings or structures which:

- 7) Comprise extensions to existing premises located within a green wedge, or
- 8) Provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge, or
- 9) Relate to the provision, enhancement or management of areas of biodiversity value, and
- 10) There is no significant adverse effect on the overall integrity of the green wedge.

1.66 With regard to criterion 7, Planning Policy are of the view that the proposal does not comprise of extensions to existing premises in the green wedge.

1.67 With regard to criterion 8, Planning Policy note that the proposal does not seek to provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge in the location where the 17 dwellings are proposed, however Planning Policy do note that that a play park is proposed which is considered to be a facility ancillary to the green wedge.

1.68 With regard to criterion 9, Planning Policy trust that the council's ecologist can better advise if the proposal is on the whole providing, enhancing or managing areas of biodiversity.

1.69 With regard to criterion 10, Planning Policy are not of the view that four units in the green wedge and the loss of trees/hedge does not have a significant adverse effect on the overall integrity of the green wedge, the green wedge is large and this proposal is only on one part of it.

1.70 Where appropriate, interpretation should be provided for natural and historic features within green wedges. Planning Policy note that this has been requested by the Heritage and Open Spaces Manager and Planning Policy and the applicant has set out in their submission that interpretation will be provided.

Summary with regards to the principle of development

1.71 Planning Policy do not object to the principle of residential development in this location, however Planning Policy have concerns that significant criteria in key policies have not been achieved (all started above) and that the applicant should do more to ensure the proposal better aligns with policy.

Consideration of the proposal with regards to house types including bungalows

1.72 Local plan policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock. Rural plan policy H1 (Housing Development) sets out that new housing development should provide a mix of house types and tenures and that the mix should have regard to the latest evidence of housing need applicable at the time. Rural plan policy H5 (Housing Development on the Edge of Hartlepool) sets out in criterion 2 that development should be designed to incorporate a diverse housing mix with a variety of house types, sizes and tenures.

1.73 The 2014 Strategic Housing Market Assessment (SHMA) should be considered when deciding what dwellings to include in the application and attention should be paid to paragraph 63 of the recently updated¹ NPPF which places greater emphasis on having homes delivered that meet identified needs and thus shows the direction of the Government with regards to how it expects decisions to be made. Within the Hart ward table 5.9 on page 76 of the SHMA sets out that the need within the area is for smaller units i.e. 1 and 2 bed properties and a significant need for bungalows and flats. Of significance is that out of the 11 wards within the borough, the Hart ward ranks fourth with regards to the need for bungalows. Planning Policy area aware that the Hard Ward has had limited approvals for bungalows and thus this need is still particularly pressing.

1.74 The proposal seeks permission for 46 four bedroom units and 24 five bedroom units.

1.75 Given the size of the site Planning Policy expect a full range of house types to be provided including the provision of smaller units and bungalows. Based on what has been proposed Planning Policy are of the view that the proposal does not accord with local plan policy HSG2 and rural plan policies H1 and H5.

Consideration of the proposal with regards affordable housing

1.76 Local plan policy HSG9 (Affordable Housing) advises that the council will seek an affordable housing target of 18% on all sites above the 15 dwelling threshold. There is a significant affordable housing need within the borough therefore

¹ December 2023

in a bid to have a positive impact upon meeting the council's overall affordable housing targets, the development should provide 18% of the 70 dwellings as affordable units. This would equate to 12 dwellings on site and a financial contribution of £32,136.70.

1.77 Local plan policy HSG9 along with rural policy H2 (affordable housing) sets out that the affordable provision and tenure and mix will be negotiated on a site-by-site basis, having regard to the most up-to-date evidence of housing need, aspiration and the local housing market. Table 5.19 of the 2015 Strategic Housing Market Assessment sets out that the greatest need within the borough is for social rented units and not intermediate units. This view is echoed by the council's strategic housing teams, in addition advice from the council Housing Strategy team is that there is a need for one and two bed affordable units and these should be provided on site. Planning Policy advise that that 70% of the affordable units should be for the rental market with 30% made available for the intermediate market.

Consideration with regards to layout and design

1.78 With respect to car parking standards, The Tees Valley Design Guide and Specification advises two spaces for one to three bedroom dwellings and three spaces for four bedroom dwellings and above. The design and location of car parking should be considered in line with the council's residential design SPD.

1.79 Planning Policy note that there are a high number of parking bays to the front of the properties and not the side which would be the most appropriate option. The number of front parking bays proposed are likely to dominate the street scene, this is particularly concerning given this rural edge location and the policies that this application should adhere. Consideration should be given to providing parking bays to the side and thus not more hidden from view in addition to that any long stretches of bays should be broken up by planting and/or different surface treatment i.e. sets to delineate bays. The applicant must show that 70 dwellings can fit on the site in an appropriate manner. If the above mentioned parking problems cannot be resolved then one solution may be to reduce the overall number of dwelling on the site.

1.80 Planning Policy note the concerns raised by the rural plan working group with regards to policy GEN 2 (Design Principles) and that the character analysis which is the source of inspiration for the design of in this application are the adjacent new housing areas. The group consider that the proposal seeks to provide standard generic designs with little architectural imagination and that overall the proposal does not create a sense of place and reinforce the character of the village or rural area. Planning Policy have previously stated that due to the landscape buffer between this site and the adjacent housing sites this site is relatively self-contained and thus it is not necessary to ensure this site reflects and respects those surrounding buildings. The site is within the rural area and although it should not mirror the villages, which are unique in themselves, more thought could be given to taking positive design inspiration from elements of the design in the rural area and the layout, landscaping provision, boundary treatments and overall density of the site should better reflect the rural location.

Consideration with regards to green infrastructure

1.81 Planning Policy have stressed the importance of green infrastructure when assessing this application against policy LS1, RUR1, NE2 and NE5. In addition to local plan policies the Hartlepool Rural Plan also considers the importance of green infrastructure.

1.82 Rural plan policy H5 sets out, in criterion 4, that development should include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats. Planning Policy note and echo the concerns raised by the Hartlepool Rural Plan Working Group that the northern boundary adjoins the countryside and that a strong landscape buffer should be provided to reduce the visual impact of the proposal upon the adjacent rural area.

1.83 In addition to a landscape buffer, the proposed 1.8 metre high close boarded fences should be amended for a more sympathetic design or if there must be a 1.8 metre high fence then it should be screened from view.

1.84 Planning Policy have already discussed many points covered by Rural plan policy NE1 (Natural Environment) and the comments raised by the rural plan working group are noted and have been reflected in comments above. Rural Plan policy NE1 sets out that in the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing and (b) provide screening around any non-agricultural uses.

1.85 Planning Policy are not convinced that this requirement has not been adhered to and therefore request a bespoke plan of the western edge showing the depth of the landscape strip, which appears to intermittent along the western edge. Although the rural plan policy specifies a 10 metre buffer on the western edge, the working plan group have submitted their desire for a 10 metre buffer to the northern boundary of the site. Planning Policy echo the need for a northern buffer.

Impact upon biodiversity and proximity to the Local Wildlife Site (LWS).

1.86 Planning Policy trust that the council's ecologist will provide advice regarding BNG, recreational disturbance and nutrient neutrality. The sum of money requested for ecological mitigation is not subject to negotiation.

Summary of matters to be addressed

- Loss of green wedge (compensation)
- Mix of house types
- Bungalows
- 12 on site affordable units and a financial contribution of £32, 136.70
- Landscape buffer to north and west
- Replacement planting at the access
- Softer boundary treatments
- Access through the site from east to west into the green wedge

Planning obligations/requirements

1.87 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, Local plan policy QP1 (Planning Obligations) sets out that the council will seek planning obligations where viable and deemed to be required to address the impacts arising from a development. The following requirements and developer contributions should be secured.

1.88 Clean energy provision - local plan policy CC1 (Minimising and Adapting to Climate Change) requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. Where it can be demonstrated that this is not feasible, the provision of the equivalent energy saving should be made by improving the building fabric or a combination of energy provision and energy saving measures that equates to the equivalent of 10%. Planning Policy have been unable to identify how the applicant intends to achieve this requirement. Planning Policy would consider solar panels to be the most appropriate solution.

Green infrastructure - Commitment to deliver access and surface improvements to the existing track to the east and south.

Play - Commitment to deliver the play space on site

Built sports - A sum of £250 per dwelling should be sought and directed towards the replacement leisure centre at the Highlight.

Playing pitches - A contribution of £233.29 per dwelling is required and should be directed towards borough wide provision.

Tennis courts - A contribution of £57.02 per dwelling (£27,084.50) is required to be directed towards borough wide provision.

Bowling greens - A contribution of £4.97 per dwelling (£2,360.75) is required to be directed towards the bowling green facilities within the borough.

Primary education - A sum of £207,012.75 should be secured and directed towards primary education. This sum is subject to change if the number of dwellings changes.

Secondary education - A sum of £135,238.18 should be secured and directed towards secondary education. This sum is subject to change if the number of dwellings changes.

Training and employment - To assist in ensuring that Hartlepool's economy grows sustainably, Planning Policy would also seek to ensure that a training and employment charter is signed; this will ensure that some employment is provided to local residents. Further advice can be sought from the Council's Economic Development team.

Affordable housing - 12 on site affordable units and a financial contribution of £32,136.70.

What the applicant is proposing.

- Heritage interpretation
- Play space on site
- Green space running through the site

1.89 Planning Policy note that the applicants considers that due to viability reasons they are unable to provide much of the necessary infrastructure. By not providing the infrastructure the proposal will place extra pressure on existing services which means that residents will either not be able to access facilities that enables them to live an active lifestyle or the council will have to fund the infrastructure gaps.

1.90 Planning Policy considers that the borough has a healthy housing market with a 5 year housing land supply and sufficient land allocated for beyond the plan period. There is no pressing need to approve additional applications in the borough above and beyond the local plan site especially where such proposals are not aligned with local evidence and where they will lead to a burden on existing infrastructure.

1.91 The decision maker must consider the positive elements of the scheme along with the negative elements of the scheme when coming to an overall view on if the application should be approved or refused.

1.92 Planning Policy would like to work with the applicant to address some of the fundamental issues relating to the scheme, addressing some matters is likely to have a knock on financial impact and so Planning Policy would anticipate that a new viability assessment will need to be submitted if amendments to the scheme are made.

Update 12/06/2024 following receipt of amended plans:

1.93 Planning Policy have reviewed the revised plans submitted and in the main the amendments have addressed concerns previously raised.

1.94 The amended boundary treatment plan addresses planning policy's previous comments regarding the impact on the footpath to the south. In regards to including a corner turning unit on plot 1, although it would be preferable to have a level of natural surveillance over the footpath the applicant has indicated that this is not possible from the units proposed on the site and Planning Policy are agreeable.

1.95 Planning policy welcome the amendments to the northern edge (plots 54-58) to move the hedgerow outwith the property gardens and widen the landscape buffer.

1.96 In terms of the introduction of an alternative material the units indicated in the materials plan submitted differ to those discussed in the meeting held on 22/04/24. Could we please clarify that those on the revised materials plan are correct?

1.97 The amendments to plot 17 also address planning policies previous comments.

Update 19/07/2024 following receipt of amended plans:

1.98 Planning Policy have reviewed the revised elevation plans submitted, they align with the amended material plan submitted and Planning Policy have no comments relating to this matter.

Update 19/09/2024 following receipt of viability assessment:

1.99 Planning Policy have communicated with Persimmon Homes and now have a final view on the viability assessment and the Planning Policy position.

1.100 The discussion is set out below but for the purposes of your report and deliberations it is advise that.

1.101 The scheme for 70 dwellings will be accompanied by:

- Solar panels will be provided on some dwellings.
- Homes will comply with new more efficient building regulations standards.
- Public open space will contain a play park.
- Improvements will be made to the walking links to the south and east of the site.
- £107, 012.75 towards primary education; and
- £35,238.18 towards secondary Education.

1.102 I am aware of the remediation costs associated with this proposal and that if those costs did not exist then more obligations could be achieved.

1.103 The profit margin is closer to 20% than 15% and discussions did take place with regard to reducing the profit level in a bid to achieve more planning obligations. The position regarding the level of profit is set out in the viability report and in this instance Persimmon Homes are unable to reduce the profit any further.

1.104 Planning Policy are aware that, despite not being factored into the viability assessment and thus the profit margin, education contributions have been offered, as Persimmon Homes understand the need to educate children, this is welcomed. I note that that sum has not been included in the EVA and I would consider that if it were, the profit would be lower.

1.105 Planning Policy are satisfied that the information provided is an accurate reflection of the scheme and in this instance; if HBC insisted upon the planning obligation sought it would likely render the scheme unviable.

1.106 In light of the above there is no outstanding objection with regard to viability.

Update 26/03/2025 following query from case officer:

1.107 Planning Policy set out that four units would be located on the green wedge, I can confirm that the number of units is actually approximately 17 units.

1.108 Notwithstanding the information originally provided to you, the information in the Planning Policy comments is still applicable.

1.109 It is noted that 17 units are to be built on the green wedge, however the area of green wedge is currently not accessible to the public, however should this scheme come forward it is also noted that access links to the green wedge will be upgraded and an area of public open space, including a play park will be located in the development site and on an area of green wedge. The open space and play park will be publicly accessible and provide betterment to that part of the green wedge and better access to the green wedge as a whole.

PLANNING CONSIDERATIONS

1.110 The main planning considerations with respect to this application are the principle of development (including viability and planning obligations, planning balance, energy efficiency and renewable energy and house types), design and impact on the visual amenity (including heritage assets), residential amenity, ecology (including biodiversity net gain, biodiversity mitigation measures, biodiversity enhancement, habitats regulation assessments (including recreational impact on designated sites and nutrient neutrality), trees and landscaping, highway safety and parking, flood risk and drainage and contamination. These and any other planning matters (including archaeology, crime, fear of crime and anti-social behaviour) and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

1.111 The application site is, for the most part, located within the development limits as defined by Policy LS1 of the Hartlepool Local Plan (HLP) albeit an area (consisting of 4 dwellings, an area of open space and a proposed footpath link) to the north east section of the application site is beyond the development limits of this Policy and is allocated under Policy NE2e (local green corridor), Policy NE3 (Green Wedge) and Policy LS1 (Strategic Gap) on the Hartlepool Local Plan Policies Map (HLPPM) (2018). The western part of the application site is also allocated under HLP Policy NE3 (Green Wedge) on the HLPPM (2018). The site is entirely within the development limits set out in the Hartlepool Rural Neighbourhood Plan (HRNP) (2018).

1.112 As part of the proposals, the application site would include 4 of the proposed dwellings as well as areas of open space being situated beyond the development limits (as identified under Policy LS1 of the HLP) and therefore Policy RUR1 (Development in the Rural Area) of the HLP applies (as well as the criteria of HLP Policies LS1, NE2 and NE3).

1.113 Policy RUR1 of the HLP sets out that development outside the development limits will be strictly controlled and that proposals in the rural area must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses. This Policy sets out criteria in which proposed development in the rural area should adhere too, and the relevant criteria are included in the full comments of the Council's Planning Policy team (above).

1.114 In terms of the criteria of HLP Policy RUR1, the Council's Planning Policy team consider that the proposal does not fully accord with the requirements of the HRNP (criterion 1), that the design of the amended proposals is acceptable in respect of the quality, character and distinctiveness of the immediate area and landscaping (following initial concerns in this respect) (criterion 5), that the plot sizes are broadly comparable with nearby dwellings, and therefore acceptable in this respect (criterion 6), that the site would link to existing local services (criterion 8), that the landscaped boundaries are now acceptable following initial concerns and that interpretation boards would be required (criterion 9) and the site is not located on best and most versatile land (BMV) (criterion 10).

1.115 The initial comments from the Council's Planning Policy team advised that the proposals do not fully accord with the requirements of Policy RUR1 of the HLP. In view of this, the case officer requested the applicant reduce the scale of the proposals, amongst other amendments. Although the applicant confirmed they were unwilling to reduce the scale of the proposed development, the applicant agreed to provide improvements to the local vicinity by way of retained landscaping and improvements to the adjacent footpaths.

1.116 In respect to the proposals compliance with Policy NE2 (Green Infrastructure) of the Hartlepool Local Plan (2018), the Policy sets out that the council will safeguard green infrastructure from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure. In addition Policy NE2 states that the loss of green infrastructure components will generally be resisted but in exceptional circumstances green infrastructure will only be considered for other uses where:

- it can be demonstrated to be surplus to needs, or
- it has no other recreational, nature conservation or amenity function, or
- it is in an area where the local need has already been met elsewhere, or
- it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or
- it is too small or difficult to maintain.

1.117 As noted above, the applicant has committed to making surfacing improvements to the walking link to the south and east of the site, a link from the site into the green wedge in the north east corner and a formalised access from the site to the existing footway to the south of the site, at the request of the Council's Countryside Access Officer. The eastern link would require some vegetation clearance before work could commence. The Council's Countryside Access Officer has confirmed that this would be provided by a phased approach. This would need to be secured through a S106 legal agreement, to which the applicant has agreed.

1.118 In view of the improvements to the local footpaths, it is considered that the proposal is acceptable in respect of Policy NE2 of the HLP.

1.119 Policy NE3 (Green Wedge) of the Hartlepool Local Plan (2018) sets out that the council will seek to protect, maintain, enhance and, where appropriate, increase the number of green wedges and that development within the green wedges, will be strictly controlled.

1.120 Policy NE3 sets out that approval within the green wedges will only be given for the development of buildings or structures which:

- 7) Comprise extensions to existing premises located within a green wedge, or
- 8) Provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge, or
- 9) Relate to the provision, enhancement or management of areas of biodiversity value, and
- 10) There is no significant adverse effect on the overall integrity of the green wedge.

1.121 With regard to criterion 7, it is considered that the proposal does not comprise of extensions to existing premises in the green wedge. With regard to criterion 8, it is considered that the proposal does not seek to provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge in the location where the 17 dwellings are proposed, albeit it is of consideration that that the proposal includes a children's play which the Council's Planning Policy team consider to be a facility ancillary to the Green Wedge. With regard to criterion 9, the Council's Ecologist has confirmed that the proposal would, on the whole, provide, enhance or manage areas of biodiversity value (discussed in further detail below in the Ecology section). With regard to criterion 10, the Council's Planning Policy team have confirmed (through updated comments) that 17 dwellings in the Green Wedge (as allocated by HLP Policy NE3) and the loss of trees/hedge would not result in a significant adverse effect on the overall integrity of the Green Wedge in this instance, as discussed below.

1.122 In the initial comments from the Council's Planning Policy team, consideration is given to the area of Green Wedge which would be lost (to approximately 17 dwellings). The Council's Planning Policy team initially confirmed that in order to meet the requirements of Policy NE3 of the HLP, they would expect the proposed development to be amended to omit these dwellings (from the Green Wedge) or provide compensation. The Council's Planning Policy team confirmed that compensation would take the form of tree planting, improvements to the existing walking routes to the east and south and creation of a direct access from the site to the green wedge in the north east corner rather than a financial contribution towards Green Infrastructure in the vicinity or the Borough. In response, the applicant submitted amended plans which indicate woodland planting in the north east corner of the application site, as well as links and improvements to the footpaths running adjacent to the south and east of the application site.

1.123 Where appropriate, interpretation should be provided for natural and historic features within green wedges. Such interpretation has been requested by the Council's Head of Service for Heritage and Open Spaces and the Council's Planning Policy team (in respect to the non-designated heritage assets of the former reservoir structures), and the applicant has set out in their submitted Design and Access Statement that interpretation/information panels would be provided. Final details and implementation can be secured by an appropriate planning condition.

1.124 Policy RUR1 sets out that for new dwellings in the rural area, the development must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document and be in accordance with policy RUR2. The Council's Planning Policy team have confirmed that as the four dwellings beyond the limits to development form part of a wider site, it is not necessary to apply the criteria within the SPD.

1.125 Given that the application site is not allocated for residential development, and taking into account that the Hartlepool Local Plan (2018) allocates sufficient land within the limits to development to achieve a five year housing land supply, the current scheme is considered to be a departure from the Local Plan and is therefore a 'windfall (housing) site'.

1.126 Policy LS1 (Locational Strategy) of the Hartlepool Local Plan (HLP) (2018) supports sustainable development based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built-up area to ensure that growth occurs in a controlled way and is delivered alongside local and strategic infrastructure improvements.

1.127 Policy SUS1 of the Hartlepool Local Plan (2018) and paragraph 125 of the NPPF (2024) sets out that proposals for new development should be located on previously developed or brownfield land and should be designed in a sustainable way.

1.128 It is acknowledged that the proposal is adjacent to existing residential development to the south and east and is in reasonable proximity to shops and services and public transport links and therefore it is considered that the proposal is, in a locational sense, sustainable.

1.129 The Council's Planning Policy team acknowledges that the retention of an area of green space throughout the site, the inclusion of a play area, footpath links and heritage information panels would bring benefits to the borough's residents (as well as to future occupants of the proposed development).

1.130 Officers consider that significant weight can be attributed to the positive contributions of the scheme to enhancing the open space. Ultimately, the weight afforded to this, will need to be factored into the overall planning balance (which is detailed in full below).

Viability and Planning Obligations

1.131 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Policies RUR1 and QP1 (Planning Obligations) of the Hartlepool Local Plan (2018) and the Planning Obligations SPD, the Council's Planning Policy section has confirmed that given the size of the proposed residential development and its intended purpose and in the interests of providing sustainable development, a commitment from the developer in terms of the provision of the following should be sought:

- Clean energy provision - local plan policy CC1 (Minimising and Adapting to Climate Change) requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources.
- Green infrastructure - Commitment to deliver access and surface improvements to the existing track to the east and south.
- Play - Commitment to deliver the play space on site
- Built sports - A sum of £250 per dwelling should be sought and directed towards the replacement leisure centre at the Highlight.
- Playing pitches - A contribution of £233.29 per dwelling is required and should be directed towards borough wide provision.
- Tennis courts - A contribution of £57.02 per dwelling (£27,084.50) is required to be directed towards borough wide provision.
- Bowling greens - A contribution of £4.97 per dwelling (£2,360.75) is required to be directed towards the bowling green facilities within the borough.
- Primary education - A sum of £207,012.75 should be secured and directed towards primary education. This sum is subject to change if the number of dwellings changes.
- Secondary education - A sum of £135,238.18 should be secured and directed towards secondary education. This sum is subject to change if the number of dwellings changes.
- Training and employment - To assist in ensuring that Hartlepool's economy grows sustainably, Planning Policy would also seek to ensure that a training and employment charter is signed; this will ensure that some employment is provided to local residents. Further advice can be sought from the Council's Economic Development team.
- Affordable housing - 12 on site affordable units and a financial contribution of £32,136.70.

1.132 Notwithstanding the above, in terms of the Habitat Regulations and preventing and Likely Significant Effects from recreational disturbance on the designated sites, and as considered in further detail in the Ecology section below, the applicant has confirmed their agreement to paying a contribution of £250 per dwelling (£17,500 in total) towards coastal wardening, which will need to be secured through a legal agreement.

1.133 Subsequently, the applicant submitted a Viability Assessment, which has been considered in detail by the Council's Planning Policy team who have confirmed that whilst the development is unable to deliver all of the contributions sought, there is sufficient viability within the scheme to provide solar panels to some dwellings, efficient building regulations standards, an area of public open space containing a play area, improvements to walking links to the south and east of the site, and financial contributions towards primary and secondary education.

1.134 Policy QP1 (Planning obligations) of the HLP has a caveat that "The Borough Council will seek planning obligations where viable". In view of the submitted Viability Assessment, it is considered that insisting on further contributions would render the scheme unviable. In view of the policy context (primarily Policy NE2 which considers meaningful improvements to green open space), the Council's Planning Policy team sought to prioritise meaningful improvements to the green

open space above all other planning obligations. It should be noted that the scheme does not secure the 18% requirement for on-site affordable housing as a result of the viability assessment.

1.135 In full, the following financial contributions, obligations and planning conditions are to be secured:

- the proposal will provide solar panels to some dwellings,
- EV charging to all dwellings;
- improvements will be made to the walking links to the south and east of the site including connections and footpath upgrades;
- Public open space will contain a children's play park;
- £107, 012.75 towards primary education;
- £35,238.18 towards secondary Education;
- £17,500 financial contribution towards coastal wardening;
- the provision, maintenance and long term management of landscaping, open space and play areas;
- the provision, maintenance and long term management of Biodiversity Net Gain (both on site and offsite);
- and maintenance and long term management of surface water drainage and SuDS;
- an employment and training charter.

1.136 The applicant has agreed to the above measures which would need to be secured by a s106 legal agreement as well as appropriate planning conditions where applicable.

1.137 In view of the submitted Viability Assessment and the comments from the Council's Planning Policy section, the proposal is, on balance, considered to be acceptable in this respect.

Energy Efficiency and Renewable Energy

1.138 Policy QP7 (Energy Efficiency) of the Local Plan seeks to ensure high levels of energy efficiency in all development, and the development is therefore expected to be energy efficient. In line with this Policy, the development is required to ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation alongside incorporating sustainable construction and drainage methods.

1.139 In addition to this, Policy CC1 (Minimising and Adapting to Climate Change) of the Local Plan requires that major developments include opportunities for charging of electric and hybrid vehicles and, where feasible and viable, provide a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources.

1.140 The submitted Sustainability Statement indicates that the proposed development would seek to utilise the most cost effective method of improving energy efficiency, reducing demand and as such reducing the long-term carbon emissions for the development. Predominantly this is proposed through utilising a

“fabric first approach”, which ensures that thermal performance and sustainability are embedded within the fabric of dwellings for the lifetime of the development. It is noted that the submitted Sustainability Statement indicates that all dwellings would incorporate electric vehicle (EV) charging points.

1.141 Full details of the renewable energy infrastructure including solar panels (to a minimum of 10% of the dwellings) and EV charging points (to all 70 dwellings) can be secured by appropriate planning conditions.

1.142 In respect to energy efficiency, it is of note that Building Regulations have been updated as of 15th June 2022, and any forthcoming Building Regulation application will now be assessed under the new Regulations. In light of the above, given the implementation and requirements of the new Building Regulations, a planning condition is not required in respect of any energy efficiency improvement (previously required to be 10% improvement above the Regulations, prior to 15th June 2022) and such matters will need to be addressed through the new Building Regulations requirements.

1.143 The application is therefore considered on balance to be acceptable with respect to energy efficiency and renewable energy provision.

House Types

1.144 Policy HSG2 (Overall Housing Mix) of the HLP seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock and that due regard should be given to the latest evidence of housing need. Policy H1 (Housing Development) of the HRNP sets out that new housing development should provide a mix of house types and tenures and that the mix should have regard to the latest evidence of housing need applicable at the time. Policy H5 (Housing Development on the Edge of Hartlepool) of the HRNP sets out in criterion 2 that development should be designed to incorporate a diverse housing mix with a variety of house types, sizes and tenures.

1.145 The proposal is for 70 detached four and five bedroom properties. The most up-to-date Strategic Housing Market Assessment 2015 (SMHA) notes that the greatest need is for bungalows and detached 1-3 bed properties.

1.146 Whilst it is acknowledged that the proposed scheme does not include bungalows, it is of consideration that a mixture of house types are included. Following concerns raised by officers regarding the design of some of the house types in respect to their generic design and nature, and a request to include more corner turning properties along the proposed footpath links, amended plans were received to incorporate the changes to the designs of some of the house types and the layout of plots within the scheme, as detailed in full in the Proposal section of this report.

1.147 Whilst the design and layout is discussed in further detail below, overall, and on balance, it is considered that the range of house types is considered to be acceptable in this instance and the lack of bungalows would not warrant a refusal of the application.

Planning Balance

1.148 Notwithstanding the consideration of Viability (above), it is considered that Policies RUR1, NE2 and NE3 of the HLP must be given considerable importance and weight.

