

PLANNING COMMITTEE

AGENDA



Wednesday 23rd July 2025

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Bailey-Fleet, Boddy (C), Feeney, Hargreaves, Jorgeson, Little, Napper, Oliver, Roy, Thompson and Young.

1. **APOLOGIES FOR ABSENCE**

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

3. **MINUTES**

3.1 To confirm the minutes of the meeting held on 25th June 2025

4. **ITEMS REQUIRING DECISION**

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

1. H/2022/0255 Land North of Countryside Properties Wynyard Park Estate (page 1)
2. H/2025/0113 14 Elm Grove (page 71)

5. **ITEMS FOR INFORMATION**

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

5.2 Development Management Performance - Third and Fourth Quarter 2024-25 – *Assistant Director (Neighbourhood Services)*

5.3 Planning Appeal at 21 Northgate – *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.

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

Next meeting - Wednesday 20th August at 10am



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

25th June 2025

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

Present:

Councillor Moss Boddy (In the Chair)

Councillors: Quewone Bailey-Fleet, Tom Feeney, Sue Little, Amanda Napper, Karen Oliver, Aaron Roy, Carole Thompson, Mike Young

Officers: Kieran Bostock, Assistant Director Neighbourhood Services
Zoe Craig, Environmental Health Manager (Environmental Protection)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Stephanie Bell, Senior Planning Officer
Kieran Campbell, Senior Planning Officer
Ami Capper, Senior Planning Officer
Richard Redford, Senior Planning Officer
Scott Watson, Arboricultural Officer
Scott Parkes, Consultancy Officer
Umi Filby, Principal Property, Planning and Commercial Solicitor
Jo Stubbs, Principal Democratic Services and Legal Support Officer
Claire Mcpartlin, Democratic Services and Legal Support Officer

9. Apologies for Absence

Apologies were submitted by Councillor Pamela Hargreaves.

10. Declarations of interest by members

None.

11. Confirmation of the minutes of the meeting held on 28th May 2025

Confirmed.

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

Number:	H/2023/0370
Applicant:	PERSIMMON HOMES TEESSIDE RADCLIFFE CRESCENT THORNABY STOCKTON ON TEES TS17 6BS
Agent:	PERSIMMON HOMES TEESSIDE MR JAKE ANDERSON RADCLIFFE CRESCENT THORNABY STOCKTON ON TEES TS17 6BS
Date received:	07/11/2023
Development:	Section 73a application for amendments to H/2020/0261 (Section 73 application for amendments to planning permission H/2018/0493 (reserved matters) for the erection of 373 No. dwellings pursuant to H/2013/0573 (sites A and B)) to vary condition 1 (approved plans) in respect of an amendment to detailed landscape proposals to reflect the implemented soft landscaping on site.
Location:	FORMER BRITMAG LTD OLD CEMETERY ROAD HARTLEPOOL

This item had been previously deferred to allow members to attend a site visit

A Member noted that the NPPF (National Policy Planning Framework) clearly states that new developments should be sustainable and environmentally green as a core aim of their policies. It was concerning that within 1.35 it stated NPPF would not apply. As this was still a new residential environment the policy requirement should remain fully relevant. The Senior Planning Officer advised this was the applicant's view but the matter had been considered by officer's and this policy is considered relevant to the application.

The agent representing the applicant, Mr Jake Anderson, was present at the meeting and addressed the Committee seeking support of the application. Mr Anderson advised there were discrepancies between the site planting and what treatment was specified on the drawings, and that replanting was not been straightforward, however, Persimmon are working with the Case Officer and HBC Arboricultural Officer and planned to monitor all future planting.

A Member queried why trees were not planted before the properties were sold. Mr Anderson advised trees had been planted prior to the properties being sold however, due to coastal issues had died. Residents were now

living within the properties, so Persimmon were unable to make changes without their consent.

A Member asked if the landscapers had visited the site to understand the environment as trees were planted without understanding the complexities and nature of the environment. Mr Anderson agreed with the comment and advised Persimmon would look into this for future developments. The Arboricultural Officer advised the issue within this site had not been the species of tree but the way they had been planted, for example, the holes and re-fill were not as specified on the approved plan and they had not been maintained as they should have been.

Members questioned how long the landscaper had been employed to undertake the work on this site. Mr Anderson was unable to provide exact details however advised the original landscaper was no longer employed by Persimmon. A new landscaper would be undertaking the work moving forward.

It was queried whether anything could be done retrospectively with the trees that had died. The Arboricultural Officer advised trees needed to be planted correctly from initial planting. Re-planting would cause issues in the future and it was better to start from fresh.

Members referred to a point raised at the site visit around the trees on the public highway that had been adopted by the Local Authority. Clarification was sought as to whether this land had been adopted. The Assistant Director Neighbourhood Services was not aware of any public open space that had been adopted in that area. It was queried whether the new landscaper would replace the trees on the highway, Mr Anderson advised they would be replaced. This work will be overseen by the Arboricultural Officer.

A Member queried why this issue had not been addressed sooner. The Arboricultural Officer advised the issue was reported to the Enforcement Officer in 2022. Since this time consultations had taken place with the developer, who in turn had consulted homeowners and a retrospective application had been submitted in 2023.

In general discussion it was noted that the amendment to the application would not be in line with local and national policies on environmental green areas due to the decrease in the number of trees from the original plan. It was queried whether more tree lining could be put in place on the entrance to the estate from Old Cemetery Road and / or other areas of the site. Mr Anderson advised the planting of trees on other areas of the site was planned for phase three of the development. The Planning and Development Manager advised that Persimmon planting additional trees outside the limits of the submitted plan could be procedurally difficult particularly if they did not own or control the land.

Members suggested that this application be minded to be approved in principle but allow further discussions between the Chair, Vice-Chair, the

Arboricultural Officer, the Director of Persimmon Homes and Mr Anderson around potential planting in areas that are not part of the current application. The Planning & Development Manager reminded members of the need to consider the scheme before us. Mr Anderson however was agreeable to entering into these discussions. The Planning and Development Manager highlighted that some of the land under discussion may be owned by other landowners and not within the applicant or the Council's control. It was also noted that if the application was deemed minded to approve the developers would not have to take part in these discussions and there would be no options for enforcement. Members therefore clarified that they wished to defer this item to allow for discussions to take place. This item to come back to a future Committee for further consideration following completion of these discussions.

Councillor Roy did not participate in the vote as he joined the meeting once the consideration of the agenda item had commenced.

Members deferred this item by a majority with 1 against.

Decision: **Deferred**

Members considered representations in respect to this matter

Number:	H/2022/0376
Applicant:	MR BRETT WILKINSON WORSET LANE HART VILLAGE HARTLEPOOL TS27 3BE
Agent:	KANE ARCHITECTURAL SERVICES LTD THE OLD BREWERY BUSINESS CENTRE CASTLE EDEN TS27 4SU
Date received:	11/11/2022
Development:	Approval of all reserved matters for residential development consisting of up to 13no. dwellinghouses pursuant to outline planning permission H/2017/0028.
Location:	GLEBE FARM PALACE ROW HART HARTLEPOOL

The Senior Planning Officer advised that additional/amended plans had been received since the publication of the report. As referenced in the published report, the amendments related to the provision of 'handed' house type plans and that no further consultation was considered necessary given the nature of the additional/amended plans.

In general discussion it was noted that the style of housing does not necessarily fit with the character of the village and the entrance of the site would need to be landscaped and maintained. The Senior Planning Officer advised appropriate boundary treatment including the provision of a hedge would be created at the entrance and western boundary to the site and the Arboricultural Officer had provided insight to ensure there would be resilience long term.

The recommendations set out in the report were put to the vote. With advice from the Principal Property, Planning and Commercial Solicitor to the chair for a proposer and a seconder, the officer's recommendation was moved by Councillor Feeney and seconded by Councillor Thompson.

Members approved the application unanimously.

Decision: Reserved Matters Approved

CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following approved plans and details;

Dwg. 16_02_P_500 Rev B (Planning Layout), Dwg. 16_002_P_600 Rev B (Planning Type 1 House Type (AS)), Dwg. 16_002_P_601 B (Planning Type 2 House Type A(S)) and Dwg. 16_002_P_602 Rev B (Planning Type 3 House Type) all received 10.07.2023 by the Local Planning Authority;

Dwg. 16_02_P_502 Rev D (Materials Layout) received 29.01.2024 by the Local Planning Authority;

Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan' document, reference ARB/AE/3122 dated May 2023, received 10 July 2023 by the Local Planning Authority;

Dwg. 16_02_P_501 Rev C (Landscape layout); received 09.06.2025 by the Local Planning Authority;

Dwg. 16_002_P_600 C Planning Type 1 House Type (OPP), 16_002_P_603 B (Planning Type 2 V1 House Type (OPP)), 16_002_P_601 C (Planning Type 2 House Type (OPP) all received 23 June 2025 by the Local Planning Authority.

To define planning permission and for the avoidance of doubt.

2. Prior to the commencement of the development above ground level, 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. 16_02_P_500 Rev B (Planning Layout) received 10.07.2023 by the Local Planning Authority) shall first be first submitted to and approved in writing by the Local Planning Authority:

Type 1 House Type (First floor bathroom) plots 02, 06, 08, 12 & 13;

Type 2 House Type (First floor bathroom and first floor en-suite) plots 03, 04, 05, 09, 10 & 11;

Type 2 House Type (First floor bathroom and first floor en-suite) plot 7 and;

Type 3 House Type (First floor bathroom, first floor en-suite and first floor landing) plot 1.

The windows shall be glazed with obscure glass to a minimum level of 4 of the 'Pilkington' scale of obscuration or equivalent. Thereafter, the windows shall be installed in accordance with the approved details and prior to the occupation or completion (whichever is sooner) 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.

3. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development and notwithstanding the submitted tree and hedge protection measures identified in the Method Statement contained within the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan', reference ARB/AE/3122, document date May 2023, received by the Local Planning Authority on 10.07.2023), a scheme for the protection of existing hedge and trees present along the southern, eastern and western boundaries of the application site shall be first submitted to and be agreed in writing with the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed protection measures shall be installed and thereafter retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition including the identified construction exclusion zones. 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 adjacent existing trees and hedges and the visual amenity of the area.

13. Update (for information purposes) on planning application H/2022/0382 and a proposed amendment to condition 30 (off-site highways improvements works at the A19/A689) which has previously been subject to a ‘minded to approve’ decision by Members at the planning committee meeting of 17/04/2024 *(Assistant Director (Neighbourhood Services))*

Members were advised that following approval of application H/2022/0382 work had commenced on the Section 106 Legal Agreement. Whilst the legal agreement was being progressed the applicant / agent had undertaken work in respect of Condition 30 (Requested by National Highways) and had requested permission to vary this condition to allow for the occupation of no more than 15 dwellings before necessary highway works were completed. Officers were happy with this change, considered it could be dealt with as a delegated matter and had informed the Chair who had requested that the committee be informed.

Decision:

That the report be noted.

14. Controlling Houses in Multiple Occupation (HMO) – Article 4 Consultation *(Assistant Director – Neighbourhood Services))*

The Assistant Director Neighbourhood Services advised that a paper would be presented to Neighbourhood Services Committee on 30th June 2025 at 5:00 pm to commence an Article 4 consultation process to remove permitted development rights for HMOs in the Borough. Feedback or comments to the Assistant Director Neighbourhood Services or Chair of Neighbourhood Services Committee before the 30th June 2025 would be welcomed.

A member requested information on the number of Houses of Multiple Occupation (HMO) applications that had been refused where the decision was successfully appealed to be circulated.

Decision:

The Assistant Director Neighbourhood Services to circulate information on the number of Houses of Multiple Occupation (HMO) applications that had been refused where the decision was successfully appealed.

The meeting concluded at 11:10 am.

CHAIR

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 2018

<https://www.hartlepool.gov.uk/localplan>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN 2018

[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) 2024

[https://www.gov.uk/government/publications/national-planning-policy-
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

No: 1.
Number: H/2022/0255
Applicant: DUCHY HOMES
Agent: LICHFIELDS JOSH WOLLARD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF
Date valid: 28/06/2022
Development: Full Planning permission for the erection of 97no. dwellinghouses (Class C3) with associated infrastructure, access and landscaping
Location: LAND NORTH OF COUNTRYSIDE PROPERTIES WYNYARD PARK ESTATE WYNYARD WOODS WYNYARD BILLINGHAM

PURPOSE OF REPORT

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

BACKGROUND

1.2. The application site forms a parcel of land within the larger Wynyard area where various outline, reserved matters and full planning applications have been submitted.

1.3. With regards to this specific site, the most relevant applications to the current application site are set out below.

1.4. The following permission relates to an approved attenuation pond located to the east of the application site, into which the current application (H/2022/0255) proposes to connect to;

H/2024/0067 - Land North of A689, Wynyard Park, Wynyard - Engineering works associated with the construction of attenuation pond and drainage infrastructure to serve wider residential development - Approved 12th May 2025.

1.5. The land adjacent to the east of the site and wider parcels of Wynyard Park are subject to the following outline planning permission;

H/2022/0181 - Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access – Approved 26th February 2025.

1.6. This permission has been subject to a Non Material Amendment approval to amend conditions 22 and 29 (reference H/2025/0070, decision date 07/05/2025).

1.7. There are a number of associated applications (either approved or pending consideration) relating to this outline permission;

H/2025/0073 - Reserved matters approval for the appearance, landscaping, layout and scale for the erection of a Southern Spine Road in relation to outline permission H/2022/0181 for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access – Pending consideration.

H/2025/0110 - Approval of all reserved matters for Area 5 except access for planning permission H/2022/0181 (Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access) – Pending consideration.

H/2025/0200 - Section 73 application vary the wording of condition 30 (highway works) pursuant to planning permission H/2022/0181 (Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access) to amend the trigger for implementation of the highway works to the A19 to the 601st dwelling – Pending consideration.

1.8. Immediately to the west of the site is a parcel of land that benefits from the following planning permission;

H/2021/0157 - Erection of 9 residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works – Approved 02/08/2021.

1.9. It is subject to a further application that is currently pending consideration;

H/2025/0039 – Plot 6, Vivre Homes - Outline application for the sub-division of Plot 6, Vivre and the erection of 2no. dwelling, means of access, boundary enclosures and landscaping with all matters reserved except for access.

PROPOSAL

1.10. The application as originally submitted sought full planning permission for the provision of 84 dwellings with associated infrastructure and landscaping. A full suite of proposed drawings including proposed site layout, floor and elevational drawings of the various house types, boundary treatments and landscaping, were provided alongside technical reports including heritage assessments, travel plan, sustainability reports and noise assessment.

1.11. Part way through the assessment, the proposal was amended so that it sought full planning permission for the erection of 98 dwellings before then being reduced to 97 dwellings (an increase of 13 dwellings from that originally sought but reduction by 1 from the amended number) with associated infrastructure, access and landscaping. Amended plans and documents were provided at this point including amended site layout plan to show the development as amended and on which re-consultations were undertaken.

1.12. A number of the amended plans and additional documents for the revised number of dwellings were further up-dated to take account of consultee comments in relation to matters including drainage, highways (including travel plan) and landscaping. Further amended and additional drawings have been received relating to the site layout taking account of separation distance requirements (and concerns raised by officers) and an additional house type. On the basis of these newest amended and additional plans, the agent has highlighted that the landscaping details currently held as part of the application do not cover the amendments made so if the application is approved, a condition requiring up-dated landscaping details (including planting details for trees, shrubs etc) will be required to ensure this is appropriately addressed.

1.13. In the current amended site layout plan, a section of the spine road is to be provided off the existing roundabout to the south west of the site of which the vehicular access point into and out of the site is provided toward the south-western corner of the site.

1.14. The internal road within the application site comprises 1 main loop off which a number of private drives will extend. The majority of the dwellings proposed will be accessed off the main loop road with a number also being served of the private drives.

1.15. In respect of the dwellings, these have generally been arranged so as to face the road / private drive off which they will be accessed with those dwellings on road junctions having dual frontages. The dwellings are to be provided via 15 house types which are split to provide 26 x three-bed, 60 x four-bed and 11 x five-bed units with 81 dwellings being detached and 16 dwellings forming 8 semi-detached pairs.

1.16. Along the sites southern boundary, where the access into the site is and separating it from the southern spine road, is a landscaped strip running east-west while at the sites eastern boundary running north-south is another landscaped strip on which a footpath is also proposed to run north-south connecting to the footpath on the spine road to the south and beyond the site to the north.

1.17. During the consideration of the application and with particular respect to the consideration of drainage matters, an amended red edge plan has been provided to allow for the main part of the application site to connect to an area of land to the south-east via the route of the spine road. The land it connects to is the parcel covered by approval H/2024/0067 which is an area of land where an attenuation pond and engineering works has been approved with the extended red edge to accommodate the route of the drainage associated with the development proposed.

1.18. The application is brought before the Committee due to the number of objections received (more than 3) in line with the Council's Scheme of Delegation.

SITE CONTEXT

1.19. The site is currently a parcel of land previously used for agricultural purposes but which is currently not being farmed. It is surrounded by land allocated for housing with some residential elements being implemented or completed while other

parcels are undeveloped with either planning applications being considered or due to be submitted.

1.20. The application site is classified as ‘white land’ and within the development limits set by the adopted Hartlepool Local Plan Policies Map.

1.21. To the north of the site is housing approved under reference H/2015/0373 for ‘Outline application for the development of up to 30 No. residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works with all matters reserved.’ (approved 19.10.2016). Subsequent reserved matters (and in some instances full planning applications) have been approved and the self-build dwellings subsequently built and occupied with No’s 16-23 (inclusive) Duke of Wellington Gardens abounding the northern boundary of the application site.

1.22. Situated to the west of the application site is a residential development (known as Belgravia Close), approved under reference H/2021/0157 for the erection of 9 dwellings and is subject to a pending application to sub-divide a plot into 2 dwellings (H/2025/0039). The properties are

1.23. The adjacent site to the east and south-east of the site are parcels of land covered by outline planning approval H/2022/0181 that was approved subject to a Section 106 legal agreement for ‘Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access’. It is therefore set to be used for housing, education and playing pitches, subject to the consideration and approval of the requisite reserved matters applications, some of which are pending consideration (as set out in the Background to this report).

1.24. Immediately to the south of the site is the spine road which is currently being considered under reference H/2025/0073 with the description of development being ‘Reserved matters approval for the appearance, landscaping, layout and scale for the erection of a Southern Spine Road in relation to outline permission H/2022/0181 for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access.’ The approved masterplan for this site indicates that the land immediately adjacent to the east of the application site (and beyond the footpath route) would be for playing pitches and further residential development.

1.25. To the south of the application site and on the other side of the approved/proposed spine road is an approval for ‘Residential development comprising erection of 186 dwellings and associated works including access and landscaping.’ approved under reference H/2019/0473 (decision date 03.02.2021). The development (by Countryside Homes) is currently under construction with a substantial part of the site complete and occupied.

PUBLICITY

1.26. The application was originally advertised by way of neighbour letters, site notice and press advert. Following receipt of amended plans and additional

information including changes to the number of dwellings proposed and the site layout, further consultations were undertaken during the course of the application.

1.27. The most recent consultations were issued on 8th July 2025 (including to neighbours and Wynyard Parish Council) in respect to the amended red line boundary and amended layout (to seek to address Officer concerns regarding separation distances. This re-consultation period is outstanding at the time of completing this report and the officer therefore Recommendation reflects this. Any additional comments/responses received before the committee meeting will be considered by officers and Members will be updated at the committee meeting.

1.28. To date, there have been 10 letters of objection arising from the publicity undertaken. The concerns and objections received can be summarised as follows:

- separation distances have been removed from the submitted plans and minimum distances are not met;
- as this is currently a field with no built form, there is no reason to encroach on the minimum separation distances;
- the public open spaces is vastly undersized for the amount of houses;
- adverse affect on privacy and safeguarding due to inter-looking between plots and properties to their rear;
- the increase in proposed dwellings from 84 to 97 is unacceptable and represents a 17% increase which has pushed the dwellings to the sites extremities;
- height differences will result in the dwellings proposed being overbearing;
- misrepresented distances on the plan which shows there to be an overdevelopment of the site;
- No apparent provision made for land water run-off from the site to the gardens of Duke of Wellington Gardens where steep gardens exist very close to the fence;
- Housing close to Duke of Wellington Gardens should be levelled to similar ground levels as the difference in heights will affect the privacy and security of existing residents;
- There is a lack of amenity and open space with children having to walk on areas where there are no footpaths to go to an external open space;
- Driveways on the plan are very tight with no provisions for vehicles longer than a small car;
- The increase in property numbers appears to be on the basis of the applicant being required to cover the cost of the access road from the meadows roundabout into what would become the main means of access into the site from what will become the southern spine road;
- Justification of the above also refers to the need for the applicant to make use of access from Duke of Wellington Gardens junction with Belgravia Gardens (Vivre homes) for a period of 12 weeks increasing to a maximum of 16 weeks for construction traffic movement purposes. It's assumed the applicant was aware of the fact that access to the site would be via what will become the southern spine road and the expectation they needed to cover the cost of the southern spine road or part thereof.

1.29. 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/2022/0255

1.30. The period for publicity expires on 29th July 2025 as noted above and which is reflected in the officer Recommendation for the report. Members will be updated in respect to any additional comments received at the committee meeting.

CONSULTATIONS

1.31. The following consultation replies have been received:

HBC Arboricultural Officer;

original comments (summarised) received 08.09.2022;

The proposed development causes no concerns for trees being cut down on the site. The site is empty of trees and hedges and there are no TPO or Conservation areas on the site.

Further comments (summarised) received 30.04.2024;

Point 14.0 of the Construction Management Plan states that tree protection will be provided in accordance to the submitted arboricultural impact assessment however there was never an AIA submitted but a confirmation statement from the arboricultural statement stating no trees or hedges within 15 meters of the development.

Further comments received 30.4.2025;

Most of the changes to tree locations have been made for the betterment of the site. Two locations remain unchanged. Plot 8 has 2 trees one in the front and one in back and it is advised to move the tree in the rear garden to plot 7 to even out the tree equity.

For the public open Space, it is advised to reduce the number of trees from 2 to 1 and change the species to more of a feature tree such as Ginkgo biloba, Sequoiadendron giganteum or Metasequoia glyptostroboides etc.

It appears that some Ulmus New Horizon have been included to the south boundary of the site however they have not been included to the key/notes to the right of the Landscape Masterplan. They would also be better suited in amongst the street trees rather than some of the species already listed. I am still of the opinion that a wider variety of bio-diverse tree species are needed throughout the scheme as previously mentioned.

This shouldn't just be seen as an exercise to appease the council but for the actual betterment and long term tree-scape of the development to ensure that the species that are planted are suitable for the changing climate of the UK. We must ensure trees are still on this development and thriving in 50 years plus, not just the next 10.

The scheme is close to being one of the better tree planting schemes put forward for an estate in Wynyard if it was more biodiverse and therefore bio-secure.

Further comments received 29.05.2025;

Tree planting will now be addressed by way of condition notwithstanding what has already been submitted. Previous comments submitted by HBC arboricultural officer should be addressed when the condition comes to be discharged.

HBC Countryside Access Officer; (further comments received 07.05.2024)

Please refer to my comments made on 15th September 2022 that set out as follows; Would like to see the creation of a direct link to the Castle Eden Walkway to the west of this proposed development. This NCR is also a nationally recognised Walkway and is well used by pedestrians, cyclists and on occasions, horse riders. A safe link from the north side of the A689 to the southern side of the A689 would make it possible for the future residents of this and other close by developments to access it safely.

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

The Wynyard Woodland Footpath Strategy (Rev C 16-01-2020) shows the proposals for the future of this area and how residents will be able to enjoy more than just a localised walk in their home's vicinity.

HBC Ecology;

Original comments received 26.07.2022;

Ecology summary

- Some further information is required from the applicant
- The Nutrient Neutrality issue is screened out
- A financial contribution must be secured to mitigate recreational disturbance

The LPA is seeking consistency for major planning applications and as part of the validation requirements, a Biodiversity Metric 3.1 Excel spreadsheet must be completed, showing the baseline habitats (and hedges) and Habitat Unit scores and showing the post-development habitat creation and enhancements and their Habitat Unit scores. The LPA is currently seeking a minimum of 'no net loss' of biodiversity. The baseline should be based on the habitats mapped on site, including the ephemeral ponds. If the new on-site habitat (likely to be the residential garden category) does not provide enough biodiversity enhancement to give 'no net loss' of biodiversity, the applicant must secure off-site measures to offset the loss, and submit these to the LPA.

Information still required

Biodiversity Metric 3.1 (both baseline and post-development tabs); including habitats and condition justification report.

As created and enhanced BNG habitats must be managed for a minimum of 30 years. This is likely to be via a Landscape Management and Maintenance Plan for the landscaping schemes and a Biodiversity Management Plan for any off-site habitat measures. This is to ensure biodiversity gains are guaranteed over the long term and all plans should be conditioned.

Information still required

Landscape Management and Maintenance Plan and/or a Biodiversity Management Plan.

Ecology – EclA findings and Conditions

I have assessed the submitted Ecological Impact Assessment (EclA) report prepared by Naturally Wild and dated 08/11/2021. The baseline habitat is grassland and bare ground. It should be noted that until recently this was arable farmland and part of a much larger unit, which formed a significant ecological asset of good populations of several species of farmland bird, as well as brown hare. In cases where there are several individual applications in the same habitat connected area, it is essential that ecological impacts are assessed ‘in-combination’, to ensure that the piecemeal approach does not undervalue the ecological value. The ‘in-combination’ approach would be best demonstrated by the submission of a Wynyard Park-wide Biodiversity Strategy. This is an issue that has been raised for several Wynyard planning applications.

The section on brown hare says: *it is considered highly likely that brown hare will be present on site and, therefore, the effects of the proposed development on brown hare are expected to be negligible*. While this statement may include an error, and the intention may have been to say ‘unlikely’, due to the high number of brown hare records and my own experience and understanding of the brown hare population in this area, the statement should read: *it is considered likely that brown hare will use the site and, therefore, the effects of the proposed development on brown hare are expected to be significant*. This is because brown hares have very large home ranges, use a variety of habitats (including cereal crops, bare fields, grassland and woodland) and there is a large population in the area. The brown hare population will therefore be harmed. However, I accept that harm to brown hares cannot be mitigated or compensated for by this scheme.

I largely support the EclA findings, though do not require the following:

- A badger pre-commencement walkover survey is not required; instead, there should be a condition to avoid harm to badgers during the construction phase (see below).

The following recommendations in the EclA report should be conditioned:

- To ensure that impacts to designated wildlife sites resulting from increased usage are minimised, owners of each of the new properties on site should be provided with an information pack outlining the biodiversity value of the Local Wildlife Site and Local Nature Reserve, including what habitats and species

the sites are designated for, to outline the importance of the area in a local context and encourage responsible usage.

- A condition to mitigate harm to badgers – excavations to be securely covered overnight, or to include a means of escape for mammals.
- A bird nesting condition (or informative) to ensure work is undertaken outside of the bird nesting season (March to August inclusive) or only if a nesting check has been undertaken within 48 hours by an experienced Ecologist and submitted to the LPA.
- Low-level lighting schemes should be used for both the construction and occupation phases, to safeguard commuting and foraging bats from harm.
- The landscaping scheme should mostly include native plant species and/or species of known wildlife value that will enhance the ecological value of the site for local populations of invertebrates, birds, bats and small mammals.
- 1 N° integral bat roost brick or bird nest brick to be built into the walls of each dwelling (house or garage). This will satisfy the NPPF requirement for biodiversity enhancement which is additional to Biodiversity Net Gain (BNG).

