



Appeal Decision

Hearing opened on 12 January 2015

Site visit made on 13 January 2015

by Isobel McCretton BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st May 2015

Appeal Ref: APP/H0724/A/14/2228786

Tunstall Farm, Valley Drive, Hartlepool TS26 0AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Taylor Wimpey (UK) Ltd (Mr Steve Willcock) against the decision of Hartlepool Borough Council.
 - The application Ref. H/2014/0196, dated 25 April 2014, was refused by notice dated 9 September 2014.
 - The development proposed is described as residential development with means of access provided in detail and all other matters reserved. Detailed access arrangements include a 105m (length) and 7.5m to 6.75m (width) section of road from Valley Drive provided to an adoptable standard but excluding internal estate roads.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 110 dwellings with all matters reserved except means of access at Tunstall Farm, Valley Drive, Hartlepool TS26 0AL in accordance with the terms of the application, Ref. H/2014/0196, dated 25 April 2014, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. The description of development set out in the header is taken from the application form. The description set out on the Council's decision notice and on the appeal form is '*outline application for residential development of up to 110 dwellings with all matters reserved except means of access*'. In view of later amendments to the access and the discussion at the Hearing, I consider this to be a more accurate description of the proposal before me and I have determined the appeal on this basis.
3. The appellants have submitted a completed S106 Agreement which would secure financial contributions towards affordable housing, facilities and improvements at Brierton Sports Centre, education, and a new permissive right of way and footpath improvements, along with maintenance of play areas and open space. I return to some of these matters below, but from the information in the Compliance Statement¹ submitted by the appellants at the Hearing, I am satisfied that the completed Agreement accords with the tests for planning

¹ The Community Infrastructure Levy Regulations 2010 – Compliance Statement: Taylor Wimpey and Hartlepool BC (January 2015)

obligations set out in the National Planning Policy Framework and s122 of the Community Infrastructure Regulations 2010.

4. After the Hearing the Government published the 2012-based Household Projections for England 2012 – 2037. The parties were invited to comment on these up to date statistics as they relate to this appeal and I have taken their responses into account in coming to my decision.

Main Issue

5. The main issue in this case is the implication of the proposed development for the potential risk to future residents from flooding and the risk of additional flooding elsewhere.

Reasons

The Site and the Surrounding Area

6. The appeal site comprises around 7.8ha of land to the south and east of Valley Drive which is part of West Park, a residential area on the outskirts of Hartlepool, around 2 miles from the town centre. This is a mixed area of detached and semi-detached family houses and bungalows built predominantly between the 1960s and the 1980s, with older properties along Egerton Road further to the north.
7. The site encompasses 3 fields of undulating farmland. The smaller western field is improved grassland used for grazing horses. The larger proportion of the site, to the east, has historically been used for arable crops. The site adjoins residential properties in Hylton Road to the north and Valley Drive to the west. To the east is the Summerhill Drain with trees and undergrowth along its banks, and, to the south, the boundary is delineated partly by the access road to Tunstall Farm and partly by a field hedgerow. To the south of the site, beyond further agricultural fields, is the Summerhill Country Park, a 100 acre country park, local nature reserve and outdoor activity centre.

Planning Background

Development Plan

8. The Development Plan for the area includes the Hartlepool Local Plan (adopted April 2006 (Local Plan 2006). A number of Local Plan 2006 policies were saved by a Saving Direction letter from DCLG on 18 December 2008. Saved policy Rur1 (Urban Fence) of the Local Plan 2006 identifies the limits to development of the main built up area of Hartlepool and advises that the spread of the urban area into the surrounding countryside will be strictly controlled. The appeal site lies outside, but adjoins, the defined boundary of the limits to development.
9. The site was put forward as a potential housing allocation during the 2006 Local Plan process. In 2004, the Inspector who considered objections to the Local Plan deemed that there were sufficient sites within the urban area and that no greenfield extensions, beyond the urban limits, were necessary, so the site was not allocated.
10. Since 2006 a number of sites within the urban area have been delivered successfully. As a result, in the formulation of the 'Local Plan 2013', it was deemed that there was insufficient land within the urban limits to meet the

identified housing need and that urban extensions would be needed to deliver growth. At the 'Local Plan Preferred Options Stage One' (January 2010), Tunstall Farm was considered suitable for executive residential development. At the 'Local Plan Preferred Options Stage Two' (November 2010) it was again considered suitable for residential development, but a number of objections to the allocation of the site were submitted.

