

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

5 July 2023

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

21/0345/FUL

Land East Of Hanzard Drive, South Of Bloomfield Drive/Applecross And North Of Glenarm Drive, Wynyard,

Erection of local centre comprising of eight commercial units and associated infrastructure works.

Expiry date: 7 July 2023

SUMMARY

The application site extends to approx. 0.7 ha and is currently undeveloped land, formerly in agricultural use, situated between the existing Bloomfield Drive residential development to the north, various commercial units served from Glenarm Road to the east and south and Hanzard Drive spine road to the west. The site is within defined development limits and is identified as a local centre within the Wynyard Masterplan. The principle of development within this location has therefore been established.

Members may recall that this application was also previously heard and approved subject to the applicant entering into a Section 106 agreement by planning committee in January 2022, which at the time consisted of a mixed commercial and residential development with a total number of 20 flats and c.1,300 square metres of commercial floorspace. However, the S.106 agreement had not been signed and following a review of the scheme with regards to build costs, the applicant has resolved to remove the apartments to bring forward the delivery of the commercial units and local centre.

The overall footprint remains largely the same although the removal of the apartments sees an overall reduction in the bulk of the development which is now a series of single and two storey buildings forming a total of eight commercial units (as opposed to 6 previously). Given the nature of the changes along with the consequences for planning conditions and heads of terms, the item is referred back to planning committee for determination.

One additional representation has been received, although the original 11 letters of objection, 9 letters of support and 1 letter of representation also remain on the file and have been considered in the re-assessment of the proposals.

The principle of a commercial local centre development has already been established within the adopted Wynyard Masterplan and the overall scale of the development is considered to be appropriate and can be accommodated on the site within any significant resultant impacts on the character of the area, amenity of neighbouring properties/residents or highway safety.

For the avoidance of doubt as the residential element has been removed from the proposals, the requirement for planning obligations no longer applies to the scheme.

The proposals are therefore recommended for approval subject to those conditions set out below;

RECOMMENDATION

That planning application 21/0345/FUL be approved subject to the following conditions and informatives;

01 Time period for commencement

The development to which this permission relates shall begin no later than the expiration of three years beginning with the date of this decision.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02 Approved Plans

The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
201	31 March 2022
202	31 March 2022
203	31 March 2022
204	31 March 2022
403	31 March 2022
404	31 March 2022
JCM001 001	8 February 2021

Reason: To define the consent.

03 Materials

Notwithstanding any description of the materials in the application no above ground construction shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the new façade and extension to the building(s) have been approved in writing by the Local Planning Authority. The development shall proceed in accordance with those agreed details.

Reason: To enable the Local Planning Authority to control details of the proposed development.

04 Use Classes

Prior to the above ground construction, the exact mix of uses of the hereby approved commercial units shall be submitted to and agreed in writing by the local planning Authority and shall therefore be retained as such, notwithstanding, the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order).

Reason: To define the consent and in the interests of securing the development to meet the local needs.

05 No subdivision/ Amalgamation

With the exception of unit 4, the premises shall not be sub-divided or combined into independent units without the prior written consent of Local Planning Authority and shall therefore be retained as such notwithstanding the provisions of Part 3 of Schedule 2 of the

Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order).

Reason: To define the consent and in the interests of securing the development to meet the local needs.

06 **Opening Hours**

The hereby approved units shall not be open for business outside the hours 08:00 - 22:00 Monday to Saturday including Bank Holidays and 10:00 -18:00 on Sunday.

Reason: In the interests of the amenity of the neighbouring residential premises

07 **Delivery hours**

No deliveries to the commercial premises shall be taken at the site outside the hours of 07:00Hrs and 19:00Hrs.

Reason: To protect the amenities of nearby residents

08 **Waste Collection**

The hereby approved commercial units shall be provided containers for the storage and disposal of waste foods and other refuse from the premises within the identified locations on plan ref JCM001 403 received 31 March 2023. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents. The waste collection shall not be outside of the hours of 07:00 – 19:00hrs.

Reason: To protect the amenities of nearby residents

09 **Secure by Design**

Prior to the above ground construction of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention & Architectural Liaison. Once approved, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of ensuring a suitable level of amenity

10 **Construction Hours**

No construction/demolition works, or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties

11 **Site Levels**

Prior to the commencement of the development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity or integrity of existing natural features and habitats.

12 **Soft Landscaping**

No above ground construction shall commence until full details of a Soft Landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.

The scheme shall be completed prior to first occupation or in the first planting season following occupation of any part of the development;

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

13 **Soft Landscape Management and Maintenance**

No above ground development shall commence until full details of a proposed soft landscape management and maintenance plan has been submitted to and been approved in writing by the Local Planning Authority. The soft landscape maintenance and management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

14 **Protection of the Highway**

Prior to the planting of any trees within 2m of the adopted highway, precise details of arrangements for the protection of the adopted highway, from tree root damage shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the adopted highway from damage by tree roots

15 **Hard landscaping and street furniture**

No above ground construction shall take place until full details of proposed hard landscaping including street furniture have been submitted to and approved in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

16 **Soil Management**

No development shall be commenced until the Local Planning Authority has approved in writing the details of a soil management plan. The plan shall indicate how and where soils will be stripped, and their temporary storage during the works. Details shall describe the height, width, length and location on site of all such mounding together with any temporary seeding.

Reason: To enable the Local Planning Authority to satisfactorily control the development and to ensure satisfactory residential amenity

17 **Sustainable Surface Water Drainage Scheme**

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system;
- II. A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework.

18 **Surface Water Management**

The building hereby approved shall not be brought into use until:-

- I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building
- II. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development

Reason: To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development.

19 Highways Construction Management Plan

Within each phase, no development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- i. the site construction access(es)
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials including any restrictions on delivery times;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- vi. measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers operating at regular intervals or as and when, to avoid the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site;
- vii. measures to control and monitor the emission of dust and dirt during construction;
- viii. Site Waste Management Plan;
- ix. details of the HGVs routing including any measures necessary to minimise the impact on other road users;
- x. measures to protect existing footpaths and verges; and xi. a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and residential amenity

20 Servicing Plan

Notwithstanding the submitted Servicing Plan, final details of servicing arrangements for the commercial units shall be submitted to and approved in writing by the Local Planning Authority, prior to first use of any of the commercial units. The Servicing Plan shall include details of deliveries, refuse collection, and measures to mitigate noise arising from, and not limited to, vehicle movements. The development thereafter shall be operated in accordance with the approved Servicing Plan.

