

PLANNING COMMITTEE AGENDA



Monday, 19th December, 2005

at 11.30 a.m.

in the Council Chamber

MEMBERS: PLANNING COMMITTEE:

Councillors Allison, Belcher, Clouth, Cook, Ferriday, Flintoff, Hall, Iseley, Kaiser, Kennedy, Lilley, Morris, Richardson, M Waller, R Waller, Wright.

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS REQUIRING DECISION**
 - 3.1 Planning Application – Victoria Harbour (formerly North Dock) – *Assistant Director (Planning and Economic Development)*
4. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

No:
Number: HOUT/2004/0575
Applicant: c/o agent
Agent: c/o Sarah Robson Cavendish House Teesdale Business Park Stockton on Tees
Date valid: 28/06/2004
Development: Development of a sustainable new mixed use urban community, including business, commercial, light industrial floorspace, quality residential, retail (retail warehousing; convenience and speciality); community facilities, landscaping/open space and provision for leisure development (including any significant leisure attraction) supported by new transport linkages, infrastructure and services.
Location: Victoria Harbour (formerly North Docks)

Introduction

1.1 This report relates to an outline application for what is arguably the largest regeneration project in Hartlepool's history, at the Victoria Harbour site. The application is submitted by PD Ports (the landowners) and Tees Valley Regeneration, reflecting the private: public partnership nature of the project. The application, relating to potentially a 20 year development programme, is supported by various background documents and its scale and nature have necessitated a wide range of consultations to assess the material planning considerations. As such, this report is necessarily a long one, but concludes by recommending that permission should be granted, subject to conditions and a section 106 agreement. Because the application is a departure from the approved 1994 Local Plan it must be referred to the Government Office for the North East to allow consideration of any case for the application to be called in; the report's recommendation is framed accordingly.

Proposal

1.2 Outline planning permission is sought to comprehensively redevelop the area known as Victoria Harbour within the North Docks to provide a mixed use community area. The site comprises some 133.5 hectares between the Headland and Marina. It is bounded to the north by Cleveland Road, West View Road and Northgate to the west by the Newcastle – Middlesbrough railway and to the south by Middleton Road.

Site Characteristics

1.3 There are a number of distinctive buildings and features on or adjacent to Victoria Harbour including:

- Heerema's Sheds No. 1 and No. 2
- Omya UK Ltd;
- Scrap Storage;

- Heavy cranes around the waterfront.

1.4 Both the Heerema and Omya UK facilities have been carefully considered during the development of the Masterplan. Heerema's No. 1 Shed is prominent on Victoria Quay adjacent to the Headland community. It is intended that this structure will be relocated to open up the north side of the harbour and facilitate regeneration of that area. Discussions have been held with the management of Heerema who have stated that they would consider consolidating their operations in the vicinity of their No 2 Shed. The viability of this opportunity is being explored.

1.5 In addition, Omya UK's site may provide redevelopment potential in the future if an alternative location can be found for the facility. The viability of a relocation is being assessed, although the Masterplan has been designed to incorporate Omya.

1.6 Scrap storage occupies a prominent part of the site and it is proposed to relocate this activity to facilitate the development in consultation with the operatives.

1.7 The heavy cranes are visually very distinctive and it is intended to retain a number of these as landmark features.

1.8 It is proposed to consolidate port related activities within the north –eastern area of the site thus freeing up an extensive open area of the dock.

The development

1.9 The development represents a brownfield mixed use redevelopment which seeks to incorporate sustainable development principles, e.g. relating to design accessibility, energy consumption. It would essentially consist of the following elements, to be built in four distinct phases each some 5 years in duration: -

- 1 Up to 3,430 housing units in the form of town houses, apartments and other housing types.
- 2 Retail warehousing and convenience and speciality shopping off Middleton Road within the mixed use areas.
- 3 Employment uses within Class B1, including provision for start up business.
- 4 Commercial leisure uses including bars, restaurants and potentially a leisure centre and hotel.
- 5 Community uses (including a school and potentially a library and doctor's surgery)

1.10 A key component of the scheme is 'The Wave' . This would take the form of a centrally located, wave-shaped extensive swathe of open space and parkland incorporating landscaping measures and various land and water based recreation features.

1.11 A new point of access to the site is proposed in the form of a roundabout junction on Marina Way.

1.12 A network of cycle way and pedestrian routes is proposed to link Victoria Harbour with the Headland, the Marina and the Town Centre. The project aspires to create a new pedestrian bridge which would span the Victoria Dock entrance linking the site with the Headland.

Phasing

1.13 The phasing of development may be subject to variation in the future however the following phasing strategy is currently envisaged within the masterplan:-

Phase 1 – This would be focussed in two main locations comprising predominantly of bulky retail provision in the south-western area and some residential / mixed use development north of Middleton Road and to the east of what is to be re-established as the main water basin area.

Phase 2 – The Wave Park would be progressed together with mixed use parcels separated by interlocking canals to the south of this area. A number of new roads are to be provided to allow internal servicing of development areas.

Phase 3 – Remaining areas of the 'The Wave' are programmed for completion together with build out of remaining development parcels around Irvine's Quay.

Phase 4 – Represents ultimate long-term vision primarily dealing with areas to the north of the wave and west of the north basin comprising of mixed uses.

1.14 The planning application has been accompanied by the following range of studies the key points from which are summarised in the respective appendices:-

- Housing demand (see appendix A)
- Retail need and impact assessment (see appendix B)
- Transport assessment (see appendix C)
- Environmental Statement including geotechnical and site investigation assessments and various aspects of further information (see appendix D)
- Flood risk assessment (see appendix E)
- Design Statement (see appendix F)

1.15 Broad layout and phasing plans for the development are appended to this report and will be displayed at the meeting (Appendix G).

Consultation Responses

Ambulance Service - No comments received

British Gas Northern - No comments received

British Gas Transco - No comments received

British Waterways Board - Support the principle of the development. Rare opportunity to re-develop underutilised industrial land. Proximity of water adds value ,making the area a more attractive place to live and work. Opportunity should be

taken to increase the amount of preferably navigable water within the development. Support inclusion of water square and canals. Should consider undertaking a waterspace strategy for all water in the development to determine how it will be used.

Cleveland Emergency Planning Unit - No comments received

Commission for Architecture and the Built Environment (CABE) - No comments or objections provided

Countryside Agency - Confirm no specific comments on project.