11. In September 2011 the Council's Cabinet removed the site from the emerging Local Plan 2013 and the site did not move forward to the submission stage. It was later subject to discussion during the Local Plan examination as the appellants had pursued the allocation of the site as an objection, including making detailed submissions about flooding and drainage. One of the preliminary findings of the Inspector² was that the Tunstall Farm site was an appropriate site for residential development and he recommended that the site be allocated for approximately 100 dwellings. However, the Local Plan 2013 was subsequently withdrawn by the Council on 17 October 2013. The Council has commenced work on preparing another Local Plan to replace the Local Plan 2006, but it is common ground that, given its early stage of preparation, little weight can be given to this in the determination of this appeal. Thus the main relevant policy document remains the Local Plan 2006.

National Planning Policy Framework

12. Government policy, as set out in The National Planning Policy Framework (the Framework), is an important material consideration in the determination of development proposals. Among other things, the Framework seeks to boost significantly the supply of housing. To do this, local planning authorities are required, among other things, to identify a five year supply of specific deliverable sites sufficient to provide five years worth of housing against their identified housing requirements. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate such a five year supply of deliverable housing sites.
13. Housing applications should be considered in the context of the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay and, where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
14. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. Local Plan 2006 policy Rur 1 is a dated policy which, in part, has the effect of restricting the supply of housing. In this respect it is agreed between the main parties that it is not consistent with the Framework and so carries little weight³. For the same reason it is agreed that very little weight can be given to Local Plan 2006 policy Hsg5 (Management of Housing Supply). Moreover, it is common ground

² Outline of Modifications Required for Soundness dated 16/10/13.

³ This accords with the Council's Document 'Saved Policies 2006 Hartlepool Local Plan Planning Policy Framework Justification' (November 2014) which sets out the Council's position on the degree of consistency between the saved Local Plan policies and the Framework. Policy Rur1 is noted as being partially consistent.

between the main parties that the Council cannot demonstrate a 5 year supply of housing land and that the appeal proposal would deliver market and off-site affordable housing during the five year period where there is currently a shortfall.

The Proposal

15. It is proposed to develop the site for residential purposes with up to 110 units. Access to the site would be taken from the southern end of Valley Drive and would curve into the site and up the hill to the main body of the development where the dwellings would be located.
16. The density of the site would be around 16 dwellings per hectare (dpha) which compares reasonably with surrounding development. The Design and Access Statement, which sets the parameters for the development, states that the scheme would comprise 2-storey detached family homes with 3-5 bedrooms. It has also been indicated to the Council that 2 bungalows could be incorporated into the scheme to address an identified need evidenced by the Council's Strategic Housing Market Assessment 2014 (SHMA). It is proposed that existing landscape features would be retained with additional landscaping and open space in and around and within the site. New and improved footpaths are also to be incorporated to increase access for existing residents in the West Park area, and future residents of the development, to the open countryside and Summerhill Country Park.

Flooding

17. The application was accompanied by a Flood Risk Assessment. The majority of the site lies within Flood Zone 1 (FZ1) on the Environment Agency's (EA) flood risk maps. However a small section of the access at the end of Valley Drive is within Flood Zones 2 and 3 (FZ2 and FZ3), i.e. a greater than 1 in 100 annual probability of river flooding. Two main concerns arise from this. Firstly, whether the development of the site would exacerbate flooding problems in the wider area, particularly downstream in Valley Drive, and secondly whether the flooding of the access road would mean that residents and emergency services would experience difficulties accessing the site during a flood to the detriment of public safety and the amenity of future occupiers.
18. Tunstall Farm Beck flows northwards and is located to the west of the site. Downstream it combines with flows from the Hardwick Court watercourse and then flows, through the existing residential area, along the western side of Valley Drive. Along this stretch, where the beck also receives flow from the adjacent surface water sewers, it has been engineered and is culverted, with some sections running underneath residential driveways and the public highway.
19. The Summerhill Drain is to the east of the site. Downstream it is culverted to the north east of the proposed development and then flows along the southern end of West Park before discharging to the Tunstall Farm Beck further east
20. There is a history of flooding in the area, not just in the vicinity of the proposed access but along the length of Valley Drive to Egerton Road and beyond. In 2011 a study of flood alleviation options and design by JBA (the JBA Report) identified a number of flood storage options which, it was predicted, would reduce flooding. The flood alleviation scheme was completed in 2011. The

measures included the installation of a throttle plate in Tunstall Farm Beck and flood attenuation ponds upstream alongside the beck to provide water storage and restricted flows. The scheme was designed to give a standard of protection of between 1 in 75 and 1 in 100 years.