Reason: In the interests of highway safety and residential amenity

21 Travel Plan

Prior to the development being brought into use, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator with roles, responsibilities, timescales to be in place (minimum 5 years) and contact details
- (ii) Modal split targets and measures to achieve these targets, which must be SMART: Specific Measurable, Achievable, Realistic and Timebound;
- (iii) Details of when the Travel Plan is to be monitored and reviewed including timescales for when travel surveys are to be carried out.
- (iv) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (v) provision of up-to-date details of public transport services
- (vi) continual appraisal of travel patterns and measures provided through the travel plan
- (vii) improved safety for vulnerable road users

- (viii) a reduction in all vehicle trips and mileage
- (ix) a programme for the implementation of such measures and any proposed physical works
- (x) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The approved Travel Plan shall be implemented, and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport and to ensure compliance with Local Plan Policy T11.

22 **EV charging**

Notwithstanding the submitted information, full details of the type, number and location of all electric charging points shall be submitted to and be agreed in writing with the Local Planning Authority. The charging points shall be provided prior in accordance with the agreed details and installed prior to any part of the development, hereby approved, becoming operational. Thereafter these shall be maintained for the lifetime of the development.

Reason: To future proof the development and to aid in the reduction of CO2 emissions in accordance with the NPPF.

23 **Contaminated Land Risk Assessment**

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site, have been submitted and approved in writing, by the local planning authority:

- (1) A risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

This must be undertaken in accordance with the Environment Agencies "Land Contamination Risk Management" guidance (2020), CIRIA C665 and BS87576: Guidance in investigations for ground gases. Gas monitoring must be carried out based on the guidance CIRIA C665: "Assessing Risks Posed By Hazardous Ground Gases To Buildings" with a minimum of at least two sets of readings as low and falling atmospheric pressure. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To preventing both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of water and land pollution, in accordance with the NPPF.

24 **New Air Conditioning/Plant Equipment/Odour control**

Prior to the installation of any air conditioning units/ plant equipment / means of mechanical ventilation and/or a ventilation and fume extraction system, full details shall first be submitted to and be agreed in writing by the Local planning Authority. Such details shall including a full technical specification by a suitably qualified technical professional person, details of the position of any A/C unit, plant and/or ventilation, fume or flue outlet points and the type of filtration or other odour treatment which shall be installed and used at the premises.

Thereafter the equipment shall be installed in accordance with the agreed details prior to the development being brought into use and shall be maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters, for the lifetime of the development.

The rating level of sound emitted from [any fixed plant and/or machinery associated with the development] [industrial activities at the use hereby approved] shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 1 hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

Reason: In the interest of protecting future occupiers' amenity in accordance with local plan policy SD8 and the NPPF

25 **Acoustic Fence**

Prior to the occupation of any parts of units 1,2 and 3 the acoustic fence as per the agreed details set within Noise Assessment (Revision 3) received by the Local Planning Authority on the 6 July 2021 shall be erected. Thereafter the fence shall be maintained as such for the lifetime of the development.

Reason: In the interest of protecting future occupiers' amenity in accordance with local plan policy SD8 and the NPPF

26 **Energy Efficiency**

No above ground construction on the residential and commercial buildings shall take place until details of how they will contribute to the greenhouse gas emission reduction, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Local Plan Policy ENV1.

27 **BREEAM Very Good**

The commercial units hereby approved shall be built to achieve a minimum of BREEAM rating 'very good' or other equivalent alternative rating criteria which meets with the general sustainable construction aims and principles of BREEAM very good', such details shall be approved in writing by the Local Planning Authority prior to commencement of above ground construction the commercial building (s). Development shall be carried out in accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Local Plan Policy ENV1

28 **Ecological Checking Survey**

Prior to the commencement of any site works, a checking survey for the presence of protected species and suitable habitat shall be undertaken and appropriate mitigation measures, if different from the original survey, shall be submitted to and approved in writing by the local planning authority. Site works shall be carried out in complete accordance with the updated survey unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protected species and their habitat

29 **Ecology mitigation**

All ecological mitigation measures contained within the Preliminary Ecological Appraisal received by the Local Planning Authority on the 8 February 2021 shall be implemented throughout the development in full accordance with the advice and recommendations.

Reason: To preserve, protect and enhances the biodiversity of the site in accordance with Local Plan Policy ENV5 and the NPPF.

30 **Construction Environment Management Plan**

Prior to the commencement of the development hereby approved, a detailed site-specific Construction Environmental Management Plan for each phase is to be submitted and agreed in writing by the Local Planning Authority. This shall include details of all proposed excavations, piling, construction, machinery used (including location) and associated mitigations should be submitted in accordance with BS 5228:1997. This should also include all measures to be undertaken to protect habitats and wildlife during the construction phase of the development identified in the submitted Preliminary Ecological Appraisal received by the Local Planning Authority on the 8 February 2021, or any superseding report. Once approved the CEMP Plan shall be adhered to throughout the construction period.

Reason: In the interests of residential amenity and to protect habitats and wildlife.

INFORMATIVE

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

BACKGROUND

1. The Site has no previous planning history but is identified within the Wynyard Masterplan as a Local Centre and includes with allocation H1(8) of the Stockton Local Plan.
2. The application was previously reported to and considered by Members of the Planning Committee in January 2022 and was approved subject to the applicant entering into a Section 106 agreement. However, that section 106 agreement was not signed and in the interim period, the applicant has been reviewing the scheme in light of associated building costs and recently submitted a revised scheme which has removed the twenty apartments from the proposals.
3. Given the nature of the changes along with the consequences for planning conditions and heads of terms, the item is referred back to planning committee for determination.