Information missing from the EclA report includes definitive measures based on the planning mitigation hierarchy of 'retain mitigate, compensate', to address habitat losses. This will be dealt with in the BNG Biodiversity Metric 3.1.

Information still required

Compensation for destroyed habitats (to be covered by the BNG report).

NPPF Biodiversity enhancement is covered by the bat and/or bird bricks condition.

Habitats Regulations Assessment

I have prepared a Habitats Regulations Assessment (HRA) stage 1 covering Recreational disturbance and Nutrient Neutrality.

Recreational disturbance

Hartlepool LPA (as the competent authority) has Natural England authority to approve HRAs for recreational disturbance so long as the HRA conclusion is in line with the Hartlepool Coastal Mitigation Scheme. This concludes that harm can be avoided if Suitable Alternative Natural Green Space (SANGS) and/or a financial contribution is secured. The Hartlepool Coastal Mitigation Scheme is the Hartlepool Local Plan Mitigation Strategy and Delivery Plan, which was approved at the Local Plan Examination and by Members.

For this application there will be an increase in 84 dwellings and the Local Plan HRA metric give an increase in new people to the area as 193 (2.3 per dwelling), with 20 households (24%) likely to own one or more dogs. To mitigate this increased recreational disturbance a financial contribution must be secured, as calculated by the HBC metric. This financial contribution is required by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and is additional to any contributions required by planning legislation.

Funding metric: £200/ dwelling x84 = £16,800.

This is made up of £100/dwelling, as the site is within 7km driving distance of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site; and £100/dwelling as alternative greenspace to divert recreational activities away from the SPA includes Council run countryside recreational sites (Wynyard Walkway). The contribution is to go towards management of the Wynyard Walkway and/or coastal projects that protect and enhance the T&CC SPA and Ramsar Site.

- A financial contribution of £16,800 is required to mitigate potential recreational disturbance to European Sites.

Nutrient Neutrality

The following figures and calculations are from the NE Nutrient Neutrality Budget Calculator for the T&CC SPA/ Ramsar.

For this project the Nutrient budget is neutral (the total annual nitrogen load is 0 kg TN/year), meaning that adverse LSE impact caused by nutrient enrichment is screened out.

I will provide further comments on this application when the additional information is submitted.

End

Habitat Regulations Assessment Stage 1 (summarised)

HRA Stage 1 conclusion

- The HRA stage 1 has screened the appropriate European Sites against potential adverse impacts.
- The T&CC SPA and Ramsar Sites are screened in.
 - There is one Likely Significant Effect (Recreational disturbance).
- Recreational disturbance will be mitigated if a financial contribution of £16,800 is secured.
- Additional sewage will be dealt with by the Billingham Waste water Treatment Works and pumped off-shore.
 - There will be no additional surface water run-off (which could increase nutrient pollution).
- An HRA stage 2 Appropriate Assessment is not required.

7. Overall Conclusion After the above stage 1 screening, this project is assessed as not causing Likely Significant Effect. European Site features will not be adversely affected and an HRA stage 2 Appropriate Assessment is not required. The HRA process is complete at Stage 1.

Further comments received 19.03.2025:

Are still waiting for the final version of the strategic BNG report and given the importance of the document, they would expect the final version be submitted with the full planning permission so request this is submitted.

Further/updated comments received 07.07.2025:

Thank you for consulting HBC Ecology.

The submitted Biodiversity Net Gain Feasibility Report (OS Ecology, July 2023) identifies a residual net loss of 0.49 biodiversity units. The report suggests this loss could be addressed either by:

- Incorporating the scheme into a wider site BNG assessment for Wynyard Park; or
- Additional on-site measures such as planting five urban trees, which the report indicates could achieve a net gain.

At present, there is no clear commitment as to how BNG delivery would be secured.

Although this application predates mandatory BNG under the Environment Act 2021, Policy NE1 of the Hartlepool Local Plan and paragraph 180 of the NPPF require developments to avoid net biodiversity loss and, where possible, deliver measurable enhancements. To provide certainty, a pre-commencement condition is recommended requiring submission and approval of a Biodiversity Net Gain Plan. This plan should demonstrate how at least no net loss (which would necessitate a resolution for the current loss of 0.49 units) will be delivered and secured, including management and monitoring arrangements for a minimum of 30 years.

Habitats Regulations Assessment (HRA)

The site lies within the zone of influence for recreational disturbance on the Teesmouth & Cleveland Coast SPA and Ramsar site. The supporting information confirms that foul water will be discharged to Billingham WWTW. Recreational disturbance impacts are proposed to be mitigated through a financial contribution of £16,800 towards the Hartlepool Coastal Management Scheme. (*Detailed in the previous HBC Ecology consultee response prepared by G Megson*). I am satisfied that the previously prepared HRA remains relevant to the current submission.

Subject to securing this contribution via a legal agreement, the development is unlikely to result in significant adverse effects on the integrity of the European site.

Summary

No objection on ecological grounds subject to:

Securing the £16,800 financial contribution towards the Hartlepool Coastal Management Scheme (HRA mitigation).

A pre-commencement condition requiring submission and approval of a Biodiversity Net Gain Plan demonstrating no net loss (0.49 units).

HBC Education: No objection subject to a financial contribution via Section 106 agreement.

HBC Engineering Consultancy (LLFA);

Comments received (summarised) 14.11.2022 in respect of contamination;

In respect of contaminated land please include our standard unexpected contamination condition on any permission issued for proposals.

Further comments received 11.4.2025;

The Applicant has provided a great deal of summary information based on previously agreed design criterion with the LLFA. As a result, we have not included further review of available information or the site wide drainage strategy.

In this instance our response is restricted to the development parcel specifics, with the design details and Full Planning Application for Stages 1 and 2 of the South Pond works included in our response to H/2024/0067. It is noted that removal of our objection to proposals for H/2022/0255 are reliant on comments being fully addressed on H/2024/0067.

We note that this development parcel no longer partially drains to Wellington Pond. No further comments on this point.

Given that NWL adoption is proposed, are they willing to accept flow velocities of 1683l/s through the spine road? This has still not been addressed and there is now an additional flow of 398.7l/s. Their most recent consultation response dated 19th March 2025 indicates that pre-planning enquiries have not been undertaken. There is no updated modelling to accompany the proposed changes in site drainage or for the pine Road. Please provide these.

How does the additional discharge to the Central and South Pond system impact other ongoing planning applications (i.e., H/2024/0067)? We understand from H/2024/0067 that the wider site model includes 430.9 l/s for discharge from this system in the 100+40% CC event. However, the updated drawings state there will be 829.6l/s.

Further comments received 23.06.2025;

Our recollection from the meeting is that this application is reliant on construction of the Stage 1 South Pond only and that the Stage 1 flow control will be swapped out for a larger unit when other plots, and the Stage 2 South Pond are constructed. Micro Drainage outputs submitted as part of the attached response document include the Stage 2 South Pond and all future connections (flow control based on ~32ha * 3.5l/s/ha).

There is no response or modelling demonstrating the Stage 1 South Pond discharge rate, presumably based on 3.5l/s/ha for their application site only. We note we have seen modelling submitted as part of the H/2024/0067 application for the Stage 1 pond showing a 39.5l/s discharge rate.

We need to understand restricted discharge rates and attenuation requirements for this application only. We note this application is also reliant on discharging the relevant condition attached to the H/2024/0067 South Pond application.

Final comments received 01.07.2025 from HBC Consultancy Manager:

Can I request our detailed design condition which is amended to include the specific information highlighted through our most recent review of the application? Whilst we already have the majority of the detailed design information, its probably best to use this to frame the condition.

1. 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. Particular attention should be paid to providing information to confirm the attenuation requirements for the site and how restricted discharge is to be provided. Additionally, confirmation of the provision of the 'Stage 1 Pond' contained within H/2024/0067. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

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

Not sure whether the comment around the Stage 1 Pond needs to be a separate condition but included it within this one as a starting point?

HBC Landscape Architect;Comments received 26.04.2024;

Landscape details have been provided which are acceptable, given the density of the housing layout.

Further comments received 23.05.2025:

It is understood that landscape details will now be controlled by condition.

HBC Traffic and Transport;Updated comments (following amended layout) received 23.05.2024;

All driveways should be a minimum 6 metres in length, a number of the drives are only 5.5metres.

A number of the private drives have insufficient width to allow comfortable access and egress. Private drives should have a minimum 6 metre parking space with a 5 metre carriageway to allow manoeuvring.

Plot 47 the parking spaces for this plot are located alongside the property which require a vehicle to reverse 50 metres + to exit, a turning facility should be provide within the private drive to allow vehicles to enter and exit in a forward gear.

A cross road type junction is proposed, it is preferred to use staggered junction type arrangements, however in this case the developer as mitigated by raising the junction to ensure that vehicles approach at a slow speed, give way markings should also be implemented indicating priority to the east / west legs.

Road hump ramps should not be located across drive crossings Plot 3,15,22,71 have the ramps partially across drive crossings.

The entrance feature wall, who will be responsible for this feature following the adoption of the estate. A commuted sum will be required if the Council takes ownership.

The development should fund identified improvements to the A689 / The Meadows roundabout. The cost of these improvements is 250K. The contribution required may reduce due to a potential funding coming from the TVCA and other developments being brought forward.

Construction Management Plan

It is proposed in the CMP that whilst the southern spine road is being constructed, construction traffic will access the site via Wellington Gardens. It is anticipated that this access will be required for 16 weeks. A condition should be made which restricts this access for a duration of 16 weeks to ensure that existing residents are subjected to minimal disruption.

Further comments received 27.09.2024:

The amended scheme as met my previous comments except for drive length, Drives have a minimum length of 5.5 metres although this does not meet the standard 6 metre length it is above the minimum requirement. I therefore have no further objections.

Further comments received 10.07.2025 in respect to the requirement for mitigation works at the A689/The Meadows roundabout and the agent's view that the mitigation is covered by another permission (H/2022/0181):

What (the agent) is saying may be technically correct and it would be much simpler if one development was to fully fund the improvements at The Meadows roundabout, however, we have concerns that if this development commences prior to H/2022/0181 then we would not have the improvements in place on the Meadows roundabout. It may be several years before the H2022/0181 development commences and this would leave existing residents and future resident to deal with a worsening traffic situation. In order to ensure that that this doesn't happen a

condition would be required which prevents occupation of the properties until these measures have been implemented. Alternatively, they should be prepared to fund the improvements in order to get their development started.

It may need some agreement between the developers outside of the planning framework to come up with a funding agreement to enable the Local Authority to commence the improvements.

HBC Waste Management;

Comments received 12.8.2024;

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.'

Cleveland Fire Brigade;

Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

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

Cleveland Police;

Comments received 10.11.2022;

Police have no objections though development is located in a lower than average crime rate we would always recommend that doors and accessible windows are to a good level of security doors and windows certified to PAS24 2016 would provided this it also important to have good lighting to all roads and footpaths lighting that complies with BS 5489 would ensure this. It is also important that any rear /side boundaries to open land deter intrusion to rear gardens boundaries require to be a min of 1.8m with no climbing aids.

Further comments received 01.04.2025

In relation to this application, all previous comments are still valid.

Forestry Commission; Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and plantations on ancient woodland sites (PAWS). It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodlands unless there are wholly exceptional reasons and a suitable compensation strategy exists.

It is noted that there is a ASNW close to the proposed development, with contiguous Priority Habitat, Deciduous Woodland also extending extremely close to the site. If the deterioration of this woodland is to be avoided, its protection should be carefully planned and audited throughout construction.

The standing advice also provides information on mitigation, including the use of buffers. Proposals in proximity to ancient woodland should have a buffer zone of at least 15m from the boundary of the woodland to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, for example the effects of air pollution from increased traffic, the proposal is likely to require a larger buffer zone. We would be keen to engage further with Hartlepool Borough Council in relation to any mitigation and compensation strategies.

We would also like to draw your attention to paragraph 131 of the NPPF which states that planning policies and decisions should ensure that existing trees are retained wherever possible. Full planning permissions, where standing trees would impede the approved development, do not need to directly specify the trees to be felled in their application. However, where there's a desire to remove standing trees, and those trees are not, for example, within the approved footprint of a structure to be constructed, then those trees would need to be explicitly referenced in the planning application and permission in order to allow for their legal felling.

What is most important to the Forestry Commission in this case is that there will be no loss or detrimental impact as a result of this proposed development on ASNW and other woodland, as mentioned above.

Independent Waters Network; (summarised)

I can confirm GTC has no assets within the boundary line of the site in question but there are GTC owned assets surrounding the proposed site.

National Highways;

Following a number of previous responses/Holding Recommendations, updated comments were received 25.4.2025:

We have had a review undertaken of this application via Hartlepool BC's planning portal and can confirm that the agreed Travel Plan (dated February 2025) has been submitted to accompany the planning application. Consequently, we can remove our objection, subject to recommending the following planning condition (TP implementation):

Condition: *"The development shall only be occupied in accordance with the approved Travel Plan (February 2025) which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19)."*

Reason: *"In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework and paragraph 40 DfT Circular 01/2022."*

I attach our formal conditional response.

I trust this is clear but please get in touch if we can assist further.

(Summarised)

Annex A - National Highways' assessment of the proposed development

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

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

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

Natural England;

Comments received 20.09.2022 and 16.05.2024;

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on the Teesmouth & Cleveland Coast Special Protection Area (SPA) and Ramsar site. This is because the foul and surface water will go to Billingham WwTW which discharges outside of the Nutrient Neutrality catchment.

Further comments received 18.03.2025 regarding amended plans (summarised);

Natural England has previously commented on this proposal and made comments to the authority in our response dated 20 September 2022 reference number 404187.

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.

Further comments received 10th July 2025;

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

NHS Tees Valley Clinical Group;

Further comments received 10.09.2024;

Please see below our amended response from NHS ICB North East & North Cumbria.

Request S106 funds.

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

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

In calculating developer contributions, we use the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation. We use the NHS Property Service build cost rate of £3,000 per square metre to calculate the total financial requirement. This reflects the current position based on information known at the time of responding. The NHS reserves the right however to review this if factors change before a final application is approved.

Item	Response
LA Planning References	H/2022/0255
GP Practices affected	Skerne Medical Group
Local intelligence	This practice falls within the Sedgfield North Primary Care Network which are at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients
Number of Houses proposed	98
Housing impact calculation	2.3
Patient Impact (increase)	225
Maxima Multiplier	0.07
Additional m ² required (increase in list x Maxima Multiplier)	15.778 m ²
Total Proposed Contribution £ (Additional m ² x £3kpm ² , based on NHSPS build cost)	£47,334

Northern Gas Networks;

Most recent comments received 09.09.2024 (summarised);

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains

records of the area covered by your proposals together with a comprehensive list of precautions for your guidance.

Northern Power Grid;

Most recent comments received 02.08.2024 (summarised);

No objections providing their rights are not affected and that rights to access their apparatus are not impacted upon.

Northumbrian Water;

Most recent comments received 20.3.2025;

Thank you for re-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/developers.aspx>. We have reviewed the additional information submitted for this planning application. However, I can confirm that as of today's date our records indicate that our Pre-Planning Enquiry team has not been contacted regarding this site. Therefore, at this time the planning application does not provide sufficient detail with regards to the management of foul and / or surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and / or surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

How to Satisfy the Condition

The applicant should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or email DevelopmentEnquiries@nwl.co.uk. The applicant should then submit a drainage strategy reflecting our recommendations for consideration as part of the planning application.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

For Information Only

Please note that the site lies within drainage area 11-D29. This drainage area discharges to Billingham Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

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

HBC Public Protection; No comments received.

Stockton Borough Council;

Comments received 07.09.2022

Following a review of the application and accompanying information, Stockton Borough Council raises objection to the proposed development on highway and safety grounds. I have attached the comments from the Highways, Transport and Design Manager. I would be grateful if both representations could be uploaded onto your public access.

Officers at Stockton-on-Tees Borough Council welcome the continued joint working with officers at Hartlepool Borough Council regarding the delivery of sustainable development at Wynyard.

Tees Archaeology;

Original comments received 23.09.2022;

Thank you for the consultation on this application. We note the inclusion of a desk-based assessment, which provides a comprehensive review of the archaeological resource of the study area. Although this document recommends that a watching brief is carried out on the site during its initial strip, we do not feel that there is sufficient potential for this to be worthwhile. The site has been previously evaluated, recording only the remains of medieval ridge and furrow, and the tracking of machines across site is likely to have damaged any below ground remains. As such, we do not recommend that any further archaeological work is necessary on this site.

Further comments received 02.08.2024;

Thank you for the additional consultation on this application. Our comments of September 2022 remain unchanged.

Wynyard Parish Council;

A number of comments and objections were received on the original proposals. Further comments were received following the amendments to the layout and increase in dwelling numbers on 13.05.2024;

Wynyard Parish Council (Hartlepool) would like to object to this application on the following grounds:

The increase from the original application for 84 homes to 98 is overdevelopment. There will not be any green space and residents will struggle with car parking arrangements and due to the width of the proposed roads this could lead to problems. The proposal of construction traffic using Duke of Wellington Gardens is not acceptable due to the size of the road and equally the size of the construction proposing to use this residential road.

It is noted that the developer wishes to use Duke of Wellington Gardens for a period of 16 weeks but has proved in the past this road could become blocked for emergency vehicles causing a possible danger to life. This proposal put health and safety at risk. Vehicles will struggle to access the proposed access point within Vivre homes.

The applicant made an original application based on the knowledge that the site could accommodate 84 properties. The additional properties will no doubt be constructed to cover the costings of the southern spine road.

There is no clear easement along the northern boundary of the properties on Duke of Wellington Gardens in the proposed Duchy 2 development. The plans indicate that a wooden fence would be extremely close to the existing estate fencing currently in position along the full boundary of properties in Duke of Wellington Gardens. Thereby maintenance of both fences becomes a problem for existing and potentially new residents because how would access be gained to maintain the rear of the proposed wooden fencing,

The land level appears to have a height difference between the existing properties and the proposed development. If approved, the land level should match the existing levels.

The additional proposed properties is going to add to the traffic adjoining The Meadows roundabout.

The further development of more properties goes against the Wynyard Design plan and this should be taken into account when deciding the application.

Wynyard Park is lacking in amenities and this overdevelopment will exacerbate this ongoing situation.

The Parish Council strongly feel that the developer is being over zealous increasing the number to 98 properties.

Further comments received 13.09.2024:

In addition to our previous comments and noting that several of our previous queries have not been adequately addressed, we object to this application on the following grounds:

Over development: Wynyard Parish Council (Hartlepool) acknowledge and accept that this parcel of land was allocated within the agreed Local Plan for housing. However the increase from the original application for 84 homes to 98 an increase of over 18% is significant over development and considered out of character with its neighbouring developments which have a lower housing density. The Planning Policy Comments support this view which states that within the Master Plan, zones WP-B which is this plot and its neighbouring site (Belgravia Gardens) was assigned for 100 homes. The combination of both sites is now 107 properties!

The additional 14 properties on this application have been included in this proposal purely to cover the cost of constructing the main access road (Southern Spine Road) leading to the development. As the Southern Spine Road is part of the area's main infrastructure we believe that this should have already been constructed and paid for by the land owner (Wynyard Park) prior to selling off areas of land for development.

As a result the developer (Duchy Homes) is attempting to recover its costs by cramming in the additional 14 houses together with shorter driveways which will result in residents and their visitors parking on the estates' roadways. This will be a further hazard for pedestrians and cyclists. There is no green space which will negatively impact on the visual aspect of the area coupled with car parking arrangements due to the width of the proposed roads. The additional proposed properties are going to add to the traffic adjoining The Meadows roundabout. The further development of more properties goes against the Wynyard Design plan and this should be taken into account when deciding the application.

Emergency Services Access: It is noted that the developer wishes to use Duke of Wellington Gardens and the ongoing Belgravia Gardens development access roads for a period of 16 weeks. The proposal of construction traffic using Duke of Wellington Gardens is unacceptable due to the size of the existing road and equally the size of the construction traffic and delivery vehicles proposing to use this existing residential road. This has already proven to be a significant hazard as the road became blocked during 2022/23 when construction traffic accessing Belgravia Gardens failed to make the turn, blocking the road for over an hour, delaying any traffic movements in and out. This is putting the residents of Duke of Wellington Gardens and their homes at significant risk should they need emergency services/vehicles, causing a possible danger to life.

Flooding: During May 2024 the area suffered with heavy rainfall resulting in flooding across areas of Wynyard Park. Whilst remedial work has since been undertaken to ensure drains have been cleared, it was evident (photographs are available) that the SUDS pond that services Duke of Wellington Gardens came close to overflowing.

We are aware that this development and a significant number of properties and roads along the Western boundary and the Belgravia Gardens development propose to have their surface water connected to the inlet of the same Suds pond. We have raised our concerns regarding the design capacity of this suds pond with all parties and to date have not yet received any acceptable explanation which would allay any fears regarding potential flooding. Recent reports submitted have amended the design of the Southern Suds pond but at this stage we remain unconvinced that the Duke of Wellington Suds pond can accommodate surface water from this site.

Land Levels: The land level appears to have a significant height difference between the existing properties of its neighbouring developments of Duke of Wellington Gardens and Belgravia Gardens and the proposed development. This will result in the new homes appearing to tower over existing homes. If approved, the land level should be reduced to match the existing levels.

Lack of Easement: There is no clear easement along the northern boundary of the properties on Duke of Wellington Gardens and the proposed Duchy 2 development. The plans indicate that just a wooden boundary fence would be installed adjacent to the existing estate fencing currently in position along the full boundary of properties in Duke of Wellington Gardens. This wooden fence being on higher land levels than the existing fence line of Duke of Wellington properties. Thereby maintenance of both fences becomes a problem for existing and potentially new residents as access would be non-existent. Ideally either an easement section of land is set aside to enable access or that the boundary treatment should be constructed of brick walling/piers with wooden panels between. Similar to that of the existing Duchy Phase 1 development backing onto Musgrave Garden Lane/Northern Spine Road.

Sustainability / Lack of Amenities: Wynyard Park have no amenities with the exception of one play area within the Taylor Wimpey development and this overdevelopment will exacerbate this ongoing situation. We have no primary or secondary school, no GP or dentist, no shops or retail within the Hartlepool boundary of Wynyard. Readily accessible woodland walks and or cycling provision is limited and only one children's play area exists with no areas or facilities for older or teenage children. The Parish Council strongly feel that the developer is being over zealous, increasing the number to 98 properties and urges planning committee to reject this application and seeking to see a significant reduction and improvement in open green space in a future application.

Conditions: The Parish Council request that should this application be approved then access to the site via The Meadows roundabout must be completed prior to commencement of any works on site. This would ensure access is safer for existing residents and contractors. Thus removing any need for construction or delivery vehicles making use of Duke of Wellingtons Gardens and Belgravia Gardens. The effective and enforced use of wheel wash facilities to be used to remove/reduce mud and debris on the Wynyard Park roads.

If this cannot be agreed then controls and restrictions must be put in place for the management of construction traffic and banks man be used for managing traffic accessing and egress to and from the site.

Further comments received 24.03.2025:

In response to the updated application and in addition to our previous submissions to HBC Planning Dept. Wynyard Parish Council (Hartlepool) would wish to make it clear that we support plans for the building of additional homes, services and amenities that are in character, style and of lower densities, similar to that of existing developments across the Wynyard estates. This application has increased the housing density of the original application from 84 to 98 houses, has no clear allowance for visitor parking, has no open green spaces which would benefit the future residents living there and overall appearance of the estate.

All of our previous comments/objections to this proposal have not been addressed and therefore remain. These are:

Over development, Lack of amenities and Infrastructure, lack of any easement and significant high fencing levels along the boundary of properties with Duke of Wellington Gardens estate. Lack of defined parking for visitors. Increased traffic movements on and around Wynyard Park and adjoining A689/A19 arterial roads. Concerns regarding numerous flooding events across Wynyard Park over the past 12 months.

In addition, we note that the updated `Highways Technical Note - dated February 2025` prepared by `Bryan G Hall Consulting Civil and Transportation Planning Engineers` is factually incorrect and somewhat misleading. Members of the Planning Committee are directed to the following points:

Page 1, sections 1.1 and 1.3 states that the proposal is for 97 homes when it is in fact 98 a significant increase on the initial application of 84.

Page 2, sections 1.4-1.8 make reference to transport plans for access leading to and from this development. Members should take note that the access to this development can only be achieved if the developer constructs a short section of the Southern Spine road leading directly off the existing Meadows roundabout. The remaining longer section of the future planned Southern Spine road is subject to another separate planning application (H/2022/0181) for which outline planning is approved and could be somewhat much later in its delivery/completion as this will be dependent on other developers coming forward with their separate detailed planning applications for up to 1200 homes. This will mean that all traffic flows from this proposed development will have to make use of the one main road (The Meadows) and onto the Westgate roundabout to access the A689 and or other areas of Wynyard.

Page 3, section 2 makes reference to sustainability and the aim to reduce the need for use of private cars to access facilities and amenities. As per above, there are currently limited retail and other amenities across Wynyard Estates and whilst Wynyard Park does have a further retail development underway near Hanzard Drive, access to this can only be by the use of private car via the A689, as the Southern Spine road and any public pathway or cycle path is not in place. The Parish Council has urged HBC Planning officers to reject this and any other further planning

applications until Wynyard Park has completed the Southern Spine Road from the existing Barrett development roundabout through to The Meadows roundabout.

Page 4, section 2.9-2.10 Public Transport - The X40/41 bus service operated by Stagecoach and funded via TVCA has only been in operation since April 2024 and in our view is a vital service for residents and teenage children of Wynyard unable to drive or make use of private cars. The frequency of two buses per hour is currently under review and indications from Stagecoach being that this may be reduced to one per hour due to the current passenger numbers and journey time requirements. The Parish Council is seeking to retain the current provision and has made suggestions to both TVCA and Stagecoach to extend the current routes to take in a larger section of Wynyard and for the X41 to travel to Sedgefield, returning to Stockton via the A177 to encourage passenger take up and accessibility to GP services at Sedgefield and medical facilities at North Tees Hospital.

Page 5, section 2.13 Reference is made to a 'At-Grade separated footway/Cyclepath bridge over A689'. Whilst this was originally stated in the Wynyard Park master plan, discussions that have taken place since the inception of the Parish Council with Wynyard Park developers and Wynyard Estates (Cameron Hall Developers) have led us to understand that the costs being quoted by Stockton Borough Council which are in excess of £12 million and therefore would not likely to be proceeded with. This leaves the eastern section of Wynyard Park with no safe means of pedestrian or cyclists crossing at the Eastgate roundabout of the A689 dual carriageway which resides within the SBC boundary. And as the Southern Spine road is incomplete no link up between the western and eastern developments on Wynyard Park without the use of private cars.