1.149 In weighing up the balance of policies in favour of against the main policies of constraint (Policies LS1, NE2 and NE3 of the Hartlepool Local Plan (2018) respectively), emphasis is placed on balancing any identified potential harms of a proposal against the prospective benefits of development.

1.150 The NPPF (2024) applies a presumption in favour of sustainable development and states that “achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways”. In this context and in weighing up the balance of the proposal, the main benefits and adverse impacts arising from the proposal (in the above context) are outlined below:

1.151 *Benefits*

- The main element of the application site is located within the development limits of both the HLP and HRNP and the site is considered to be a relatively sustainable location (social + environmental + economic)
- The proposed development would provide enhancements and improved connectivity to the public footpaths to the east and south of the proposed development, to the benefit of existing and future residents of the Borough (social + environmental)
- The proposed development would provide an area of open space including a children’s play area within the development site (social + environmental)
- The proposed development would provide heritage information panels (social)
- The proposal would deliver some biodiversity enhancement in the form of soft landscaping (environmental)
- The proposed development would re-use a site that the applicant indicates is currently a health and safety hazard and a focus for anti-social behaviour (economic + social)
- The proposal would provide a contribution towards the council’s 5 year housing supply including a mix of housing types (economic*)
 - **there will also be ‘social’ benefits delivered by private housing provision however this benefit is reduced by no affordable housing provision in this instance*
- The submitted information indicates the proposed development is intended to support/provide renewable energy in the form of solar panels and EV charging points (social + economic + environmental)

1.152 *Adverse impacts*

- The proposed development would have a potential detrimental impact on a parcel of land allocated for natural and semi-natural space and a green wedge, contrary to Local Planning Policies NE2 and NE3 (social + environmental)
- The development does not make any provision or contribution towards affordable housing provision and does not secure contributions to all of the planning obligations including play and built sports, tennis, playing pitches and bowling greens (economic + social)
- No bungalows and limited housing mix (economic + social)
- Loss of hedgerows and habitat (environment + social)

1.153 In conclusion, and when weighing up the balance of the benefits of the proposed residential development against the location of which a small element of the scheme is located within land allocated as natural and semi-natural green space (under Policy NE2) within a Green Wedge (under Policy NE3) and Strategic Gap (LS1), and that the proposal does not provide any affordable housing (in addition to a number of other planning obligations), it is considered that these impacts would, on balance, be outweighed by the identified economic, environmental and social benefits of the proposal in this instance for the reasons set out above.

Principle of Development Conclusion (and Planning Balance)

1.154 While the site presents some conflicts with a number of identified policies of the HLP due to a small element of it being within the designation under Policies NE2 and NE3, the majority of the land falls within the Limits to Development as identified under Policy LS1, where housing is generally supported. There are a number of identified impacts that have been weighed in the planning balance against the benefits of the development as set out above.

1.155 However, and in view of the above considerations including the benefits, it is considered that the proposed development would, overall, positively benefit each of the threads of economic, social and environmental sustainability. Despite the identified shortcomings of the application, Officers consider that there are material considerations that allow the proposals to be considered as a sustainable form of development and that the principle of development is therefore considered to be acceptable in this instance, subject to satisfying other material planning considerations as detailed below.

DESIGN & IMPACT ON VISUAL AMENITY OF SURROUNDING AREA

1.156 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.

1.157 The NPPF (2024) sets out the Government's commitment to good design. Paragraph 131 states that good design is a key aspect of sustainable development,

creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the NPPF (2024) stipulates that planning decisions should ensure development will add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history (whilst not preventing or discouraging appropriate innovation or change), establish a strong sense of place and optimise the potential to accommodate and sustain an appropriate amount and mix of development.

1.158 The application site is bounded to the south and east by residential development, albeit the proposed development would be separated from each of these residential developments, with landscape buffers to the south and east and a difference in site levels, which would remain between the proposed development and the existing residential development at Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east. These residential streets predominantly comprise detached dwellings of a two-storey form with integrated or detached garages, albeit there are some examples of semi-detached and link terraced two-storey dwellings, in some instances two and a half storey with rooms in the roof space throughout the wider residential estates.

1.159 As noted above, Local Plan Policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock.

1.160 Although it is acknowledged that the proposed scheme does not include bungalows, it is considered that the range of proposed house types is reflective of those within the surrounding residential streets (including Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east) and those within the wider area. On balance, the design of the properties (as amended during the course of the application) is considered to be acceptable in this instance and would not warrant a refusal of the application.

1.161 The palette of materials of surrounding residential developments is varied but generally consists of red, buff and brindle brick and red or grey rooftile with some examples of render. Roofs are pitched, comprising a mix of hipped and gabled designs and there are examples of projecting gable features to the front and canopies over front doors. Each of these features are replicated in the house types proposed as part of this development.

1.162 The design and materials to be used in the proposed houses are generally considered to be in keeping with the character and appearance of the wider area and therefore the development is considered acceptable in this respect subject to final details being secured by a planning condition.

1.163 When considering the existing residential developments to the south and east, in this context, the proposed dwellings would primarily be screened or read alongside the existing properties when viewed from the main highway of Hart Lane to the west or from other vantage points including from Worset Lane to the south west and from Throston golf course to the west. It is understood that existing planting would be protected and retained along part of the southern boundaries which would

further assist in softening any adverse impacts on the character and appearance of the wider area. Overall and in the above context, the proposed development is considered not to result in a detrimental impact on the visual amenity, character and appearance of the surrounding areas.

1.164 In terms of layout and form of the proposed development itself, as noted above, amendments to the layout of the proposed development have been made following officer concerns in respect to the design and layout of some of the proposed dwellings. It is considered that the appearance of the site results in an acceptable density of plots with a range of house types including architectural detailing including heads and cills, contemporary fenestration and a mix of finishing brick colours and rooftiles.

1.165 It is considered that the provision of meaningful open space and a proposed children's play area within the application site contributes to the visual amenity and wellbeing of proposed occupants of properties within the site. It is considered that this results in a positive contribution to the overall layout and to the benefit of future occupiers of the estate.

1.166 The proposed development includes soft landscaping within front and side gardens that would assist in softening the appearance of the street scene within the development. There are some examples within the site where smaller units have limited soft landscaping to the front in order to accommodate hard surfacing for car parking, albeit it is acknowledged that a mixture of car parking provision is included, with some parking being to the side or rear rather than to the front.

1.167 Although it is welcomed that the properties have front gardens, it is the case that such areas can provide visual amenity provided they remain open plan. In this respect, it is considered necessary that the proposed landscaping would be retained in perpetuity, and additional planning conditions are recommended to ensure that the proposed development remains open plan to the front.

1.168 Overall, it is considered that the proposed development would result in an acceptable layout which would not result in any significant adverse impact on the visual amenity of the application site and surrounding area.

1.169 As noted above, the previous function of the application site is as reservoirs, and a separate planning application H/2023/0028 is 'minded to approve' for the infilling of these reservoirs. It is considered that whilst the ability to interpret the site as a former reservoir would be further diminished by the proposals, it is considered it would not have an appreciable impact on the character and appearance of the site in wider views. The lower reservoir is not visible from Hart Lane and only glimpses are possible from the public footpath to the south of the site. Notwithstanding this, the Council's Head of Service for Heritage and Open Spaces has commented that opportunities for interpretation on the site to provide information to visitors regarding the retained infrastructure, the water way and the public open space. The submitted Design and Access Statement indicates that information boards would be positioned within key pedestrian routes and public space to provide readers with a brief local history of the local area. It is considered that these can be secured by planning condition, which is duly recommended in this respect.

1.170 Overall, it is considered that the proposals would not adversely affect the character and appearance of the site or wider area and are acceptable in this respect.

RESIDENTIAL AMENITY

1.171 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.

1.172 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:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

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

1.174 Hart Reservoir House is the closest residential property to the application site, being situated approximately 8m from the application site boundary, within the north east extent, with the private access road serving this neighbouring property between. Detached single storey garage and shed buildings serving Hart Reservoir House are sited to the northern side of this neighbouring property, adjacent to the application site boundary. The rear of the plots 67 and 68 are situated at separation distances of approximately 20m to the windows in the front/west elevation of the single storey extension and main two storey front elevation of Hart Reservoir House. A separation distance of approximately 13.5m would remain between the rear of plots 65 and 66 and the garage serving Hart Reservoir House, and a separation distance of approximately 16.7m would remain between the rear of plots 64 and 65 and the shed serving this neighbour, with a boundary fence and a hedge in between. These distances are considered to be acceptable and satisfy the requirements of Policy QP4 and that of the aforementioned SPD.

1.175 As noted above, the proposed development is bounded by residential properties to the south and east, to include properties Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east. The proposed dwellings are in excess of 20m from existing properties and any detached garages throughout these street scenes.

1.176 In turn, the relationships between the properties proposed and the existing dwellings in the area are, on balance, considered sufficient to prevent a loss of light, outlook, overbearing appearance or overlooking for existing or future occupiers.

1.177 The proposed layout of the properties within the proposed scheme complies with the separation distances identified within Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (2019), to include distances in excess of 10m where primary elevations face side elevations and in excess of 20m where primary elevations face each other from the dwellings proposed, and therefore internal relationships between plots are considered to be acceptable and would not result in any adverse impact on the amenity or privacy of future occupiers of these plots in terms of loss of light, outlook, overbearing appearance or overlooking.

1.178 Details of boundary treatments accompanies the application, to include close boarded timber fences with a height of approximately 1.8m between rear gardens, low brick walls and pillars topped with close boarded timber fencing with a total height of approximately 1.8m to the sides of some corner turning properties, and railings with a height of approximately 1.05m to the sides and fronts of some properties that face onto public areas. Some properties feature kickboard fencing and where hedging is proposed, properties feature lower level close boarded timber fences (with a height of approximately 1.2m).

1.179 The land immediately to the north and along the west of the development site is open fields with substantial separation distances and an intervening landscaping buffer to the existing (and proposed) properties within the Upper Warren development. As such, it is considered that there are no neighbouring properties to the north (or west) that would be affected in terms of any impact on the amenity and privacy by the development proposed.

1.180 The proposed development includes some properties with very modest size gardens. Local Plan policies require adequate amenity space is provided to meet the day to day needs of occupants, though there are no minimum size standards. Although some of the gardens are relatively small, it is considered they would still offer the ability of future occupiers to enjoy private amenity space while also accommodating practical needs, such as bin storage, for example. Overall, the level of space afforded to the properties is considered sufficient to meet the needs of occupiers without unduly affecting amenity, however in order to protect this provision it is considered necessary to limit the permitted development rights of the properties to build extensions or outbuildings to avoid undue impacts on amenity space and the amenity of neighbours in terms of light, privacy or overbearing appearance. Such a condition is duly recommended.

1.181 Taking account of the above considerations regarding overlooking, light, outlook, overbearing appearance and private amenity space, it is considered the proposed development is acceptable in terms of amenity and privacy for all existing and future occupants of nearby and neighbouring properties (including those within the proposed development site, the occupants of Hart Reservoir House and those in Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east).

1.182 The application has been supported by a Noise Assessment. The Council's Public Protection have assessed the proposals and have raised no objection to the development of the site for residential dwellings (subject to conditions which are detailed in full below). The proposed development is therefore considered to be acceptable with regards to noise impacts.

1.183 It is inevitable that the development of a site of this scale will cause some disruption, however, it is considered appropriate conditions will help to manage this. The Council's Public Protection section has requested a number of planning conditions to include dust control measures during construction, and to control hours of construction and delivery, to seek to minimise disruption. A Construction Management Plan (CMP) condition is recommended to address routing of vehicles and where necessary cleansing measures to address mud on the roads as well as securing details of any temporary security lighting. Such matters can be secured by separate conditions, which are recommended accordingly.

1.184 Subject to the identified planning conditions, it is considered the proposed development would not unduly impact upon the amenity and privacy of occupants of neighbouring properties and would meet the requirements of Policy QP4 of the HLP and the Residential Design Guide SPD (2019) and is therefore acceptable in this respect.

ECOLOGY

1.185 It is acknowledged that concerns have been raised from members of the public in respect to the impact of the proposals on local wildlife and ecology.

Biodiversity Net Gain

1.186 The Environment Act 2021 includes Biodiversity Net Gain (BNG), with a requirement for at least 10% BNG post-development. Although 10% BNG is not mandatory for this proposed development (as the application was made valid before mandatory BNG came into force) as a minimum, it has to achieve a requirement for 'no net loss'.

1.187 A Biodiversity Net Gain Assessment including a Biodiversity Metric version 4.0 spreadsheet has been prepared to measure biodiversity change between baseline and post-development scenarios, as measured in Habitat Units. The conclusions of the Biodiversity Metric indicate that the post-development biodiversity would result in a Net Loss on site within both the Habitat Units (-68.64%) and Hedgerow Units (-47.94%) of the metric. To deliver a net gain for biodiversity in relation to the proposed residential development, offsite habitat creation is proposed within 2.6ha of the arable land within the red line boundary at the Hartlepool South West Extension (SWE) development, approval ref; H/2014/0405. The applicant has confirmed that there is BNG capacity within this development to avoid any 'double counting' of BNG. With the inclusion of the proposed off-site habitat creation works at the Hartlepool SWE site, the development would result in a measurable net gain for biodiversity with a gain of 0.48 habitat units (a gain of 2.48%) and a gain of 0.48 hedgerow units (a gain of 17.74%). The proposals would deliver a neutral (0%) change in terms of Watercourse Units (2.6 Wu).

1.188 This will need to be secured by way of a planning condition and a S106 legal agreement to ensure the stated habitats, hedges and watercourses are delivered (both on site and off site) and then appropriately managed for a minimum period of 30 years, with monitoring throughout the period.

1.189 In addition to the biodiversity contribution, a planning condition can ensure that details of a full soft landscaping scheme (along with biodiversity enhancement measures) is secured.

Biodiversity Compensation and Mitigation Measures

1.190 As noted above, the application is accompanied by an Ecological Appraisal which sets out a number of mitigation measures that are required namely;

- Clearance of hedges in accordance with Working Method Statements for common toad, hedgehog and avoiding the spread of Himalayan Balsam;
- Covering excavations overnight;
- A process for dealing with any hedgehogs found
- A sensitive lighting scheme
- Provision of a landscaping scheme to be wildlife friendly
- Opportunities for hedgehog holes in fences to allow for passage through gardens

1.191 The Council's Ecologist has recommended that these mitigation measures be secured and a planning condition is recommended accordingly (to require the implementation of the measures set out in the Ecological Appraisal), which would include a Construction Environmental Management Plan (CEMP).

1.192 The Council's Ecologist requested that garden fences include a 'hedgehog highway'; the applicant has confirmed agreement to including hedgehog gaps in the boundary fences and final details are recommended by way of a planning condition.

Ecological Enhancement

1.193 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.

1.194 The NPPF (2024) requires development to provide net gains for biodiversity. In particular, paragraph 187(d) 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.

1.195 Paragraph 193(a) of the NPPF (2024) states that when determining planning applications, local planning authorities should apply the following principles:
- 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.

1.196 The site is adjacent to open countryside which supports declining bat and bird populations, which could benefit from the provision of integral bat roost bricks and integral bird nest bricks. In the interests of biodiversity enhancement, the Council's Ecologist has confirmed that each new dwelling should include one integral bat roost brick (35 in total) or one integral bird nest brick (35 in total) or the provision of a universal nest brick to each of the dwellings (70 in total). This can be secured by appropriately worded planning condition, which is recommended in this respect.

Habitats Regulation Assessment

1) Recreational impacts on designated sites

1.197 As the site is 1.9km from the European Protected Site, Teesmouth and Cleveland Coast Special Protection Area (SPA) and suitable alternative natural green space (SANGS) is not provided on site, following the completion of a Stage 1 and Stage 2 Habitat Regulations Assessment by the Council's Ecologist (as the competent authority), a financial contribution of £17,500 (£250 per property) is necessary to mitigate the adverse recreational impacts on the SPA. The applicant has confirmed agreement to this. In turn, Natural England have confirmed they have no objection to the application subject a suitable legal agreement to secure the financial contribution. This will be secured in the s106 legal agreement.

2) Nutrient Neutrality

1.198 On 16 March 2022 Hartlepool Borough Council, along with neighbouring authorities in the catchment of the Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area.

1.199 Given this application would involve development comprising residential development, it is considered the proposals are 'in scope' for further assessment. The applicant submitted a Nutrient Statement which concludes that the application does not result in a net increase in nitrates as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works, which has been confirmed by Northumbrian Water. A HRA Stage 1 Screening Assessment was duly completed by the Council's Ecologist which confirms there would not be a Likely Significant Effect on the designated sites.

1.200 Natural England have been consulted on the HRA Stage 1 Screening Assessment and have confirmed no objections, and therefore the application is considered to be acceptable in this respect.

1.201 The application is considered to be acceptable in respect of any Likely Significant Effects on designated sites.

TREES + LANDSCAPING

1.202 It is acknowledged that objections from members of the public raise concerns regarding the impacts of the proposals on open space, trees and wildlife. The application is accompanied by an Arboricultural Impact Assessment (AIA) including an Arboricultural Survey, Tree Protection Plan and Method Statement that identify a loss of two sections of native hedging throughout the application site to facilitate the proposed development, and a number of trees/hedgerows that are to be retained and measures to do so. In response the Council's Arboricultural Officer has raised no objections to the proposals. Protection measures for existing/retained trees can be secured by a planning condition (compliance with the submitted, agreed details), which is recommended accordingly.

1.203 The application proposes a soft landscaping scheme, including street trees, formal hedgerows, ornamental planting and wildflower seeding to be planted within the site as well as the retention and enhancement of some hedges/trees along the boundaries of the site, particularly the south east corner, along the eastern boundary, the north east boundary with the adjacent neighbour at Hart Reservoir House, and along the northern boundary (as detailed above), which is considered to offer a measure of enhancement to the development proposed (as identified in the sections above). Whilst a general indication of the proposed landscaping within the proposed development has been provided, to which the Council's Landscape Architect, Arboricultural Officer and Ecologist have confirmed no objections in principle, final landscaping details can be secured by a planning condition, which is recommended accordingly.

1.204 Notwithstanding the above, as detailed in the comments from the Council's Arboricultural Officer, it is considered that trees throughout the rear gardens of plots 21-43 (inclusive) would assist in breaking up the rear boundaries for occupants of these properties, as well as the occupants of plots 18 and 19. Notwithstanding this, the matter would not result in a refusal of the application and no objections are raised by the Council's Arboricultural Officer.

1.205 In view of the above, and on balance, the application is considered to be acceptable in respect of trees and landscaping and would not warrant a refusal of the application.

SURFACE WATER MANAGEMENT & CONTAMINATED LAND

1.206 As noted above, the former reservoirs at the application site have been drained and there is currently no supply of water to the reservoirs. The application site is identified as being in Flood Zone 1, however the Council's Engineering Consultancy indicate this is because it is outside the remit of the Environmental Agency's Flood Map For Planning. As such, the Council's Engineering Consultancy initially raised concerns regarding the application as initially submitted as an assessment of the existing watercourse capacity was not undertaken to confirm suitability to convey flood flows without the storage provided by the reservoir. The Council's Engineering Consultancy also requested details of infiltration testing and the design of bridges and culverts, allowing for predicted increases as a result of climate change.

1.207 Following the submission of updated details, it has subsequently been confirmed by the Council's Engineering Consultancy that there are now no objections to the proposals in terms of surface water management in principle, subject to a planning condition requiring a basin cross section detail. It is also considered prudent that maintenance and management plan for surface water drainage be required by way of a planning obligation, which would be secured via a S106 legal agreement. The applicant has confirmed their agreement to this planning condition and obligation being imposed and therefore subject to that condition and obligation, the proposals are considered to be acceptable in relation to surface water management.

1.208 In respect to contaminated land, the application is supported by desk studies, a ground investigation report and geoenvironmental risk assessment, which conclude that no remedial measures are required. The Council's Engineering Consultancy have since confirmed that the submitted details are satisfactory in relation to contaminated land subject to the inclusion of the standard planning condition in respect of unexpected contaminated land. Such a planning condition is recommended accordingly. The Council's Engineering Consultancy have also advised that planning conditions appended to the linked application H/2023/0028 in respect to the infill works of the reservoir (particularly in respect to approximate fill levels and materials) be secured on this application, and the inclusion of these conditions are recommended accordingly.

1.209 The Environment Agency have commented in respect to the protection of a groundwater monitoring borehole, and have requested a planning condition be included in this respect. This planning condition is recommended accordingly and the application is considered to be acceptable in respect of contamination.

HERITAGE

1.210 In assessing the application site during the course of the previous outline application for residential development (H/2015/0354), it was noted that the reservoirs and their features may have merited inclusion upon the Council's Local List of historically important buildings/structures and therefore warranted protection as a heritage asset in line with the requirements of the NPPF. Since that time, the site has been decommissioned and drained and therefore no longer functions as a reservoir. As noted above, an application for the infilling of the reservoirs and removal of the infrastructure associated with its function is 'minded to approve' by virtue of planning application H/2023/0028.

1.211 The current application under consideration includes a Heritage Assessment and an Archaeological Assessment and Building Recording document. The Heritage Assessment considers that the site in its current form, the reservoirs now being drained basins, with landscaping and earth movements having changed the shape and size of the former reservoirs, the site has deteriorated and would not be appreciated and understood as a former reservoir servicing the requirements of Hartlepool's past industry, and therefore the site has lost much of its heritage value. In light of this, the reports conclude that it is unlikely the site would be suitable to be included on the Council's Local List.

1.212 The proposals include the retention of parts of the former infrastructure of the reservoirs as discussed in the Proposal.

1.213 The Council's Head of Service for Heritage and Open Spaces has reviewed this information and accepts that the circumstances have changed and that much of the historic interest in the site has been lost following draining of the water bodies and subsequent works. However, the site has now been assessed, recorded and details submitted for consideration. In light of this, the Council's Head of Service for Heritage and Open Spaces has commented that where possible, opportunities should be considered for interpretation on the site in order to provide information that would offer visitors an understanding of the area.

1.214 As noted above, the supporting Design and Access Statement indicates that information panels be would be positioned within key pedestrian routes and public space to provide readers with a brief local history of the local area. It is considered that further details of these can be secured by planning condition, which is duly recommended in this respect.

1.215 In summary, no objections have been raised by the Council's Head of Service for Heritage and Open Spaces on heritage grounds, who concludes that the proposed works are acceptable.

1.216 In respect of archaeological matters, Tees Archaeology note that the site has been previously assessed and recorded and whilst no further assessments are required in respect of the reservoirs themselves, the submitted Archaeological Assessment details remains found in the south-west corner of the field to the north of the eastern reservoir, and concludes that a programme of archaeological work is to be undertaken in order to mitigate the impact of the development on the archaeological resource. Tees Archaeology have requested that such works be secured by way of an amended planning condition which is recommended accordingly.

1.217 Overall and on balance, in view of the above, the proposals are considered to be acceptable in relation to heritage assets.

HIGHWAY SAFETY & PARKING

1.218 It is acknowledged that objections from members of the public have been received in respect of increased traffic on Hart Lane, dangerous entry/exit point onto Hart Lane, and in respect of parking issues.

1.219 Policy QP3 of the Hartlepool Local Plan (2018) seeks to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

1.220 Paragraph 115 of the NPPF (2024) states that it should be ensured that "safe and suitable access to the site can be achieved for all users". Paragraph 116 goes onto state that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Local Road Network

1.221 The application is accompanied by a Transport Statement as well as detailed layout plans indicating that the proposed development would take access from Hart Lane, with a new access including a priority right turn lane and visibility splays of 2.4m by 120m in each direction. The submitted Transport Statement concludes that the proposed development would have appropriate access arrangements, internal highway layout and parking provision and would not result in any unacceptable impact on highway safety or severe impact on network capacity.

1.222 The Council's Traffic and Transport team have confirmed that the proposed access is acceptable, subject to the extension of the 40mph speed limit being required, at the applicant's expense. It is understood that the mechanism for undertaking such works to the highway would also need to be undertaken through a separate highway process.

Transport Statement and Travel Plan

1.223 National Highways have been consulted and have raised a number of queries regarding the applicant's submitted Transport Statement and Travel Plan submission. Notwithstanding the 'deficiencies' that they have identified, National Highways agree that the proposed development only generates a marginal number of trips onto the A19 / A179 Sheraton Junction and therefore, no further evidence is required and overall they have confirmed no objection to the proposals. HBC Traffic and Transport have advised the applicant has submitted a Transport Statement (TS) in support of the application as the number of properties was below the Transport Assessment threshold which means that the developer has not done any detailed junction modelling as it is generally accepted that the level of housing would have a minimal impact on the surrounding highway network. The Transport Statement outlines the scope of the development, site accessibility and trip generation and HBC Traffic and Transport therefore confirm that the TS is an accurate assessment. They have also confirmed that the Travel Plan is acceptable and appropriate for a development of this size. A planning condition is recommended in respect to the development being carried out in accordance with the measures set out in the Travel Plan.

Internal Roads & Car Parking

1.224 Each of the proposed dwellings is to be served by three car parking spaces and there are three visitor parking spaces for general use within the development. The Council's Traffic and Transport team commented that the initially proposed red tarmac was not suitable for a shared surface area, and that shared surface areas should have a minimum of 6m running carriageway with a 0.5m hardened maintenance margin. The applicant amended the layout to address these concerns, following which the Council's Traffic and Transport section have confirmed that the proposed layout and car parking provision is acceptable.

Construction Management

1.225 The Council's Traffic and Transport team have also confirmed the requirement for a Construction Management Plan to address highway related construction matters including wheel wash facilities, which is recommended accordingly.

Highway Impacts Conclusion

1.226 Overall and for the reasons identified above, including that the Council's Traffic and Transport section do not object to the application, the application is considered to be acceptable in respect of highway safety, access, and car and cycle parking.

PUBLIC RIGHTS OF WAY (+ FOOTPATH CONNECTIONS)

1.227 It is acknowledged that an objection from a member of the public has been received in respect of the condition of the local footpaths. As noted above, an existing public access path runs along the outside eastern and southern boundaries of the application site. The proposals include the provision of an access from within the proposed development to the southern extent of the existing footpath, and another access route to link to this access path from the north eastern corner of the development site. Both of these accesses from the proposed development to the public footpath would feature a kissing gate. The Council's Countryside Access Officer has confirmed that this new path would enable residents and visitors to access to and from the new development without having to walk south to the proposed access link, especially if they wish to exit and walk in an eastern or northerly direction. The links to the footpath can be secured by an appropriately worded planning condition, which is duly recommended.

1.228 It is noted that within the original comments from HBC Traffic and Transport that they had also requested that the applicant upgrade the existing footway on Hart Lane between the site entrance and the existing cycleway immediately south of Merlin Way to a 3.0m footway /cycleway. Given the agreed position for footpath connections and upgrade works to the existing footpaths immediately to the south and east of the site, it is considered that the proposals would result in a satisfactory improvement to green infrastructure and therefore the suggested upgrade to the footpath on Hart Lane is considered not to be reasonable or necessary in planning terms. Furthermore, the proposals include highway and footpath works within the site that would connect up to the existing footpath along Hart Lane. The proposal is therefore considered to be acceptable in this respect.

1.229 The applicant has also agreed to undertake surfacing improvement of the access path, along the eastern and southern sections of the access path (as mentioned above). These works would require a planning obligation to be included in a S106 legal agreement, which is recommended accordingly.

1.230 Overall and for the reasons identified above, including the comments of the Council's Countryside Access Officer and Planning Policy team, and subject to planning conditions and an obligation to secure the improvements to the adjacent public footpath, the application is considered to be acceptable in respect of public rights of way.

OTHER PLANNING MATTERS

Crime, Fear of Crime and Anti-Social Behaviour

1.231 The Council's Community Safety team have been consulted on the proposals and have not offered any objections or comments. A consultation response from Cleveland Police has been received which details advice regarding Secured By Design measures including the height of fencing and gates to deter unauthorised access to rear gardens. This advice can be relayed to the applicant by way of an informative and the application is therefore considered acceptable in respect of crime, fear of crime and anti-social behaviour.