SITE AND SURROUNDINGS

4. The application site, hereby referred to as the Site is located within Wynyard Park, approximately 300m north of the A689, immediately east of Hanzard Drive.
5. The site occupies 0.7 hectares of undeveloped land, formerly in agricultural use, situated between the existing Bloomfield Drive residential development to the north, various commercial units served from Glenarm Road to the east and south and Hanzard Drive spine road to the west.
6. The site holds an elevated position to the residential properties to the north. A 6m drainage easement is located along the northern boundary between the proposed site and existing two-storey residential dwellings at Applecross Grove and Bloomfield Drive.

PROPOSAL

7. Planning permission is now sought for a commercial development consisting of eight individual units over a total of 1,612 square metres, within the E use classification (commercial, business and service) which it is envisaged will consist of convenience store, restaurant, hair salon and various boutiques.
8. The removal of the apartments has also seen the overall scale of the building being reduced from two and three storeys to now being a single and two storey development. Architecturally the buildings maintain a 'traditional' design ethos with the retention of the feature weather vane on unit 1.
9. The breakdown of total floor space of each individual unit is shown below;
 - Unit 1 - 418sqm
 - Unit 2 – 419sqm
 - Unit 3 – 279sqm
 - Unit 4–176 sqm (with potential to be split into two units of 82 and 94 sqm)
 - Unit 5 – 84 sqm
 - Unit 6 – 71 sqm
 - Unit 7 – 81 sqm
 - Unit 8 – 84 sqm

CONSULTATIONS

10. The following Consultations were notified and any comments received are set out below:-
11. Cleveland Police – No concerns currently with regard to local crime, with three burglaries reported and 1 criminal damage incident in the past twelve months on the nearby housing estate. I would recommend that external windows and doors conform to at least the police preferred minimum standards and Doorsets should also be certificated by one of the UKAS certification bodies.

Good lighting will facilitate natural surveillance and enable people to see that they are safe, space around the building, including parking area, should be well lit. CCTV should be in operation and be capable of producing colour images in all lighting conditions

12. National Highways - No objection
13. Highways Transport & Design Manager - no objections to the proposals.

Highways Comments

The applicant has provided a Transport Statement (TS) and updated technical note that provides additional information on trip generation. In addition, the site layout plan, drawing reference JCM001 403, in support of the proposals which have been reviewed and considered against the Councils design guide and SPD3: Parking Provision for Developments 2011.

Masterplan; The proposals are broadly in line with the approved Wynyard Masterplan, which has been adopted by both Hartlepool and Stockton Borough Councils. The revised drawing takes account of the proposed re-alignment of Hanzard Drive and the provision of a new roundabout, which will be located circa 100m to the north west of the site access, at the junction of Hanzard Drive and Bloomfield Drive.

Traffic Impact; As set out in the TS the proposed development, in relation to the retail element, is unlikely to generate a significant level of new traffic with most trips associated with the proposals being either 'transferred' or 'pass-by' trips which are already on the wider highways network. As such it is not considered that the proposals, in the context of the NPPF, would result in a severe impact on the local highways network.

Site Access / Layout; The site would be access from Hanzard Drive / Bloomfield Drive via a simple priority T junction. The capacity of the proposed junction has been assessed, within the TS, and it would operate within theoretical capacity. The proposed junction arrangement is therefore considered to be acceptable.

As indicated on the revised site plan a total of 90 parking spaces will be provided, to serve both the retail and residential elements of the proposals, which is broadly in accordance with the requirements set out in SPD3: Parking Provision for Developments 2011. Included are 5 disabled bays that accords with the standards and electric vehicle charging points are also indicated. The proposed car parking provision is therefore considered to be acceptable, subject to the EV charging points being conditioned. Swept path analysis is provided for a refuse vehicle and the drawing indicates that no HGVs will be used for delivery purposes to the retail units. A Servicing Plan should therefore be provided in order to address timings and vehicle movements associated with these deliveries. This should be conditioned to be provided and to be in perpetuity given the mixed use with residential areas.

Sustainable Connections; The site is well located in relation to the existing residential developments in this area and is accessible on foot, by bike or by utilising the free demand responsive bus service which is currently provided by the applicant. The Framework Travel Plan is acceptable in principle and full Travel Plan should be conditioned.

Construction Traffic Management; The applicant has indicated, within the TS, that a Construction Traffic Management Plan will be provided however, this should be secured by condition.

Landscape & Visual Comments

The proposals have been updated since the original submission in 2021. The proposed units 1-4 are located in close proximity to residential dwellings on Hanzard Drive and Applecross Road, and area located directly to the south. The proposals have been modified and reduced in height to a maximum of 2 storeys. The Highways Transport and Design Manager had previously raised concerns regarding the potential shading of these dwellings and their private gardens. The Sun Path information has not been updated, but it is acknowledged that the effects of shading will reduce as a result of the changes.

The submitted noise report requires that a 3m high noise barrier fence will be required along part of the northern boundary of the development site adjacent to the residential property 4 Hanzard Drive. The length of this 3m high fence has been significantly reduced to minimise the

impact upon the amenity of this property and its private garden, and also the openness of the development frontage. The proposals have also increased the available space for planting as previously requested.

A more detailed and improved landscape masterplan for the site has been provided, which considers the constraints of the site and issues raised regarding the feasibility of the proposals. As mentioned previously, where trees are proposed within 2m of the adopted highway a root barrier membrane will be required along the edge of the highway footpath to protect the highway from future damage by tree roots, however this element can be conditioned.

Having reviewed the revised information the Highways Transport and Design Manager still has some concerns regarding the impact of the building on the amenity of these properties due to shading and lack of landscaping between them, however no objections are raised.

Should the application be approved it is requested that the following conditions be applied to any permission:

- Hard landscaping – to determine the specific paving units and colour mix;
- Street furniture – to determine the precise details and appearance of all street furniture;
- Soft landscape management plan; and
- Protection of the highway from tree root damage

14. Environmental Health Unit (Contamination) - note the presence of radon gas in the area and the requirement for radon protection measures within the adjacent development. In addition, peat has been identified in the underlying geology to significant depths within the area, requiring gas/groundwater monitoring and is a potential source of ground gas.

