

PLANNING COMMITTEE AGENDA



Wednesday 25th June 2008

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Akers Belcher, Allison, R Cook, S Cook, Fleet, Flintoff, Kaiser, Laffey, G Lilley, Morris, Payne, Plant, Richardson, Simmons, Sutheran and Wright

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 11 June 2008 (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Planning and Economic Development)*

1. H/2007/0918 Redevelopment of the Land North and South of Maritime Avenue, Hartlepool
2. H/2005/5254 Outline Application for Residential Development – Britmag Ltd, Old Cemetery Road, Hartlepool

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

11th June 2008

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

Present:

Councillor Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Steve Allison, Mary Fleet, Bob Flintoff, Pauline Laffey, Geoff Lilley, George Morris, Robbie Payne, Michelle Plant, Chris Simmons and Lilian Sutheran.

Officers: Richard Teece, Development Control Manager
Richard Smith, Locum Solicitor
Chris Roberts, Asset Management Technician
Gill Scanlon, Planning Technician
Stephanie Landles, Environmental Health Officer (Environmental Protection)
Jo Wilson, Democratic Services Officer

1. Apologies for Absence

Apologies were received from Councillor Carl Richardson.

2 Declarations of interest by Members

None

3. Confirmation of the minutes of the meeting held on 14 May 2008

Confirmed

4. **Planning Applications** *(Assistant Director (Planning and Economic Development))*

Number: H/2007/0354

Applicant: Mr Nick Topp
Topmac Developments Ltd Norton Fabrication Ltd Ross Road Stockton On Tees

Agent: England & Lyle Mr Jeremy Good Morton House Morton Road Darlington

Date received: 27/06/2007

Development: Residential development comprising 108 apartments in 3 and 4 storey blocks with associated access, below ground level parking, landscaping and other works (AMENDED PLANS AND SUPPORTING INFORMATION RECEIVED)

Location: FORMER GREENLAND CREOSOTE WORKS CLEVELAND ROAD HARTLEPOOL

Decision: **Deferred for further information**

Number: H/2008/0246

Applicant: Montague Estates (Titan) Ltd
Tower Street Hartlepool

Agent: Building Design (UK) Ltd Suite 1 Tayson House Methley Road CASTLEFORD

Date received: 18/04/2008

Development: Alterations to provide 49 apartments

Location: TITAN HOUSE YORK ROAD HARTLEPOOL

Decision: **Deferred to allow the applicant the opportunity to address the Committee as he was out of the country when the application was to be considered.**

Number: H/2008/0001

Applicant: Mr Terry Bates
7 Brinkburn Court Hartlepool

Agent: BIG-Interiors Ltd. Mr Ian Cushlow 73 Church Street
Hartlepool

Date received: 07/03/2008

Development: Provision of a touring caravan and camping site with associated amenity facilities

Location: BRIERTON MOORHOUSE FARM DALTON BACK
LANE HARTLEPOOL

Representations: Terry Bates (Applicant), Mr Resai (Dalton Piercy Parish Council) and Brian Watson (Objector) were present and addressed the Committee.

Decision: **Members were minded to APPROVE the application subject to the satisfactory conclusion of discussions about the handling of surface water and sewage at the site to the completion of a legal agreement under S106 of the Planning Act to ensure adequate sightlines are maintained at the main access to the site and Tees Forest planting is secured both during the lifetime of the development and the following conditions. However, a final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee. Officers are to liaise with the Council's Highways Engineers and officers of the Highway Agency to ensure agreed information about safe routes to and from the site is provided to the applicant.**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with plans and details received at the time the application was made valid on 7th March 2008 as amended in relation to the site layout by the drawing BIG/IC/TB/286-102C received at the Local Planning Authority on 10th April 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt

3. The touring caravan pitches (157) and the camping area shall be restricted to the area shown on the approved layout plan unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
4.
 - i) Any caravans on/brought onto site are to be occupied for holiday purposes only;
 - ii) Any caravans on/brought onto site shall not be occupied as any person's sole, or main place of residence;
 - iii) No individual may be in residential occupation of the site or any caravan thereon for more than 28 days (whether cumulatively or continuously) in any six month period; AND
 - iv) the owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site at any time, and of their main home addresses, and shall make this information available upon reasonable request to the Local Planning AuthorityFor the avoidance of doubt/to ensure that the site operates only as a touring caravan and camping site in the interests of visual amenity and the site is not considered suitable for residential occupancy.
5. Prior to its installation details of any play equipment to be installed in the childrens play area shall be submitted to and approved in writing by the Local Planning Authority.
In the interests of visual amenity.
6. Unless otherwise agreed in writing with the Local Planning Authority the amenities building (incorporating the function room) shall only be open to the public between the hours of 07:00 and 24:00 on any given day.
In the interests of the amenities of the occupants of neighbouring properties.
7. The site including the amenities building and other facilities shown on the submitted plans shall only operate between the months of March to November inclusive in any year.
As indicated in the application and in the interests of visual amenity.
8. The bars and function room in the amenities building shown on the submitted plans shall only be open to residents of the caravan and camping site. The amenities building shall be used only in association with the caravan and camping site and shall not be used as an independent facility.
In the interests of the amenities of the occupants of neighbouring properties.
9. No beer gardens or outside drinking areas shall be provided in association with the amenities building.
In the interests of the amenities of the occupants of neighbouring properties.
10. No amplified music shall be played or relayed outside of the amenities building.
In the interests of the amenities of the occupants of neighbouring properties.
11. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.If identified as being required following the completion of the desk-top study,

b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Redamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

12. Details of the proposals for the disposal of surface water shall be submitted and approved by the Local Planning Authority prior to the commencement of development. A surface water drainage system shall be designed in accordance with the conclusions of the flood risk assessment, and agreed with the Local Planning Authority. The agreed system shall be fully installed before any impermeable surfaces designed to drain to that system are constructed.

To reduce the risk of flooding

13. Prior to the development being brought into use details of (i) signage to be erected on the site and (ii) promotional literature for the operation shall be agreed with the Local Planning Authority in order to promote safe routes to and from the site for caravan related traffic. The route restrictions in question for caravan related traffic using the A19 shall be as follows:

Arriving from the North - No restrictions

Departing to the North - Turn right onto Dalton Back Lane, turn right onto A689 to A19 junction.

Departing to the South - Turn right onto Dalton Back Lane , right turn onto A689 to A19 junction.

Arriving from the South - Leave A19 at A689, follow A689, turn left onto Dalton Back Lane.

To ensure that the A19 trunk road might continue to fulfil its purpose as part of national system of routes for through traffic, in accordnce with Section 10(2) of the Highways Act 1980, and to maintain the safe free flow of traffic on the trunk road.

14. Prior to the site being brought into use the access track and access onto Dalton Back Lane shall be improved in accordance with the approved details. The 4.5m X 90m visibility splays indicated on the approved drawing shall thereafter be maintained at all times in accordance with the approved drawing. No object, building structure or endosure, nor any part of the hedgerow, tree, bush or plant within the visibility splay shall be allowed to exceed one metre in height.

In the interests of highway safety.

15. The development hereby approved shall be used as a touring caravan site and camping site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans. In line with planning policies and in order to protect the visual amenity of the area.

16. Unless otherwise agreed in writing with the Local Planning Authority the individual caravan pitches and associated car parking areas shall be retained in grass and no hardstandings shall be formed.
As stated in the application and in the interests of visual amenity.
17. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the visual amenity of the area.
18. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
19. Details of the construction of the access, access roads including surfacing materials shall be submitted to and approved by the Local Planning Authority before development commences.
In the interests of visual amenity and highway safety.
20. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
21. Prior to the commencement of development details of any excavation, leveling or earthworks proposed shall be submitted to and approved in writing by the Local Planning Authority.
In the interests of visual amenity.
22. Notwithstanding the submitted details a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
23. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted. All approved tree planting shall be retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
24. The details of provisions for supervision and any managers/staff accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to the site being brought into use.
In order to ensure these matters are clarified.
25. Prior to the commencement of development a detailed phasing plan for the development of the site, including a timetable for the provision of caravan pitches/camping facilities and all associated amenity buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the phasing plan so agreed unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that the development of the site proceeds in a satisfactory manner.

For the avoidance of doubt/to ensure that the site operates only as a touring caravan and camping site in the interests of visual amenity. Members asked Highway Engineers to consider whether a restriction on traffic speeds on the A689 on the approach to Dalton Back Lane could be considered if this development proceeds.

The Committee considered representations in relation to this matter.

Number:	H/2008/0203
Applicant:	Hartlepool Cricket Club PARK DRIVE HARTLEPOOL
Agent:	Business Interiors Group 73 Church Street HARTLEPOOL
Date received:	01/04/2008
Development:	Provision of a 3 lane practice facility
Location:	HARTLEPOOL CRICKET CLUB PARK DRIVE HARTLEPOOL
Representations:	Mrs S Wilkinson (Applicant) and Mrs E Carroll (Supporter) were present and addressed the Committee
Decision:	Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The practice facility hereby approved shall not be enclosed in anyway without the prior written consent of the Local Planning Authority.
In the interests of visual amenity.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
4. A detailed scheme of landscaping and tree and shrub planting along the Elwick Road boundary of the site marked green on the approved plan shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be

undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

5. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

In the interests of visual amenity.

6. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s).

7. The practice facility hereby approved shall not be illuminated without the prior written consent of the Local Planning Authority.
In the interest of the amenities of the occupants of the surrounding residential properties.

The Committee considered representations in relation to this matter.

Number:	H/2008/0067
Applicant:	The Owner GRANGE ROAD HARTLEPOOL
Agent:	The Owner 77 GRANGE ROAD HARTLEPOOL
Date received:	03/04/2008
Development:	Replacement of front windows
Location:	77 GRANGE ROAD HARTLEPOOL
Representations:	Mr Shepherd (Applicant) was present and addressed the Committee
Decision:	Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.

The Committee considered representations in relation to this matter.

Number:	H/2008/0176
Applicant:	Mr C Shotton
Agent:	Stephenson Johnson & Riley Suite 101 The Innovation Centre Venture Court Queens Meadow Business Park HARTLEPOOL
Date received:	31/03/2008
Development:	Provision of 3 display windows, shutters and fascia to new retail area to Elwick Road frontage and bricking up of 2 windows at first floor level
Location:	F SHOTTON LTD YORK ROAD HARTLEPOOL
Decision:	Planning Permission Approved subject to the following conditions and Members agreed that the existing S52 agreement in effect at this site should be amended to delete/withdraw any restriction in relation to the amount of retail floorspace within the building.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
 2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
-

Number: H/2008/0216

Applicant: Gail Ann Burnikell
ELWICK ROAD HARTLEPOOL

Agent: Gail Ann Burnikell DUNELM ELWICK ROAD
HARTLEPOOL

Date received: 17/04/2008

Development: Use of part of premises as a health and beauty treatment centre

Location: DUNELM ELWICK ROAD HARTLEPOOL

Representations: Mrs J Patterson (Objector) was present and addressed the Committee

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. It is considered that the proposed development would lead to increased vehicular activity in and around the site from the comings and goings of customers and that this would be detrimental to the amenities of occupiers of nearby houses and the character and appearance of the Park Conservation Area by way of noise and general disturbance contrary to policies GEP1, Com13 and HE1 of the adopted Hartlepool Local Plan 2006.
2. It is considered that the proposed development would lead to increased vehicular activity in and around the site from the comings and goings of customers and that these customers would park on Elwick Road. Together it is considered that this would be detrimental to highway safety and the free flow of traffic contrary to policies GEP1 and Com13 of the adopted Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

5. Local Government (Access to Information) Act 1985.

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006

Minute 6 – Seaton Meadows Landfill Site (Para 6) This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 7 – Enforcement Action – Untidy Sites (Para 12) This item contains exempt information under Schedule 12A Local Government Act 1972, namely information advice received, information obtained or action taken in connection with legal proceedings by or against the Council or in determination of any matter affecting the Council (para 12)

Minute 8 – Dwelling House and Ancillary Office, Springfold, Dalton Piercy (Para 12) This item contains exempt information under Schedule 12A Local Government Act 1972, namely information advice received, information obtained or action taken in connection with legal proceedings by or against the Council or in determination of any matter affecting the Council (para 12)

- 6. Seaton Meadows Landfill Site** - *Assistant Director (Planning and Economic Development)* (This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

A representative of Alab gave members a verbal update on issues of concern at the site. Details are provided within the exempt section of the minutes.

Decision

Details are provided within the exempt section of the minutes.

- 7. Enforcement Action – Untidy Sites** - *Assistant Director (Planning and Economic Development)* (This item contains exempt information under Schedule 12A Local Government Act 1972, namely information advice received, information obtained or action taken in connection with legal proceedings by or against the Council or in determination of any matter affecting the Council

To request member agreement to enforcement action in respect of the untidy condition of sites in Hartlepool. Details are given in the exempt

section of the minutes.

Decision

Details are given in the exempt section of the minutes.

- 8. Dwellinghouse and Ancillary Office, Springfold, Dalton Piercy** - *Assistant Director (Planning and Economic Development)* (This item contains exempt information under Schedule 12A Local Government Act 1972, namely information advice received, information obtained or action taken in connection with legal proceedings by or against the Council or in determination of any matter affecting the Council)

Details are set out in the exempt section of the minutes

Decision

Details are set out in the exempt section of the minutes.

- 9. Planning Working Group** – *Assistant Chief Executive*

Members were advised that it was necessary to confirm the membership of the Planning Working Group to discuss matters relating to conservation for the municipal year 2008/2009. The Panel would consist of five members based on the following political balance:

Labour – 2
 Liberal Democrats – 1
 Conservatives – 1
 Administrative Group – 1

As the Chair (Labour) and Vice-Chair (Conservative) were already part of the Working Group nominations were requested from the remaining political groups.

Decision

That the members of Planning Working Group be confirmed as follows:

Councillors R Cook, G Lilley, Morris, Simmons and Wright.

10. Update on Current Complaints - *Assistant Director (Planning and Economic Development)*

Members' attention was drawn to 17 on-going issues that were being investigated. Brief details were set out in the report.

Decision

That the report be noted.

11. Appeal by Mr Pattison, 16 Hutton Avenue, Hartlepool (H/2007/0681) *(Assistant Director (Planning and Economic Development))*

A planning appeal had been lodged against the refusal of Hartlepool Borough Council for the change of use from a vacant residential care home to form 9 self contained apartments at 16 Hutton Avenue. The appeal was to be decided by written representation and authority was requested to contest the appeal.

Decision

That authority be given to contest the appeal.

12. Appeals by Able UK Ltd Graythorp *(Assistant Director (Planning and Economic Development))*

Members had been given copies of the Secretary of State's decision on these appeals at the last meeting. The Chair requested that further copies be issued to Councillors Fleet and Sutheran as they were new to the Committee.

The Development Control Manager advised that planning officers had not received any notification in relation to proposed costs and went on to outline current activity/issues at the site. He pointed out that works on the formation of quays were progressing and that there was a possibility that work on the MARAD contracts would proceed shortly. Given that the decision by the Secretary of State required the Company to decide which of the two permissions it has been granted officers wished to proceed with the requested permission from members to contact Able UK to clarify this issue. Reference was also made to recent press reports of more ships. The Development Control Manager advised that on the basis of advice from Scott Wilson and an indication by the HSE that any permission would be subject to other permissions being in place there were no planning concerns raised about this in the

consultation from the Health and Safety Executive. The Development Control Manager requested authority to write to Able indicating that there should be no decommissioning until the relevant conditions of the planning permission were complied with and other required safeguards put in place.

Decision

That the report and update be noted.

CHAIRMAN

No:	1
Number:	H/2007/0918
Applicant:	Jomast Developments Ltd Top Floor Oriel House Stockton on Tees TS18 1SW
Agent:	Ryder Architecture Ltd Generator Studios Trafalgar Street Newcastle upon Tyne NE1 2LA
Date valid:	20/12/2007
Development:	Redevelopment of the land north and south of Maritime Avenue for the provision of retail units, restaurants, cafes and bars, offices (B1 and A2), hotel and residential units, with associated infrastructure including multi storey car park and public realm works
Location:	Trincomalee Wharf Maritime Avenue Hartlepool

The Application and Site

1.1 The application site lies on the south side of the Marina and is referred to by the applicant as Trincomalee Wharf. It extends to some 4.65 hectares and is located to the north and south of Maritime Avenue which crosses the site from east to west. The majority of the site consists of cleared rough ground. The north east corner of the site however is occupied by a piazza, band stand and soft landscaping. The site is bounded to the north by Jackson Dock. To the north west is the Historic Quay, the Museum of Hartlepool and their associated car park. To the west is the large modern Mecca Bingo building, the modern Vue Cinema and Kentucky Fried Chicken. To the south is the main railway line which forms the boundary of the Church Street Conservation Area. On the other side of the railway line is a terrace of three storey largely commercial properties including the Grade II listed former Royal Hotel which has recently been converted into apartments. To the east side of the site are two grade II listed buildings, the Old Docks Office and the Old Custom House, both have been converted to residential use. Also to the east, the site is bounded by Victoria Terrace on the other side of which is a modern housing development of two storey residential properties. These properties variously face the site with gables or main elevations. The north east corner of the site, the area currently occupied by the bandstand and piazza, is bounded to the north east by The Old West Quay pub and its associated car park. Further to the east is a car parking area and a crescent of three storey town houses terminating in a sales office and apartments.

1.2 The proposal is for a mixed use development which includes the erection of retail units, licensed restaurants and cafes, offices, hotel and residential units. The application is in outline and all matters including the siting, design and external appearance of the buildings, landscaping and means of access are reserved. The accommodation proposed includes the provision of 4848 sq m of retail units, 1670 sq m of licensed restaurants and cafes, 18573 sq m of offices, a 6650 sq m (150 bed) hotel, 7591 sq m (85 units) of general housing and 4620 sq m (50 units) of either sheltered housing or general housing for those over the age of 55. A multi storey car park is also proposed.

1.3 In support of the application the applicant has submitted various documents including a design and access statement, a transport assessment, a travel plan framework, an environmental statement, a flood risk assessment and a retail assessment. An indicative master plan has also been submitted and a schedule of accommodation which indicates storey heights (however as all matters are reserved this master plan must be treated as being illustrative only). The master plan indicates along the dock frontage a 9-storey residential tower, a single storey focal structure, a 7-storey hotel and a 3/5-storey sheltered or general housing block. It also shows the existing road, Maritime Avenue, pedestrianised to become part of the public realm with the existing road turning south as it enters the site before turning east at the Lanyard to meet Victoria Terrace to the east. Four 4-storey (and one 3-storey) predominantly office buildings are shown accommodated in the centre of the site. To the southern end to the site, south of the new spine road, along the railway line a retail development (5 storey), a multi storey car park (5 storey) and a residential block (4 storey) are indicated. The master plan envisages that the site of the existing bandstand/piazza will be developed with compensatory public space being provided elsewhere within the site.