Durham County Council - No objection in principle to highway junction improvements required by Highways Agency within its area subject to conditions requiring some signalisation and localised widening to carriageway over bridge.

English Heritage - Satisfied in general terms with the manner in which the development is progressing. Whilst site has potential to contain architectural remains English Heritage is satisfied that with appropriate mitigation and design detailing possible damage can be kept to a minimum. The proposed bridge must be of a high quality design, complement its surroundings and not physically impact on the Town Wall or detract from its setting.

English Heritage is keen to work with housing organisations operating in the Tees Valley and to persuade them of the merits of carrying out area characterisation exercises as a means of decision making and on housing options and solutions.

English Nature - No objection raised subject to conditions to secure retention of wintering and breeding birds and to protect and enhance the Slake SNCI.

Environment Agency - Recommend various conditions to safeguard against the risk of pollution to watercourses and flooding and managing surface water. Make recommendations on the approach towards further investigation.

Hartlepool Primary Care Trust - No objections

Hartlepool Boatmans Association - Concerned to retain present position in the dock and ability to access land leased for winter storage / maintenance. Require free access for navigation to the sea.

Hartlepool Water - The site is outside the zone of the company's interest.

Health and Safety Executive - Site is not within the consultation distance of a notifiable installation. Otherwise no comments to make

Headland Parish Council - No comments received

Highways Agency - Conclude that the traffic flow on the roundabout and A19/ A689 roundabout can be controlled through the following measures:-

1. minor widening of the east and west sides of the A19 and A689 circulatory carriageway.
2. traffic signal control at the A19 / A689 and A19 / A689/ A1185 roundabouts. This would enable traffic to safely join and leave the trunk road, albeit with significant peak hour queuing to the west of the A19 / A689 roundabout and to the east of the A19 /A689 /A1185 roundabout.
3. Carriageway improvements at the A19 / A179 junction

Appropriate formal planning conditions and planning agreement terms are awaited

Middleton Cabin Owners Limited - Raise objections. Concerned at potential loss of site to the proposed development. Cabin owners have previously suffered expense and inconvenience of having to relocate to current site in order to make way for marina development. Discussions with applicant about relocation are ongoing.

National Grid - Do not have any assets at the site and are not therefore affected by the proposal.

Network Rail - No objections in principle. Would need to approve any significant alterations to ground level proposed at the railway boundary. Concerned to ensure that the stability of the railway formation is not adversely affected. Construction equipment must not impede railway airspace. All drainage should flow away from railway property. Any external illumination must not cast glare onto the railway or conflict with drivers sighting of railway signals. Site must be securely fenced off from railway.

NEDL - No formal comments received

North East Assembly - Note that adequate land is to be retained for future port related development. Supports in principle regenerating this important site and the need for high quality design. No objection in principle to the inclusion of retail development within the regeneration of the site subject to conditions to prevent any adverse effect on the town centre.

The proposed housing provision exceeds the provision set out in the current RPG1 and emerging RSS. This overprovision could be addressed through the application of phasing conditions controlling the order and amount of development within a given timescale. The Local Planning Authority may wish to review the acceptable rates of development as circumstances change during the next 20 years. This would enable what is recognised to be an important site to be regenerated in general conformity with the statutory and emerging RSS but provide a degree of flexibility in terms of plan, monitor manage approach.

Northumbrian Water - No objection subject to suitable conditions requiring details of sewer management arrangements for specific areas of the site to be agreed and in place prior to the implementation of any development within those areas.

One North East - No comments received

Police - No comments

Police Architectural Liaison - No comments received

The Ramblers - Support the development. Provision of foot / cycle bridge will encourage more of public to explore the coastal route. Request consideration be given towards provision of safe traffic-free landscaped way to connect coastal route north of marina lock to the foot / cycle bridge across Victoria Harbour.

Sport England - No objections. Refer to a shortfall of pitches within the northern area of the town and that additional residential property will only add to this shortfall. Would encourage applicant to work with Council and Sport England to identify ways to improve playing pitch provision. Would welcome further discussions with respect to H2O centre. Supports inclusion of pedestrian and cycle networks.

Stockton Borough Council - Comments awaited with regard to proposed highway alterations

SUSTRANS - No comments received

Tees Archaeology - Recommend that a condition is imposed requiring that a scheme of archaeological work be agreed prior to development.

Tees Forest - Interested in the potential of the Victoria Harbour site for the development of a short rotation coppice project.

Tees Valley Joint Strategy Committee - Makes the following comments:-

- i) the Joint Strategy Committee supports the principle of the proposed mixed use development at Victoria Harbour and recognises the valuable role the proposal will make to the successful regeneration and prosperity of Hartlepool;
- ii) the proposal broadly conforms with the locational strategy set out in Regional Planning Guidance for the North East, and the Sustainable Urban Growth strategy in the adopted Tees Valley Structure Plan;
- iii) development at Victoria Harbour forms a key element of the 'Coastal Arc' concept for investment and regeneration set out in the Tees Valley Vision;
- iv) the Borough Council should recognise the potential effect that the amount of housing proposed at Victoria Harbour may have on other housing sites and regeneration areas, and in particular that the sources of additional housing demand identified as part of the application are robust;
- v) the Borough Council should consider some form of phasing to ensure that the proposed housing complements and enhances the housing market in Hartlepool;

- vi) the Borough Council considers a phasing mechanism for the convenience retail floorspace linked to completion of the residential development;
- vii) the proposal for speciality retail development to be located along a water front promenade is to be welcomed;
- viii) the Borough Council carefully considers the impact of the proposed retail warehouse development on the future vitality and viability of the town centre as a whole;
- ix) if the retail warehouse development is approved, then the Borough Council attaches a condition to prevent the sale of goods normally sold in town centres;
- x) if the retail warehouse development is approved, then the Borough Council considers ways to integrate this proposal with the existing Anchor and Highlight retail developments and the Seymour site;
- xi) the Borough Council should address remaining concerns arising from the Transport Assessment, particularly those regarding junction capacities and support to new bus services;
- xii) the Borough Council should ensure that the proposed development does not have an adverse impact on the Teesmouth and Cleveland Coast Site of Special Scientific Interest/Special Protection Area, and the Headland Conservation Area, and
- xiii) the Borough Council should be satisfied that adequate measures are taken to prevent/minimise groundwater pollution, and to prevent any increase to flood risk, both within the development site and elsewhere.