I would therefore recommend a risk assessment is undertaken of the ground conditions and contaminated land (including gases and contamination of surface water) prior to commencement.

15. Environmental Health Unit - I have no objection in principle to the development, subject to the imposition of the following condition and as well as the conditions provided in the previous response, submitted 08/08/21:

Due to the close proximity of existing residential properties and the proposed mixed commercial/residential use, I have concerns regarding the likelihood of noise and potential odours arising from commercial units.

The submitted noise report (23rd Dec 2020, Ref 784-B026135) has assessed the impact of plant equipment and deliveries on the nearest residential premises, including the adjacent premises and flats above, and this shows that mitigations are required in order to achieve an adequate internal noise environment. These include standard double glazing will result in target criteria being met throughout the site, and alternative ventilation will be required for some living rooms and bedrooms within those parts of the site to address delivery noise. With regard to existing residential receptors adjacent to the northern boundary of the site, screening from the delivery area (3.0m close boarded fence) would achieve an acceptable internal and external noise environment.

I would ask that an assessment of noise transference between commercial and residential floors is made, as the intensified use of the premises is likely to result in noise transfer. I would also request further details of ventilation systems is submitted prior to approval.

There is also no information regarding whether the commercial shall require odour abatement systems. I would therefore recommend that prior to the application being approved, details of any odour abatement is submitted.

16. Tees Archaeology - This site has previously been subject to archaeological evaluation and no further investigation is required.
17. Northern Gas Networks - No Objection
18. Chief Fire Officer (Cleveland Fire Brigade) - no representations regarding the development as proposed. Further comments may be made through the building regulation consultation process as required.
19. Hartlepool Borough Council - supportive of the development of the internal road network at Wynyard, in order to support resident movement and link separate developments into a single community. The Wynyard Masterplan requires an internal road network to be of a standard that can be adopted by the Highway Authority and so the acceptability of the proposal will also be subject to the satisfaction of Stockton's Highways Team
20. Alexander Cunningham MP - Constituents from the Bloomfield Drive/Applecross Grove area of Wynyard, to the North of this proposed development site, bought their homes in the last four years and tell me that at the time that the homes were being built and sold they were advised that there would be a small commercial development locally, but that this would not have an impact on this particular development as it would be located on land to the West of Hanzard Drive, away from the residential areas. Most will have bought homes after viewing the Master Plan back in 2017 and whilst land use is often subject to change in areas that are being developed, it should be of no surprise that many people living locally object to this particular development on their doorstep.

The proposed development is particularly close to the housing at the end of Applecross Grove and these residents will inevitably suffer the most with a loss of privacy and the impact of noise. The location of pub/restaurant and take away premises creates concerns regarding noise late at night and the addition of a small supermarket brings additional concerns of early morning noise from delivery lorries. There are additional concerns in relation to increased traffic, and a potential for anti-social behaviour, litter etc. It should also be noted that this land is currently well used by local residents for exercise, and for dog walking etc. so whilst it may be argued that there is a benefit to additional services locally it should be acknowledged this will come at a loss of the space as it is currently used.

I have no doubt that the area would benefit from the creation of community facilities and affordable housing but residents tell me that this would be best delivered at the location originally identified for this purpose, and with consideration given to pedestrian and cyclist road safety, security (location of lodge), and the environmental impact of such a development.

The main roads in this area, do suffer from speeding traffic and if people locally are to be confident that they can walk and cycle safely in the area then further consideration needs to be given to how traffic speed is addressed.

Finally, I am also advised by local residents that they did not receive the required notification period in order to submit objections. Notification was only received 14 days prior to the deadline. Given this concern, I would be grateful if you could confirm that any objections received after the deadline will be considered and that a further letter is issued to all local residents regarding an extension of time to submit any concerns that they may have in relation to this proposal.

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

For information only; We note the proposed site plan demonstrates a band of planting to the north of the site where two sewers are present. The sewers are currently undergoing a Section 104 agreement for the adoption of those assets. Therefore, we would like to recommend the developer refers to the planting guidance set out within Sewers for adoption 6th edition to ensure the proposed planting does not affect the adoption process.

22. Sport England - No comments to make on this additional information consultation.
23. Health and Safety Executive - This application does not fall within any HSE consultation zones. There is therefore no need to consult HSE on this planning application and HSE has no comment to make.
24. NHS - An £11,550 off site contribution required.
25. Natural England – The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

PUBLICITY

26. Neighbours were notified, a site notice and a press advert were displayed/published. The main reasons for objections can be summarised as follows;

Letters of Support

1. Miss Simona Pankinaite 7 Rose Vale Wynyard
2. Miss Anne-Marie Howells 22 Mulberry Way Wynyard
3. Emma McCullagh 17 Mulberry Way Wynyard
4. Brian Boston 4 Drayton Gardens Wynyard
5. Mr David Bigerstaff 22 Mulberry Way Wynyard
6. Mr Shaun Hogg 39 Goldcrest Crescent Wynyard
7. Mr Kevin Conway 7 Rose Vale Wynyard
8. Mrs Sophie Baker 43 Goldcrest Crescent Wynyard
9. Mr Michael McAvoy 5 Musgrave Garden Lane Wynyard

- Welcomed amenities which look in keeping with the area.
- Provide a social space to meet your neighbours, bring a community feel
- sustainable
- The proposed building looks to be in keeping with the area and is more attractive than the industrial units behind the estate.
- Development was sold with the proposal of amenities in the future and it is included in the 10 year plan for the area. This estate desperately needs the amenities
- Need to look into installing a crossing point - either a zebra crossing or pedestrian controlled point, and the security hut should be further looked at as these will also benefit the area.
- In keeping with Masterplan
- Will separate the existing industrial units and office space from the housing development. Both residents and employees of the local businesses would make great use of this local centre.