Background and Planning History

1.4 The part of the site to the north of Maritime Avenue (1.1 hectare), “Trincomalee Wharf”, was recently the subject of a Development & Marketing Brief prepared by Hartlepool Borough Council on behalf of its partners, the HMS Trincomalee Trust and English Partnerships. The purpose of the brief was to secure a high quality waterfront mixed use development. The brief identified a number of uses, consistent with the approved Local Plan, likely to be acceptable on the site. These include visitor accommodation, limited residential accommodation, conference centre, commercial office development, leisure and speciality retail. Marketing of the site and consideration of the submitted proposals led to the applicant being identified as the preferred developer. The applicant also owns the area to the south of Maritime Avenue which benefits from an extant permission (H/FUL/0638/01 see below). The applicant has brought forward the current proposal which relates to both of these sites.

1.5 In 2003 planning permission was granted for the development of the site to the south of Maritime Avenue for the erection of a proposed business park comprising four 3 storey office blocks (total floor area 13,939 sqm (151,000 square feet). (H/FUL/0638/01). The scheme was part of a larger development with three other sites in the Marina.

Publicity

1.6 The original application was advertised by neighbour notification (96), site notice, and in the press.

Seventeen letters of objection were received. The objectors raised the following issues.

- i) Buildings too high.
- ii) Buildings alongside Historic Quay too tall and out of character.

- iii) Loss of Piazza and green space is unacceptable. Often used by tourists, disabled and children. Will devalue properties. TDC covenant would be breached.
- iv) Concerns in respect of Sheltered Housing unit (building 5) in relation to height, noise, parking, light, density, dominance and intrusiveness.
- v) Need for traffic calming.
- vi) Objections to multi-storey car park as this would be out of keeping and attract traffic congestion.
- vii) No objection to building behind Mecca and Old Dock House.
- viii) Height of buildings particularly 11 & 14 will result in loss of light and privacy.
- ix) Buildings 8,10,11 dwarf Old Customs House and Dock Office.
- x) Safety concerns with regards to new road. Thoroughfare, or access only, with traffic calming measures in place.
- xi) Siting of multi storey car park adjacent to crossing will lead to chaos.
- xii) Loss of view.
- xiii) Loss of light.
- xiv) Height of buildings overbearing, oppressive.
- xv) Parking for hotel, sheltered accommodation inadequate.
- xvi) Need for additional retail space when there are vacant units ? (Jacksons Landing).
- xvii) Need for additional residential accommodation when scores of units built by applicant are unsold or unoccupied?
- xviii) Traffic problems if Maritime Avenue pedestrianised. Already traffic backs up at level crossing. Access for emergency vehicles.
- xix) Additional Park Areas should be included.
- xx) Should be a public enquiry into the development for the following reasons: the site is of historical interest with grade one and two listed buildings, existing residents paid a lot for their properties thinking there would be no further development to spoil their views, loss of views, loss of the park, area will be totally destroyed and attract undesirables, already enough bars in the area, plans not in the interests of residents.

1.7 One letter from a writer who neither objects nor supports the applications but raises concerns regarding access for rescue vehicles if the only access to this side of the Marina is via the level crossing. (The writer is mistaken as access will also be via the Lanyard/Maritime Avenue.)

1.8 One letter from a writer whilst not objecting to the application raises the following issues

- i) Limit should be put on heights especially those buildings opposite residential properties.
- ii) Band Stand/piazza should be retained.
- iii) Latimer Park will be marooned in a concrete jungle.

1.9 One letter in support of the application was received. The writer asks the planning authority to bear in mind that the applicant is creating jobs.

1.10 Amended proposals were advertised by neighbour notification and in the press.

Two letters of no objection and twenty letters of objection were received. The objectors raise the following issues.

- i) Previous objections still stand.
- ii) Object to seven storey hotel. It will appear excessively large and out of keeping with nearby existing properties.
- iii) The plans are contrary to the original plans for the Marina which included the small park and Piazza, people who have invested in the Marina on the basis of these plans would be betrayed.
- iv) Object to loss of band stand, park, gardens which is protected by a covenant and is an important local amenity for residents and visitors and a haven for wildlife. It provides a public space next to the waterside where events can take place there will be no space remaining on the Quayside. Where will events take place? It enhances the area and contributes to outlook and saleability of the adjacent development to those wishing to invest. Concerned this land has already been sold to Jomast. Loss of green space has been resisted elsewhere and the Council has a policy to protect green areas. Thousands spent creating a park at Thornton Street this one is already there and should be kept.
- v) No demand for hotel accommodation in Hartlepool. Concerned it will end up as flats.
- vi) Object to height and density. The structure and height of many of the buildings is overbearing and oppressive. Development will ruin the Marina. The buildings are too high, the developer wants to build on every piece of land. Buildings should be sensitive to their unique setting. To retain the Marina's beauty, avoid continuing loss of light and an oppressive feel all buildings should be limited to three storey.
- vii) Object to more flats, those already built don't appear to sell, will DSS be moved in?
- viii) Traffic situation at crossing is chaotic proposals will exacerbate this. Problems with queuing traffic. Concerns that access arrangements for emergency vehicles inadequate. People from Seaton use the route as a short cut avoiding the lights the new road layout will encourage this.
- ix) Marina is looking like a concrete jungle/becoming overdeveloped ghetto.
- x) New apartments overlooking Yacht Club shouldn't have been allowed to be higher than the existing. Rows of high rise blocks are ugly.
- xi) Marina needs to be a place for families as well as drinkers and diners.
- xii) The developer already has a permission for social housing/care home elsewhere in the Marina,
- xiii) Don't object in principle to shops and offices but don't need more bars.
- xiv) What has the North East Assembly to do with the development of the Marina?
- xv) Buildings out of character, excessively large, and dominant loss of light/oppressive and bleak outlook for residents.
- xvi) Development will create a solid wall between the Marina and visitors and Marina users.
- xvii) Buildings unsympathetic to listed buildings.
- xviii) The building of a modern 9-storey building next to the Historic Quay will be absurd. The illusion of visitors that they are in a Napoleonic Port will be shattered.

- xix) The number, design and layout of the existing flats is producing an oppressive feel. If this continues then a slum area short of open space will be created in future.
- xx) Poor design, short life span buildings, eastern European blocks, loss of character in the Marina.
- xxi) Licensing hours should be controlled on late night openings.
- xxii) No point in rushing to approve something for Tall Ships 2010, the development wouldn't be finished, better to wait and choose a development which better suits the needs of the town, marina residents than the developer alone. A balance needs to be struck.
- xxiii) Loss of house sales.
- xxiv) Would not recommend others to invest in the Marina.
- xxv) The Marina issue needs closer inspection and better community planning.
- xxvi) Complaints against the Jomast Group. Plans are arrogant and selfish.

The time period for representations has expired.

Copy letters **A**

Consultations

1.11 The following consultation replies have been received (it should be noted that in various respects, comments refer to detailed matters which will be more appropriately considered at subsequent reserved matters stages, should outline permission be granted):

Chief Solicitor - No comment.

Natural England - No objections, recommend condition.

Public Protection - No objections to the proposals subject to the following conditions. Require an hours restriction to the mixed use development at building 3 and the retail development at block 12 to no later than midnight. This is consistent with the approvals on Navigation Point. Require a similar condition as is currently applicable to the retail/mixed use development at Navigation Point to be applied to the mixed use development at building 3 and the retail development at building 12 to allow us to agree extract ventilation conditions and sound insulation conditions where relevant (i.e. restaurants, hot food outlets, bars etc). Dependent on the design and layout, additional sound insulation may be required to the residential development at building 14 which backs directly onto the railway line and associated level crossing and is also directly adjacent to the multi-storey car park. The sheltered housing complex at building 5 is located between the car parking for the Hotel and Conference Centre and the car parking for the Old West Quay. Account will need to be taken in the design of this accommodation to ensure that there is adequate sound insulation to habitable rooms for reasonable internal levels.

Economic Development - Suggests developing employment and training clause within this development, re both construction and end user opportunities.

North East Assembly -The scheme is in general conformity with the objectives of regional planning policy . Development at this scale in Hartlepool is considered appropriate, given its status as a main settlement in the Tees Valley city region. The aspirations for regenerating Hartlepool Quays are recognised in regional planning policy, and the development proposal will assist this area in becoming an expanding area for business, commerce, leisure, and tourism. Whilst the site is classified as “edge of centre” in the Hartlepool Local Plan, it is understood that the council considers this location appropriate for the uses proposed, and a retail assessment has been completed to address the requirements of PPS6. Whilst the housing allocation for Hartlepool is already met through existing planning permissions and completions, the NEA considers that the residential element in this scheme is consistent with delivering regional policy objectives, to focus the majority of development within the region’s major urban areas. The NEA has raised a number of issues in this response which if addressed would improve the overall conformity of the application. The key issues are ensuring that the design of the development maximises accessibility by a range of modes of transport, and incorporates the principles of sustainability through energy efficiency measures; embedded renewable energy; and the incorporation of SUDS.

Highways Agency - The initial response of the Highways Agency requested additional information. Discussions have taken place between the applicant's Transport Consultants and the Agency. The Agency's comments are awaited however it is understood that they will be favourable subject to conditions.

Tees Archaeology - The Environmental Statement includes a deskbased assessment detailing the impact of the proposal on archaeological remains. This demonstrates that the development may damage prehistoric peat deposits and industrial era archaeological remains. I have considered this and do not feel that there is a need for further archaeological work on the peat deposits (this has already been sampled for the Victoria Harbour development). Likewise the majority of the industrial features are of low archaeological potential, being former warehouses and offices. I am however interested in the impact of the proposal on the former Swainston Dock installation. I recommend that archaeological recording should take place should the development expose the former walls of the dock. This can be conditioned.

Museums & Heritage Section - No objection. Support scheme in its current format.

Tees Valley Regeneration -Comments received on 27/05/2008.

Proposed 150 bed hotel has significant potential to impact on the market for the proposed 100 bed 4 star hotel proposed at Victoria Harbour. It would be useful to have some idea what star rating they anticipate? Also timing for development - Victoria Harbour still forecasting development of hotel at 2013/14. Whilst this isn't a material planning consideration, the Planning Authority may wish to be mindful of the potential impact on Victoria Harbour.

- Sheltered accommodation now amended to over 55's and 3 & 5 storey, rather than 4 storey. No further comments to add - within the heights anticipated for VH.

- Quantum of Retail and Restaurants/Café's now broken down to 4,848m² and 1,607 m² - no further comments to add.
- The provision of underground car parking to some areas of the development. Again, no further comments as undercroft car parking also proposed at VH.

Comments received on 24/01/2008

The following comments have focussed on the relationship of this proposed development to the Victoria Harbour (VH) Masterplan. 1) The general proposals within the Trincomalee Wharf (TW) Masterplan appear to compliment the VH Masterplan proposals with the creation of a high quality mixed use urban development. This should assist in bringing the Marina area to life and blend with the VH development. 2) Care needs to be taken that the timing of proposals does not clash with the latest timing proposals for VH. Providing that the TW proposed timescales (5 years commencing Q3 2008) are deliverable, there will be some overlap with the commencement of VH (as it is currently proposed to start on site 2009/10 with first buildings commencing 2010/11) although not directly competing with the VH timescale (to 2029). Care needs to be given to the timing of release of the different elements of the Masterplan so as not to flood the market at any one time with the same product, proving detrimental to both schemes. Having noted this, the total residential and commercial quantum are not significant enough to be of direct impact on VH. 3) Clearly any additional development of a similar nature can potentially provide market threat/competition to the VH proposals, however TW may also be seen as the forerunner to VH and assist in stimulating a new high quality market and warming up people to the use of modern contemporary design in that vicinity. 4) On a more detailed note, the traffic management proposals outlined in the Transport Assessment have a more direct impact on VH. The draft S106 for VH includes (amongst other In Town Highways works): Victoria Road/Stockton Street right hand turn ban into Clarence Road and staging amendments. Victoria Road/Stockton Street right hand turn ban into Victoria Road (except buses, taxis, and cyclists) and staging amendments. These two proposals should be reviewed in light of the TW application as they will be directly impacted upon by the TW proposals. The works are however being managed by HBC, and their comments on any impact will no doubt be sought. As the S106 for VH is not yet signed but currently in negotiation, any further changes to it as a result of TW traffic impact will need to be fed in ASAP. 5) I can find no comment in the application in relation to the tenure of the proposed residential development. In line with recent changes to the VH draft S106 agreement, there should be some consistency in relation to a requirement that some of this be affordable housing. 6) There is also no mention of a Management Company for the management and maintenance of the development once complete. As maintaining the high quality of such developments will be an important issue for the wider regeneration of the area, this needs to be addressed.

Tourism Officer - (comments on hotel proposal)

The priority for the site is not necessarily the number of bedrooms but the quality of the accommodation. As discussed the accommodation 'gap' in the hotel product is the 4* market and accommodation with conference and leisure facilities. Should the hotel be looking at developing this market they will need the bedrooms to support it. The three hotels within the town all come within the 3 star bracket and do not have

the capacity to develop into major conference facilities (due to varying limitations) or include leisure facilities.

The size of such a hotel will not only be beneficial to Hartlepool but also to the Tees Valley, which has only limited accommodation of such quality (only 4) and also nothing within at least 30 minute drive time within County Durham. The lack of such large chain quality accommodation has been identified within the sub-region and an Accommodation Study is currently being developed.

The timing of this development is also aiming to be completed for 2010 whereas the proposal for Victoria Harbour is 2013/14.

A large chain quality hotel with excellent facilities could attract many new overnight visitors (and markets - more leisure visitors / business visitors) to the town but at the same time not to the detriment of our current accommodation stock (ie displacement). Therefore my main concern would be determine the quality rating the potential hotel developers are aiming for.

Environment Agency - No objections in principle to the proposed development but recommends that if planning permission is granted planning conditions in relation to the following are imposed: floor levels, flood warning notices, safe exit routes, details of surface water drainage, details of foul water drainage, storage of oils fuels chemicals in bunds, measures to identify and remediate contamination and verification report.

Tees Valley JSU - The planning application raises a number of strategic issues that will need to be taken into account by the Borough Council during its considerations of the proposal. The main concerns are the proposed comparison goods retail development in particular the bulky goods retail sector, and the proposed high density residential element which may not contribute to the provision of a range of house types in particular high quality, low density housing. The JSU however notes and supports the views of the North East Assembly. Hartlepool Local Plan 2006 Policy COM4 identifies the site location within the area defined as the edge of Hartlepool Town Centre. Policy COM4 permits the development of retail, office, hotel, leisure and residential development on the site, subject to meeting the tests in national guidance PPS6. The submitted retail impact assessment calculates that there is sufficient growth in comparison goods expenditure to meet the predicted turnover of the new stores. The Borough Council needs to consider the importance of the extension of edge of centre comparison goods retail development to the future vitality and viability of the town centre as a whole and should consider whether that is the form of retailing that is required. In conclusion the Borough Council should take the following issues into account when considering the elements for which outline planning permission is sought. 1) Whether the amount of comparison goods retail floorspace proposed by the development is appropriate to meet the needs of the resident population without compromise to the vitality and viability of the town centre and complements other regeneration initiatives both underway and planned. 2) Whether the proposed housing development will contribute positively to the housing market in the Borough.

One North East - It is noted that the proposed development includes the provision of a hotel. In assessing the application, the Agency would therefore encourage the Local Planning Authority to make use of the NorthEast England Accommodation Study – an Investment Action Plan, which provides advice on current and future patterns of market demand; recent trends in accommodation development; product gaps in the North East; analysis of future potential; and recommendations on intervention for Tourism Network NorthEast. As you are aware the RES promotes the need for quality of place within existing and proposed development. With this in mind, should the application be viewed favourably, the Agency would request the Local Planning Authority to encourage the developer to pursue the highest standards of quality in the development of this site, e.g. BREEAM, Buildings for Life and Secured by Design. In line with Government objectives to generate 10% of electricity from renewable energy sources by 2010 details regarding the provision of renewable energy measures within the scheme should also be provided.

Traffic & Transportation - The development triggers the threshold values for a transport assessment and a travel plan, to be required, which have been received. A detailed area wide travel plan is required to be submitted to the Local Planning Authority in accordance with an agreed programme. Prior to the development being brought into operation cycle storage facilities should be made available and pedestrian/cyclist access at safe and secure points around the site should be provided.

The construction of the proposed road extension from The Lanyard to Victoria Terrace and the new access road off Maritime Avenue are to be constructed to the Council Design Guide Specification through a Section 38 agreement. The agreement must be in place before any construction works can commence. Further details are required for the drainage and lighting of the new roads.

The extension to The Lanyard must be in operation before the part closure of Maritime Avenue can take place. The closure of Maritime Avenue will require a stopping up order at the Magistrates Court or through Town & Country Planning Act legislation. This would be at the expense of the applicant and will include the cost of any diversion of Statutory Undertaker's equipment that may be required.

The applicant is proposing to close part of Maritime Avenue this will have traffic implications for vehicles travelling to and from A179 to properties east of Victoria Terrace when the level crossing barrier is down for trains. At present, vehicles travelling to and from Maritime Avenue, east of Victoria Terrace to the A178 are rarely affected by the level crossing barrier when it is down as the queuing is in Victoria Terrace. However when the barrier is down with the proposed extension of The Lanyard and the section of Maritime Avenue is closed vehicles wanting to travel to the east of Victoria Terrace will not be able to do this due to queuing vehicles wanting to turn right into Church Street and Mainsforth Terrace. This will also lead to queuing on The Lanyard. This may impede any further developments south of Maritime Avenue (old town area). The applicant should be providing a designated right turn lane on The Lanyard from its junction with Victoria Terrace to the pedestrian concourse between buildings 9 and 10. This will help prevent right turning traffic blocking left turners whilst the level crossing is down.

The distance between the new junction and Britannia Close junction on Victoria Terrace is sub standard and does not comply with the Council's Design Guide and Specification. However given the number of properties in Britannia Close, it could be deemed acceptable due to the low level of traffic generated from Britannia Close.

The junction radii on the extension to The Lanyard should be sufficient to allow for abnormal loads and HGVs turning into The Lanyard. This can again be conditioned.

Bus stop lay-bys should be provided on The Lanyard. The location of the bus stops to be agreed with my department and should have the appropriate transport infrastructure.

There are highway concerns regarding the 90° parking on the new access road. The access road will be the route used by coaches and vehicles accessing the Historic Quay. This arrangement will have vehicle reversing onto a main highway to the detriment of highway safety. It may be possible to introduce traffic calming to reduce traffic speeds in this area however it would be safer if the parking was parallel to the highway.

The parking provision is below the maximum standard. 790 spaces have been provided. The maximum standard for this development would be 1230. This may lead to parking congestion in the area. The applicant has stated that a travel plan will help to reduce the demand of the parking required. However it very unlikely that this will be the case, the applicant will need to provide supporting evidences to demonstrate where successful travel plans in other parts of the country have reduced the parking required by a third.

The applicant needs to clarify how the parking is to be managed, will there be a mix of private and public parking. Will the multi-storey be pay and display? The multi storey must be designed so it is secure by design. Further details are required regarding the proposed location of the entrance for the multi-storey car park and details of multi-storey layout.