Safety + Security

1.232 The submitted Planning Statement notes that "the infrastructure from the previous reservoir is not proposed to be removed, rather it will be covered and preserved under the material proposed to level the land". It further notes that "the towers and reservoir infrastructure are particularly dangerous in their current form".

1.233 In response to the original comments received from HBC Engineering Consultancy in respect to health and safety considerations of the retained reservoir structures within the application site and beyond the site boundary, it is understood that a number of the former reservoir structures are to be retained but covered as part of the infill works.

1.234 The exceptions within the application site include a retained spillway and watercourse that will form part of the open space running through the site and a tower. It is understood that such retained structures will sit a modest height above the finished (infill) ground level. Final details of the treatment to such structures and the overall site levels are recommended by planning conditions. Furthermore, it is understood that such works are proposed to address the existing health and safety concerns that the applicant has set out within their supporting information. No objections have been received from a number of consultees in respect to such works which are considered to be acceptable in this respect, subject to the identified planning conditions.

1.235 Lastly and in respect to a retained tower structure that would remain within the former upper reservoir (and outside of the application site), the responsibility for this would rest with the landowner.

Waste

1.236 The Tees Valley Joint Minerals and Waste Development Plan Document (2011) requires all major developments to produce a waste audit. The applicant has duly submitted this which demonstrates that waste would be managed and minimised or reused, in accordance with the statutory requirements. A planning condition is recommended in respect of this.

1.237 A consultation response has been received from the Council's Waste Management team regarding the provision of necessary waste receptacles and collection requirements throughout the proposed development. No objections have been received from the Council's Traffic and Transport team in respect of the provision of waste and the applicant has indicated areas within the site for bins to be presented to on collection day. It is also noted that individual properties feature rear garden areas and footpaths from the highway. The proposal is therefore, on balance, considered to be acceptable in this respect.

RESIDUAL MATTERS

1.238 The Environment Agency have drawn the applicant's attention to matters relating to ownership and maintenance responsibilities as well as other approvals and permits that would be required in addition to any planning permission to carry out the proposed development. These matters can be highlighted to the applicant via appropriate informative(s) on the decision notice.

1.239 Cleveland Fire Brigade has provided advice for the applicant with respect to fire safety and access. These matters are principally a consideration for the building regulations process, which the Council's Building Control section has confirmed the application is subject to. Notwithstanding this, an informative to make the applicant aware of this advice is recommended accordingly.

CONCLUSION

1.240 Overall, it is acknowledged that whilst the majority of the application site is situated on unallocated white land within the limits to development, part of the application site is beyond the limits to development in accordance with Policy LS1 of the HLP (2018), and would be sited in an area of green open space in a green wedge, contrary to the allocations of Policies NE2 and NE3 of the HLP (2018).

1.241 Notwithstanding this, in view of the consideration of the economic, environmental and social benefits of the scheme as identified by the Council's Planning Policy team, it is, on balance, considered that the development is acceptable for the reasons detailed above. It is further considered that the scheme would not result in such an unacceptable layout or an adverse impact on the visual amenity as to warrant a refusal of the application in this instance. It is further considered that the proposal would not result in significant adverse impacts on the amenity or privacy of neighbouring land users, and the proposal is considered to be acceptable in respect of all other material considerations.

1.242 Subject to the identified conditions and the completion of a section 106 legal agreement to secure the financial contributions (as detailed above), as well long term maintenance and management of a number of identified elements, the proposal is considered to be acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.243 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.245 There are no Section 17 implications.

REASON FOR DECISION

1.246 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 completion of s106 Legal Agreement to secure financial contributions toward HRA financial mitigation (£17,500) for indirect adverse impacts on SPA feature birds through recreational disturbance, £107,012.75 toward primary education and £35,238.18 toward secondary education; the provision, maintenance and long term management of footpath links to the east and south (and the delivery of surfacing improvements to the existing footpaths to the south and east of the site); the provision, maintenance and long term management of landscaping, open space and play areas; the provision, maintenance and long term management of Biodiversity Net Gain (both on site and offsite); and maintenance and long term management of surface water drainage and SuDS; to secure an employment and training charter, and subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with then following plans:
Dwg. No. Ga2.2_MA_R21 001 Rev 01 (Twin Garage Plans, Elevations & Section),
Dwg. No. 22-139/001 Rev - (Proposed Site Access Arrangements),
Dwg. No. Ga1.1_MA_R21 001 Rev 01 (Single Garage Plans, Elevations & Section),
Dwg. No. Ga1.1_MA_R21 101 Rev A (Single Garage Plans, Elevations & Section – Sub Structure Plan),
Dwg. No. Ga1.1_MA_R21 102 Rev A (Single Garage Plans, Elevations & Section – Floor Plan),
Dwg. No. Ga1.1_MA_R21 103 Rev A (Single Garage Plans, Elevations & Section - Elevations),
Dwg. No. Ga1.1_MA_R21 104 Rev A (Single Garage Plans, Elevations & Section – Section Side Gable),
Dwg. No. Ga1.2_MA_R21 001 Rev - (Garage & Store Plans, Elevations & Section),
Dwg. No. Ga1.2_MA_R21 101 Rev - (Garage & Store Plans, Elevations & Section – Sub Structure Plan AS Handing),

Dwg. No. Ga1.2_MA_R21 102 Rev - (Garage & Store Plans, Elevations & Section – Sub Structure Plan OP Handling),
 Dwg. No. Ga1.2_MA_R21 103 Rev - (Garage & Store Plans, Elevations & Section – Floor Plans),
 Dwg. No. Ga1.2_MA_R21 104 Rev - (Garage & Store Plans, Elevations & Section – Elevation Side Gable),
 Dwg. No. Ga1.2_MA_R21 105 Rev - (Garage & Store Plans, Elevations & Section – Section Side Gable),
 Dwg. No. Ga2.1_MA_R21 001 Rev 01 (Double Garage Plans, Elevations & Section),
 Dwg. No. Ga2.1_MA_R21 101 Rev A (Double Garage Plans, Elevations & Section – Sub Structure),
 Dwg. No. Ga2.1_MA_R21 102 Rev A (Double Garage Plans, Elevations & Section – Floor Plans),
 Dwg. No. Ga2.1_MA_R21 103 Rev A (Double Garage Plans, Elevations & Section – Elevations Side Gable),
 Dwg. No. Ga2.1_MA_R21 104 Rev A (Double Garage Plans, Elevations & Section – Section Side Gable),

Dwg. No. Ga2.2_MA_R21 001 Rev 01 (Twin Garage Plans, Elevations & Section),
 Dwg. No. Ga2.2_MA_R21 101 Rev A (Twin Garage Plans, Elevations & Section – Sub Structure Plan),
 Dwg. No. Ga2.2_MA_R21 102 Rev A (Twin Garage Plans, Elevations & Section – Floor Plans),
 Dwg. No. Ga2.2_MA_R21 103 Rev A (Twin Garage Plans, Elevations & Section – Elevations Side Gable),
 Dwg. No. Ga2.2_MA_R21 104 Rev A (Twin Garage Plans, Elevations & Section – Section Side Gable),
 Dwg. No. Ga4.22_MA_R21 001 Rev - (Quad Garage Plans, Elevations & Section),
 Dwg. No. Ga4.22_MA_R21 101 Rev - (Quad Garage Plans, Elevations & Section – Sub Structure Plan),
 Dwg. No. Ga4.22_MA_R21 102 Rev - (Quad Garage Plans, Elevations & Section – Floor Plans),
 Dwg. No. Ga4.22_MA_R21 103 Rev - (Quad Garage Plans, Elevations & Section - Elevations),
 Dwg. No. Ga4.22_MA_R21 104 Rev - (Quad Garage Plans, Elevations & Section – Section A-A) received by the Local Planning Authority on 26th October 2023;

Dwg. No. HAR-HRE-000 Rev F (Location / Existing Layout Plan), received by the Local Planning Authority on 8th December 2023;

Dwg. No. BaM_MA-DET_R21G-201 Rev B (Bamburgh Ground Floor GA Plan),
 Dwg. No. BaM_MA-DET_R21G-210 Rev C (Bamburgh First Floor GA Plan),
 Dwg. No. BrH_MA-DET_R21G-201 Rev F (Broadhaven Ground Floor GA Plan), Dwg. No. BrH_MA-DET_R21G-210 Rev D (Broadhaven First Floor GA Plan),

Dwg. No. BrH_MA-DET_R21G-410 Rev C (Broadhaven Elevations),
 Dwg. No. CsW_MA-DET_R21G-201 Rev D (Cresswell Ground Floor GA Plan),
 Dwg. No. CsW_MA-DET_R21G-210 Rev C (Cresswell First Floor GA Plan),
 Dwg. No. CsW_MA-DET_R21G-410 Rev C (Cresswell Elevations),
 Dwg. No. CuL_MA-DET_R21G-201 Rev D (Cullen Ground Floor GA Plan),
 Dwg. No. CuL_MA-DET_R21G-210 Rev C (Cullen First Floor GA Plan),
 Dwg. No. CuL_MA-DET_R21G-410 Rev C (Cullen Elevations),
 Dwg. No. HeY_MA-DET_R21G-201 Rev C (Heysham Ground Floor GA Plan),
 Dwg. No. HeY_MA-DET_R21G-210 Rev C (Heysham First Floor GA Plan),
 Dwg. No. HeY_MA-DET_R21G-410 Rev C (Heysham Elevations),
 Dwg. No. HoC_MA-DET_R21G-201 Rev C (Hollicombe Ground Floor GA Plan),
 Dwg. No. HoC_MA-DET_R21G-210 Rev C (Hollicombe First Floor GA Plan),
 Dwg. No. HoC_MA-DET_R21G-410 Rev C (Hollicombe Elevations),
 Dwg. No. KgS_MA-DET_R21G-201 Rev D (Kingsand Ground Floor GA Plan),
 Dwg. No. KgS_MA-DET_R21G-210 Rev C (Kingsand First Floor GA Plan),
 Dwg. No. KgS_MA-DET_R21G-220 Rev C (Kingsand Second Floor GA Plan),
 Dwg. No. KgS_MA-DET_R21G-410 Rev C (Kingsand Elevations),
 Dwg. No. LaN_MA-DET_R21G-201 Rev D (Lancombe Ground Floor GA Plan),
 Dwg. No. LaN_MA-DET_R21G-210 Rev C (Lancombe First Floor GA Plan),
 Dwg. No. LaN_MA-DET_R21G-410 Rev B (Lancombe Elevations),
 Dwg. No. NeN_MA-DET_R21G-201 Rev C (Newhaven Ground Floor GA Plan),
 Dwg. No. NeN_MA-DET_R21G-210 Rev C (Newhaven First Floor GA Plan),
 Dwg. No. NeN_MA-DET_R21G-410 Rev C (Newhaven Elevations),
 Dwg. No. SeA_MA-DET_R21G-201 Rev D (Seacombe Ground Floor GA Plan),
 Dwg. No. SeA_MA-DET_R21G-210 Rev D (Seacombe First Floor GA Plan),
 Dwg. No. SeA_MA-DET_R21G-410 Rev C (Seacombe Elevations),
 Dwg. No. WiT_MA-DET_R21G-201 Rev D (Walcott Ground Floor GA Plan),
 Dwg. No. WiT_MA-DET_R21G-210 Rev C (Walcott First Floor GA Plan),
 Dwg. No. WiT_MA-DET_R21G-410 Rev C (Walcott Elevations), received by the Local Planning Authority on 20th June 2024;

Dwg. No. BaM_MA-DET_R21G-410 Rev C (Bamburgh Elevations Plot 48),
 Dwg. No. BaM_MA-DET_R21G-411 Rev C (Bamburgh Elevations Plot 20),
 Dwg. No. BaM_MA-DET_R21G-412 Rev C (Bamburgh Elevations Plot 30 & 63),
 Dwg. No. CsW_MA-DET_R21G-411 Rev C (Cresswell Elevations Plot 58),
 Dwg. No. KgS_MA-DET_R21G-411 Rev C (Kingsand Elevations Plot 54),
 Dwg. No. NeN_MA-DET_R21G-411 Rev C (Newhaven Elevations Plot 52),
 Dwg. No. WiT_MA-DET_R21G-202 Rev D (Walcott Ground Floor GA Plan Plot 17),
 Dwg. No. WiT_MA-DET_R21G-411 Rev C (Walcott Elevations Plot 17), received by the Local Planning Authority on 24th June 2024;

Dwg. No. 150587/8001 Rev H (Landscape Proposals Plan) received by the Local Planning Authority on 31st January 2025;

Dwg. No. HAR-HRE-001 Rev Q (Site Layout),
Dwg. No. HAR-HRE-006 Rev K (Proposed Materials Layout),
Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment) received by
the Local Planning Authority on 11th March 2025.
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 including the finished floor levels of the dwellings and buildings to be erected and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the proposed finished level details for the infill area as shown on plan Approximate Post Fill Reservoir Levels & Temporary Basin (received by the Local Planning Authority 04/02/2024) including the retained existing (former reservoir) features within the site (as required by condition 4 of this permission). The development thereafter shall be carried out in accordance with the approved details.
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policies QP4, QP5 and LS1 of the Hartlepool Local Plan.
4. Notwithstanding the submitted information and prior to the commencement of development, final treatment details to the existing (former reservoir) structures that are to be retained within the site (1no. spillway and 1no. tower as indicated on plan Approximate Post Fill Reservoir Levels & Temporary Basin (received by the Local Planning Authority 04/02/2024)) including above ground levels and any associated remedial works, shall be first 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 ensure a satisfactory form of development, in the interests of visual amenity and public safety. and to take into account the position of the retained structures in relation to adjacent properties, in accordance with Policies QP4, QP5 and LS1 of the Hartlepool Local Plan.
5. Prior to the commencement of development, a Construction Management Plan (CMP) shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The scheme shall also include details of any security lighting to be used during the construction period. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out solely in accordance with the approved CMP for during the construction phase of the development hereby approved.

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

6. 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. 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 approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the completion of the development.
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.
7. Prior to the commencement of development, detailed cross sectional elevations of the “online attenuation basin” as detailed in the submitted document entitled "Flood Risk Assessment and Drainage Strategy" (document reference 21-016 Revision P5 dated 30.01.2025, received by the Local Planning Authority on 31st January 2025) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the completion of the development.
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.
8. Notwithstanding the requirements of conditions 6 and 7, the drainage scheme shall ensure that foul flows discharge to the public foul sewer at manhole 5307 and ensure that surface water discharges to the existing watercourse.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
9. A scheme for managing the Environment Agency borehole located on site, installed for the investigation of groundwater, shall be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall provide details of how this borehole that needs to be retained, post-development, for monitoring purposes will be secured and protected. The scheme as approved shall be implemented prior to the occupation of any part of the development hereby approved.

To ensure that boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 187 of the NPPF (2024).

10. 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 submitted BNG Assessment (document reference 22221 V4, received by the Local Planning Authority on 05/09/2024) consisting of the habitat retention, creation and enhancement and the subsequent management of habitats in the condition stated in the BNG Assessment 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 Metric as stated in the submitted BNG Assessment (document reference 22221 V4, received by the Local Planning Authority on 05/09/2024). 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, Section 15 of the NPPF (2024) and Policy NE1 of the Hartlepool Local Plan (2018).

11. Notwithstanding the submitted details and prior to the above ground construction of the dwellings hereby approved, a scheme for the provision, long term maintenance and management (for a minimum of 30 years) of all landscaping and tree and shrub planting within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of a buffer of structural landscaping to the northern boundary and details of rabbit protection, and the planting mix shall include berry and fruit bearing species. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a programme of the works to be undertaken, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures. The scheme shall be in general conformity with the plan Dwg. No. 150587/8001 Rev H (Landscape Proposals Plan) received by the Local Planning Authority on 31st January 2025. The scheme shall include details of the retained (and buffered) landscaping features as detailed within the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan' document, reference ARB/AE/2933 dated February 2025, and shown on drawing number ARB/AE/2933/TpP (Tree Protection Plan), received by the Local Planning Authority on 3rd February 2025. 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 completion or first occupation of individual dwellings (whichever is sooner) and within the first planting season for all other areas including open spaces and grass verges 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 and National Highways gives written consent to any variation. In the interests of visual amenity, biodiversity enhancement and to ensure a satisfactory form of development.

12. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree and hedge protection measures identified in the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan' document, reference ARB/AE/2933 dated February 2025, and shown on drawing number ARB/AE/2933/TpP (Tree Protection Plan), received by the Local Planning Authority on 3rd February 2025 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 or hedges which are seriously damaged or die as a result of site works shall be replaced with trees or hedges 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.
13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in:
 - section 6 (Recommendations), page 35 of the submitted Ecological Appraisal by OS Ecology, document dated October 2023 and received by the Local Planning Authority 26/10/2023;
 - section 6 (Recommendations), page 24 of the Breeding Bird Survey by OS Ecology, document dated September 2023 and received by the Local Planning Authority 26/10/2023);
 - section 6 (Recommendations), page 18 of the Watercourse Survey by OS Ecology, document dated October 2023 and received by the Local Planning Authority 26/10/2023.

The CEMP (Biodiversity) shall also include the following:

 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";

- c) 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);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented in accordance with the agreed details and timetable and throughout the construction period strictly in accordance with the approved details.

In the interests of avoiding or mitigating ecological harm.

14. Prior to the commencement of development above ground level, full details of a minimum of 70no. integral 'universal' nest bricks or 35no. bat roost bricks and 35no. bird nesting box bricks to be installed integral to each of the dwellings (70no. in total), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the nest bricks shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the individual dwellings, whichever is sooner, and shall be maintained for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with Policy NE1 of the Hartlepool Local Plan (2018) and Section 15 of the NPPF (2024).

15. Notwithstanding the agreed means of enclosure as per condition 27 of this decision notice, details of the provision of hedgehog openings (and suitable associated signage) with boundary enclosures (as indicatively shown on Dwg. No. HAR-HRE-010 Rev A, Ecology Layout, received by the Local Planning Authority on 21st May 2024) shall be provided prior to the completion or occupation of the identified dwellings hereby approved (whichever is sooner). To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 187 of the NPPF.

16. A) No demolition/development inside the area indicated 'proposed protection fence' on drawing Figure 2 (Proposed strip, map and record area and geophysical survey, WSI 24061, received by the Local Planning Authority on 10/03/2025) shall take place until protective fencing has been installed around the perimeter of the archaeological mitigation site (as annotated "proposed strip, map and record area" on the above referenced dwg) and notices prohibiting works within the fenced off area are attached to the fencing, to prevent accidental damage during the works, and the site investigation has been carried out in accordance with the approved Written Scheme of Investigation document (by Archaeological Services Durham University, received by the Local Planning Authority 25/03/2024).

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

17. Prior to the commencement of development hereby approved, details of proposed interpretation panels/boards (providing information in respect to features of the former reservoir) including construction materials and finish shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwellings on the site.
In the interests of visual amenity and non-designated heritage assets.
18. Notwithstanding the submitted plans and submitted Transport Assessment (received by the Local Planning Authority on 30/10/2023) and prior to first occupation of the dwellings hereby approved, a detailed scheme for the extension of the street lighting system and a scheme to extend the 40mph speed limit along Hart Lane (in the vicinity of the proposed access) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme.
To enable the Local Planning Authority to control details and in the interests of highway safety.
19. The access (and associated visibility splays) to the development hereby approved shall be completed in accordance with Dwg. No. 22-139/001 (Proposed Site Access Arrangements, dated 06/09/2022, received by the Local Planning Authority on 26th October 2023) prior to the completion or first occupation (whichever is sooner) of the development hereby approved unless an alternative timescale is otherwise agreed in writing with the Local Planning Authority.
To ensure a satisfactory form of development and in the interests of highway safety.
20. No part of the residential 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 amenities of the surrounding area.
21. Prior to the commencement of development above ground level, details of the proposed substation and 'PRI Station' (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.

In the interests of visual amenity.

22. Prior to the commencement of development above damp proof course level of the 70no. residential dwellings hereby approved, full details of the children's play area (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) including the exact location, specification and design of all equipment within it, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the children's play area shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the dwellings, whichever is the sooner.

To provide public infrastructure, in accordance with Policy NE2 of the Hartlepool Local Plan (2018).

23. Prior to the commencement of development above damp proof course level of the 70no. residential dwellings hereby approved, full details of the footpath links to be installed (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) including the exact location, specification and design of the 'kissing gate' structures as well as a timetable for the works and their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath links (and any associated gates) shall be installed strictly in accordance with the details so approved including the timetable for implementation.

To provide public infrastructure, in accordance with Policy NE2 of the Hartlepool Local Plan (2018).

24. Prior to the commencement of the development above damp proof course level of the 70no. residential dwellings hereby approved, a scheme for obscure glazing and restricted opening (max. 30 degrees) of the following proposed side facing windows (plot numbers as identified on plan Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) shall first be first submitted to and approved in writing by the Local Planning Authority:

- The 2no. windows in the first floor eastern side elevation (serving a bathroom and secondary bedroom window) of plot 52 (Newhaven), facing plot 51;
- The 2no. windows in the first floor southern side elevation (serving a bathroom and secondary bedroom window) of plot 53 (Newhaven), facing plot 51;
- The 1no. windows in the first floor eastern side elevation (serving an en-suite) window) of plot 49 (Newhaven), facing plot 44;
- The 1no. windows in the first floor western side elevation (serving an en-suite) window) of plot 29 (Walcott), facing plot 31;
- The 1no. windows in the first floor eastern side elevation (serving an en-suite) window) of plot 43 (Walcott), facing plot 18.

The windows shall be glazed with obscure glass to a minimum level of 4 of the 'Pilkington' scale of obscurity or equivalent. Thereafter, the windows shall be installed in accordance with the approved details and prior to the occupation of each respective plot and shall remain for the lifetime of the

development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.
To prevent overlooking in the interests of the privacy of future occupiers.

25. The external finishing materials of the dwellings shall be completed in accordance with Dwg. No. HAR-HRE-006 Rev J (Proposed Materials Layout, received by the Local Planning Authority on 7th February 2025) unless an alternative, similar scheme is submitted to and approved in writing with the Local Planning Authority.
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area.
26. The hard landscaping (including roads, car parking provision and footpaths within the site) shall be completed in accordance with Dwg. No. HAR-HRE-006 Rev J (Proposed Materials Layout, received by the Local Planning Authority on 7th February 2025) prior to the occupation of the dwellings and/or the site being open to the public or completion of the development hereby approved (whichever is sooner) unless an alternative, similar scheme is submitted to and approved in writing with the Local Planning Authority.
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area.
27. Notwithstanding the requirements of condition 15, the development shall be carried out in accordance with the boundary treatment details as shown Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment, received by the Local Planning Authority on 7th February 2025) prior to first occupation of the dwellings or completion of the development (whichever is the sooner). No other fences or boundary enclosures shall be erected without the prior approval of the Local Planning Authority.
In the interests of visual amenity and to provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 187 of the NPPF (2024).
28. No part of the residential development hereby approved shall be occupied until full details of solar panels to be installed to a minimum of 10% of the dwellings, including identifying the dwellings/location of the apparatus, has been submitted and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be installed in accordance with the agreed details and prior to the occupation or completion of the identified dwellings, whichever is sooner.
To ensure a satisfactory form of development, In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.
29. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging apparatus (to all 70no. dwellings), including identifying the dwellings/location of the apparatus has been submitted and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the individual dwellings, the agreed scheme shall be implemented on site.

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

30. Prior to the installation of any permanent external lighting 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. Such external lighting shall, where achievable, be limited to low level lighting, avoiding use of high intensity security lighting. The retained former reservoir tower shall not be illuminated, and light spill shall be limited as far as practicable on retained habitats such as hedgerows and scrub. 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.

31. Soil imported to the site as part of the development hereby approved shall be carried out solely in accordance with section 6.0 (Verification of Scheme) of document 'Hart Reservoir Design Statement' (document reference HRT-CDL-XX-XX-T-60201 Rev P1 by Cundall, (document dated 19/10/2023), received by the Local Planning Authority 30/11/2023 and 'Approximate Post Fill Reservoir Levels & Temporary Basin' plan at scale of 1:200 at A0, received by the Local Planning Authority 04/02/2025 including section 6.0 (Verification of Scheme) of the aforementioned document. Upon completion of the approved infill works, a final Verification Report (as detailed in section 6.3 'Reporting' of the aforementioned document) shall be submitted to the Local Planning Authority.

To prevent the importing of contaminated soil.

32. The extent of the approved infill works shall be limited to the area defined by the magenta coloured line on plan 'Approximate Post Fill Reservoir Levels & Temporary Basin, received by the Local Planning Authority 04/02/2024.

To define the permission and for the avoidance of doubt.

33. 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.

34. Prior to the occupation of the dwellings hereby approved, provision shall be made for storage of refuse in accordance with the locations shown on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025).
To ensure a satisfactory form of development.
35. 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 9.00 am 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 ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
36. The development hereby approved shall be used as C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
To allow the Local Planning Authority to retain control of the development.
37. Notwithstanding the provisions of Classes A to F of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwellinghouses hereby approved shall not be extended or altered in any manner (including the installation or re-configuration of windows) or detached outbuildings or other buildings erected or additional areas of hard standing/surfacing created (other than those approved) within the curtilage without the written approval of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area and the amenities of future occupiers.
38. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission and shown on Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment) received by the Local Planning Authority on 7th February 2025.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

39. Waste generated during the demolition, construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted submitted Waste Audit – Infill App (document dated July 2023) and Waste Audit – Residential App (document dated November 2023), both date received by the Local Planning Authority on 30th November 2023.

To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

40. The development hereby approved shall be carried out in accordance with the 'Travel Plan Measures' as set out in paragraph 5.27 of the Transport Statement and Travel Plan prepared on behalf of Persimmon Homes (Teesside) by Milestone Transport Planning (document reference 22-139-N, dated September 2023), date received 30/10/2023 by the Local Planning Authority.