Page 6, section 2.20 Public House / Hotel, Poppy Close. The planning application for this amenity has now expired (Dec 2024) and whilst there is a clear need and desire for this amenity on Wynyard. Wynyard Park developers have indicated that due to spiralling costs and current residency numbers in the area, then this proposal is unsustainable. The Parish Council have suggested alternative proposals to Wynyard Park which would see a reduction in the building design, size and amenities which therefore would reduce associated build costs. To date no amended application has been submitted for consideration

Page 7, section 2.21 Padel Club. Work on this proposed recreational facility is eagerly awaited by the Parish Council and residents alike. As the report indicates this is within the SBC boundary of Wynyard and access to this will once again will have to be via private car as the Southern Spine road, pathway and cycle path are not in existence!

Pages 8-13 Trip Generation and Distribution. Whilst the Parish Council is not qualified to challenge any of the quoted figures in the respective tables outlined in the report. Our view is that with the lack of completion of the whole of the Southern Spine road, traffic flow from this proposed development will have to make use of the Westgate Roundabout to access the A689, A19, A1 or wider areas of Wynyard. Most families in the modern world have in excess of two cars per family and if they have children, then this will increase traffic flows at peak times, as only one oversubscribed primary school is in existence, requiring most children to travel out of

the area. Whilst home working was considered as a factor in reducing traffic flows, the suggested reductions have not borne true, as employers are now seeking their employees to attend their respective workplace environments, so we are in fact returning to increased traffic flows at peak times.

In addition it should also be noted that 'National Highways' assessment is that this 'application should not be approved until 7th September 2025' as improvement works on the A689/A19 have not yet been started/completed. As no date has yet been published for when these works will commence and or complete then we believe that this application should be deferred and or rejected.

Also noted within Appendix BGH 2 is an easement splitting the boundary between Plots 9 & 10 and leads to the neighbouring (Vivre) development. It is unclear what the purpose of this easement is and we are hoping that either the developers or planning officers can enlighten all parties.

Wynyard Parish Council (Hartlepool) therefore submit our comments for Planning Committee members consideration and seek a decision to reject this application with the aim of seeking:

- a) a reduction in the number of housing on this development and
- b) requiring the completion of the Southern Spine road from the existing Barrett Development roundabout through to The Meadows roundabout by Wynyard Park developers prior to any further detailed applications for housing on Wynyard Park being considered.

Health and Safety Executive (Online Planning Advice Web App); (summarised) the proposed development site does not lie within the consultation distance of a major hazard site or major accident pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

No comments were received from the following consultees;

- HBC Heritage And Countryside - Conservation
- HBC Community Safety and Engagement
- HBC Estates
- HBC Public Health
- HBC Economic Development
- Tees Valley Wildlife Trust
- Elwick Parish Council

PLANNING POLICY

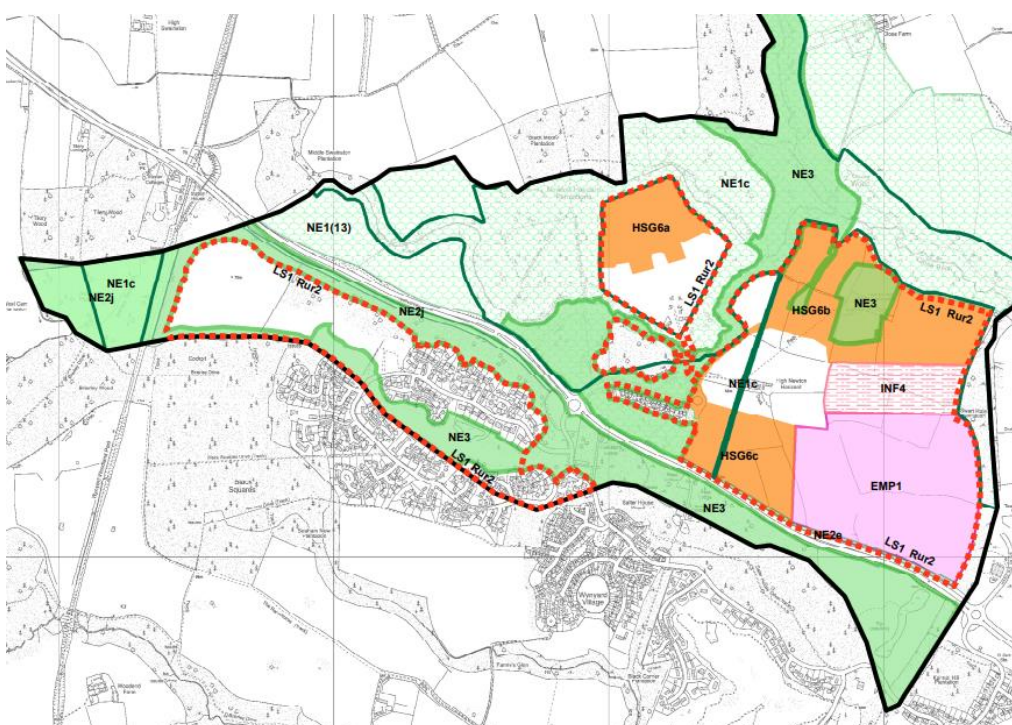
1.32. In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

HBC Planning Policy comments (updated comments received 09.04.2025);

HARTLEPOOL LOCAL PLAN (ADOPTED MAY 2018)

1.33. The following policies are relevant to this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Flood Risk
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG6	Wynyard Housing Developments
HSG9	Affordable Housing
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green wedges



1.34. Figure 1: Extract from Local Plan Policies Map

1.35. The application site comprises 'white land' entirely within the defined development limit.

WYNYARD MASTERPLAN (ADOPTED NOVEMBER 2019)

1.36. Local Plan policy HSG6 requires that development at Wynyard should be in accordance with an endorsed masterplan. Wynyard Masterplan was produced by Hartlepool and Stockton Borough Councils in consultation with Wynyard Park in order to guide development to a high standard in pursuit of the vision for a sustainable settlement at Wynyard. The Masterplan was endorsed by Members as a commitment to residents for the future direction of the community, it was adopted in November 2019 and is a material planning consideration.

1.37. The Masterplan contains a number of principles in support of its vision; these principles are categorised under the headings of Land Use, Place Making, Movement and Green Infrastructure. The Masterplan's Strategic Framework gives a spatial context to these elements and includes the mapping of residential parcels, pedestrian/cycle routes and public open/green space.

1.38. The Masterplan defines the application site (together with an adjoining development site to the west – Vivre) as Character Zone WP-B, with residential development anticipated to respond to the following constraints and opportunities:

- Strong street-scape character to be provided to the Primary Arterial Road.
- Mix of medium and lower density housing.
- Consideration of boundary treatments on the eastern edge of the development in terms of the site's proximity to the education hub

RELEVANT SPDs AND OTHER DOCUMENTS

Green Infrastructure SPD and Action Plan 2020

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

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

Residential Design SPD (2019)

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

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

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

Planning Obligations SPD (2015)

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

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

Wynyard Garden Village bid (2020)

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

1.46. Planning Policy are of the view that the Wynyard Garden Village bid submission and announcement is not a material planning consideration.

Wynyard Garden Village vision consultation (2022)

1.47. Planning Policy note that in March 2022 Wynyard Park consulted upon a vision for the Wynyard Park area. The findings of the consultation and the Vision document were presented to Neighbourhood Services Committee for information on 24th March 2022. Legal opinion, which was sought in late 2021, confirmed that the Vision document holds no weight in the decision making process. Nevertheless, it is noted that this Vision document identifies the land to the east of the application site as for education and open space, therefore in general consistency with the Masterplan in this respect.

HARTLEPOOL RURAL AREA NEIGHBOURHOOD PLAN

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

WYNYARD NEIGHBOURHOOD PLAN

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

ADOPTED TEES VALLEY MINERALS AND WASTE DPD

1.50. 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.

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

Policy	Subject
MWP1	Waste Audits

Summary of local policy framework

1.52. Planning Policy are of the view that the Hartlepool Local Plan, the Wynyard Masterplan, the aforementioned SPDs and the Tees Valley Minerals and Waste DPD should be considered when determining this application.

NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

Para	Subject
002	Determination in accordance with the development plan
003	Status of NPPF
007	Meaning of sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	The presumption in favour of sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
039	Decision making

048	Determining applications
056	Use of conditions or planning obligations
057	Planning conditions should be kept to a minimum
058	Planning obligations tests
059	Contributions and viability
061	Significantly boost the supply of homes
066	Major development and affordable housing
074	Planning for larger scale development
078	Five year supply of deliverable housing sites
082	Housing in rural areas
096	Promoting healthy and safe communities
098	Social, recreational and cultural facilities to meet needs
100	Sufficient choice of school places should be available to meet the needs of existing and new communities
103	Access to a network of high quality open spaces and opportunities for sport and physical activity
109	Considering transport issues from an early stage
115	Promoting sustainable transport
116	Highway safety
117	New developments and movement
118	Travel Plans and Transport Assessments
129	Achieving appropriate densities
130	Efficient use of land
131	Achieving well-designed and beautiful places
135	Achieving well-designed and beautiful places
136	Tree-lined streets
137	Design quality through evolution of proposals
139	Permission should be refused for development of poor design
164	New development addressing climate change
166	New development and energy efficiency
173	Ensuring flood risk does not occur elsewhere
182	Major development should incorporate SUDS
187	Contribute to and enhance the natural environment
193	Determining applications and biodiversity
196	Ground conditions
198	Pollution

2. CONSIDERATION OF PROPOSAL

UPDATED COMMENTS FOLLOWING RECEIPT OF AMENDED PLANS / INFORMATION 10/03/2024.

Principle of development

1.56. The application site is classified as ‘white land’ within the development limits set by the Local Plan Policies Map, i.e. where the principle of residential development is acceptable.

1.57. Wynyard Masterplan sets out a Placemaking Framework, which defines Character Zones, for which approximate numbers of dwellings are given (Figure 22). The application site comprises the majority of Zone WP-B, as referred to above, for which up to 100 dwellings are assigned.

1.58. The initial submission in 2022 comprised of 84 units, in May 2024 the applicant revised the proposal to 98 units. The latest amendments follow several discussions between the applicant and Planning Policy have resulted in the current scheme of 97 units. When considered with the adjoining Vivre site to the west for 9 self builds (an application is currently under consideration for the subdivision of a plot to provide an additional unit (H/2025/0039)), should this proposal for 97 dwellings will provide a total of 106 units, an overprovision of 6 units? on the anticipated units within the Masterplan.

1.59. Planning Policy were previously satisfied that the overall density of the 98 units, taking into account the varying surrounding densities and the Wynyard Masterplan Framework which sets out the provision of medium to low density housing in this area. Although the density was considered appropriate for the site, further consideration needed to be given to the implications of providing 98 units on the overall layout, design and landscaping.

1.60. Planning Policy raised concerns over the 98 unit proposal and its removal of all areas of public open space with landscaping and predominance of front of plot parking.

Open space and landscaping

1.61. The previous 98-unit proposal resulted in the removal of all areas of public open space with the exception of a very limited verge along the spine road. Planning Policy did not consider this an appropriate revision to the scheme. The principle behind the Wynyard masterplan is to 'create a distinctive environment' where developments should be designed to a high standard and provide appropriate amenity space where it enhances the appearance of proposals. Furthermore, the removal of landscaping resulted in the loss of street trees within the public realm leaving only those, which would be within private front gardens. Planning Policy sought amendments to the layout to incorporate an area of public open space with tree planting to provide amenity, environmental and health benefits as required by NPPF paragraph 136.

1.62. Following detailed discussions with the applicant the revised proposed layout (drawing no. 2221.01 Rev ZZ) has addressed previous concerns through the inclusion of a verge with tree planting within the public realm. The landscaping plan also indicates instances where tree planting within incidental areas of landscaping within the street e.g. south of plot 97.

1.63. The removal of one unit has enabled the provision of an area of public open space. The house types proposed adjacent to the open space provide dual aspect properties which will create active surveillance and frontage onto the space. The landscaping plan also indicates hedgerow planting to clearly define changes between public and private space which is welcomed.

1.64. The views of the HBC Arboricultural Officer should be sought on the species and placement of the trees proposed.

Parking

1.65. The previous 98 unit scheme resulted in an efficient perimeter block layout with a predominance of front of plot parking, in the main, due to the level of house types proposed with integrated garages. Planning Policy advised that the level of front of plot parking be reduced within the proposal, for instance, where units are proposed which do not include an integrated garage, i.e. the semi-detached properties, parking should be moved to the side of the units. Thereby increasing the amount of landscaping within the street scene and improve visual amenity within the proposal in accordance with the guidance set out within Residential Design SPD and national design guidance: Building for a Healthy Life (2020).

1.66. The revised 97 unit proposal has addressed concerns previously raised and side of plot parking has been provided to the semi-detached units reducing the dominance of vehicles on the street scene and enabling the provision of front gardens and 'greening' of the street.

House Types

1.67. The amendments to house type Gainsborough on Plot 2 address' Planning Policy's previous comments and provides an attractive and active elevation onto the entrance of the site and is considered appropriate to the key location.

1.68. In terms of the materials proposed, the introduction of a third brick material and additional contrasting brick allows for variety within the built form and when considered in combination with the introduction of landscaping will aid in legibility within the proposal.

1.69. The gateway wall feature has the potential to generate a positive entrance to the development from the Primary Arterial Road, consideration needs to be given to it's placement and the landscape plan which indicates tree planting in the same location.

1.70. It is not necessary to secure formal play facilities on this site, as per the Masterplan. Play facilities of a scale to serve this scheme are to be available in the locality at the forthcoming Urban Park located to the east of Duchy phase 1.

Highways

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

1.72. Planning Policy trust that all highway matters will be addressed to both National Highways and the HBC's Traffic and Transport team's satisfaction, including any requirements for financial contribution towards off-site highway improvements.

Climate change and Energy

1.73. Local Plan policies 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. A supporting Sustainability Statement states that 'All the dwellings will be installed with PV Panels in the most southerly orientation to maximise their output. No further details have been provided, therefore this needs to be clarified or controlled through a suitably worded condition.

1.74. The provision of an EV charging point for each dwelling is welcomed; implementation of this should be controlled through a suitably worded condition.

Affordable Housing

1.75. Local Plan policy HSG9 Affordable Housing states that an affordable housing target of 18% will be sought on all sites above a 15 dwelling threshold. Planning Policy would advise that in cases where the affordable housing figure is calculated as a decimal, the Council would require the applicant to provide either:

- the number of units equal to the full amount of whole numbers calculated, plus a financial contribution equal to the remaining amount; or
- the number of units rounded up to the next whole number.

1.76. 18% of the proposed 97 dwellings is 17.46 dwellings or £935,177.85. The applicant seeks to meet the affordable housing requirement in the form of a financial contribution for off-site provision, in lieu of on-site provision, repeating the approach accepted for Duchy Phase 1 to the north. In this instance, following discussions with the Principal Housing Officer, it is considered that an off-site contribution is acceptable.

Planning obligations

1.77. Within the wider Wynyard settlement, and identified throughout the Wynyard Masterplan, there is a variety of infrastructure which are required in order to make the community sustainable and provide facilities to the local residents. In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 Planning Obligations and the Planning Obligations SPD, the following developer contributions will be required in respect of this application, based on 97 dwellings as currently proposed.

- Affordable housing –the required contribution is £935,177.85 as derived from the Council's Planning Obligations Calculator. See affordable housing section above.
- Primary education – £286,929.30 towards the new primary school at Wynyard Park.
- Secondary education – £187,415.58 towards secondary education provision.
- Health - £47,334 by NHS North East & North Cumbria towards the provision of future services in vicinity.
- East to West Footway/Cycleway - £96,224 towards the proposed cycleway running along the A689 between Wolviston services and the South West Extension.

- Green infrastructure £24,250.00 – secured towards provision/improvement of pedestrian and cycle links to the Castle Eden Walkway
- Play £24,250.00 - secured towards the improvement and maintenance of existing / secured facilities in the vicinity.
- Built sports, – £24,250 towards provision/improvement of built sport within the borough
- Playing pitches, tennis courts and bowling greens - £28,642.16 toward outdoor sport provision/improvement.
- Off-site biodiversity – TBC if necessary.
- Recreational disturbance to European Sites mitigation - £19,400
- Highways – TBC.
- Local Employment and Training Agreement to give opportunities within the development for local workers as well as training and apprentice opportunities. The economic development team will give further information on this element.

PLANNING CONSIDERATIONS

1.78. The main planning considerations with respect to this application are the principle of development (including planning obligations), design and impact on the visual amenity, landscaping and open space, residential amenity, ecology (including biodiversity net gain, biodiversity mitigation measures, biodiversity enhancement, habitats regulation assessments (including recreational impact on designated sites and nutrient neutrality), highway safety and parking, flood risk and drainage and archaeology. These and any other planning matters (including archaeology, safety and security, and climate change) and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

1.79. HBC Planning Policy advise that in addition to the Hartlepool Local Plan, the Wynyard Masterplan, the aforementioned SPDs and the Tees Valley Minerals and Waste DPD should be considered when determining this application.

1.80. The application site is classified as ‘white land’ within the development limits set by the Local Plan Policies Map where the principle of residential development is acceptable. As such, the provisions of the adopted Hartlepool Local Plan Policies SUS1 and LS1 are considered to be relevant alongside the NPPF (2024).

1.81. Collectively, the relevant paragraphs of the NPPF seek to ensure that development is sited in appropriate locations that support sustainable development through the three overarching objectives – Economic, Social and Environmental.

1.82. Local Plan Policy SUS1 sets out that when considering development proposals the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Further, and amongst other things, it will always work proactively with applicants jointly to find solutions which mean that proposals can be approved

wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

1.83. The provisions of Policy LS1 set out the strategic locational provisions for new development, making specific reference to new housing and employment areas within the Wynyard area to help ensure that identified housing needs are met through well considered and appropriately located sites. Such an approach contributes to the strategic delivery of housing in a manner that contribute towards sustainable development within across the Council area.

1.84. Further, Wynyard Masterplan sets out a Placemaking Framework which defines Character Zones for which approximate numbers of dwellings are given within figure 22. The application site comprises the majority of 'Zone WP-B' for which up to 100 dwellings are assigned. The initial submission in 2022 comprised of 84 units which were then, in May 2024, revised to the 98 units. The latest amendments follow several discussions between the applicant and officers that has resulted in the current proposed scheme of 97 units. When considered with the adjoining Vivre site to the west for 9 self builds (an application is currently under consideration for the subdivision of a plot to provide an additional unit (H/2025/0039), this proposal for 97 dwellings would provide a total of 106 units, an overprovision of 6 units on the anticipated units within the Masterplan.

1.85. Officers were initially satisfied with the overall density of the 98 units, taking into account the varying surrounding densities and the Wynyard Masterplan Framework which sets out the provision of medium to low density housing in this area. Although the density was considered appropriate for the site, further consideration needed to be given to the implications of providing 98 units on the overall layout, design and landscaping. This was due to the removal of areas of public open space and associated landscaping and the resultant predominance of front of plot parking.

1.86. In order to determine the appropriateness of the overprovision, consideration needs to be given to the overall impacts on density, mix, layout and greenspace provision.

1.87. Notwithstanding this, taking into account the provisions of the identified adopted Local Plan policies (and those of the NPPF), as set out it is considered that the principle of development is acceptable and in general accordance with Local Plan Policies SUS1 and LS1. This view is supported by the comments of HBC Planning Policy. This acceptability in principle is subject to the proposal also being in accordance with other Local Plan and NPPF policy provisions which are set out as follows.

Housing Type, Mix and Density

1.88. Local Plan Policy HSG1 sets out that the Council will seek to ensure new housing provision is delivered in an appropriate manner and location with Wynyard Park North identified for approx.. 400 dwellings.

1.89. Local Plan Policy HSG2 relates to the overall housing mix of developments and advises that new housing provision will be required to deliver a suitable range and mix of house types that are appropriate to their locations and local needs. New housing should contribute to achieving an overall balanced housing stock that meets local needs and aspirations, now and in the future.

1.90. Wynyard Housing Developments are covered specifically through the provisions of Local Plan Policy HSG6, which sets out the dwelling numbers as being 400 on Wynyard Park North, 100 on North Pentagon and 232 at Wynyard Park South. Specific provisions are made for each of the 3 parcels with the Wynyard Park North requiring no more than 20.2ha of land will be developed for a full range of house types, developed to a high standard of design to reflect its rural location. These are amongst other features such as buffer zones and landscaping.

1.91. In the currently amended form, the scheme proposes a mix of 26 x three-bed dwellings, 60 x four-bed dwellings and 11 x five-bed dwellings over 15 different house types. These will be provided across the site which covers approximately 3.6 hectares resulting in a residential density of approximately 26.94 dwellings per hectare.

1.92. The definition of executive housing, identified as 4-bedrooms or greater that are predominantly detached, should be of a low density no greater than 10 dwellings per hectare (dph) while supporting information relating to Wynyard indicates approximate densities of 15 dph for 100 dwellings in the North Pentagon and 20 dph in Wynyard North, and para 10.16 of Section 10 (Housing) the Hartlepool Local Plan giving an average (Borough wide) density of 25 dwellings per hectare.

1.93. From these it can be seen that the density as proposed, resulting from the changes in dwelling numbers, is higher than those indicated within the Local Plan. It should be noted that this in itself is considered not to be a reason for refusal in itself when taken into account with the applicant's indication that the increased numbers are required in order to cover the cost of their construction of the initial section of the Southern Spine Road.

1.94. Within the provisions of Policy HSG2, it details that new housing on Wynyard North should provide for a range of dwelling types. As amended and now being considered, the range of dwelling types can be seen as contributing towards the range of dwelling type and although there are no one-bed or two-bed units (or bungalows), it still provides a range of types contributing to the housing market.

1.95. HBC Planning Policy have confirmed that it is not necessary to secure formal play facilities on this site in this instance, as per the Masterplan. Play facilities of a scale to serve this scheme are to be provided in the locality as part of the identified Urban Park located to the north of Wynyard Park (east of Duchy homes first site).

1.96. Overall, it is considered that the proposal, on balance, complies with the general provisions of Local Plan Policies HSG1, HSG2 and HSG6 and is acceptable in this respect.

Planning Obligations inc. Affordable Housing;

1.97. In respect of Local Plan Policy QP1 relating to planning contributions, it is set out a list of areas where contributions may be required for and making reference to the use of the Planning Obligations SPD in association with the policy. Local Plan Policy HSG9 relates to affordable housing provision specifically while Policy QP1 addresses planning obligations. These are supported by paragraphs 056, 058 and 059 of the NPPF as well as the Council's Planning Obligations SPD.

1.98. The Planning Obligations SPD, dated November 2015, sets out the general principles of the SPD before going on to address various specific matters including highways, education, affordable housing and heritage.

1.99. Local Plan Policy HSG9 Affordable Housing states that an affordable housing target of 18% will be sought on all sites above a 15 dwelling threshold. 18% of the proposed 97 dwellings is 17.46 dwellings or £935,177.85. The applicant seeks to meet the affordable housing requirement in the form of a financial contribution for off-site provision, in lieu of on-site provision, repeating the approach accepted for Duchy Phase 1 to the north. In this instance, following discussions with the Principal Housing Officer, it is considered that an off-site contribution is acceptable.

1.100. Within the wider Wynyard settlement, and identified throughout the Wynyard Masterplan, there is a variety of infrastructure which are required in order to make the community sustainable and provide facilities to the local residents. In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan Policy QP1 Planning Obligations and the Planning Obligations SPD, the following developer contributions will be required in respect of this application, based on 97 dwellings as currently proposed;

- Affordable housing –£935,177.85 is calculated for the off site contribution
- Primary education – £286,929.30 towards the new primary school at Wynyard Park;
- Secondary education – £187,415.58 towards secondary education provision;
- Health - £47,334 by NHS North East & North Cumbria towards the provision of future services in vicinity;
- East to West Footway/Cycleway - £96,224 towards the proposed cycleway running along the A689 between Wolviston services and the South West Extension;
- Green infrastructure £24,250.00 – secured towards provision/improvement of pedestrian and cycle links to the Castle Eden Walkway;
- Play £24,250.00 - secured towards the improvement and maintenance of existing / secured facilities in the vicinity;
- Built sports, – £24,250 towards provision/improvement of built sport within the borough;
- Playing pitches, tennis courts and bowling greens - £28,642.16 toward outdoor sport provision/improvement;

- Off-site biodiversity – this is to be secured by a planning condition and an obligation as discussed further in the Ecology section.
- Recreational disturbance to European Sites mitigation - £19,400 (based on £200 per dwelling x 97)
- Highways – £250,000 towards highway improvements to A689/The Meadows roundabout (albeit this matter is still being discussed with the applicant as set out in further detail within the Highways section and maybe omitted in lieu of a Grampian condition restricting occupation).
- Local Employment and Training Agreement to give opportunities within the development for local workers as well as training and apprentice opportunities. The economic development team will give further information on this element.

1.101. An assessment of the proposal in terms of the number of dwellings proposed is such that the trigger for contributions has been met. While affordable housing should normally be provided on-site in the first instance, details provided by the applicant / agent with regards to the provision of the affordable housing by way of financial contribution has been assessed, considered and found to be acceptable in this instance.

1.102. With the exception of the highlighted highways mitigation contribution (which is subject to ongoing discussions), the financial contributions set out above, including those sought by the NHS, have been put to the applicant and agent who have confirmed that they are willing to enter into a Section 106 Agreement to secure the amounts set out as being required to contribute towards the various areas required to make the acceptable.

1.103. Further planning obligations have also been identified and will need to be secured through the appropriate s106 legal agreement which include;

- Provision, long term maintenance and management of all on site open space and landscaping (out with residential curtilages);
- Provision, long term maintenance and management of on site or off site areas to achieve biodiversity enhancements (0.49 units and 'no net loss');
- Provision, long term maintenance and management of surface water drainage including an obligation to require the implementation of permission H/2024/0067 which relates to the delivery of an offsite SuDS basin to serve the application site;
- Provision, long term maintenance and management of footpaths;

1.104. On the basis that the financial contributions required would be secured through the Section 106 legal agreement, it is considered that the requirements of Local Plan Policies HSG9 and QP1 have been met alongside those set out in the Council's Planning Obligations SPD. It also ensures the development complies with the provisions of paragraphs 056, 058 and 059 of the NPPF.

DESIGN, SCALE, LAYOUT + VISUAL AMENITY OF SURROUNDING AREA

1.105. Local Plan Policy QP4 relates specifically to the layout and design of development, indicating that the Council seeks to ensure that all developments are designed to a high quality and positively enhancing their location and setting. It continues in setting out a number of ways in which this is to be achieved including through appropriate separation distances, being of an appropriate layout, scale and form while also having adequate open spaces and being aesthetically pleasing.

1.106. The Council's Residential Design SPD contains guidance and best practice relating to several aspects of design including density, local distinctiveness, accessibility, safety and energy efficiency. The development should, where possible, respond positively to the guidance set out in the SPD.

1.107. The amended layout plan for the 97 dwellings proposed has a singular vehicular access point towards the sites' southwestern edge with pedestrian access being provided not only at the vehicular access point but also toward the sites' eastern edge which extends along the sites depth and providing a pedestrian access to the north of the application site. The road is provided in a single loop with a small number of adoptable and private roads off which the dwellings and public open space are provided.

1.108. A suite of (amended) plans showing the internal floor plans and elevations of the dwellings have been provided along with details of materials to be used for each dwelling type. Within the context of the road layout, the dwellings are positioned so that they face onto the roads of which they are accessed. Parking is provided to either the front or side of each dwelling with areas of soft landscaping also provided to the front of each dwelling. A number of the dwellings also have garages proposed. The proposed provision of soft landscaped open space to the front of the dwellings is considered to help ensure expanses of hard standing for parking purposes within the streetscene is kept to a minimum while also contributing to creating an attractive character, appearance and streetscene.