Traffic regulation orders to be provided on the new extensions of the roads in area at developer expense and to be agreed with my department to allow the free flow of traffic in the area.

Comments also on certain specific proposals for refuse vehicle access.

Pedestrian facilities should be provided (puffin crossing) between main pedestrian concourse and multi-storey car park in the interest of pedestrian safety.

Emergency access needs to be maintained for properties fronting dock

The applicant needs to clarify the access to hotel

There are no buses that run through the development during the day. The applicant should consider consulting with the local bus company in providing a service through development through the day and improve the sustainability of the development.

The applicant has shown no taxi ranks within the development and could lead to inconsiderate parking by taxis. The applicant should look at providing taxi ranks, which are safe to use for taxi clientele.

Consideration should be given for direct cycle routes access along the closed off section of Maritime Avenue, possible promenade boulevard style cycleway/walkway connecting the highway to be retained. The cycle parking show for the development is acceptable.

The bend of the new access road off Maritime Avenue appear very sharp, the applicant to provide swept path drawings showing that coaches and buses can use the road.

The applicant should consider consulting with Network Rail to provide a direct access to the railway station from The Lanyard to improve the sustainability of the development for pedestrians.

Engineering Consultancy –

Contaminated Land.

- i) The desk study is sufficient to design and zone the site investigation, however the existing investigation is not sufficient in extent to characterise the site materials in order for a robust risk assessment to be carried out.
- ii) The conceptual site model is generic and does not reflect the findings of the desk study. The model should be site specific and should refer to the previous industrial uses, tanks and in-filled material and should also contain the proposed use of the site in order to adequately identify the significant pollutant linkages. The model assesses the site based on a commercial development end use, however the proposed development contains residential use and therefore the conceptual site model and subsequent investigation and risk assessment are fundamentally flawed and should be considered, zoned and assessed in terms of the proposed development.
- iii) The report recognises that gas characterisation should be confirmed and the gassing regime should be established and a comprehensive risk assessment carried out before development of the site.
- iv) The existing information gathered can be used as a basis for assessment, however the conceptual site model needs to be upgraded to residential use and further investigation is therefore required to adequately characterise the site soils and gassing regime in order to carry out a comprehensive risk assessment and determine any further action which may be required as a result.

I would therefore request a planning condition to cover the above.

Land Drainage

- i) Detailed comment should be sought from Northumbrian Water in respect of the capacity of the existing network to accept foul and surface water flows from the development site as it is known that the existing pumping station at

Warrior Quay is not currently adopted by NWL and the spare capacity is uncertain.

- ii) I would concur with the Environment Agency in their request for a condition covering the disposal of surface water
- iii) I note that the development may contain underground parking and would express concern in respect of whether this is viable in the circumstances, given the proximity to the dock and the existing groundwater regime. Section 9.7 (Flooding and Drainage - Conclusion) of the Environmental Statement states that a designers risk assessment should be produced to look in detail into the viability of basement car parking and this should be subject to a suitably worded planning condition.

Cleveland Police - Make various detailed recommendations in relation to crime prevention.

Network Rail - The level crossing is of the MCB-CCTV type (manually controlled barriers, operated with the aid of CCTV) and is controlled from Clarence Road signal box in Hartlepool. The crossing is located very close to the traffic signal controlled road junction with Church Street/Mainsforth Terrace, and there is only very limited standing room available between the level crossing and the road junction. The existing control arrangements include an interface, or hurry call, link between the level crossing and the traffic signals at the adjacent road junction; this effectively places a priority on traffic leaving Victoria Terrace when it is required to close the level crossing, thereby enabling any queuing traffic to clear the level crossing. The level crossing is typically closed for around 3 minutes per train and there are around 42 trains booked to pass over this crossing per day. The level crossing was last risk assessed in July 2007 and has a reasonable risk score. From the 30 minute quick traffic census taken as part of the risk assessment it appears that the crossing is already heavily used by road traffic. Whilst from Network Rail's perspective the additional road traffic over the level crossing generated by the proposed development is not to be welcomed, realistically given the protection arrangements that are in place at the crossing including the interface with the traffic signal controlled road junction, it will not be detrimental to the safe operation of the level crossing. Clearly, however, it is in all our interests to have a monitoring condition placed on any consent ensuring that safety improvements will be carried out if a problem arises within, say, the first full year of occupation of the site. As regards the protection of other railway infrastructure (principally where the development site abuts the railway, immediately north of Victoria Terrace) the following points should be taken into account. Makes various comments and recommendations to ensure that the railway infrastructure is protected including, foul and surface water disposal, buildings sited a minimum of 2m from railway boundary, sound proofing of residential properties adjacent to railway, landscaping adjacent to the railway line, lighting sited to prevent driver dazzle, safety precautions during building operations, excavations/earthworks, secure boundary treatments/barriers in vulnerable areas, liaison with Network Rail. Request that where appropriate these matters are conditioned.

Northumbrian Water - In their response Northumbrian Water confirm they have no objections to the proposal and draw our attention to a letter written on 26/07/2002 in relation to a previous application H/FUL/0638/01. In the letter they raise concerns in

relation to the capacity of the Bridge Street Pumping Station and request a section 106 agreement is completed to secure any necessary improvement works. They go on to state “ In addition NWL have met with the council and Jomast to discuss the development where it was highlighted that the private pumping station was not currently adequate to accept the flows from this development. Works to upgrade the station may be required”. They also advise that a rising main crosses the site which will need to be diverted. That foul flow should be to the private pumping station located at Warrior Quay/Maritime Close. That the public sewerage systems are at capacity and hydraulic modelling predicts flooding if the surface water from the proposed development were added to the sewers. They advise therefore that the development should be served by an independent surface water sewer discharging directly into the dock. Northumbrian Water therefore request conditions in relation to the disposal of foul and surface water and diversion of existing equipment.

Planning Policy

1.12 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

Com12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

Com4: Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

Com8: States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Retail proposals over 500 square metres located outside the primary shopping area will be required to demonstrate need, to justify appropriate scale and to demonstrate that a sequential approach has been followed. All retail proposals over 2500 square metres gross to be accompanied by a Retail Impact Assessment. For proposals between 500 and 2499 sq metres applicants should agree with the Council whether retail impact assessment is required. Legal agreements may be sought to secure rationalisation of retail provision and the improvement of accessibility and conditions will be attached to control hours of operations.

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after

the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

Dco2: States that the Borough Council will pay regard to the advice of the Environment Agency in considering proposals within flood risk areas. A flood risk assessment will be required in the Environment Agency's Flood Risk Zones 2 and 3 and in the vicinity of designated main rivers. Flood mitigation measures may be necessary where development is approved. Where these are impractical and where the risk of flooding on the land or elsewhere is at a level to endanger life or property, development will not be permitted.

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP10: Encourages the provision of public art and craftwork as an integral feature of new development.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP6: States that developers should seek to incorporate energy efficiency principles through siting, form, orientation and layout of buildings as well as through surface drainage and the use of landscaping.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

GN3: Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

GN6: Resists the loss of incidental open space, other than in the exceptional circumstances set out in the policy. Compensatory provision or enhancement of nearby space will be required where open space is to be developed.

HE10: States that the siting, design and materials of new developments in the vicinity of listed buildings should take account of the building and its setting. New development which adversely affects a listed building and its setting will not be approved.

HE3: States the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these areas.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

PU1: Requires that development proposals be designed to ensure that there is no additional flood risk. Sustainable drainage is encouraged.

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

Rec2: Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

To1: States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

To9: Identifies the town centre and Marina, Victoria Harbour, the Headland and Seaton Carew as areas for new accommodation and promotes the enhancement of existing facilities.

Tra16: The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra19: States that residential and industrial estates should be designed to ensure adequate access by modes of transport other than the car. Where appropriate, developer contributions will be sought towards improved public transport and alternative transport accessibility.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Tra5: States that provision will be made for a comprehensive network of cycle routes and that new housing and industrial development and highway and traffic management schemes should take account of the need to provide links to the network.

Tra6: States that developments attracting large numbers of visitors or employees should provide on site, secure and convenient cycle parking provision.

Tra7: States that improvements will continue to be made to the pedestrian environment in the central area and improved links provided between the primary shopping area and other parts of the town centre. Pedestrian links will also be provided within and between the Marina, Seaton Carew and the Headland, including a proposed new pedestrian bridge at Victoria Harbour.

Planning Considerations

1.13 The main issues are considered to be policy, impact on the vitality and viability of the town centre, highways, drainage, impact on the adjacent commercial development and the Historic Quay, loss of the bandstand/park/piazza, impact on the listed buildings, impact on the amenity of the occupiers of adjacent residential properties, ecology, flooding, contamination, impact on the railway line/junction and archaeology.

Policy

1.14 This is an outline application with all matters reserved for later approval. The master plan which has been submitted is purely illustrative and seeks only to demonstrate that all of the uses could be accommodated within the site. That said this ambitious mixed-use scheme will form the last remaining waterfront development of the existing marina complex. The proposals are for a broad mix of uses that broadly comply with policy Com4.

1.15 The centrepiece of the master plan would be pedestrianised waterside development incorporating waterfront access which would provide an attractive addition to the public realm of the wider Marina. A condition requiring this can be applied. At the western end of the waterfront development is a nine-storey rotunda

building, which will be the tallest building in the area. (Navigation Point being of eight storeys at its highest.

1.16 There are two grade II listed buildings to the eastern edge of the site on Victoria Terrace, which represent the history of Hartlepool docks, and it is important that these are respected and treated sympathetically by the new developments. It is not clear that the scale, bulk and massing of the structures surrounding the listed buildings will not adversely affect the character and setting of the listed buildings. This will need to be carefully considered at the reserved matters stage.

1.17 The loss of the Piazza (GN3a) should it ultimately be proposed would be a departure from the Local Plan and this eventuality needs to be considered now. In this event and as part of a comprehensive development scheme this is considered satisfactory on the basis that at least an equivalent amount of replacement open space is provided.

1.18 The relationship of the proposals to retail policy is discussed below.

1.19 In terms of developer contributions as part of a Section 106 agreement, it is recommended that the Council seek 10% of the proposed residential units (not including the 50 units of sheltered housing) to be affordable housing to acknowledge shortages of such housing throughout the town. This would reflect the negotiations at Victoria Harbour to include 10% affordable housing as part of that Section 106.

1.20 A contribution for play from the residential units, would also be necessary (except the Sheltered Housing). No Green Infrastructure contributions will be required as the application has the potential to provide for the creation of a quality well landscaped public realm.

Impact on the vitality/viability of the town centre/retail policy.

1.21 The master plan provides for four retail units totalling 4848 square metres for A1 retail use. The individual units are

- 1798 square metres net sales
- 933 square metres
- 670 square metres
- 284 square metres

1.22 Proposals for most retail uses need to comply with Local Plan Policy Com8 and with Government guidance set out in Planning Policy Statement 6 (PPS6).

1.23 Planning Policy Statement 6 encourages the promotion of viable and vital town centres by seeking to direct retail and other main town centre uses as a preference to sites within the town centre.

1.24 Those proposals for retail uses outside the town centre should demonstrate that there is a need for the development in quantitative and qualitative terms over the coming five years within a defined catchment area.

1.25 Such development should be of a scale appropriate to the area and demonstrate that there are no more central sites for the development. In selecting sites all options in the defined town centre should be assessed before less central sites are considered. It is important that there are no unacceptable impacts on existing town centres and that the development is accessible by a choice of means of transport including public transport walking, cycling and the car.

1.26 The Trincomalee Wharf application site comprises two separate areas identified in the Local Plan, firstly the waterfront area where mixed uses including some elements of retailing are acceptable and the other part of the site south of Maritime Avenue, (that previously consented as a business park is a mixed use area but where retailing would not be permitted (Com4/8)

Quantitative Need

1.27 The applicant's retail consultants have assessed vacancy levels within Hartlepool town centre and have indicated that the level of vacancies is in line with the national average. The indication is therefore that the town centre is performing well.

1.28 Notwithstanding the proposed retail element in Victoria Harbour which the Council in 2005 was minded to approve subject to a Section 106 legal agreement and the recent consent to extend Tees Retail park, the applicant has sought to show that there is surplus capacity available for the proposed development in 2010 and that this is likely to increase in 2011 and beyond.

Qualitative Need

1.29 The applicant has indicated that the proposed retail development would provide significant regeneration benefits for the area to complement the economic growth anticipated from a waterfront development on a vacant brownfield site. The applicant stresses that the development of these retail units will help create a greater critical mass to the retail offer in the Marina area.

Sequential Assessment

1.30 The applicant's consultants have assessed alternative sites within the defined town centre and have indicated that there are no available, suitable or viable units or sites within the town centre (including the Primary Shopping Area) that could accommodate any of the four proposed units. It concludes that the Trincomalee Wharf site is the only available and viable site and the one most suitable in terms of its offer.

1.31 The bulky goods retail development will further complement and integrate well with the established retail parks in the marina. The applicant claims that the site is better located to the town centre than these existing sites.

1.32 The applicant also concludes that the special retail development will fill in a gap in the exiting provision as there are currently no specialist retailers in the marina which serve the tourism and leisure industry.

1.33 After discussion with the Council's retail consultants, it is concluded that the retail assessment submitted, together with further research undertaken at the request of the Council, demonstrates that the retail proposal should not have a significant impact on the vitality and viability of the town centre subject to appropriate conditions. Whilst acknowledging the terms of policy Com 4/8 in relation to retailing within the area to the south of Maritime Avenue, in the light of the above and the comprehensive regeneration potential, the proposals are considered acceptable. Any approval would however have to be treated as a departure and referred to the Secretary of State.

Highways

1.34 This site is close to both the railway station and the proposed bus interchange. It is therefore well related to public transport services. Again as the scheme is in outline, many of the concerns raised by the Highways Engineers can be addressed by condition. In terms of parking provision, based on the information to date it is clear that car parking needs to be carefully considered. However given the relationship to public transport facilities, the requirement for a travel plan and the outline nature of the application it is suggested that any permission sets the proposed floorspace figures for the various uses as maxima and that at each stage when reserved matters applications are being considered that the applicant demonstrate that each phase can take place without causing off site parking and traffic problems. The final scheme will have to make allowance for the abnormal loads route and a condition is suggested to provide for this.

Drainage

1.35 The applicant has indicated that surface water drainage will be accommodated through a sustainable urban drainage system with connection to the existing surface water system with foul drainage to the mains.

1.36 In relation to surface water Northumbrian Water have indicated that this could not be accepted to the public system and that this should drain directly to the dock. It is proposed to condition the details of the surface water drainage system.

1.37 In relation to foul Northumbrian Water have indicated that there are capacity issues within their own pumping station and in the private pumping station at Warrior Quay. It is likely therefore that upgrading works will be required. It is proposed to condition the final approval of details for the disposal of foul sewage and to secure any necessary contributions for upgrading of existing facilities through a section 106 agreement.

1.38 It is considered that with the proposed conditions and legal agreement in drainage terms the proposal is acceptable in principle.

Impact on the adjacent commercial development and the Historic Quay

1.39 The proposed development is considered compatible and complementary to the nearby commercial leisure facilities and Hartlepool Maritime Experience at the Historic Quay. The Museums Manager has raised no objections to the proposals.

Loss of the bandstand/piazza

1.40 The loss of the Piazza should it be proposed would be a departure from the Local Plan. However the masterplan provides for replacement open space as an integral part of the scheme. It is considered that the loss of the space could be effectively compensated for elsewhere in the scheme. If Members are prepared to endorse this as part of the development in principle it is recommended that the application be referred to the Secretary of State as a departure given the Council's interest in the land.

Impact on the listed buildings

1.41 The development is for outline planning permission and all matters are reserved. However the applicant through the masterplan has indicated block positions and building storey heights. The Conservation Officer whilst welcoming the development in principle has raised concerns at the scale of the buildings around the listed buildings at the eastern end of the site. These concerns have been raised with the applicant. In response the applicant has reduced the height of one of the buildings. The relationships are critical and ultimately only when the reserved matters application have been received will these relationships be able to be properly assessed. It is therefore considered that the storey heights proposed at this stage cannot be agreed and the conditions set out in the report make it clear that building heights are reserved.

Impact on the amenity of the occupiers of adjacent residential properties

1.42 The site is in close proximity to a number of residential properties and objections have been received in relation to the impact the development will have on the living conditions of these residents. In particular issues relating to loss of light, privacy, outlook and overdominance. In addition concerns have been raised in relation to noise and disturbance from facilities particularly restaurants and cafes.

1.43 Concerns have particularly been raised in relation to the heights and position of the buildings and the implications these will have in terms of light, privacy, outlook and overdominance of nearby residents. Again, whilst the applicant's supporting documentation indicates aspirations for certain storey heights, the application is for outline approval with details including siting, design, heights and external appearance reserved. The relationship with the adjacent residential development will be critically assessed once these details have been received. It is therefore considered that the storey heights etc proposed at this stage cannot be agreed and the conditions set out in the report make it clear that building heights are reserved. Conditions also seek to control working hours, opening times and extract and ventilation details. In principle therefore the development of the site for the range of uses proposed is considered acceptable.

Ecology

1.44 The site has been the subject of an Environmental Impact Assessment. Natural England and the Council's Ecologist are satisfied that the proposal is acceptable.

Contamination

1.45 Subject to safeguarding conditions it is considered that contamination issues can be adequately addressed.

Flooding

1.46 Again, subject to safeguarding conditions it is considered that flooding issues can be adequately addressed.

Impact on the railway line/junction

1.47 The site is bounded to the south by the railway line and access to the site from Church Street to Victoria Terrace is via a level crossing. Network Rail have been consulted and have made various recommendations.

1.48 In relation to the level crossing whilst not welcoming the additional traffic which will be generated by the development Network Rail have concluded that given the protection arrangements that are in place at the crossing including the interface with the traffic signal controlled road junction, the development would not be detrimental to the safe operation of the level crossing. However, notwithstanding this they have recommended that the as a precautionary measure a monitoring condition be placed on any consent ensuring that safety improvements will be carried out if a problem arises within the first full year of occupation of the site.

1.49 Network Rail have also made various other recommendation in relation to the development in order to ensure the protection of the railway infrastructure. Some of these matters stray outside of the control of this application requiring liaison between the parties. However conditions are proposed to deal with those that are relevant including, the siting of buildings relative to the railway line to allow for maintenance and access, the details of landscaping to ensure that the species adjacent to the railway line do not affect it, the placing of lighting to prevent driver dazzle, boundary treatments and the placing of barriers at vulnerable points, foul and surface water disposal and sound proofing to the residential properties adjacent to the railway line. Network Rail will be re-consulted at the appropriate stage to ensure that details are acceptable.

1.50 In light of the comments of Network Rail and the proposed conditions it is not considered that the development will compromise the safety or operations of the railway line.