- Soften the impact of the existing industrial shed
- Well thought out frontages
- Apartments will help create a diverse range of accommodation
- Existing services in the area are unreachable by foot

Letters of Objection

1. Ms Minna Ireland 22 The Green Elwick (Elwick Parish Council)
2. Mr Kevin Gamesby 4 Applecross Grove Wynyard
3. Kate Stewart 2 Applecross Grove Wynyard
4. Laura Mathieson-Pybus and Kenneth Pybus 40 De Havilland Way Hartlepool
5. Fareed Esack 14 Applecross Grove Wynyard
6. Rob Haggath 12 Applecross Grove Wynyard
7. Mr Michael Illingworth 4 Fox Covert Close Wynyard
8. Craig Honeyman 16 Applecross Grove Wynyard
9. Mrs Sue Finch 18 Applecross Grove Wynyard
10. Mr Matthew Turner 20 Applecross Grove Wynyard
11. Mrs Lynsey Thomas 19 Silvermede Road Wynyard

- Application not in accordance with the Local Plan policies
- Public transport is limited to the trial of Tees Flex and may affect future occupiers who will be reliant on cars
- No electric charging points
- No solar panels
- It should be on the land between Storeys and Taylor Wimpey site
- Loss of green space which was sold as part of the development Quite residential area
- This development will significantly increase the traffic to the area making it unsafe for them to openly play, while reducing the open space they can access.
- Air Quality
- Impact on ecology
- To place a 3 storey building as per the plan will block all of the morning sun onto the adjoining properties. The building should be two stories maximum.
- Devaluation of properties
- Change of ground levels would impact on residents
- Excess parking
- Will require landscaping to mitigate visual impact
- Noise and disturbance especially from service yard
- Odour
- Existing coop five minute drive away
- Increased vermin
- Concern over future use of HGV's
- Length of public consultation
- Anti social behaviour
- Loss of privacy
- No more housing should be granted until a secondary school is provided along with a church and doctors surgery
- Out of keeping with character of the area
- requirement for turning heads for buses

Representation:

1. Mrs Margaret Johnson 3 School Close Thorpe Thewles
2. Lynsey Thomas

- Flats do not have designated car parking

- Does not appear to have any car charging stations which will surely be needed in the near future. Solar panels should be incorporated
- Wynyard requires a GP practice
- Ecological surveys require updating as a pond very close to the site has three Great Crested Newts
- Additional survey should be commissioned to determine whether it is a breeding pond and the Newts will migrate to the surrounding farmland (inc. the application site) at the end of the breeding season.

PLANNING POLICY

27. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
28. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

29. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
30. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making 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:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Local Planning Policy

31. The following planning policies are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable

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

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

- a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
- b) Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources.
- c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
- d) Enhancing woodlands and supporting the increase of tree cover where appropriate.
- e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
- f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
- i) Considering development proposals within green wedges against Policy ENV6.
- j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.
- k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.
- l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.
- m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

- a. Directing development in accordance with Policies SD3 and SD4.

- b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
- c. Supporting sustainable water management within development proposals.
- d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
- e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.
- f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.
- g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
- h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

Strategic Development Strategy Policy 6 (SD6) - Transport and Infrastructure Strategy

1. To provide realistic alternatives to the private car, the Council will work with partners to deliver a sustainable transport network. This will be achieved through improvements to the public transport network, routes for pedestrians, cyclists and other users, and to local services, facilities and local amenities.

2. To ensure the road network is safe and there are reliable journey times, the Council will prioritise and deliver targeted improvements at key points on the local road network and work in conjunction with Highways England to deliver improvements at priority strategic locations on the strategic road network.

3. The Council will work with partners to deliver community infrastructure within the neighbourhoods they serve. Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular the growing populations at Ingleby Barwick, Yarm, Eaglescliffe, Wynyard Sustainable Settlement and West Stockton Sustainable Urban Extension.

Strategic Development Strategy Policy 7 (SD7) - Infrastructure Delivery and Viability

1. The Council will ensure appropriate infrastructure is delivered when it is required so it can support new development. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of infrastructure provision. The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure.

2. New development will be required to contribute to infrastructure provision to meet the impact of that growth through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,
- b. The contributions are:
 - i Necessary to make the development acceptable in planning terms;
 - ii Directly related to the development; and
 - iii Fairly and reasonably related in scale and kind to the development.

3. Where the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. In these circumstances, the Council may:

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development; and/orb. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
- b. Landscape character of the area, including the contribution made by existing trees and landscaping;
- c. Need to protect and enhance ecological and green infrastructure networks and assets;
- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Natural, Built and Historic Environment Policy 1 (ENV1) - Energy Efficiency

1. The Council will encourage all development to minimise the effects of climate change through meeting the highest possible environmental standards during construction and occupation.

The Council will:

- a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:
 - i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
 - ii. Energy efficiency through better insulation and efficient appliances; then,
 - iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
 - iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then
 - v. Conventional energy.

- b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and
- c. Support and encourage sensitive energy efficiency improvements to existing buildings.

2. Proposals are encouraged where development:

- a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
- b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Domestic

3. All developments of ten dwellings or more, or of 1,000 sq m and above of gross floor space, will be required to:

- a. Submit an energy statement identifying the predicted energy consumption and associated CO2 emissions of the development and demonstrating how the energy hierarchy has been applied to make the fullest contribution to greenhouse gas emissions reduction; and
- b. Achieve a 10% reduction in CO2 emissions over and above current building regulations. Where this is not achieved, development will be required to provide at least 10% of the total predicted energy requirements of the development from renewable energy sources, either on site or in the locality of the development.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

3. Site specific flood risk assessments will be required in accordance with national policy.

4. All development proposals will be designed to ensure that:

- a. Opportunities are taken to mitigate the risk of flooding elsewhere;
- b. Foul and surface water flows are separated;
- c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
- d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.

5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:

- a. To an infiltration or soak away system; then,
- b. To a watercourse open or closed; then,
- c. To a sewer.

6. Disposal to combined sewers should be the last resort once all other methods have been explored.

7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or

surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

10. Through partnership working the Council will work to achieve the goals of the Stockton-on-Tees Local Flood Risk Management Strategy and the Northumbria Catchment Flood Management Plan. This will include the implementation of schemes to reduce the risk of flooding to existing properties and infrastructure. Proposals which seek to mitigate flooding, create natural flood plains or seek to enhance and/or expand flood plains in appropriate locations will be permitted.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.