21. Notwithstanding this, flooding occurred at the southern end of Valley Drive in November 2012 which resulted in the Environment Agency (EA) commissioning JBA to review the scheme. Meanwhile there was further flooding in May 2013. The review was completed in September 2013. It found that the November 2012 flooding occurred during an event estimated as having a return period of 1 in 5 and in 1 in 10 years, i.e. an event insufficient on its own to cause the extent of flooding observed. It also showed, beyond reasonable doubt, that both the November 2012 and May 2013 flooding had been caused by a blocked trash screen at the entrance to the Hardwick Court culvert. A number of essential works were recommended to reduce the risk of a repeat of the earlier floods. The works recommended included the replacement of the trash screen at Hardwick Court, and efficiency improvements such as changing the Tunstall Farm Beck throttle plate position.
22. Further work, including replacement of the trash screen outside the end house in Valley Drive with one which accords with modern standards and installation of another trash screen upstream, is proposed by the EA. At the Hearing it was confirmed that a contract has been let and the works should be completed by this summer. Improved maintenance and clearance procedures are also proposed. Thus these works are to take place regardless of any development at Tunstall Farm.
23. Residents consider that historic problems have never been satisfactorily addressed and that the root of the problem is the capacity of the system in Valley Drive. At present the EA estimates that around a quarter of the current site drains towards the Tunstall Farm Beck. To address concerns that development of the site could potentially add to the flooding problems in Valley Drive, it is proposed that surface water drainage from the site to Tunstall Farm Beck would be reduced by directing flows eastwards to the Summerhill Drain. It is also proposed that the current greenfield run-off rate would not be exceeded.
24. The current discharge rate from the site is estimated to be 18.6l/sec but, through the use of an attenuation pond, this would be reduced to 11.1l/sec. The appellants have also confirmed to the Council⁴ that the final design of the drainage scheme would be able to make an allowance for 'urban creep' i.e. future extensions to the proposed dwellings. This type of drainage scheme differs from the failed system featured in the presentation made by the Residents' Association at the Hearing where underground storage tanks burst during an extreme event.
25. At the Hearing residents referred to discharge from the foul sewer in places further down Valley Drive in times of flood and expressed concern about the pressure that the proposed development would put on the system. However, Northumbrian Water Ltd has stated that no surface water flow from the proposed development would be allowed to connect into the existing public sewerage system. With regard to foul water disposal, Northumbrian Water has confirmed that there is capacity in the foul sewer system for the additional 4 l/s