1.109. Consideration of the proposed layout alongside other existing and approved developments on the Wynyard North area, is such that it is of an arrangement that provides an active street frontage whereby each dwelling has sufficient parking space provision alongside soft and hard landscaping to the front and rear. Such arrangements are considered to enable the dwellings proposed to be accommodated in the site. Notwithstanding this, during the assessment of the application, it was established that there were a number of instances where the separation distances fell below the 20m required between principal elevations and 10m between a principal elevation and a gable wall.

1.110. Details of the shortfalls in the separation distances set out in both Policy QP4 and the Residential Design SPD were discussed with the applicant and agent with suggested layout changes and plot substitutions put forward by officers. Resultantly, the site layout plan has been amended and reconfigured with the insertion of 1 additional dwelling type (at plots 13, 14 and 63). The effect of these amendments is that the separation distances required have been met in the majority of cases. Although there are a couple of instances where there appears to be a minor shortfall in the separation distance (and there is one relationship between 2 plots which

remains significantly short of the requisite distance and is discussed in further detail in the Residential Amenity section below), in these instances the habitable room windows are offset from each other or face down a car parking area such that the impact of inter-looking does not exist in a manner that would be unacceptable. The amended layout has maintained on-site parking levels in accordance with standards alongside the retention of street trees (as supported within the NPPF, 2024) and green areas within the streets so contributing positively to an attractive streetscene and enhancing the character and appearance of the development. These positive elements are echoed in the comments of supported from HBC Planning Policy.

1.111. An assessment of the proposed dwellings shows a number of different dwelling types proposed while the proposed site layout plan indicates a variety of different materials to be used in the construction of the dwellings. The dwellings proposed have a variety of different designs of similar scale that contain elements similar to other dwellings on the wider Wynyard site being developed yet have a number of elements that enable this development to be relatively unique in its own right.

1.112. The amendments to a particular house type ('Gainsborough') on Plot 2 is considered to provide an attractive and active elevation onto the entrance of the site that is considered appropriate to the key location.

1.113. Furthermore, the amended site layout plan provided indicates that there will be an entrance wall into the site at the point where the vehicular access / egress road from the spine road is located. The proposed gateway wall feature has the potential to generate a positive entrance to the development from the Primary Arterial Road. Its location here is not dissimilar from other existing entrance signs on other developments in the wider development when they are assessed against the developments that they serve. As such it is considered that in principle there is no objection to an entrance sign in the location shown.

1.114. No specific details have however been provided in relation to this proposed entrance sign and final details, including its implementation, can be secured by a planning condition and this is recommended accordingly.

1.115. In terms of the materials proposed, the introduction of a third brick material (during the course of the application) and additional contrasting brick is considered to allow for variety within the built form and when considered in combination with the introduction of landscaping (and open space) would aid in providing variation within the proposal.

1.116. The submitted plans are accompanied by boundary treatment details which primarily include the provision of estate railings to the frontage. This is considered to be acceptable in the context of Wynyard Park and final details can be secured by way of a planning condition.

1.117. It has also been raised in objections that there is a ground level difference between the site and adjacent sites (particularly those to the north in Duke of Wellington Gardens) with the application site being set higher with ground levels falling towards the northern boundary. It is considered at this stage that this can be

satisfactorily addressed through the imposition of a recommended planning condition requiring, before development commences, the submission of plans showing the existing and proposed ground levels for approval and implementation. This would ensure the finished land levels do not result in any adverse or detrimental impacts upon existing amenities at neighbouring sites or the wider visual amenity and character of the area.

1.118. Based on this assessment, it is considered that the proposal broadly complies with the provisions of the identified Local Plan Policies as well as the Residential Design Guide SPD and general provisions of the NPPF. As such, the overall design and appearance, scale and layout of the proposals (as amended during the course of the application) would result in a satisfactory form of development that would not adversely affect the character and appearance of the application site or the surrounding area. The scheme is considered to be further enhanced by the amendments to the proposed landscaping and open space within the site as considered in the following section of the report.

LANDSCAPING AND OPEN SPACE

1.119. Policy QP4 details that the Council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting while also requiring amongst other things that they have adequate, well located and planned public space/s.

1.120. The initial 98-unit proposal resulted in the removal of all areas of public open space with the exception of a very limited verge along the spine road. This was not considered an appropriate revision to the scheme. The principle behind the Wynyard masterplan is to 'create a distinctive environment' where developments should be designed to a high standard and provide appropriate amenity space where it enhances the appearance of proposals. Furthermore, the removal of landscaping resulted in the loss of street trees within the public realm leaving only those, which would be within private front gardens. Officers sought amendments to the layout to incorporate an area of public open space with tree planting to provide amenity, environmental and health benefits as required by NPPF paragraph 136.

1.121. Following detailed discussions with the applicant the revised proposed layout including the removal of one dwelling and provision of an area of open space as well as the inclusion of a verge with tree planting within the public realm. The landscaping plan also indicates instances where tree planting within incidental areas of landscaping within the street e.g. south of plot 97. As such, the scheme now includes the provision of an area of open space within the site in addition to a landscaping strip to the front of the site. Street trees are also present throughout the site as encouraged by the (updated) NPPF.

1.122. As noted above, the removal of one unit has enabled the provision of an area of public open space. The house types proposed adjacent to the open space provide dual aspect properties which will create active surveillance and frontage onto the space. The landscaping plan also indicates hedgerow planting to clearly define changes between public and private space which is welcomed. This public open space is in addition to the amenity space proposed to the front and rear of the

dwellings proposed that will ensure all dwellings have private amenity areas that they can use.

1.123. A landscaping plan has been provided which shows indicative details of both soft and hard landscaping details across the site covering both public and private areas. The scheme provides details of the landscaping proposed included the type, location and numbers of trees and shrubs. This will need to be updated to reflect the final layout of the scheme and final details (along with details of hard landscaping, means of enclosure) can be secured by appropriate planning conditions which are recommended accordingly.

1.124. No objections have been received from the Council's Landscape Architect or the Council's Arboricultural Officer in respect to the amended landscaping scheme although the latter has provided advice (set out within their comments under the Consultee responses section of the report) on more suitable planting species which have been related to the applicant and will need to be considered further and agreed as part of the required discharge of condition.

1.125. The Council's Arboricultural Officer has also confirmed that there is no requirement for any tree protection measures in this instance based on the submitted information. In respect to the Forestry Commission's comments and standing advice, the scheme is not within close proximity to any Ancient Woodland and is acceptable in this respect.

1.126. Overall, the landscaping details provided show a good level of detail and variety across the site. It is considered that these, along with the alterations sought by the Council's Arboricultural Officer, will contribute positively to the character, appearance and setting of the development as a whole as well as the individual dwellings proposed. This view is supported by the Council's Planning Policy section.

1.127. Officers therefore consider that the proposal, subject to the recommended and identified planning conditions, is acceptable and therefore complies with the provisions of Local Plan Policy QP4 as well as paragraphs 130, 131, 135 and 136 of the NPPF.

RESIDENTIAL AMENITY

1.128. 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.

1.129. 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.

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

1.131. It is noted that a number of objections from both neighbouring properties and Wynyard Parish Council have identified concerns over insufficient separation distances between the proposed dwellings and surrounding properties.

1.132. Focusing on the drawings for 97 units, an assessment of the separation distances between the dwellings proposed on a habitable to habitable and habitable to non-habitable room basis, there were a high number of instances where the separation distances were below the requirements of Policy QP4 by a variety of distances. The shortfalls in both distance requirements would have resulted in high levels of inter-looking in habitable to habitable rooms and poor outlooks on habitable to non-habitable / gable wall.

1.133. Following the assessment having been undertaken, the issues were put to the applicant and agent with suggestions made in nearly all instances by officers as to how the matter could be addressed (primarily repositioning of dwellings, swapping out certain house types and in some instances relocation of windows).

1.134. Resultantly, an amended site layout plan and separation distance plan were requested and provided which when assessed showed that there was still 1 instance where a 20m separation was required and not met (a resultant distance of approximately 12.6m between the bedroom windows plots 39 and 54). In this instance the solution suggested by officers related to the re-location of the bedroom window to the rear elevation (of the two storey offshoot) however the applicant was not, in this instance, prepared to make the change highlighting that they considered it was a principal to gable relationship as the bedroom window was on a dual fronted dwelling. It was also noted that the public street intervenes at ground floor level (where closer views would be possible for anyone in the street) and first floor relationships were between bedroom windows.

1.135. Whilst officers consider that this would still amount to the relationship being contrary to the identified policy and guidance, given that the other shortfalls have been addressed in a positive manner that has retained parking levels, street trees and green verges along the roads, and given that the identified relationship is internal within the site (as opposed to an insufficient distance to existing surrounding properties), it is considered that, on balance and in this instance, that such a shortfall (of this single relationship) would not be so unacceptable to a point that would justify a refusal of the entire scheme for 97 dwellings.

1.136. The changes made to the layout also related to addressing the relationship of principal room windows in the dwellings proposed with those existing on neighbouring sites so that both the 20m and 10m separation distances are met. This

particularly applied to the neighbouring properties to the north along Duke of Wellington Gardens (with a particular focus on No 23 where the original relationship/separation distance was deemed to be unacceptable).

1.137. The application site is bordered on 2 sides (north and west) by existing dwellings (as detailed in the Site and Surroundings) while the various approved permissions (most pertinent being the extant outline approval H/2022/0181 as set out in the Background section of the report) and allocations allow for housing on the eastern side of the site as well as on the opposite side of the spine road to the south of the application site (where dwellings are currently under construction with a large number completed and occupied). The scheme as amended now satisfactorily achieves the requisite separation distances and relationships to these properties.

1.138. Taking account of the above considerations regarding overlooking, light, outlook, overbearing appearance and private amenity space, it is considered the proposed development is, on balance, 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 Duke of Wellington Gardens, the dwellings to the west and south and potential residential development to the east of the site).

1.139. Notwithstanding, it is noted that there are ground level changes within the site as well as between the site and those surrounding / adjoining it. These ground levels have the potential to result in overlooking/overbearing impacts but it is considered this can be satisfactorily addressed through the use of a pre-commencement condition requiring details of existing and proposed ground levels being provided to and agreed so as to ensure that unacceptable impacts on the amenity and privacy of adjacent residential properties do not occur.

1.140. Furthermore, and taking account of existing changes in ground level alongside the condition mentioned in the previous paragraph, it is also considered prudent to remove a number of permitted development rights to the dwellings proposed. The removal of selected rights would prevent up-ward extensions and works within the approved roof spaces that would result in levels of overlooking and loss of privacy that would be detrimental to existing dwellings as well as those being considered here. Other elements of permitted development rights to be removed would prevent detached structures being able to be erected which could be close to boundaries such that there could be detrimental impacts.

1.141. In order to protect amenities of existing and proposed dwellings based on the location of the dwellings proposed in relation to each other alongside existing dwellings, it is considered necessary and reasonable to ensure flank wall windows serving non-habitable rooms comprising WC's, bathrooms and showers are fitted with obscure glazing where the level of opening is also limited (or fixed). This limitation would allow natural ventilation to take place while also ensure no overlooking or loss of privacy from these flank wall windows, especially on corner plots including at plot 12 where it abounds a residential property immediately to the west.

1.142. 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 have been consulted and no comments or requirements have been received. Notwithstanding this, it is considered appropriate to control hours of construction and delivery, to seek to minimise disruption. A planning condition, as standard, is recommended accordingly.

1.143. During the course of the application, a Construction Management Plan (CMP) was submitted which included proposals to take temporary access (for circa 16 weeks) through the existing adjacent development of Duke of Wellington Gardens and the Vivre construction site, to allow the main access road to be constructed. Concerns have been raised within objections to this proposal. This approach is considered to raise a number of concerns for officers including the enforceability and reasonableness were such a CMP be secured by way of a planning condition. Officers consider it more appropriate for the section of the southern spine road (that will serve the development site) to be delivered prior to commencement of development on site of the proposed dwellings. As such, a planning condition is required for the submission of an updated CMP and this is recommended accordingly. This would seek 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.

1.144. Officers are therefore satisfied that the amendments made resulting in separation distances being met satisfactorily, the proposal complies with the provisions of Local Plan Policy QP4 and the Residential Design SPD and that the proposal would not result in any unacceptable loss of amenity or privacy for existing and future occupiers of the plots themselves or for existing and future occupiers of surrounding residential properties (both those built and approved).

HIGHWAY SAFETY & PARKING

1.145. It is acknowledged that objections and concerns from members of the public and Wynyard Parish Council, as well as from Stockton Borough Council, have been received in respect to a number of highway and pedestrian safety related concerns including access and an increased level of traffic and congestion on the local road network and wider strategic network.

1.146. Policy QP3 of the Local Plan as well as paragraphs 109, 115 116, 117 and 118 of the NPPF are relevant to the consideration of highways and parking elements of the application.

1.147. The provisions of Policy QP3 relate to the location, accessibility, highway safety and parking in association with developments requiring that they, amongst other things, ensure residents and visitors can move with ease and safety, servicing arrangements and highway safety provisions are in line with local guidance, parking standards are met and that parking areas are laid using permeable surfaces.

1.148. 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 on to 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.”

1.149. As part of the application, both a transport assessment and a travel plan (amended during the course of the application as discussed further below) have been submitted and assessed by both National Highways and HBC Traffic and Transport.

Local Road Network

1.150. The proposed development would take access from a section of the southern spine road that would connect to the roundabout to the south west of the application site. This road (The Meadows) in turn connects this section of Wynyard Park to the main roundabout at the A689. Within the comments from HBC Traffic and Transport, they have advised that the development should fund identified improvements to the A689 / The Meadows roundabout (the cost of these improvements is approximately £250,000). HBC Traffic and Transport advise that the contribution required may reduce due to a potential funding coming from the TVCA and other developments being brought forward.

1.151. In response, the applicant’s agent does not consider that the requested contribution is necessary, noting that the delivery of such highway improvements form part of the s106 legal agreement tied to the outline permission for up to 1200 dwellings (approval reference H/2022/0181, decision date 26.02.2025).

1.152. Whilst these comments are noted, HBC Traffic and Transport have highlighted their concerns that if the current proposal was to be approved and commenced prior to H/2022/0181 (and the associated planning condition and triggers for delivery of the roundabout improvements within the associated s106), then the improvements would not be in place on A689/The Meadows roundabout. They further advise that it may be several years before the H2022/0181 development commences (it will be subject to a number of reserved matters applications across the phases) and this would leave existing residents and future residents to deal with a worsening traffic situation. In order to ensure that that this does not happen, HBC Traffic and Transport consider that a planning condition would be required which prevents occupation of the properties until these measures have been implemented. Alternatively, HBC Traffic and Transport advise that that the development should be prepared make arrangements with other developers or land owners to fund the improvements in order to allow their development to commence (as per their original comments).

1.153. Whilst noting the applicant’s position on this matter (and discussions remain ongoing with officers), it is considered necessary at the time of writing to secure both a) a planning condition preventing occupation of the proposed dwellings until the identified highway works have been completed and b) for a planning contribution to secure the identified £250,000 towards the works within a s106 legal agreement. This is reflected in the officer Recommendation (and conditions) of this report.

1.154. It is also considered necessary, for the reasons previously discussed, to ensure the delivery of a section of the southern spine road (to serve the application

site) before any development commences on the main part of the development site (i.e. the dwellings) and a planning condition is recommended accordingly.

1.155. Comments, including those from the Wynyard Parish Council and the Council's Countryside Access Officer, highlight the need for enhanced pedestrian connectivity between the north of Wynyard to the south (across the A689). In response, no request or requirement has been made by HBC Traffic and Transport for such a crossing and it is therefore not considered a requirement of this current application.

1.156. Furthermore and as set out within the Council's Countryside Access Officer's comments and the list of identified planning obligations, the proposed scheme makes provision for a connection into a footpath link to the east of the site (running north to south) as well as important financial contributions towards a number of sustainable green infrastructure projects within vicinity of the site including;

- East to West Footway/Cycleway - £96,224 towards the proposed cycleway running along the A689 between Wolviston services and the South West Extension.
- Green infrastructure £24,250.00 – secured towards provision/improvement of pedestrian and cycle links to the Castle Eden Walkway

1.157. Subject to the identified and recommended planning conditions and planning contributions/obligations, the proposal is considered to be acceptable in respect to any identified impacts on the local road network as well as pedestrian footpath connections.

Internal Layout and Car Parking Provision

1.158. In their initial comments, HBC Traffic and Transport highlighted a number of objections made from existing residents concerned with the proposed access and potential conflict with construction traffic. They also provided comments about surfacing areas and subsequent issues with the maintenance and upkeep of these areas. Their subsequent comments indicated that a number of the private drives are of insufficient width to allow comfortable access and egress whereby private drives should have a minimum 6 metre parking space with a 5 metre carriageway to allow manoeuvring.

1.159. The revised 97-unit proposal has addressed concerns previously raised and side of plot parking has been provided to the semi-detached units reducing the dominance of vehicles on the street scene and enabling the provision of front gardens and 'greening' of the street. Required parking standards will continue to be met while the changes made result in a lower dominance of front of dwelling parking alongside improved landscaping contributing to an enhanced street scene that in turn contributes to improved character and appearance in the development. The Council's Traffic and Transport section have confirmed that the amended scheme has addressed their original comments/concerns except for drive lengths (5.5m) which do not meet the standard 6 metre length but accept that this is above the minimum requirement. HBC Traffic and Transport confirmed that they therefore have

no further objections in terms of the internal layout and car parking which is considered to be acceptable in this respect.

1.160. The amended scheme resulted in an efficient perimeter block layout with a predominance of front of plot parking, in the main, due to the level of house types proposed with integrated garages. HBC Planning Policy advised that the level of front of plot parking be reduced within the proposal, for instance, where units are proposed which do not include an integrated garage, i.e. the semi-detached properties, parking should be moved to the side of the units. This resulted in increasing the amount of landscaping within the street scene and improve visual amenity within the proposal in accordance with the guidance set out within Residential Design SPD and national design guidance: Building for a Healthy Life (2020). Overall, the proposal is considered to be acceptable in respect to the internal layout and car parking provision.

Construction Management

1.161. A number of other issues were raised including the submitted Construction Management Plan (CMP) and the initial intention to take temporary access through the adjacent site whilst the southern spine road is being constructed. As noted above, officers do not consider that this approach is acceptable as it would not meet the relevant ‘tests’ of a planning condition. As such, a planning condition is recommended with respect to ensuring the delivery of the section of the southern spine road (to serve the application site) is in place prior to construction commencing on the main part of the site. A further condition for the submission of and agreement to an updated CMP is also recommended.

Strategic Road Network

1.162. Turning to comments made by National Highways, their initial comments issued a holding direction in order to enable their assessment of the proposal to ensure that during that the A19 trunk road continues to serve its purpose as part of a national system of routes for through traffic in the interests of highway safety.

1.163. Following on from the holding objection and an initial response from the applicants/ agent, National Highways requested a revised Travel Plan and Transport Assessment be provided with other associated items based upon the findings of the Transport Assessment. These were duly provided and a re-consultation was undertaken.

1.164. The assessment by National Highways of the information provided resulted in National Highways removing their holding direction and replacing it with a request for a planning condition requiring occupation of the development in accordance with the submitted (amended) Travel Plan. Subject to this planning condition and on the basis of National Highways removing their objection to the scheme, the proposal is considered to be acceptable in this respect.

Highway Impacts Conclusion

1.165. Overall and for the reasons identified above, including the comments received from the Council's Traffic and Transport section and National Highways, the application is considered to be acceptable in respect of highway and pedestrian safety, access, and car parking. The proposal is therefore considered to satisfy the provisions of Local Plan Policy QP3 and the provisions of the NPPF.

DRAINAGE + FLOODING

1.166. The provisions of Local Plan Policy CC2 is relevant alongside the provisions of paragraphs 172 and 182 of the NPPF when considering matters of drainage.

1.167. Policy CC2 sets out that all new developments will be required to show how they will minimise flood risk to people, property and infrastructure by meeting the requirements of 9 points in the policy including by avoiding inappropriate development in areas of risk at flooding, provision of site specific flood risk assessments and requiring all developments include provision for the full separation of foul and surface water flows.

1.168. Paragraph 172 of the NPPF sets out that plans should take a sequential, risk based approach to the location of development so as to avoid where possible flood risk to people and property. It continues that this is to be done applying the sequential test and then, where applicable, the exceptions test.

1.169. Within paragraph 182 of the NPPF, it details that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

1.170. As part of the application a flood risk assessment was provided with the summary setting out that the site is in flood zone 1 (least at risk from flooding) and that through the detailed design process the areas identified as being at medium to high risk of surface water flooding should be considered and either designed into the master plan and or designed out through the manipulation of the proposed topography. It also suggested that the surface water drainage network be developed in accordance with current DEFRA National Standards for Sustainable Drainage.

1.171. Through the processing and consideration of the scheme, and incorporated within the increase in housing numbers on the site, drainage route details were shown on the plans provided. Also, as a result of dialogue involving the applicant and appropriate technical consultees, a number of additional items were provided including an amended site location plan which extended the red edge boundary of the site to the SuDs features approved under ref H/2024/0067. Alongside this amended site location plan, details of the swale were provided.

1.172. Initial comments from HBC Engineering Consultancy on the drainage elements indicated that further details were needed and duly requested. While the majority were provided and found to be acceptable within the context of this development as part of the wider Wynyard development, further details relating to the Stage 1 drainage are still required (primarily in respect to the delivery of the approved and offsite SuDS basin (H/2024/0067), however the HBC Consultancy Manager has confirmed these are capable of being addressed by way of pre-commencement condition.

1.173. A combination of planning conditions and obligations is proposed to ensure the aforementioned SuDS basin (H/2024/0067) is delivered in parallel.

1.174. The sites location within Flood Zone 1 which is the area at lowest risk from flooding meaning the potential flood risk implications are considered to be minimal. While the development proposed would result in a large proportion of this green field site having, development on it, there is still a large proportion of greenery in the form of residential garden, public open space and verges in the streets. This coupled with the drainage details provided and assessed are considered to be such that the surface water run off would be within acceptable levels that in turn will be diverted through the drainage scheme to sustainable drainage features thus ensuring that potential impacts of flooding are minimised to a level considered to be acceptable.

1.175. No objections or requirements have been received from Independent Water Networks who have infrastructure within the area. Their advice can be relayed to the applicant by way of a recommended informative.

1.176. In respect to foul drainage, whilst such matters would need to be agreed through the required Building Regulations process, Northumbrian Water have requested that such details be secured by way of a planning condition which is recommended accordingly.

1.177. On this basis, and with the conditions sought relating to drainage as set out in the list of conditions below, the proposal is considered to comply with the provisions of local plan policy CC2 as well as paragraphs 172 and 182 of the NPPF.

ECOLOGY

1.178. The provisions of Local Plan policy NE1 on the natural environment are relevant to the consideration of the application including its impacts upon ecology. Policy NE1 sets out that the Council will protect, manage and enhance the natural environment through a number of means including the enhancement of ecological network and green infrastructure. Further provisions are set out within the NPPF.

1.179. Based on the submitted ecological documents provided, both Natural England and HBC Ecology were consulted and their comments are reflected in the section below.

Biodiversity Net Gain

1.180. 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 before mandatory BNG came into force) as a minimum, it has to achieve a requirement for 'no net loss'.

1.181. Notwithstanding this, a Biodiversity Net Gain Assessment was submitted alongside the relevant calculations which were then up-dated when the number of dwellings proposed was altered.

1.182. The most recent response from HBC Ecology sets out that the submitted Biodiversity Net Gain Feasibility Report (OS Ecology, July 2023) identifies a residual net loss of 0.49 biodiversity units. The report suggests this loss could be addressed either by:

- Incorporating the scheme into a wider site BNG assessment for Wynyard Park; or
- Additional on-site measures such as planting five urban trees, which the report indicates could achieve a net gain.

1.183. At present, there is no clear commitment as to how BNG delivery would be secured.

1.184. Although this application predates mandatory BNG under the Environment Act 2021, Policy NE1 of the Hartlepool Local Plan and paragraph 180 of the NPPF require developments to avoid net biodiversity loss and, where possible, deliver measurable enhancements. To provide certainty, a pre-commencement condition is recommended requiring submission and approval of a Biodiversity Net Gain Plan to deliver either on site or offsite (or combination of both) biodiversity enhancements. This plan should demonstrate how at least no net loss (which would necessitate a resolution for the current loss of 0.49 units) will be delivered and secured, including management and monitoring arrangements for a minimum of 30 years. A planning obligation is also recommended to secure the implementation, monitoring and management of such improvements. Subject to this, the proposal is considered to be acceptable in this respect and accord with the provisions of the NPPF and Local Plan policies.

Biodiversity Compensation and Mitigation Measures

1.185. The application was accompanied by an ecological impact assessment (EclA) that in summary indicated that the site was of low ecological value with no evidence of protected or notable species recorded and that the site was considered to be of limited suitability to support them.

1.186. Notwithstanding this and in response, the Council's Ecologist has highlighted that until recently the site was arable farmland and part of a much larger unit, which formed a significant ecological asset of good populations of several species of farmland bird, as well as brown hare. The Council's Ecologist notes the findings on brown hare within the report, and considers that the brown hare population will be

harmed but accepts that harm to brown hares cannot be mitigated or compensated for by this scheme.

1.187. Notwithstanding this, the Council's Ecologist largely supports the EclA findings and that the following recommendations in the EclA report should be conditioned:

- To mitigate harm to badgers, excavations to be securely covered overnight, or to include a means of escape for mammals.
- A bird nesting condition (or informative) to ensure work is undertaken outside of the bird nesting season (March to August inclusive) or only if a nesting check has been undertaken within 48 hours by an experienced Ecologist and submitted to the LPA.
- Low-level lighting schemes should be used for both the construction and occupation phases, to safeguard commuting and foraging bats from harm.
- The landscaping scheme should mostly include native plant species
- information pack to each of the new properties outlining the biodiversity value of the Local Wildlife Site and Local Nature Reserve

1.188. These measures can be secured by appropriate planning conditions and these are recommended accordingly.

Ecological Enhancement

1.189. 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.

1.190. 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.

1.191. 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.

1.192. In the interests of biodiversity enhancement, the Council's Ecologist has confirmed that each new dwelling should include one integral bat roost brick or one integral bird nest brick to each of the dwellings. This can be secured by appropriately worded planning condition, which is recommended in this respect. The Council's Ecologist has confirmed that this will satisfy the NPPF requirement for biodiversity enhancement which is additional to Biodiversity Net Gain (BNG).

Habitats Regulation Assessment

1) Recreational impacts on designated sites

1.193. The site is within 7km driving distance of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site. Suitable alternative natural green space (SANGS) is not provided on site and 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 £19,400 (£200 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

1.194. 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.

1.195. 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 discharging to the Billingham Waste Water Treatment Works (which has been confirmed by Northumbrian Water) and surface water is attenuated by SuDS. 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.

1.196. 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.

1.197. Subject to securing the identified financial contribution via a legal agreement, the application is considered to be acceptable in respect of any Likely Significant Effects on designated sites.