Archaeology

1.51 The Environmental Statement included a deskbased assessment detailing the impact of the proposal on archaeological remains. This demonstrates that the development may damage prehistoric peat deposits and industrial era archaeological remains. The assessment has been considered by Tees Archaeology who indicate that there is not a need for further archaeological work on the peat deposits (this has already been sampled for the Victoria Harbour development) nor on the majority of the industrial features on the site which are of low archaeological potential. However Tees Archaeology are interested in the impact of the proposal on the former Swainston Dock installation and have requested an appropriate archaeological recording condition. In archaeological terms, subject to this condition the development is considered acceptable.

Other matters

1.52 Several objectors have raised the issue of the formal agreement which relates to the land currently occupied by the bandstand/piazza in the north east corner of the site. This relates to the grant funding used to provide these facilities and is essentially a separate matter to be resolved with the funding source. It is understood that a formal variation of the agreement can be secured provided that an equivalent area of open space is provided.

1.53 Discussions are continuing about the specific wording of conditions and an update will be provided before the meeting.

Conclusion

1.54 This is a major mixed use scheme which proposes a comprehensive development linking two large undeveloped sites, within the marina. It has the potential to provide a significant addition to the marina strengthening its role as a place to live, work and play. Particularly welcome is the proposed hotel. It has to be remembered that the application is in outline with all matters reserved for subsequent approval. As a result many of the comments relating to detail can and will be addressed at the reserved matters stage. Conditions (to follow) and a S106 agreement will be designed to safeguard the position on these issues.

RECOMMENDATION – Members are minded to APPROVE this application subject to conditions and subject to referral to the Government Office as a departure in relation to both policies Com 4/8 (retail) and GN3 (key green spaces) and under the provisions of the Shopping Floorspace Directive and the completion of a section 106 agreement covering Travel Plans, affordable housing(10%), contributions for play facilities, off site highways works, employment and training clauses, off site drainage works and off site works to level crossing.

Application No	H/2007/0918
Proposal	Redevelopment of the land north and south of Maritime Avenue for the provision of retail units, licenced restaurants and cafes, offices, hotel and residential units, with associated infrastructure including multi storey car park and public realm works
Location	Trincomalee Wharf Maritime Avenue Hartlepool TS24 0XF
Applicant	Jomast Developments Ltd

UPDATE

1.1 This application appears on the main agenda at item one.

1.2 At the time the report was written discussions in relation to the exact wording of conditions were ongoing. These discussions have largely been completed but they are continuing about retailing. The main proposed conditions are outlined below. Retailing conditions will be suggested at the meeting.

1.3 After further consideration the heads of terms of the proposed section 106 agreement have also been revised. It is now proposed that it will cover Travel Plans, Affordable Housing, Contributions for Play, Abnormal loads route, employment and training, TV reception, compensatory provision of public open space and the retention of town centre traders.

RECOMMENDATION – Members are minded to APPROVE this application subject to conditions and subject to referral to the Government Office as a departure in relation to both policies Com 4/8 (retail) and GN3 (key green spaces) and under the provisions of the Shopping Floorspace Directive and the completion of a section 106 agreement covering Travel Plans, affordable housing, contributions for play facilities, abnormal loads route, employment and training, TV reception, compensatory provision of public open space and the retention of town centre traders.

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of five years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
3. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. If the site is developed on a phased basis, a phasing plan shall be

first submitted to and approved in writing by the Local Planning Authority. The applicant shall provide with each phase the reserved matters required to be submitted with that phase and any other relevant details required by any of the other conditions below for approval by the Local Planning Authority, such approval to be in writing.

To clarify the extent of the permission.

4. The master plan and details of building heights submitted with the application shall be treated as being for illustrative purposes only and shall not be taken as an approval by the Local Planning Authority of the layout of the site, the disposition of buildings thereon or building heights. Such details shall be considered as part of the reserved matters application(s) required by condition 1. For the avoidance of doubt and to clarify the extent of the permission.
5. Subject to the provisions of condition 6 and unless otherwise agreed in writing by the Local Planning Authority the schedule of accommodation submitted with the application and referred to below shall be taken as the maximum floorspace, the maximum size of hotel and the maximum number of residential units that will be permitted on the site. The accommodation shall include no more than:
 - i) 4900 square metres of gross retail (Class A1) floorspace
 - ii) 18600 square metres of gross office (Class B1) floorspace
 - iii) 1700 square metres of gross licensed restaurant and cafes (Class A3) floorspace
 - iv) a 150 bedroom hotel (Class C1)
 - v) 50 units of sheltered residential (Class C2) accommodation or residential (Class C3) accommodation for residents aged 55 years of age and over.
 - vi) 85 units of residential (Class C3) accommodation.
 For the avoidance of doubt.
6. The applicant shall submit sufficient details with each reserved matters application to enable the Local Planning Authority to establish either that:
 - i) the development in whole can be carried out in a manner which will not adversely affect the offsite highway network and railway crossing and that adequate on site parking and servicing arrangements can be provided for each element of the development, or
 - ii) each phase of development can take place having regard to any existing development on the site or any other approved but unimplemented phase of development without adversely affecting the off-site highway network and railway crossing and that adequate on site parking and servicing arrangements can be provided for that phase of development and without adversely affecting any such arrangements for existing or other approved phases of development.

The Local Planning Authority shall confirm its acceptance of the submitted details in writing before any part of the development to which this condition applies commences. Thereafter unless otherwise agreed in writing by the Local Planning Authority, development shall be carried out in accordance with the approved details.

To ensure that the development can take place in whole or in part in a satisfactory manner.

7. Unless otherwise agreed in writing no development shall take place unless in accordance with the mitigation details within Volume 2 : Environmental Statement dated 23 November 2007 including, but not restricted to, adherence to timing and spatial restrictions and habitat creation.

To conserve protected species and their habitat

8. Notwithstanding the details submitted the final scheme shall make provision for a 5m wide publicly accessible walkway along the dockside.
In order to ensure public access is retained to the dock.
9. Notwithstanding the submitted details, final details of proposed ground levels and finished floor levels of buildings shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt.
 - i) Floor levels of any commercial development shall be set no lower than 5.20 metres above Ordnance Datum.
 - ii) Floor levels of any residential development shall be set no lower than 5.67 metres above Ordnance Datum.Thereafter unless otherwise agreed in writing by the Local Planning Authority development shall be carried out in accordance with the approved details.
To enable the Local Planning Authority to control these details in the interests of the amenities of neighbour properties/To protect the development from flooding.
10. Prior to the occupation of any part of the site flood warning notices shall be erected in numbers, positions and with wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction.
To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.
11. Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 200 year flood plain, are submitted to and agreed in writing by the Local Planning Authority. This route must be in place before any occupancy of the building(s).
To provide safe access and egress during flood events and reduce reliance on emergency services.
12. In cases where development involves the provision of basement parking the details submitted with the reserved matters application(s) shall include details to clarify the technical specification of the basement parking.
In order to ensure that ground conditions are suitable for underground parking.
13. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied on site until the scheme for the disposal of the foul sewage has been completed and commissioned in accordance with the approved details.
The Northumbrian Water Sewage Pumping Station (SPS) at Bridge Street 1 & 2 has reached its design capacity and cannot accept the anticipated flows.
14. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and for environmental reasons to avoid the unnecessary pumping and treatment of surface water.
15. Development shall not commence until a detailed scheme which either provides for the diversion of Northumbrian Water apparatus, or, avoids building over of the same by the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
A sewage rising main crosses the site. Northumbrian Water will not permit a building over or close to its apparatus

16. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
To prevent pollution of the water environment.
17. No development approved by this permission shall be occupied until the foul drainage works, i.e. connection to the public foul sewerage system, has been completed in accordance with the approved details.
To ensure a satisfactory means of foul sewage disposal.
18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
In order to prevent pollution of the water environment.
19. Prior to the commencement of development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of the scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority.
 - (1.) A preliminary 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
 - 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 site investigation results and the detailed risk assessment (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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
To ensure that contamination is addressed and for the protection of controlled waters and all other receptors.
20. Prior to completion of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
To ensure that contamination is addressed and for the protection of controlled waters and all other receptors.
21. Unless otherwise agreed with the Local Planning Authority prior to the commencement of any development on the site, details of measures proposed to protect railway infrastructure, and the operations of the railway, adjacent to the

site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of:

- i) The position/design of lighting to be placed adjacent to the railway line.
- ii) Temporary and permanent measures to secure the railway boundary from trespass.
- iii) Details of all excavations and earthworks to be carried out on sites adjacent to the railway line.
- iv) Details of measures proposed to prevent vehicles driving into, or rolling onto, the railway line or lineside fencing.

In order to ensure that the safety and operation of the adjacent railway line is not affected by the development.

22. No part of any building shall be situated within 2m of the boundary with the railway line.

In order to protect the railway line from interference during construction or maintenance works.

23. Notwithstanding the provisions of Condition 3 no development shall take place until a general parking strategy including provision for casual visitors to the site has been submitted to and approved by the Local Planning Authority. The agreed strategy shall be complied with unless otherwise agreed in writing with the Local Planning Authority.

In the interests of highway safety.

24. Prior to the commencement of any development a phasing plan for the provision of highway infrastructure including roads, footpaths and cycleways and for the management of all types of traffic within and in the vicinity of the site including provision for an abnormal loads route shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include confirmation of highways subject to traffic exclusions/restrictions. The plan shall be adhered to unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure satisfactory access within the site.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) the restaurant and café accommodation hereby approved shall be used only as restaurants and cafes as defined by Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended and shall not be used for any purpose within Class A1 or A2 of the same Order or in any provision equivalent to those Classes in any statutory instrument revoking or re-enacting that Order with or without modification.

In the interests of the amenities of the occupants of neighbouring properties and in the interests of the vitality and viability of the Town Centre.

26. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the use of any part of the development which includes any use falling within of the use of classes A3, C2 or C3 as defined by the Schedule to the Town & Country Planning (Use Classes Order) 1987 as amended, the building shall be provided with noise insulation measures, details of which shall first be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development. To ensure that such buildings where necessary are adequately soundproofed in the interests of the amenity of the occupants of adjacent residential property and the future occupiers of the proposed dwellings.

27. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the use of any part of the development which includes any use falling within Class A3, as defined by the schedule to the Town & Country Planning (Use Classes Order) 1987 as amended, the building shall be provided with ventilation filtration and fume extraction equipment to reduce cooking smells, details of which shall first be submitted for the consideration and approval of the Local Planning Authority. The Class A3 use shall not commence until all approved items so approved have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
28. Any approved A1 or A3 premises shall only be open to the public between the hours of 07:00 and 24:00 daily.
In the interests of the amenities of the occupants of neighbouring properties.
29. Unless otherwise agreed in writing with the Local Planning Authority no construction, site clearance or preparation works in any part of the site shall take place outside the hours 07.00 to 19.00 Monday to Friday 07:00 to 13:00 on Saturday and not at all on Sundays and Bank Holidays. No piling works in any part of the site shall take place outside the hours 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and not at all on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
30. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
To prevent pollution of the water environment.
31. No development shall take place within any part of the application site until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.
The site is of archaeological interest.
32. Prior to the commencement of development a scheme for the provision of a compensatory provision of public open space within the site and a programme and timetable for its provision shall be submitted to and approved in writing by the Local Planning Authority.
In order to compensate for the loss of the Piazza area within the site.
33. A scheme to incorporate energy efficiency measures and embedded renewable energy generation within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of the environment.

Note – Conditions about the type/amount of retailing will be suggested at the

meeting.

No: 2
Number: H/2005/5254
Applicant: Culford Ltd 11 Bury New Road Manchester M25 9JZ
Agent: SCA Planning Lazenby House St Mongahs Court
 Copgrove Harrogate HG3 3TY
Date valid: 30/03/2005
Development: Outline application for residential development open
 space and associated means of access
 (AMENDED PLANS AND FURTHER ENVIRONMENTAL
 INFORMATION RECEIVED)
Location: BRITMAG LTD OLD CEMETERY ROAD HARTLEPOOL
 HARTLEPOOL

The Application and Site

1.1 Outline planning permission is sought for residential development on the former Magnesia Works off Old Cemetery Road, variously known as the Streetley, Britmag or CJC site. The site comprises four distinct development areas covering more than 25 hectares that are characterised by large areas of tarmac, derelict warehouses, disused industrial machinery and structures and old brick buildings.

1.2 The two larger areas (A and B) are situated to the north of the Spion Kop Cemetery. Two smaller areas, identified as sites C and D in the submitted plans are located to the south-east of the cemetery and include the former Barnshaw Bending site. Plans will be displayed at the meeting.

1.3 The proposal would comprise a residential development of some 480 dwellings, informal recreation space and a nature conservation area. Part of the project would include diverting the eastern end of Old Cemetery Road so that it culminates in a new roundabout junction with West View Road. This alteration would be implemented in the latter stages of the project in order to satisfactorily manage the increased levels of traffic generated. Development is proposed to be commenced at the south-east end (site C and D) progressing north westwards to sites A and B

1.4 The sites are located very close to the coastline. Accordingly the project would incorporate a coastal defence strategy.

1.5 The applicant has examined coastal processes and has concluded that beach width is set to decrease by around 50 metres over the next 100 years with the onset of climate change. Various options of how best to protect the development sites from coastal erosion were considered. A combination of hard and soft defences are proposed.

1.6 The south eastern area including the cemetery and former landfill areas are to be protected by rock armour. It is anticipated by the applicant that the use of hard defences in this area will be beneficial to local ecological interests by helping to prevent the movement of potentially contaminated landfill material within the site onto the beach.

1.7 The dunes at the northern end of the frontage would be managed with soft engineering techniques to provide a sediment reservoir. This would be achieved through the use of sand fencing and dune planting. The dunes would ultimately be protected against major storm events by a buried 'long stop' constructed from armour blocks behind the dune face. This would necessitate a sand reservoir being available to rebuild the dunes following major storms. The management of the currently degraded dune system is designed to promote sand accretion, dune growth and have positive impacts on local ecology.

1.8 In between the rock armour and managed dunes would be a graded storm beach to allow for a transition between the two types of defences. The defences have been designed to tie into the existing sea wall at the Heugh and gradually become less reflective and softer as they blend in with the dune system at the northern part of the site allowing a transition from the hard seawall to the dunes at Hart Warren.

1.9 The projected impacts of the development and the mitigation measures proposed to address these impacts are summarised in the following table, from the Environmental Statement:-

Table 9.6. Summary of Impact Assessment and Proposed Mitigation.

VER	Key features that may be affected	Impact assessment	Mitigation
VERs within the application site:			
Sand dune habitat	Small Foredune, Marram dominated Yellow Dunes with associated flora and fauna diversity. Remnants of modified Grey Dunes	<p>A short-term negative, but reversible impact on the habitat from machinery during the construction phase.</p> <p>Long term positive impacts during operation due to an increase in dune area, with associated flora & fauna colonisation.</p> <p>Negative construction impacts not significant.</p>	<p>Specific routes through dunes into work areas during construction.</p> <p>Set aside for habitat restoration, conservation and management. Dune management plan.</p>
Bats	Low numbers of Pipistrelles <i>Pipistrellus pipistrellus</i> foraging along dune grassland	<p>Negligible short-term negative during construction and possible long-term positive impact during operation.</p> <p>No significant impact on bats during construction or operation.</p>	None required
Reptiles	Common lizard <i>Lacerta vivipara</i> Slowworm <i>Anguis fragilis</i> , Adder <i>Vipera berus</i> and Grass	No significant impacts on reptiles during construction. Potential positive impacts during	None required

VER	Key features that may be affected	Impact assessment	Mitigation
	snake <i>Natrix natrix</i> . No reptiles found on site, limited suitable dune grassland habitat	operation, but unlikely to be significant.	
Invertebrates	Little significance for terrestrial invertebrates. Population of Lyme Grass Moth <i>Chortodes elymi</i>	Short-term indirect impact due to loss of vegetation during construction, reversible . Long-term positive impacts during operation through the creation of new dune habitat.	Replanting of dune habitat. Dune management. Habitat restoration, conservation and management for site A.
Breeding birds	Restricted to northern end of application site and Spion Kop cemetery. 17 species, 13 of which have conservation listing (see Table 9.3)	Noise and visual disturbance during construction may result in a short-term negative impact , high recoverability. Not likely to be significant . Long-term positive impacts due to active management and habitat conservation at site A.	Dune management and restoration at site A.
VERs outside the site but within potential impact distance:			
Teessmouth and Cleveland Coast	1247ha of coastal habitat. Supports internationally important populations of	Short-term negative impact on a small numbers of birds feeding along the foreshore at low tide but this impact is reversible and unlikely to cause a	

VER	Key features that may be affected	Impact assessment	Mitigation
SPA/Ramsar	wetland birds (see Table 9.4). Key habitats supporting these populations near to the application site are sand and shingle areas, intertidal sandflats and mudflats, shallow coastal waters, and rocky shores.	significant effect on the integrity of the site . A potential loss of 5.25ha of sand dune area as a result of coastal squeeze. This represents 0.42% of the total SPA area and 0.78% of the intertidal sub feature for the SPA. Potential for 0.48% of the SPA winter migratory population of Knot and 2.23% of the SPA migratory population of Redshank to be displaced by coastal squeeze. Also small numbers of other species recorded: Oystercatcher, Turnstone, Sanderling, Purple Sandpiper and Ringed Plover. Long-term negative impact on the foreshore area in front of hard defences due to coastal squeeze resulting from sea level rise, unlikely to cause a significant effect to the integrity of the SPA	
Hart Warren Dunes (part of Durham Coast	Unique community of flora within which several nationally scarce species occur (e.g. Rush-leaved fescue <i>Festuca</i>	No significant impact likely during either construction or operation phases on the integrity of this site.	Dune management and restoration at site A.

VER	Key features that may be affected	Impact assessment	Mitigation
SSSI)	<i>juncifolia</i> , Sea barley <i>Hordeum marinum</i> , Spring cinquefoil <i>Potentilla tabernaemontani</i> and Burnt orchid <i>Orchis ustulata</i>). The species-rich dune grasslands are entomologically rich and support colonies of the Durham Argus butterfly <i>Aricia artaxerxes salmacis</i> and Least minor moth <i>Photedes captiuncula</i> .	Potential long-term positive impacts due to proposed active dune management at site A which could enhance flora and fauna diversity within Hart Warren Dune	
Spion Kop Cemetery	Local Nature Reserve (LNR). Contains a species-rich community; ~ 80 species of flora. Flora likely to support diverse fauna including Common blue butterflies and Skylarks.	No significant impacts on the integrity of the site.	None required

1.10 The application site lies immediately adjacent to the Hartlepool North Sands component of the Tees and Hartlepool Foreshore and Wetlands site of Special Scientific Interest (SSSI), which is also a component part of Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. The application site also lies in close proximity to the Durham Coast SSSI.

1.11 The Habitat Regulations require that where a project may potentially have a significant effect on a conservation site of international importance, the LPA undertakes an 'appropriate assessment' to specifically determine the effects of the development on this site. On 10th May 2007 English Nature determined that the project was likely to have a significant effect on the interest features of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. This meant that the LPA were obliged to undertake an appropriate assessment of the project alone and in combination with other projects in order to determine whether it would have an adverse effect on the integrity of the area. The LPA's appropriate assessment is provided at **Appendix A**.