⁴ Letter dated 25/4/14 from Queensbury Design Ltd to Taylor Wimpey North East

- discharge anticipated from the proposed development and that this would not impact on flood risk.
26. I can understand that local residents feel that any improvements to the flood alleviation measures should be tried and tested before any further development in the area is allowed, but ultimately the onus on the appellants is not to solve the existing problems, rather it is to demonstrate that the proposed development would not increase the risk of flooding elsewhere. In terms of surface water drainage the EA has stated that it considers the proposal to be a betterment to the current surface water drainage situation and so there is, in fact, the potential for the flood risk in Valley Drive to be lessened as a result of the proposed development.
27. The extent of previous flooding in the area has included the proposed access point from Valley Drive. While the proposed road would turn eastwards within the site and rise up the hill to where the dwellings would be sited, there is concern that flooding at the site entrance could mean that residents would be cut off and there would be increased pressure on emergency services. In early correspondence about the proposal the EA indicated that ideally, there should also be an access in the eastern part of the site in FZ1. Nonetheless, the EA has not objected to the proposed access providing the level of risk is shown to be acceptable.
28. A report produced for the Residents' Association by JNP in July 2014 highlighted the fact that the earlier JBA Report (which informed the appellants' Flood Risk Assessment submitted with the application) had shown that flood waters at the access would be likely to be of the order of 38mm but that there was no velocity calculation. This meant that the proposal could not be assessed in relation to Table 13.1 of the EA's technical guidance FD2330⁵ which gives a matrix of danger to people based on floodwater depth and velocity.
29. Further modelling of the flood alleviation scheme was carried out for the appellants by JBA following refusal of the application. This was based on the new throttle position in Tunstall Farm Beck which was altered in October 2014. The new modelling found that the average velocity of floodwater in a 1 in 100 year event would be around 0m/s. With a depth of 38mm (i.e. 0.038m), this puts the site entrance in the lowest risk category as shown in Table 13.1. In addition, the duration of the likely flood was estimated to be around 30 minutes.
30. Notwithstanding this, further drawings submitted with the appellants' evidence, show the extent of FZ3 (drawing ref. QD463-00-08), and a comparison of the proposed access road level against the modelled water level of 24.31m AOD (drawing ref. QD463-00-09-A) so as to determine the volume of water displaced by construction of the access road and proposals for compensatory storage (drawing refs. QD463-00-10 and QD463-00-11). Compensatory storage would be in a shallow highway swale at the eastern edge of the access road. This detailed design would allow the road to no longer have a prospect of flooding in a 1 in 100 year event once the EA improvements are complete, and would form part of detailed drainage submissions to the Council if planning permission were granted. The EA continues to have no objection to the

⁵ Defra/Environment Agency: Flood Risk Assessment Guidance for New Development R & D Technical Report FD2320/TR2

proposal and has agreed that the proposed road design would prevent the 1 in 100 year water level flowing onto the road.

31. The Council's emergency access officer indicated in May 2014 that there were no objections to the proposal. Following the additional modelling work he confirmed⁶ that, taking into account the alteration to the trash screen and the new layout proposed for the access road, there did not seem to be as great a risk of the access to the site being cut off with flooding, and therefore neither he, nor the Police, had an issue with it.
32. Aside from this, it is also proposed that there would be a footpath link from the appeal site to Hylton Road, outside the identified flood risk area.
33. Overall I conclude that the proposed development would not result in a risk of additional flooding elsewhere and that the safety and amenity of future occupiers would not be compromised. As such the proposal would accord with saved policy GEP1 of the Local Plan 2006 which requires account to be taken of the effect on flood risk. It would also accord with the Framework which requires, among other things, that local planning authorities ensure that flood risk is not increased elsewhere; that, within the site, the most vulnerable development is located in areas of lowest flood risk; that the development is appropriately flood resilient and resistant, including safe access and escape routes where required; and that any residual risk can be safely managed including by emergency planning.

Other Matters

Highways

34. Local residents are concerned about the additional traffic which would be generated by the development. Traffic along Valley Drive, which is currently a cul-de-sac, and the surrounding roads would undoubtedly increase. A Transport Assessment submitted with the planning application estimates that there would be around 100 additional trips at the morning and evening peak. To mitigate the effect of the additional traffic, a number of improvements are proposed which would increase the efficiency of the local highway network. In particular, various off-site highway works are proposed to improve the operation of the Elwick Road/Wooler Road and Elwick Road/Park Road junctions i.e. to improve the flow of vehicles at the junctions which would be likely to see the greatest increase in traffic. These junctions would operate above capacity by 2020 even without the proposed development in place.
35. The proposed off-site works include improved signal control, queue detection and an improved right turn lane into Park Road. While such enhancements would not allow the junctions to operate within capacity, they would bring the operating efficiency to the level expected in 2020 without the development. There would also be a new signal controlled pedestrian crossing to the north of the priority junction in the vicinity of the White House PH. Such improvements could be secured through agreement with the Highway Authority and could be required, by condition, to be carried out prior to the occupation of the proposed dwellings.
36. The Framework indicates that account should be taken of whether improvements can be undertaken within the transport network that cost-

⁶ Email from Robin Beach , Senior Emergency Planning Officer dated 6/11/14

effectively limit the significant impacts of development. It goes on to advise that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Subject to the off-site highways works outlined above, the Highway Authority has raised no objection to the scheme and there is no substantiated evidence which would lead me to conclude that any residual impact would be severe.