In the interests of sustainable development and transport and to ensure a satisfactory form of development.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159772>

1.248 Copies of the applications are available on-line:

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

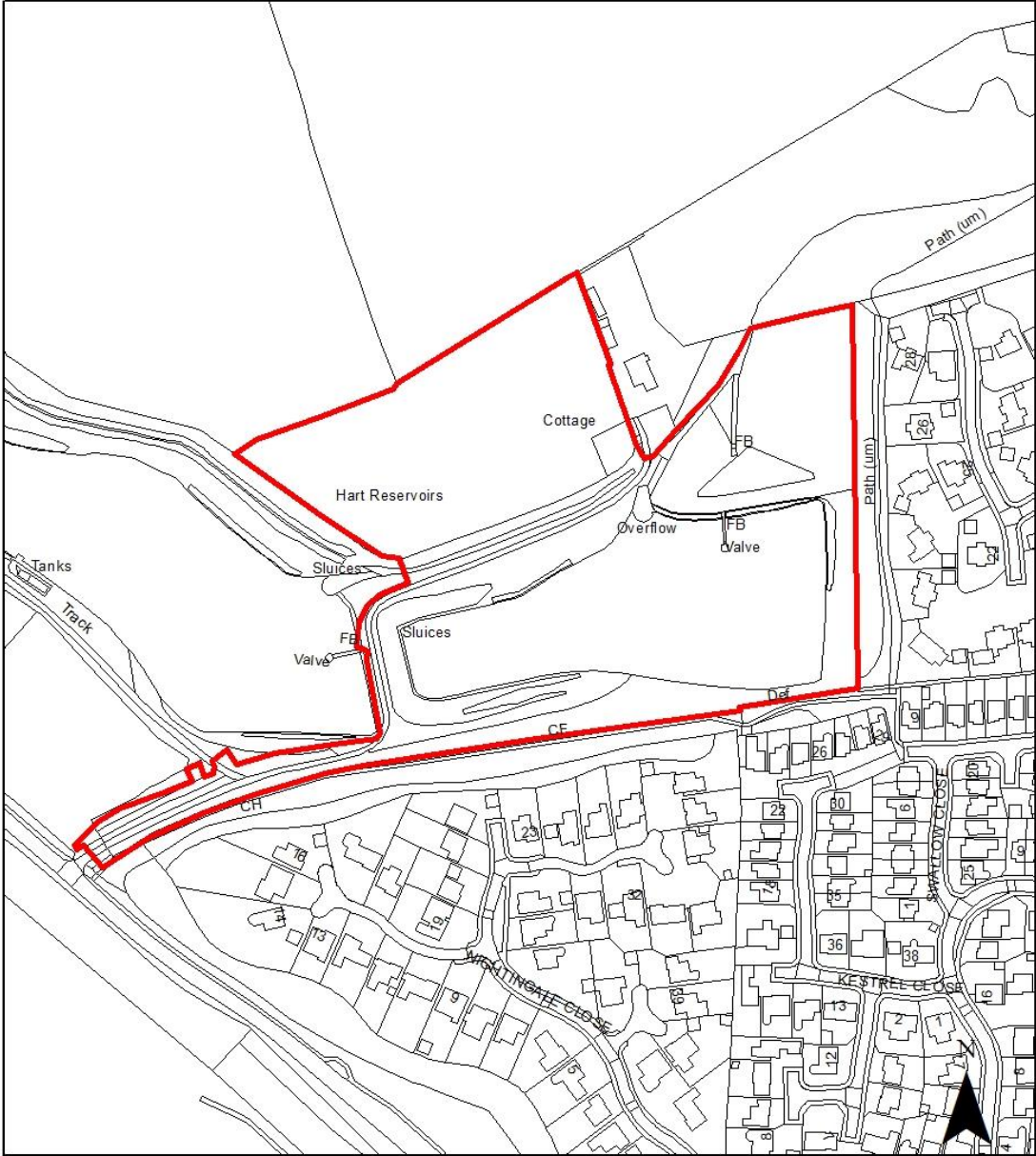
CONTACT OFFICER

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

AUTHOR

1.250 Stephanie Bell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 523246
E-mail: Stephanie.Bell@hartlepool.gov.uk

Hart Reservoir, Hartlepool



© Crown Copyright. All rights reserved AC0000849987 (2025).

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 24.02.2025
	SCALE 1:2,500	
	DRG.NO H/2023/0368	REV

No: 2.
Number: H/2024/0149
Applicant: ENVIRONMENT AGENCY SKINNERBURN ROAD
NEWCASTLE UPON TYNE NE4 7AR
Agent: JBA CONSULTING MR IAIN ARMSTRONG FLOOR 4
MAYBROOKE HOUSE 31/35 GRAINGER STREET
NEWCASTLE UPON TYNE NE1 1J
Date valid: 15/08/2024
Development: Engineering operations and associated works/access to
restore Greatham Beck to its original line, removal of tidal
structure including the re-establishment of natural
saltmarsh and mudflat habitats, the permanent diversion
of a public right of way and the creation of a temporary
site compound area east of Marsh House Lane.
Location: LAND TO THE SOUTHWEST OF GREATHAM VILLAGE
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following planning history is relevant to the application site and its immediate surroundings:

H/2024/0129 – Environmental Impact Assessment (EIA) Screening Request in regards to demolishing the existing tidal structure on Greatham Beck, restoring intertidal habitat on low-lying agricultural land to enable natural migration of intertidal habitat and permanently divert the existing Public Right of Way (PROW) so that the footpath will sit outside of the wetted perimeter of the intertidal habitat. The LPA issued an opinion on 20/05/2024 to confirm that the proposal was not EIA development.

PROPOSAL

2.3 The application seeks planning permission for the restoration of Greatham Beck to its original line and restore the beck to marshland by removing the existing tidal structure (to the south of the site) that would create a natural intertidal habitat by creating new channels that would allow the site to tidally flood. The marsh area would re-establish the natural salt marsh and mudflat habitats.

2.4 It is understood that these works are required as part of the Environment Agencies legal obligation to decommission the tidal structure (which is currently maintained by the Environment Agency).

2.5 The key components of the proposed project are:

- Removal of the existing tidal structure: the proposals would require the decommissioning and removal of the existing tidal sluice gates and provision of a temporary cofferdam.
- Removal of Topsoil: Topsoil would be relocated to higher ground to the west of the site in the form of stockpiles. This process would also involve the construction of a temporary stone access road.
- Partial Infilling of the Existing Beck: Some areas of the current watercourse would be filled in to help restore the natural flow.
- Excavation of New Channels: New channels would be excavated by breaching the current flood bank, allowing the tidal water to flow freely.
- Levelling of Plateau Ground: The ground level between the old and new watercourses would be levelled to create a more natural landscape.
- Excavation of Deeper Areas: Areas would be excavated to a maximum depth of approximately 2.5 meters below the current ground level to form deeper water zones, aiding in the creation of diverse habitats.
- Creation of Islands: Islands would be formed using the existing material from the excavation, with a maximum height of approximately 2.5 meters and approximately 4m above the adjacent ground level.
- Habitat Restoration: The project would facilitate the re-establishment of natural marshland, creating vital salt marsh and mudflat habitats that support local biodiversity.
- Public Right of Way (PRoW) Diversion: Since the route of existing PRoWs (public footpath 12) crosses through the new salt marsh and mudflat areas, a permanent diversion is proposed, following its temporary diversion during construction. The rerouted PRoW would be in the form of a boardwalk.

2.6 This project seeks to restore the natural tidal processes of the site, supporting local ecology, while also ensuring minimal disruption to local infrastructure and public access. In addition to the habitat creation, the scheme would also contribute to climate change improvements.

2.7 The application also includes the creation of access roads and compound areas for construction. These works comprise the following:

- Construction Compound: The compound would be located in an existing hardstanding area southeast of the site, near Marsh House Lane, close to the Hartlepool to Billingham railway line.
- Access Roads: Two main vehicular access points would be created for construction:
 - a. From Marsh House Lane to the compound via a new stone access road (3.5 meters wide).
 - b. A secondary access from the north via an unnamed lane from the A689, with another stone access road across a field, which will also be removed post-construction.
- Storage and Welfare Areas: These would be located in the western part of the site, with an additional access point through Hospital of God land.

2.8 The plans indicate that the removal of some hedgerows/trees will likely be required to gain temporary access to the site, however, once the works are complete these would be replanted accordingly.

2.9 The supporting information sets out that the applicant has engaged and carried out consultations with land landowners, local residents, community organisations, and various agencies. The submission indicates that feedback and input have helped shape the project, particularly the route of the diverted PRow.

2.10 The application has been accompanied by a detailed 'Project Execution Plan' (a form of construction management). Initial concerns were raised with the agent regarding the route taken for construction traffic as well as construction and delivery times to and from the site. An updated plan has been submitted accordingly and a 21-day consultation carried out regarding the vehicle routing and construction measures. These matters will be discussed further within the report.

2.11 The application is also accompanied by a number of supporting plans and technical documents including an Ecological Impact Assessment (EclA) and a Flood Risk Assessment.

2.12 The application has been referred to planning committee owing to the number of objections received (more than 3) in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.13 The application site lies outside of the limits to development of both the Hartlepool Local Plan (HLP, 2018) and the Hartlepool Rural Neighbourhood Plan (HRNP, 2018). The land is primarily 'white' land (no policy designation), save for Greatham Beck that runs through the site which is covered by Policy NE2(e) of the HLP. The site forms part of the open countryside to the southwest of Greatham Village (which is a designated conservation area).

2.14 The application site comprises gently rolling agricultural land that contains electricity pylons and is located and north of the existing railway infrastructure. The site is located to the east of Field House Farm and west of the existing Sewage Works Site located just outside the village envelope. The site at present does not have any vehicular access however private access exists from the adjacent Sewage Works site. A number of public rights of way run through (public footpath 12) and adjacent to/connecting into the northern boundary of the site and this is discussed in further detail below.

PUBLICITY

2.15 The application was advertised by way of a site notice, press notice, 102 neighbour notification letters as well as to local ward councillors. Three letters of objection were received from residents as well and concerns raised by Greatham Parish Council and Hartlepool Rural Neighbourhood Plan Group (their respective comments are set out in the 'consultations' section below).

2.16 The objections and concerns can be summarised as follows:

- Vehicle access route to the site not appropriate.
- Unwanted HGVs through the High Street
- Safety concerns about the construction route together with mud on the road and being single lane.
- Noise disturbance and vibration from construction traffic.
- Bridge unsafe to use for heavy vehicles.
- Need for the Project Execution Plan to include Greatham Parish as a contact.
- Used materials to be used to improve the PRoW and concerns over the suitability of a boardwalk due to flooding.
- Securing the public rights of way during the works and long term.
- Lost vegetation to be replaced.
- Assurance that the management of the site will be secured.
- Ensuring problems regarding existing outfalls into Greatham Beck are prevented/addressed.
- Need for community involvement.
- Concerns regarding the earthwork 'stockpiles'.

2.17 During the course of the proposals, the developer has provided additional supporting information to seek to address concerns of technical consultees including an updated Project Execution Plan. The additional supporting information was consulted with consultees and neighbours accordingly.

2.18 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/2024/0149

2.19 The period for publicity has expired.

CONSULTATIONS

2.20 The following consultation responses were received;

HBC Engineering Consultancy; Having reviewed the application I can confirm that I have no objections from a flood risk perspective. Can we apply our basic SW condition and the unexpected contaminated land one please.

HBC Traffic and Transport; I have no objections in principle to the proposed scheme.

I will require a construction management plan which details the route of the site traffic. I would confirm that the best route for traffic would be to use the western Greatham access and keep construction vehicles away from the village. This access is not controlled however does benefit from a segregated right turn lane. It will also be proposed to reduce the speed limit on this section of road to 50mph. The CMP should also provide details on how the spread of mud on the surrounding highway will be prevented.

Further comments received 19.03.2025:

The applicant as indicated that the construction traffic will be routed via Greatham High Street and Dalton Back Lane rather than a direct access from the A689. After considering these proposals I can confirm that Highway Authority supports this routing policy.

The alternative access would require slow moving HGVs / low loaders to turn right into Dalton Back Lane although this location does benefit from a segregated right turn lane and will be subject to a reduced speed limit (national speed limit to 50mph) in the coming weeks. The contractor is concerned that this will be less safe than the proposed route. The proposed route will allow HGVs to turn into Greatham at the Sappers Corner Traffic signal junction. From a Road Safety point of view, it would be better to use the traffic signal junction rather than the uncontrolled junction.

Slow moving vehicles leaving the site via the Dalton Back Lane junction and merging with traffic on the A689 may cause road safety issues, and the developer as indicated that they would require traffic management in place on the A689 to allow these movements to be done safely. It would be difficult to schedule any traffic management on the A689 due to ongoing works at the southwest development and proposed works to upgrade traffic signal junctions along the A689 corridor. It would be preferable for these vehicles to use the traffic signal junction at Sappers Corner.

It has been highlighted that the bridge located on Dalton Back Lane is not suitable for HGV's. I can confirm that there is no restriction on this bridge and that it can be used by HGV traffic.

The developer has indicated that the majority of the HGV traffic will be restricted to the setup of the site and the dismantling of the site, this will involve approximately 10 plant deliveries, deliveries of materials to construct access track and deliveries and deliveries compound offices / cabins. During the day-to-day running of the site, it is expected that 10 cars / vans will access the site. Given this relatively low number of vehicles involved in the scheme I would have no objections to the proposed route.

As stated above the A689 will be subject to numerous road traffic schemes in the next year and some of these will have a direct impact on the routing of HGV's. The developer should stay in contact with the Highway Authority to determine which routes will be best employed to avoid any conflicts.

The developer has indicated that a road sweeper will be on call during periods when HGV traffic will be on call to maintain cleanliness, although this is welcome consideration should be given to preventing mud being transferred onto the highway in the first instance.

HBC Public Protection; No objections subject to the conditions below.

Comments and background to any licensing position: None

Suggested Planning Conditions;

Prior to installation of any lighting at the compound or site that is to be used during the construction period, details shall be submitted to and approved in writing by, the Local Planning Authority.

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

There should be adequate dust suppression facilities available on site.

There will be provision of a wheel washing facility to the entrance/exit of the site.

Informative (advice to applicant re any other requirements such as licensing);
No open burning at all on site.

Further comments received 05/03/2025:

I'm happy with this and don't require anything further than previously agreed that is now listed in the CMP.

HBC Countryside and Access Officer; I have been part of the Environment working group, looking into this scheme and am fully aware and on board with the schemes objectives.

There will be a requirement to have a temporary closure and diversion of a public footpath and further along the work programme, a permanent diversion of the same public footpath will need to be progressed.

The forecasted changes will, in my professional opinion, enhance and improve the accessibility of the local paths in this area.

I will need to see the plans regarding temporary and permanent changes to the PRow path network, as any application will be required to come to me for processing.

Further comments received 06/11/2024:

Having checked the amended plans for the public rights of way (PRow) temporary and permanent changes, I am satisfied that the project now fully encompasses and illustrates the required legal changes to the PRow access network at this location. Please also refer to my previous comments for this application.

Further comments received 27.02.2025:

Having looked at Schedules A8 and B2 within the MT19 project execution plan, I am satisfied with the proposals, to safeguard the safety of the users of Public Byway No.14, Greatham Parish and Public Footpath No.20, Greatham Parish.

These safeguards include the use of a banksman to supervise deliveries that cross the junction of these two PRows, through the use of traffic lights and a timetable of deliveries notice - posted at the main roadside and further up the Public Byway. These measures should provide the relevant safeguards required.

This will allow all relevant PRoWs to stay open throughout the lifetime of this project and still provide access, via the PRoWs, to and from the northern construction site compound.

HBC Heritage and Open Spaces; The application site is an area of land located to the south-west of Greatham. A detailed Heritage Impact Assessment has been prepared. In considering the elements of this that relate to the conservation area, listed and locally listed buildings, I would concur with the conclusions of the report and therefore have no objections to the proposal.

HBC Arboricultural Officer; There are no trees affected by the proposed development. The planting scheme looks to restore native hedgerows and create new hedgerow with native planting and with intermittent tree planting. The planting scheme provides adequate detail and is acceptable in relation to arboriculture.

HBC Ecology; Ecology summary (amended)

[This application is supported.](#)

[An amendment is shown in green font.](#)

The Ecology Section has assessed the submitted Ecology reports (prepared by JBA Consulting). No further survey is required.

The Ecological Impact Assessment (EclA) report, including all the appended survey reports is supported.

The Biodiversity Metric and Biodiversity Net Gain Report are supported. The BNG outcome is copied below for information (Appendix 1).

The Habitat and Management Monitoring Plan is supported, though the submitted document is currently a draft – a [Final report](#) must be submitted. It can then be conditioned.

The submitted (shadow) Habitats Regulations Assessment (HRA) stage 2, Appropriate Assessment is supported and [as the local authority Ecologist I accept the shadow HRA and adopt it as the LPA's official position](#) and submitted to Natural England for its consideration.

Further comments received 18.03.2025:

The Ecology Service is satisfied that BNG is being delivered by this scheme but that it falls under an exemption in the Environment Act, as it is linked with habitat banking - involving off-site delivery for one or more other developments. The habitat banking process will formalise the value of the Habitat Units and tie them into a statutory Habitat Management and Monitoring Plan which will be listed on the Defra BNG register. I have no further concerns.

HBC Landscape Architect; There are no landscape and visual issues with the proposed development.

Further comments received 18.02.25:

There are no landscape issues with the proposed amendments.

Natural England; Thank you for your consultation on the above dated 20 August 2024 which was received by Natural England on 20 August 2024.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED
Natural England considers that without appropriate mitigation the application would: have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site,
<https://designatedsites.naturalengland.org.uk/>.
damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI) has been notified.

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

The measures as set out in the applicant's Shadow Habitats Regulations Assessment (Stage 2 Appropriate Assessment).

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

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

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

Further advice on mitigation

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

In addition, Natural England would like to highlight the following advice:

Noise Impacts

The applicant has stated that “70dB is considered to be the threshold for acceptable noise levels on waterbirds that may initiate a likely low-level behavioural response (taken from Waterbird Disturbance Toolkit, N Cutts et al 2003).” Natural England does not agree with the threshold set out in the Waterbird Disturbance Toolkit. Our advice is that a 3dB change from the baseline noise level at a sensitive receptor should be used to determine the potential for impacts and that this information should then be considered against the timeline for noisy activities and the surveyed usage of the location by sensitive receptors. However, in this instance, we agree with the conclusions of the assessment. This is because the adjacent rail embankment provides a significant barrier to noise impacts. In addition, any residual impacts will be temporary and to an area of the SPA that is not currently well used by qualifying bird species.

In-Combination Effects

The applicant has stated that the key mitigation to prevent in-combination effects is that “The construction phase of the proposed works for the Greatham Marsh scheme and the Greatham North East Flood Alleviation scheme are not undertaken at the same time”. Natural England advises that your authority should secure this by condition to ensure that the two projects construction phases do not overlap. Alternatively, if such restrictions are not acceptable to the applicant, this issue may be reconsidered when a planning application is submitted for the Greatham North East Flood Alleviation Scheme.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

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

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service. If you have any queries relating to the advice in this letter please contact me on 02080261194. We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission. Should the proposal change, please consult us again.

Further comments received 10.3.25:

Natural England has previously commented on this proposal and made comments to the authority in our response dated 19 September 2024 reference number (48607). The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Environment Agency; Thank you for consulting us on the above application, which we received on 20 August 2024.

Environment Agency position

The proposed development will be acceptable if the following conditions are included on the planning permission's decision notice:

Condition 1 – Protected species protection plan

Condition 2 – Fisheries protection plan

Without these conditions, we would object to the proposal due to its adverse impact on the environment. It is not necessary for the legally protected species and fisheries protection plans to be provided prior to the granting of planning permission, as these matters can be addressed by a planning condition.

Condition 1 – Protected species protection plan

No development shall take place until a plan detailing the proposed mitigation measures for the protected species identified in section A.4 of the ecological impact assessment (EclA) are detailed in a construction and ecology management plan (CEMP) and submitted to the local planning authority. In addition to these species groups, measures to protect habitats that are linked to the development area by Greatham Creek itself must also be included. The plan must consider the whole duration of the development, from the construction phase through to development completion. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the local planning authority. The plan shall be implemented in accordance with a timetable as approved.

The scheme shall include the following elements:

A detailed pollution prevention plan to address the risk to the "other rivers and streams" habitat, and the Teesmouth and Cleveland Coast SSSI, Ramsar, and SPA complex - as described in section 6.1.1 and 6.2.3 of the EclA; toolbox talks for contractors to be included.

A detailed biosecurity plan - as described in section 6.1.2 of the EclA, and to include the use of disinfectant for plant, equipment, and footwear; toolbox talks for contractors to be included.

An ecologically friendly site lighting plan to prevent disturbance to crepuscular and nocturnal protected species (namely otter) - as described in 6.1.3 and Table 7-1 of the EclA; toolbox talks for contractors to be included.

Reasons

The EclA provided includes potential impacts to a range of species that are protected under the Wildlife and Countryside Act (1981, as amended), and several species are species of principal importance under the NERC Act (2006). Not all these species have been confirmed to be present within the development area, though the EclA identifies several mitigation measures that should be applied.

The EclA also identifies potential impacts to the suite of nationally and internationally protected sites downstream of the development area. These areas contain areas of habitat that are also habitats of principal importance under the NERC Act (2006). The proposed development will only be acceptable if a planning condition is included requiring a plan to mitigate any harm to the species and habitats identified in the EclA. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in ecological harm.

This approach is supported by paragraphs 180 and 186 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.

Condition 2 – Fisheries protection plan

No development shall take place until a plan detailing the protection of Lamprey, European Eel, Salmonids and their associated habitat has been submitted to the local planning authority. The plan must consider the whole duration of the development, from the construction phase through to development completion. Any change to operational responsibilities, including management, shall be submitted to, and approved in writing by, the local planning authority. The plan shall be carried out in accordance with a timetable for implementation as approved.

The scheme shall include the following elements:

A specific methodology with regards to the potential presence of Lamprey in their larval stage in the wetted sediment and addresses the necessary mitigation measures that will be put in place to prevent harm to these species during the development.

A specific methodology for the dewatering activities that implements the use of a 2mm mesh screen on the pumps rather than the 20mm mesh that is stated in the EclA, as this is non-compliant with the Eel Regulations 2009 due to the likely presence of Glass Eels and/or Elvers at this location. The methodology should also address the angle of the screen to the flow of water and therefore the maximum approach velocity that will be incorporated into this development to prevent ingress of fish into the pumps.

Reasons

The EclA provided includes potential impacts on European Eel, Lamprey and Salmonid fish species. The proposed development will only be acceptable if a planning condition is included requiring a plan to mitigate any harm to these species and their habitats, and to avoid damaging the site's fisheries value.

Salmonids and Lamprey are protected under the Salmon and Freshwater Fisheries Act 1975, and the European Eel are protected under the Eel Regulations 2009. Not all these species have been confirmed to be present within the development area, but Greatham Beck is a site of local importance to fish and therefore, the EclA identifies several mitigation measures that should be applied.

This approach is supported by paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimizing the impacts on and providing net gains for biodiversity. If significant harm resulting from this development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to those species and habitats listed above.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place: on or within 8 metres of a main river (16 metres if tidal) on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

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

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

Please do not hesitate to contact me if you have any questions regarding the advice in this letter.

Further comments 18.02.2025:

Thank you for re-consulting us on the above application following additional information being submitted, which we received on 14 February 2025. The additional information does not alter our previous comments, which still apply and have been repeated below.

Greatham Parish Council: The Parish Council has no objections to the proposals contained in this application as there is clearly an environmental gain and also opportunities for the village economy, rural tourism and leisure making valuable resource for the local community. The inclusion of the village community in the future management of the site would undoubtedly be mutually beneficial.

The Project Execution Plan currently indicates traffic and plant using the Sappers Corner junction and going through the village. Along this proposed route are minor junctions, a very sharp bend, hill (with winter water flow from a spring that freezes), an old bridge and a long standing footpath and partial road closure which is a source of road safety concerns. The works traffic should avoid the village by using the more direct western entrance from the A689 at Claxton crossroads rather Sapper Corner. We would ask the North Access route be revised to avoid increased traffic movements through the village.

The Project Execution Plan also includes details for Emergency and Community Liaison. This needs to include Greatham Parish Council as a contact. The Parish Council welcomes the Community Liaison proposed by BAM Nuttall Ltd which commits to keeping the local community fully informed.

The Council wish to ensure that during the works and in the long term the rights of way network is safeguarded. The opportunity to reuse some of the materials used for the temporary roads to improve some of the rights of way should be investigated. The temporary works road indicates three locations where hedges and vegetation may be removed. A condition is requested securing full restoration once work is complete and in a timely manner.

The Habitat Management and Monitoring Plan states “the landowner (Greatham Hospital), will appoint a third party to manage the site and implement the Habitat Management and Monitoring Plan. This is likely to be conservation organization”. A condition is requested that will ensure the future management of the site is in place ready for the completion of the works.

The Parish Council is concerned that the proposals will create a dead end on the existing route of Greatham Beck into which various outfalls discharge, including from the existing sewerage works. A condition that ensures the old route of the Beck is properly maintained and does not become a foul ditch would be welcomed. It also needs to be clear whose responsibility this will be.

Further comments received 04/03/2025:

Please see the PC's responses to the initial application. They would like to emphasize that there should be no need for heavy vehicles to enter Greatham village on their route to the worksites. There is a turning point at Claxton Crossroads which is also a shorter journey.

Rural Neighbourhood Plan Group; Thank you for consulting the Rural Neighbourhood Plan Area Group regarding this application which is within the Neighbourhood Plan Area. Relevant policies follow along with the Group's comments.

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.

There is every opportunity for this development to contribute to the rural economy, rural tourism and leisure by “providing a valuable resource for the local community” as mentioned in the applicants Business Case (page 13). If successful it is likely to provide a renewed natural feature close to the village that will add to the interest and attraction for those using the right of way and activities such as

bird watching. It can provide a boost to the village businesses with a gentle increase in those interested in the improved environment. The inclusion of the immediate community in Greatham village in the future management of the site would undoubtedly be mutually beneficial.

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.

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;

A cycleway and footpath from Greatham to the Tees Road at Greatham Creek, to link into routes to RSPB Saltholme, Seal Sands, Middlesbrough via the Transporter Bridge and Graythorp;

Despite requiring a diversion of the existing right of way along Greatham Beck there is the potential to add to the pleasurable experience of walking along the diverted route which will overlook the new natural/wildlife area. Amenity boards explaining what might be seen on the site would be a welcome addition.

Regarding the temporary access road from the back lane which passes Field House Farm. This route as indicated will utilise part of the byway/right of way (Greatham Parish 14) then cross and run parallel to the public right of way (Greatham Parish 20). These rights of way must remain open during the works and care taken to ensure safety of users of these rights of way.

The opportunity should be investigated for using material from the temporary roads, once no longer needed, being repurposed to improve the surface of some parts of the existing right of way network. This would be an extra legacy benefit.

The right of way (Greatham Parish 19) immediately at the northern edge of the proposed site has been prone to flooding and has been provided with a boardwalk which is no longer long enough to fully traverse the area that becomes waterlogged. Improvements to this right of way would be desirable. Rather than a boardwalk, which requires regular maintenance, a short embankment would keep the right of way dry and protect the wood from highest tidal flooding.

POLICY NE1 - NATURAL ENVIRONMENT

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

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

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

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

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

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

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

4. Existing woodland of amenity and nature conservation value and in particular ancient semi natural woodland and veteran trees will be protected. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area.

The Habitat Management and Monitoring Plan indicates that “the landowner (Greatham Hospital), will appoint a third party to manage the site and implement the Habitat Management and Monitoring Plan. This is likely to be conservation organization”. It is essential that a plan is in place to ensure the proper development and maintenance of the site. A condition should be in place to ensure the management of the site is in place in a timely manner – preferably ready for the completion of the proposed works.

The closure of the existing route of Greatham Beck will produce a backwater into which outfalls, including from the adjacent Greatham Sewage works will continue to flow. With a risk this becomes a unpleasant smelly open drain – there needs to be some assurance that this will be monitored and addressed should problems arise. Another condition is requested to ensure that should problems arise they will be addressed and whose responsibility it will be to do so (Northumbria Water).

Site Clearance Plan indicates 3 areas where there will be the “removal of any dense vegetation and any hedges or trees affecting visibility, hedge and dense vegetation removal required for access and vegetation and planting to be removed. This would result in a negative impact on the environment and amenity. Any vegetation removed must be replaced once the works are complete and a condition is requested to ensure full and proper restoration.

The Project Execution Plan indicates that plant deliveries/removals and daily movements of cars/vans required for the duration of the project will access the site from the north access point as denoted by the red line in the sketch. The North Access route as indicated will require all this traffic to go through the village. There is currently a footpath and partial road closure on this route which seems to have become long term. This causes a road safety concerns. There is an alternative for the North Access. Instead of using the junction at Sappers Corner using the western entrance from the A689 at Claxton crossroads would avoid the need to go through village and also avoid the current partial road closure. This route would also avoids the very sharp bends and bank between the High Street and Greatham Beck Bridge. We would ask the North Access route be revised to avoid increased traffic movements through the village.

The Project Execution Plan also includes details for Emergency and Community Liaison. This should include Greatham Parish Council as a contact. The Parish Council is in close contact with the many, very active, community organisations that work in Greatham.

The Community Liaison proposed by BAM Nuttall Ltd regarding ongoing construction activities and potential disruption and the use of open days and letter drops to keep the community up to date is welcomed. Keeping all residents adjacent to the works informed about detailed plans and construction timetable in advance of works starting and all necessary detailed mitigation agreed that relate to access and reducing disturbance is a further positive.

The Rural Neighbourhood Plan Group is generally favour of the application as part of a positive environmental improvement. There is the potential for an improved benefit for the village community including the local economy. The village community should be fully engaged in the long term management of the site.