Tees Valley Living - The proposals for Victoria Harbour, Hartlepool present exciting yet challenging opportunities that could be a catalyst towards further significant renaissance of the town.

The site is clearly previously developed land and in terms of urban structure its development is entirely appropriate. Development in this key location gives the opportunity to link presently separated areas of the town.

While raising no objections to the nature or the amount of housing, it is worth commenting that in the North East in general and Tees Valley in particular, there is acknowledged to be a shortage of quality family housing in the heart of urban areas. There may be some concern that where the “nature of the housing development within the scheme is such as to be targeted at a profile of smaller households including those younger smaller households with higher disposable incomes, and older smaller retired and affluent households with higher disposable incomes” (Para 8.15 Victoria Harbour Housing Demand Study. Roger Tym and Partners, June 2004), the opportunity for the type of family housing that is underprovided in the sub-region may be limited.

Although reference is made in the supporting documentation to the benefit that development at Victoria Harbour will bring to areas of low demand housing in Central Hartlepool, there is no indication as to how that benefit will be realised, other than an implication that negotiation will take place around the draft revised Local Plan policy relating to contributions from developers towards clearance programmes in low

demand areas. Further examination of the relationship between Victoria Harbour proposals and housing market restructuring would be of advantage, to ensure that new development does not exacerbate current problems but rather contributes towards a positive future for low demand housing areas in the town, particularly those in close proximity.

Tees Valley Wildlife Trust - No comments received

Director of Education- No objections

Head of Community Services – Play provision should be made within the development. Would prefer to see improvement to existing sports pitches rather than new pitches within the development. Physical links between the town and the Headland need to be encouraged.

Head of Public Protection – No objections. Considers air quality and noise assessment chapters of the Environment Statement to be satisfactory. Recommends a suitable condition to control the design of buildings in the interests of safeguarding against noise nuisance.

Head of Technical Services - Recognise that proposals will lead to greater traffic congestion on the network and that proposed mitigation measures will help to alleviate but will not entirely overcome this eventuality.

Engineering Consultancy Manager - Recommends conditions to allow for the identification and removal / remediation of contamination as necessary prior to development. The potential foundations solutions appear valid in relation to the poor ground conditions. Accepts that flood risk issues can be satisfactorily dealt with through the imposition of conditions to ensure adequate coastal defence.

Economic Development Manager - Project represents the key future regeneration programme for Hartlepool over the next decade. Impact will be at least equal to the benefits Hartlepool has derived from existing Marina development where over 3,000 jobs have been created. Project offers unparalleled opportunity to promote unique waterfront community offering economic, social and environmental benefits to the whole of Hartlepool. Quality and mix of development is important with marina as benchmark. Important to ensure that business use of the site is substantial and not just aimed at tourism / visitor market. This is an excellent opportunity for Victoria Harbour to contribute to the business start-up strategy.

Publicity

Neighbour notification
Site Notices (8)
Press Notice

1.16 A letter of objection to the retail strategy has been lodged by DTZ Pineda consulting on behalf of their clients, Canada Life, who own the Anchor Retail Park. The points raised are as follows:-

1. The proposal would conflict with the provisos of the 1994 Hartlepool Local plan and 21 A of the 2003 Deposit Local Plan.
2. The assessment fails to demonstrate need for the development.
3. There is insufficient capacity within the town to support an expansion of retailing without jeopardising other comparison trading and the town centre.
4. The study is not thorough in its analysis of its relationship to national and local policy.
5. The proposed changes to the Local plan are not based on an up to date assessment of need.
6. The assessment does not provide adequate detail of base data from the Drivers Jonas report nor explain how this is applied.
7. There is a lack of evidence of quantitative need for the development.
8. With respect to convenience goods greater clarity and certainty of need is required for example the need for a condition restricting the size of such units. Need is not adequately explained.
9. There is an inconsistency within the report on the basis on which comparison goods turnover is assessed.
10. It is unclear how the expenditure deficiency has been calculated.
11. A robust approach to assessing qualitative need for the development is lacking.
12. The sales density calculation is not explained.
13. It is unclear how the trade retention figure has been arrived at.
14. There is a lack of attention to the sequential test.

1.17 A letter of objection to the development has been received from Jomast Developments, who are currently involved in developing land at the Marina. The following points are raised:-

1. The impact on the Company's own approved scheme, a major development which will significantly influence the regeneration of Hartlepool and Teesside generating an uptake of 40-50 units / annum.
2. Permission for housing in the North Docks could be in conflict with the phasing condition applied to Jo-mast site governing the phasing of development.
3. A large quantity of residential development will have a major impact on the rest of the town.
4. The Local Plan must be finalised and due account taken of the Inspector's recommendations prior to the application being decided.
5. The type and scale of provision envisaged for the North Docks has implications for other large scale developments in the region such as Middle Haven in Middlesbrough and North Docks at Stockton.
6. The developing RSS must be taken into account and any significant expansion of housing would need to be carefully controlled.

1.18 A resident has raised the following comments:-

Fully supportive of the proposal to link the site with the Headland via a new pedestrian bridge. However concerned that the bridge will not be provided and could therefore be unduly influential to the planning decision. There should be a requirement placed on the developer to deliver the bridge and other community

related benefits of the project before works commence on the profit making elements.

Policies

1.19 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Co4: states that development within the vicinity of a Conservation Area should take account of the character of that area.

Co13: states that regard should be had to the need to preserve, protect or evaluate archaeological remains which may be present on sites in this area

Co14: states that proposals having a significant detrimental effect on the natural habitat or wildlife of Sites of Special Scientific Interest will not normally be permitted and that special account will be taken of the views of English Nature in such matters

Co17: states that proposals for development having a significant effect on Sites of Nature Conservation Importance will not normally be permitted, although exceptions will be made for certain requirements including coastal protection measures. Where appropriate compensatory provision for nature conservation will be required.

Co18: identifies the site as being within a wildlife corridor where there is a need to ensure that the wildlife corridor network is maintained. Where development impinges upon a corridor provision should normally be made for enhancement or restoration to provide compensatory features for areas whose nature conservation interest has been lost or reduced.

Co19: states that the Borough Council will promote and encourage new wildlife habitats particularly in areas including this one. In such areas, native planting and natural landscaping schemes may be required by planning condition.