Housing Need

37. The Park Residents' Association claims that there is no need for this additional housing in the Borough as, currently, they consider that supply is outstripping demand in the area. It is argued that there are over 400 detached houses advertised for sale within a 3 mile radius and proposals by various volume house builders to construct around 800 houses in Middle Warren, Wynyard, Bishop Cuthbert, Tanfield, Tees Road and Seaton Carew. It is also claimed that the findings/recommendations of the Council's SHMA are not robust as the response to the SHMA surveys was very small and a lot of the findings were based on questions concerning people's aspirations and expectations, thereby inviting fanciful rather than realistic objective responses.
38. However, for the most part, houses currently on the market are existing not proposed dwellings, and the local housing market is more a reflection of people moving up or down the housing ladder to meet their accommodation requirements and aspirations rather than the availability of additional housing to meet local need. The findings of the SHMA are only part of the objective assessment of housing need which must be made for identifying future land availability and allocations. The need for housing has to take account of a wider range of factors which, as well as the existing need for different forms and tenure of housing, include additional provision to tie in with policies for economic growth. I do not agree with the Residents' Association that new businesses must be attracted to the area before new executive housing development is contemplated: the two are inter-linked. Furthermore, through the S106 Agreement, this scheme would deliver financial contributions towards the provision of off-site affordable housing elsewhere in the Borough for which there is also an identified need.
39. As set out above, it is common ground that the Council cannot demonstrate a five year supply of deliverable housing sites as required by the Framework. The Council's Annual Monitoring Report 2012-13 found that there has been under delivery in previous years so that there is a shortfall to be made up. Thus the fact that this site is available and deliverable weighs in favour of the scheme.

Landscape

40. Concerns have been expressed about the effect of the development on the landscape as the new houses would be in a prominent position on rising land. A Landscape and Visual Appraisal (LVA)⁷ was submitted with the planning application. The site sits within the Tees Lowland Character Area defined in the Countryside Agency's Landscape Character Assessment for England and the Rural Fringe identified in the Council's Landscape Assessment (2000).

⁷ Based on the *Guidelines for Landscape and Visual Impact Assessment* published by the Landscape Institute and the Institute of Environmental Assessment.

41. Although the land rises from the proposed access at the end of Valley Drive, much of the site is visually enclosed by vegetation and the topography of the wider area. There are mature trees and a mixed hedgerow along the site boundaries to the north and west. To the east a row of trees within a mature hedgerow runs southwards towards the country park. The southern boundary is marked by post and rail fencing or hedgerow and there is also a hedgerow running north-south through the site. There is a network of public rights of way (PROWs) near to the site. To the west there is a footpath (Footpath 11) which runs southwards from the end of Valley Drive along Tunstall Farm Beck. Beyond the eastern side of the site a north-south footpath connects the West Park area to the Rift House area and also connects with another path running along the northern boundary of the Summerhill country park, joining the Tunstall Farm Beck footpath in the west.
42. For the most part, in views of the development from the surrounding area, including the footpaths and the country park, the site would be seen in the context of the existing built up area of Hartlepool and would reflect the development to the west which also rises with the undulating topography. Views from the public footpaths would be partially filtered by existing hedgerows and trees and proposed planting. There would be views from houses in Valley Drive and Hylton Road, but again the development would be partially screened so that the visual impact would be minimised.
43. Overall I do not find that there would be significant adverse visual harm arising from the development.

Privacy and Outlook

44. The land levels rise steeply at the rear of the houses at the end of Valley Drive, so that development on the appeal site could result in a loss of privacy and outlook for the occupiers of those houses if the proposed dwellings were poorly sited. The indicative layout plan submitted with the appeal shows the nearest groups of proposed dwellings around 55m from the rear of the houses on Valley Drive with an intervening buffer zone of planting/play areas and an access road along the western edge of the site. I consider that, with adequate detailing, such a layout should protect the living conditions of the existing occupiers from material loss of privacy or visual intrusion and I have no reason to believe that a satisfactory scheme in this respect could not be put forward when the reserved matters are considered.