1.12 The assessment considers the effects of the project in terms of the magnitude of habitat loss due to coastal squeeze; disturbance due to increased recreational visits in the context of a narrowing extent of foreshore; disturbance due to construction activities around the coastal defences. After consideration of the above impacts, the Council concludes that, in the long-term, this project will have an adverse effect on the integrity of the Teesmouth & Cleveland Coast SPA through habitat loss. It is also considered that there are potential adverse effects due to an increase in recreational disturbance which cannot be ruled out with certainty. These

adverse effects will be compensated for by the creation of 8ha of inter-tidal habitat adjacent to the same SPA in a location some 10km to the south and with appropriate detailing at the reserved matters stage.

Publicity

1.13 The application has been publicised by site notices, press notices and neighbour notifications.

1.14 Two rounds of public consultation were undertaken, firstly at the time when the original application was submitted and then when further information was submitted concerning the ecological impact of the coastal defence strategy and the alignment of the proposed road.

1.15 A single letter of objection was received from the public in relation the first round of consultation citing concerns about impact on privacy and light and the future protection of the cemetery.

1.16 The second consultation resulted in 4 letters of objection. The objections were entirely focussed on the impact of the proposed road re-alignment and in particular the following issues:-

1. That it would encroach across the landscaped area immediately to the west of the former engine house which would be detrimental to visual amenity.
2. That in so doing the road re-alignment would cut across footpaths and would impede access for the disabled through this area.
3. That it would compromise aspirations to incorporate this green open space as part of a wider linear park to the detriment of residential amenities.
4. Concern that the development will hamper access for emergency vehicles in the event of an accident or a flood event occurring.
5. An alternative traffic flow system has been suggested involving a One Way System along Thorpe Street. This would have the advantage of not damaging the linear park, would slow traffic down and reduce traffic congestion allowing school children to be collected in a safer environment.

1.17 A letter from a resident has been received raising concerns about the potential for vibration if the chimney were to be demolished.

1.18 A letter of support has been received advocating the redevelopment of a derelict site.

1.19 A letter was also received with queries regarding how the site would be demolished, detoxified, dates for demolition and completion of the project and regarding measures for the sea defences.

Copy Letters B

Consultation Responses

1.20 The following consultation responses have been received:-

CABE – Do not wish to comment at this stage.

Cleveland Fire Brigade – No objection

Cleveland Police – no objection, only concern would be the reopening of the Brus Tunnel, without careful consideration given to the possible anti-social behaviour this might encourage.

Durham Heritage Coast – the removal of the prominent chimney and associated industrial complex and the remedial works proposed are welcomed, advocate development of coastal path incorporating provision for cyclists. Consider that there ought to be a greater buffer between the edge of development within area B and the coastal fringe.

English Heritage – No substantive objections but request consideration be given to the impact of development on the former Engine House (letter dated 22 November 2005). Would recommend that public realm improvement works are sought in this area as part of planning agreement.

English Partnerships – No comment to make on the application, however they anticipated 20% affordable housing rather than 10%

Environment Agency – originally objected on flood risk grounds but subsequently no objections subject to conditions to secure environmental protection.

Government Office for the North East - Do not wish to comment at this stage.

Hartlepool Economic Forum – Support the re-development of the site. Site offers very little prospect of attracting any industrial use due to its poor location, infrastructure and condition. Opportunity to provide more executive housing.

Highway Agency – No objections

HSE – The development does not meet the agreed criteria therefore no comment

Natural England - Natural England has commented that it considers the project will be likely to have a significant effect on the interest features of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site and also would be likely to cause damage to the Seal Sands S.S.S.I. Natural England however, has considered the Council's Appropriate Assessment and accepts that the adverse effects on the SPA can be addressed by the creation of compensatory habitat.

New Deal for Communities – Concerns that the proposals could impede the ability of the NDC and Council to regenerate and redevelop inner housing areas because of housing number limits imposed. Request Council considers refusing this application.

North East Ambulance Service - no objection

North East Assembly - The NEA raised some issues of concern in relation to the development resulting in a loss of employment land with a rail transport connection; the lack of public transport access proposed in the scheme; potential detrimental impact on the regeneration of Victoria Harbour; and the lack of any embedded renewable energy. The NEA would no longer see housing numbers as an issue of non-conformity provided there was no detriment to delivering the RSS. However, the NEA reiterate that the council need to be confident that this level of housing development on the site would not have a detrimental impact on the successful delivery of the Victoria Harbour development.

Northumbrian Water – No objection subject to condition

One North East – The Agency has some concerns relating to the provision of a significant amount of additional residential units on the Britmag Magnesia Works site undermining the regeneration proposals at Victoria Harbour and creating an over supply of housing in this area of Hartlepool. The Agency would urge the Council, if minded to approve this application, to impose by condition/agreement appropriate measures to control the phasing of the development to ensure that the site can be developed without harming other proposed housing schemes within the area. Development should be designed to incorporate energy efficiency measures.

PD Ports – Object on basis of excessive housing numbers

Ramblers Association - welcomes proposal, however asks that should footpaths be affected that suitable alternatives are provided.

RSPB – Following the proposal of the compensatory habitat, informally RSPB confirmed that provided this habitat is provided then this would address their concerns. A formal response is anticipated prior to the meeting.

Tees Archaeology – Concerned about loss of / damage to Throston Engine House embankment.

Tees Valley Regeneration - Object on basis of excessive housing numbers.

Tees Valley JSU – Overall the Joint Strategy Committee concludes that the Borough Council should be satisfied that the proposal meets other policies and objectives such as access to services & facilities, public transport links, and the effect on other housing proposals and regeneration projects.

Internal consultees -

Engineering consultancy – no objection to the scheme, subject to conditions which include the provision of coastal defence works to protect the coastline and removal of contaminated material and remediation of the site. Subject to no issues regarding ground stability arising from the ongoing investigations into the nearby former

Anhydrite Mine there would be no objection to the development of this site for residential purposes.

Traffic and Transportation – raise no objections. Planning agreement to develop coastal walkway would be desirable. Travel plan should focus on improving range of linkages between the sites and West View Road for pedestrian and cycle access.

Public Protection – No objection however concerned that building heights should be limited.

Economic Development – supports the proposed redevelopment of the site, it is believed that the land has no employment benefit.

Property Services – comments to be finalised.

Planning Policy

1.21 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

Dco2: States that the Borough Council will pay regard to the advice of the Environment Agency in considering proposals within flood risk areas. A flood risk assessment will be required in the Environment Agency's Flood Risk Zones 2 and 3 and in the vicinity of designated main rivers. Flood mitigation measures may be necessary where development is approved. Where these are impractical and where the risk of flooding on the land or elsewhere is at a level to endanger life or property, development will not be permitted.

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP10: Encourages the provision of public art and craftwork as an integral feature of new development.

GEP17: States that subject to finance the Council will pursue the reclamation and re-use of derelict and disused land, including the area of the former anhydrite mine. Landscaping and tree planting will be included in schemes and account taken of open space and recreational uses and also of the nature conservation value of sites.

GEP18: States that development on potentially contaminated land will be encouraged where the extent of the contamination has been verified, remedial measures have been identified and where there will be no significant risk to occupiers of adjacent properties or adverse effect on the environment.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP5: States that environmental assessment of proposals will be required for all schedule 1 projects and for those schedule 2 projects likely to have a significant effect on the environment. The policy also lists other instances where the Borough Council may require an environmental assessment.

GEP6: States that developers should seek to incorporate energy efficiency principles through siting, form, orientation and layout of buildings as well as through surface drainage and the use of landscaping.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

GN3: Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

HE10: States that the siting, design and materials of new developments in the vicinity of listed buildings should take account of the building and its setting. New development which adversely affects a listed building and its setting will not be approved.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and

accessibility to public transport. The policy also provides general guidelines on densities.

Ind10: States that proposals for underground storage in this area will only be approved subject to criteria set out in the policy relating to risk to people, effect on the aquifer, watercourses and nature conservation sites, and amount and visibility of above ground structures. In these respects particular regard will be taken of advice received from the Health and Safety Executive, the Environment Agency, Hartlepool Water Company and English Nature as appropriate.

PU1: Requires that development proposals be designed to ensure that there is no additional flood risk. Sustainable drainage is encouraged.

Rec1: States that proposals for outdoor recreational developments on this part of the coast will only be approved where the development does not significantly detract from the nature of the surrounding coastal landscape, its effect on nature conservation and on heritage interest and where the development enhances the quiet enjoyment of the coast subject to the provisions of WL1 and WL2. Active pursuits should be located within the Marina, Victoria Harbour and Seaton Carew.

Rec2: Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Rec3: Identifies locations for neighbourhood parks and states that developer contributions will be sought to assist in their development and maintenance.

Rec4: Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Rec5: Identifies this location for the development and improvement of sports pitches.

Rec8: Identifies that this area will be developed for quiet recreational purposes.

Rec9: States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

To2: Supports appropriate visitor-related developments which are sensitive to the setting, character and maritime and christian heritage of this area.

To7: States that green tourism will be promoted through the provision of facilities for observation and interpretation of wildlife and the natural environment.

Tra17: Seeks to preserve access from industrial land to the railway and supports the provision of new rail sidings.

Tra18: Sets out the considerations for the development rail based freight handling facilities including impact on surrounding area and provision of adequate access.

Tra19: States that residential and industrial estates should be designed to ensure adequate access by modes of transport other than the car. Where appropriate, developer contributions will be sought towards improved public transport and alternative transport accessibility.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Tra5: States that provision will be made for a comprehensive network of cycle routes and that new housing and industrial development and highway and traffic management schemes should take account of the need to provide links to the network.

WL1: States that development likely to have a significant adverse effect on an international nature conservation site will be subject to the most rigorous examination and will be refused unless there is no alternative solution or there are imperative reasons of over-riding public interest for the development. Where development is permitted, the use of planning conditions or obligations will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.

WL2: States that developments likely to have a significant adverse effect on SSSIs will be subject to special scrutiny and may be refused unless the reasons for development clearly outweigh the harm to the special nature conservation interest of the site. Where development is approved, planning obligations or conditions will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.

WL3: States that the Borough Council will enhance the quality of SSSIs in a sustainable manner and will seek management agreements with owners or occupiers to protect native species and habitats from damage or destruction.

WL5: States that development likely to have an adverse effect on a local nature reserve will not be permitted unless the reasons for development outweigh the harm to the substantive nature conservation value of the site.

WL8: States that the Borough Council will seek to minimise or avoid any significant adverse impact of a development on the nature conservation interest of a site through the use of planning conditions or obligations where appropriate.

Planning Considerations

1.22 The main considerations in this case are policy issues in terms of the proposed land use and housing numbers, the long term impact of the project on sites of international importance for nature conservation, removal of contamination and industrial dereliction, visual amenity, highway safety and accessibility issues, coastal defence and flood risk, ground stability, conservation and archaeology.

Policy issues

1.23 The site is at a prominent brownfield location and development would transform the outlook from the surrounding area and bring major regeneration benefits. Without a scheme of this type it is difficult to see how this extensive area of dereliction could be improved.

1.24 In terms of housing numbers it is anticipated that the development of this site would not have a detrimental effect on the provision of housing within the town. Whilst a number of consultees expressed concerns about housing numbers, these comments were expressed early in the life of this application, since then developing evidence within the Regional Spatial Strategy, the Strategy Housing Market Assessment and the Tees Valley growth point proposals have demonstrates significant housing needs.

1.25 The Proposed Modified RSS Policy 30 sets out the housing provision for Hartlepool for the period up to 2021 and indicates there is a need for additional housing in Hartlepool area and this would support the Council's intentions for growth. Although not allocated in the Local Plan the site has subsequently been identified in the borough's five year land supply. The addition of 480 residential units is therefore acceptable in principle.

1.26 The proposed new link road into the site would cross over parts of Central Park and the proposed neighbourhood park (Rec3). However the proposal does include the provision of open space within the application site, which can be considered as a compensatory measure for the loss of some of the recreational land of Central Park. As indicated below, without the provision of a road of this nature, development of this scale would not be acceptable in highway terms

1.27 Policies Tra17 & Tra18 relating to rail use and rail sidings seek to preserve such facilities where they exist. The Economic Development Manager considers this line to be of little benefit in economic terms. The loss set against the overall regeneration benefits from the scheme are not therefore considered significant.

1.28 The development proposes a mix of type of unit and density across the site and as such largely complements the findings of the Regional Housing Aspirations Study carried out in 2005.

1.29 One North East and The North East Assembly have raised some concerns in relation to the development resulting in a loss of employment land with a rail transport connection; the lack of public transport access proposed in the scheme; potential detrimental impact on the regeneration of Victoria Harbour; and the lack of any embedded renewable energy. These concerns remain.

1.30 In terms of housing provision, there has been a change in policy context since the conformity response was submitted in 2005, with the government's aims to deliver 3 million homes by 2020. Given this emphasis on housing growth, Regional Spatial Strategy (RSS) housing allocation figures are no longer considered a ceiling for housing development. Therefore, despite the fact that Hartlepool is over the

dwelling figures as set out in RSS further proposed changes (February 2008) for the period, the NEA would no longer see this as an issue of non conformity provided there was no detriment to delivering the RSS. However, the NEA would reiterate that the council need to be confident that this level of housing development on the site would not have a detrimental impact on the successful delivery of the Victoria Harbour development.

1.31 It has to be acknowledged that the Victoria Harbour scheme has not been approved to date. Notwithstanding this it is considered that phasing conditions can ensure compatibility between the two schemes. It is considered the other issues raised by NEA and ONE can be addressed by conditions.

1.32 In the event of planning permission being approved there is scope to negotiate a number of community benefits under Policy GEP9. These are currently being discussed and will be reported accordingly, these include compensatory habitat creation, site clearance and reclamation, provision of footpaths/cycleways, affordable housing and the maintenance of open space within the site.

Impact on SPA

1.33 This issue has generated prolonged investigation and negotiation.

1.34 Natural England has commented that it considers the project will be likely to have a significant effect on the interest features of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site and also would be likely to cause damage to the Seal Sands S.S.S.I. The concerns were essentially threefold:-

1. That the proposed coastal defence scheme would ham the integrity of the SPA due to the projected long term loss of some 5.25 hectares of foreshore habitat to coastal squeeze.
2. That the construction activities would cause disturbance to SPA bird interests.
3. That the additional resident population in close proximity to the SPA would have an adverse effect on birds as a result of recreational activities.

1.35 As already indicated this meant that in accordance with the Habitat Regulations the Local Planning Authority is obliged to undertake an 'appropriate assessment' of the project to assess its impact on the SPA. The findings of this assessment are thus considered below.

1.36 With respect to the construction of coastal defences it was acknowledged that this has the potential to result in visual and noise disturbance to a small number of birds. It was concluded that the solution would be to undertake working during the summer period to avoid any effects on wintering waterfowl and migratory species.

1.37 With respect to increased disturbance in the long term, it is considered that the development would result in an estimated 1200 residents which will cause an increase in disturbance from recreational activities, particularly dog walking. A number of mitigating measures are identified including the formation of a coastal path that will channel walkers away from the SPA and reduce the unpredictability of visual disturbance; continuing access to designated points and the use of signage to

discourage activities likely to have an adverse effect on the SPA. Nevertheless due to the unpredictable nature of informal recreation it is not possible to conclude no adverse effect, therefore the potential effects are assessed as being uncertain.

1.38 Turning to the issue of habitat loss it is accepted that the installation of the hard coastal defence works will serve to prevent erosion of the coastline. Combined with the onset of climate change and sea level rise it is anticipated that this will result in coastal squeeze. It is predicted that some 5.25 hectares of intertidal habitat will be lost, equivalent to 0.42% of the total SPA area over a period of 100 years. This has the potential to hold up to 7.8% of the SPA wintering population of Knot and 5.6% of the wintering population of Redshank at low tide. It must be accepted that the 5.25ha that would be lost only represents a proportion of the intertidal habitat in front of the proposed coastal defences, therefore it is likely that only a proportion of the above birds would be affected. It is important to bear in mind however that the progression of coastal squeeze would be a gradual process over an extensive timeframe with the full extent of the physical area not lost until 2085.

1.39 After consideration of the above impacts, the Council's Ecologist concludes that, in the long-term, this project will have an adverse effect on the integrity of the Teesmouth & Cleveland Coast SPA through habitat loss. Also potential adverse effects due to an increase in recreational disturbance cannot be ruled out with certainty.

1.40 In circumstances where it is not possible to ascertain that a development will not have an adverse effect on the integrity of the SPA, the Habitat Regulations specify that a clearly defined sequence of considerations are to be undertaken before an application is finally determined.

1.41 The first consideration in this sequence of steps is the question of whether there are alternative solutions that would have a lesser effect, or avoid an adverse effect on the integrity of the site.

1.42 Two alternative coastal defence solutions were given consideration. This comprised 1) the construction of an off-shore artificial bar which would reduce the erosion effects of waves lifting the coastline. The cost of this solution has however been assessed at some £16.8 million. The agent has provided figures to show that this would have led to a funding gap of some £3.3 million taking into account the redevelopment value of the site together with the costly remediation measures. Therefore given that this is not financially practicable it is accepted that this cannot be properly regarded as a sensible alternative. 2) The exclusive use of hard defences only, was also deemed unacceptable due to the prevention of dune-beach interaction leading to greater breakdown, and the cut back and outflanking down drift of defences that would occur. Again this was not considered as a practical alternative.

1.43 Having concluded that there are no alternative solutions the Local Planning Authority are then required to consider whether a priority habitat or species on the site might be adversely affected. The answer to this is that this would not be the case.

It is then necessary to consider whether there are imperative reason of overriding public interest which could be of a social or economic nature sufficient to override the potential adverse effect on the integrity of the SPA. As indicated in the sections below, it is considered that there are such imperative reasons.

1.44 Acknowledging this the developer has agreed in principle to enter into a legal agreement to ensure that these adverse effects will be compensated for by the creation of 8ha of inter-tidal habitat adjacent to the same SPA in a location some 10km to the south, and by careful design within the scheme.

1.45 Natural England concurs with the Council's conclusion of the Appropriate Assessment and accepts that the adverse effects to the SPA can be addressed by the creation of compensatory habitat.

Physical Regeneration

1.46 It is considered that the development offers the only viable opportunity of significant physical improvement to what is currently a derelict eyesore in a very prominent location. The environment of the site will be improved through decontamination, clearance and the development of access to open space and the coastline. The extent of industrial pollution on the site is significant and is projected to cost up to £8 million to remediate. This will not be achieved without residential redevelopment of the sites of sufficient scale and quality to generate the necessary value to fund such costs. The influx of residents is also anticipated to be beneficial to the local economy.

Coastal Defence Works

1.47 The coastal defence works would serve to help protect the town and it is considered to be a significant economic advantage that this could be achieved from private finance rather than resorting to the public purse. Without these works, which are estimated at £8million (without factoring in maintenance costs) it is projected that the contaminants on site will eventually fall onto the beach/into the sea and have an adverse effect on the integrity of the SPA.