The Group does seek, as outlined above, planning conditions/assurances regarding-

- Securing the rights of way during the works and long term.
- Future management of the completed site.
- Ensuring problems regarding existing outfalls into Greatham Beck are prevented/addressed.
- Restoration of vegetation removed to enable works.
- Safest access, avoiding village whenever possible, for duration of works.
- Community involvement.

Further comments received 10.03.2025:

We do not believe the amendments require any change to our original response which we refer you to.

We are however particularly concerned that all the traffic continues to be shown accessing the site by going through the village via High Street and Old Stockton Road (incorrectly identified as Dalton Back Lane). The route, via the Claxton Crossroads, described as being an alternative should there be a road closure for works connected to the rebuilding of the wall at Town Farm ought to be the preferred access to the site at all times.

Drawing No.ENV0002541C-JBA-SW-00-DR-C-2003 REV. C03 Proposed Earthworks Analysis Cut/Fill Banding shows stockpile north, stockpile south 1 and stockpile south 2. Are these to be permanent features? They appear to be quite unnatural features with 90 degree corners. Could something not be done to make them look less like man-made deposits/plateau features where there is currently a natural looking gently sloping valley side.

Tees Archaeology; Thank you for the consultation on this application. We note the inclusion of a detailed heritage impact assessment, which recommends that an archaeological evaluation of the site take place prior to determination of the application. We agree with this recommendation, as it will allow us to better understand the archaeological resource and the impact of the proposed development upon it. The need and scope for any further mitigation will be determined following the archaeological evaluation works.

Further comments received 13.12.2024;

I've recently received the draft interim report on the evaluation works that were carried out as part of application H/2024/0149. This report has been sent back with comments to the Environment Agency, and the revised report will be submitted formally so it can go on the planning portal.

The archaeological evaluation has confirmed the presence of worked wood remains, and revealed organic deposits across much of the site. The evaluation has also identified the former route of Greatham Beck, its formalisation and infilling, as well as cut archaeological features into the tidal clays. In order to mitigate the impact of the proposals on the archaeological/geo-archaeological remains, we recommend the below conditions:

Archaeological Evaluation Report

The archaeological post-excavation assessment and analysis, for the evaluation fieldwork undertaken in October and November 2024, shall be submitted no later than 12 months of planning approval being granted.

Recording of a heritage asset through a programme of archaeological works

A) No groundworks 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) The archaeological work will take place during construction groundworks, in accordance with the Written Scheme of Investigation approved under condition (A).

C) The post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) within 12 months of the completion of fieldwork, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Further comments received 06/03/2025:

Thank you for the additional consultation on this application. Following discussions with the applicant's archaeologist, it has been agreed that the analysis from the evaluation and the requested archaeological mitigation work can be combined. As such, we suggest a minor amendment to our previously recommended condition regarding the evaluation report:

Archaeological Evaluation Report

The archaeological post-excavation assessment, for the evaluation fieldwork undertaken in October and November 2024, shall be submitted no later than 12 months of planning approval being granted.

The other recommended archaeological condition, detailed in our comments of December 2024, remains unchanged.

Network Rail; Thank you for your recent correspondence relating to the above application.

Network rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.

Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, but below are some requirements which must be met. Some of the comments are more appropriate as informative but where we request a specific condition we will indicate as such.

Level Crossings

The safety of railway level crossings and all crossing users is of paramount importance to us and we would have concerns over any proposals that may increase the usage or risk of a railway crossing. In this instance, the proposed development is in proximity to Spalding Level Crossing.

We note the proposal of a site compound situated south of the crossing for welfare facilities. We would be keen to ensure that the proposals do not impact the use of the crossings during the construction phase. Works at the site must not cause any obstruction to traffic approaching and leaving the level crossing at any time. This is to ensure that crossing users can enter and leave the crossing area safely and prevent queueing back over the crossing. I would also like to advise that where any damage, injury or delay to the rail network is caused related to the application site, the applicant or developer will incur full liability.

In addition, we would strongly advise that staff are briefed on how to use a the crossings safely and correctly. Level crossing safety information is available online

at <https://www.networkrail.co.uk/communities/safety-in-the-community/level-crossing-safety/>

Works in Proximity to the Operational Railway Environment Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. We would also like to advise that where any damage, injury or delay to the rail network is caused by construction works or future maintenance (related to the application site), the applicant or developer will incur full liability. This could also include police investigation as it is a criminal offence to endanger the railway or obstruct the passage of rail traffic. It should also be noted that any damage that requires a line closure or repairs can result in costs which could exceed hundreds of thousands of pounds.

Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements. The application must be supported by a site-specific Construction Methodology should it not be possible to satisfy Network Rail's requirements recommended in the attached. The council should satisfy itself, without consulting Network Rail, that there are good reasons why the recommended requirements cannot be adhered to.

Drainage

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway infrastructure is attached for your reference.

Informatives:

Please see attached standard railway requirements to be included as informatives.

Conclusion

Thank you again for the opportunity to comment on the proposed scheme. We trust that the above will be given due consideration in determining the application and if you have any enquiries in relation to the above, please contact us at townplanninglne@networkrail.co.uk.

Useful Network Rail contacts;
Asset Protection Eastern

For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email

assetprotectioneastern@networkrail.co.uk.

Land Information

For enquiries relating to land ownership enquiries, please email

landinformation@networkrail.co.uk.

Property Services

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyservicesneem@networkrail.co.uk.

Further comments received 14.10.2024:

In reference to the above application and following our initial consultation response, Network Rail seeks further assurances regarding the drainage elements of the proposed scheme.

Our engineers have noted that the current level of detail in the FRA is insufficient for a thorough review. While the FRA states that the railway is “expected to remain unaffected,” we require additional clarification before accepting this assertion. Our primary concern is that the proposals may cause water to accumulate at the base of the embankment for extended periods, particularly during high tides, and the potential impact this could have on the earthworks. Although this may be addressed in the report, our asset engineers have been unable to discern the implications from the provided data.

We request a session with the EA/designer to review the proposals and provide the necessary assurances before we can approve the drainage aspects of the scheme.

Further comments 30.01.2025:

Thank you for your letter of providing Network Rail with an opportunity to comment on the abovementioned application.

Following internal review of the supplementary documentation provided, I can confirm that Network Rail are now in a position to withdraw concerns in relation to drainage and earthworks (dated 14 October 2024). We have no objection to the development, nor do we have any further observations to make.

National Grid; National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Lines and Towers 4TG013 and 4TH013 provided the statutory clearances (indicated on the attached drawings) from our conductors are maintained at all times.

Further comments received 27/02/2025:

I am comfortable with a previous response for this application.

National Gas; Regarding planning application H/2024/0149, 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 <http://www.lsbud.co.uk/>. Additionally, if the location or works type changes, please raise an enquiry.

Northern Powergrid; (summarised) Thank you for your recent enquiry regarding the above location. 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. Please note that while all efforts are made to ensure the accuracy of the data provided, no guarantee can be given.

Further comments received 20/02/2025; (Summarised)

Please note that while all efforts are made to ensure the accuracy of the data provided, no guarantee can be given. We would refer you to the Health Safety Executive's publication HS(G) 47 "Avoiding Danger From Underground Services" which emphasises that:

The position of any services in or near the proposed work area should be pinpointed as accurately as possible using a detecting device in conjunction with up-to-date service plans and other information which provides a guide to the possible location of services and help interpret the signal.

Northern Gas Networks; Thank you for sending your notice dated 21 Aug 2024. We enclose a plan showing our plant in the area of address GREATHAM VILLAGE, 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. If your proposal includes the construction of buildings, it is essential you contact Kristian Ainsworth 07773545806. Kristian is the pipeline technician.

Further comments received 26/02/2025:

Thank you for sending your notice dated 14 Feb 2025. Following our objection on to the proposed planning application in the area of GREATHAM VILLAGE, HARTLEPOOL, N/A. We are now willing to rely on our statutory powers and so withdraw our objection. If you have any questions, our Before You Dig Team will be able to help on 0800 040 7766 (option 3) or beforeyoudig@northerngas.co.uk

Health and Safety Executive; (summarised) Thank you for your email seeking HSE's observations on application H/2024/0149. HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice. HSE were consulted on this planning application on 26 June 2024 and HSE's advice was received (HSL-240626153736-305 DO NOT ADVISE AGAINST). Therefore, HSE's Land Use Planning team has no comments to make on this application.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on this planning application and any future developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

Further comments received 24.02.2025:

I believe my colleague responded to your previous consultation from 6/9/2024 and Hartlepool council have already obtained our advice for this proposal via our online planning web app on 26/06/2024 (HSE ref: HSL-240626153736-305). HSE's Land Use Planning team have no further comments to make.

HSE Planning Advice Web App; (advice obtained 26/06/2024)

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

Office for Nuclear Regulation; (summarised) ONR has no comment on planning application reference: H/2024/0149 as it does not meet ONR's consultation criteria.

Ministry of Defence; Thank you for consulting the Ministry of Defence (MOD) on Full Planning Application reference H/2024/0149, MOD reference DIO 10064246. The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the 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.

I can confirm that, following review of the application documents, the proposed development falls outside of MOD safeguarded areas and does not affect other defence interests. The MOD, therefore, has no objection to the development proposed. I trust this is clear however should you have any questions please do not hesitate to contact me.

Further comments received 06/03/2025:

Thank you for consulting the Ministry of Defence (MOD) on application reference H/2024/0149. The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the 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.

I can confirm that, following review of the application documents, the proposed development falls outside of MOD safeguarded areas and does not affect other Defence interests. The MOD, therefore, has no objection to the development proposed. The MOD must emphasise that this email is provided specifically in response to the application documents and supporting information provided via email on 14 February 2025 by Hartlepool Borough Council.

Amendments to any element of the proposed development (including the location, dimensions, form, and/or finishing materials of any structure) may significantly alter how the development relates to MOD safeguarding requirements and may result in detrimental impact(s) on the operation or capability of Defence sites or assets.

In the event that any: revised plans; amended plans; additional information; or further application(s) are submitted for approval, the MOD, as a statutory consultee, should be consulted and provided with adequate time to carry out assessments and

provide a formal response whether the proposed amendments are considered material or not by the determining authority.

National Air Traffic Services (NATS); The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Further comments received 18/02/2025:

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

HBC Waste Management; No comments from us on this one.

Stockton on Tees Borough Council; No objection to the development and no conditions recommended from an environmental health perspective.

Further comments received 06/03/2025:

Stockton Borough Council has no objections to this application.

HBC Building Control: No comments received.

HBC Estates: No comments received.

Ramblers Association: No comments received.

Civic Society: No comments received.

Northumbrian Water: No comments received.

INCA: No comments received.

RSPB: No comments received.

Tees Valley Wildlife Trust: No comments received.

Teesmouth Bird Club: No comments received.

CAA: No comments received.

Marine Management Organisation: No comments received.

PLANNING POLICY

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

National Planning Policy Framework (NPPF) (2024)

2.22 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021, and 2023 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 NPPF 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 NPPF provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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

2.24 The following paragraphs are relevant to this application:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with the development plan

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development
 PARA012: The presumption in favour of sustainable development
 PARA038: Decision making
 PARA043: Decision making
 PARA047: Determining applications
 PARA157: Meeting the challenge of climate change, flooding, and coastal change
 PARA161: Planning and flood risk
 PARA162: Planning and flood risk
 PARA170: Planning and flood risk
 PARA173: Planning and flood risk
 PARA174: Planning and flood risk
 PARA181: Planning and flood risk
 PARA187: Conserving and enhancing the natural environment
 PARA192: Habitats and biodiversity
 PARA193: Habitats and biodiversity
 PARA196: Ground Conditions and Pollution
 PARA197: Ground Conditions and Pollution
 PARA207: Conserving and enhancing the historic environment
 PARA210: Conserving and enhancing the historic environment
 PARA212: Conserving and enhancing the historic environment
 PARA213: Conserving and enhancing the historic environment
 PARA219: Conserving and enhancing the historic environment
 PARA116: Considering development proposals

Hartlepool Local Plan (2018)

2.25 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of the application.

CC1: Minimising and adapting to climate change
 CC2: Reducing and Mitigating Flood Risk
 LS1: Locational Strategy
 NE1: Natural Environment
 NE1: Natural Environment
 NE2: Green Infrastructure
 NE4: Ecological Networks
 QP6: Technical Matters
 RUR1: Development in the Rural Area
 SUS1: The Presumption in Favour of Sustainable Development
 QP3: Location, Accessibility, Highway Safety and Parking
 HE1: Heritage Assets
 HE2: Archaeology
 HE3: Conservation Areas
 HE4: Listed Buildings and Structures
 LT1: Leisure and Tourism

2.26 Hartlepool Rural Neighbourhood Plan (2018)

GEN1: Development Limits
 GEN2: Design Principles

EC1: Development of the Rural Economy
 EC3: Former RHM Site to the South of Greatham Station
 NE1: Natural Environment
 HA1: Protection and Enhancement of Heritage Assets
 HA2: Protection and Enhancement of Conservation Areas
 HA3: Protection and Enhancement of Listed Buildings
 T2: Improvement And Extension of The Public and Permissive Rights of Way Network

2.27 HBC Supplementary Planning Documents

HBC Green Infrastructure SPD
 HBC PRoW SPD

Tees Valley Minerals and Waste DPD (2011)

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

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

Policy	Subject
MWP1	Waste Audits

2.30 **HBC Planning Policy comments:** Greatham Beck is allocated within the Local Plan Policies Map under policy NE2(e) Local Green Corridors. The proposals include the restoration of Greatham Beck to its original line and removal of a tidal structure. These works will allow the beck to tidally flood and re-establish natural salt marsh and mudflats. NE2 sets out that the Borough Council will support measures to naturalise heavily modified watercourses. Policy NE4 (Ecological Networks) sets out that the Council will seek to maintain and enhance ecological networks with priority given to, among others, the Dalton Beck/Greatham Beck riparian corridor.

2.31 It is considered the proposed works are in line with the requirements of these policies. While the proposal would allow for intertidal flooding of the site, the submitted documentation indicates this would not worsen flood risk outside of the site, as such the proposals are deemed to be in line with policies CC1 and CC2 of the Local Plan, subject to any comments from the Lead Local Flood Authority. Planning Policy trusts that the views of the Council's Ecologist regarding the Habitat Regulations process and those of the Countryside Access Officer regarding the right of way diversion will be given due regard in decision-making. The Planning Policy section has no issues with the proposals.

PLANNING CONSIDERATIONS

2.32 The main material planning considerations when assessing this application are the principle of the development in terms of the policies and proposals held within the Hartlepool Local Plan (2018) (HLP), Hartlepool Rural Neighbourhood Plan (2018) (HRNP), and the National Planning Policy Framework (NPPF) (2024), principle of development, ecology and nature conservation, flood risk & drainage, the

impact on visual amenity of application site and character and appearance of the surrounding area, impact on residential amenity including noise disturbance, impact on character, appearance, and setting of listed building and Greatham Conservation Area and archaeological impacts, impact on highway & pedestrian safety, public right of way, contaminated land, loss of agricultural land and any other planning matters. These and any other planning and residual matters are considered further below.

PRINCIPLE OF DEVELOPMENT

2.33 The application site lies outside the limits of development and is primarily 'white land' in both the HLP and HRNP, save for Greatham Beck that runs through the site which is allocated as Policy NE2(e – green infrastructure, local green corridors). Policy LS1 of the Hartlepool Local Plan (HLP, 2018) details the locational strategy for the Borough; there is a requirement for Green Infrastructure (GI) to be delivered where it can be designed so that there would be no impacts upon designated conservation sites. The site's rural location also requires consideration of HLP Policy RUR1 (Development in the Rural Area) and Policy GEN1 (Development Limits) of the Hartlepool Rural Neighbourhood Plan (HRNP, 2018).

2.34 The main aim of these policies is to control development in order to protect and enhance the rural area and to ensure the natural habitat, cultural, built heritage, and rural landscape character are not lost. HLP Policy RUR1 also notes in the preamble that other appropriate uses include those relating to public infrastructure or meeting the social needs of the local community. It requires, where relevant, development to be in accordance with the Hartlepool Rural Neighbourhood Plan 2018 (HRNP), located near villages, not be detrimental in terms of noise, access, light pollution, visual intrusion, and amenity, adhere to good design, be in keeping with the existing built environment and landscape/heritage assets, be safe in terms of highway impacts, improve sustainable connectivity, and avoid areas of best and most versatile agricultural land.

2.35 It is understood that the Tees Estuary has lost significant intertidal habitats due to industrialisation and land reclamation. The main objective of the application is to restore Greatham Beck and decommission the tidal structure that is currently maintained by the Environment Agency. This would enable the natural migration of intertidal habitats, seek to address climate change impacts, and create salt marsh and mudflat habitats. These works would also provide habitat creation, flood risk mitigation, improvements to the Public Right of Way (PRoW) network and substantial Biodiversity Net Gain (post development, the intention is for the site to be registered as a Biodiversity Gain Site which is discussed further below in the report),

2.36 The development proposal seeks to restore the site to allow for the land to naturally flood in sync with the tide. The scheme proposes to re-establish mudflat habitats and natural salt marshes. In turn, this would enhance ecological values as well as helping to address climate change.

2.37 The National Planning Policy Framework 2024 (NPPF) sets out the vision for sustainable development based on interdependent economic, social, and environmental roles. The NPPF also sets policy for protecting people and property

from flooding which all LPAs are expected to follow, and for protecting the environment and the delivery of BNG.

2.38 The site includes an element of land that is allocated within the Hartlepool Local Plan Policies Map under HLP Policy NE2(e) Local Green Corridors. The policy supports measures to naturalise heavily modified watercourses and safeguard green infrastructure appropriately. Moreover, HLP Policy NE4 (Ecological Networks) seeks to maintain and enhance ecological networks with priority given to, among others, the Dalton Beck/Greatham Beck riparian corridor.

2.39 Policy GEN1 of the HRNP (2018) defines development envelopes for villages and green gaps. The policy also supports development essential for public infrastructure in the countryside outside villages and green gaps as well as rural leisure where there are no significant impacts upon the visual amenity, character, and local road network. It is considered the development accords with the aims of this policy subject to consideration of character and appearance, impact upon amenity, and highway safety which will be discussed further within the report. The HRNP also encourages the enhancement of wildlife corridors and watercourses, including opportunities to de-culvert parts of Greatham Beck and its tributaries as set out under HRNP Policy NE1.

2.40 Policy GEN2 of the HRNP has regard to design principles and in particular how development would preserve or enhance significant views and vistas within the area, the safeguarding of heritage assets, landscape and biodiversity, as well as highway safety and surface water management. Within the HLP (2018), Policy RUR1 sets out to ensure rural areas are protected and enhanced to ensure that their natural habitat, cultural and built heritage, and rural landscape character are not lost or detrimentally impacted upon.

2.41 The proposed development scheme is considered to accord with the general thrust of these policies and is acceptable in this regard.

2.42 In terms of the site compound area detailed within the application part of this would be located within the former RHM site which is to the south of Greatham Station. Policy EC3 of the HRNP (2018) supports the redevelopment of the former RHM site for community and leisure uses. The compound area would be a temporary use of the land and therefore it is considered there would be no significant conflict with this policy. A planning condition can ensure this development is removed in a timely manner once the development is complete.

2.43 In terms of climate change and flood risk, HLP Policy CC1 focuses on minimising and adapting to climate change by promoting resilient environments, enhancing biodiversity, and managing coastal squeeze. HLP Policy CC2 aims to reduce and mitigate flood risk, ensuring development proposals are resilient to flood risk in line with national policy and the Hartlepool Strategic Flood Risk Assessment (SFRA). These policies support GI initiatives that alleviate flood risk through watercourse improvements and wetland creation. The proposed development would conform with the aims of these policies and the principle is deemed to be acceptable in this regard.

2.44 At a national level, Paragraph 161 of the NPPF (2024) states that the planning system “should support the transition to net zero” and take into account all climate impacts. Paragraph 162 states that a proactive approach should be taken to mitigate and adapt to climate change. Policies should support appropriate measures to ensure the health and resilience of communities and infrastructure to climate change impacts.

2.45 The consensus of national and local planning policies collectively supports the Greatham Beck restoration project which brings flood risk mitigation; biodiversity enhancement; public infrastructure; and assists with the climate change agenda and sustainable development. In view of the above, the Council’s Planning Policy team has confirmed no objections to the proposals in this respect including the principle of development. The development proposals therefore accord with the aims of the aforementioned policies of the HLP and HRNP and general provisions of the NPPF and the principle of development is therefore considered to be acceptable subject to the scheme satisfying other material considerations as set out below.

ECOLOGY AND NATURE CONSERVATION

Policy Context

2.46 Policy NE1 of the Hartlepool Local Plan (2021) requires that the natural environment be protected, managed, and enhanced, whilst HLP Policy NE4 states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough. This is also reflected in identified natural environment policies of the HRNP.

2.47 Paragraph 187 of the NPPF (2024) sets out that decisions should contribute to and enhance the natural environment amongst other things by protecting sites of biodiversity as well as minimising impacts on and providing net gains for biodiversity. Paragraph 192 seeks development to restore and enhance ecological networks and to pursue opportunities that secure biodiversity net gains. In considering application proposals, paragraph 193 states that planning permission should be refused where harmful impacts cannot be mitigated appropriately and where the development objective is to conserve and enhance biodiversity should be supported. These objectives are also supported by HLP Policy CC1.

Impact on protected sites and Habitat Regulations Assessment

2.48 The application site is ecologically significant, with part of Greatham Beck falling within the Teesmouth and Cleveland Coast Special Protection Area (SPA) and SSSI. The site is also in proximity to the Teesmouth and Cleveland Coast Ramsar site and the Teesmouth National Nature Reserve (NNR), along with several Local Wildlife Sites and Local Nature Reserves.

2.49 Due to these ecological designations, a shadow Habitats Regulation Assessment (HRA), Water Framework Directive (WFD) Assessment, and Ecological Impact Assessment (EclA) have been provided as part of the application submission. The HRA Stage 1 screening determined that a Stage 2 Appropriate Assessment (AA) was necessary. The (shadow) Stage 2 AA concludes that the development

would not result in any Likely Significant Effects (both ‘alone’ and ‘in-combination’ effects) to the protected sites provided that certain mitigation measures are implemented, which are;

- Installation of measures including a temporary cofferdam to allow working in a dry environment and installation of a bubble curtain and an oil boom downstream of the works during construction (as part of the removal of the existing tidal defence structure).
- Avoiding construction during the Greatham Northeast Flood Alleviation Scheme (to avoid in-combination effects)
- Visual and noise screening of the compound area and directing security lighting away from surrounding fields.

2.50 The Council’s Ecologist has reviewed the submitted (shadow) Habitats Regulations Assessment (HRA) and Stage 2 Appropriate Assessment and has confirmed that the findings are supported and are adopted by the LPA (as the competent authority). The AA concludes that the development would not lead to any Likely Significant Effects on the integrity of the designated site both alone (as a single project) or in-combination (with other anticipated projects in the area). Natural England has reviewed this information and agrees with its conclusions and mitigation measures, subject to them being appropriately secured.

2.51 In respect to the installation of the cofferdam (and associated works), final details and a timetable for implementation would be subject to a planning condition, which is recommended accordingly. A further planning condition is also recommended to secure details of the temporary site compound including the need for sensitive lighting and noise/visual screening to be provided.

2.52 With respect to the mitigation to avoid ‘in-combination’ effects from the current proposal and the suggested planning condition that no other developments (primarily the Greatham North East Flood Works) take place at the same time as the current proposal, whilst this is noted, there are currently no pending applications relating to such proposals (or approved schemes) and should any future development proposals be submitted (i.e. for the Greatham North East Flood Works) consideration would need to be given to securing a planning condition which would in effect prevent both the current proposal and any other such developments from being undertaken at the same time. Natural England accept this position/option within their comments.

2.53 Natural England have also regard to noise impacts from the development and impact on water birds. On balance, they agree that the findings within the report are acceptable due to the presence of the adjacent railway embankment which acts as a barrier to noise impacts. Additionally, any noise impacts are short-term and would be within an area of the SPA that is not well used by qualifying bird species. No objections are raised by the Council’s Ecologist in this respect. It is therefore considered that there would be no significant impacts in terms of noise impacts as a result of the development and it would be acceptable in this respect.

2.54 Subject to the identified mitigation measures being secured by separate planning conditions, which are recommended accordingly, the application is

considered to be acceptable and would not result in any Likely Significant Effects on designated sites, both alone and in-combination effects.

Biodiversity Compensation and Mitigation Measures

2.55 The submitted Ecological Impact Assessment (EclA) included a Preliminary Ecological Appraisal (PEA). The assessment includes a desk-based study, an extended Phase 1 habitat survey, and assessments for protected species. A number of surveys were completed including for breeding birds, bats, otters, water voles, and great crested newts. The Council's Ecologist supports the findings of these reports and has confirmed that no further surveys are required at this stage.

2.56 The EclA concludes that potential impacts would be minor and manageable with appropriate mitigation measures, ensuring no unacceptable impact as a result of the development. However, a Construction Environment Management Plan (CEMP) is required to include a number of measures including;

- Vegetation clearance to take place outside of the breeding bird season;
- A detailed pollution prevention plan;
- A detailed biosecurity plan;
- Ecological sensitive lighting during construction;
- An Ecological Clerk of Works to be appointed to undertake surveys on site and deliver 'toolbox talks'

2.57 The EclA is supported by the Council's Ecologist and the requisite mitigation measures, forming part of a CEMP, is to be secured by a planning condition, which is recommended accordingly.

2.58 The Environment Agency was consulted on the application proposal and has raised no objections to the development subject to the imposition of 2 planning conditions requiring a protected species protection plan (this is to be captured as part of the aforementioned CEMP planning condition) and a fisheries protection plan. These matters can be secured by separate planning conditions and are recommended accordingly. An informative regarding EA's advice to the applicant regarding any requirement for an environmental permit (which is separate to the planning process) is also recommended.

2.59 The submitted Water Framework Directive (WFD) Assessment concludes that the proposed works would be compliant with WFD objectives if the appropriate mitigation measures and recommendations are implemented. These are primarily secured through the aforementioned and recommended separate planning conditions for the CEMP, fisheries protection plan and in respect to pollution prevention measures (that are to be captured in the details of the proposed cofferdam and associated oil boom and bubble curtain that are to be installed downstream). The proposal is therefore considered to be acceptable in this respect subject to the identified planning conditions.

2.60 The development would lead to the loss of some existing hedgerows to accommodate the development. The application is also supported by a Detailed Planting Plan which includes an approximate 314m length of native hedgerow tree planting to the northern and north western boundaries of the site, proposed

improvements and restoration to an approximate 942m length of existing hedgerow to the western boundary of the site, and proposed native grass seed mix to cover the ground above the intertidal area disturbed by the earthworks.

2.61 The Council's Arboricultural Officer has reviewed the proposals and has raised no concerns to the proposed landscaping scheme (including schedule of works and maintenance), nor do they recommend any long-term management given the nature of this type of development (it is of note that the site is intended to become a Biodiversity Net Gain site which would require it to be secured by a legal agreement and maintained for a period of 30 years. As set out below, the current application is exempt from mandatory BNG or such maintenance and management being secured as part of this application). The Council's Ecologist has confirmed this is acceptable from an ecological perspective and would provide biodiversity enhancement. The Council's Landscape Architect has also confirmed that these details are acceptable. A planning condition is recommended to secure the implementation of the agreed planting within an appropriate timescale, and the application is considered to be acceptable in this respect.

Ecological Enhancement

2.62 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. Section 6.3 of the submitted EclA states that "The scheme will result in significant ecological benefit to a range of fauna and flora, as well as restore nationally significant intertidal habitat".