Com13A: Lists the preferred locations for shopping development as:

- Town Centre
- Edge of Centre
- The out-of-centre Victoria Harbour Regeneration Area
- Other out of centre locations accessible by a choice and means of transport and which offers regeneration benefits.

Developments which are outside of the primary shopping area and that are over 500sq m will be required to demonstrate need, justify scale and demonstrate a sequential approach has been followed.

The policy also highlights the need for retail impact assessments in all developments over 2500sq m and in those between 500-2499sq m where the Council deems it necessary.

Travel plans must accompany all schemes over 1000sq m. Planning conditions and/or legally binding agreements may be used to secure improvements to public transport, cycling and pedestrian accessibility.

The Council will seek legally binding agreements to secure rationalisation of retail provision. Conditions will be attached to planning permissions to control hours of operation.

COM14: states that major office developments which attract large numbers of visitors should accord with a sequential approach which identifies the following locations for major office developments as:

- within the town centre
- edge-of-centre sites (see Com4A), then
- out of centre Victoria Harbour Regeneration Area, then
- Other out of centre locations accessible by a choice and means of transport and which will bring significant regeneration benefits.

Travel Plans should be prepared.

COM18: 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.

COM21A: states that proposals for retail, business, office, hotel, tourism, leisure and residential development will be permitted within this 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.

COM4A: Proposals for a range of uses will be permitted in edge of centre areas providing that they do not adversely affect the character and amenity of the area and that they accord with policies Com13A, Com14, Com18, Rec13, Rec14, Tra16, GEP7, HE1, HE7, HE8 and HE10. The policy sets out the 10 edge of centre areas and lists the range of uses which are considered acceptable and unacceptable in each.

DC01: states that development on notified landfill sites will only be approved where there will be no harm to occupiers. The policy also requires the provision of protection measures.

DC02: states that the Borough Council will pay regard to the advice of the Environment Agency in considering proposals within flood risk areas including the need for a flood risk assessment. 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.

Ec23: states that proposals for retail developments likely to prejudice the vitality and viability of the town centre or of local shopping areas will not normally be permitted.

Ec25: states that new retail developments in industrial areas will not normally be approved when they would be more appropriately located in the town centre, local shopping areas or Teesbay Retail Park.

Ec27: supports sensitive schemes for tourism or commerce within the Headland which are of a modest nature.

Ec5: states that proposals for business uses, general industry and warehousing will normally be approved in this area. General industry will only be approved in certain circumstances.

Ec6: states that proposals for the development of industry making use of port facilities will normally be approved in the area subject where relevant to no adverse effects on nearby housing or existing industry. Special industry will normally be resisted.

En12: states that strategic landscaping schemes will be undertaken along the main approaches to the town centre, Seaton Carew and the Headland.

En13: states that particularly high standards of design and landscaping to improve the visual environment will be required in respect of developments along this major corridor.

En21: states that development proposals will not normally be approved where resulting pollution would affect amenity or constrain the development of neighbouring land.

En5: states that landscaped open space should be provided as an integral part of new housing developments. In particular landscaped corridors should be provided and should include, where appropriate, an adequate footpath network.

En6: provides for the reclamation of derelict and disused land.

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen2: 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.

Gen3: states that the Council will normally require provision to be made to enable access for all in all new development where public access can be expected, and in

places of employment and wherever practicable in alterations to existing developments.

Gen4: 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.

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: 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.

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.

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 would be sought.

GN1: seeks the development, protection and enhancement of a network of green spaces in the urban area and linking to the open countryside.

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.

GN4: states that the Borough Council will undertake strategic landscaping schemes and woodland planting along this corridor.

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.

HE13: states that developments which adversely affect the site and setting of a scheduled monument or protected wreck will not be permitted.

HE14: states that the Borough Council will seek to protect archaeological sites and their setting. Archaeological assessment/evaluations may be required where development proposals affect sites of known or possible archaeological interest. Developments may be refused, or archaeological remains may have to be preserved in situ, or the site investigated prior to and during development.

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.

HO14: States that non-commercial community based uses in residential areas will normally be approved provided there is no significant detrimental effect on the amenities of occupiers of adjoining and nearby properties and that parking/servicing within the curtilage can be provided.

H07: States that proposals for residential development on land within the defined limits to development will normally be approved subject to consideration of access, car parking, scale, the provision of open space, the effects on occupants of new and existing development and the retention of existing features of interest. The land should not be allocated for any other purpose.

HSG12(A): Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and 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.

HSG6(A): Identifies The Headland and Victoria Harbour Regeneration Areas 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.

Housing provision will be phased as follows:

2005-11 - 50 dwellings on the Headland and 550 dwellings on Victoria Harbour

2011-2016 - 900 dwellings on Victoria Harbour.

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.

PU1A: Requires that development proposals be designed to ensure that there is no additional flood risk. Sustainable drainage is encouraged.

PU3: States that proposals which may have a detrimental effect upon the quality of groundwater reserves will not be permitted unless measures are in place which remove the risk of groundwater pollution.

PU8: States that community-based uses will be permitted in residential areas subject to amenity, accessibility, car parking and servicing considerations.

RE1: Requires that new housing developments comprising 20 or more family dwellings should normally be required to provide safe and convenient areas for casual play.

RE6: States that a network of footpaths linking areas of interest within the urban areas and along the coastal fringes will be developed.

RE7: States that the development of land for noisy outdoor sports activities will be approved in areas away from housing where there will be no significant detrimental effect to the occupiers and users of nearby land or to wildlife interest, and provided that adequate noise screening is provided.

RE8: States that proposals for indoor leisure uses likely to generate noise or other disturbance will only be approved where they will not give rise to additional disturbance to neighbours, measures are taken to reduce noise and car parking is adequate.

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 and at Seaton Carew.

REC14: States that major leisure developments likely to attract large numbers of visitors should be located in the town centre. Then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

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.

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.

SE14: States that on sites below the 5m contour line the Borough Council will in consultation with the National Rivers Authority seek to ensure that exceptional new developments take account of the need to restrict floor levels to a safe height above predicted tide levels and are unlikely to transfer any flood risk to other areas.

TO11: Encourages and promotes development relating to business conferencing and tourism.

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.

TR12: States that pedestrian links will be improved in the central area particularly those between the town centre and the Mill House, Church Street and Marina fringe areas.

TR13: States that there should be safe and convenient pedestrian links to local facilities and amenities provided in new residential development.