1.48 The accompanying documentation to the application covers key uses such as contamination and cliff stabilisation. The stability of the cliffs is a particular concern given the amount of coastal erosion that has occurred over recent years and the unstable nature of the fill material within the site.

1.49 Should the site not be redeveloped and coastal defence not be implemented according to the modelling study which has been carried out by the agent, sea level rise from climate change will result in a 50m loss in beach along Hartlepool North Sands over 100years. The impacts arising from this scenario have serious implications for the integrity of the SPA as a direct result of the continuing erosion of the existing line of defence which will allow continued and progressive contamination of the foreshore through release of contaminated material currently contained behind it. This could lead to detrimental impacts on wetland birds either directly through loss of food resources or indirectly through the effects of bioaccumulation of toxic contaminants through the food chain.

Antisocial behaviour, crime/vandalism

1.50 The redevelopment of this site would remove the site's uncertain future. It has been well documented that the site is suffering from anti-social behaviour, theft and trespass. Recently there has been a public safety issue in terms of debris falling onto the public highway and striking a passerby. The redevelopment of the site will remove the focus for these problems in the short term and provide an attractive long term solution to the area in such a prominent location.

Highway safety and accessibility issues

1.51 The application proposes the provision of a roundabout west of the Throston Engine House with a new road linking to Old Cemetery Road to West View Road. It is proposed that Old Cemetery Road will be stopped up immediately north of the junction with Penrith Street, following construction of the new link road.

1.52 The Council's Traffic and Transportation team have assessed the information provided and consider that the position of the proposed roundabout to be acceptable in highway terms. As the application is in outline there is no indication of parking provision for the development, however it is anticipated that the required parking can be sufficiently accommodated within the site.

1.53 There may be a requirement for traffic calming and traffic regulation orders on Old Cemetery Road, however at this stage it is considered that this can be conditioned.

1.54 There is potential with this application for the inclusion of cycleways/footpaths within the site which would link up to an existing route, this is still being discussed. This is one of the key strategies of the Council's Cycle Strategy Plan.

1.55 The Highways Agency have no objection to the proposal and have confirmed that the proposed development is not considered to have a material impact on the trunk road network.

Visual Amenity

1.56 In terms of visual amenity as already highlighted the site is prominent and can be viewed throughout the town, by the areas to the north and from the main Middlesbrough to Newcastle railway line. It is a gateway site which is currently an eyesore detrimental to the town's aspirations for growth and image. It is considered that this application represents the only opportunity for the Council to be proactive in tackling a problem site with a view to long term physical improvements.

Ground stability

1.57 The Council's Engineering Consultancy Team have commented that subject to no issues regarding ground stability arising from the ongoing investigations into the nearby former Anhydrite Mine there would not be any objection to the development of

this site for residential purposes. It is anticipated that a report will be available on this matter within a month.

Conservation and Archaeology

1.58 The Council's Landscape and Conservation Manager has assessed the scheme and has concerns regarding the effect the development would have on the Throston Engine House which is a Grade II Listed Building and its relationship to the adjoining land. There is concern that the context and setting of the Engine House would be lost through the provision of the roundabout, making it an isolated building.

1.59 On the other hand English Heritage have no substantive observations to make on this application, and are satisfied that the proposals will have no impact on designated sites or features of heritage importance. However they are conscious of the possible implications for the Throston Engine House and have advised that the Council progress with securing improvements to the public realm in its vicinity, and its visual and operational linkage with other sites and users.

1.60 There are areas where there is archaeological interest within the site, therefore Tees Archaeology consider conditions to assess the areas as prudent, should the application be successful. Tees Archaeology have objected to the proposed access arrangements on the basis that it will damage an important cultural asset (the Throston Engine House).

1.61 It is difficult to reconcile the various comments about Throston Engine House. It is considered that it would be difficult to secure any sustainable improvements given that the building is in private ownership with no certainty of long term viable use. Accordingly it is considered that the wider regeneration benefits should outweigh the limited detrimental impact in this case.

1.62 The application site does not include the Spion Kop, there are no concerns regarding the effect of the development on this cemetery.

Conclusion

1.63 This application for residential development on a site not previously allocated for such use has generated a wide range of planning issues. In particular, the proposals relationship with the internationally important Special Protected Area has necessitated prolonged investigation of options.

1.64 PPS 9 (Biodiversity and Geological Conservation) is concerned that planning decisions should aim to prevent harm to biodiversity and geological conservation interests. Where harm is likely to be caused the LPA will need to be satisfied that the development could not be located on an alternative site that would result in less or no harm. In the absence of alternatives adequate mitigation measures, compensation measures should be put in place.

1.65 Satisfactory compensatory habitat can be provided in this case and it is considered that there are clear imperative reasons of overriding public interest as to

why the site should be developed. On this basis it is considered that the scheme accords with PPS9 guidance.

1.66 Further the proposal will contribute significantly to Hartlepool's potential housing supply and is considered to present a major opportunity for the Council to protect an eroding coastline and remove a prominent blot on the town's landscape.

1.67 Consultees comments have drawn attention to the proposals relationship with the Victoria Harbour project. The changing context of housing numbers, however reduces the potential for any adverse impacts.

1.68 Most fundamentally, the consideration of relevant policy, the nature conservation considerations and the economic viability issues leads to the conclusion that the negotiated proposal represents the only practical means of putting the application site to positive use and eliminating the environmental and safety problems presented by the sites current condition, whilst at the same time providing acceptable compensatory habitat for the loss of SPA.

1.69 It is for these reasons that it is therefore recommended that Members indicate that they are minded to approve the application. In this event the application must be referred to the Secretary of State in line with regulation 49(5) of the Habitat Regulations 1994 for consideration.

1.70 Conditions and heads of terms for the proposed Section 106 agreement continue to be discussed. An update will be provided with proposed conditions and heads of terms for the legal agreement.

RECOMMENDATION: Members are minded to approve this application, subject to conditions and the applicant entering into a legal agreement to secure planning gain.

<p align="center"><u>APPROPRIATE ASSESSMENT OF A PROPOSAL LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE</u></p> <p align="center">CONSERVATION (NATURAL HABITATS & C.) REGULATIONS, 1994</p>			
PART A: The Proposal			
<p>1. Type of permission: Outline planning permission</p>	<p>2. Application reference: H/2005/5254</p>	<p>3. National Grid reference: NZ5035/NZ5135/NZ5130</p>	<p>'P' Number(s):</p>
<p>4. Map of Application site and Peat Permission reference(s) Map Attached – Yes / No</p>	<p>5. Brief description of proposal:</p> <p align="center">Outline application for residential development, open space and associated means of access.</p>		
<p>6. European site name(s):</p>	<p>Teesmouth and Cleveland Coast SPA/Ramsar</p>		

7. List of interest features:

SPA Features:

- A. Supports populations of European importance of the following species, listed on Annex 1 of the EU Birds Directive: **Little Tern**, 37 pairs representing at least 1.5% of the breeding population in Great Britain; **Sandwich Tern**, 2,190 individuals representing at least 5.2% of the population in Great Britain on passage migration.
- B. Supports populations of European importance of the following migratory species: **Ringed Plover**, 634 individuals on passage migration, representing at least 1.3% of the Europe/Northern Africa wintering population; **Knot**, 4,190 individuals representing at least 1.2% of the wintering Northeastern Canada/Greenland/Iceland & Northwestern Europe population; **Redshank**, 1,648 individuals representing at least 1.1% of the wintering Eastern Atlantic population.
- C. Over winter, regularly supports 21,406 individual waterfowl including Sanderling, Lapwing, Shelduck, Cormorant, Redshank & Knot.

APPROPRIATE ASSESSMENT OF A PROPOSAL LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE

CONSERVATION (NATURAL HABITATS & C.) (Continued)

PART B: Identification of effects being considered and relevant features affected			
Significant effect being considered (attribute affected)	Affected qualifying feature(s)	Favourable condition target(s) for relevant feature(s) based on conservation objectives set for SPA/ Ramsar	Contribution of attribute(s) to site integrity (ecological structure and functioning of site)
Loss of sand flat habitat due to coastal squeeze resulting from the interaction between predicted sea level rise and new areas of proposed coastal defences.	Assemblage of over 20,000 waterfowl in the winter Populations of European importance of migratory species.	Subject to natural change, maintain in favourable condition the habitats for the internationally important populations of the regularly occurring migratory bird species, under the Birds Directive, in particular: Rocky shores; intertidal sandflat and mudflat; saltmarsh.	The foreshore sandflats that would be affected by this proposal are an important roosting area for wintering waterfowl and migratory species and, to a lesser extent, a feeding area for those birds.
Disturbance due to construction of the coastal defences could prevent bird species from feeding or cause them to make additional movements thus using up energy stores.	Assemblage of over 20,000 waterfowl in the winter Populations of European importance of migratory species.	Subject to natural change, maintain in favourable condition the habitats for the internationally important populations of the regularly occurring migratory bird species, under the Birds Directive, in particular: Rocky shores; intertidal sandflat and mudflat; saltmarsh.	The foreshore sandflats that would be affected by this proposal are an important roosting area for wintering waterfowl and migratory species and, to a lesser extent, a feeding area for those birds.
Disturbance due to an increase in the number of people living adjacent to the SPA resulting in an increase in recreational activities on the SPA. This could prevent bird species from feeding or cause them to make additional movements thus using up energy stores.	Assemblage of over 20,000 waterfowl in the winter Populations of European importance of migratory species.	Subject to natural change, maintain in favourable condition the habitats for the internationally important populations of the regularly occurring migratory bird species, under the Birds Directive, in particular: Rocky shores; intertidal sandflat and mudflat; saltmarsh.	The foreshore sandflats that would be affected by this proposal are an important roosting area for wintering waterfowl and migratory species and, to a lesser extent, a feeding area for those birds.

APPROPRIATE ASSESSMENT OF A PROPOSAL LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE

CONSERVATION (NATURAL HABITATS & C.) (Continued)

PART C: Assessment				
Significant effect being considered (attribute affected)	Adverse Effect of proposal alone on attribute and/or feature and in relation to conservation objective for the feature	Adverse Effect of proposal in combination with other plans or projects, on attribute and /or feature	Can adverse affects be avoided?	Adverse affect on integrity; long term, short term. Yes, no or uncertain?

<p>Habitat Loss due to coastal squeeze resulting from the interaction between predicted sea level rise and new areas of proposed coastal defences.</p>	<p>It is predicted that 5.25ha of intertidal habitat will be lost due to coastal squeeze resulting from a predicted sea level rise associated with global climate change. This is equivalent to 0.42% of the total SPA area and 0.78% of the intertidal area sub feature for the SPA.</p> <p>Based on current figures for bird usage of the SPA, the mean of the number of birds counted at high tide, when the birds are roosting, shows that the area in front of the proposed coastal defences holds 2.91% of the SPA Knot population and 4.25% of the Redshank population. The equivalent figures for low tide are 0.48% of the SPA's Knot population and 2.23% of its Redshank population. The mean figures at low tide were based on a relatively small sample of three counts and the maximum counts from this data show that this area has the potential to hold up to 7.8% of the SPA wintering population of Knot and 5.6% of the SPA wintering population of Redshank at low tide. The 5.25ha that would be lost only represents a proportion of the intertidal habitat in front of the proposed coastal defences, therefore it is likely that only a proportion of the above birds would be affected.</p>	<p>The Coatham Endosure project; Northern Gateway Container Terminal (NGCT) project and the LNG/CHP Plant project were assessed for potential in-combination effects.</p> <p>The NGCT project will not result in the loss of any intertidal areas and was assessed as not producing any in combination effects.</p> <p>The LNG/CHP Plant will result in the loss of an area of land used for roosting by Curlews. However this area is not on the SPA and will be compensated for therefore it was also assessed as not producing any in combination effects.</p> <p>There is potential for very minor in-combination effects, in terms of loss of roosting habitat for Redshanks with the Coatham Endosure project, though this loss is not certain, and will be temporary in nature.</p>	<p>The proposal would provide some mitigation in that the coastal defences would prevent the continued spread of contaminated material on to the SPA though it has not been established that this in itself would fully compensate for the adverse effect of the loss of habitat.</p> <p>The coastal defences would also provide some high tide roosting opportunities though it is uncertain as to whether these would be used.</p>	<p>Yes, though this would be long term. There will be a gradual loss of habitat with the loss of the full 5.25ha predicted to take in the region of 85-100 years.</p> <p>The adverse effects will be compensated for by a contribution to a maximum of £800k towards the creation of 8ha of inter-tidal habitat. It is proposed to create the intertidal habitat adjacent to another existing area of the Teesmouth & Cleveland Coast SPA. The compensatory habitat would be in place some decades before the full habitat loss will occur.</p>
--	---	--	--	---

Disturbance due to construction of the coastal defences could prevent bird species from feeding or cause them to make additional movements thus using up energy stores.	The construction of the coastal defences could potentially result in visual and noise disturbance to a small number of birds that roost at the base of the cliffs at high tide and to birds feeding on the foreshore at low tide.	No	Construction of the coastal defences will be undertaken during the period April – October inclusive to avoid any effects on wintering waterfowl and migratory species. Construction will use a tracked excavator or soft balloon tyred excavators. A designated construction corridor will be agreed with Natural England with no movement of plant in the lower beach area beneath this designated zone.	No, given the proposed mitigation
---	---	----	--	-----------------------------------

Disturbance due to an increase in the number of people living adjacent to the SPA resulting in an increase in recreational activities on the SPA. This could prevent bird species from feeding or cause them to make additional movements thus using up energy stores.	The proposal will result in almost 500 homes being built adjacent to the SPA with an estimated 1200 residents. This could result in an increase in disturbance from recreational activities; in particular dog walking, the activity causing the highest levels of disturbance, is broadly estimated to increase threefold. Currently levels of disturbance are low, approximately 4 dog walkers per hour with approximately one in five of these causing disturbance to the birds. This gives an average of slightly less than one disturbance event per hour, with most of the disturbance causing the birds to fly less than 50m. The mean peak count of wetland birds in the area is approx 3% of the SPA population but given the spatial and temporal distribution of the birds and the recreational activities only a proportion of these birds would be affected by increased disturbance. The effects of disturbance will be slightly exacerbated over time as coastal squeeze will cause a decrease in the inter-tidal area bringing birds and recreational activities into closer proximity	No	A number of measures are proposed that will limit the amount of disturbance on the SPA. These will include the formation of a coastal path that will channel walkers away from the SPA and reduce the unpredictability of visual disturbance; confining access to designated access points; positive signage to discourage activities likely to have an adverse effect on the SPA	In spite of the mitigation measures proposed the inherent unpredictability of informal recreation would mean that the effects on the SPA are at best uncertain.
--	--	----	---	---

APPROPRIATE ASSESSMENT OF A PROPOSAL LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE**CONSERVATION (NATURAL HABITATS & C.) (Continued)****PART D: Council's Conclusion****CAN IT BE ASCERTAINED THAT THE PLAN OR PROJECT WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE EUROPEAN SITE(S)? YES/NO NO**

(Please provide explanation for answer given and attach any relevant supporting information)

Three potential adverse impacts on the SPA have been identified as resulting from this proposal: habitat loss due to coastal squeeze; disturbance due to increased recreational visits in the context of a narrowing extent of foreshore; disturbance due to construction activities around the coastal defences.

Disturbance due to construction of the coastal defences will be avoided by timing the works to occur over the summer period, thus avoiding the periods when wintering and migratory birds are present.

The proposal will result in an increase in recreational visits to the North Sands area of the SPA. Whilst it isn't possible to accurately predict what these increased levels will be the potential for disturbance is relatively low given the somewhat differential distribution of SPA birds and recreational activities, both spatially and temporally. The potential for disturbance will be further reduced by mitigation measures aimed at encouraging recreational visitors to use the coastal path and designated access points as well as increasing awareness of the SPA and its interest features achieved via signage and interpretation. Nevertheless due to the unpredictable nature of informal recreation it is not possible to conclude no adverse effect therefore the potential effects are assessed as being uncertain.

Habitat loss will occur in the long term as sea level rise causes a loss of foreshore between the sea and the coastal defences. A total of 5.25ha will be lost over a period of 85-100 years. The intertidal habitat in front of the coastal defences typically holds 2.91% of the SPA Knot population and 4.25% of the SPA Redshank population at high tide and 0.48% of the SPA's Knot population and 2.23% of its Redshank population at low tide. A proportion of these birds will be displaced as a result of this proposal. The proposed coastal defences will prevent contaminated material from falling onto the SPA. Whilst this is a positive effect it has not been established that this qualitative improvement would compensate for the quantitative loss of habitat.

No in-combination effects are anticipated other than the potential temporary loss of a Redshank roost as part of the Coatham Endosure project however this loss is by no means certain and would, in any case, be of very minor impact.

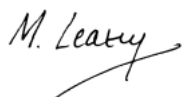
After consideration of the above impacts, the Council concludes that, in the long-term, this project will have an adverse effect on the integrity of the Teesmouth & Cleveland Coast SPA through habitat loss. Also potential adverse effects due to an increase in recreational disturbance cannot be ruled out with certainty. These adverse effects will be compensated for by the creation of 8ha of inter-tidal habitat adjacent to the same SPA in a location some 10km to the south.

Name of Assessing Officer: Ian Bond**Name of Supervising Officer:** Chris Pipe

Job Title: Ecologist	Job Title: Principal Planning Officer
Signed:	Signed:
Date: 20-05-08	Date: 20-05-08

APPROPRIATE ASSESSMENT OF A PROPOSAL LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE

CONSERVATION (NATURAL HABITATS & C.) (Continued)

PART E: Consultation with Natural England on Part D	
Natural England comment on conclusion: Some further detail could be usefully inserted into Part C of the document regarding the construction period of the new coastal defences, and any other construction-related practices that will be employed to reduce potential disturbance. Natural England concurs with the conclusion of the Appropriate Assessment.	
Name of EN Officer: M Leakey	Job Title: Adviser, East Durham & Tees Valley Team
Signed: 	Date: 23 May 2008

No:
Number: H/2005/5254
Applicant: Culford Ltd 11 Bury New Road Manchester M25 9JZ
Agent: SCA Planning Lazenby House St Mongahs Court
Copgrove Harrogate HG3 3TY
Date valid: 30/03/2005
Development: Outline application for residential development open
space and associated means of access
(AMENDED PLANS AND FURTHER ENVIRONMENTAL
INFORMATION RECEIVED)
Location: BRITMAG LTD OLD CEMETERY ROAD HARTLEPOOL
HARTLEPOOL

UPDATE

1.1 Since the writing of the original Committee Report it has come to light that 1 further objection letter from a resident was not included in that report, which cited concerns regarding the opening up of Howard Street. 1 letter of support and 3 letters with general comments which are of no significance to the details of the scheme were also omitted from the original report.