ARCHAEOLOGY

1.198. As part of the application, a heritage statement has been provided alongside an archaeological desk based assessment through which therefore necessitates an assessment of the proposal within the context of heritage assets. The provisions of Local Plan Policies HE1 (heritage assets) and HE2 (archaeology) are relevant to the consideration of the application. These are alongside Section 16, paragraphs 202 to 221, of the NPPF.

1.199. Policy HE2 details that the Council will seek to protect and enhance archaeological heritage and, where appropriate, encourage improved interpretation

and presentation to the public. The aims and objective of these local plan policies are reflective of the contents of Section 16 of the NPPF.

1.200. Tees Archaeology were consulted on the proposal and commented, noting the inclusion of a desk-based assessment, which provides a comprehensive review of the archaeological resource of the study area. They continue that although this document recommends that a watching brief is carried out on the site during its initial strip, they do not feel that there is sufficient potential for this to be worthwhile. This is on the basis that the site has been previously evaluated, recording only the remains of medieval ridge and furrow, and the tracking of machines across site is likely to have damaged any below ground remains. As such, they do not recommend that any further archaeological work is necessary on this site.

1.201. From the comments provided by Tees Archaeology, and taking account of previous archaeological investigations in and around the site, it can be seen that any impact of archaeological heritage is at a level considered to be minimal.

1.202. Turning to non-archaeological heritage, para 1.03 of the submitted heritage statement details that there are no designated or non-designated heritage assets within 1km of the site. No comments or objections have been received from the Council's Head of Heritage and Open Spaces.

1.203. On the basis of the archaeological comments as well as distances relating to designated and non-designated heritage assets, the proposal is considered to be acceptable in respect to archaeology and heritage matters and the proposal therefore complies with the provisions of Local Plan policies EN1 and EN2 as well as contents of the NPPF.

OTHER PLANNING MATTERS

Contaminated Land

1.204. The Council's Engineering Consultancy have confirmed no objections to the proposal in respect to contaminated land subject to a standard condition to address any unexpected contamination. Subject to the identified and recommended planning condition, the proposal is considered to be acceptable in this respect.

Safety and Security

1.205. Within Policy QP5, relating to safety and security, it is established that the Council will seek to ensure that all developments are designed to be safe and secure while developers will be expected to have regard to the a number of different matters where necessary, including adhering to national safety and security standards as set out by central government and being developed in a way that minimises crime and the fear of crime.

1.206. From a safety and security perspective, Cleveland Police were consulted on the application and commented that though the development is located in a lower than average crime rate, they have provided advice on a number of matters in respect to Secured by Design which can be relayed to the applicant by way of an

informative. No objections or comments have been received from HBC Community Safety and Engagement.

Climate Change and Energy

1.207. Local Plan policies 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.

1.208. A supporting Sustainability Statement states that 'All the dwellings will be installed with PV Panels in the most southerly orientation to maximise their output. No further details have been provided, therefore this needs to be clarified or controlled through a suitably worded condition. The provision of an EV charging point for each dwelling is welcomed and implementation of this should be controlled through a suitably worded condition, which is recommended accordingly.

1.209. National Highways, in their response, made reference to climate change and the provisions of NPPF paragraphs 77, 109, 110 and 115 with regards to transport choice. In response to these points by National Highways, the scheme includes walking provision by way of connections to the wider footpath network while a bus service also offers bus services within the wider development that will contribute towards enhanced travel opportunities beyond private cars.

1.210. On the basis of the conditions being attached, officers are satisfied that the provisions of Policy CC1 and those of the NPPF will be met.

Waste

1.211. 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.

1.212. 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. It is also noted that individual properties feature rear garden areas and footpaths to/from the highway. The proposal is therefore, on balance, considered to be acceptable in this respect.

OTHER MATTERS

1.213. Within the objections received, concern has also been raised with regards to the proximity of the proposed boundary fencing in this scheme to the fencing of existing dwellings to the rear/north of the site (where it is understood that open deer fencing is present/forms the boundary). The concerns raised primarily relate to access/maintenance to existing fencing. In response, it is inevitable that a suitable scale of boundary treatment will be required to serve the current proposals and to

provide the necessary privacy between adjoining gardens. The concerns raised regarding maintenance/encroachment would be a civil matter between the occupiers of the respective dwellings.

1.214. 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

1.215. The site sits within a larger site designated in the Local Plan for housing which results in the principle of development being acceptable.

1.216. A number of amended and up-dated plans and documents have been received as a result of discussions and negotiations which result in the development, on balance, meeting policy requirements regarding matters including layout, design, appearance, amenity, heritage and landscaping.

1.217. It is acknowledged that the proposal has some small shortcomings in respect to not achieving the required separation distances across all plots/relationships however and for the reasons detailed in the report, the proposal is, on balance, considered to be acceptable and that such a shortfall would not warrant a refusal in its own right.

1.218. The applicant has agreed to make contributions to areas including affordable housing, education, highways and health by way of a Section 106 legal agreement to make the development acceptable in terms of meeting the needs in these areas resulting from the development.

1.219. 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

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

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.221. 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.

1.222. There are no Section 17 implications.

REASON FOR DECISION

1.223. 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 consideration by officers of any additional representations received as part of the outstanding consultation period, subject to the completion of a Legal Agreement to secure the following financial contributions and obligations;

- Affordable Housing offsite contribution (£935,177.85);
- Primary education (£286,929.30) towards the new primary school at Wynyard Park;
- Secondary education (£187,415.58) towards secondary education provision;
- Health (£47,334) towards the provision of future health care services in vicinity;
- East to West Footway/Cycleway (£96,224) towards the proposed cycleway running along the A689 between Wolviston services and the South West Extension;
- Green infrastructure (£24,250.00) towards provision/improvement of pedestrian and cycle links to the Castle Eden Walkway;
- Play (£24,250.00) towards the improvement and maintenance of existing / secured facilities in the vicinity;
- Built sports (£24,250) towards provision/improvement of built sport within the borough;
- Playing pitches, tennis courts and bowling greens (£28,642.16) toward outdoor sport provision/improvement;
- Recreational disturbance to European Sites mitigation (£19,400);
- Provision, long term maintenance and management of on site or off site areas to achieve/offset 0.49 biodiversity units;
- Highways – £250,000 towards highway improvements to A689/The Meadows roundabout (albeit this matter is still being discussed with the applicant as set out in further detail within the Highways section and maybe omitted in lieu of a Grampian condition restricting occupation);
- Provision, long term maintenance and management of all on site open space and landscaping (out with residential curtilages);
- Provision, long term maintenance and management of surface water drainage including an obligation to require the implementation of permission H/2024/0067 (offsite SuDS basin to serve the application site);
- Provision, long term maintenance and management of footpaths;
- Local Employment and Training Agreement;

And subject to the following planning conditions;

1. The development shall be begun before the expiration of three years from the date of this permission.
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004 (as amended).
2. The development hereby approved shall be carried out in accordance with the following approved drawings;

House Type Portfolio, Duchy Series 2.0 (Issue 08 30.01.25 containing all approved house types, floor plans and garages), date received by the Local Planning Authority 10.03.2025;

Drwg No. 2221.02.LP Rev E (Site Location Plan),
 Drwg No. 240431-S104-0500-003 (Drainage Layout, Sheet 1 of 4) Rev A,
 Drwg No. 240431-S104-0500-004 (Drainage Layout, Sheet 2 of 4) Rev A,
 Drwg No. 240431-S104-0500-005 (Drainage Layout, Sheet 3 of 4) Rev A,
 Drwg No. 240431-S104-0500-006 (Drainage Layout, Sheet 4 of 4) Rev A,
 Drwg No. 240431-S38-0000-001 (General Arrangement, Sheet 1 of 2),
 Drwg No. 240431-S38-0000-002 (General Arrangement, Sheet 2 of 2),
 Drwg No. 240431-S38-0500-001 (Spine Road Drainage, Sheet 1 of 2),
 Drwg No. 240431-S38-0500-002 (Section 38 Drainage Layout, Sheet 2 of 2)
 All plans date received by the Local Planning Authority 04.06.2025;

Drwg No. 240431-DP-0500-001 (Duchy Pong Detailed Design),
 Drwg No. 240431-DP-0500-002 (Duchy Pond Setting Out),
 Drwg No. 240431-DP-0500-003 (Private Swale Detailed Design),
 All plans date received by the Local Planning Authority 12.06.2025;

Drwg No. DH-WYN2-SDP-001 Rev D (Separation Distances Plan),
 Drwg No. 2221.01 Rev BBB (Proposed Site Layout),
 Drwg No. T-S2.1-4H1267-TB/01 Rev A (Claverley - Duchy 2.1 – Traditional)
 All plans date received by the Local Planning Authority 04.07.2025.
 For the avoidance of doubt.

3. Prior to the commencement of development hereby approved, a scheme for the provision of the off-site highway improvement works at the A689/ The Meadows roundabout shall be first submitted to and agreed in writing with the Local Planning Authority. No dwelling hereby approved shall be occupied unless and until the approved scheme has been implemented and is operational.
 To ensure the safe and efficient operation of the local highway network.
4. No other construction or site works shall take place until the section of highway from the roundabout to the site access, as shown on approved plan Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025) has been constructed to the satisfaction of the Highway Authority in consultation with the Local Planning Authority.
 To ensure safe, satisfactory access to the site is capable in accordance with the approved drawings.
5. 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 include information to confirm the attenuation requirements for the site and how restricted discharge is to be provided. 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 drainage system shall be implemented in accordance with the approved detailed design prior to 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.

6. No development shall commence unless and until a timetable for the provision of the Stage 1 of the attenuation pond, approved under application H/2024/0067, and including provision for the connection of the drainage from the site has been agreed in writing by the Local Planning Authority. The drainage arrangements shall thereafter be in accordance with the timetable so agreed.

To ensure the attenuation pond necessary by the development hereby approved is implemented and available for use prior to occupation of the dwellings hereby approved.

7. Development shall not commence until a detailed scheme for the disposal of foul drainage from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.

8. Prior to the commencement of development, details of the existing and proposed levels (within and outwith the site) including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.

9. 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. 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.

To ensure the protection of the amenities of existing occupiers situated in close proximity to the site.

10. No development shall commence until full details of the site compound, to include location within the site, temporary structures to be used, external lighting details (location, angle and direction of point, and level of luminance) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and removed from the site within one month of the development being completed.
In the interests of amenity.
11. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping, tree, hedge and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a timetable and programme of the works to be undertaken, and be implemented in accordance with the approved details and timetable/programme of works. 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 soft landscaping including 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). All planting, seeding or turfing comprised in the approved details of landscaping for all other areas (out with the residential curtilages) including open space within the site shall be carried out in the first planting season following the occupation of the dwellings or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity, biodiversity enhancement and to ensure a satisfactory form of development.
12. No development shall commence unless and until a Biodiversity Plan scheme ("the scheme") to ensure that the approved development provides the delivery of a minimum of 0.49 Biodiversity Units to ensure 'no net loss' from the Development as set out in the submitted 'Biodiversity Net Gain Feasibility Report' (by OS Ecology, document dated May 2023, date received by the Local Planning Authority on 03.07.2023) consisting of the habitat creation and

enhancement and the subsequent management of such habitats has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- a. details of habitat, creation and enhancement sufficient to provide the delivery of the requisite Biodiversity Units either on site, offsite or a mix of both;
- b. the provision of arrangements to secure the delivery of the Biodiversity Units proposed (including a timetable for their delivery);
- c. a management and monitoring plan (to include for the provision and maintenance of the Biodiversity Units proposed 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 to ensure a minimum of no net loss to biodiversity in accordance with The Environment Act 2021, Section 15 of the NPPF (2024) and Policy NE1 of the Hartlepool Local Plan (2018).

13. Notwithstanding the submitted details, 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 submitted Ecological Impact Assessment by Naturally Wild (ref DH-21-01, document dated November 2021), date received 28.06.2022 by the Local Planning Authority. 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.

To ensure suitable provision of ecological mitigation measures.

14. Prior to the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure lighting is positioned so as to avoid unnecessary spill onto adjacent woodland to the west and / or any habitat enhancement features to be incorporated into the development; detail all angles of lighting so as to avoid direct lighting and light spill onto areas of habitat that are of importance as commuting pathways and / or foraging areas; provide details on the lighting including luminescence and where possible avoiding the use of white and blue light; and where possible reducing the height of lighting

columns to avoid unnecessary light spill. Maintenance details shall also be provided. The development shall then be implemented in accordance with the approved details prior to the completion of the development.

To minimise the impacts of lighting on protected species in accordance Local Plan policy NE1.

15. Prior to the any of the dwellings hereby approved being occupied, an information pack setting out the dwellings location close to Close Wood Complex Local Wildlife Site, Wynyard Woodland Park Local Nature Reserve and Thorpe Wood Local Nature Reserve shall be prepared and submitted to the Local Planning Authority for approval. The pack shall set out the biodiversity of these areas alongside what species and habitats the areas are designated for, to outline the importance of the area in a local context and encourage responsible usage. The approved pack shall then be provided to the occupiers of dwelling prior to their first occupation.
To make occupiers of the dwellings approved of the local environment and in accordance with the provisions of Local Plan Policy NE1.

16. Prior to the commencement of development above ground level, full details of a minimum of 97no. integral 'universal' nest bricks or 97no. bat roost bricks or 97no. bird nesting box bricks to be installed integral to each of the dwellings (97no. in total), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 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).

17. No part of the residential development hereby approved shall be occupied or completed 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.

18. No part of the residential development hereby approved shall be occupied or completed until details of electric vehicle charging apparatus (to all 97no. 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.

19. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme of proposed hard landscaping and surface finishes (including the proposed access road, car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and be agreed in writing with the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed in accordance with the agreed details prior to the occupation of the dwellings or completion of the development hereby approved, whichever is sooner. The parking hereby approved as part of the development shall be retained thereafter in association with the dwelling it serves for parking purposes only.

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

20. Prior to the commencement of the development above ground level, a scheme for obscure glazing and fixed or restricted opening (max. 30 degrees) of the following proposed side facing windows (plot numbers as identified on Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025) shall first be first submitted to and approved in writing by the Local Planning Authority:

Alderley House Type (ground floor WC) on plots 37, 45, 62, 65, 67 and 74;
Buckingham Special House Type (first floor bathroom) on plots 1, 32, 39, 44, 54, 87, 94 and 97;

Cardington House Type (ground floor WC and first floor en-suite) on plots 17, 34, 46 and 61;

Claverley House Type (first floor bathroom) on plots 13, 14 and 63;

Cranbourne House Type (first floor ensuite and shower room) on plots 5, 7, 25, 27, 30, 43, 55, 56, 59, 60, 82, 89 and 92;

Dunsmore House Type (ground floor WC and first floor ensuite) on plots 18, 26, 41, 50, 70, 71 and 76;

Gainsborough Special House Type (ground floor WC and first floor WC and shower room) on plot 2;

Gainsborough Special House Type (ground floor WC and first floor WC and shower room) on plot 12;

Harewood House Type (first floor ensuite and landing) on plots 38, 54, 64, 66, 75, 84 and 85;

Hartwell Special House Type (first floor shower room) on plots 57, 90 and 91;

Marlborough House Type (ground floor WC) on plots 6, 19, 24, 28, 31, 42, 51 and 68;

Oakmere House Type (first floor shower room and en-suite) on plots 49, 53, 69 and 72;

Thronbury (semi-detached) House Type (ground floor WC and first floor en-suite) on plots 3, 4, 8, 9, 10, 11, 15, 16, 21, 22, 35, 36, 47, 48, 80 and 81;

Wavendon Special House Type (ground floor WC and first floor en-suite and bathroom) on plots 58 and 73;

Willington House Type (ground floor WC) on plots 33, 77, 83, 86, 88, 93, 95 and 96; and
Woodcroft House Type (first floor ensuite and landing) on plots 20, 23, 29, 40, 78 and 79.

The windows shall be glazed with obscure glass to a minimum level of 4 of the 'Pilkington' scale of obscuration or equivalent. Thereafter, the windows shall be installed in accordance with the approved details and prior to the occupation or completion (whichever is sooner) 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.

21. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, details of all walls, fences and other means of boundary enclosure shall be first submitted to and be agreed in writing with the Local Planning Authority. The scheme shall be in general conformity with the enclosures indicated on Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025). the scheme shall also include details of the provision of hedgehog openings (and suitable associated signage) within the boundary enclosures where possible. Thereafter the agreed scheme shall be implemented prior to first occupation of the dwellings or completion of the development (whichever is the sooner).

To ensure a satisfactory form of development and to enhance biodiversity in accordance with paragraph 187 of the NPPF.

22. Prior to the first occupation or completion (whichever is sooner) of the dwellings hereby approved, full layout and elevational drawings of the 'Development Entrance / Name Feature Wall' shall be submitted along with materials details and a timetable for implementation to the Local Planning Authority for approval. The 'Development Entrance / Name Feature Wall' shall then be implemented in accordance with the approved details and timetable.

In the interests of the visual amenity of the development and wider area.

23. Prior to development above damp proof course level, plans showing the location and elevations of bin store locations for each dwelling along with details of the materials to be used in their construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and bins stores provided prior to the first occupation or completion (whichever is sooner) of the dwellings they relate to and retained thereafter.

To ensure appropriate bin storage provision and in the interests of visual amenity.

24. Prior to the commencement of development of the electricity sub-station above damp proof course level as shown on drawing Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority

04.07.2025), drawings showing all external elevations, details of materials to be used and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with agreed details and timetable. To ensure a satisfactory external appearance of the sub-station to be used in the development.

25. The development shall only be occupied in accordance with the approved Travel Plan (February 2025) which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19. In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework and paragraph 40 DfT Circular 01/2022.
26. None of the dwellings hereby permitted shall be occupied until all necessary and appropriate highway and footpath connections shown on the approved plan Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025) have been constructed to a minimum base course level and until the Local Planning Authority has certified that the works have been completed to its satisfaction.
To ensure that all necessary and appropriate connects regarding travel are in place for occupiers to use.
27. The external finishing materials of the dwellings shall be completed in accordance with Dwg. No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025. unless an alternative, similar scheme is submitted to and approved in writing with the Local Planning Authority.
For the avoidance of doubt and to ensure the development is constructed of the materials considered as part of the submission and found to be acceptable in accordance with Local Plan policy QP4.
28. The development hereby approved shall be implemented in accordance with the provisions of the Geoenvironmental Appraisal report ref C9056 dated December 2021 by Sirius. 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 the protection of current and future occupiers from contamination.

29. The dwellings hereby approved shall, prior to their first occupation, each be fitted with double glazing and trickle vents in accordance with the conclusions of the Noise Impact Assessment ref NIA/10047/21/10170/v3/Wynyard Phase 2 dated 7th March 2024 by ENS (date received 19.04.2024 by the Local Planning Authority). Thereafter the dwellings shall continue to be fitted with double glazing as a minimum.

To ensure occupiers of the dwellings hereby approved are protected from noise impacts in accordance with Local Plan policies QP5 and QP6.

30. The development shall proceed in accordance with the mitigation measures outlined in the Air Quality Statement Report ref AQ2076 dated November 2021 by GEM Air Quality at all times until the completion of the development. To ensure that any impacts upon air quality during the construction of the development are appropriately monitored and mitigated in accordance with Local Plan Policy QP5.

31. 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 document titled 'Waste Audit Report, Land at Wynyard Park, Phase 2' by Tetra Tech numbered 784-8032537 Rev 1 dated May 2022 (date received by the Local Planning Authority on 28.06.2022).

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.

32. 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.

33. 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 conversion of garages) 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.

34. 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 Drwg No. 2221.01 Rev BBB (Proposed Site Layout, date received by the Local Planning Authority 04.07.2025).

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.

35. 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.

BACKGROUND PAPERS

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

https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0255

- 1.225. Copies of the applications are available on-line:

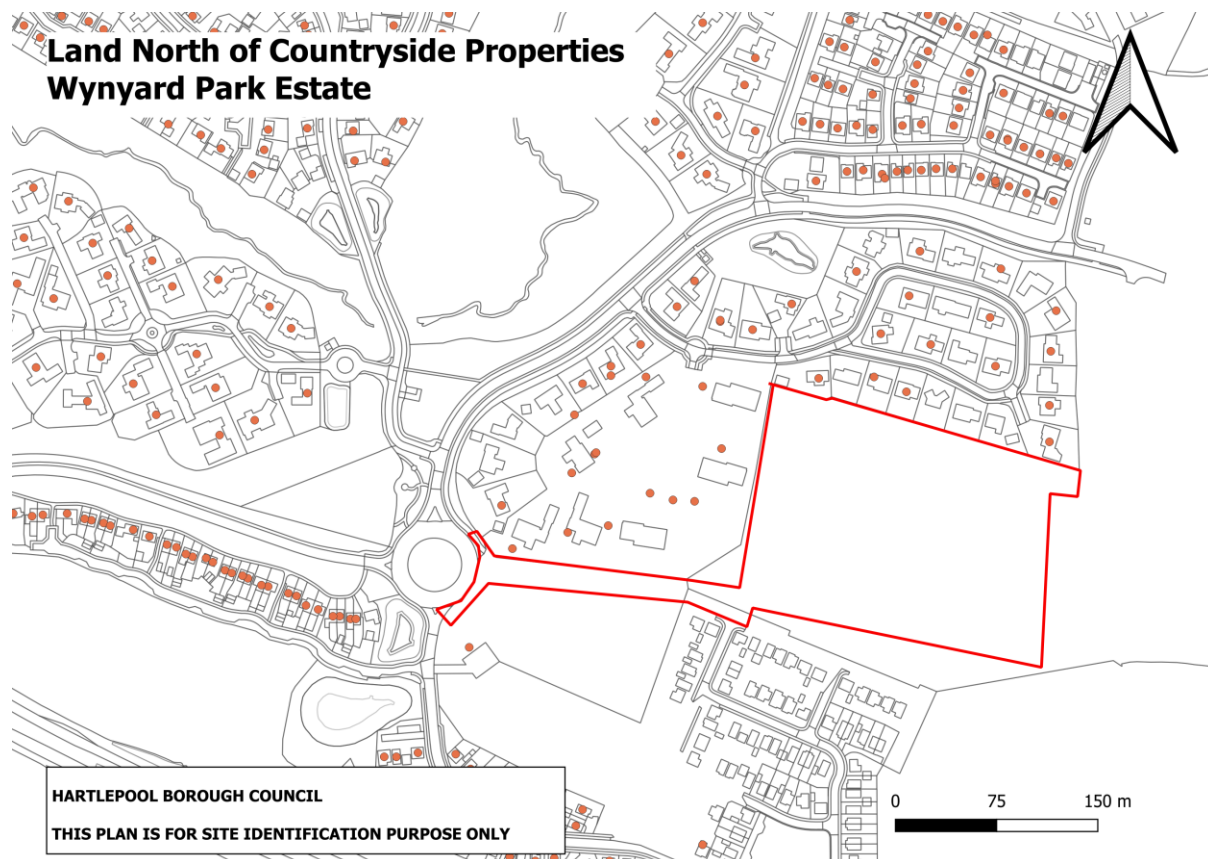
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

CONTACT OFFICER

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

AUTHOR

- 1.227. Richard Redford
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429525238
E-mail: Richard.Redford@hartlepool.gov.uk



No: 2.
Number: H/2025/0113
Applicant: C/O AGENT MERCURY HOUSE 117 WATERLOO ROAD
 LONDON SE1 8UL
Agent: SHWILKINSON ARCHITECTS LTD MR SCOTT
 WILKINSON 6 DALE LEE WESTHOUGHTON BOLTON
 BL5 3YE
Date valid: 17/04/2025
Development: Change of use from residential dwelling (C3 Use Class) to
 supported living residential accommodation (C2 Use
 Class) for up to 5 children with learning difficulties and
 complex care needs, including garage conversion and
 single storey in-fill extension and canopy
Location: 14 ELM GROVE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following applications are considered to be relevant to the application site:

H/2014/0221 - Erection of detached garage and games room. Approved 18/07/2014.

H/2016/0135 - Amendment to planning application H/2014/0221 for the erection of a detached garage and games room, to provide 3 velux windows in the roof slope. Approved 12/05/2016.

PROPOSAL

2.3 The application seeks planning permission for the change of use from a residential dwelling (C3 Use Class) to supported living residential accommodation (C2 Use Class) which the applicant indicates in their supporting Planning Statement has been “specifically designed to provide specialist care for up to 5 children with learning difficulties and complex care needs”. The proposals include the erection of a single storey extension to the rear of the main building, the conversion of the detached garage and the erection of a single storey canopy extending from the side of the garage towards the main building to facilitate the proposed change of use.

2.4 The proposed single storey rear extension would be L-shaped and would measure approximately 6.3m in total projection with a total width of approximately 4.7m, albeit it would step in to a projection of approximately 4.6m from the rear elevation on its eastern extent. The proposed extension would feature a flat roof

design with a height of approximately 2.9m and would be constructed from materials to match the host property. The proposed extension would feature 1 window and 1 door in the rear elevation (north facing) and one set of patio doors in the west facing elevation.

2.5 The proposed floor plans indicate that the ground floor of the main building would include: 2no. lounges, 1no. en-suite bedroom, a kitchen, dining room, staff restroom, assisted WC, WC, hall, lobby and porch; and the first floor would include 4no. bedrooms, office, a sensory bathroom, bathroom, office, cleaning cupboard, linen store and landing.

2.6 The proposed garage conversion would include 2 activity rooms, an archive store, W.C., 2 store rooms and a lobby at ground floor and a 'snug' in the upper roof area/first floor. The proposals include the replacement of two roller shutter doors in the front elevation of the garage with two 3-pane windows and brickwork to match the existing garage.

2.7 The proposed canopy would project from the western side elevation of the detached garage and extend toward the main property, and measure approximately 6.8m in length by approximately 1.8m in width. It would comprise an open sided frame constructed from timber posts with a flat roof with a height of approximately 2.5m.

2.8 The application proposes 3 car parking spaces on a driveway within the application site.

2.9 The application was amended during the course of consideration, at the request of the applicant. Initially the application proposed a care home for adult residents, where the proposed staff numbers were 3 day time staff and 2 night time staff. The proposals were amended so that the proposal now relates to "specialist care for up to 5 children with learning difficulties and complex care needs". The submitted amended Planning Statement also notes that the proposal would "provide a step-down supported living space for adolescent residents requiring complex care to live in a more independent environment". The proposed amendments also included an increase in the numbers of staff with up to 12 day time staff and 6 night time staff (working 'typically' 8.5 hour shifts).

2.10 The submitted (updated) Planning Statement indicates that the property "will offer a safe, supportive, and nurturing environment where children can thrive with the support of experienced care professionals. Each child will benefit from personalised care plans and dedicated support staff, focusing on their safety, well-being, and integration into the local community." The Planning Statement indicates that "the proposals are being put forward as an opportunity to provide much needed support for referred residents to live a more independent lifestyle whilst allowing any necessary support at the same time." The Planning Statement further states that "the individuals supported in the proposed would be local to the area or from close surrounding areas."

2.11 The submitted Planning Statement indicates that the "home will operate with a highly trained team of up to twelve staff members, including management, during the

day, and six staff members providing care overnight. This staffing model ensures that children receive 24-hour support tailored to their individual needs.” The submitted Planning Statement indicates that “the proposal will provide an opportunity for up to 5 residents there will be no resident staff at the property.”