TR14: States that provision will be made for a comprehensive network of cycle routes.

TR15: States that access from industrial land to the railway should where possible be preserved.

TR3A: States that no permanent development will be permitted within corridors of land reserved for the construction of the Westwood Way extension, Middleton Beach Road and Crawford Street.

TR5: States that new access points will not normally be allowed along the A19, A689, A179 and A178 south of Seaton Carew.

TR6: Requires that new development should normally provide adequate car parking except in the town centre and those parts of the town centre fringe areas and Seaton Carew served by public car parks.

TR7: States that residential and industrial estate layouts should be designed to ensure adequate access by public transport from the first phase of development.

TRA13: States that no permanent development will be permitted on this land which is safeguarded for the provision of a new road.

TRA14: Identifies the primary access point to developments at Victoria Harbour and Golden Flatts.

TRA15: States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

TRA16: States that 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.

Non-operational parking will not be required within areas of the town centre served by car parks or parts of Seaton Carew served by existing car parks.

TRA17: Seeks to preserve access from industrial land to the railway and supports the provision of new rail sidings.

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.

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 be 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 will be provided.

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.

WL4: 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 which would directly or indirectly harm species protected by law and their habitats will not be permitted unless effective steps are taken to secure the protection of such species and their habitats.

WL8: States that development likely to have a significant adverse affect on locally declared nature conservation and geological sites (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 the harm to the site, enhance the remaining nature conservation interest and secure any compensatory measures and site management that may be required.

WL9: 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

National Policy Context

1.20 The application has been drafted and considered in the context of the range of relevant Planning Policy Guidance Notes and Statements. The following paras refer to the key considerations in this regard.

- 1.21 PPS1 – Delivery Sustainable Development: the proposals contribute to the achievement of the key principles in a number of ways, including
- an emphasis on design quality, reflected in the submitted Master Plan, Urban Design Vision and Design Statement

- the potential application of Combined Heat and Power technology to minimise carbon emissions
- the redevelopment of a major brownfield site, relatively close to the town centre and adjacent to other regeneration areas, in a mixed use form, including residential and employment uses, supported by community, leisure, educational and retail facilities to ensure the scheme meets the needs of its community in a sustainable way

1.22 PPG3 – Housing: the proposal is compatible with the principles of PPG3, involving the re-use of 200 acres of brownfield land on a site which meets the selection criteria of the PPG and offering the potential to achieve all of the component elements of sustainable residential environments. Further, the approach to the phasing of development (referred to below) will be set within the “plan, monitor, manage” approach advocated by PPG3. The proposals are also considered to be consistent with the very recently published draft PPS3 which in due course will replace the PPG. (Further details on the assessment of housing demand and supply are set out in para 1.69 onwards).

1.23 PPS6 – Planning for Town Centres:

PPS 6 is concerned with promoting vital and viable town centres and thus sets out guidance on both plan making and development control in relation to that aim.

PPS6 states that local planning authorities should require applicants to demonstrate:

- a) the need for the development both in quantitative and qualitative terms some 5 years ahead and given a defined catchment area.
- b) the scale of development would be appropriate.
- c) That there are no more central sites for the development. In selecting sites all options in the centre should be thoroughly assessed before less central sites are considered.
- d) That there are no unacceptable impacts on other existing centres.
- e) That developments are accessible by a choice of means of transport including public transport walking cycling and the car.

1.24 It is considered that the outline nature of this application, the broad scope of potential land uses it seeks to cover and the long term duration of the projects makes a strict application of the various tests in PPS6 somewhat premature however a broad analysis of policy fit is given below.

1.25 This exercise can be more clearly applied to retail and office development and the analysis is set out below. The position with regard to visitor accommodation and other leisure features such as sports uses and restaurants follows on from this.

Retailing

1.26 The findings of the retail impact assessment have been subject to an independent assessment by Drivers Jonas, who were responsible for producing the Council’s town centre retail strategy.

Convenience retailing

1.27 The applicant has put forward a case which seeks to demonstrate that Victoria Harbour would generate sufficient inherent capacity to support the additional convenience retailing proposed without drawing trade from the town centre or from other smaller local centres.

1.28 In consultation with Drivers Jonas this is considered to be an acceptable analysis. It is accepted that the number of residents expected within the Victoria Harbour scheme should be sufficient to support an argument of need for the proposed scale of convenience retailing. Furthermore notwithstanding a strict application of PPS6, to seek to locate the convenience floorspace elsewhere in a more central location would clearly be inappropriate.

1.29 In terms of impact it is considered that a new store would not be expected to draw significantly from existing facilities taking into account that it would be self supported by the increase in population. Drivers Jonas agree with the analysis that the impact on lost trade to existing local centres will vary from 3.2% to 7.3% depending on whether it is a discount operator or large supermarket chain. However the degree of impact will be largely felt in terms of opportunity trade being lost rather than existing trade being drawn away.

Speciality retailing

1.30 A site of this location and potential development content is recognized as having the potential for an element of specialty shopping, adding to the visitor offer, as recognized in the Hartlepool Tourism Strategy.

1.31 It is considered that limiting the scale of this element of the scheme to 1300 square meters gross and the maximum size of individual units to 130 sq meters gross is an acceptable means of controlling the nature of retail so as to minimize the potential impact on existing general retail provision.

Comparison retailing

1.32 The applicant's analysis of need and impact related to the proposed comparison shopping has been assessed in detail by Drivers Jonas, having regard to not only the existing and projected levels of expenditure, but also current commitments / planning permissions and the potential for Victoria Harbour to attract a higher quality provision which will increase Hartlepool's market share. In that light it is concluded that there is capacity within the Borough for the proposed additional retail development.

1.33 In order to minimise the impact of the development on the viability of the town centre it is considered prudent to impose a condition generally restricting comparison retailing to goods of a type not normally sold in the town centre. This would be in keeping with the recommendations of the Tees Valley Joint Strategy Unit.

1.34 It is envisaged that the type of comparison retailing that would be appropriate would be sales of bulky goods. The exception to this requirement would be for

certain sports retail formats which primarily concentrate on the sale of bulky goods but which are supplemented by the sale of sports equipment and clothing.