2.63 Enhanced habitats include those achieved through the realignment and restoration of Greatham Beck, the improvement of the hedgerow treeline connectivity along the western boundary of the site, the creation of new species-rich hedgerow, enhancement of existing features, and coastal saltmarsh. As noted above, a planning condition is recommended to secure the implementation of the agreed Detailed Planting Plan. The application is also accompanied by a Habitat Management and Monitoring Plan (HMMP) which secures the management of habitats that are to be retained, created and enhanced as part of the proposals. This HMMP also includes monitoring of such works for up to 30 years. The HMMP (final version) is supported by the Council's Ecologist and its implementation is to be secured by a planning condition, which is recommended accordingly.

2.64 The site is adjacent to open countryside and the submitted EclA recommends that owl nest boxes are placed within the treeline to the west of the site as the species were identified as foraging in the area. In the interests of biodiversity enhancement, it is recommended that at least one owl nest box be provided. This can be secured by an appropriately worded planning condition, which is recommended in this respect.

Biodiversity Net Gain

2.65 The Environment Act 2021 includes Biodiversity Net Gain (BNG) which came into force on 12th February 2024, with a mandatory requirement for at least 10% BNG post-development. The NPPF (2024) requires development to provide net

gains for biodiversity. Paragraph 187(d) of the NPPF (2024) states that Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

2.66 The application was originally accompanied by a Biodiversity Metric and Biodiversity Net Gain Report. The development would lead to some habitat loss but would create and enhance coastal salt marsh, neutral grassland, and species-rich hedgerow. The realignment of Greatham Beck would enhance approximately 861 meters of watercourse. The calculation of the post-development scenario results in a combined net unit change of 168.50 habitat units (+95.03%), 10.21 hedgerow units (+191.84%), and 6.56 watercourse units (+109.83%).

2.67 Notwithstanding the above, during the course of the application, the applicant updated their position through the submission of an amended BNG Assessment (and exemption statement) which states that the scheme complies with the Biodiversity Gain Site exemption under Section 7 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and therefore the statutory 10% net gain does not apply to this planning application.

2.68 In response, the Council's Ecologist has reviewed the updated BNG information provided (and the applicant's position) and agrees that the development on this occasion would be exempt from the mandatory BNG Habitat and Management Monitoring Plan and raises no objections in this regard.

2.69 The applicant has indicated that the site is to be registered as a Biodiversity Gain Site (which would include the requirement for the long term 30 year maintenance and management of the site) with biodiversity units available for other developments. It is understood that the registering of the site for BNG credits would first need to be secured with the Local Authority via a legal agreement which the developer is aware of but would not be secured as part of this planning application. Thereafter the land owner would need to register the Biodiversity Units with Natural England.

FLOOD RISK + DRAINAGE

2.70 The application site is designated by the government Flood Map for Planning as being in Flood Zone 3 with a high probability of flooding from rivers and the sea. The application has been accompanied by the required Flood Risk Assessment (FRA). The proposed watercourse diversion is to breach into the existing Greatham beck at the northern boundary by the existing boardwalk, and at the southern boundary close to the existing tidal sluice (to be removed). It is understood that levels have been designed as such to allow for a constant grade along the proposed channel grade to ensure a consistent flow of surface water.

2.71 Within the HLP (2018), the site is recognised as an arable area prone to flooding with the potential to develop into an extensive wetland. HRNP (2018) Policy GEN2, seeks development proposals to manage surface water appropriately. Within HRNP Policy NE1 there is a presumption to enhance watercourses and seek

opportunities to de-culvert parts of Greatham Beck. This requirement is also reiterated within HLP' (2018) Policy NE1. Within HLP Policy NE2 support is given to green infrastructure initiatives that can help alleviate flood risk and measures to naturalise heavily modified watercourses.

2.72 HLP (2018) Policy CC2 has regard to development proposals ensuring they are resilient to flood risk in accordance with national policy. The Council's Green Infrastructure (2020) SPD supports the improvement and accessibility of watercourses where they assist with flood alleviation.

2.73 Paragraph 170 of the NPPF states inappropriate development should be avoided within areas at highest risk of flooding and where necessary development should be made safe for the lifetime of the development. The application site is located within Flood Zones 2 and 3; paragraph 181 of the NPPF states that LPA's when determining planning applications, should ensure that flood risk is not increased elsewhere and, in this case, should be supported by an FRA.

2.74 HLP Policy CC2 seeks to avoid inappropriate development in areas at risk of flooding and direct the development away from areas at highest risk, applying the Sequential Test and if necessary, the Exceptions Test. The NPPG states that development within flood zone 3 requires a sequential test with paragraph 174 of the NPPF stating new development should be steered to areas at lowest risk of flooding.

2.75 Paragraph 174 of the NPPF states that a sequential test is required in areas known to be at risk of flooding or have a future risk. The NPPG states that an exception test is not required for water-compatible development within flood zone 3, however, a sequential test is required to ensure the development would not lead to increased flooding elsewhere and that the development can be made safe for the lifetime of the development.

2.76 The submitted Flood Risk Assessment (FRA) evaluated flood risks from various sources. The development is expected to increase both fluvial and tidal flood risk, causing localised flooding on the site, aligning with development objectives to enhance habitat through controlled flooding. The increased flooding remains confined to the site's boundaries within Flood Zone 3, without affecting surrounding areas. The FRA states that the development would not affect the areas outside the site (including sewage treatment facilities and adjacent railway lines) and may mitigate higher flood water levels in adjacent areas.

2.77 In the case of the application, there is a specific locational requirement for the project given the need to remove the tidal structure and the creation of natural flood management and habitat creation. Therefore, it is considered that the Sequential Test would be passed. In regard to the Exception Test, this would not be required as the NPPG sets out this would not be required where the project would be 'water compatible' development of which the development entails.

2.78 While the proposal would allow for intertidal flooding of the site, the submitted documentation indicates this would not worsen flood risk outside of the site, and during the course of the construction works, safe access and egress will be provided. As such the proposals are deemed to be in line with HLP policies CC1 and

CC2 of the Local Plan, subject to any comments from the Lead Local Flood Authority.

2.79 HBC Engineering Consultancy, acting as the Local Lead Flood Authority, raise no objections to the proposal, however, they do recommend a (basic) surface water planning condition, which is recommended accordingly.

2.80 The Environment Agency was consulted on the application and raised no concerns in terms of flood risk matters. Northumbrian Water were consulted and no comments have been received at the time of writing.

2.81 Concerns were raised by the Rural Plan Group regarding the old route of the beck and in particular the potential for the creation of a 'foul ditch'. In response, the applicant's agent has advised that;

- the existing channel is to be retained, used during construction until the decommissioning of the tidal sluice gate, prior to partial infilling of the existing beck.
- The scheme has allowed for a low flow creek system along the eastern boundary which is to be planted with vegetation in order to enhance biodiversity and comply with ecological requirements for water treatment.
- Tidal flow will regularly flush and cleanse this at consistent intervals as demonstrated through the extensive hydraulic modelling undertaken which has informed the design of the scheme.
- This will prevent any issues such as stagnation.

2.82 As such, the design of the scheme would ensure that the old route would not become a foul ditch and the proposals do not seek to add any foul drainage into the scheme. The future maintenance would be the landowner's responsibility.

2.83 Subject to the imposition of the recommended surface water planning condition, the proposal is considered to conform with Policies QP6 and CC2 of the HLP (2018), GEN2 of the HRNP (2018), and the provisions of the NPPF (and the NPPG).

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

2.84 Policy QP4 of the HLP (2018) seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. This policy requires that developments are 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.

2.85 Policy GEN1 of the HRNP (2018) defines development envelopes for villages and green gaps. The policy supports development for rural leisure where there are no significant impacts upon the visual amenity/character. Policy GEN2 of the HRNP (2018) has regard to design principles and in particular how development would preserve or enhance landscape views and vistas within the area.

2.86 Within the HLP (2018) Policy RUR1 sets out to ensure rural areas are protected and enhanced to ensure that their natural habitat, and rural landscape character are not lost or detrimentally impacted upon. The ethos of this policy is reiterated under NPPF paragraph 187 in protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Additionally, paragraph 135 of the NPPF (2024) requires that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. Are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, amongst other requirements.

2.87 Within the Hartlepool Landscape Assessment (2000) the site is within a broad area identified as ‘undulating farmland’ and considered to be of low amenity value, low landscape value, and mid to low visual quality. The Assessment’s visual analysis does however indicate the close proximity of the application site to the major ridge line and within an area with major views towards the southwest of the village.

2.88 The proposed development would be visible from a number of vantage points, including, when traveling through Greatham High Street towards the railway crossing to the site, from the adjacent Byway to the north and from PRow within the wider area and through the site.

2.89 Concerns have been raised from the Rural Plan Group regarding the proposed bunding and stockpiles that would be permanent features, as the Group consider they would appear ‘unnatural’.

2.90 The proposed development would comprise of earthworks on existing on agricultural land with boundary hedgerows on the perimeter as well as within the main area of land, providing demarcation of individual fields. The proposal is to restore the former route of Greatham Beck which will involve the diversion of the existing PRow to be located to the west of the site and a series of bunds to protect surrounding land and assets in proximity from the tidal flooding that will be created through the development.

2.91 The plans illustrate that some of the topsoil within the site would be relocated along the western section of the site to create a bund. The levels of soil to be moved would be at their greatest height within the northwestern corner of the site of approximately 4 metres on top of existing levels. The gradient would lower towards the south of the site with approximately 1.8 metres of soil levels on top of the existing land.

2.92 To accommodate the construction activity, some of the existing hedgerow field enclosures are required to be removed. The proposed Detailed Planting Plan shows that replacement planting would be carried out once the development is complete. This is considered to be a short-term impact, and its visual impacts can be mitigated by an appropriately worded condition to ensure that the landscape planting together with replacement planting are carried out.

2.93 The application has been supported by a landscape concept plan and a Detailed Planting Plan (as previously discussed). It is acknowledged that there would be a change to the landscape and a degree of impact would occur. The land level changes (including the bunds and stockpiles) would not be so significantly inconspicuous, and consideration is given to the overall merits of the scheme and the wider benefits this would provide. HBC Landscape Architect has reviewed the proposal and raises no objection to the development on landscape visual impact grounds.

2.94 In terms of the temporary compound, this would be sited on the former RHM site (understood to be an existing area of hardstanding following the demolition of the buildings on site). As noted above, this is intended to be a temporary feature and as a result any visual impacts would be temporary and limited. Final details of the proposed structures (including the requirement for sensitive lighting and noise/visual barriers as discussed in the ecology/HRA section above) and timetable for removal can be secured by a planning condition.

2.95 The Hartlepool Rural Plan Group have commented that there is the potential to add to the pleasurable experience of walking along the diverted route of the public footpath which would overlook the new natural/wildlife area and have therefore suggested the provision of amenity/interpretation boards explaining what might be seen on the site. The views of the applicant have been sought on this matter and are awaited at the time of writing. Notwithstanding this and in the interests of the visual amenity of the surrounding area and the provisions of HRNP Policy T2 and HLP Policy LT1, it is considered reasonable for such amenity boards to be provided and a suitably worded planning condition to secure details and implementation of such boards is recommended accordingly.

2.96 Overall, it is considered that the proposed development, would, on balance, have a limited adverse impact on the visual amenity of the area, the character of the open countryside. It is also considered that the proposed development would still read as undulating land and would not create such a significant impact to refuse the application in this instance. The development is considered to be in broad accordance with HLP (2018) Policies QP4 and RUR1 and HRNP (2018) GEN1 and GEN2.

IMPACT ON CHARACTER, APPEARANCE, AND SETTING OF HERITAGE ASSETS INCLUDING GREATHAM CONSERVATION AREA AND LISTED BUILDINGS

2.97 The site is west of Greatham Conservation Area, with 15 listed buildings (one Grade II*; the rest Grade II) and 64 non-designated heritage assets within A 500m study area of the application site (reflected in the submitted Heritage Impact Assessment).

2.98 The Planning (Listed Buildings and Conservation Areas) Act 1990 delineates the provisions for the designation, control of works, and enforcement measures pertaining to Listed Buildings and Conservation Areas. According to Section 66 of the Act, when considering whether to grant planning permission for development that

impacts a listed building or its setting, the local planning authority or, in certain cases, the Secretary of State, must give special regard to the desirability of preserving the building or its setting, as well as any features of special architectural or historic interest that it possesses. Section 72 of the Act mandates that special attention be given to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The planning application is supported by a heritage statement (Heritage Impact Assessment) as required by NPPF paragraph 207 and HLP Policy HE1.

2.99 Local Plan Policy HE1 of the Local Plan states that proposals that would have an impact upon a heritage asset will be required to preserve, protect, and positively enhance its special character in a manner appropriate to its significance of all heritage assets, as well as being a positive impact and ensures the sensitive and viable use of such asset. The NPPF (2024) 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 213, NPPF).

2.100 Local Planning Policy HE3 of the HLP (2018) states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Therefore, development proposals within designated Conservation Areas are required to demonstrate that they will conserve and or positively enhance the character and appearance of the Conservation Areas.

2.101 Policy HE4 sets out to protect the significance of listed buildings to ensure no harm is caused through inappropriate development. Policy HE5 has regards to locally listed buildings and structures and sets out that the Borough Council is committed to the retention of heritage assets on the List of Locally Important Buildings. When considering planning permission applications that impact entries on this list, consideration must be given to the historic and architectural significance, character, rarity, and importance.

2.102 Local Plan Policy QP4 (Layout and Design of Development) of the HLP (2018) amongst other requirements requires that development should be designed to a high quality (layout, form, and scale) that positively enhances their location and setting whilst having regard to the distinctive character and history of the local area and respects the surrounding built environment. The ethos of these policies is also reiterated within the NPPF.

2.103 The HRNP (2018) Policy HA1 and HA3 has regard to the protection and enhancement of heritage assets and supports proposals that preserve, enhance, protect, conserve heritage assets within the rural areas. With Policy HA2 seeking to protect and enhance conservation areas as well as important views/vistas and landscaping. Policy HA4 has regard to locally important buildings on which a balanced judgement is expected in terms of its significance.

2.104 The application site is within proximity to heritage assets. A Heritage Impact Assessment (HIA) has been submitted, covering a 500m study area around the site. The site is west of Greatham Conservation Area, with 15 listed buildings (one Grade II*; the rest Grade II) and 64 non-designated heritage assets within the study area.

The HIA also considered local heritage events and historic landscape characterisation. The HIA concludes that the project would not adversely impact the Conservation Area, as views from it are mostly screened by existing woodland, and the naturalistic appearance of the site would result in a neutral impact.

2.105 The Council's Head of Heritage and Open Spaces has reviewed the application and raises no objections to the proposal as there would be no impact upon designated heritage assets and therefore the development would comply with HLP (2018) Policies QP4, HE5, HE4, HE3 and HE1 and HRNP (2018) Policies HA1 and HA3.

ARCHAEOLOGY

2.106 Policy HE2 of the HLP (2018) has regard to archaeology. HE2 states that the Council will seek to protect, enhance and promote the Boroughs archaeological heritage and, where appropriate, encourage improved interpretation and presentation to the public.

2.107 An archaeological evaluation and Written Scheme of Investigation (WSI) were conducted and submitted with the application, proposing trial trenching to assess archaeological significance. The archaeological evaluation has confirmed the presence of worked wood remains and has uncovered organic deposits across much of the site. Additionally, the evaluation has identified the former route of Greatham Beck, its formalisation and infilling, as well as archaeological features cut into the tidal clays.

2.108 To mitigate the impact of the proposals on the archaeological and geo-archaeological remains, Tees Archaeology recommend planning conditions regarding an Archaeological Evaluation Report and the recording of a heritage asset through a programme of archaeological works. Subject to the recommended conditions being imposed, it is considered that the development can be made acceptable in this regard and would comply with HLP (2018) Policy HE2.

IMPACT ON RESIDENTIAL AMENITY (INCLUDING NOISE DISTURBANCE)

2.109 HLP Policy QP6 expects development to be incorporated into the Borough with minimal impact. On-site constraints may exist, and the LPA will work with developers to overcome such issues. In particular the effects on, or impact of, general disturbance including noise, vibration and dust, fumes, smell, air and water quality. HLP Policy RUR1 states that proposals should not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion. In addition, HRNP (2018) Policy EC1 states development should not have a detrimental impact upon amenity.

2.110 The site is located within an existing field system to the west of Greatham Village. Residential properties are present approximately 700 metres west and north of the site, with the main village envelope extending along the east with an intervening field. Residential properties are within the vicinity of the proposed access points to the site's construction routes.

2.111 The application has been accompanied by a detailed Project Execution Plan which covers construction management. An updated plan has been submitted during the course of the application to seek to address concerns and objections raised by consultees and residents regarding vehicle routing and construction measures.

2.112 Concerns are raised regarding the noise and disturbance from the activities that would take place on the site, to which it is appreciated that there will be some activity and disturbance experienced at times given the nature of the works. However, the main activities regarding deliveries to and from the site would largely occur early within the project commencing and once the development is complete. There will likely be ad-hoc movements when materials will be taken away from the site but it is understood that these would not occur for long durations. Additionally, the construction traffic would be slow-moving and is to be controlled via a traffic light signal.

2.113 The development would divert the existing PRoW, its realignment would not create any greater harm upon residential amenity in terms of overlooking impacts. It is noted that bunds to the west of the site would be created approximately 1.8 – 4 metres on top of existing land levels. This in itself would not create any greater impacts upon residential amenity (privacy/overbearing or overshadowing impacts) given the remaining and substantial intervening separation distances.

2.114 In terms of the construction hours and the siting of the temporary construction compound, HBC Public Protection has reviewed the updated information and agree that the proposed construction activity times are acceptable and they would not create any significant harm to nearby land users in terms of noise and disturbance activities which would be so significant that the application should be refused. The hours of construction/deliveries can be secured by a planning condition and this is recommended accordingly. The application is acceptable in this regard.

2.115 Overall, it is considered that the development can be mitigated accordingly and would comply with the provisions of Policy QP6, RUR1 of the HLP (2018) and HRNP (2018) Policy EC1. The development would not lead to particular effects upon amenity with regard to general disturbance, light pollution or privacy/overbearing or overshadowing impacts on this occasion.

IMPACT ON HIGHWAY & PEDESTRIAN SAFETY

2.116 In terms of highway safety considerations, several concerns were raised by residents, Greatham Parish Council, and the Rural Plan Group, these largely concern the route of the construction traffic, and the proposed access routes, in terms of safety, vibration, the capacity of the bridge and general disturbance.

2.117 HLP (2018) Policy RUR1 states that development proposals shall ensure access is appropriate and there is not a detrimental impact on highway safety with Policy QP3 ensuring developments are safe and assessable. HRNP (2018) GEN2 requires development to demonstrate it can be accessed safely from the highway and HRNP Policy EC1 seeks to avoid development that would result in significant impacts on the local highway network or infrastructure. Moreover, paragraph 116 of

the NPPF (2024) states that “*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*”

2.118 The application has been accompanied by a detailed Project Execution Plan (PEP). Initial concerns were raised with the developer regarding the route taken for construction traffic as well as construction and delivery times to and from the site. An updated PEP has been submitted regarding the vehicle routing and construction measures.

2.119 The applicant has indicated that the construction traffic will be routed via Greatham High Street and Dalton Back Lane rather than a direct access from the A689. The alternative access requires slow-moving HGVs and low loaders to turn right into Dalton Back Lane. Although this location includes a segregated right-turn lane and a reduced speed limit (from the national speed limit to 50 mph), the contractor is concerned it presents greater safety risks compared to the proposed route. The proposed route allows HGVs to turn into Greatham at the Sappers Corner traffic signal junction, which, from a road safety perspective, is preferable to using the uncontrolled junction.

2.120 Slow-moving vehicles exiting the site via the Dalton Back Lane junction and merging onto the A689 could pose road safety concerns as the merging lane is of sufficient length for a heavy vehicle (road wagons, low loaders, etc). The developer has indicated that traffic management would be necessary on the A689 to facilitate these movements safely. However, due to ongoing works at the southwest extension development (as part of approval H/2014/0405) and planned upgrades to the traffic signal junctions along the A689 corridor, scheduling such traffic management would be challenging. Alternative options have been explored with the developer regarding the construction route of the development. Notwithstanding this, HBC Traffic and Transport supports the proposal for the vehicles to use the traffic signal junction at Sappers Corner.

2.121 Concerns were raised regarding the suitability of the Dalton Back Lane bridge for HGVs. HBC Traffic and Transport have confirmed that there are no restrictions on this bridge, and it can accommodate HGV traffic. The agent has provided details regarding the HGVs that will be used during the construction work. The specification states that the vehicles would have a maximum 44T gross train weight and in the opinion of the HBC Traffic and Transport this is acceptable. In the event the weight exceeds this limit an informative is recommended for the developer to contact HBC Traffic and Transport regarding abnormal load movements and to ensure a safe route is utilised should this occur.

2.122 It is understood from the submitted information that most HGV movements would occur during the setup and dismantling phases of the site, involving approximately 10 deliveries of plant equipment, construction materials for access tracks, and compound offices/cabins. During regular site operations, it is anticipated that around 10 cars or vans will access the site daily. Considering the relatively low volume of vehicles involved.

2.123 The amended Project Execution Plan sets out that the development would use a signalised junction from the High Street and when the development commences as it is required to access the field from a bridleway that only allows for one-way traffic, this too will be signalised when access is required. In view of this, it is considered that a relatively low volume of vehicle movements would not be so significant that this would cause highway safety concerns. The HBC Traffic and Transport support the signalised junction and do not raise any objections to the development in terms of safety in this respect.

2.124 The developer has indicated that a road sweeper will be on call during periods when HGV traffic will be on call to maintain cleanliness. Whilst this will assist with the cleaning of the roads, it would not prevent mud from being transferred onto the highway in the first instance (which would ultimately need to be controlled through separate highway legislation). To ensure the development can mitigate these impacts it is considered that a pre-commencement condition is imposed to request an amended Project Execution Plan be submitted to the LPA to agree these details prior to the development commencing. Subject to this condition being imposed the development can be made acceptable in this regard.

2.125 Greatham Parish Council has requested that the developer add them as a contact to the Project Execution Plan. An informative can be added to inform the developer of Parish Council's request to be kept up to date with such matters.

2.126 HBC Traffic and Transport state that the A689 will be affected by various road traffic schemes over the next year, some of which may impact HGV routing. The developer should maintain communication with the Highway Authority to identify the most suitable routes and avoid potential conflicts. This will be added by way of an informative.

2.127 To conclude, the application whilst it will create a degree of impact through noise and disturbance (including vibration), these impacts would be short-term and would not be so significant that it would warrant a refusal of the application on these grounds. The route of the construction traffic is considered to be acceptable by HBC Traffic and Transport. It is therefore considered that the proposal would not lead to any undue impacts upon highway and pedestrian safety as to warrant a refusal of the application, particularly in the context of the NPPF (paragraph 116) and is therefore acceptable in this respect.

PUBLIC RIGHT OF WAY

2.128 The proposal seeks to permanently divert a PRow (public footpath No 12 as well as No 13) to accommodate the development and will also require temporary diversions during construction.

2.129 Following the comments (and input) from the Council's Countryside Access Officer, the proposed permanent diversion is considered to meet the guidelines by maintaining a route through the countryside and away from vehicular traffic, providing access to Greatham Village on an open, level path. The Byway to the north of the site will be the main route in and out of the site and will remain open during construction. The footpaths around the construction area will have temporary

closures and diversion orders in place during the works. Once the development is complete a permanent diversion will need to be applied for. It is further considered that the proposed ecological enhancements would improve the environment for footpath users.

2.130 It is noted that comments submitted referred to an area of the site that floods and that boardwalks are not sufficient within the northeast corner of the site. As part of the application, the existing PRoW will be diverted and improvements to the right of way will be carried out within the confines of the site. The upgrading of the existing boardwalk would fall outside the remit of this application. Moreover, comments requesting that the materials used for the temporary construction roads be re-used to enhance the existing PRoW would also fall outside of the scope of the application and would not be the developer's responsibility.

2.131 As noted above, the applicant has liaised with the HBC Countryside and Access Officer during the course of the application. The PRoW will remain open during the construction works and the byway to the north of the site will be controlled by a traffic light signal junction. The HBC Countryside and Access Officer has reviewed the application proposal and confirmed a legal diversion under Section 257 of the Town and Country Planning Act is required. An informative is recommended to remind the applicant that the application to divert public footpaths 12 and 13 is a separate legal application process for HBC Highways to administer and take forward.

2.132 In considering the proposed development and the PRoW, it is considered that the development is acceptable in this regard.

CONTAMINATED LAND

2.133 The application has been accompanied by a Ground Investigation Report. The report sets out that the site has experienced very little historical change and is essentially greenfield land, with no evidence of significant contaminant sources or highly sensitive receptors. The report sets out that temporary pathways during construction will be managed with standard construction controls, with no change to existing source-pathway linkages.

2.134 The HBC Engineering Consultant has reviewed the supporting documentation and raises no objections to the development. It is however recommended that a standard condition regarding unexpected contamination of the site be recommended. Subject to the imposition of this condition it is considered that the proposed development would be acceptable in this regard and would comply with HLP (2018) Policy QP6 and the provisions of the NPPF.

LOSS OF AGRICULTURAL LAND

2.135 HLP (2018) Policy RUR1 sets out that development should avoid the best and most versatile (BMV) agricultural land (grades 1, 2, and 3a). Policy NE1 of the HLP also seeks to avoid BMV land unless there is no impact on its quality or other considerations outweigh the loss. The NPPF (2024) highlights the multifunctionality of undeveloped land, including flood risk mitigation and food production.

2.136 The Agricultural Land Classification (ALC) system grades land quality from 1 to 5 across England and Wales. Best and Most Versatile (BMV) agricultural land is classified as Grades 1 to 3a. The Provisional Agricultural Land Classification dataset by Natural England is used to assess impacts on agricultural land. Natural England's 'Guide to assessing development proposals on agricultural land' (2021) states that LPA's should use Agricultural Land Classification (ALC) survey data to assess the loss of land or quality of land from a proposed development. The guidance states that it 'should take account of smaller losses (under 20ha) if they're significant' when making a decision and 'should avoid unnecessary loss of BMV land'.

2.137 The application has been accompanied by an agricultural land assessment which concludes the site consists of Grade 5 and Grade 3 land, with the Grade 3 assumed to be subgrade 3a (good quality agricultural land).

2.138 The development proposal will convert 10.5 ha of Grade 5 and 6.2 ha of Grade 3 land into reedbed or saltmarsh, leaving 11.4 ha of Grade 3 and 4.5 ha of Grade 5 land. Less than 20 hectares of BMV land is being converted and therefore Natural England are not a statutory consultee on such a matter. Nonetheless, no objections have been received from Natural England or HBC Public Protection in respect to the loss of BMV.

2.139 While noting the requirements within the NPPF (2024) to recognise the value of BMV agricultural land and whilst it is acknowledged that the proposals would result in the loss of some BMV agricultural land, it is considered that its avoidance would clearly affect the feasibility of the overall scheme that would deliver clear benefits in the creation of natural flood management and habitat creation. When taking this matter into account as part of the overall planning balance, it is considered that the benefits would outweigh any BMV loss. Overall, it is considered that the proposals would not result in an unacceptable loss of BMV in this instance and is therefore acceptable in this respect.

OTHER PLANNING MATTERS

Waste Management

2.140 The Tees Valley Minerals and Waste Adopted Policies and Sites (TVMWAPS) DPD was adopted in September 2011 alongside the Tees Valley Minerals and Waste Core Strategy DPD. This document sets out policies in relation to waste audits.

2.141 The application has been accompanied by a Project Execution Plan that sets out waste procedures and guidance to capture:

- Compliance with applicable waste management legislation.
- Adoption of industry best practices.
- Recognition of opportunities for waste reduction and resource efficiency.