2.12 The applicant’s agent also confirmed that the numbers of staff (up to 12 during the day and 6 at night) would be a “worst case” scenario, where they indicate that a “typical day” would be as follows: “Staff arrive at set times but staggered across the day rather than all in one go. Typically 6-7 support staff depending on the youngsters needs. These support staff will be out most of mon-friday with the youngsters at school but will arrive in the morning and leave in the evening. 1-2 manages on site during the day. Typically arrive after support staff.

During the day there may be visits from maintenance, cleaning etc. but would be managed by staff to specific times. occasionally there maybe a visit from professional consultants etc. but would be by appointment. Weekends and holidays would see the support staff on-site throughout the day. As mentioned with all the other facilities Active Care operate and some local to this, staff are employed locally and generally do not have the use of a car so either car pool, use public transport or walk to work”.

2.13 The application has been referred to be determined in the planning committee due to the number of objections that have been received (more than 3) and having been called in by a local ward councillor, in line with the Council’s Scheme of Delegation.

SITE CONTEXT

2.14 The application site comprises 14 Elm Grove, a detached locally listed building known as Myrtle Mount, in a residential street. The detached property is self-contained and set within a substantial plot, with a garden to the front, western side and rear, and a driveway to the eastern side. The host property is bounded by No. 12 Elm Grove to the east, whilst to the west is a garage block serving residential flats at Oval Grange (with Nos. 16-18 (inclusive) being the closest directly to the west and Nos. 19-21 (inclusive) being the closest to the north west), and to the north is the access road serving these residential flats, with additional flats (within Oval Grange, with Nos. 82-84 (inclusive) being closest) to the north east. To the south, beyond the main highway of Elm Grove, are residential properties including Nos. 9a, 11 and 13 Elm Grove.

2.15 Boundary treatments include a low level fence (approx. height 1.2m) between the side elevations of the host property and No. 12 to the east, stepping up to a brick wall with a height of approx. 2m to the rear boundaries with a brick garage building serving No. 12 adjacent to the wall on the eastern boundary, and a timber fence with a height of approx. 1.8m to the front boundary of the rear garden. Front boundary treatments include a low level wall with brick pillars and railings, and hedges to the east and west sides of the front garden.

PUBLICITY

2.16 The application has been advertised by way of letters to 86 neighbouring properties and local ward councillors, and a site notice. During the course of the

application and as detailed above, the proposal was amended and a re-consultation was undertaken. To date, there have been 11 objections received (with more than one from the same address in some instances as well as anonymous representations).

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

- Impact/lack of compatibility with residential area, particularly as the area includes a high number of elderly residents;
- Conflicts with planning policies designed to preserve the character of established neighbourhoods;
- Application property is near the Park Conservation Area and the proposals will impact on the locally listed building, in conflict with Policies HE1 and HE3;
- Impact on application property (internal and external), and potential for neglected upkeep;
- Impact on local services;
- Suggestions that the proposal would be better suited to a purpose built property or HBC property or vacant hospital;
- The increased use of the property would lead to additional waste and increased use of utilities including drainage;
- Drainage is not suitable for a business premises, suggest using a macerator;
- Electric supply not suitable for a business premises;
- Increased residents and staff would result in increased problems;
- Increased noise, including from the building to the garage;
- Garage conversion will result in additional noise, dust and inconvenience;
- The noise would affect wildlife in the area;
- Impact on privacy;
- Insufficient parking, especially for business vehicles e.g. minibuses, and parking would require more movements when some vehicles need to be moved out of the driveway but are blocked in;
- Use of public transport cannot be enforced;
- Visitors will include parents of the children, family and friends, doctors physiotherapists and support staff which will exacerbate parking and disturbance;
- Traffic concerns as people use Elm Grove to bypass Wooler Road/Grange Road roundabout;
- Lack of robust travel or operational management plan, swept path analysis for parking, service vehicles and refuse collection;
- Safety concerns about the nature of the occupants, fear of anti-social behaviour and crime including arson, vandalism, trespassing, a gathering spot for groups;
- Applicant has purchased the property and undertaken works prior to applying for planning permission, which suggests that HBC have already advised the proposed use will be approved;
- The applicant has a documented and troubling history of care failings, and case law recognises that an applicant's capacity and institutional record can be a material planning consideration;
- Concerns around the management of the operation and competence of the operator, and concerns if it should fail;
- References to other properties in use by the applicant;

- Application is a business and not a charity, pursuing profit over ethical process;
- Lack of consultation from the applicant and delays in HBC consultation letter and site notice;
- Precedent if the application is approved;
- Overdevelopment;
- Devaluation of property;
- Cumulative impact with multiple C2 uses in the street;
- No sequential test submitted;
- Disturbance from construction;
- The proposals would require trained staff.

2.18 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=164850>

2.19 The period for publicity has expired, save for the awaited comments from Natural England (consultation expires 25th July 2025) and this is reflected in the officer recommendation within the report.

CONSULTATIONS

2.20 The following consultation replies have been received:

HBC Traffic and Transport: Following the amended Planning Statement. I have concerns with the impact on parking within Elm Grove.

The amended planning statement states that there will be 12 daytime staff. There is no comparable parking standard within HBC Design Guide and Specification, although similar usages require 1 space per 2 members of staff and a space for visitors and a space for a professional visitor. A total number of off street parking spaces required would be 8.

Currently the site provides 3 off street spaces, therefore the change use would potential have a severe impact on parking and road safety in the surrounding area. And I would therefore object on these grounds. The applicant should look to provide an extra 5 parking spaces within the property boundaries.

Update 03/07/2025 following discussion regarding the applicant's 3 alternative options for parking:

This type of parking wouldn't be suitable for this use. It would require multiple vehicles to be maneuvered in and out of position every time someone wanted to leave early. Staff / visitors would end up parking on the road because it was easier.

It would be better to create a new access / parking area on the available land.

HBC Children and Joint Commissioning: No comments received.

HBC Public Protection: I have no comments to make and no concerns about the use.

Cleveland Police: I would like to make you aware that Cleveland Police operate the “Secured by Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured by Design accreditation, full information is available within the SBD Residential Guide 2025 Guide at www.securedbydesign.com

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

The Secured by Design Residential Guide highlights that the concepts and approach adopted within this guide can be used to influence strategic planning policies, in support of Paragraph 102a of the NPPF.

The National Planning Policy Framework 2024 paragraph 96(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...

The National Planning Policy Framework 2024, paragraph 135(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”. Local Plan section Q5: Relating to Safety & Security states, The Borough Council will seek to ensure that all developments are designed to be safe and secure. Developers will be expected to have regard to the following matters, where appropriate: 1) Adhering to national safety and security standards as set out by central government. 2) Be developed in a way that minimises crime and the fear of crime, amongst other things, incorporating Secured by Design principles as appropriate. Proposals relating to residential development should be in accordance with the Residential Design SPD.

Another material consideration is Section 17 of The Crime and Disorder Act 1998. In addition to the above I would also add the following.

For facilities such as this, should permission be granted, good management policies and systems are essential for the most effective running of the premises.

HBC Engineering Consultancy: In regard to flood risk, we have no comments to make on this application.

In regard to contaminated land, we have no comments to make apart from advising that it would be prudent to impose a condition requiring that in the event of unexpected contamination being found works should cease until a remediation strategy is submitted to and approved by the Council.

HBC Landscape Architect: No landscape issues.

HBC Ecology: Thank you for consulting HBC Ecology. The proposals are unlikely to affect protected species or other important ecological features, therefore the potential for significant ecological harm is limited. I have no objection to the proposals.

Update 03/07/2025 regarding a Habitat Regulations Assessment:

The development lies within the IRZ for the Teesmouth and Cleveland Coast SPA/Ramsar/SSSI.

Natural England (*ref: 511990, 14 May 2025*) confirms that due to discharge via Seaton Carew WwTW, the development can be screened out from requiring Appropriate Assessment for Nutrient Neutrality.

The development cannot be screened out due to recreational disturbance and must be Appropriately Assessed.

Stage 1 (screening) findings

Nutrient neutrality

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW?	Yes	Connection to the WwTW is in the project design and is an embedded features so is considered at the screening stage.
Will surface water runoff occur?	No	The development is within an urban context, meaning there will be no significant change to the surface water regime.
Conclusion		Nutrient Neutrality is screened out.

Recreational disturbance

Is Recreational disturbance accounted for by the Hartlepool local Plan Coastal Mitigation Scheme?	No	HRA Appropriate Assessment is required.
---	----	---

Habitats Regulations Assessment stage 2 Appropriate Assessment

Revision history

Version	Date	Revision	Prepared by
1	03/07/2025	A	Max Cummins

Introduction

Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

HRA Stage 2 - Appropriate Assessment

European Sites and issues requiring Appropriate Assessment

That HRA stage 1 screening for Likely Significant Effect (LSE), screened in the following European Sites:

Teessmouth and Cleveland Coast SPA and Ramsar

Northumberland Coast SPA and Ramsar

Durham Coast SAC

That HRA stage 1 screening screened in the following LSE:

Increased recreational disturbance.

This AA assesses whether increased recreational disturbance causes an Adverse Effect on Integrity of the Site (AEIOI) and if so if this can be removed through mitigation.

Adverse Effect on Integrity findings

Recreational disturbance is identified as an LSE, potentially harming populations of SPA/ Ramsar birds and SAC vegetation communities. Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of housebuilding. The Hartlepool Local Plan identified an average increase of 2.3 people per new dwelling and 24% of new households owning one or more dogs.

Increased recreational disturbance LSE is mitigated by the Hartlepool Coastal Mitigation Scheme for all housing development included in the Hartlepool Local Plan 'HSG1 policy: New Housing Provision'. All housing applications for allocated sites only require a HRA stage 1 screening. 'Windfall' housing site applications are not covered by this agreed mitigation and the *People Over Wind Ruling* means that they must be HRA stage 2 Appropriately Assessed.

Mitigation measures

Measures to avoid and mitigate Adverse Effects on Integrity

The Hartlepool Local Plan (adopted May 2018), policy 'HSG1 New Housing Provision', provides allocated sites for major residential development (ten or more dwellings). These were collectively HRA assessed as part of the Local Plan HRA, and their mitigation is dealt with by the Hartlepool Coastal Mitigation Scheme.

All major, non-allocated housing developments, and all small-scale housing developments (nine or fewer dwellings) are not covered by the Hartlepool Coastal Mitigation Scheme and must be Appropriately Assessed in their own right.

However, provision to mitigate windfall housing developments is indirectly built into the Hartlepool Coastal Mitigation Scheme.

The Hartlepool Coastal Mitigation Scheme was designed so that: A windfall housing development greater than nine dwellings can use the same funding formula (to provide a financial contribution to the Scheme) to meet its HRA AA mitigation requirements.

Developments of nine or fewer dwellings, or rooms for residential institutions such as care homes (Including change of use applications) are mitigated by the financial contributions made by allocated housing development projects, whose contributions include a built-in contingency measure to cover the housing applications for nine or fewer dwellings.

The Hartlepool Coastal Mitigation Scheme was designed so that additional recreational visits to the coast created by developments of nine or fewer new dwellings are mitigated by the combined Local Plan 'HSG1 New Housing Provision' allocated developments, which fund it. The Hartlepool Local Plan aspiration is for 6,150 new houses and the value of the Hartlepool Coastal Mitigation Scheme is set at £424,000.

This sum was used to calculate the 'per house' financial contribution formula and includes a contingency portion to cover the housing applications for nine or fewer dwellings.

Conclusion

This application, involving a Change of Use (CoU) from a single dwelling (C3 use) to a supported living residential accommodation (C2 use) with five bedrooms, is classified as a windfall project. It is mitigated by the built-in contingency measures provided by allocated housing developments within the Hartlepool Coastal Mitigation Scheme.

This contribution is indirectly funded by the collective contingency provisions of allocated housing schemes in Hartlepool. Therefore, increased recreational disturbance will not cause an Adverse Effect on Integrity (AEOI) to any European Site. This project is compliant with the Habitats Regulations.

Natural England must be consulted on the HRA Appropriate Assessment.

Tees Archaeology: The proposed development site is recorded on the HER (HER 8629) and is a locally listed building. We would ask that a basic photographic survey of the interior and exterior of the building is carried out prior to any works taking place, with the photograph locations marked on the existing floor plans, to supplement the information in the HER.

HBC Heritage and Open Spaces: The application site is recognised as a heritage asset. 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. 216, 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 change of use of the building from a dwelling to supported living residential accommodation (C2 Use Class) for up to 5 residents, including garage conversion and single storey in-fill extension.

There are no objections with regard to the change of use. The main change to the main building is an extension to the rear of the property. It is considered that this extension will not impact on the significance of the asset, given that this lies in the history of the building and the architectural details which is mainly retained to the front. Further works are being carried out to a detached garage to the rear of the site, it is considered that these will not impact on the significance of the heritage asset, given the separation of the two. No objections.

HBC Arboricultural Officer: There is a TPO that protects trees offsite located on Oval Grange. A protected tree was removed to the south west corner of the property on land belonging to Thirteen Housing due to damage caused by the tree to the boundary wall. The wall has since been rebuilt and replacement trees replanted. There are some small shrubs/bushes located near the rear extension of 14 Elm Grove however they are of no arboricultural concern.

Anglian Water: We have no comments to make on this application.

Natural England: Comments awaited (consultation period expires 25/07/2025) which is reflected in the Publicity section and the officer Recommendation of this report

Cleveland Fire Brigade: Cleveland Fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2 :2019, Section B5 for buildings other than Dwellings

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

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

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

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

HBC Estates: No comments received.

HBC Waste Management: No comments received.

HBC Community Safety: No comments received.

HBC Housing Management: No comments received.

HBC Building Control: No comments received.

HBC Economic Regeneration: No comments received.

Northumbrian Water: No comments received.

Civic Society: 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.

Local Policy

Hartlepool Local Plan

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

CC1: Minimising and Adapting to Climate Change

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

RC21: Commercial Uses In Residential Areas

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2024)

2.23 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:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA039: Decision making

PARA048: Determining applications

PARA057: Planning conditions and obligations

PARA061: Delivering a sufficient supply of homes

PARA063: Housing needs for different groups in the community

PARA092: Promoting healthy and safe communities

PARA116: Promoting sustainable transport

PARA129: Achieving appropriate densities

PARA131: Achieving well-designed places

PARA135: Achieving well-designed places

PARA196: Ground conditions and pollution

PARA231: Implementation

2.24 HBC Planning Policy comments: The principle of a residential use in a residential area is acceptable.

Update received 10/06/2025 following amended description of proposal and increase in staff:

2.25 In light of the additional information provided in the updated Planning Statement I'm afraid Planning Policy have concerns about this application. While the initial comment was that a residential use in a residential area is acceptable and generally that would remain the case, in light of the number of staff it has been indicated are required to facilitate the proposed use (12 during the day and 6 at night) we are concerned that this level of activity would be too intensive a use of the site than is appropriate in this location.

2.26 While noting the intention for staff to travel by sustainable means, this is ultimately not enforceable by the LPA and it is very likely that a large number of cars would travel to and park at the site each day. The site would not be able to accommodate that level of car parking and therefore this would overspill into the street. It is also likely that there would be additional professionals visiting occupants at the site at various times, albeit not necessarily daily or for the whole day, this might include GP visits, physiotherapists etc. This would add to the level of activity at the site and the level of parking required.

2.27 Can the applicant please advise why such a large staff office with space for 4 permanent desk spaces is necessary? Is it the intention for this property to act as a sort of staff 'hub' given it has been indicated the operator has other premises in the area? Such an office use would be more appropriate in an office setting, in a designated commercial location.

2.28 While it is appreciated this is a large property that could easily be occupied by a large, potentially multi-generational family, the nature of such an occupation is likely to be different and less intensive than is proposed by this application. While a small-scale supported living/care home type of use may be appropriate in a residential area in principle, there is still a need to consider the case by case merits of proposals, and in this instance Planning Policy are of the view that the intensification of the use of the property proposed in this case is not appropriate in this location.

PLANNING CONSIDERATIONS

2.29 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular principle of development, the impact of the host property and character and appearance of the surrounding area, the amenity of neighbours, highway safety and parking, safety and security, ecology, safety and security and any other planning matters. These and any other matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

2.30 It is acknowledged that objections have been received commenting that the proposed use is not compatible with the residential area and that they would result in an impact on local services.

2.31 The primary use in this location is residential, and as such it is necessary to ensure that like or complementary uses are maintained to protect the character and amenity of the area. The application site is located within the limits to development within walking distance of existing shops and services, and close proximity to local bus services which provides access to the public transport network. Therefore the site is considered to be a sustainable location and the general principle of development (to provide a residential care facility in a predominantly residential area) would be acceptable subject to the scheme satisfying the relevant identified Policies of the Local Plan and the general provisions of the NPPF, as set out below.

2.32 Given the intended function and nature of the proposed use including the high staffing levels/turn over and the relatively large office/non-residential areas, it is considered that the provisions of Policy RC21 (Commercial Uses In Residential Areas) would apply in the consideration of this application, a view supported by HBC Planning Policy.

2.33 Policy RC21 seeks to ensure that proposals for industrial, business, leisure, retail and other commercial development, or for their expansion, will not be permitted in predominantly residential areas outside the defined retail and commercial centres unless:

- 1) *There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation, and*
- 2) *The design, scale and impact is compatible with the character and amenity of the site and the surrounding area, and*
- 3) *Appropriate servicing and parking provision can be made.*

2.34 In respect of criterion 1, it is considered that the proposal to change the use of the residential dwelling (and associated large, detached garage) to a supported living residential unit for up to 5 children is likely to have a detrimental impact on the amenities of the occupiers of adjoining or nearby premises by reason of noise and general disturbance through the intensification of use by the relatively high level of staff turnover (and associated car parking/comings and goings) to the application property, given that the application proposes up to 12 members of support staff (and other indicated visitors to the host property during the day) and 6 overnight staff. To facilitate this, the proposed floor plans indicate a large staff rest room at ground floor and a staff office at first floor, which indicates space for 4 desks. Furthermore, the site is deemed to benefit from insufficient in curtilage car parking which is likely to result in further activity and on street car parking within the street scene, over and above the scale expected of a large residential dwelling (C3 use). This in turn has the potential to result in greater disturbance to the general amenity of the area, a view echoed in the HBC Planning Policy comments.

2.35 In respect to the proposed room layout, the Council's Planning Policy team queried if such a large staff office was necessary, and if the intention would be to utilise the space as a "hub" for other care staff from other care homes from the same operator. In response, the applicant advised that the proposed office was not intended to act as a "hub" but the size of the space was intended to offer a flexible space. Nevertheless, it is noted that there is an additional staff space at ground floor which appears to be a relatively high level of space dedicated to non-residential areas.

2.36 In respect of criterion 2, given the scale and extent of the proposals which would result in a modest amount of built development, comprising a single storey extension to the rear and a canopy between this proposed extension and the garage, (as well as internal alterations to facilitate the conversion of the host property) and the established relationship/separation distances to surrounding land uses (which is detailed in full below), it is considered that the proposed change of use of the host property to a supported living residential unit (C2 Use Class) would not result in an unacceptable form and layout within the site context.

2.37 Notwithstanding this, how a use operates has the potential to impact on the character of a site and wider surrounding area. In view of this, and in this instance given the anticipated staff numbers (indicated to be up to 12 daytime staff and 6 nighttime staff) and potential for additional visitors to the property, as well as the identified limited/insufficient in curtilage car parking to serve the intended use, it is considered that the proposal has the potential to result in a detrimental impact on the character of the predominantly residential area, and therefore the requirements of criterion 2 of Policy RC21 would not be met in this instance.

2.38 Finally, in respect to criterion 3, and as detailed further in the highway and pedestrian safety section below, it is considered that there would be inappropriate parking provision in respect of the intensification of staff and visitors to the application property. While noting the applicant's intention for some staff to travel by sustainable means, officers consider that this is ultimately not enforceable and it is anticipated that a large number of cars would still travel to and park at the site (or on the adjacent highway given the lack of in curtilage car parking) each day. In this respect, as noted in the section below, HBC Traffic and Transport have confirmed that they object to the proposal on such grounds and that none of the alternative parking options put forward by the applicant would remedy the concerns in this instance. The proposal is therefore considered to be contrary to criterion 3 of Policy RC21 in this respect.

2.39 In view of the above, it is considered that the proposed change of use of the host dwelling to a supported living accommodation (C2 Use Class) at the scale and operation proposed would not be acceptable (or appropriate) in this location, and the principle of development is therefore considered not to be acceptable in this instance.

CHARACTER & APPEARANCE OF THE HOST PROPERTY (A NON-DESIGNATED HERITAGE ASSET) AND SURROUNDING AREA

2.40 It is acknowledged that an objection details that the application property is a non-designated heritage asset within the vicinity of the Park Conservation Area. Further objections have been received in respect to the potential impacts on the application property, including internal features. An objection has also been received in respect of other properties under a C2 use (as a care home) in the immediate vicinity, and consideration being given to the cumulative impact of these together with the current proposals.

2.41 The application site is a locally listed building and is therefore recognised as a non-designated heritage asset. The application site is located outside of the Park Conservation Area boundary which extends to and along Wooler Road (west of the application site).

2.42 Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. 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.

2.43 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. 216, NPPF).

2.44 The Council's Head of Service for Heritage and Open Spaces considers that the proposed change of use of the building from a dwelling to supported living residential accommodation (C2 Use Class) for up to 5 residents, including garage conversion and single storey in-fill extension would not result in any adverse impacts on the significance of the heritage asset, and has confirmed no objections given that the built development would be sited to the rear of the application property and the listing lies in the history of the building and the architectural details which is mainly retained to the front.

2.45 Policy QP4 of the Hartlepool Local Plan (2018) seeks to ensure that the design of proposals do not affect the visual amenity of the area.

2.46 The proposal includes the erection of a single storey extension to the rear and canopy between the rear elevation of the host property and to the side of the detached garage building. Given the modest scale of the extension and canopy (and the proposed alterations to facilitate the garage conversion), with the flat roof design heights (both under 3m) which would respect the proportions of the host property, and that both of these elements are situated to the rear of the host property and would be largely screened by the host property and surrounding boundary treatments, it is considered that these elements of the proposal would not result in any adverse impact on the character and appearance of the host property or the wider street scene.

2.47 In terms of any cumulative impact of C2 uses in the vicinity of the application property, whilst it is acknowledged that there may be other care or supported living facilities in the wider area, the Council's Planning Policy and Public Protection teams have not raised any concerns that this proposal would result in an over-concentration of this type of use in this area, and it is considered that the cumulative impact of such uses would not give rise to such demonstrable harm as to warrant a reason to refuse the application in this instance.

2.48 Notwithstanding the above, when considering the requirement of criterion 2 of Policy RC21, it is appreciated that character is not something that is purely physical and the nature of how a use operates can impact on the character of a site and wider surrounding area. In view of this and as discussed under the Principle section, in this instance given the indicated maximum staff numbers (up to 12 daytime staff and 6 nighttime staff) and potential for additional visitors to the property, it is considered that the proposal has the potential to result in a detrimental impact on the character of the residential area, contrary to criterion 2 of Policy RC21 of the Hartlepool Local Plan (2018).

NEIGHBOUR AMENITY AND PRIVACY

2.49 Objections received raise concerns regarding the impact on the privacy and amenity of neighbouring properties including in terms of noise disturbance.

2.50 Policy QP4 (Layout and Design of Development) of the HLP requires, amongst other provisions, that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

2.51 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 and sets out minimum separation distances. These requirements are reiterated in the Council's adopted Residential Design SPD (2019). 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.

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

2.53 In addition, and as noted above, criterion 1 of Policy RC21 of the Hartlepool Local Plan (2018) requires that proposals do not result in adverse impacts on neighbour amenity and privacy.

2.54 Policy QP6 of the Hartlepool Local Plan (2018) requires that proposals must be satisfactory in terms of the effects on or impact of general disturbance including noise.

2.55 Paragraph 135 of the NPPF (2024) requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

2.56 Paragraph 198(a) of the NPPF (2024) states that "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life".

Amenity and Privacy

Impact on 12 Eldon Grove (east)

2.57 Given that the proposed single storey extension would be situated on the western side of the host property at a separation distance of approximately 12.2m from the adjacent eastern boundary and approximately 17.2m to the closest elevation of No. 12 Eldon Grove to the east (with the host property and a detached garage serving this neighbour in between), it is considered that this element of the proposal would not result in any adverse impact on the amenity and privacy of this neighbouring property (No. 12) in terms of overbearing impression, loss of outlook or overshadowing, or overlooking.

2.58 The proposed canopy between the application property (as proposed to be extended) and the existing garage would maintain a separation distance of approximately 7.3m to the boundary and approximately 10.4m to the side of No. 12. Taking into account its open nature and modest scale of the canopy (including overall height at approximately 2.5m) in addition to the existing boundary treatments including the detached garage serving No. 12, it is considered that this element of the proposal would not result in any adverse impacts on the amenity or privacy of this neighbour in terms of overbearing impression, loss of outlook or overshadowing, or overlooking.

2.59 In terms of the garage conversion, this element would include the replacement of 2 garage doors with windows in the front (south) elevation, which would be primarily screened from the neighbour at No. 12 by the existing boundary treatment comprising a high brick wall as well as the detached garage serving No. 12. It is considered that there would be no direct views achievable from the roof windows in the west facing roof slope towards No. 12 (to the east).

2.60 Overall, and on balance, it is considered that this element of the proposals would not result in any unacceptable impacts on the amenity or privacy of No. 12 in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

2.61 It is noted from the submitted plans that some of the existing window openings would primarily continue to serve rooms of a similar nature i.e. existing 'habitable room' windows (bedrooms, lounges etc) continuing to serve proposed habitable room windows and existing non-habitable room windows (bathrooms, landing etc.) serving proposed non-habitable rooms. The proposals would include the alteration of a lounge in the western extent of the ground floor to a dining room, in addition to the proposed extension on the western side of the host property. In the first floor, the proposed layout includes the conversion of the bedroom at the rear of the eastern side to a bathroom, whilst to the front the proposed layout converts one bedroom into an office, albeit incorporating some space from the two adjacent front bedrooms to make a larger office room. At the rear, the bedroom on the western side is made smaller to include a linen store.

2.62 In view of the above, it is considered that the proposed room layout would not appreciably alter the scale or massing of the existing building or reduce the existing separation distances and relationships between the application property windows and distances/relationships to neighbouring properties. No. 12 Eldon Grove is the closest neighbouring property at a separation distance of approximately 8.5m to the eastern side of the application property. It is acknowledged that 1 window in the first

floor eastern side elevation would continue to serve a bedroom that would look onto the western side of this adjacent neighbour at No. 12, which features 2 obscurely glazed windows in this elevation (albeit positioned further back in the elevation in relation to the bedroom window in the host property), and which is understood to serve a bathroom. Although this would fall short of the 10m required distance, given the oblique distances and existing relationship, it is considered that the proposal would not result in unacceptable overlooking to any windows or private garden amenity space of No. 12 Eldon Grove as to warrant a refusal of the application. Furthermore, to a degree, it is acknowledged that similar relationships are likely to exist with the existing building and adjacent properties.