1.35 The question of whether a limited proportion of such sales would be appropriate within 'out of centre' locations but where the emphasis remained on the sale of bulky goods has been examined in two recent planning appeal decisions in Gloucester and Rochdale. In both cases the planning Inspectors decided that it was appropriate to relax a condition restricting the types of goods that could be sold. It was recognized in the Gloucester case that the various components were integral parts of the proposed operation that were not severable from one another. It was also recognized that the proposal would introduce a demonstration court which would extend the range of facilities available. In the Rochdale case, the Inspector recognized this format in conjunction with a separate town centre store run by the same company operated successfully in some 67 other towns.

1.36 It is therefore proposed to impose a condition that would generally restrict retailing to bulky goods with the exception that for a single unit there would be an upper limit on the floor space given over to the sale of non bulky goods.

1.37 It is envisaged that pedestrian and cycle linkage between the site and nearby retail centres including Anchor, Highlight and the town centre will be enhanced through the provision of additional toucan crossing points.

Offices / light industrial development

1.38 The applicant's commercial assessment of the Victoria Harbour project has produced a range of findings that help to inform how well the proposed business elements of the project relate to the PPS6 considerations.

1.39 With respect to need the study identifies that there is currently a dearth of business park space in Hartlepool relative to the North East as a whole. Currently demand for office space in Hartlepool is weak however this is constrained by a shortage of readily available office space within the town. There is a limited supply of vacant office accommodation within the town centre and what little there is has low rental value and is not regarded as attractive to potential occupiers.

1.40 There is a pipeline supply of land available locally, notably at Queens Meadow and Maritime Avenue in Hartlepool and at Wynyard. With the exception of Maritime Avenue these locations do not provide the attractive waterside location available at Victoria Harbour.

1.41 The project is considered to have further characteristics which will serve to distinguish it from and therefore restrain impact on the Maritime Avenue permission i.e. a high quality masterplanned environment and potentially smaller units than those approved at Maritime Way.

1.43 The Council's Economic Development Manager states that the "*Project offers unparalleled opportunity to promote a unique waterfront community offering economic, social and environmental benefits to the whole of Hartlepool*".

1.44 Throughout the wider Tees Valley area there are other locations for example Middlehaven in Middlesbrough, North Shore and Teesdale in Stockton offering high quality office space. In this context the commercial assessment recognises that there is a need for the office development to be prudently phased to ensure that a majority of space is brought forward in the latter phases of development so as to avoid flooding the market with commercial office space. The phasing could be secured through an appropriately worded planning condition.

1.45 In terms of accessibility the site is located close to the town centre with the nearest rail station only 10-15 minutes walk away.

Hotel

1.46 An hotel site has been identified at the eastern extent of the Wave Boulevard with an attractive coastal outlook. The applicant anticipates that a 100 – 120 bed hotel with conference and spa facilities to serve the local, regional and national market can be attracted. Situated overlooking Middleton Beach and the entrance into the harbour and with views across the North Sea to the hills in the south, it is envisaged that the site offers sufficient distinctive characteristics to attract additional leisure and business visitors to the area.

1.47 This development is supported by Hartlepool's Tourism Accommodation Strategy for the Borough which states, "If Victoria Harbour is successful, it appears that a 150 bedroom conference hotel could be supported towards the end of the development timeframe. Alternatively, a 100 bed hotel could be developed earlier and extended as market demand allows" (Hartlepool Accommodation Supply and Demand Model –May 2004).

Intensive sport uses

1.48 An area is to be reserved within the site for the provision of a new water based leisure centre known as the H2O centre. The initial design concept outlined within the feasibility study carried out by Capita Symonds, suggests that the H2O Centre should look to replace the towns existing leisure centre (Mill House) which is nearing the end of its economic life, and also provide a new visitor attraction.

1.49 The study suggests that the town should look to develop a state-of-the-art leisure centre - the suggested design includes an 8 lane 25m swimming pool and learner pools, a climbing wall, 4 hall sports hall, leisure suite, extreme sports area and café and viewing area. Also in order to develop a facility that will create the desired regional and even national demand it is suggested that a surf centre be developed which will cater for beginners and more advanced surfers and will be capable of holding competitions in a man made surfing environment. This type of development will require a very large footprint of land and large water body neither of which are available within the town centre. However this type of use can easily be accommodated within land at Victoria Harbour and can make use of the water basin that will be created as part of the wider Victoria Harbour development.

1.50 With regard to the sequential approach following the town centre any major developments should be located in edge of centre sites including the Marina and

south of Maritime Avenue. There are no suitable sites available within these areas given the size of site that is required. The next preferable location for this type of development is Victoria Harbour.

1.51 In terms of impact this development could have an extremely positive effect not only on the town's economy (including tourism and leisure sectors) but also could act as one of the key landmark developments within Victoria Harbour.

Restaurants

1.52 There are currently approximately 35 licensed dining venues in Hartlepool with the major cluster being on the marina and Church Street. On the Marina there are ten true restaurants plus 2 food-pubs, a floating restaurant and the two facilities within Hartlepool's Maritime Experience.

1.53 The development at Navigation Point has seen the ground floor units almost exclusively being let to food orientated tenants. Due to the high demand the developer has adopted an approach of only allowing one restaurant of any one type of cuisine to take a unit.

1.54 Restaurant owners have indicated to the Council that they regularly receive customers from areas such as Leeds and Newcastle and have helped to stimulate the evening economy within the marina setting.

1.55 Since the development of Navigation Point only one restaurant has ceased trading however the unit it occupied was re-let immediately to another restaurant owner.

1.56 The above is considered to provide a firm indication of a need for further restaurant provision.

1.57 In terms of general accessibility, contributions to the development of a bus service through the site at the earliest stage of the development would be made by the applicant through a planning agreement. The site is also within approximately 10-15 minutes walking distance of the town centre and railway station (around which the new interchange is soon to be built). The development at Victoria Harbour also proposes a new pedestrian and cycle bridge over the entrance to the harbour which will mean that accessibility to the area from the Headland is greatly improved.

1.58 It should be noted that PPS6 states that in making their decision Local Planning Authorities should consider other relevant local issues and material considerations including physical regeneration, employment opportunities in the context of the local labour market, economic growth and social inclusion.

1.59 The project is considered to make a substantial contribution to above objectives and in particular the regeneration drivers of restructuring local economies, recreating sustainable communities and revitalising urban areas.

1.60 It is considered that to disaggregate the various components of the project in order to strictly apply the individual tests enshrined in PPS6 would be counter-productive to the concept of the project as a holistic regeneration package.