Public Rights of Way

45. It is proposed to establish an additional PROW through the site and a link to the permissive route through the Summerhill Country Park as well as other footpath improvements to the route through the Summerhill Country Park and to Footpath no.11 (which extends southwards from Valley Drive). These measures would provide the opportunity for existing and future occupiers to have improved access to recreation and the countryside and provide safe routes to school and employment. Provisions for the new rights of way and footpath improvements are included in the s106 Agreement.

Trees

46. The Pre Development BS5837 Arboricultural Impact Assessment which accompanied the planning application identified the significant individual trees

within the influence of the site. The assessment concluded that the proposed development should not require the removal of any trees, though some sections of hedgerow within the site would need to be removed to allow for the construction of access roads and one or two trees may need to be felled because of their poor condition. I am satisfied that planning conditions could be imposed to require the retention of the identified significant trees and their protection during construction as part of the wider consideration of detailed landscape proposals at the reserved matters stage.

Ecology

47. An extended Phase I Habitat Survey and surveys for Great Crested Newts and Breeding Birds have been carried out on the site and surrounding area to ascertain the extent to which important habitat and protected species could be affected by the development. These surveys concluded that there should be no harm to protected species subject to the mitigation measures contained in the reports. These measures could be required by the imposition of suitable planning conditions. In addition, given the proposal for a Sustainable Urban Drainage Scheme (SUDS) which would include a pond, open space areas and extensive landscaping, there is likely to be some minor overall enhancement for biodiversity as a result of the development.

Farmland

48. Although this is a greenfield site it is not the best and most versatile agricultural land which the Framework seeks to protect.

Education

49. The Council's education team has indicated that there would be no requirement for additional secondary school provision in the area to meet the need arising from the development. There is, however, a significant lack of capacity in primary school provision and the S106 Agreement would secure financial contributions for the provision of additional places to meet the shortfall resulting from the development.

Accessibility/Sustainability

50. The main parties agree that, as set out in the appellants' Sustainability Statement, there is opportunity to access services and facilities within a reasonable distance by non-car modes of transport so that, aside from the issue of flooding at the access, which I have addressed above, the site is a sustainable location for development.

Economic Benefits

51. A number of economic benefits would be likely to be derived from the development, mainly around 37 jobs during the construction phase and 3 spin-off jobs in the local economy, additional expenditure in local shops, around £1.2 million New Homes Bonus Payment and increased Council Tax payments. This accords with the objective of the Framework to support economic growth through the planning system.

Conditions

52. I have considered the need for the conditions discussed at the Hearing having regard to the advice in the Planning Practice Guidance and the model

- conditions set out in Appendix A to Circular 11/95: The Use of Conditions in Planning Permissions which is still extant (though the Circular itself has been withdrawn). I have simplified or combined some of the suggested conditions necessary to address various matters to make the development acceptable.
53. In the interests of visual amenity, and to ensure a satisfactory development, it is necessary to require approval of full details of the reserved matters i.e. scale, appearance, layout and landscaping, and of the access roads within the site. For the avoidance of doubt, it is necessary to require that the access from Valley Drive, which is not a reserved matter, is constructed in accordance with the submitted details. To accord with the terms of the application, the reserved matters proposals should be based broadly on the indicative layout drawing submitted with the application, be for no more than 110 units and include at least 2 bungalows to meet an need identified in the SHMA.
 54. In the interests of visual amenity and/or biodiversity I will impose conditions requiring the landscaping submissions to include full details and implementation of planting; tree retention and protection; open space and play facilities; external lighting; bat roosting features; and the provision and management of a buffer zone along the Tunstall Farm Beck. Where relevant, in the interests of biodiversity and wildlife protection the details and implementation of the proposals should accord with the mitigation measures set out in the various ecology reports, particularly in respect of bats and breeding birds.
 55. In the interests of highway safety and the free flow of traffic, I will require that the proposed off-site highway works are completed prior to the occupation of the dwellings and that the dwellings are not occupied until vehicular and pedestrian access to the public highway has been constructed.
 56. To reduce the risk of flooding and to ensure the satisfactory storage/disposal of surface water it is necessary to require the submission of the details and management of a surface water drainage system and its implementation prior to first occupation.
 57. So as to protect the living conditions of surrounding residents it is reasonable to require details of proposed levels, to limit the times for construction activity and for an approved Construction Management Plan to be implemented.
 58. To ensure that any such issues are properly addressed, I will impose the model condition in respect of contamination. To prevent pollution I will require that all surface water drained from the parking areas and hard standings is passed through an interceptor prior to discharge.
 59. The site is of archaeological interest and so it is necessary to impose a condition to require that the development is constructed in accordance with the terms of the submitted written Scheme of Investigation which accompanied the planning application.
 60. The Council has suggested that the 'permitted development' rights for extensions, garages and outbuildings, and fences, gates and walls should be withdrawn to enable the local planning authority to exercise control in the interest of the amenities of the occupants of the adjacent properties. However, the Planning Practice Guidance advises that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. This is