Impact on properties to the front (south) including Nos. 9a, 11 and 13 Eldon Grove

2.63 To the south (front), it is noted that 2 large bay windows at ground floor and 3 windows at first floor would continue to serve habitable rooms, and that an oblique separation distance of approximately 26m would remain between the closest windows in the front elevation of the application property toward the windows (in the north facing elevation) of neighbours to the front (Nos. 9, 9a and 11 Eldon Grove), with the public highway between. Given the existing relationships between the host property and these neighbours to the south, it is considered that the proposal would not result in unacceptable overlooking to any windows or private rear garden amenity space of Nos. 9a, 11 and 13 Eldon Grove or any other neighbouring property on the southern side of Eldon Grove.

2.64 In terms of the proposed single storey extension and proposed canopy to the rear, it is considered that satisfactory separation distances, boundaries including other buildings would be sited between these elements of the proposals and all neighbouring properties to the south, including Nos. 9a, 11 and 13 Eldon Grove. As such these elements of the proposal would not result in any adverse impacts on the amenity of occupants of these properties in terms of overshadowing, overbearing impression or loss of outlook.

Impact on properties to the north/north west (including Nos. 82-84 (inclusive) Oval Grange

2.65 To the north/north east, a separation distance of approximately 13m (oblique) would remain between the detached garage at the host property and the closest neighbouring flats at Nos. 82-84 (inclusive) Oval Grange. The garage does not feature windows in the rear (north) elevation but features 3 roof windows in the west facing roof slope. Given the position of the flats which are towards the north eastern side of the rear of the application site, it is considered that there would be no unacceptable views from the proposed conversion works, including those to facilitate a 'snug' in the upper/first floor of the garage, towards these neighbouring flats.

2.66 A separation distance of approximately 31.5m would remain between the proposed single storey extension to the rear of the application property and these neighbouring flats (with the detached host garage and boundary treatment between), whilst the proposed canopy would be sited adjacent to the western side of the garage, at a separation distance of approximately 17m from these identified closest flats. Given the relationship including a separation distance that meets the

requirements (of 10m from the garage and canopy and 20m from the proposed single storey extension) of Policy QP4 of the Hartlepool Local Plan (2018) and the Residential Design Guide SPD (2019), it is considered that the proposals would not result in any unacceptable loss of amenity or privacy including any adverse overlooking to any windows or private rear garden amenity spaces of any properties to the rear/north of the host property.

Impact on properties to the west/north west (including Nos. 16-18 (inclusive) and Nos. 19-21 (inclusive) Oval Grange

2.67 To the west, a separation distance of approximately 43m would remain between the host property and neighbouring flats at Oval Grange (with the closest being Nos. 16 to 18 (inclusive) and Nos. 19-21 (inclusive)), with boundary treatments and a row of single storey garages (serving these flats) between. Taking the above context and existing relationships into consideration, it is considered that the proposals (including the change of use of the application property, conversion of the garage, erection of a single storey extension to the rear or canopy to the rear) would not result in any unacceptable loss of amenity and privacy for these properties including any adverse overlooking to any windows or private rear garden amenity space of these flats at Oval Grange or properties beyond to the west and north west.

Impact on host property

2.68 In terms of the amenity of occupiers of the host property itself, it is noted that proposal would, for the most part, continue to feature bedrooms and living spaces where they previously were, save for the conversion of 1 bedroom to a bathroom and 1 lounge to a dining room. The proposed garage conversion would provide some rooms in which the resident children could utilise. Owing to the established relationship of the host property, as well as the orientation of the windows and the above identified relationship, it is considered that there would be no unacceptable overlooking to/from any communal rooms at ground floor or from any other habitable room windows in the first and second floor of the proposed supported living residential unit.

Noise and Disturbance

2.69 It is acknowledged that neighbour objections have been received raising concerns that the proposed use as a supported living residential unit is not suitable for a residential area, and that it would impact on neighbour amenity, particularly in respect of noise and disturbance. It is further acknowledged that neighbour objections raise concerns in respect of the potential for noise and disturbance as a result of the converted garage.

2.70 Although consideration is given to the host property being a detached building set within self-contained grounds, as noted above, it is considered that the proposed use of the property as a supported living residential unit for 5 children and up to 12 daytime staff and 6 nighttime staff, with the potential for additional visitors, is likely to result in a significant potential increase of comings and goings to the host property, which is considered to be in conflict with the provisions of Policy RC21 of the Hartlepool Local Plan (2018). The Council's Planning Policy team support this view.

2.71 Whilst it noted that the Council's Public Protection team have raised no objection (or requirements) to the scheme, it is considered that residential areas should be areas where residents can expect peace and quiet especially during certain times of the day i.e. early evening through to morning.

2.72 In view of the intended scale of the proposed use including comings and goings across times of the day when residents can be reasonably expected to enjoy the peace and quiet of their properties, it is considered that the scale of the proposal (including up to 12 daytime staff and 6 nighttime staff in addition to the resident children and any additional visitors to the property) is likely to have a negative impact upon the amenity of adjacent residents in terms of noise and disturbance, contrary to the requirements of criterion 1 of Policy RC21 of the Local Plan and paragraphs 135 and 198(a) of the NPPF (2024).

Amenity of Neighbouring Properties Conclusion

2.73 In view of the above, whilst it is considered that the proposal would not result in any significant adverse impacts on the amenity or privacy of any neighbouring property in terms of loss of outlook, overbearing impression, overshadowing or overlooking, it is considered that there would be the potential for the proposal to result in an unacceptable adverse impact on the amenity of surrounding properties in terms of noise and disturbance. The proposal is therefore considered to be contrary to the requirements of Policy RC21(1) of the Hartlepool Local Plan (2018) and paragraph 135(f) of the NPPF (2024) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...".

HIGHWAY & PEDESTRIAN SAFETY & CAR PARKING

2.74 It is acknowledged that objections have been received from members of the public in respect of increased traffic and car parking.

2.75 Policy QP3 of the Hartlepool Local Plan (2018) requires that proposed development is safe and accessible, with criterion 2 seeking to ensure all residents and visitors can move with ease and safety and that parking is conveniently located, criterion 3 seeking to ensure that servicing arrangements and highway safety provisions are in line with the relevant local guidance (the Residential Design Guide SPD, 2019), and criterion 5 seeking to ensure the provision of adequate, safe, secure and conveniently located car and cycle parking, having regard to the possible movement of residents and visitors.

2.76 The Council's Traffic and Transport team have been consulted on the proposals following the amended details which include an increase in staff numbers to up to 12 day time staff and 6 night time staff and have raised concerns with the impact on parking within Elm Grove. The Council's Traffic and Transport team have advised that there is no comparable parking standard within the HBC Design Guide and Specification, although similar usages require 1 space per 2 members of staff

and a space for visitors and a space for a professional visitor. A total number of off street parking spaces required would be 8.

2.77 Currently the site provides 3 off street spaces, therefore the proposed use would have the potential to result in an adverse impact on parking and road safety in the surrounding area.

2.78 Following a discussion between the case officer and the applicant regarding the scale of the proposals (namely in respect of the number of staff anticipated to facilitate the proposed change of use), the applicant submitted three options for proposed increased car parking comprising the following:

- Option 1: this includes 3 vehicles directly adjacent to the front of the garage, 1 further vehicle between this and the main rear elevation, and 3 vehicles along the driveway, with 7 spaces altogether;
- Option 2 'enlarged hardstanding': this is 'enlarged hardstanding' which includes 2 vehicles parked sideways in front of the garage, 1 vehicle between these vehicles and the main rear elevation, 3 vehicles in the rear garden, and 1 further vehicle at the front of the driveway, with 7 spaces altogether;
- Option 3 'enlarged hardstanding, stacked parking': this includes 2 vehicles parked sideways in front of the garage, 1 vehicle to the rear of the host property, and a further 3 vehicles in the rear garden.

2.79 The Council's Traffic and Transport team considered these options and confirmed that none of them would be suitable solutions to achieve the requisite parking (and to design guide standard).

2.80 In view of the above, it is considered the proposed development would have the potential to result in a significant unacceptable impact on highway safety and parking, contrary to the requirements of Policy QP3 and RC21(3) of the Hartlepool Local Plan (2018) and paragraph 116 of the NPPF (2024), so significant as to warrant a reason to refuse the application in this instance.

SAFETY & SECURITY

2.81 It is acknowledged that a number of objections have been received in respect of crime, fear of crime and anti-social behaviour, and the potential for issues arising as a result of the proposed use.

2.82 Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder.

2.83 An established principle in law is that fear of crime can be a material consideration in planning; however that fear has to be objectively justified rather than just perceived.

2.84 Cleveland Police have been consulted on the application and whilst not objecting, they have provided advice in respect to security of the building. Had the application been considered acceptable in all respects, an informative could relay

this advice to the applicant and the proposal is therefore considered to be acceptable in this respect.

2.85 In the event of any concerns in this regard, this could be controlled/considered under the requirements imposed by other legislative powers including by other authorities (i.e. the Police), registration with the appropriate regulatory bodies (where applicable and which are outside of the controls of planning) and ultimately by appropriate management by the operator.

2.86 Therefore, in light of the above, it is considered that the impact of the proposal is acceptable in this regard.

ECOLOGY

2.87 It is acknowledged that an objection raises concerns regarding the potential for increased noise to affect wildlife. The Council's Ecologist has been consulted on the application and has raised no concerns or objections to the proposed development.

Nutrient neutrality and recreational disturbance

2.88 The Council's Ecologist has completed a stage 1 Habitat Regulation Assessment (HRA) to consider any Likely Significant Effects (LSE) on the Teesmouth & Cleveland Coast SPA (and Ramsar) arising from nitrate enrichment and increased recreational disturbance.

2.89 Due to the proposed creation of additional overnight accommodation (i.e. the change of use from the residential dwelling to a supported living residential unit), it is necessary to consider any Likely Significant Effects of the proposals as a result of nutrient neutrality. The application form states that the public mains sewer is to be used and in turn would be treated by the Seaton Carew Waste water Treatment Works. HBC Ecology have advised that any Likely Significant Effects from the application can therefore be screened out at Stage 1 of the Habitats Regulations Assessment.

2.90 HBC Ecology have also screened out the potential for recreational disturbance and any Likely Significant Effects on the designated sites, confirming that as the proposal is for the change of use from offices to a supported living residential unit, whereby children that will be catered for already live in the borough, the project is assessed as not increasing the number of visits to European Sites. As noted above, Natural England has been consulted and the committee will be updated accordingly in the event that comments are received prior to the application being considered.

2.91 Notwithstanding that Natural England have not yet responded, the proposal is similar to others of a similar nature in the area with the same conclusions having been drawn by HBC Ecology, as such, officers consider the proposals to be acceptable in this respect, subject to formal confirmation from Natural England. This is reflected in the officer recommendation.

Ecology Conclusion

2.92 Given the above points, and subject to the confirmation from Natural England, it is anticipated that the proposed development will be considered to be acceptable with regards to ecology matters.

OTHER PLANNING MATTERS

Surface water drainage and contaminated land

2.93 It is acknowledged that objections have been received in respect of drainage.

2.94 The application site is situated within Flood Zone 1 on the Environment Agency's Flood Map For Planning and therefore considered to be at the lowest risk for flooding. The Council's Engineering Consultancy have been consulted and have advised that they have no comments (or objections) to make on this application.

2.95 In regard to contaminated land, the Council's Engineering Consultancy have advised that it would be prudent to impose a condition requiring that in the event of unexpected contamination being found works should cease until a remediation strategy is submitted to and approved by the Council. Had the application been acceptable in all respects, a planning condition could have been appended to the decision to that effect.

2.96 In view of the above, the proposal is considered to be acceptable in respect to these matters.

Further Heritage matters

2.97 Tees Archaeology have been consulted on the proposal and advised that a basic photographic survey of the interior and exterior of the building is required to be carried out, with the photograph locations marked on the existing floor plans, to supplement the information in the HER. Had the application been considered acceptable in all respects, a pre-commencement planning condition could have secured this, and subject to this, the proposal is considered to be acceptable in this respect.

Landscaping

2.98 The Council's Arboricultural Officer and the Council's Landscape Architect have been consulted on the proposals and have confirmed no objections or requirements, given that replacement trees have been planted and the works would not impact on any trees or bushes at the application site.

Other planning matters

2.99 It is acknowledged that objections have been received in respect of waste storage. It is noted that existing provision is made for refuse storage. No objections have been received from HBC Waste Management or HBC Public Protection in respect of waste facilities, and therefore the proposal is considered acceptable.

2.100 With reference to the objection that the applicant has not consulted neighbouring properties, this is not a formal requirement of the applicant for this type of planning application. As stated above, the application has been advertised by the LPA in line with (if not exceeding) the minimum requirements of planning legislation including neighbour letters and by way of a site notice. Although it is acknowledged that representations detail delays in occupants of properties receiving letters, and delays in the displaying of the site notice, as detailed in the publicity section above, the application was advertised by way of letters to 86 individual properties as well as a site notice, and the period of publicity has expired.

2.101 An objection has been received indicating that a Sequential Test should have been submitted in support of the application. Given that the proposed use would remain a residential use, it is considered that a Sequential Test is not required for this type of proposal.

2.102 An objection has been received raising concerns regarding the impact from construction activities. Given that the proposal is for relatively minor development affecting a single property and its grounds, it is considered that any construction works would be temporary in nature and it would not be reasonable or proportionate to apply planning conditions in respect of construction management/hours.

2.103 Had the application been considered acceptable in all respects, and in the event that obstruction of the highway was to take place this would need to be investigated by the appropriate authorities (i.e. the police).

2.104 Objections have been received in respect of a lack of robust travel or operational management plan, swept path analysis for parking, service vehicles and refuse collection. Given the minor scale of the proposals, it is considered that these assessments would not be required to support this application in this instance.

OTHER MATTERS

2.105 It is acknowledged that objections have been received in reference to other care homes in operation or having previously been in operation by the same operator. In response, no objections have been received from the HBC Public Protection, HBC Planning Policy or HBC Children and Adult Joint Commissioning teams in this respect, and therefore the application has been considered in accordance with the development plan, on its own merits, and therefore such comments regarding the nature of the applicant or their other operations are considered to be irrelevant to the consideration of the current proposals in this instance.

2.106 Cleveland Fire Brigade has been consulted and have provided advice in respect of the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. Had the application been considered acceptable, an informative could have made the applicant aware of this advice, however these are principally Building Regulations matters and therefore this would be dealt with through the Building Regulations process accordingly.

2.107 Property devaluation and ‘precedent’ are not material planning considerations.

2.108 Objections received suggest alternative properties for the applicant to consider. These are not under consideration through the current application and therefore no further consideration can be given to these suggestions.

CONCLUSION

2.109 On balance, having regard to the above planning considerations including the requirements set out in policies RC21, QP3 and QP4 of the Hartlepool Local Plan (2018) and identified paragraphs of the NPPF (2024), it is considered that the principle of development is not acceptable in this instance, and that the proposed use would have the potential to result in an adverse impact on and the character of the area and neighbour amenity by way of an intensification of the application property with a proposed staffing levels of up to 12 daytime staff and 6 nighttime staff. In addition, it is considered that the proposal would have the potential to result in an insufficient car parking having regard to the number of visitors. It is therefore recommended that the application is refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.110 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.111 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.

2.112 There are no Section 17 implications.

REASON FOR DECISION

2.113 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 – subject to the consideration by officers of any comments received from Natural England in respect of a consultation outstanding at the time of writing, Members be minded to **REFUSE**, for the reasons below:

1. In the opinion of the Local Planning Authority, the application site is not considered to be an appropriate or compatible location for the proposed use (as a supported living residential unit for 5 children and up to 12 day time staff and 6 night time staff) as the proposal would have the potential to result in a significant detrimental impact on both the character of the surrounding area and neighbour amenity as a result of the increase in activity and associated noise disturbance, in conflict with Policies QP4 and Policy RC21 of the

Hartlepool Local Plan (2018) and paragraphs 135(f) and 198(a) of the NPPF (2024).

2. In the opinion of the Local Planning Authority, the proposed development would constitute an unacceptable form of development by virtue of the lack of in curtilage car parking to serve the use, that would have the potential to exacerbate traffic and parking in the area to the detriment of highway and pedestrian safety, contrary to Policies QP3 and RC21(3) of the Hartlepool Local Plan 2018 and paragraph 116 of the NPPF (2024).

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=164850>

2.115 Copies of the applications are available on-line:

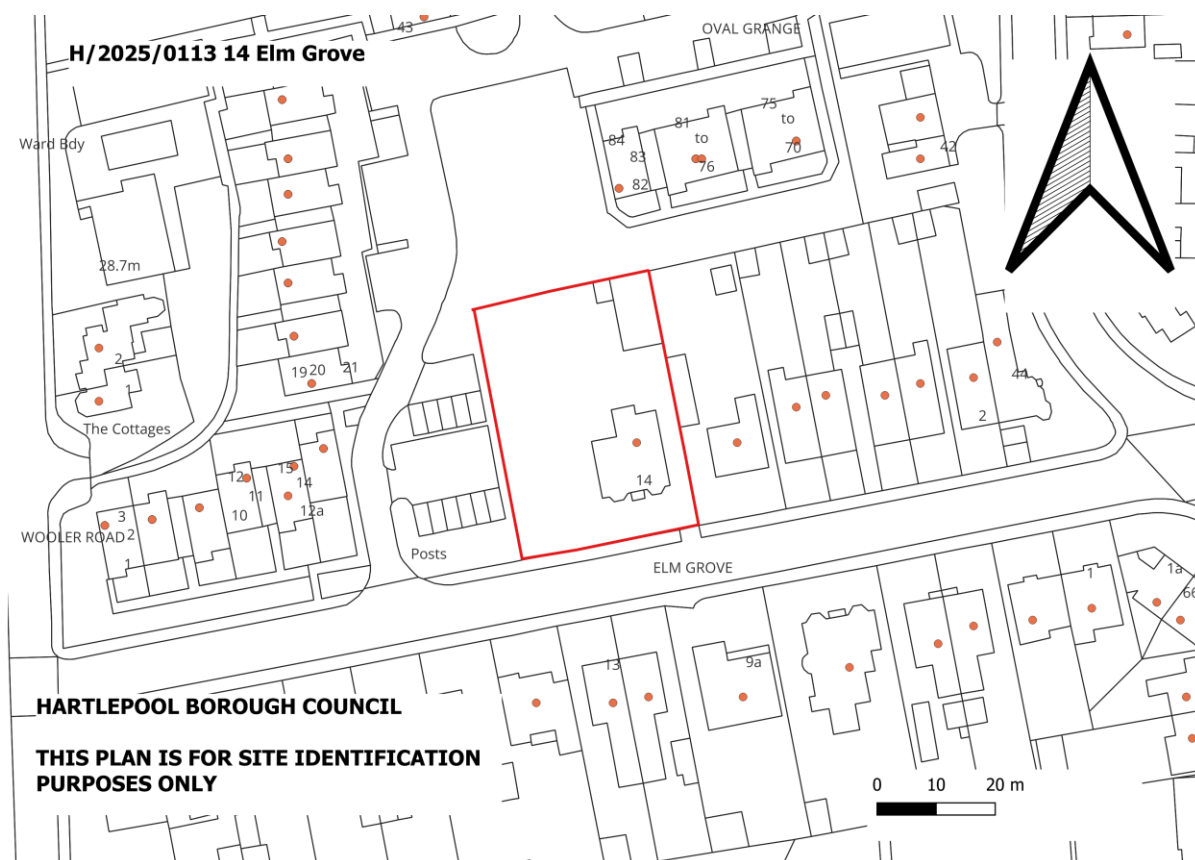
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

CONTACT OFFICER

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

AUTHOR

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



PLANNING COMMITTEE

23rd July 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 erection of a detached outbuilding in the front garden of a residential property in Wynyard Road.
 - 2. An Enforcement Notice has been served in respect of the installation of CCTV/ANPR cameras and associated apparatus and signage at a commercial parade on Belle Vue Way.
 - 3. An Enforcement Notice has been served in respect of the siting of a residential unit and a truck body at an equestrian paddock on Dalton Back Lane.

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

23rd July 2025



Report of: Assistant Director – Neighbourhood Services

Subject: DEVELOPMENT MANAGEMENT PERFORMANCE
– THIRD & FOURTH QUARTER 2024-25.

1. PURPOSE OF REPORT

1.1 This report is for information.

2. PURPOSE OF REPORT

2.1 To update the Planning Committee on performance of the Development Management service for the third and fourth quarter of 2024/2025 (October 2024 to March 2025 (inclusive)).

3. BACKGROUND

- 3.1 The Development Management service focuses on determining planning applications. The service encourages the use of an advisory service (One Stop Shop) to enable proposals to be considered informally before applications are submitted, helping to improve the quality of development where appropriate. The section is also responsible for monitoring development and, where necessary, implementing enforcement action against unauthorised development.
- 3.2 The Government's current statutory determination periods for planning applications are 8 weeks for non-major development, 10 weeks for technical details consent, 10 weeks for development relating to major public service infrastructure projects (excluding EIA development) involving schools, hospitals and criminal justice accommodation, 13 weeks for major development and 16 weeks for EIA (Environmental Impact Assessment) development.
- 3.3 The Government sets stringent standards for performance, if these are not met then an authority can come under special measures which would mean that an applicant could apply to the Planning Inspectorate to determine an application rather than the planning authority. The Government's performance criteria for special measures designation have recently been updated (December 2024) and require, 60% of major and 70% of non-major applications determined within the statutory periods (or within an agreed extension of time). The current assessment periods are October 2023 to

September 2024 (inclusive) and October 2024 to September 2025 (inclusive). In terms of quality of decision making the criteria are less than 10% of an authorities total decisions on major and non major applications during the assessment period are overturned on appeal. (The current assessment periods are for decisions made between April 2022 and March 2024 (inclusive) and April 2023 to March 2025 (inclusive)).

4. PERFORMANCE

Speed of decision making

- 4.1 For the third quarter of 2024/25 the service recorded that 100% of major applications (district matters) were determined within the statutory period (or within an agreed extension of time). For non-major ('minor' or 'other') applications 100% of applications were determined within the statutory period (or within an agreed extension of time). For county matters (mineral and waste) no applications were determined.
- 4.2 For the fourth quarter of 2024/25 the service recorded that 100% of major applications (district matters) were determined within the statutory periods (or within an agreed extension of time). For non-major ('minor' or 'other') applications 100% of applications were determined within the statutory periods (or within an agreed extension of time). For county matters (mineral and waste) no applications were determined in quarter 4.
- 4.3 In all cases, the service is far exceeding the government performance criteria for the speed of decision making. Further in quarters 3 & 4 some 94% of applications were approved.
- 4.4 In terms of determining applications within the statutory time periods without extensions of time. The government's performance tables, record that for the one year period ending in March 2025 (the end of quarter 4) the service determined some 12% of major applications (district matters) within 13 weeks (NE Average some 21% National Average some 19%). In terms of non-major applications for the two year period ending in March 2025 (the end of quarter 4) some 43% were determined in less than 8 weeks. (NE Average some 52% National Average some 55%). In terms of major applications (county matters-minerals & waste) only one application was determined and that was not within 13 weeks. It should be noted that this period coincided with a number of periods of long term sickness within the team which have affected capacity. It is also notable that major applications determined in this period include complex major residential developments at the south west extension and Wynyard, a steel bending facility on Brenda Road and a solar forecourt, with solar farm and battery storage.

Quality of decision making

- 4.5 For the third and fourth quarters of 2024/25, four out of six appeals were dismissed.

- 4.6 The latest assessment periods are for decisions made between April 2022 and March 2024 (inclusive) and April 2023 to March 2025 (inclusive)) with only 0.2% of decisions on non major applications overturned on appeal, 2.9% of major decisions overturned on appeal, and no county matters decisions overturned on appeal in the two year period to June 2024 we are well within the government performance target of less than 10%.

5. RECOMMENDATION

- 5.1 That members note the report.

6. CONTACT OFFICER

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

8. AUTHOR

- 8.1 Jim Ferguson
Planning and Development Manager
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523274
E-mail: Jim.Ferguson@hartlepool.gov.uk

PLANNING COMMITTEE

23rd July 2025



Report of: Assistant Director – Neighbourhood Services

Subject: PLANNING APPEAL AT 21 NORTHGATE, TS24 0TJ
APPEAL REF: APP/H0724/W/25/3367761.
Change of use of ground floor former beauty salon into
1no. bed flat (C3 use class). (H/2024/0174)

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse the change of use of a former commercial ground floor unit to a residential property.

1.2 The application was refused under delegated powers on 22nd April 2025 for the following reason:

In the opinion of the Local Planning Authority the applicant has failed to demonstrate through appropriate evidence (marketing of the property) and therefore the change of use to a dwellinghouse would result in an unjustified loss of a commercial unit within the designated Northgate local centre, where such uses are protected by policy RC16 of the Hartlepool Local Plan, and therefore the loss of the commercial unit would be to the detriment of the vitality and viability of the local centre.

1.3 A copy of the officer's delegated report is appended at **Appendix 1**.

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 Jade Harbottle
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 523379
E-mail: jade.harbottle@hartlepool.gov.uk

Appendix 1 – Officer Report

DELEGATED REPORT

Proposal Change of use of ground floor former beauty salon into 1no. bed flat (C3 use class).

Location 21 NORTHGATE HARTLEPOOL

PS Code: 20

DELEGATION ISSUES	Neighbour letters:	28/10/2024
	Site notice:	05/11/2024
1) Publicity Expiry	Advert:	13/11/2024
	Weekly list:	03/11/2024
	Expiry date:	28/11/2024
	Extended date:	23/04/2025
2) Publicity/Consultations		
PUBLICITY		
<p>The application was advertised by way of 16 neighbour letters, one letter of do not object and one letter of objection was received. The objections are summarised as:</p> <ul style="list-style-type: none"> • Impact of waste from the property • Loss of local commercial unit for the area • Impact upon car parking • One-bed flat not suitable for the area <p>During the application assessment period, an alteration was made to the internal layout plan to illustrate single-person occupancy. No further consultations were carried out as this is not considered to prejudice anyone.</p>		
CONSULTS		
<p>The following consultation responses were received.</p> <p>HBC Ecology</p> <p><i>Introduction</i></p> <p>Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.</p> <p>Nitrates were scoped out of the HRA at Stage 1 given the WWTW. Clarification is given below.</p>		

Nutrient Neutrality

The information below is taken from the Teesmouth and Cleveland SPA tab of the Teesmouth Nutrient Budget Calculator version 2.1 Excel spreadsheet.

Teesmouth and Cleveland Coast Ramsar and SPA are Habitats sites with water pollution and eutrophication considered a threat to its condition.

The sites cover a complex of coastal habitats centred on the Tees estuary in the north-east of England. This includes habitats such as sandflats, mudflats, rocky foreshore, saltmarsh, sand dunes, wet grassland and freshwater lagoons.

These habitats support internationally important populations of breeding and non-breeding waterbirds. This includes breeding Little tern, passage Sandwich tern, wintering Knot and Redshank and an assemblage of over 20,000 wintering waterbirds. In addition, there is an internationally important population of Ringed plover. The sites also supports a rich assemblage of invertebrates.

The SPA is a complex of discrete sites, with additional non-designated areas also used by the birds for foraging and roosting.

The area has been highly modified by human activities, with over 90% of intertidal habitats lost to land claim.