1.61 PPG13 – Transport: the proposals support the principles of PPG13 in terms of seeking to maximise accessibility and connectivity via a range of modes of transport. The site is less than 15 minutes walk from the proposed transport interchange, has potential public transport routes built into the proposed layout and planned pedestrian around cycle linkages to the marina, town centre and Headland. It is also proposed to seek Green Travel Plans throughout the overall development programme via a planning condition.

Pan-regional Policy Context

1.62 At the pan-regional level, the Northern Way document, covering the North East, North West and Yorkshire and Humberside regions, provides the relevant context, via the Tees Valley City Region Development Programme, which specifically recognises the economic regeneration benefits of the Victoria Harbour project: “It is of sufficient scale and quality to provide further impetus to the regeneration of the urban core of the town, the Marina and the renaissance of adjoining communities, including the Headland”.

Regional Policy Context

1.63 The Regional Spatial Strategy is still in course of preparation but, having gone through considerable consultation and now submitted to ODPM with an Examination in Public planned for March, 2006, its policies do have weight as material planning considerations. The proposals are compliant with all relevant RSS policies.

1.64 In particular policy 7, relating, to the Tees Valley City Region, attaches priority to the “Hartlepool Quays” area, including Victoria Harbour, as a location for mixed use development. It also promotes the development of housing to support economic growth in sustainable locations, without undermining local housing markets and restructuring. This application proposed substantial additional housing in close proximity to existing and potential employment locations; as the Housing Market Demand Study (see below) indicates, the proposed housing is seen as providing a distinctly new offer without adverse impact on housing market restructuring. Policy 13 on regional brownfield mixed use developments specifically identifies the Victoria Harbour site.

1.65 It should be noted that at this point that the North East Assembly have seen the proposals as being in general conformity with the emerging RSS and have recently reiterated their welcoming of the proposals for Victoria Harbour within their formal comments on the Hartlepool Local Plan Modifications.

Sub- regional Policy Context

1.66 Whilst it is not a formal land use/development plan, the Tees Valley Vision does have a spatial dimension, which includes recognition of the Coastal Arc, including Victoria Harbour, as one of the three key investment zones in the sub-region.

Victoria Harbour is seen as a strategic project within the Coastal Arc: “Victoria Harbour provides a major and unique opportunity for quality waterfront development of regional significance.

Local Policy Context

1.67 The Hartlepool Local Plan, as members will appreciate, is at an advanced stage in its review, with Cabinet and Council shortly to consider the outcome of the recent publication of proposed Modifications to the Plan. The existing Plan, adopted in 1994, allocates the site for port-related development and as such the current application must be regarded as a departure, requiring referral to the Government Office for the North East if the Committee is minded to grant planning permission.

1.68 The emerging Local Plan identifies Victoria Harbour as a mixed use site, as is proposed within this application. The Plan also specifically recognises Victoria Harbour as a preferred location, over and above other out of centre locations, within the sequential approach taken to major retail and office development (as welcomed by the North East Assembly in their response to the proposed Modifications). In addition housing allocations across the Borough have been reviewed to take into account the need to accommodate the proposed scale of development at Victoria Harbour whilst having regard to the overall allocation for the Borough as in the emerging RSS. The outcome has been that this site and a small mixed use area on the Headland are now the only proposed allocations for housing in the Plan.

Housing demand/supply issues

1.69 The scale of housing development proposed in the application, 3,430 dwellings over the four phases, necessitates consideration of quantitative need and supply issues and also any relationships with Hartlepool’s existing housing market, and particularly the current and proposed renewal programme.

1.70 The Housing Demand Study submitted within the application identified three principal sources of residential demand:

- a) reducing current rates of out-migration by 40% reflecting a combination of increased employment opportunities and improved quality and range of housing (a significant factor identified in the Hartlepool and Regional Housing Aspirations Studies) and comparable with the findings of a Housing Needs Survey and Aspirations Study undertaken at Sunderland
- b) increasing rates of in-migration by 10%, again attracted by available employment and/or housing
- c) attracting a proportion of the households moving within Hartlepool, who aspire to the housing products and living environment proposed to Victoria Harbour.

The total moves based on the above projections equate to slightly less than 4% of all projected household moves over the next 20 years. It is recognised that such projections are open to alternative presumptions, but the presumptions referred to above are either relatively cautious (in-migration and

moves within Hartlepool) or have some basis in studies undertaken (out-migration).

1.71 It is important to consider the potential housing supply from Victoria Harbour in the context of overall housing allocations for Hartlepool, given current concerns in the region about an over-supply of housing. The existing approved allocations stem from the Tees Valley Structure Plan/Regional Planning Guidance, but these are low in comparison with actual historical performance in Hartlepool and the RPG recognised the need for early review of the allocation. The emerging Regional Spatial Strategy includes new allocations, based on more up-to-date information and a region-wide assessment. Whilst the RSS is still to be adopted, it is considered that the RSS figures are the more relevant for consideration at this point.

1.72 Accordingly the potential supply from Victoria Harbour has been considered in the context of the RSS allocation, the additional need to replace a proportion of proposed housing clearances over future years and proposed development from various locations, namely

- Middle Warren
- Wynyard
- Marina
- Windfalls and other sites
- Cleared housing sites
- Headland

1.73 As the graph at Appendix H shows, with a phased approach to development at Victoria Harbour (in line with the comments of the North East Assembly and the Tees Valley Joint Strategy Committee) the proposed can be accommodated within the RSS allocation; total annual completions generally are only slightly above the average completion rates over 1991-2005. In summary, a phased approach to Victoria Harbour's housing supply can ensure compliance with the RSS's housing requirement.

1.74 The housing element of the application has also been considered in terms of its relationship with the housing market renewal programme. Assessment of the experience to date in the NDC and North Central Hartlepool HMR areas points to only a minority of householders seeking to move, or moving to, newly built owner-occupied property. Additionally, the projections within the Housing Demand Study submitted with the application suggest that only 1-2% of households moves within Hartlepool would be into Victoria Harbour. Finally, whilst the housing mix for Victoria Harbour will inevitably vary over the development period, it is likely that the bulk of the development will be within different market brackets to that of the HMR areas. The combination of these factors suggests that the Victoria Harbour proposals do not offer potential conflict with the HMR proposals in Hartlepool.

Traffic Impact

1.75 The transport assessment has revealed that it is likely a number of off site highway works both to the local highway network and to A19 junctions situated outside the Borough Council area will be required at various stages during the lifetime of the development.