3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

Natural, Built and Historic Environment Policy 6 (ENV6) - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.

3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:

- a. it has been demonstrated to be surplus to requirements; or
- b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
- d. the proposal is ancillary to the use of the open space; and
- e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

5. Development proposals will be expected to demonstrate that they avoid the 'best and most versatile' agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. Where significant development of agricultural land is demonstrated to be necessary, proposals will be expected to demonstrate that they have sought to use areas of lower quality land in preference to that of a higher quality.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

- a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and
- b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.

6. To improve the quality of the water environment the Council will:

- a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats;
- b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and
- c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).

Policy H3 - Wynyard Sustainable Settlement

Proposals for the growth of Wynyard Village (south of the A689) and Wynyard Park (North of the A689) will be coordinated to deliver a sustainable settlement. Proposals for development should:

1. Deliver approximately 1,644 new dwellings within Stockton-on-Tees Borough, with 544 dwellings at Wynyard Village (Policy H1.2.W1 and H1.2.W2) and approximately 1,100 dwellings (Policy H1.7) on Wynyard Park.

2. Provide education facilities, including the delivery of a primary school within Wynyard Village.

3. Provide community infrastructure of an appropriate scale to meet the day to day needs of Wynyard residents.

4. Deliver the following highway junction improvements:

- a. Signalisation of roundabout junctions on the A689 at Wynyard Avenue; The Wynd/Hanzard Drive; and The Wynd/The Meadows, to deliver sites with planning permission as identified in H3.1.
- b. Works to the A689/A19 interchange which are required for the development of the remaining allocated land at Wynyard Park (Policy H1.7).

5. Provide a range of homes in accordance with Policy H4, with the exception of:

- a. Wynyard Village (Policy H1.2.W1) which will provide an executive housing offer, with off_site affordable housing.
- b. Wellington Drive (Policy H1.2.W2) which will provide executive housing in a low density setting, with off-site affordable housing, as well as opportunities for enhancement of the associated golf course and delivery of a five star hotel.

6. Provide green infrastructure and open space in accordance with ENV6.

7. Identify a clearly defined street hierarchy and accessible, convenient and safe routes for pedestrians, cyclists and other uses, this will include:

- a. The provision of routes for pedestrian and cycle movement within the Wynyard area, including the pedestrian and cycleway bridge over the A689 along the route safeguarded within Policy T1.
- b. Improved linkages to the conurbation, including a pedestrian and cycleway along the existing public rights of way to Wynyard Road along the route safeguarded within Policy T1.
- c. Improved linkages to the Castle Eden Walkway and Wynyard Woodland Park.
- d. Where appropriate, connections to development located within Hartlepool Borough.

8. Utilise Design Codes detailing important design elements for the development to ensure a consistent approach to quality standards.

9. Avoid unacceptable harm to and maximise possible enhancements to the significance of heritage assets. Development must be designed to ensure that the significance of Wynyard Park Registered Park and Garden and other heritage assets is not harmed and where possible enhanced.

10. Recognise and respect the unique character of Wynyard Village which is defined by its layout, leisure offer and low density executive housing.

11. Create a community at Wynyard Park with its own identity and sense of place which responds appropriately to local patterns of development and green infrastructure.

Development of allocated land at Wynyard Park, and any significant further growth in housing numbers on planning commitments, must be implemented in a coordinated and timely manner in accordance with an Infrastructure Phasing and Delivery schedule as part of a masterplan for the Wynyard area. The following approach will be taken to the delivery of infrastructure:

12. Where required, contributions towards the shared infrastructure required to deliver a sustainable community at Wynyard Park (Policy H1.7) shall be made on a proportionate basis per home taking in to account further residential growth in Hartlepool Borough.

13. The Council will work proactively with developers to identify and agree reasonable triggers for the delivery of key infrastructure which allows development to progress whilst the impact of the development is appropriately mitigated.

Transport and Infrastructure Policy 1 (T11) - Transport Infrastructure

Delivering A Sustainable Transport Network

1. To support economic growth and provide realistic alternatives to the private car, the Council will work with partners to deliver an accessible and sustainable transport network. This will be achieved through improvements to the public transport network and routes for pedestrians, cyclists and other users.

4. Sites and routes which will play a role in developing infrastructure to widen transport choice will be safeguarded from development which would impact negatively on their delivery or attractiveness to potential users; routes include:

- e. Cycleway/footbridge across the A689 (via a bridge) to connect with the wider cycleway network at Wynyard Road; and

Highways Infrastructure

6. To support economic growth, it is essential that the road network is safe and that journey times are reliable. The Council will seek to provide an efficient and extensive transport network which enables services and facilities to be accessible to all, accommodate the efficient delivery of goods and supplies, whilst also minimising congestion and the environmental impact of transport.

7. Targeted improvements will be delivered at the following priority locations (routes are safeguarded where identified):

- a. Strategic road network:
 - i. A66 (including A66 Elton Interchange);
 - ii. A19 Widening Norton to A689 (route safeguarded);
 - iii. A19/A689 Interchange; and
 - iv. A19/A67 Interchange (Crathorne).

New Development

10. Existing sustainable transport and public transport infrastructure will be protected from development which would impair its function or attractiveness to users.

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- a. Transport choices are widened and the use of sustainable transport modes are maximised. New developments provide access to existing sustainable and public transport networks and hubs. Where appropriate, networks are extended and new hubs created. When considering how best to serve new developments, measures make best use of capacity on existing bus services before proposing new services and consideration is given to increasing the frequency of existing services or providing feeder services within the main network.
- b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.
- c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate its safe and efficient operation.
- d. Appropriate infrastructure is provided which supports Travel Demand Management to reduce travel by the private car and incentivises the use of sustainable transport options.
- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

13. The Council's approach to transport infrastructure provision is set out in Policy SD7.

Transport and Infrastructure Policy 3 (TI3) - Communications Infrastructure

1. The Council supports the expansion of communications networks, including telecommunications and high speed broadband; especially where this addresses gaps in coverage.

7. Developers should demonstrate how proposals for new homes, employment or main town centre uses will contribute to and be compatible with local fibre and internet connectivity.

Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets

1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.