Increased levels of nitrogen and phosphorous entering aquatic environments via surface water and groundwater can severely threaten these sensitive habitats and species within the site. The elevated levels of nutrients can cause eutrophication, leading to algal blooms which disrupt normal ecosystem function and cause major changes in the aquatic community. These algal blooms can result in reduced levels of oxygen within the water, which in turn can lead to the death of many aquatic organisms including invertebrates and fish.

The species within Teesmouth and Cleveland Coast that result in designation as an SPA and Ramsar are referred to a 'qualifying features.' Not all of these qualifying features will be sensitive to changes in nutrients within the site. When completing an HRA involving nutrient neutrality, the Competent Authority (normally Local Planning Authority for developments) must identify and screen out qualifying features that are not sensitive to nutrients via a Habitats Regulations Assessment. Developers will be asked to submit information to support this process.

More detailed information on the qualifying features of the SPA and Ramsar, and details of water quality data highlighting the current nutrient problems in the site are available in the Natural England Teesmouth and Cleveland Coast SPA and Ramsar evidence summary.

The Nutrient Neutrality report (Nitrate Neutrality Statement, ASP Services Ltd, July 2024) states that both foul drainage and surface water drainage for the property is taken to the Seaton Carew WWTW which discharges via the long sea outfall to the North Sea.

Following discussions with Natural England and Hartlepool Borough Council it has been confirmed that a significant effect on the Teesmouth & Cleveland Coast SPA and Ramsar site can be excluded with discharges from foul or surface water from new development to the Seaton Carew Waste Water Treatment Works (WWTW), or Billingham Waste Water Treatment Works (WWTW), where discharges are via the long sea outfall to the North Sea, this is because Natural England's Nutrient Neutrality advice applies where there is a pathway or hydrological connection between the nutrient source and the Habitats site. Any nutrient discharges directly into, or upstream of the site are therefore within the scope of this advice. However, discharges downstream, or beyond the Habitats site, where there is no hydrological connection, in this case via a long-sea outfall to the North Sea can be excluded. *Therefore, the result of the HRA for NN is no LSE (Likely Significant Effect) or impact of integrity.*

HRA Stage 2 - Appropriate Assessment**European Sites and issues requiring Appropriate Assessment**

That HRA stage 1 screening for Likely Significant Effect (LSE), screened in the following European Sites:

Teesmouth and Cleveland Coast SPA and Ramsar

Northumberland Coast SPA and Ramsar

Durham Coast SAC

That HRA stage 1 screening screened in the following LSE:

Increased recreational disturbance

This AA assesses whether increased recreational disturbance causes an Adverse Effect on Integrity of the Site (AEOL) and if so if this can be removed through mitigation.

Recreational Disturbance

Recreational disturbance is identified as an LSE, potentially harming populations of SPA/ Ramsar birds and SAC vegetation communities. Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of housebuilding. The Hartlepool Local Plan identified an average increase of 2.3 people per new dwelling and 24% of new households owning one or more dogs.

Increased recreational disturbance LSE is mitigated by the Hartlepool Coastal Mitigation Scheme for all housing development included in the Hartlepool Local Plan 'HSG1 policy: New Housing Provision'. All housing applications for allocated sites only require a HRA stage 1 screening.

'Windfall' housing site applications are not covered by this agreed mitigation and the *People Over Wind Ruling* means that they must be HRA stage 2 Appropriately Assessed, where mitigation may be implemented, and the potential effects may be re-assessed.

Mitigation measures

Measures to avoid and mitigate Adverse Effects on Integrity

The Hartlepool Local Plan (adopted May 2018), policy 'HSG1 New Housing Provision', provides allocated sites for major residential development (ten or more dwellings). These were collectively HRA assessed as part of the Local Plan HRA, and their mitigation is dealt with by the Hartlepool Coastal Mitigation Scheme.

All major, non-allocated housing developments, and all small-scale housing developments (nine or fewer dwellings) are not covered by the Hartlepool Coastal Mitigation Scheme and must be Appropriately Assessed in their own right.

This application is Appropriately Assessed below:

The Hartlepool Coastal Mitigation Scheme was designed so that additional recreational visits to the coast created by developments of nine or fewer new dwellings are mitigated by the combined Local Plan 'HSG1 New Housing Provision' allocated developments, which fund it. This sum was used to calculate the 'per house' financial contribution formula and includes a contingency portion to cover the housing applications for nine or fewer dwellings.

Conclusion

The increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site.

Hartlepool Borough Council Local Planning Authority can lawfully permit this development. Natural England must be consulted on the HRA Appropriate Assessment.

HBC Engineering Consultancy

I have no objections in relation to flood risk.

HBC Traffic and Transport

There are no highway or traffic concerns with this application.

HBC Public Protection

No objections subject to the conditions below.

2. Comments and background to any licensing position

None

3. Suggested Planning Conditions

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

Prior to the development being brought into permitted end use a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the adjoining properties shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the end use of the development and shall thereafter be retained.

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

No open burning at all on site.

HBC Heritage and Open Spaces Manager

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 212, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 196 & 203, NPPF).

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

need to demonstrate that they will conserve or positively enhance the character of the conservation areas.

Policy HE6 of the Local Plan will seek to retain historic shop fronts. Replacement shopfronts should, respond to the context reinforcing or improving the wider appearance of the shopping parade within the street. Proposals should be compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are often three storeys. Most houses have made use of the attic space with light and ventilation provided by traditional skylights and a wide variety of roof dormer designs. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by low walls, originally topped with railings. The conservation area is recognised to be at risk. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as at risk is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is the conversion of the ground floor of the building to residential use. There will be no alterations to the exterior of the property. It is considered that the proposed works will not impact on the significance of the conservation area, no objections.

HBC Building Control

A Building regulation application will be required for 'Change of use of ground floor former beauty salon into 1no. bed flat (C3 use class)

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 Councils waste collection service and vehicle load handing 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.

There needs to be sufficient secure storage for up to 2 x 240ltr wheeled bins. Bins will be required to be presented at the rear of the property for collection on the scheduled collection day.

Natural England

Thank you for your consultation on the above dated 08 November 2024 which was received by Natural England on 08 November 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

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 Page 2 of 2 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

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

We would be happy to comment further should the need arise but if in the meantime you have any queries, please do not hesitate to contact us.

Cleveland Fire Brigade

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

Approved Document B, Volume 1:2019, Section B5 for Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 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.

Recommendations

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

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

Please assist us to improve the service we provide in completing our Fire Safety Survey by visiting the following site <https://forms.office.com/e/SZLMRQwiY2>

Cleveland Police

With regards to your recent planning application H/2024/0274 for conversion to flat, 21, Northgate, Hartlepool.

Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of [Crime Prevention Through Environmental Design](#) (CPTED).

I would like to make you aware that Cleveland Police operate the “Secured By Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2024 Guide at www.securedbydesign.com

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...

The National Planning Policy Framework 2023, paragraph 130(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience". Local Plan section Q5: Relating to Safety & Security states, The Borough Council will seek to ensure that all developments are designed to be safe and secure. Developers will be expected to have regard to the following matters, where appropriate: 1) Adhering to national safety and security standards as set out by central government. 2) Be developed in a way that minimises crime and the fear of crime, amongst other things, incorporating Secured by Design principles as appropriate. Proposals relating to residential development should be in accordance with the Residential Design SPD.

Another material consideration is Section 17 of The Crime and Disorder Act 1998. Further information on the Secured By design initiative can be found on www.securedbydesign.com

Although not an SBD requirement, Hartlepool along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

In addition to the above I would also make the following comments. All residential external doors, ground floor and easily accessible windows are recommended to be tested and certified PAS 24:2022/2016 standards (or equivalent)

Appropriate external dusk dawn lighting around external facades of building are recommended. Particularly by door-sets.

Headland Parish Council

I have received no objections from members of Headland Parish Council regarding this planning application.

3) Neighbour letters needed	Y
4) Parish letter needed	Y
5) Policy <u>National Planning Policy Framework (NPPF) (2024)</u> <p>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:</p> <p>PARA001: Role of NPPF PARA002: Determination of applications in accordance with development plan PARA007: Achieving sustainable development PARA008: Achieving sustainable development PARA009: Achieving sustainable development PARA010: Achieving sustainable development PARA011: The presumption in favour of sustainable development PARA012: The presumption in favour of sustainable development PARA039: Decision making PARA048: Determining applications PARA056: Planning conditions and obligations PARA058: Planning conditions and obligations PARA090: Ensuring the vitality of town centres PARA092: Ensuring the vitality of town centres PARA096: Promoting healthy and safe communities PARA131: Achieving well-designed places PARA135: Achieving well-designed places PARA170: Development in areas at risk of flooding PARA 176: Exemptions from sequential flood risk test PARA 181: Assessing flood risk during a planning application PARA203: Conserving and enhancing the historic environment PARA210: Conserving and enhancing the historic environment PARA212: Conserving and enhancing the historic environment</p>	

Hartlepool Local Plan 2018Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change

CC2: Reducing and Mitigating Flood Risk

HE1: Heritage Assets

HE3: Conservation Areas

HE6: Historic Shopping Parades

HE7: Heritage at Risk

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

RC16: The Local Centres

SUS1: The Presumption in Favour of Sustainable Development

HBC Planning Policy

The site is allocated as part of the Headlands Local Centre (RC16) and is contained within the Headlands Conservation Area (HE3). The proposals seek to change the ground floor use of an existing beauty salon (sui generis) to a residential flat (C3). The proposals for a ground floor residential unit would not be a use which is considered sequentially appropriate for the Local Centre and, to safeguard local centre floor space for retail and commercial activity, conversions to residential uses would be resisted.

No external alterations would be proposed to the unit to facilitate the change of use, and we would therefore expect no impact to the visual character of the Headlands Conservation Area.

Policy RC16 states that *“The Borough Council will seek to diversify, support and protect local centres in recognition of the important service they provide to their local communities. In accordance with policy RC1 local centres as identified on the Policies Map will be the sequentially preferable location for the following uses below 300m2:*

- ☐ *Shops (A1)*
- ☐ *Financial and Professional Services (A2)*
- ☐ *Food and Drink (A3)*
- ☐ *Drinking Establishments (A4)*
- ☐ *Hot Food Takeaways (A5)*
- ☐ *Non-residential institutions (D1)*
- ☐ *Residential (C3 and C4) only on upper floors”*

The policy also states that for uses which are not contained within the above list that *“The Borough Council will have regard to the length of time that a vacant unit has been empty, along with considering the attempt to market and bring a vacant unit back into use when considering other uses.”*

We note the applicant suggests that the unit has remained vacant since 2023. No evidence has been submitted relating to the marketing of the unit for retail or commercial uses. Based on the above, it is not considered that a sufficient feasibility case has been made to justify the change of use to the unit away from that appropriate to a local centre. As such, Planning Policy object to the change of use proposed as it would result in an unacceptable loss of retail/commercial floor space in an allocated Local Centre.

6) Planning Consideration

RELEVANT MOST RECENT PLANNING HISTORY

HFUL/2001/0305 Change of use from hairdressing salon to tanning salon – Approved.

HFUL/2003/0590 Change of use to office accommodation and business use - Approved.

P/2023/0006 Prior approval application for the change of use from a hairdressing salon (Use Class E) to a dwellinghouse (Use Class C3)- Not Determined.

SITE AND SURROUNDINGS

The application site relates to a single-storey retail unit at 21 Northgate, which is located within a designated local centre within the Headlands, Hartlepool. This section of the Headlands is a designated conservation area. Adjoining the unit to the north is a residential property (23 Northgate), and above the host unit is residential living space. Adjoining the south is a two-storey residential property (19 Northgate). To the west is 5 Sunnyside, which is also a residential property. To the east, beyond Northgate Road, are flat properties known as 7-12 St Mary's Court. Beyond the site to the north are various commercial units, some with first-floor flats above.

PROPOSAL

The application seeks planning permission for the change of use of the existing commercial unit to a 1-bed ground-floor flat. No external alterations are proposed.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this application are the principle of development, character and appearance, amenity and privacy, highway safety and car parking, flood risk, ecology, and any other material considerations which will be discussed further within the report.

PRINCIPLE OF DEVELOPMENT

The application site is an existing commercial unit allocated within the Hartlepool Local Plan designation map as part of the Headlands Local Centre. It is also a designated conservation area located within Flood Zone 3. Therefore, the main

planning policies for consideration are RC16, CC2, QP6, and HE3. These and any other policies will be discussed further.

The application relates to a ground-floor commercial unit with an associated small rear yard area. The applicant owns the adjacent residential property, no 23 Northgate, where they currently reside. The applicant proposes to sell this property and move into the ground-floor unit for disability reasons. The last known use of the unit was as a hairdressing salon with an element of beauty, and it was in operation until March 2022. Since then, the unit has remained vacant. The applicant currently resides at no. 23 Northgate and proposes to convert the unit into a 1 person flat for personal use. No external alterations would be proposed to the unit to facilitate the change of use.

Planning Policy RC16 seeks to safeguard the local centres as they play an important role in providing for communities. Support is given to first-floor residential accommodation however, the loss of commercial units at ground floor level is not set out as being an appropriate use within the local centre. The proposal for a ground floor residential unit would not be a use that is considered sequentially appropriate for the Local Centre and, to safeguard local centre floor space for retail and commercial activity, conversions to residential uses would be resisted.

However, the policy also states that for uses which are not contained within list of acceptable uses that *“The Borough Council will have regard to the length of time that a vacant unit has been empty, along with considering the attempt to market and bring a vacant unit back into use when considering other uses.”*

Concerns were raised with the agent regarding the loss of the ground floor commercial area, and they were asked to provide evidence that the unit had been marketed for a new commercial operator; however, this information has not been forthcoming. The agent confirmed that by doing so, it would add distress to the applicant and their health.

In the absence of evidence to demonstrate a lack of market interest or an oversupply within the area that the unit has been sufficiently and proactively marketed for commercial purposes, it is not considered there is sufficient evidence or a strong justification to allow the loss of the designated unit within the local centre for a residential use. HBC Planning Policy have reviewed the proposal and raise an objection to the change of use stating it would result in an unacceptable loss of commercial space within the centre, with no justification.

It is therefore recommended that the application be refused as it would be contrary to Local Plan Policy RC16 and there are no material planning considerations that would warrant going against the policy.

IMPACT ON FLOOD ZONE & FUTURE SAFETY

The application site falls within Flood Zone 3, and as it is a change of use of a building, it would not be subject to the sequential or exception tests set out within the NPPF (para 176). The relevant part of the National Planning Practice Guidance reiterates this and notes that changes of use can increase the vulnerability of the development, as set out within Annex 3 (Flood risk and vulnerability classification) of the Framework. In this instance, the proposed development would see a former commercial unit, classified as a less vulnerable use, converted to a residential

dwelling, which is a more vulnerable use. The application has been accompanied by a site-specific Flood Risk Assessment (FRA) required by the NPPF footnote 63.

Local Plan Policy QP6 requires that developments should address any matters regarding flood risk. Policy CC2 (Reducing and Mitigating Flood Risk) requires developments to minimise flood risk from all potential sources.

The NPPG sets out to manage any residual flood risk. Further management measures may be required to ensure safe access and escape routes, and that flood warnings are known to ensure the risks of a flood can be safely managed.

The application is accompanied by a site-specific flood risk assessment, as required by Local Plan Policy CC2 and NPPF Paragraph 181. The proposal is a change of use for an existing building, and it is therefore considered that the proposed development would not increase the risk of flooding elsewhere. However, the submitted FRA states that there is a chance of flooding in the future, and that it is recommended that the future occupants sign up for the Environment Agency flood warning service, and a flood evacuation plan should be submitted to the LPA for determination that addresses the following points:

- Potential sources of flooding and severity;
- Flood warning trigger level;
- Actions to be taken by staff on receipt of warning;
- Identification of escape routes and potential flood depths (see below);
- Deploying flood protection and safe refuge;
- Reoccupation of the Site;
- Training and Exercising;
- Emergency contact information.

Further, where required, the development would need to include water-resistant airbricks, backwater valves and non-return valves and any new electrical installations to be above 4.55m AOD.

It is considered that the proposed development, should it be approved, could be made safe in relation to flood risk, provided that the recommendations of the site-specific flood risk assessment are implemented in full, which could be conditioned accordingly. Moreover, HBC Engineering Consultancy has raised no objection to the development on flood risk grounds.

On this basis, and subject to the identified planning condition, the proposal is considered acceptable in relation to flood risk matters and would comply with Local Plan policy CC2 and QP6.

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING BUILDING AND SURROUNDING CONSERVATION AREA

The application site is a designated heritage asset, and it is located within the Headland Conservation Area. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance

of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 212, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 196 & 203, NPPF).

Development within conservation areas is required to demonstrate that they will enhance or conserve the distinctive character of the area as set out by Local Plan Policy HE3. In terms of shop fronts, Policy HE6 replacements would improve the wider appearance of the parade and should be compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

The Significance of the Conservation Area

The Headland Conservation Area represents the original settlement of Hartlepool, established in the seventh century as a religious centre and later evolving into an important port. Its unique character stems from its peninsula location and Victorian domestic residential architecture.

While two-storey buildings are most common in the Headland, those on the main frontages facing the sea are often three storeys. Many houses utilise attic space, with traditional skylights and various roof dormer designs providing light and ventilation. Most dwellings feature single or two-storey rear extensions, and rear yards are enclosed by high brick walls. Larger houses have front gardens enclosed by low walls, originally topped with railings.

The conservation area is recognised as being at risk. Policy HE7 of the Local Plan prioritizes the retention, protection, and enhancement of heritage assets classified as "at risk." Development that positively conserves and enhances these assets, removing them from the "at risk" classification and addressing issues of neglect, decay, or other threats, will be supported.

The proposal involves converting the ground floor of the building to residential use, with no exterior alterations. Therefore, it is considered that the proposed development would not impact the significance of the conservation area on this occasion. Further, no objections have been raised by the Council's Heritage and Open Spaces Manager.

Character and appearance

In addition to the above conservation policies, Local Plan Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (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 paragraph 135 of the NPPF.

The National Design Guide (2021) states that character is not purely visual; character also occurs from the way buildings, spaces, layout and landscapes are combined and how people experience them and engage with all the senses. A local character with a strong identity aids in creating and sustaining communities and neighbourhoods.

Having regard to the above, it is noted that the change of use would take place within an existing commercial unit that benefits from a large, glazed shop front. As set out, no external alterations are proposed. Therefore, visually, there would be no change to its current form. The comments received from the publicity of the application state that a residential flat for a single person would not be appropriate within the area. The use of the space would provide habitable space for residential purposes, although it is acknowledged that the use of the space and its associated paraphernalia would be largely viewable from the street scene. The existing shop front provides an attractive feature within the street scene, and such loss would be to the detriment of the area and therefore on balance, it is considered that the use of this unit for residential purposes in itself would not create any significant visual harm to the street scene. Moreover, it is likely that the internal amenity space would be appropriately screened through the installation of blinds, curtains, etc.

Moreover, the use for residential purposes (as a single occupant unit) would not be out of character with the surrounding area, as these uses exist alongside one another, and it would provide an option for a single occupant, and it would be an acceptable use when viewed within the wider street scene. The development is considered to comply with the provisions of Local Plan Policy QP4, HE1, HE3, HE6, the National Design Guide, and the NPPF.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

In addition to the requirements of Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

- 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.

These requirements are reiterated in the Council's adopted Residential Design SPD (2019).

7-21 St Marys Court

These residential properties are located opposite the unit to the east with an intervening highway. The change of use would result in the ground floor area of the building being used for residential purposes. The existing distances fall short of the recommended distances of 20 metres, as set out within planning policy QP4 falls short by approximately 1 metre. Whilst this would be contrary to the guidance having regard to the existing relationships that occur within the built form and layout of the area it is considered that the 1 metre that the development would fall short on would not create any significant overlooking impacts to warrant a refusal and with regards to overbearing and overshadowing impacts this relationship is an existing one and there would be no worsening impacts as a result of the change of use.

5 Sunninside

This property is located to the west of the application site, whereby there would be a rear-to-rear relationship. The existing distances fall significantly below the 20-metre standard as set out within policy QP6, and there would be an approximate distance of 10 metres between the two buildings. The host property benefits from a small rear enclosed yard area, and with regards to habitable rooms, it would feature a rear-facing bedroom window and exit door. It is noted that the proposal would not comply with the distances as set out within the planning policy. However, this relationship already occurs between the first-floor windows, and as such, the use of the ground floor windows for residential purposes is considered not to create significant overlooking impacts and loss of privacy due to the ground floor area being enclosed, which adequately screens both rear amenity areas and their windows. Views would be achievable towards any upper floor windows; however, this impact is already experienced within the wider context, and it is not considered the use of this building for residential use would create significant greater harm upon amenity in terms of loss of privacy. In terms of overbearing and overshadowing, this is an existing relationship and there would be no worsening impacts.

In terms of the other surrounding properties within the area, the change of use is not considered to create any worsening impacts with regards to overlooking, overshadowing and overbearing due to their relationship with the host property.

Amenity of Occupant

An initial concern was raised regarding the use of the property by two people, as it would not meet the Government's Nationally Described Space Standards. The agent has since revised the internal layout of the floor plan, and as such, it complies with the standards for single occupancy living. The proposed residential property is considered to contain adequate internal amenity space, and there is a small rear yard area that will provide the occupant with a degree of outdoor amenity space, which is considered acceptable.

It is acknowledged that the outlook from the bedroom window would face a flank high wall as its main outlook. The wall is set off the boundary at an angle and would therefore lessen its dominance. Due to the orientation of the properties, the property would receive limited direct light from this window, nonetheless, it would receive sufficient natural light for the room and would not be a reason to refuse the application on this basis. In terms of the large glazing to the front, overlooking into the dwelling could occur. However, blinds/curtains could sufficiently provide an acceptable level of internal amenity space which would also mitigate any overlooking impacts from the street.

In terms of waste management, an objection has been received stating that this would result in greater on-street refuse. Consultation has been carried out with HBC Waste Management who confirm this is an existing situation and any future occupant would be required to place any waste for collection at the would not be taken from the front of the property due to the nature of the road and the occupant would be required to present at either Abbey Street or Middlegate for collection. This is considered to be acceptable in serving the property, and if waste blocks the highway or is incorrectly stored, then this could be addressed under highway regulations or through environmental regulations.

General amenity

HBC Public Protection has been consulted and has provided comment. To ensure adequate noise levels are achieved for both the future occupant and the adjacent units it is considered that suitable mitigation measures are required which will provide a scheme for sound proofing of the building. This can be added by way of a condition should the application be approved. Further to ensure that the development is carried out within reasonable hours, HBC Public Protection requests a condition to ensure construction/collection/delivery activities are limited accordingly. This could be secured by way of a condition should the application be approved, and the informative to the applicant regarding no on-site burning is to take place.

HIGHWAY SAFETY IMPACTS

The proposal would create a single-occupant dwelling. Local Planning Policy QP3 has regard to highway safety and parking, which are also reiterated within the Residential Design SPD.

The Tees Valley Residential and Industrial Estates Development Design Guide & Specification states that in fringe areas immediately adjoining a central area, a development may, where appropriate, use some public parking spaces as part of its non-central area provision by agreement with the Council.

Usually, two spaces are required for dwellings with up to three bedrooms; this may only be reduced in areas that are served by sustainable transport or where car ownership is anticipated to be low.

The building does not benefit from any incutillage car parking spaces, however, being located within a local centre, spaces are available to the front of the building, and it is sustainably located with public transport in proximity. HBC Traffic and Transport was consulted on the proposal and did not raise any objections.

Whilst acknowledging the lack of car parking within the application site, it is considered that the impact on highway safety and car parking, relative to the existing situation would not be so severe as to warrant a reason for refusal (particularly on consideration of mitigating factors, such as the availability of on-street parking and public transport nearby).

ECOLOGY IMPACTS

No external alterations are proposed and therefore it is considered that there would be not impacts upon ecology or requirements for any on site mitigation measures in this instance.

Nitrate Pollution

The Council's Ecologist has been consulted on the application and has raised no concerns or objections to the proposed development. The Council's Ecologist has completed a stage 1 Habitat Regulation Assessment (HRA) to consider any Likely Significant Effects (LSE) on the Teesmouth & Cleveland Coast SPA (and Ramsar) arising from nitrate enrichment and increased recreational disturbance.

On 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities within the catchment of the river 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. Given the application would involve residential development, it is considered the proposals are 'in scope' for further assessment.

A Nutrient Neutrality Statement has been submitted, 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. 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 in terms of nitrate pollution in this respect. The proposed development therefore raises no concerns in respect to this matter.

Recreational impacts on designated sites

Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the competent Authority, Hartlepool Borough Council has a legal duty to safeguard European Sites. Increased recreational disturbance (including dog walking) is linked to an increase in new residents, which is a consequence of new and increased forms of residential development.

The Hartlepool Coastal Mitigation Scheme was designed so that additional recreational visits to the coast created by developments could be suitably mitigated. Those developments below 10 dwellings would be captured and covered by the wider mitigation scheme, which has factored such minor developments into the overall consideration.

As the number of new residential units to be created by this scheme would be limited to the below threshold amount of 9 units. The Council's Ecologist has appropriately assessed the application through Stage 1 and 2 (Appropriate Assessment) and considers that in this instance the increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site. Natural England has been consulted and raises no objection, subject to the appropriate mitigation for recreational disturbance, as set out the development would not create any likely significant effects on designated sites as it would be mitigated through the Coastal Mitigation Scheme that the Council has adopted.

Given the above assessment, the proposed development is considered to be acceptable with regard to ecological matters.

OTHER PLANNING MATTERS

Crime and the Fear of Crime

Local Plan Policy QP5 (Safety and Security) requires that developments should be designed to be safe and secure. It is considered that the proposal incorporates some positive elements in this regard, including overlooking of parking spaces and securing clearly defined ownership boundaries.

Cleveland Police were consulted on the proposal. Cleveland Police responded, providing advice to the applicant regarding crime reduction, anti-social behaviour

and secured by design accreditation. I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. An informative is recommended to draw the applicant's attention to these recommendations.

Fire Safety

Cleveland Fire Brigade was consulted on the proposal. Whilst offering no specific comments on the planning application, the response advises that Cleveland Fire Brigade encourages the installation of automatic fire suppression systems. An informative is recommended to draw the applicant's attention to this.

CONCLUSION

The development proposal is considered to lead to the unjustified loss of a commercial unit within a designated local centre, where such uses are protected, and whereby no evidence has been put forward to outweigh the requirements of planning policy RC16 of the Hartlepool Local Plan. It is therefore recommended that the application be refused on this ground.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered

No.

10) Any Declared Register of Interest

No.

11) Chair's Consultation Necessary

Yes.

12) Recommendation

Refuse for the following reason:

REASON

1. In the opinion of the Local Planning Authority the applicant has failed to demonstrate through appropriate evidence (marketing of the property) and therefore the change of use to a dwellinghouse would result in an unjustified loss of a commercial unit within the designated Northgate local centre, where such uses are protected by policy RC16 of the Hartlepool Local Plan, and

therefore the loss of the commercial unit would be to the detriment of the vitality and viability of the local centre.

INFORMATIVE

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, no evidence has been provided to justify overriding the planning policy requirements.

Author of Report: Jade Harbottle

Signed: JH

Dated: 14.4.25

Signed: K. Campbell

Dated: 16.04.2025

Planning & Development Manager
Planning Team Leader DC
Senior Planning Officer

Signed:

Dated:

Chair of the Planning Committee