2.142 The development is therefore considered to be comply with the Tees Valley Minerals and Waste Adopted Policies.

Presence of on-site and nearby infrastructure (and public safety)

2.143 With regards to working in proximity to National Grid overhead line assets, the developer has provided detailed information and National Grid is satisfied that the development would not lead to any conflict with their overhead lines or tower subject to the required clearances being maintained at all times as demonstrated on the submitted plans. An informative is recommended to remind the applicant that the granting of planning permission does not override the rights for statutory undertakers/operators who may have legal rights and wayleaves over the site and that they should make the appropriate contact.

2.144 Northern Powergrid have also been consulted and have raised no objections, providing advice regarding the approximate location of their apparatus in the area. This advice can be relayed to the applicant by way of an informative.

2.145 The Health and Safety Executive has been consulted via its planning web advice service as it lies within the consultation zone of a hazardous major accident pipeline (operated by Northern Gas Networks). In these instances, consultations are carried out with the operators (see below). The HSE response states that the 'HSE does not advise, on safety grounds, against the granting of planning permission in this case'. In this instance, HSE has no objection to the development from a health and safety perspective. The Office for Nuclear Regulations have confirmed that the proposal does not fall within their consultation response remit.

2.146 The developer has worked closely with Northern Gas Network (NGN) as their major hazardous accident pipeline runs through the site. NGN has been consulted during the course of the application and initially raised an objection. The developer has worked with NGN to ensure that their asset would not be impacted upon and has since removed their objection as they are satisfied that the development would not impact their asset in accordance with the information submitted. An informative also recommended to set out that the developer is required to contact Northern Gas Networks prior to the development commencing.

2.147 National Gas have confirmed that they have no assets affected in this area.

2.148 To the south of the site is a railway line operated by Network Rail. Initial concerns were raised regarding the development proposals with regard to water accumulation at the base of the embankment over an extended period of time that could lead to earthwork impacts. The developer has worked closely with Network Rail regarding the drainage of the scheme. The developer provided updated information which Network Rail raise no objections to, however, they have provided advice on several matters which are recommended to be secured by informatives on the decision notice accordingly.

Other consultation responses

2.149 No objections have been received from aviation and defence related consultees, namely the National Air Traffic Services and the Ministry of Defence.

CONCLUSION

2.150 The proposals would have considerable benefits in respect of being a form of development that would have significant environmental benefits which enhance biodiversity and onsite ecology. It would provide a number of including the creation of additional habitats, space for water, and improvements to the PRoW network. There would be a degree of impact upon the landscape, but these uplifts and benefits provided would outweigh this minimal harm.

2.151 It is considered that the development would not negatively impact heritage assets, designated habitat sites or species, highway safety, or residential amenity. Additionally, it would not increase flood risk elsewhere, lead to an unacceptable loss of BMV agricultural land, and would adopt a sustainable approach to waste management. It is considered that the development can be made acceptable through the imposition of planning conditions and is considered to represent an acceptable form of development to be in accordance with the HLP (2018) and the HRNP (2018), and the NPPF (2024).

2.152 Officers therefore recommend that the application be recommended for approval subject to appropriate planning conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.153 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.154 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.

2.155 There are no Section 17 implications.

REASON FOR DECISION

2.156 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 and details:

Plan no: EVV0002541C-JBA-SW-00-DR-C-2001 REV P02 (Earthworks Analysis Banding Depth), and
ENV0002541C-JBA-SW-00-DR-C-2003 REV P03 (Existing General Arrangement with Contours),

Date received by the Local Planning Authority 26/04/2024;

Plan no: ENV0002541C-JBA-SW-00-DR-C-2010 REV P02 (Long section Section A-A (Sheet 1 of 2)),
 Plan no: ENV0002541C-JBA-SW-00-DR-C-2011 REV P02 (Long section Section A-A (Sheet 2 of 2)),
 Plan no: ENV0002541C-JBA-SW-00-DR-C-2012 REV P02 (Long section Section B-B REV P02),
 Plan no: ENV0002541C-JBA-SW-00-DR-C-2013 REV P02 (Long section Section C-C),
 Plan no: ENV0002541C-JBA-SW-00-DR-C-2014 REV P02 (Long section Section D-D),
 Plan no: ENV0002541C-JBA-SW-00-DR-C-2050 REV P01 (Typical Details),
 ENV0002541C-JBA-SW-00-DR-C-9000 REV P03 (Existing General Arrangement with Contours),
 Plan no: EVV0002541C-JBA-SW-00-DR-C-1150 REV P01 (Site Clearance Plan),
 Plan no: Detailed Planting Plan REV P01, and
 Plan no: Landscape General Arrangement REV P01,
 All date received by the Local Planning Authority 02/05/2024;

Plan no: EVV0002541C-JBA-SW-00-DR-C-1000 REV P04 (Site Access General Arrangement), date received by the Local Planning Authority 08/07/2024;

Plan no: ENV0002541C-JBA-SW-00-DR-C-2080 REV P01 (Construction Exclusion Zone), date received by the Local Planning Authority 28/11/2024;

Plan no: ENV0002541C0-JBA-SW-00-DR-C-2002 REV C01 (Public Right of Way Permanent and Temporary Diversions),
 Plan no: EVV0002541C-JBA-SW-00-DR-C-2003 REV C03 (Proposed Earthworks Analysis Cut/Fill Banding), and
 Plan no: ENV0002541C-JBA-SW-00-DR-C-2000 REV C03 (Proposed General Arrangement with Contours),
 date received by the Local Planning Authority 07/02/2025.
 To define the planning permission.

3. Notwithstanding the approved plans (and levels) contained within condition 2 of this decision notice, should the works be amended to take account of the annotation 'existing Greatham Beck in this section is to be infilled to a minimum of 1.75m AOD. Although if deemed suitable ground level to be raised to form continuous bund across to existing bank crest level on the left bank...') detailed on plans Plan no: EVV0002541C-JBA-SW-00-DR-C-2003 REV C03 (Proposed Earthworks Analysis Cut/Fill Banding), and Plan no: ENV0002541C-JBA-SW-00-DR-C-2000 REV C03 (Proposed General Arrangement with Contours), both plans date received by the Local Planning Authority 07/02/2025, details shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.
 For the avoidance of doubt.

4. No development shall take place (including demolition, groundworks, vegetation clearance) until a Construction Environmental Management Plan CEMP: (Biodiversity) and timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include construction details, an ecological management plan, and method statements for the avoidance of harm to identified species including breeding birds, Great Crested Newts, Common Lizard and fish, and method statements to protect habitats that link the development area with Greatham Creek, and mitigation and compensation measures for the duration of the development as detailed in Section 6 (Assessment of Effects) and the appended Survey Reports of 'Greatham Marsh Ecological Impact Assessment' (thereafter referred to as the 'EclA' for the purposes of this condition) by JBA Consulting (dated April 2024) and received by the Local Planning Authority on 02.05.2024. The CEMP (Biodiversity) shall include the following:

- Vegetation clearance to be undertaken ideally outside the breeding bird season (March to August inclusive), with works in this season undertaken by a qualified ecologist, and ideally outside the breeding hares season (February to September), with works, where unavoidable, to be sensitively undertaken immediately prior to construction;
- A detailed pollution prevention plan to address the risk to the "other rivers and streams" habitat, and the Teesmouth and Cleveland Coast SSSI, Ramsar, and SPA complex - as described in section 6.1.1 and 6.2.3 of the EclA; toolbox talks for contractors to be included;
- A detailed biosecurity plan as described in section 6.1.2 of the EclA and to include the use of disinfectant for plant, equipment, and footwear (toolbox talks for contractors to be included);
- An ecologically friendly site lighting plan to prevent disturbance to crepuscular and nocturnal protected species (namely otter) as described in 6.1.3 and Table 7-1 of the EclA; toolbox talks for contractors to be included.
- An Ecological Clerk of Works (ECoW) shall be appointed by the developer or contractor to monitor a range of activities on site, to undertake appropriate surveys and deliver a toolbox talk to the Site Manager and/or Site Supervisor and workers on site prior to commencement of development in accordance with section 6.2 (additional mitigation during construction) of the EclA, This shall include a watching brief as required during site works which shall be submitted to and approved in writing with the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the protection measures, to include a walkover inspection on site within three months of the start of any works, including vegetation clearance on site as well as regular visits to the site during any winter works.

Thereafter the approved CEMP (and timetable) shall be implemented and adhered to throughout the construction period and strictly in accordance with the approved details.

Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of avoiding or mitigating ecological harm.

5. No development shall take place until a plan (and timetable for implementation) detailing the protection of Lamprey species, European Eel, Salmonids and their associated habitats has been submitted to and approved in writing by the Local Planning Authority. The plan shall consider the whole duration of the development, from the construction phase through to development completion.

The scheme shall include the following elements:

- A specific methodology with regards to the potential presence of Lamprey species (in their larval stage) in the wetted sediment, which addresses the necessary mitigation measures that will be put in place to prevent harm to these species during the development;
- A specific methodology for the dewatering activities that implements the use of a 2mm mesh screen on the pumps rather than the 20mm mesh that is stated in the EclA report, as this is non-compliant with the Eel Regulations 2009 due the likely presence of 'glass eels' and/or elvers at this location. The methodology should also address the angle of the screen to the flow of water and therefore the maximum approach velocity that will be incorporated into this development to prevent ingress of fish into the pumps.

Thereafter the development shall be carried out in accordance with the approved scheme and timetable for implementation (as approved). Any change to operational responsibilities, including management, shall be first submitted to, and approved in writing by the Local Planning Authority. To mitigate any harm to these species and their habitats, and to avoid damaging the site's fisheries value in line with the provisions of Section 15 of the NPPF.

6. Prior to the commencement of development hereby approved, details of the proposed works to facilitate the decommissioning of the Greatham tidal structure including the proposed temporary cofferdam, bubble curtain and oil boom, and any associated works as set out in the (shadow) Stage 2 Habitat Regulations Assessment, Reference: 276_05_SD01, Version 10 (received by the Local Planning Authority 02.05.2024), and a timetable for the implementation (and removal of such works when no longer required), shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable of works (including the removal of such works). In the interests of the ecology of the surrounding area and to avoid any Likely Significant Effects on protected sites.
7. Notwithstanding the submitted information and prior to the erection of the temporary construction compound hereby approved as annotated on Dwg. BAM- Rev 1st Issue (Greatham Marsh Compound, received by the Local Planning Authority on 15.08.2024) and Dwg. ENV0002541C-JBA-SW-00-DR-C-1000 Rev P04 (Site Access General Arrangement, received by the Local Planning Authority 08.07.2024), details including elevations and layout (including car parking and the access point) of the temporary construction compound and associated structures,

required visual/noise screening and enclosures, and any lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that any external lighting be directed away from the adjacent fields and provide details of visual/noise barriers that shall be erected around the compound, details of which shall be provided as part of the scheme and implemented prior to the compound being brought into use or being completed (whichever is sooner). The scheme shall also include a timetable for both the installation and thereafter removal of the temporary construction compound (such removal shall be within 6 months of the completion of the development hereby approved). The development shall thereafter be carried out in accordance with the agreed details. The temporary compound shall be restored to its former condition following completion of the development hereby approved.

In the interests of neighbouring amenity, visual amenity and ecology of the area and to avoid any Likely Significant Effects on protected sites.

8. Notwithstanding the submitted information and prior to the commencement of development, further details for the disposal of surface water from the development shall be 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 surface water flooding from any sources in accordance with Local Plan Policy QP6 and the NPPF.
9. Notwithstanding the details provided within the Project Execution Plan (PEP, received by the Local Planning Authority 07.02.2025) and prior to the commencement of development on site, the PEP document shall be amended to include details of dust suppression facilities on site and the provision of wheel washing facilities to the entrance/exit of the site. The amended PEP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. Thereafter the updated PEP shall be implemented and development solely carried out in accordance with the approved document during the construction phase of the development. In the Interests of the amenities of the area and highway safety.
10. Prior to the installation of the temporary access points (and associated visibility splays) as shown on plan ENV0002541C-JBA-SW-00-DR-C-1150-S3 Rev P01 (Site Clearance Plan, received by the Local Planning Authority on 02.05.2024), details of the proposed surfacing materials and a timetable for both the installation and thereafter removal of the accesses (such removal shall be within 6 months of the completion of the development hereby approved) shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter, the land shall be restored to its former condition following completion of the development hereby approved and in accordance with the agreed scheme and timetable.

In the interests of the character and appearance of the open countryside and in the interests of highway safety.

11. A) No groundworks 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) The archaeological work shall take place during construction groundworks, in accordance with the Written Scheme of Investigation approved under part (A).

C) The post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) within 12 months of the completion of fieldwork, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured and submitted in writing to the Local Planning Authority.

In the interests of the historic environment.
12. The archaeological post-excavation assessment, for the evaluation fieldwork undertaken in October and November 2024, shall be submitted to the Local Planning Authority no later than 12 months from the date of this decision notice.

In the interests of the historic environment.

13. Prior to the commencement of development above ground level, details of a minimum of 1no. barn owl nest box 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 nest box(s) shall be installed strictly in accordance with the details so approved prior to the completion or first use (whichever is 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 186 of the NPPF (2024).
14. The development hereby approved shall be implemented in accordance with the details and timetable stipulated in the submitted 'Habitat Management and Monitoring Plan (Greatham Marsh Restoration)' (HMMP), final version A1-C01, dated 23/01/2025, (date received by the Local Planning Authority 28th January 2025) to include the implementation of the habitat creation, enhancement and management as set out in 'Planned Management Activities'

(section 2) and 'Monitoring Schedule' (section 3) of the HMMP. Thereafter and following the implementation of the approved 'Planning Management Activities' (section 2) within the agreed timescales set out within the HMMP, condition assessments shall be collected during the yearly monitoring surveys post construction and every five years thereafter for a minimum of 30 years. Such information shall be made available within 14 days of a written request by the Local Planning Authority.
In the interests of ecological enhancement.

15. The development hereby approved shall be carried out and maintained in accordance with the requirements of condition 14 of this permission and the specification of the agreed soft landscaping scheme as detailed on Detailed Planting Plan (Evv0002541C-JBAU-00-00-GT-M2-1001-OSMap XXX-JBA-SW-00-M3-C-2000-Earthworks_Model v3 REV P01, received by the Local Planning Authority 02.05.2024) 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 completion or it being available for access to the public (whichever is sooner) of the development hereby approved. Any trees, hedges, plants or other soft landscaping 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 Section 15 of the NPPF.

16. Prior to the above ground construction of the development hereby approved, details of any proposed amenity/interpretation panels/boards (providing information in respect to features of the area) including construction materials and finish shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details prior to the first use or completion (whichever is sooner) of the development.

In the interests of visual amenity.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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 prior to the resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted in writing and approval by the Local Planning Authority.

Contamination may exist at the site which will need to be satisfactorily dealt with.

18. No construction, demolition, plant or machinery shall be operated on site outside the hours 0800-1800 during weekdays and 0900-1400 on Saturdays. No deliveries or removal of materials to and from site shall take place outside the hours of 0800-1800 during weekdays and 0900-1400 on Saturdays. There shall be no construction activity including demolition at any other time including on Sundays and Public Holidays. To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155978>

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

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

CONTACT OFFICER

- 2.159 Kieran Bostock

Assistant Director (Neighbourhood Services)

Level 3

Civic Centre

Hartlepool

TS24 8AY

Tel: (01429) 284291

E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

- 2.160 Jade Harbottle

Senior Planning Officer

Level 1

Civic Centre

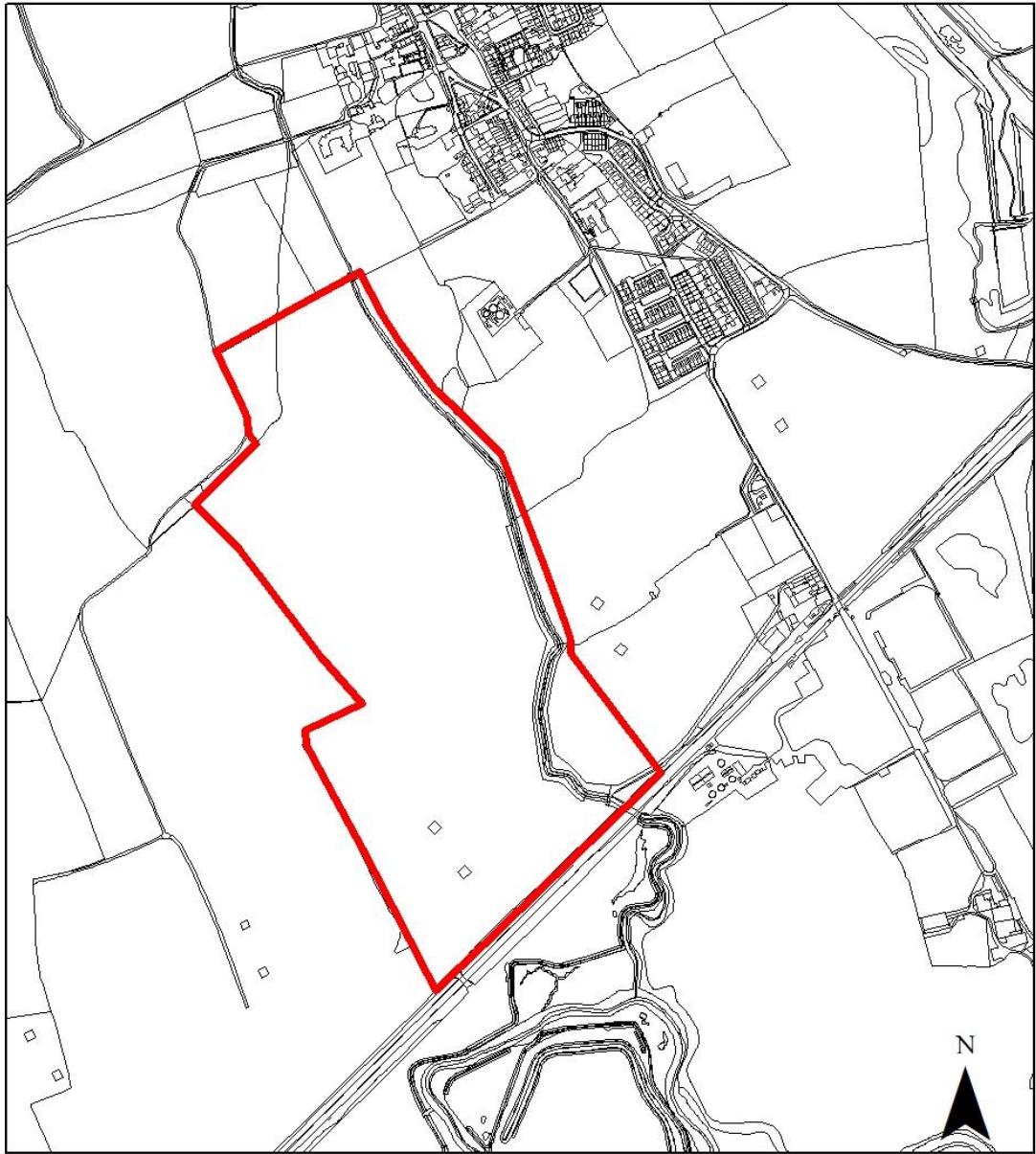
Hartlepool

TS24 8AY

Tel: 01429 523379

E-mail: jade.harbottle@hartlepool.gov.uk

Land to the South West of Greatham Village, Hartlepool



© Crown Copyright. All rights reserved AC0000849987 (2025).

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 25.03.2025
	SCALE 1:8,000	
	DRG.NO H/2024/0149	REV

No: 3.
Number: H/2024/0331
Applicant: MRS YVONNE CARTER BEAUMONT WYNARD
 BILLINGHAM TS22 5FZ
Agent: MRS YVONNE CARTER 11 BEAUMONT WYNARD
 BILLINGHAM TS22 5FZ
Date valid: 15/01/2025
Development: Erection of front boundary wall (retrospective)
Location: 11 THE BEAUMONT WYNARD BILLINGHAM

PURPOSE OF REPORT

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

BACKGROUND

3.2 The following planning history is considered to be relevant to the current application site;

3.3 H/2015/0374 -Outline application for the development of up to 12 No. residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works with all matters reserved, approved 04/04/2017.

3.4 H/2019/0428 - Approval of all reserved matters in respect of application H/2015/0374 for the erection of 1no. detached dwellinghouse and associated hard and soft landscaping and boundary treatments, approved 04/02/2020.

3.5 H/2023/0373 - Section 73a application to vary condition 8 of planning application H/2019/0428 (Approval of all reserved matters in respect of application H/2015/0374 for the erection of 1no. detached dwellinghouse and associated hard and soft landscaping and boundary treatments), refused 13/03/2024.

3.6 H/2024/0355 - At the time of writing, a separate planning application at the property is pending consideration to vary conditions 1 and 8 of the original reserved matters approval for the dwelling (reference H/2019/0428), to change the obscurity and restrictive opening of windows within the approved dwelling.

PROPOSAL

3.7 The application seeks retrospective planning permission for the erection of a boundary wall at the front of the property (north-west), which has replaced the originally erected deer fencing in this location. The erected wall has been constructed of solid brick of a dark blue finish to a height of approximately 1.2 metres by a width of approximately 5.5 metres, where the wall ties into the existing brick pier with the entrance gates. The proposed development requires planning permission

due to the permitted development rights for boundary treatments being removed by way of a planning condition (no 31) on the original outline approval (ref H/2015/0374) for the estate, as well as an established design code (condition 6) that stipulates the appropriate boundary treatment.

3.8 The application has been referred to Planning Committee owing to the number of objections (three) received in line with the Council's Scheme of Delegation.

SITE CONTEXT

3.9 The application site related to the large detached residential property of 11 The Beaumont in Wynyard, which is located within a modern cul-de-sac development. The streetscene and wider surrounding estate are characterised by large detached properties that vary in design, which are enclosed by a modest deer fencing, which assists in contributing to an relatively open and verdant setting. The erected boundary wall has been constructed along part of the front boundary (west), adjacent to the vehicular highway serving the street. Beyond the vehicular highway are the residential properties of 5 and 6 The Beaumont.

PUBLICITY

3.10 The application was advertised by way of 12 neighbour notification letters. To date, two letters of representation have been received, objecting to the proposed development.

3.11 The concerns raised can be summarised as follows:

- The erected wall does not comply with the Design Code.
- The erected wall is not in keeping with the Estate Fencing within the surrounding area.

3.12 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?PKID=163372>

3.13 During the course of the application Wynyard Park were added to the consultation. At the time of writing no comments were received, although the consultation was still within time (expiring 03/04/2025) and any comments received will be reported to the Planning Committee.

CONSULTATIONS

3.14 The following consultation replies have been received:

HBC Landscape Architect: - There are no landscape issues with the proposed development.

HBC Arboricultural Officer: - A small section of hedgerow has been removed to facilitate the wall; it is likely that the hedgerow was never planted. Although the loss of hedgerow to the frontage of the property is never the ideal solution I have no arboricultural concerns with the application.

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

Wynyard Parish Council: - Objection

Comments: This wall has been constructed outside of the Wynyard Planning Guide. It is the only house on ALL the self-build properties that have built a wall. It detracts from the visual appearance on the whole of The Beaumont. Does this wall comply with Building Regulations? Every other house on the self-build sites have followed the design code and have installed estate fencing. This could set a precedent for all future self builds if approved.

HBC Building Control: - I can confirm that we have received a Building Regulation application for a new dwelling however the work Erection of front boundary wall (retrospective), would not require an application.

PLANNING POLICY

3.15 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

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

Hartlepool Local Plan 2018

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP6: Technical Matters

National Planning Policy Framework (NPPF) (2024)

3.17 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 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 strong 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:

PARRA001 Role of NPPF

PARRA048 Determining applications

PARRA056 Use of conditions or planning obligations

PARRA057 Use of conditions or planning obligations

PARRA085 Building a strong, competitive economy

PARRA087 Building a strong, competitive economy

PARRA098 Promoting healthy and safe communities

PARRA131 Achieving well-designed places

PARRA135 Achieving well-designed places

PLANNING CONSIDERATIONS

3.18 The main planning considerations with respect to this application are the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring properties and the impact on highway safety.

IMPACT ON CHARACTER & APPEARANCE OF SURROUNDING AREA

3.19 Policy QP4 (Layout and Design of Development) of the HLP 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.

3.20 Similarly, paragraph 135 of the NPPF (2024) stipulates that planning policies and decisions should ensure that developments ‘will function well and add to the overall quality of the area’, ‘Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’ and ‘Are sympathetic to local character and history, including the surrounding built environment and landscape setting.’

3.21 The application site relates to the large detached residential property of 11 The Beaumont in Wynyard, which is located within a modern cul-de-sac development. The streetscene and wider surrounding estate are characterised by large, detached properties that vary in design. Whilst the properties in the area provide a degree of variety, the boundary treatments that surround the dwellings, both within the cul-de-sac of The Beaumont and the wider Wynyard estate, are consistently enclosed at the front by modest deer fencing. The deer fencing throughout Wynyard is therefore a strong and repetitive characteristic of the Wynyard area, which is considered to assist in contributing to an open and relatively verdant character.

3.22 Publicity of the application has attracted two neighbour representations of objection and an objection has also been received from Wynyard Parish Council, which states that the boundary wall is at odds with the surroundings. The erected

boundary wall is adjacent to the vehicular highway serving the street, and as a result is considered to be highly prominent within the immediate street scene. The solid, boundary wall is considered to contrast and jar with the open deer fencing found within the streetscene and wider surrounding area and is considered to detract from the open character of the street, introducing an incongruous feature into the area.

3.23 It is considered that the proposal therefore leads to an unacceptable loss of visual amenity for the surrounding area, contrary to Policy QP4 of the HLP, which seeks to ensure that all developments are designed to a high quality and positively enhance their location and setting. Having regard to these considerations, it is recommended that the application be refused on these grounds.

IMPACT ON RESIDENTIAL AMENITY

3.24 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.

3.25 The erected boundary wall is approximately 1.2 metres high for a width of approximately 5.5 metres along part of the front boundary of the property. Although the erected wall is considered to be out of character with the surrounding street scene and wider surrounding area, owing to the scale and relationship with the surroundings, it is considered that the retrospective wall does not lead to a significant adverse loss of amenity in terms of having an overbearing and/or overshadowing impact for the residents of the surrounding neighbouring residential properties, due to its limited height and position, which is sufficiently away from the surrounding dwellings. Having regard to the above considerations, it is considered that the proposed development does not lead to a significant detrimental impact on the amenity or privacy of surrounding neighbouring residential occupiers.

HIGHWAY SAFETY RELATED MATTERS

3.26 The Council's Traffic and Transport section has commented that the erected fence does not affect the highway and does not lead to an adverse loss of highway or public safety. The Council's Traffic and Transport section therefore do not object to the scheme on grounds of Highway Safety and no significant issues are raised in this respect.

OTHER PLANNING MATTERS

3.27 No objections were received from either the Council's Landscape Architect or the Arboricultural Officer in respect to any impact on landscaping. These comments are noted and do not affect the overall considerations of this application.

3.28 At the time of the Case Officer's site visit, it was noted that a further, small walled enclosure at a neighbouring property had been erected that does not appear to benefit from the necessary planning permission. Whilst noting the anomaly, given the apparent unauthorised nature of the works, limited weight has been attributed to

this development, when assessing the current application under consideration. The matter has been passed to the Council's Enforcement section for necessary investigation accordingly.

OTHER MATTERS

3.29 The Parish Council within their comments have queried whether the erected wall benefits from Building Control approval. The Building Control section have confirmed that no such approval is required and therefore no informative or actions are required to advise the applicant in this respect.

CONCLUSION

3.30 For the reasons detailed in the report, the erected wall is considered to be unacceptable in visual amenity terms and the identified impacts would warrant a refusal of the application.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.31 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.32 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.

3.33 There are no Section 17 implications.

REASON FOR DECISION

3.34 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE, for the following reason:

1. In the opinion of the Local Planning Authority, the erected boundary wall forms an obtrusive and unsympathetic feature within the street scene, introducing a solid feature that reduces the visual openness of the area, to the detriment of the character and appearance of the street scene, contrary to Plan Policy QP4 of the adopted Hartlepool Local Plan and paragraph 135 of the NPPF (2024).