an outline application and full details have yet to be submitted, but such a restriction would apply to all the proposed houses. As the Council retains full control over the design and layout of the scheme I do not consider that there are exceptional circumstances which render it is necessary or reasonable to impose such conditions at this stage.

Conclusion

61. Although it would not accord with policy Rur1 of the Local Plan 2006, the proposed development would provide housing on a deliverable site in a relatively sustainable location and contribute towards the provision of off-site affordable housing. The presumption in favour of sustainable development set out in the Framework applies and I find no adverse impacts which would significantly and demonstrably outweigh the benefits.
62. For the reasons given above I conclude that the appeal should be allowed.

Isobel McCretton

INSPECTOR

Schedule of Conditions for Appeal Ref. APP/H0724/A/14/2228786

1. Approval of the details of the layout, scale and appearance of the buildings, the further means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission
3. The development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The development hereby permitted shall be carried out in accordance with the plan ref. QD463-00-06 (Rev C) (Site Access Road Layout) and details received at the Local Planning Authority on 16th April 2014 as amended by the plan ref. 1N/TUN/SK-10(RevA) (Red Line Boundary), unless otherwise agreed in writing by the Local Planning Authority.
5. Save in respect of drainage adjoining Valley Drive, the details submitted at reserved matters stage shall be in general conformity with drawing ref. 1N/TUN/SK-20 (Block Plan) submitted with the application and received by the Local Planning Authority on 25th April 2014.

6. The total development hereby approved shall not exceed 110 residential dwellings (C3 Use Class). This shall include a minimum of 2 plots with single storey dwellings i.e. bungalows.
7. No development shall take place until a detailed scheme of off-site highway measures in accordance with the mitigation measure set out in the Transport Assessment prepared by Tim Speed Consulting issued on 10 April 2014 shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme.
8. No development shall take place other than in accordance with the Written Scheme of Investigation for archaeological recording prepared by URS and dated January 2014. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation submitted with the application and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
9. A. Site Characterisation
No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health;
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - c. adjoining land;
 - d. ground waters and surface waters;
 - e. ecological systems;
 - f. archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not

qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with condition C (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

10.No development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details prior to the occupation of the development.

11.No development shall take place until a scheme for passing surface water drainage from parking areas and hard standings through an oil interceptor prior to being discharged into any watercourse, surface water sewer or soakaway system, has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the oil interceptor has been installed in accordance with the approved details. Roof water shall not pass through the interceptor.

12. No development shall commence until details of proposed external lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and retained in accordance with the details so approved.
13. No development shall take place on each phase, until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
14. No development shall take place until details of play facilities and public open space to be provided on site (including their/its location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play equipment), have been submitted to and approved in writing by the Local Planning Authority. The play facilities and public open space shall thereafter be provided in accordance with the details so agreed.
15. No development shall take place until a scheme and timetable for the provision and management of a 5 metre wide buffer zone alongside the Tunstall Farm Beck has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme. The buffer zone scheme shall, unless otherwise agreed, be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:
 - a) plans showing the extent and layout of the buffer zone;
 - (b) details of any proposed planting scheme (for example, native species);
 - (c) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
 - (d) details of any proposed footpaths, fencing, lighting etc.
16. No development shall take place until a scheme for the provision of bat roosting features within buildings and bird and bat boxes throughout the site, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.
17. No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO₂ emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed.