2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.

3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.

MATERIAL PLANNING CONSIDERATIONS

32. The main planning considerations of this application are; the principle of development, the impacts on the amenity of the surrounding occupiers, character of the surrounding area, heritage assets highway safety, ecology and flood risk.

Principle of development

33. The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth.

34. The application site lies within the limits to development where development should generally be directed and given the location of the site adjacent to the urban area which has relatively accessible transport and footpath links, the site itself could be considered broadly sustainable.

35. As set out in policies H1 and H3 the Wynyard forms a significant proportion of the Councils identified 5 year housing supply and Wynyard is one of the key strategic sites for housing delivery under the current local plan. In order to support housing growth within Wynyard, a masterplan was produced to help guide development and bring forward the necessary social infrastructure.

Masterplan

36. The site is identified within the Masterplan as a local centre with the remainder of the local centre being to the north west within Hartlepool's boundary. A local centre is therefore consistent with the aims of the Local Plan and masterplan. Equally, the masterplan also seeks to principle of convenience and community facilities which includes uses such as retail, leisure and small-scale health and fitness opportunities.

37. It is noted questions have been raised over the need for the facility given the existence of existing convenience stores within a 5-minute drive time. However, this will provide an additional facility in close proximity to a number of surrounding residential premise and the received letters of support indicate some residents feel this is a more sustainable facility which for some will be within walking distance.

Affordable housing and planning obligations

38. Policy H4 sets out the council's approach to affordable housing with the Councils' requirement to provide 20% of new homes to be affordable on sites of this scale and the presumption that affordable housing will be provided on site as part of an integrated within housing development to deliver balanced communities and this provision should be distributed across sites in small clusters of dwellings.

39. It is noted that under the previous scheme the apartments would have allowed for the provision of an off-site contribution to affordable housing. However, as a result of the change from a mixed commercial/residential scheme to a purely commercial scheme, the provisions under Policy H4 would no longer apply and the Council can no longer seek a planning obligation to secure off site affordable housing.
40. Equally matters relating to the need to mitigate impacts on social infrastructure (i.e education provision and NHS facilities) would also fall away as there is no longer a direct impact as the result of new occupiers.

Economic/Social Benefits

41. It is recognised that the development would provide a number of jobs in the construction industry and supply chain in the short term and as well as the long-term employment within the commercial units. These economic and social benefits would weight in favour of the proposals within the overall planning balance.

Character, appearance and Landscape and Appearance

42. The National Planning Policy Framework para. 130 requires that developments should not only maintain a strong sense of place but should improve the quality of the area. Developments should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
43. The proposed design approach is 'traditional' and takes influence from the appearance of the surrounding local market towns and despite the reduction in scale, still delivers varying roof heights across the development. Unit 1 in particular follows this approach with its window arrangements, details and weather vane on the roof top. Overall the appearance of the development is considered to be in keeping with the existing residential dwellings and wider development within Wynyard, subject to the recommended conditions.
44. It is noted that some objectors reference a loss of open space, however, the site is not defined as open space and as detailed elsewhere in the report, the site is identified for development under the Local Plan and Wynyard Masterplan.
45. Equally objections regarding large expanses of hard surfacing fronting Hanzard Drive through the provision of parking are noted. However, the application includes a landscape masterplan for the site and planning conditions are recommended in relation to soft and hard landscaping, boundary treatments and **illumination**. It is considered that these conditions will ensure that the development is appropriately designed and contributed positively to the area whilst still meeting the necessary parking requirements of the development.

Impact on amenity of surrounding residents

46. A fundamental consideration throughout the planning process has been to consider the impact of the proposed development on the amenity of the occupiers of the properties to the north of the application site along Applecross Grove. Due to the topography of the area, the application site is at an elevated position to these residential properties.
47. The previously development which was considered and accepted by Members, proposed a development of greater height and mass. The current proposals seek to reduce the overall bulk of the development to single and two storey scale.
48. In considering the associated separation and whilst acknowledging and level change between the development site, the separation distance to the properties on Applecross Grove varies between c.22 metres (unit 1), c.16m (unit 2) to c.13 metres (unit 3). Equally, the elevations of the commercial units are blank and will face blank elevations of the neighbouring properties on

Applecross Grove, therefore no window-to-window relationship would occur and there is no loss of privacy. With regards to units 4-8, the rear elevation, would face towards a neighbouring commercial unit and again there is considered to be no loss of privacy.

49. The initial proposals included a sun path drawing in which during the summer there was not a demonstrable impact, in the winter there would be some shading, albeit it was considered that on balance any impact over the winter months would not be so severe so as to warrant refusal of the application. As above the revised changes reduce the bulk of the proposals and as a result, it will improve the previously accepted position. Consequently, it was not considered necessary to seek any additional drawings and the initial assessment is considered to remain true, i.e. that any impact in winter months would not be so severe it would justify a refusal of the application.
50. In view of the above considerations, it is not considered that the proposal would result in any significant or adverse impacts on current and future occupiers with regards to loss of light, overbearing presence, outlook or privacy as to sustain reason for refusal.
51. As with all commercial developments within close proximity to residential properties, consideration needs to be given to the day-to-day impacts with necessary controls placed on daily operations to safeguard an acceptable level of residential amenity.
52. As detailed within the previous committee report, a submitted noise report identifies the potential conflict with the delivery area and the closest residential receptors adjacent to the northern boundary of the site adjacent to unit 1 and identified delivery area. As mitigation the noise report identifies that a 3m high fence of solid construction and no air gaps is required for a length of 20 metres to screen and mitigate noise implications. To soften the visual impact planting is proposed to grow up the wall and the length reduced to the key areas of the development. Such matters are controlled through a planning condition.
53. To control the overall operations of the proposed local centre, a number of conditions are required in relation to noise, odour, servicing, refuse management (both during construction and once the site is operational) and opening hours. With these controls it is not considered that the proposed development would have a significant impact on the levels of amenity which could reasonably be expected and the proposals would accord with national policy and local plan SD8 in respect to noise and levels of residential amenity.