1.2 As indicated in the original report discussions are ongoing regarding the Heads of Terms for the Legal Agreement, however there is an agreement in principle for:

1. The creation of compensatory habitat;
2. The provision and maintenance of Coastal Defence Works;
3. Decontamination of the site
4. Initial clearance & making safe the site;
5. The creation of, and financial contribution towards the maintenance of the coastal footpath/cycleway;
6. 10% Affordable Housing within the development;
7. Financial contribution towards the improvement/upgrade of nearby recreational area(s);
8. Financial contribution towards the improvement of the Spion Kop Cemetery Wall;
9. Training and Employment for local labour during the construction works;
10. Financial contribution towards the maintenance of the recreational area/landscaped areas within the site, although there is scope for the developer to maintain these areas under a management agreement;

1.3 It is for the reasons detailed in the original Committee report that the scheme is therefore recommended that Members indicate that they are minded to approve the application. In this event the application must be referred to the Secretary of State in line with regulation 49(5) of the Habitat Regulations 1994 for consideration.

RECOMMENDATION – MINDED TO APPROVE subject to a legal agreement under s106 of the Planning Act in respect of the matters in 1-10 above and the following conditions.

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of five years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale, appearance of the building(s) and landscaping (herein called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid.
3. Save for the area of open space and the ecologically sensitive area shown within area A of the Illustrative Concept Master Plan, the Master Plan and details of the building heights submitted with the application shall be treated as being for illustrational purposes only and shall not be taken as an approval by the Local Planning Authority of the layout of the site, the disposition of buildings thereon or building heights. Such details shall be considered as part of the reserved matters application(s) required by condition 1.
For the avoidance of doubt and to clarify the extent of the permission.
4. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. If the site is developed on a phased basis the applicant shall provide with each phase the reserved matters required to be submitted with that phase and any other relevant details required by any of the other conditions below for approval by the Local Planning Authority.
To clarify the extent of the permission.
5. Unless otherwise agreed in writing by the Local Planning Authority within 3 months from the grant of this permission the application sites shall be cleared and levelled in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.
In the interests of visual amenity.
6. Notwithstanding the submitted details and the provisions of condition 4 no development shall take place unless in accordance with a mitigation scheme for the protection of breeding birds and other ecological receptors to be first submitted to and approved in writing with the Local Planning Authority.
To conserve protected species and their habitat.
7. Unless otherwise agreed in writing notwithstanding the provisions of condition 4 no development shall commence until a scheme for the fully detailed final design and extent of coastal defence works including a dune management plan and programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved coastal defence works shall be carried out in accordance with the approved details and prior to occupation of any dwelling within any of the agreed phases, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of coastal protection.
8. A scheme for a designated construction corridor in connection with the construction of the coastal defence works shall be submitted to and agreed in writing with the Local Planning Authority. Equipment to be used during these

- construction works shall be tracked excavators or soft -tyred excavators only, unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of the protection of the SPA.
9. Unless otherwise agreed in writing with the Local Planning Authority the construction of the approved coastal defence works shall only take place between April and October inclusively.
In the interests of protection of wintering waterfowl and migratory species.
 10. Notwithstanding the provision of condition 4 a Habitat Restoration and Management Plan for the nature conservation area identified in area A as The Ecologically Sensitive Area on the submitted Illustrative Concept Master Plan, including a programme of works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of enhancing the nature conservation value of the area.
 11. Notwithstanding the submitted Illustrative Concept Master Plan the area identified as a formal recreational area (within area A of the said plan) shall be provided as an area of informal recreation in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. This scheme shall include a long term maintenance plan and a programme of works. Thereafter the scheme shall be developed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of providing appropriate recreational space.
 12. A scheme for the provision of the coastal footpath/cycleway including access points and signage to the beach shall be submitted to and agreed in writing by the Local Planning Authority; thereafter the scheme shall be implemented in accordance with a programme of works to be agreed with the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of providing recreational routes and in the interests of the protection of the SPA.

NOTE: Conditions 13-30 are those proposed by the Council's Engineering Consultancy Team and the Environmental Agency, there is duplication and we are seeking to rationalise them.

13. A programme for decontamination of the site including a remediation statement shall be submitted to and agreed in writing by the Local Planning Authority, this shall include a programme of works and shall be carried out in accordance with phasing to be agreed with the Local Planning Authority.
In the interests of the removal of contaminated materials for the site.
14. The development hereby permitted shall not be commenced until a desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled

waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

15. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;

- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

16. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

17. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local

Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

19. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

20. If as a result of the investigations required by the conditions above, landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country

Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

To enable the Local Planning Authority to exercise control to ensure land fill gas protection measures

21. No development approved by this permission shall be commenced until:
 - a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and
 - a refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements
 - c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
 - d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site. To protect Controlled Waters and ensure that the remediated site is reclaimed to an appropriate standard.
22. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the applicant has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with. To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.
23. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

- To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.
24. The development of the site should be carried out in accordance with the approved Method Statement.
To ensure that the development complies with approved details in the interest of protection of Controlled Waters.
 25. No development approved by this permission shall be commenced until a scheme for the provision of surface water and foul water drainage works including flow attenuation and proposals for overcoming any capacity shortfall in the public sewers and pumping stations to which the development would connect has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
 26. Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.
To prevent pollution of the water environment.
 27. Roof drainage downpipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run-off.
To prevent pollution of the water environment.
 28. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
To prevent pollution of the water environment.
 29. During the construction period, and where relevant afterwards, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
To prevent pollution of the water environment.
 30. No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been agreed submitted to, and approved in writing by, the Local Planning Authority. No buildings hereby permitted shall be occupied until such improvements and/or extensions have been fully commissioned in accordance with the approved scheme.
To prevent pollution of the water environment.

31. Notwithstanding the submitted plans, details of the siting and design of an emergency vehicular access to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented after the occupation of 50 dwellings and retained in accordance with the approved details.
In the interests of highway safety.
32. The Brus Tunnel shall not be used by vehicular traffic unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
33. A scheme for lighting the Brus Tunnel shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of providing a safe pedestrian route
34. The development layout shall be designed to facilitate a bus service, unless otherwise agreed in writing by the Local Planning Authority.
To promote alternative means of access
35. Unless otherwise agreed in writing the development shall not commence until a scheme for traffic regulation orders and traffic calming measures on Old Cemetery Road including a programme for implementation, has first been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance of the approved details.
In the interests of highway safety.
36. A scheme for pedestrian crossings on 1) West View Road and 2) Old Cemetery Road, including a programme for implementation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
37. Notwithstanding the submitted plans, final details for the roundabout, including sections and levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the roundabout shall be provided in accordance with the approved details.
In the interests of highway safety and potential affect on a Listed Building.
38. Unless otherwise agreed in writing by the Local Planning Authority, no more than 100 dwellings shall be completed and available for occupation prior to the completion of the link road and roundabout, which shall be available for use at all times thereafter.
In the interests of highway safety.
39. Prior to the occupation of the first dwelling, a 'Travel Plan Framework' shall be submitted to and agreed by the Local Planning Authority. Such a Travel Plan Framework shall clearly indicate the measures to be undertaken to reduce dependency on private cars associated with the development together with targets and timescales for the achievement of such measures. Thereafter a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented within 6 months of the first occupation of the development. The Plan shall continue in operation at all times as approved unless otherwise agreed in writing by the Local Planning Authority.
In the interests of controlling vehicle congestion on the highway network.
40. A scheme for the provision of public art/landmark features, including a programme of works, which are identified on the hereby approved Master

Plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of visual amenity.

41. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To encourage sustainable development.

42. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording and analysis in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.

As the building is of historic significance the specified record is required to mitigate impact.

43. No development shall take place within the area indicated until the applicant, or their agents, or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority. Where important archaeological remains exist provision should be made for their preservation in situ.

The site is of archaeological interest.

44. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the completion of that phase.

In the interests of crime prevention

ITEM OF ANY OTHER BUSINESS

No: 1
Number: H/2007/0354
Applicant: Mr Nick Topp Norton Fabrication Ltd Ross Road Stockton
 On Tees TS18 2NW
Agent: England & Lyle Mr Jeremy Good Morton House Morton
 Road Darlington DL1 4PT
Date valid: 27/06/2007
Development: Residential development comprising 108 apartments in 3
 and 4 storey blocks with associated access, below ground
 level parking, landscaping and other works
 (AMENDED PLANS AND SUPPORTING INFORMATION
 RECEIVED)
Location: FORMER GREENLAND CREOSOTE WORKS
 CLEVELAND ROAD HARTLEPOOL

Update

1.1 This application was deferred at the previous meeting so that discussions could take place with Hereema. The company originally objected to the scheme due to the potential constraining effects the provision of residential accommodation on the site could have on their existing and future business operations on the nearby site.

1.2 The suggested planning condition (no.13) requiring acoustic glazing and acoustic ventilation on all habitable rooms on the south and east elevations of the development has been discussed with them. It is anticipated that a letter will be submitted from Heerema prior to the meeting, which sets out their agreement to the condition.

1.3 The original report is reproduced below.

The Application and Site

1.4 Detailed planning permission is sought for the construction of 108 apartments in 2 blocks, which vary between 3 and 4 storeys in height on what is currently a derelict industrial site on Cleveland Road. Some 162 car parking spaces would be provided below ground floor level.

1.5 The proposed development comprises 88 2-bedroom apartments and 20 3-bedroom apartments.

1.6 The site was formally occupied by Greenland Creosote Works and is situated in an area historically associated with industry. It is fairly low lying, sloping from west to east with a fall of around 1 metre from the adjacent road level. There are currently the derelict remnants of former industrial buildings on the site.

1.7 There is a watercourse flowing from north to south in the eastern part of the site. A part is open and the remainder is culverted. The site is bounded to the south by open land running up to a railway embankment, to the east by Greenland Road and to the north by Cleveland Road. The vacant land to the south and east forms part of the neighbouring Victoria Harbour Site.

1.8 The application seeks to create a new access into the site from Cleveland Road. This would facilitate access to both the lower ground level parking area and the ground floor hardstanding area around the apartment blocks for emergency and refuse vehicles.

1.9 The applicant has offered to enter a planning agreement involving a financial contribution towards the provision of offsite play facilities (£27,000) and housing clearance and renewal measures (£63,500).

1.10 The application is accompanied by an Environmental and Transport Statement, a Flood Risk Assessment and a proposed Travel Plan.

Publicity

1.11 The application and associated Flood Risk Assessment has been amended since originally submitted. A re-consultation exercise has been undertaken.

1.12 An error occurred regarding the number of proposed apartments referred to in the Transport Statement, which was uploaded to the Council's Public Access Portal. This matter was acknowledged through the re-consultation exercise. The Transport Statement actually forms part of the Environmental Statement and considers the highway implications of the proposed 108 apartments.

1.13 The application was originally advertised by way of neighbour letters (27), a site notice and a press notice. To date, there have been one letter of no objection and 1 letter of objection to the scheme and two letters of comments. One of the letters is from a local resident. The remaining three are from PD Ports, Heerema and Tees Valley Regeneration.

1.14 No additional letters were submitted following the re consultation exercise, however the original objections related to the following:-

1.15 The concerns raised by Heerema are as follows:

- i) That the proximity of the proposed residential development might lead to complaints about operations on the adjacent Heerema site and might therefore unduly constrain what would otherwise be legitimate operations there.

1.16 PD Ports and Tees Valley Regeneration both consider that the proposal in its current form is inappropriate until the following issues have been addressed:-

- i) No detailed remediation design or risk assessment was available.

- ii) No reference to managing long term groundwater risk has been made or in relation to the impacts of the Part IIA contaminated status of the site/
- iii) Concern that much of the site is below the 1 in 200 year extreme tidal level of 4.19m AOD.
- v) Question if the criteria for minimum floor level of buildings in the development has been established and the effect of the sub-ground basement upon the flood risk status of the site.
- iv The surface water drainage strategy for the proposed development is currently poorly defined.
- v) The foul drainage strategy is currently poorly defined.
- iv) Unclear how the development will deal with electricity demand.
- v) Concern that the development could increase the risk of flooding
- vi) The foul drainage strategy is poorly defined and appears to be somewhat dependant on the Victoria Harbour development.

1.17 A local resident has raised the following comments:-

- i) Would be in support as it will be a big improvement for the area however the number of dwellings to calculate the trip generation figures are based on 72 rather than 108 apartments.
- ii) Car parking provision is also inaccurately referenced in the TA
- iii) The relationship of the proposed access to the existing junctions opposite has not been properly considered in the Transport Assessment. Is the proposed junction acceptable in terms of junction spacing and visibility splays?.
- iv) Impact of access on stretch of cycle path that goes onto path to allow cyclists to cross. A suitable replacement for the cycle crossing facility to Lancaster Road should be provided.
- v) Planning gain should be sought in the form of improvements to bus stops, extra cycle parking and pedestrian crossing point.

1.18 The period for publicity on the re-consultation exercise has expired.

COPY LETTERS C

Consultations

1.19 The following consultation replies have been received:

Natural England – No objection subject to conditions restricting site clearance works during bird nesting season and retention of grassland and vegetation in accordance with paragraph 8.8.1, 8.8.2 and 8.8.3 of the Environmental Statement.

Tees Archaeology – No objection

Highways Agency – No objections. Recommend the views of the local highway authority are taken into account and that a Travel Plan is adopted.

Head of Public Protection – No objection subject to a planning condition requiring a sound insulation scheme to any habitable rooms on the elevations overlooking the

Heerema Site. Including installation of acoustic glazing and acoustic ventilation to bedrooms and living rooms.

Environment Agency – No objection subject to conditions relating to drainage and flooding and decontamination of site with respect to controlled waters.

Tees Valley JSU – No objection

Head of Traffic and Transportation – No objection subject to the relocation of the cycle crossing to the front of the site upon Cleveland Road.

One North East – No comments received

North East Assembly – No comments received

NEDL – No comments received

Engineering Consultancy – No objection subject to planning conditions and S106 agreement dealing with de-contamination of the site and drainage.

Northumbrian Water – No objection subject to a condition requiring a detailed scheme for the disposal of foul and surface water.

Headland Parish Council – No comments received.

Planning Policy

1.20 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

Com15: States that proposals for business, office, hotel, tourism, leisure and residential development will be permitted within the Victoria Harbour area where they meet the criteria set out in the policy and take account of the site's unique potential including its water front location and its links to the Marina and the Headland. A high quality of design and substantial landscaping will be required on main road frontages and development will need to take account of the need for flood risk assessment. Port, port related and general industrial development will also be allowed subject to the criteria set out in policy GEP1.

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP12: States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows.

Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

GEP18: States that development on potentially contaminated land will be encouraged where the extent of the contamination has been verified, remedial measures have been identified and where there will be no significant risk to occupiers of adjacent properties or adverse effect on the environment.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP4: States that development proposals will not be approved which would have a significant detrimental effect on the environment, on amenities of local residents, watercourses, wetlands, coastal waters, the aquifer or the water supply system or that would affect air quality or would constrain the development of neighbouring land.

GEP6: States that developers should seek to incorporate energy efficiency principles through siting, form, orientation and layout of buildings as well as through surface drainage and the use of landscaping.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

GN3: Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and

demand. Developer contributions towards demolitions and improvements may be sought.

Hsg6: Identifies this area for mixed use development including housing subject to there being no detrimental effect on the overall housing strategy for reducing the imbalance between supply and demand. Developer contributions towards demolitions and improvements may be sought. The policy sets out the phasing of housing provision on this site, but additional dwellings may be permitted at Victoria Harbour should the Plan, Monitor and Manage approach suggest that this can be done without detriment to the strategic housing requirement. A flood risk assessment may be required.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

PU1: Requires that development proposals be designed to ensure that there is no additional flood risk. Sustainable drainage is encouraged.

Tra19: States that residential and industrial estates should be designed to ensure adequate access by modes of transport other than the car. Where appropriate, developer contributions will be sought towards improved public transport and alternative transport accessibility.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Tra7: States that improvements will continue to be made to the pedestrian environment in the central area and improved links provided between the primary shopping area and other parts of the town centre. Pedestrian links will also be provided within and between the Marina, Seaton Carew and the Headland, including a proposed new pedestrian bridge at Victoria Harbour.

Tra8: States that safe and convenient pedestrian routes linking new housing to local facilities and amenities should be provided.

WL7: States that development likely to have a significant adverse affect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure ensure any compensatory measures and site management that may be required.

Planning Considerations

1.21 The main issues for consideration in this case is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan and in particular the principle of the development, contamination issues, visual impact, highway safety issues, flood risk, drainage, noise sensitivity and the nature conservation interests on the site.

Principle of Development

1.22 Whilst the application site is located outside the boundaries of the Victoria Harbour development as per the recent planning application (H/OUT/2004/0575), it is allocated for mixed-use development and covered by both policy Com 15 (Victoria Harbour/North Docks Mixed Use Site) and policy Hsg 6 (Mixed Use Areas). The Local Plan policy is to monitor and manage the supply of housing, however the emerging Regional Spatial Strategy (RSS) does not impose a restriction on an upper limit of housing numbers. The principle of residential development is therefore considered acceptable in this location.

1.23 Whilst the site does not form part of the Victoria Harbour planning proposal the applicant has highlighted that the design and scale principles conform to those set out in the Victoria Harbour Master Plan, Officers concur with this view. The applicant has acknowledged the high density of the development proposal, however they have indicated that this is largely driven by land economics given the cost of remediation. The Design and Access Statement highlights the rationale behind the lower ground floor parking as a pragmatic way to achieve the parking provision, create sufficient amenity space and deal with the topography of the site in terms of flood risk.

1.24 As the site constitutes contaminated land (as defined by Part 2A of the Environmental Protection Act 1990) it is considered that its remediation as part of a development of this nature will bring about wider regeneration benefits to Hartlepool. The developer contributions towards housing market renewal (£63,500) and offsite play facilities (£27,000) have been negotiated to take account of potential implications of the development in those respects and also the overall economic viability of the scheme.

Visual Amenity

1.25 This development will be clearly visible from both Cleveland Road and surrounding vantage points.

1.26 The site is physically detached from the residential properties directly to the north by way of Cleveland Road and the adjoining planting area running alongside it. As such this is very much a stand-alone development in relation to existing development.

1.27 The scale of the development is substantial and the proposed buildings have a long frontage (Block A is 87m wide and Block B is 62m wide); they will clearly appear prominent in the street scene. The buildings however will be located approximately 6m back from the road frontage to allow for a substantial landscaping scheme to the front of the site.

1.28 The existing planting to the front of the site is to be removed to facilitate the development, however a planning condition requiring the provision of a landscaping scheme will be imposed to any approval to ensure that the green corridor running the length of Cleveland Road is both maintained and improved.

1.29 The plans submitted indicate that the height of the pitched roof apartments will vary from a maximum of 15.4m above the surrounding highway on the 4-storey element and approximately 12m at 3-storey. It is acknowledged that both the application site and the land directly to the south is low lying. As such the development will appear more substantial from the land to the south than from the surrounding public highways site. It is considered however that any development to the south, given the flood risk requirements of the location, would be likely to be of a similar scale.