18. Trees and hedgerows within the site shall be retained unless the prior written consent of the Local Planning Authority is obtained for their removal. The landscaping reserved matters shall include details of all hedgerows and trees to be retained and a detailed scheme of landscaping, tree and shrub planting. The scheme shall specify sizes, types and species of trees and shrubs, indicate the proposed layout and surfacing of all open space areas, and a programme for implementation and maintenance. The scheme shall also take account of the mitigation proposals identified in section 6.4 of the report "A breeding bird survey of Tunstall Farm, Hartlepool" and in section D4 & D5 of the report "An extended phase 1 and protected species survey of land at Tunstall Farm, Hartlepool". The works shall be implemented in accordance with the approved details and programme of works.
19. The details submitted with the reserved matters shall include a scheme for the protection during construction works of all trees and hedgerows to be retained on the site, in accordance with BS 5837:2012 '*Trees in relation to design, demolition and construction - Recommendations*'. The scheme once approved in writing by the Local Planning Authority shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the dwelling(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
20. The trees shown in Figure 5 of the report "An extended phase 1 and protected species survey of land at Tunstall Farm, Hartlepool" prepared by E3 Ecology and submitted in support of the application shall not be removed unless first inspected for their potential to support roosting bats by a suitably qualified ecologist. Any trees that are identified by this inspection as having high potential for roosting bats shall be subject to bat activity surveys prior to any felling works being undertaken on them. If bats are found to be present the tree(s) shall not be removed unless a method statement safeguarding the bats is first submitted to and agreed in writing by the Local Planning Authority. Any trees that have been identified as having moderate bat roosting potential should be felled according to a suitable method statement to reduce the risk of harm to bats. The method statement shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the felling of the tree(s). Where method statements are agreed works shall be undertaken in accordance with the method statement.
21. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside the bird breeding season unless the site is first

checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present, and a report confirming this is submitted to the Local Planning Authority prior to the clearance of any vegetation. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority.

22. The details submitted with the reserved matters shall include details of existing and proposed levels of the site including finished floor levels of the buildings to be erected, sections through the site and adjacent land/buildings and any earth retention measures.
23. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction/building activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
24. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Richard Sagar	Partner, Walker Morris Solicitors
Andrew Lowdon	Engineering Director, Queensberry Design Ltd
Neil Morton	Director GVA Grimley Ltd
Tom Baker	Principal Planner GVA Grimley Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Jim Ferguson	Team Leader Development Control
Andrew Carter	Planning Services Manager
Matthew King	Team Leader Urban Policy
Kieran Bostock	Senior Engineer
Mike Blair	Traffic and Transportation

INTERESTED PERSONS:

Cllr Ray Martin-Wells	Ward Councillor
Cllr Dr George Morris	Ward Councillor
Fran Johnson	Chair, Park Residents' Association
Mike Leech	Park Residents' Association
Fred Hallums	Park Residents' Association
Steve Wharton	Northumbrian Water
Vivienne Chandler	Local Resident
James Allen	Local Resident
Ian Campbell	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1	Council's letter of notification of the Hearing
Document 2	Email from Robin Beach (Emergency Planning Officer) to Jim Ferguson (Hartlepool BC)

- Document 3 Response to Inspector's Agenda for Local Plan Hearing re additional site allocation at Tunstall Farm proposed by Taylor Wimpey (flood risk issues and site area)
- Document 4 Email from Environment Agency to Queensbury Design Ltd dated 8/1/15 giving information on works to replace trash screen in Valley Drive
- Document 5 Defra/Environment Agency: Flood Risk Assessment Guidance for New Development R & D Technical Report FD2320/TR2
- Document 6 Community Infrastructure Levy Regulations 2010 – Compliance Statement Appellants/Hartlepool BC
- Document 7 Residents' photographs including November 2012 flood and views from dwellings in Valley Drive
- Document 8 Environment Agency response to questions from Mr Keeton, 56 Valley Drive re proposed flood risk management works (handed in during site visit)
- Document 9 Signed s106 Agreement

DOCUMENTS SUBMITTED AFTER THE HEARING

- Document 10 Response from Queensbury Design Ltd to Mr Keeton's notes
- Document 11 Letter from Mr Allan detailing points raised at the Hearing
- Document 12 Response from HBC re DCLG 2012 Household Projections and Draft 2015 Strategic Housing Market Assessment
- Document 13 Response from appellants re DCLG 2012 Household Projections
- Document 14 Response from Park Residents Association re DCLG 2012 Household Projections