Highway safety

54. The Councils Highways Engineers have reviewed the proposed development. As set out in the submitted Transport Statement (TS) the proposed development, in relation to the retail element, is unlikely to generate a significant level of new traffic with most trips associated with the proposals being either 'transferred' or 'pass-by' trips which are already on the wider highways network. As such it is not considered that the proposals, in the context of the NPPF, would result in a severe impact on the local highways network.
55. The site would be accessed from Hanzard Drive / Bloomfield Drive via a simple priority T junction. The capacity of the proposed junction has been assessed and it would operate within theoretical capacity. The proposed junction arrangement is therefore considered to be acceptable. Swept path analysis has also been provided for a refuse vehicle and the drawing indicates that no HGVs will be used for delivery purposes to the retail units. A Servicing Plan is requested via a planning condition to assess timings and vehicle movements associated with these deliveries
56. The site plan shows a total of 90 parking spaces will be provided, which is broadly in accordance with the requirements set out in SPD3: Parking Provision for Developments 2011. Included are 5 disabled bays that accords with the required standards and electric vehicle

charging points are also indicated. A planning condition is recommended to control the details over electric charging points.

57. National Highways have previously accepted, on the basis of the limited scale of the development and the likely anticipated trip generation not having a significant impact on the strategic highway network, removed the holding direction and have raise no objection.

Drainage

58. As originally reported, a flood risk assessment and drainage strategy accompany the application. There are no objections from either the Lead Local Flood Authority or Northumbria Water and subject to conditions it is considered that drainage matters can be adequately controlled.

Ecology

59. The application has been submitted with a ecology report which outlines that the site is considered to be of overall low ecological value and offers a limited amount of habitat for certain wildlife, including reptiles, amphibians, certain bird species, and hedgehogs and that no evidence of protected or notable species was recorded during the survey.
60. An additional comment with respect to Great Crested Newts is noted, however no evidence has been provided and nor is there any evidence the newts were present on the application site. It is noted that a body of surface water developed nearby (to the north west of site off Foxglove Lane) in recent times as a result on a neighbouring development. However, historically no water body has existed in the area prior to that development commencing. As above the site is considered to have low ecological value, this is largely as a result of being surrounded by built development and being separated from wider areas of suitable wildlife habitat. Nevertheless, the requirement for future checking surveys would capture any change in circumstance and a condition is recommended in this regard.
61. Nevertheless, a series of ecological mitigation and enhancement measures are identified as being required to be incorporated into the development. These include a pre-start survey to ensure the absence of any active badger setts; precautionary site clearance in relation to reptiles, common toads, and hedgehogs; commencing site clearance outside of bird nesting season, or carrying out a pre-start survey to ensure the absence of any active nests; adequate protection of vegetation to be retained; implementation of a sensitive lighting scheme; provision of bird nesting and bat roosting features into the new development; and incorporation of native and/or wildlife-friendly soft landscaping.
62. Subject to the recommended conditions it is not considered that the proposed development would result in an adverse impact on any protected species or their habitat.

Energy impact and Low Carbon

63. The application has been supported by an Energy Statement which concludes that the applicants design team propose to investigate Ground and Air Source Heat Pumps with Photovoltaics in secondary roof locations. Nevertheless, however a combination of high performance building fabric along with orientation / solar gains and the possible introduction of renewable energy will all help to produce a high standard of sustainability. However, a condition requiring the submission of the final scheme and specification to ensure that the development comply with the requirements of Local Plan Policy ENV1.
64. As indicated above, a planning condition is also recommended to ensure that electric vehicle charging points are provided.

Crime and Anti-social Behaviour

65. Section 17 of the Crime and Disorder Act, requires that the planning system and the Local Planning Authority must do all that it reasonably can to prevent, crime and disorder in its area. Whilst the concerns of local residents are noted, there is no firm evidence before the Local Planning Authority which would indicate that this proposal for the local centre would give rise to crime or anti-social behaviour.
66. A good degree of natural surveillance exists and the revised proposals remain in broad accordance with the principle of secure by design. Should any anti-social behaviour issues arise then this would be a matter for the appropriate authorities, such as the Police and not the planning system.
67. As noted from the consultation, Cleveland Police has no objections and there are no concerns over crime with offenses consisting of burglary and criminal damage have being reported in the last twelve months Recommendations including minimum standards for windows, doors and CCTV are included within an informative for the applicant and future operators to consider.

Heritage

68. Tees Archaeology have confirmed that the area has been subject of extensive archaeological works and no further works are requires. Nor are any conditions required.

Contaminated Land

69. Subject to the recommended conditions the Environmental Health Unit have raised no objection to the proposed development.

Residual issues

70. As detailed in the original report to planning committee, concerns with regards to a potential "mis-selling" and being informed of a smaller scale development are noted but would rest with the housing developer and are not a matter for the Local Planning Authority. The neighbouring premises have been informed of this application and the most recent changes and this application is judged on its individual planning merits.
71. Concerns over a loss of property value, are not a material planning consideration and carries no weight in the determination of this application.
72. Concerns over increased vermin are acknowledges and appropriately worded condition in relation to refugee storage has been recommended.

CONCLUSION

73. The principle of the development has been accepted. The proposed development is also considered to be visually acceptable and with not have any significant adverse impacts on the amenity of the neighbouring occupiers to justify a refusal of the application. The proposed access and parking arrangements are also considered to be satisfactory and consequently the proposed development is recommended for approval subject to those conditions detailed within the report.
74. It is therefore recommended that the application be Approved with Conditions for the reasons specified above.

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Telephone No 01642 526080 / 01642 528550

WARD AND WARD COUNCILLORS

WARD Northern Parishes (Pre May 2023)

Ward Councillor Councillor John Gardner

IMPLICATIONS

IMPLICATIONS

Financial Implications: The application is subject to S.106 contributions

Environmental Implications: The proposal relates to a residential development and its visual impacts, along with matters relating to the impacts on residential amenity particularly as a result of noise and disturbance. These are considered and addressed within the report although in this instance are not considered to have any significant impacts. The development is not considered to be EIA development.

Human Rights Implications: The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

National Planning Policy Framework, Stockton on Tees Local Plan, Supplementary Planning Documents / Guidance.