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=163372>

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

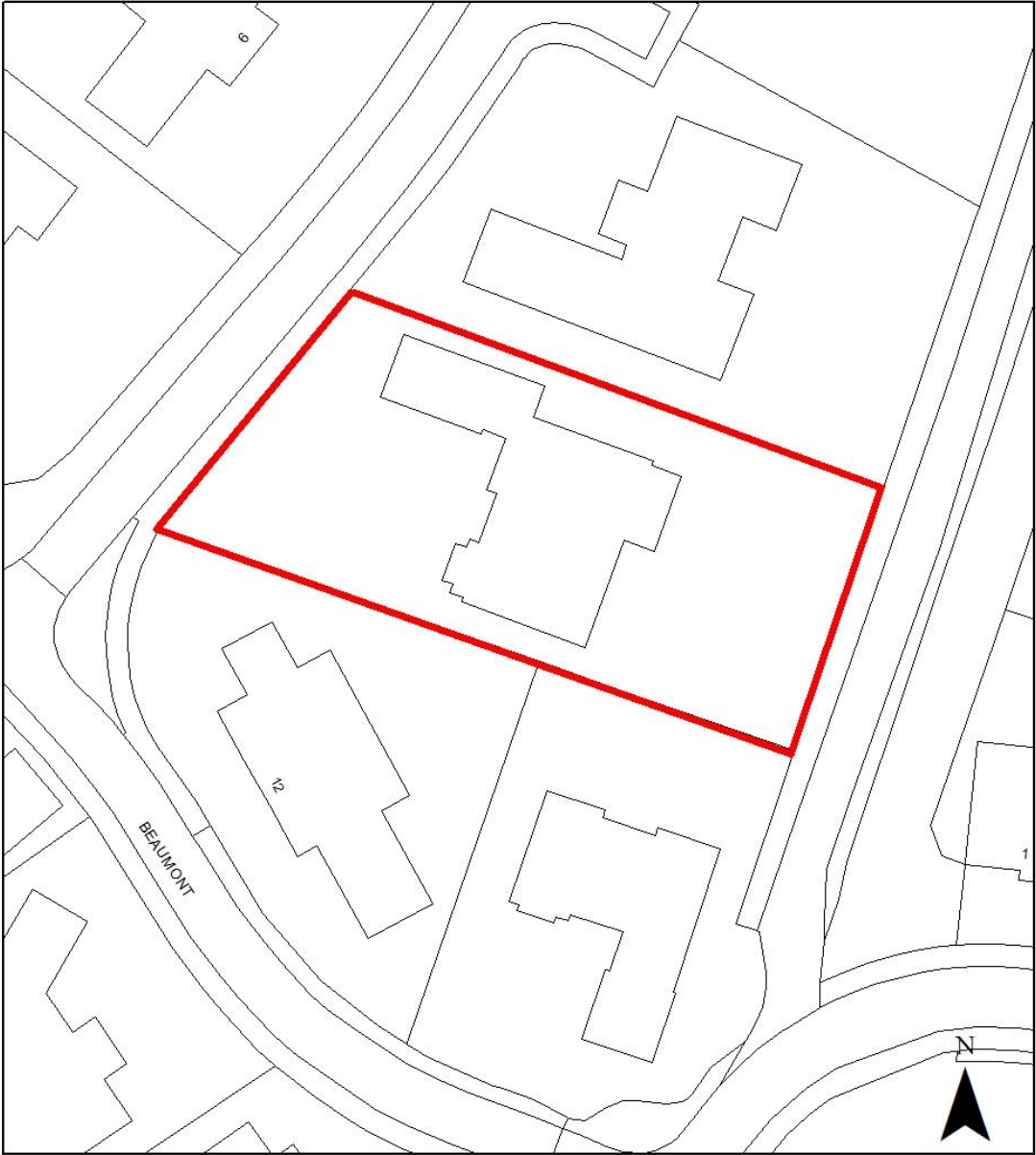
CONTACT OFFICER

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

AUTHOR

3.30 Kieran Campbell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 242908
E-mail: kieran.campbell@hartlepool.gov.uk

11 Beaumont Wynyard Billingham.



© Crown Copyright. All rights reserved AC0000849987 (2025).

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 25.03.2025
	SCALE 1:500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2024/0331	REV

POLICY NOTE

The following details a precis of the overarching policy documents referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN POLICIES

<https://www.hartlepool.gov.uk/localplan>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031 -
_made version - december 2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018)

MINERALS & WASTE DPD 2011

[https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals
_and_waste_development_plan_documents_for_the_tees_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2023

[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF D
ecember 2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

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

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

PLANNING COMMITTEE

09 April 2025



Report of: Assistant Director (Neighbourhood Services)

Subject: UPDATE ON ENFORCEMENT ACTIONS

1. PURPOSE OF REPORT

- 1.1 To update members with regard to enforcement actions that have been taken.
- 1.2 The following enforcement actions have been taken within this reporting period:
 - 1. An Enforcement Notice has been served in respect of the material change of use from a dwellinghouse to a short-term let (holiday home) at a residential property in The Grove, Hartlepool.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 284291
E-mail kieran.bostock@hartlepool.gov.uk

AUTHOR

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

PLANNING COMMITTEE

9th April 2025



Report of: Assistant Director – Neighbourhood Services

Subject: PLANNING APPEAL AT 78 GRANGE ROAD
 APPEAL REF: APP/H0724/W/24/3353833
 Change of use of dwelling (Use Class C3) to large house in multiple occupation for up to 8no. residents (Sui Generis) (H/2023/0285).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the change of use of dwelling (Use Class C3) to large house in multiple occupation for up to 8no. residents (Sui Generis) at 78 Grange Road, reference H/2023/0285.
- 1.2 The appeal was allowed. A copy of the Inspector's decision (dated 18/03/2025) is attached (**Appendix 1**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
 Assistant Director – Neighbourhood Services
 Level 4
 Civic Centre
 Hartlepool
 TS24 8AY
 Tel: 01429 284291
 E-mail: Kieran.Bostock@hartlepool.gov.uk

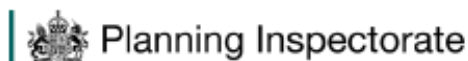
4.0 AUTHOR

- 4.1 Angela Hall
 Planning Technician
 Level 1
 Civic Centre
 Hartlepool
 TS24 8AY

Tel (01429) 523471

E-mail: angela.hall@hartlepool.gov.uk

Appendix 1.



Appeal Decision

Site visit made on 17 February 2025

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/H0724/W/24/3353833

78 Grange Road, Hartlepool TS26 8JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Abrams of Carwood House Ltd against the decision of Hartlepool Borough Council.
 - The application Ref is H/2023/0285.
 - The development is the change of use of dwelling to large house in multiple occupation for up to 8no. residents.
-

Decision

1. The appeal is allowed, and planning permission is granted for the change of use of dwelling to large house in multiple occupation for up to 8no at 78 Grange Road, Hartlepool TS26 8JQ in accordance with the terms of the application, Ref H/2023/0285, and the plans submitted with it, subject to the following conditions:

- 1) The use hereby permitted shall be operated so that no more than 8 permanent residents occupy the property at any one time.
- 2) The use hereby permitted shall cease within 3 months of the date of the failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision, a scheme for cycle storage as shown on Floor Plans and Elevation 2023/MD/02, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

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

Preliminary Matters

2. The description of development above is taken from the application form, removing wording that is not acts of development. As the change of use has already taken place I am therefore considering this appeal retrospectively.

Main Issues

3. The main issues are:
 - the effect of the development on the character of the area, bearing in mind that it is within the Grange Conservation Area (GCA);
 - the effect of the development on highway safety, with regard to car parking;
 - the effect of the development on the living conditions of neighbouring occupiers, with regard to odour; and
 - whether acceptable living conditions for the occupiers of the appeal property are provided.

Reasons

Character

4. The appeal site accommodates a mid-terrace property within a residential area. It falls within the GCA. From my observations and the GCA Character Appraisal (2009) (GCACA) the significance of the conservation area, insofar as is relevant to this case, is primarily derived from the dominance of residential use with a consistent, strongly suburban character. Although Grange Road is principally terraced and so has more urban than suburban characteristics, the properties are in residential use and so the appeal site contributes positively to the GCA.
5. Occupiers of a House in Multiple Occupation (HMO) are likely to lead independent lives from one another, and families occupying a single dwelling are more likely to carry out day to day activities together as a household. However, taking account of the size of the appeal property, it could be occupied by a large family with adults/teenagers, living largely independently. Therefore, any change in the pattern of movements from the change of use will be unlikely to be different to that arising from one large household that could occupy the property.
6. In any event, the property was previously a small HMO and the change of use modestly increases the number of occupiers from 6 to up to 8 and so will not result in a more marked and intensive level of activity that will be noticeable given that Grange Road is a busy thoroughfare. The development remains in keeping with the existing character of the area and will ensure the locally distinctive residential amenity of the GCA is preserved.
7. The GCACA sets out that conversion of single dwellings to flats could begin to harm the character and appearance of the conservation area where this results in changes to the elevations, leaves gardens un-green and communal areas unmanaged. None of these matters arise from the appeal development, which is for a large HMO anyhow, and not for flats. There is no change to the density of housing units in the area as a consequence. Character is not purely visual and the cumulative impact of HMOs can change the character of an area over time.

Nevertheless, there is no substantive evidence that the appeal site is in an area where there is a high concentration of HMOs, that the concentration of HMOs is already at saturation point or that the character of the area has been altered as a result of existing HMOs in the area.

8. Several residents have brought to my attention existing anti-social behaviour which I have carefully considered and I have no reason to doubt the local councillor's comments regarding community cohesion in the area. However, the Council's housing standards team indicate that they have not received any reports of anti-social behaviour at the appeal premises. Even if there has been anti-social behaviour associated with other HMOs in the locality, there is no firm evidence to demonstrate that the change of use will increase crime and anti-social behaviour. While the appearance of the rear alley way is said to currently detract from the character of the area due to fly tipping it is not supported in evidence that this is directly related to the appeal property.
9. The property will remain in residential use and the positive contribution the appeal site makes to the area will be maintained. It therefore follows that the contribution the appeal site makes to the character of the GCA as a whole will be preserved and its significance as a designated heritage asset will not be harmed. Consequently, the development meets the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the National Planning Policy Framework (the Framework) to conserve and enhance the historic environment.
10. To conclude on this main issue, the development is not unduly harmful to the character of the area and preserves the GCA and its significance, in accordance with Policy QP4 of the Hartlepool Local Plan (2018) (HLP). Amongst other things, this policy requires development to respect the surrounding buildings and sustain and/or enhance the historic environment and heritage assets.

Highway safety

11. The terraced properties on Grange Road have no off-street parking, and there are parking restrictions on one side of the road which reduces the amount of on-street parking available. Residents and the local Councillor indicate that there are already parking problems in the locality. Nonetheless, Framework paragraph 116 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
12. There is unrestricted parking available on nearby streets and given the scale of the development it seems unlikely that it will lead to an increase in on-street parking of such a scale that will result in unsafe parking on street corners or across footpaths from both occupiers and any visitors. In coming to this conclusion, I have taken account of comments from the Council's traffic and transport team that HMOs generally have lower car ownership. As such, the appeal scheme will not add to any existing parking problems in the area, to the extent that it will adversely affect highway safety or have a severe impact on the highway network.
13. Therefore, I conclude that the development is not harmful to highway safety, with regard to car parking and accords with HLP Policy QP3 which amongst other things, requires development to manage conflict between highway users.

Living conditions – neighbouring occupiers

14. Complaints have been made to the local councillor in relation to the regular accumulation of waste in the rear alley way, however as set out above, there is no substantive evidence that this is from the appeal property. The Council's waste management team had no objections and there is no clear reason for me to find that the storage of wheelie bins in the rear yard as shown on Floor Plans and Elevations 2023/MD/02 will not be sufficient to meet the needs of the occupiers.
15. Even if there have been complaints from neighbours about waste being stored incorrectly in the rear yard, the appellant advises that tenants are required to agree to management terms and if they are found to be in breach of their tenancy agreement it could be terminated. There is also said to be a management agent which gives the Council and neighbouring residents a point of contact should any issues regarding waste arise. This will ensure that the development delivers a high standard of amenity in line with the provisions of Framework paragraph 135.
16. Consequently, I conclude that the development is not harmful to the living conditions of neighbouring occupiers, with regard to odour and accords with HLP Policy QP4. This policy includes a requirement for development to not negatively impact the amenity of occupiers of adjoining or nearby properties by way of general disturbance.

Living conditions – occupiers of the appeal property

17. Notwithstanding that HMO licensing regimes operate separately to the planning system, the appellant has obtained the relevant licence for the property. The housing standards team have no objections to the internal arrangements of the development, including room sizes, which comfortably meet the size requirement for a single bedroom set out in the Nationally Described Space Standards (NDSS). The Council's submissions have also assessed the development against the room sizes against the NDSS for a one bed flat. The reasons for this are unclear given that the development is for a large HMO and not flats.
18. The windows in Bedroom 3 and 8 are relatively small but have an open outlook. While the position of the window in Bedroom 8 is lower down than would normally be expected, occupiers of this room will still be able to see a reasonable distance outward from the property. Each room has a functional layout with sufficient circulation space and occupiers will have a high standard of amenity in accordance with Framework Paragraph 135. There is no requirement for HMOs to provide a communal lounge. While the shared kitchen is relatively small, given the facilities in the bedrooms available to occupiers I have no clear reason to find that it will not be adequate for those that choose to use it. Similarly, there is a small area of private amenity space to the rear of the property which is acceptable taking account of the modest increase in number of occupiers.
19. I conclude that overall, the development provides acceptable living conditions for occupiers of the appeal property and accords with HLP Policy QP4, which requires development to be designed to a high quality.

Protected Sites

20. The appeal site lies within the zones of influence for the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar, Northumberland Coast SPA

and Ramsar, and Durham Coast Special Area of Conservation (the protected sites). The sites are protected pursuant to the Conservation of Habitats and Species Regulations 2017 (the Regulations) and are recognised for their value as complex coastal habitats including sandflats, mudflats and saltmarsh that support internationally important populations of breeding and non-breeding waterbirds such as Little Tern, Sandwich Tern and Wintering Knot.

21. Foul drainage and surface water drainage for the development is taken to the Seaton Carew Waste Water Treatment Works (WWTW). Natural England have advised that since this WWTW discharges downstream there is no hydrological connection with the Teesmouth and Cleveland Coast SPA. There will be no likely significant effect in this regard. However, the protected sites have been identified as being vulnerable to harm through recreational disturbance. Additional residents from the development could therefore cause an adverse effect on the integrity of the sites. As such, alone and in combination with other development, the development constitutes a likely significant effect on the protected sites.
22. I am required to carry out an appropriate assessment in relation to the effect of granting permission on the integrity of the protected sites. Mitigation has been developed to avoid such adverse effects in the form of the Hartlepool Coastal Mitigation Scheme. This is a strategic solution that has been designed to manage potential impacts from small scale development through funds raised through allocated sites in the HLP.
23. On this basis, in carrying out the appropriate assessment, I am content that the appropriate arrangements are in place to ensure that the adverse effects of the development on the integrity of the protected sites will be avoided. Consequently, with the above mitigation measures in place, the development will not adversely affect the integrity of the protected sites, either alone or in combination with other development. I note that Natural England were also of the same view.

Other Matters

24. While interested parties suggest there is plenty of affordable housing for single people in Hartlepool and no demand for additional HMOs, the Council's housing standards team indicate that the development will alleviate an existing lack of affordable accommodation. There is no clear evidence that the change of use will put additional strain on local services, or that there is a lack of family housing in the area. In any event, the scheme is for the change of use from small HMO to a large HMO and so does not result in the loss of a family house.
25. Comments relating to the devaluation of properties in the area is a largely private matter, which along with concerns about the intentions of the management company and owners, has not affected my consideration of the planning merits of the scheme.

Conditions

26. As the change of use has already taken place, it is not necessary to impose the standard time limit condition or the plans condition. A condition restricting the number of residents to 8 is imposed to regulate the overall effect of the development for the occupiers of adjoining and neighbouring properties.

27. In order to encourage sustainable modes of transport a condition is imposed to secure the submission and implementation of the cycle storage shown on the submitted plans. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition prior to occupation. Accordingly, I have worded the condition to meet the test of enforceability set out in the Planning Practice Guidance. The change of use has already taken place and outstanding works in relation to cycle storage are not extensive and so it is not necessary to impose a condition in relation to hours of construction.
28. As a mid-terrace property there is a sensitive relationship with neighbouring properties. However, there is no substantive evidence that the increase in occupiers will significantly increase noise and disturbance. As such it has not been shown that a condition relating to noise attenuation is necessary to make the development acceptable. The Floor Plans and Elevation 2023/MD/02 drawing shows the location for the storage of three wheelie bins, and does not indicate any specific bin storage structure, a condition on this matter is therefore not required.

Conclusion

29. For the reasons given above, the development accords with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be allowed.

F Harrison

INSPECTOR

PLANNING COMMITTEE

9th April 2025



Report of: Assistant Director (Neighbourhood Services)

Subject: PLANNING APPEAL AT 54 GRANGE ROAD,
HARTLEPOOL
APPEAL REF: APP/H0724/D/24/3352563
Replacement of existing black UPVC casement
windows with new black UPVC sliding sash windows to
front bay window and new footpath and paved garden to
front (H/2024/0070).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of replacement windows and new paving at 54 Grange Road, Hartlepool.
- 1.2 The appeal was dismissed along with the appellant's claim for costs. A copy of the Inspector's decisions (dated 18/03/2025) are attached (**Appendices 1 & 2**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

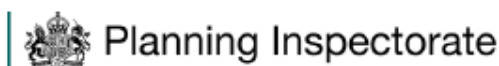
3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director – Neighbourhood Services
Level 4
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4.0 AUTHOR

4.1 Lee Kilcran
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 284091
E-mail: lee.kilcran@hartlepool.gov.uk

Appendix 1.



Appeal Decision

Site visit made on 25 February 2025

by M J Francis BA (Hons) MA MSc MCifA

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/H0724/D/24/3352563

54 Grange Road, Hartlepool, Cleveland TS26 8JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Shaun Porritt against the decision of Hartlepool Borough Council.
 - The application Ref is H/2024/0070.
 - The development proposed is replacement of existing black UPVC casement windows with new black PVCU sliding sashes to front bay window and new footpath and paved garden to front.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs by Mr Shaun Porritt against Hartlepool Borough Council has been made. This is the subject of a separate decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024, however, the principles relevant to this decision remain the same. Therefore, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication.

Background and Main Issue

4. The site is within the Grange Conservation Area (CA). The whole of the CA is subject to an Article 4(2) Direction where planning permission is required for a number of works to the front of a dwellinghouse, which includes the replacement of windows and the construction of a hard surface within the curtilage of the dwellinghouse where it would front a highway.
5. I saw when I visited the site that in the front garden the tree and bushes had been removed and paving slabs had been laid. The front path had been re-laid in red and black tiles with rope edging. However, these works are not matters of dispute. Therefore, the main issue is:
 - whether the replacement windows would preserve or enhance the CA.

Reasons

6. The appeal site is a two-storey, mid-terraced house, with an attic storey shown by the original front gabled dormer. The house is constructed of a pale, buff brick,

known as Pease brick, with an ornamental brick cornice below the eaves. There are decorative red bricks around the front doorway, where there is an original, wooden panelled door.

7. The site is in a terraced row of substantial houses, with small front gardens and tall, brick, chimney stacks. The CA is a mainly residential area of large, Victorian, terraced and semi-detached housing to the west of the town centre. The design of the houses varies, but the significance of the CA as it relates to this case are the bay windows, slate roofs and panelled doors which characterise the area. As the topography of the area is flat, there are long views along the roads which highlights the repetition of bay windows and gables and recurring architectural features and detailing.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the CA, great weight should be given to the asset's conservation.
9. The house has on the front elevation, sliding sash, black, wooden windows on the 1st and 2nd floors¹, however, the ground floor bay window is single glazed, black, uPVC, with a top bar. The appellant states that the bay window is in poor condition. The proposal is to change it to black, uPVC, EcoSlide, sash style windows, with horns and a central bar, and 24mm double glazed units. They consider that these would be safe and secure, and with an A rating would be energy efficient and save costs. Whilst the appellant acknowledges that timber windows are more traditional, they contend that they are more expensive, require greater maintenance, and the proposed windows would be of a higher standard.
10. The Grange Conservation Area Character Appraisal, 2009, (CACA) highlights that timber bay windows are a prominent feature in the area, used to enliven elevations. Instead, the side windows of the bay would be a sash style window with horns, whilst the central window would be fixed, although appearing as a sash. However, although traditional windows in the CA are generally double-hung, vertical sliding timber sashes, large numbers of ground floor bay windows have fixed central windows with one large pane of glass. It is thought that this may have been the result of developers at the time trying to impress potential customers with what was the latest fashion. Therefore, the design of the proposed central window would not be typical of that originally found in the CA.
11. Additionally, uPVC windows produce a uniformity of design, resulting in a smooth texture which lacks detail, particularly in joinery joints. Moreover, whilst uPVC windows have become more refined, they do not age like painted windows, and they alter the appearance of a building. This is more so on a prominently located front bay window, as is found at the appeal site.
12. Although many houses within the CA already have uPVC windows, these replacements are intrusive. The CACA states that the character of the area is being eroded by the number of inappropriate uPVC windows that have replaced

¹ H/2009/0342

Appeal Decision APP/H0724/D/24/3352563

original frames. Cumulatively, over time this erodes the area's special character. It is the details found in the design of timber windows that is essential in retaining the architecture of the buildings, which in turn sustains the character and appearance of the area. Therefore, the style and use of uPVC for the bay window would not preserve or enhance the CA.

13. In assessing the degree of harm to the significance of the CA, as set out in the National Planning Policy Framework (the Framework), the harm would be less than substantial as the changes proposed are localised in terms of the CA as a whole. However, regardless of the level of harm, the Framework indicates that great weight should be attributed to the conservation of heritage assets. In such circumstances paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal.
14. Whilst the appellant has set out the reasons for replacing the window in the style and materials proposed, this is essentially a private benefit. Although the proposed windows would be energy efficient, there is no substantive evidence of what the energy rating of alternative, new wooden windows would be, and only limited evidence of any financial benefits for current and future owners. Whilst the Council has acknowledged that replacing the existing windows with Victorian style sash windows would be an improvement, no wider public benefits have been set out. Therefore, the private benefit resulting from the proposal would not outweigh the less than substantial harm to the designated heritage asset to which I must give great weight.
15. I have found that the replacement of the windows would harm the significance of the CA, a designated heritage asset. Consequently, as it would fail to preserve or enhance the character or appearance of the CA, it would conflict with section 72(1) of the Act.
16. Therefore, I conclude that the proposal would fail to preserve or enhance the CA and there are no public benefits to outweigh the harm that would be caused to the significance of the CA. It would conflict with Policies HE1 and HE3 of the Hartlepool Local Plan, 2018, which requires the preservation and enhancement of heritage assets, including conservation areas. It would also conflict with chapter 16 of the Framework.

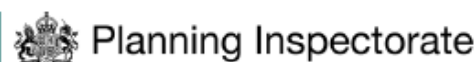
Conclusion

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, that outweigh the identified harm and associated development plan conflict.
18. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

Appendix 2.



Costs Decision

Site visit made on 25 February 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Costs application in relation to Appeal Ref: APP/H0724/D/24/3352563

54 Grange Road, Hartlepool, Cleveland TS26 8JF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Shaun Porritt for a full award of costs against Hartlepool Borough Council.
 - The appeal was against the refusal of planning permission for replacement of existing black UPVC casement windows with new black PVCU sliding sashes to front bay window and new footpath and paved garden to front.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
Unreasonable behaviour in the context of an application for an award of costs may be either procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The applicant contends that the Council's reason for refusal is based on vague, generalised or inaccurate assertions that are contradictory and unsubstantiated.
4. I have dismissed the appeal and found that the proposed new windows would fail to preserve or enhance the Grange Conservation Area (CA) and there would be no wider public benefits that would outweigh the harm that would be caused to the significance of the CA, which is a designated heritage asset.
5. The Council's officer report discusses that the windows would be more energy efficient and has highlighted the relevant paragraph in the National Planning Policy Framework (the Framework). In fact, they agree that the design of the proposed windows, which would look like sliding sash, and includes features such as decorative horns, would be more sympathetic to the character and appearance of the host dwelling than the existing windows in the bay.
6. However, a central sash window is not traditional to the area as detailed in the Grange Conservation Area Character Appraisal, 2009, (CACA). Moreover, the Council says that timber windows are a key feature of the CA and have referred to their previous assessment of this property when planning permission for sliding sash timber windows was applied for and approved.

Costs Decision APP/H0724/D/24/3352563

7. Whilst there are examples of uPVC windows in the CA, including on the host property, these windows, as set out in the CACA, have already eroded the appearance of the area. Although the proposal affects only one property, it is the cumulative effect of changing windows from wood to uPVC which can over time harm the character and appearance of an area and harm the significance of the CA.
8. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

M J Francis

INSPECTOR

PLANNING COMMITTEE

9th April 2025



Report of: Assistant Director (Neighbourhood Services)

Subject: PLANNING APPEAL AT LAND NORTH OF THE A179
AND WEST OF TREMAINE CLOSE, HARTLEPOOL,
TS27 3LE
APPEAL REF: APP/H0724/W/25/25/3362254
Application for the erection of 1 no. single storey
residential dwelling (C3 Use), associated engineering
works, site access and proposed landscaping
(Demolition of existing stables building) (H/2022/0045)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a planning application for the 'erection of 1 no. single storey residential dwelling (C3 Use), associated engineering works, site access and proposed landscaping (Demolition of existing stables building)' (H/2022/0045).
- 1.2 The planning application was refused by Members at the planning committee meeting of 11th September 2024 for the following reason:

In the opinion of the Local Planning Authority, the development would result in a new dwelling outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018), for which no satisfactory justification has been provided. The proposal does not meet any of the relevant tests for a new dwelling beyond development limits. The proposal is therefore contrary to policies LS1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), the Council's New Dwellings Outside Development Limits SPD (2015), policies GEN1, H4 and H5 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 83 and 131 of the NPPF (2023).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director – Neighbourhood Services
Level 4
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4.0 AUTHOR

- 4.1 Samuel Horsfield
Graduate Planning Assistant
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 284091
E-mail: samuel.horsfield@hartlepool.gov.uk

PLANNING COMMITTEE

9th April 2025



Report of: Assistant Director (Neighbourhood Services)

Subject: PLANNING APPEAL AT 14 ALBION TERRACE
APPEAL REF: APP/H0724/Y/24/3357116
Listed Building Consent for the retrospective replacement windows to front and rear, retrospective application render to rear elevation, retrospective removal of render from front elevation and proposed restoration of original brick external finish (H/2024/0064)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a Listed Building Consent for the retrospective replacement windows to front and rear, retrospective application render to rear elevation, retrospective removal of render from front elevation and proposed restoration of original brick work finish (H/2024/0064).
- 1.2 The planning application was refused by Members at the planning committee meeting of 11th September 2024 for the following reason:

In the opinion of the Local Planning Authority, it is considered that the installation of uPVC windows to rear elevation cause less than substantial harm to the designated heritage asset of the Grade II Listed Building (and the Headland Conservation Area) by virtue of the design, detailing and use of inappropriate materials. It is considered that the works do not sustain or enhance, but rather cause harm to the special interest and significance of the designated heritage asset and its setting. Insufficient information has been provided and there are no other material considerations that would this harm that would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 203, 205, 208 and 212 of the National Planning Policy Framework (2023).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director – Neighbourhood Services
Level 4
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4.0 AUTHOR

- 4.1 Samuel Horsfield
Graduate Planning Assistant
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 284091
E-mail: samuel.horsfield@hartlepool.gov.uk