1.30 Both the design of the apartments and the proposed finishing materials are contemporary. The elevations incorporate a substantial amount of glazing with a render and cedar cladding. The proposed pitched roof profile is to be in mid-grey aluminium composite. The design and external appearance of the proposal are considered acceptable.

1.31 Given the extremely dilapidated state of the existing site it is considered that the proposed development will bring about a vast visual improvement and will hopefully complement the Victoria Harbour development by creating a contemporary and visually interesting high density development.

Amenity

1.32 The front elevations of the proposed buildings facing onto the residential properties directly to the north of the site are to be sited in excess of 50m from the primary elevations. Whilst it is acknowledged that the proposed buildings are 3 and 4 storey in height and the windows in the elevations fronting Cleveland Road will have views upon the surrounding residential properties to the north it is considered that given the substantial associated separation distances it is very unlikely that detrimental overlooking, overshadowing or dominance issues will be created in this instance. It is considered that the existing intervening planting along Cleveland Road will soften the visual impact of the scheme from the outlook of the nearby residential properties.

1.33 It is also necessary to consider the living conditions of the future occupants of the proposed apartments. It would appear that the separation distances and physical relationships between the primary windows of the apartments are in excess of those required by the supplementary guidance held within the Hartlepool Local Plan. There is however an instance where the proposed bedroom windows of 3 of the apartments in block 1 would face onto the side elevation of block 2. Given that the separation distance is approximately 8.5m and the window only serves a bedroom it is considered acceptable in this instance.

1.34 The siting and layout of the development from the southern and eastern boundary is such that it is considered unlikely that the approval of this development

would lead to a detrimental constraining effect upon any future development upon the surrounding Victoria Harbour/North Docks site.

1.35 Issues relating to potential noise and disturbance issues affecting the living conditions of the residents of the apartments from the surrounding industrial uses are discussed below.

Noise

1.36 Heerema, who occupy a nearby site which is physically detached by way of the railway embankment, have submitted a letter of objection. They are concerned that the fabrication operations that they carry out can sometimes be carried out over 30m above ground level and as such the noise from the works can travel a considerable distance. They are concerned that the occupants of the upper floors of the proposed development will be exposed to the sound emission from the site and as such any objections may lead to a constraining effect on their operations.

1.37 It is important to note that Members have recently approved a planning application (H/2007/0757) for the erection of 2 industrial buildings, one for the cutting and preparing of steel plate and sections and the other for a blast and paint facility. This approval is subject to a number of planning conditions which seek to significantly reduce noise breakout from the operations and limit the hours of operation.

1.38 The Head of Public Protection has considered this matter and has raised no objection to the proposal providing that the windows of habitable rooms facing the Heerema site and the surrounding Victoria Harbour (upon the southern and eastern boundaries) are subject to noise insulation measures including acoustic glazing and acoustic ventilation. Similar measures were incorporated in flats within the Marina area facing the Omya industrial development. A planning condition can be attached to agree a scheme of noise insulation measures prior to the commencement of development on site. Once agreed the scheme shall be retained throughout the lifetime of the development.

Nature Conservation

1.39 Both Natural England and the Council's Ecologist have considered the Ecological Section of the supporting Environmental Statement and raised no objections to the proposal.

1.40 The Ecologist has highlighted that the site has been assessed as being of low ecological value except for areas of orchid-rich vegetation which is locally uncommon but culturally significant. The Environmental Statement proposes a mitigation measure which involves the retention of a small amount of this vegetation and the translocation of selected turfs. The Ecologist has suggested that the turf should be located to another, lower-quality coastal grassland or Brownfield Site which might benefit from this vegetation. A planning condition regarding the translocation of orchids will be attached to any approval.

1.41 Natural England have suggested that a planning condition is attached to any approval to ensure that no clearance works will be carried out during the bird nesting season or will be carried out following a survey by an ecologist that demonstrates that there are no nests in the vegetation or buildings to be cleared/demolished. They also welcome the proposal to retain/recreate the areas of grassland with patches of ephemeral/short perennial vegetation as described in the proposed mitigation measures. A suitably worded planning condition will be attached to any approval.

Flood Risk and Drainage

1.42 The site lies within an area identified at risk of flooding by the Environment Agency and as such the application is accompanied by a Flood Risk Assessment, as required by PPS25 (Development and Flood Risk) and Policy Dco2 (Flood Risk) of the Hartlepool Local Plan.

1.43 The development as proposed requires a small section of the open watercourse on the site ('The Slake') to be culverted and built upon.

1.44 The Environment Agency has raised no objection to the scheme subject to a number of planning conditions. They also raise no objections to the proposal to culvert the watercourse but have highlighted that the written consent of the EA under land drainage legislation will be required. Planning conditions have been suggested to deal with following issues:-

Potential Flooding - Finished Floor Levels of the apartments shall be set no lower than 5.68m AOD.

- No part of the site shall be occupied until a flood warning and evacuation plan has been agreed in writing by the LPA.

Long Term Function of the culverted watercourse – There shall be no development over the line of the watercourse until details of long term maintenance responsibilities have been provided to and agreed with the LPA.

Long Term Function of the Drainage System – No development shall proceed until details of the long term maintenance of the flap valve, which discharges into Victoria Harbour have been agreed with the LPA.

1.45 Suitably worded planning conditions have been suggested at the end of this report to deal with the above mentioned issues.

1.46 No concerns have been raised about underground parking given the requirement for an evacuation plan.

Contamination

1.47 As stated above, the site has been designated as contaminated as defined by Part IIA of the Environmental Protection Act 1990. The Council's Engineering Consultancy and White Young Green (on behalf of the Council) have considered the application in detail. The supporting Environmental Statement has considered the

geology and ground conditions of the site, whilst the submitted Remediation Options Report (ROR) has outlined remediation strategies to deal with the contaminated land.

1.48 As the proposal will redevelop a contaminated industrial site to create a more sensitive use (residential) it is suggested that further more detailed investigations are undertaken and a scheme for remediation along with a comprehensive environmental risk assessment for the specific development is created and agreed. It is considered that this approach will ensure that a remediation scheme will adequately and comprehensively address all potential contamination issues of concern before any on site development is allowed to proceed.

1.49 Given that the remediation of the site is fundamental to the appropriateness of the proposed use it is considered necessary in this instance to secure the remediation works through both planning conditions and reference to the requirement for such works in the accompanying Section 106 Agreement. This is to ensure that the requirements for remediation will remain as a charge on the land. This will ensure that any future owner will be aware, without sight of the conditions attached to the planning permission, of the requirements for remediation works upon the site prior to any development commencing.

Highways

1.50 The Highway Agency have raised no objection to the scheme and have instead deferred to the local highway authority for comments regarding the development impact.

1.51 The Council's Head of Traffic and Transportation has considered the proposal. He has raised no objection to the scheme providing that the applicant provides, at their own expense, a designated right hand turn into the site, the relocation of the cycle crossing and the installation of a traffic island upon the highway to the front of the site. It is considered that it is appropriate in this instance to secure these works, as they are outside the application site, through a Section 106 Legal Agreement.

1.52 It is considered that there is sufficient scope within the application site for the provision of an adequate parking scheme. The proposed plans have indicated the provision of 162 parking spaces, which is considered appropriate in this instance. It is considered necessary however to ensure, by way of planning condition, that provision is made for 10 disabled parking bays and secure cycle storage. Suitably worded planning conditions have been suggested below.

1.53 The applicant has volunteered a travel plan to improve the sustainability of the site and reduce the reliance on car-based travel. A requirement for a travel plan will also be secured through a S106 Agreement.

1.54 The plans indicate the refuse facilities within the site which will be provided within the courtyards at ground level. The plans have indicated the vehicle sweep and arrangements for emergency and refuse vehicles to enter the site. The Head of Traffic and Transportation has raised no objection to this.

1.55 It is acknowledged that the development will clearly bring with it increased vehicle movements to and from the site, however, it is considered that given the adequate parking provision, the access arrangements and the associated off site highway works it is unlikely that the development will bring with it detrimental highway safety issues.

Conclusion

1.56 This is clearly a development of high density, it is however in keeping with other developments in around the Marina and in the Victoria Harbour master plan. The proposal offers a welcome opportunity to remediate a severely contaminated site and complement the future surrounding Victoria Harbour development.

1.57 It is considered that the issues relating to the drainage, contamination and potential noise implications (from surrounding industrial uses) can be suitably mitigated and controlled through physical works required through the imposition of planning conditions and a S106 Agreement.

1.58 It is for the reasons discussed above and subject to the conditions and requirements of the S106 agreement set out below that the application is recommended for approval in this instance.

RECOMMENDATION – APPROVE subject to the following conditions and a Section 106 legal agreement based around the Heads of Terms set out below:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 002 Rev B, 003 RevB, 004 Rev A, 005 Rev A, 006 Rev A, 007 Rev A, 008 Rev A, 009 Rev A, 010 Rev A, 011, Rev A, 012 Rev A, 013 Rev A, 016 Rev A, 017 Rev A, 018 Rev A received on 23 Jan 2008 and 9 April 2008, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt
3. Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall not be commenced until:-
 - I. A detailed targeted scheme for the investigation and recording of contamination is designed and forwarded for the written approval of the Local Planning Authority. The scheme is to be designed in accordance with the conceptual model and consider all potential pollutant linkages present at the site, including among others, the development site's ground conditions and potential impact on Human Health, the potential impact from on site groundwater migration from upstream off site sources, the potential on site soil contamination impact on groundwater, the potential groundwater contamination impact on the Slake watercourse, potential groundwater contamination migration on/off site under third party land and the potential impact on the development of hazardous gases from both soil and groundwater.

- ii. Detailed targeted site investigation works are carried out in accordance with a scheme to be agreed in writing by the LPA. Following which a Quantitative Contamination Environmental Risk Assessment is carried out and a report is produced and forwarded for the written approval of the LPA. If necessary, any further investigation and reporting as specified by the LPA is to be carried out and a revised Environmental Risk Assessment Report produced for the written approval of the LPA.
- iii. Detailed, long term, durable and sustainable contamination remediation works proposals derived from risk assessment for the removal of all identified pollutant linkages are forwarded for the written approval of the LPA. The remediation proposals should ensure that the development is safe and should not have an adverse effect on occupiers of adjacent properties or the environment.
- iv. A Contamination Remediation Construction Quality Audit (CQA) Plan is to be prepared by an appropriately qualified person setting out the contamination remediation works that are to be carried out. The Contamination Remediation CQA Plan shall also set out the contamination remediation validation and recording procedures that are to be undertaken in order to demonstrate that the contamination remediation works have been carried to an acceptable standard as agreed with the LPA. The Contamination Remediation CQA Plan shall have to be approved in writing by the Council before the works commence on site.
- v. The contamination remediation works are to be carried out and supervised by an appropriately qualified person, the "Remediation Supervisor". The Remediation Supervisor shall ensure that the contamination remediation works are carried out strictly in accordance with the Contamination Remediation CQA Plan. The Remediation Supervisor shall maintain a complete record of the contamination remediation works as actually carried out on site for incorporation into the completed works Contamination Remediation CQA Validation Report.
- vi. On completion of the contamination remediation works a Contamination Remediation CQA Validation Report shall be prepared and certified by the Remediation Supervisor and provided to the LPA for written approval. If for any reason the LPA do not approve the contamination remediation works and further works are required to be undertaken, the Remediation Supervisor shall ensure that these are supervised and amend, recertify and resubmit the Contamination Remediation CQA Validation Report to the LPA until the LPA deem the completed contamination remediation works are acceptable.
- vii. On completion of the contamination remediation works a Remediation Statement is prepared and published detailing how the remediation works carried out meets the requirements of planning and Part IIA of the Environmental Protection Act 1990.

To ensure that any site contamination is addressed.

- 4. No development approved by this permission shall be commenced until :
 - a) A detailed contamination risk assessment is submitted to and approved by the local planning authority. This shall assess the risk to ground and surface waters on and off the site that may be effected by contamination originating from the site.
 - b) A method statement is produced detailing remediation requirements, including measures to minimise the impact on ground and surface water,

using the information obtained from the site investigation reports, and the site risk assessment. The remediation method statement shall be submitted to, and approved in writing by the local planning authority prior to the remediation being carried out on site.

To protect controlled waters via the adequate remediation of the site.

5. Upon completion of the remediation detailed in the Method Statement required by condition 4 a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

To protect controlled waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

6. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

The site is contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

7. Notwithstanding the submitted details, no development shall take place until a scheme for the parking of vehicles visiting the site has been submitted for the consideration and approval of the Local Planning Authority, the scheme shall make provision for 162 car parking spaces with at least 10 of them for disabled drivers unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

8. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.

In the interests of highway safety.

9. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

11. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
12. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
13. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme for the sound insulation to all habitable rooms facing the south and east boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, the scheme shall include the provision of acoustic glazing and acoustic ventilation. Once agreed the scheme shall be installed as agreed and be retained operational throughout the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
14. No development shall be commenced until a scheme for the provision of surface water drainage works including attenuation to existing rates has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.
To prevent the risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
15. Finished floor levels of the development hereby approved shall be set no lower than 5.68m AOD.
To reduce the risk from flooding.
16. No development shall be undertaken until a scheme for the long term maintenance responsibilities of the watercourse ('The Slake') on the site incorporating the section to be culverted as part this development has been submitted to and agreed in writing by the Local Planning Authority.
To ensure the long term function of the culverted watercourse.
17. The development hereby approved shall not be occupied until a flood warning and evacuation plan has been submitted to and been agreed in writing with the Local Planning Authority. Once agreed the flood warning and evacuation plan shall be maintained throughout the lifetime of the development.
In the interests of health and safety.
18. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
To ensure the adequate disposal of foul water drainage from the development.
19. No development shall take place until a long-term maintenance and drainage rights agreement for the flap valve which discharges water from 'The Slake' watercourse into the Victoria Harbour has been entered into and details have been submitted to and approved by the Local Planning Authority. The approved maintenance agreement shall be in place before any of the apartments hereby approved are occupied and thereafter shall be retained

throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

To ensure the long-term function of the flap valve which allows 'The Slake' to discharge into Victoria Harbour to reduce the risk of flooding.

20. The development shall be carried out in accordance with the noise and vibration and air quality mitigation measures detailed in section 10.6 and 11.6 of the Environmental Statement reference W11175/VAA/L01 Rev A which was received complete on the 15 June 2008 unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is developed in a satisfactory manner.

21. No clearance works shall be carried out during the bird nesting season unless they are carried out following a survey by an ecologist that demonstrates to the Local Planning Authority that there are no nests in the vegetation or buildings to be cleared or demolished.

In the interests of nature conservation.

22. Prior to the commencement of development a scheme for the trans location of orchid rich turf from the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the amount and location of orchid rich vegetation, which has been found not to contain any contaminants, to be retained at the site and the amount to be trans located, including details of an appropriate receptor site and a programme of works. Thereafter the scheme shall be carried out in accordance with the approved details.

To conserve protected species and their habitat.

23. Prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secure by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the apartments being occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of security.

Section 106 Heads of Terms

Financial Contribution

Financial contribution towards the provision of offsite plays facilities (£27,000) and housing clearance and renewal measures (£63,500).

Contamination

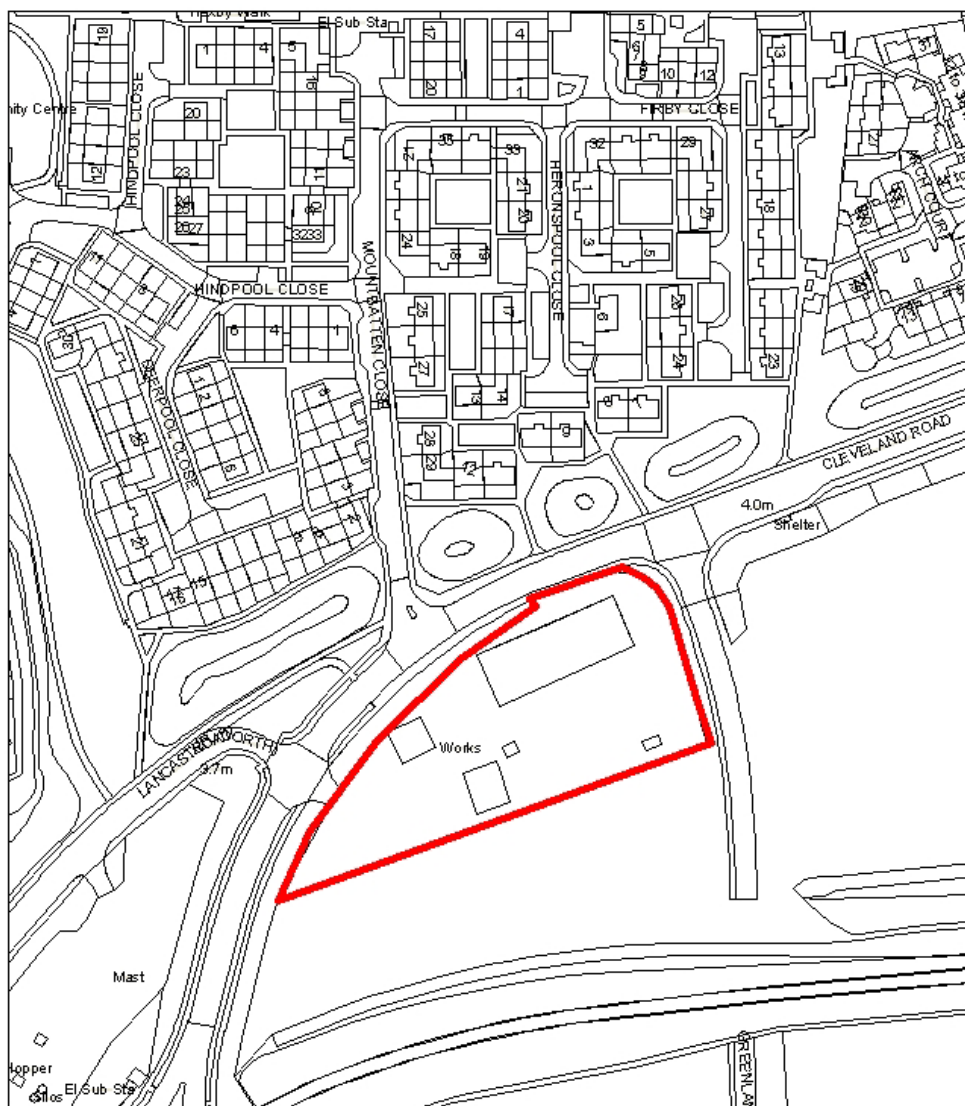
Given that the site to which this application relates is a designated contaminated site under part IIA of the Environmental Protection Act 1990, the remediation of the site is fundamental to the implementation of the development.

Off Site Highway Works

- Provision of a right hand turn lane into the site on Cleveland Road

- Re-location of Cycle Crossing upon Cleveland Road
- Provision of a traffic island to the front of the site on Cleveland Road.
- Travel Plan

FORMER GREENLAND CREOSOTE WORKS



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 27/05/08
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0354	REV