1.76 The Head of Technical Services considers it is likely that the development will result in a material increase in traffic delay within the town over time but that the proposals are acceptable from a practical point of view and mitigation will help to limit congestion. It is acknowledged that some of the improvements are likely to be required in any event as a result of natural traffic growth irrespective of whether the project goes ahead

1.77 It should be stressed that the proposed junction / linkage improvements are based on modelling techniques and that the magnitude of predicted impacts may turn out to be greater or less significant in practice. It is envisaged that a grant of planning permission would not render the need for the highway works a foregone conclusion but that a suitable mechanism as specified with a planning agreement is required to ensure the delivery of schemes within certain phases of development if found to be necessary.

1.78 The proportion of improvement works that should reasonably be borne by the applicant has been considered given that the need for the improvements will not arise entirely as a result of the project but from natural traffic growth as well. It has therefore been agreed that the developer would finance works to the north of the development whilst improvements to the south would be tackled through the Local Transport Plan.

1.79 The Highways Agency continue to consider appropriate conditions that will need to be imposed. The outcome of these considerations will be reported to the meeting.

Green transport planning

1.80 Notwithstanding the above, the importance of making in-roads into reducing car dependency is recognised. In the interests of accessibility the scheme proposes pedestrian and cycleway linkages with the wider area including the potential to link the site to the Headland with the introduction of a harbour bridge and to existing retailing facilities at the Anchor and Highlight sites through the introduction of pedestrian crossing points. This will also help to link the site with the residential areas beyond.

1.81 There are to be pedestrian and cycle routes running both north- south and east – west through the site

1.82 It is important to provide a bus route through the site in order to help influence travel decisions of residents at the earliest stage of the development. In this regard the applicant has agreed in principle to support measures to modify existing bus services to provide access into the site.

The transport assessment states that the applicant will use reasonable endeavours to ensure that all employers on the Victoria Harbour site have an obligation to produce an appropriate travel plan taking into account the need to avoid overburdening employers and discouraging their establishment. Travel Plans will aim to include the following measures

- The nomination of a transport plan coordinator
- The use of car share databases
- Monitoring of performance against targets to secure reduction of car usage.

1.83 As part of the planning agreement a charter will be produced which will require the applicant to use reasonable endeavours to set up employer travel plans.

Ecology

1.84 Whilst the site is in close proximity to very sensitive habitats, the ecological significance of the site itself has been shown to be small.

1.85 The development will cause the loss of a small number of nesting sites however there are alternative suitable habitats such as at Spion Kop.

1.86 The tarmac areas are home to a number of temporary roosts. The Slake is already subject to disturbance due to proximity to existing industrial users.

1.87 It is considered that conditions requiring a habitat management plan and enhancement plan for the Slake will be sufficient to secure mitigation measures within the site itself and to limit disturbance to nearby environmentally sensitive areas.

Provision of land for a community facility / school site

1.88 The reservation of land for a school site subject to future need and for a community / leisure facility subject to the ability to secure delivery are considered to be positive measures that the applicant would be willing to tie into a planning agreement. The design statement has recognised the potential within the scheme for an iconic community / leisure feature.

Labour market issues

1.89 The scale of the proposed projects provides an opportunity to draw upon skills already available within the town and to provide targeted training and recruitment to local residents in areas such as the construction trades. The applicant has agreed that in the event planning permission is forthcoming to adhere to a charter of operational and monitoring arrangements to promote and secure the implementation of targeted training.

The desirability of a water strategy

1.90 The proposed development offers the opportunity to use the water bodies to enhance the visual setting and recreational potential of the development. In the event that planning permission is forthcoming a planning agreement would secure a reservation of land until March 2013 for the provision of a water based leisure park.

Hartlepool Boatmens concerns

1.91 The question of whether an area will continue to be made available for the harbouring of small boats is a matter for the tenancy agreement between the boatmen and the port authority. The port authority has recognised that the maintenance of small boats activity in the port will be very important to the provision of an interesting and active environment. In respect of free access for navigation the port authority recognise that the bridge link between the site and the Headland will need to accommodate access for ships using the port.

Cabin owners concerns

1.92 It is proposed to impose a condition requiring that the cabin owners are relocated elsewhere within the site or to a mutually agreed location elsewhere.

Traffic free coastal footpath

1.93 The applicant has agreed to help provide a coastal path within the site. The precise route and extent to which it would be traffic free would be determined at the more detailed design stage.

Playing pitch provision

1.94 The community services manager has indicated that his preference would be to deal with the increased level of demand that will arise from the increasing population through enhancing the quality of existing provision elsewhere within the town for example at Grayfields. To this end the applicant would be agreeable to making a financial contribution of £50,000 prior to development commencing within phase 3 of the project towards enhancing the quality of existing provision.

1.95 With regard to the provision of formal play equipment this is to be funded by the applicant through a payment to the Council of £120,000 for the provision of a play area on agreed site within the Wave.

Noise and vibration issues

1.96 The operation of the OMYA and Heerema plants are significant noise sources. It is considered that the orientation and detailed design of new buildings is key to ensuring that residents will not be exposed to unacceptable nuisances.

1.97 There are two bodies of guidance that are relevant to assessing noise impact namely planning policy guidance note (PPG) 24 Planning and Noise and BS4142:1997 Method of Rating Industrial Noise affecting mixed residential and industrial areas.

1.98 The approach set out in PPG24 requires a comparison between actual noise levels and pre-determined acceptable thresholds which vary according to the noise source. Noise levels are grouped into 4 categories A-D, D being the most intrusive

where development exposed to such impacts should be refused. With respect to this guidance the applicant contends that the site is subject to various mixed sources of noise (including industrial, traffic and port related activities) and that the levels would fall within the parameters permissible for mixed noise sources, subject to the incorporation of appropriate noise attenuation measures such as acoustic glazing.

1.99 However PPG24 states that comparison with pre-determined noise exposure categories is not an appropriate approach where industrial related noise is the dominant source, as would be the case at night. In such circumstances it is necessary to have regard to BS4142. In essence this standard states that where noise from an industrial source would exceed 10dba above the background level at a given site the likelihood of complaints due to noise nuisance will be high. For the land parcels in closest proximity to Heerema and OMYA emissions would exceed the 10db threshold. Very careful attention to mitigation measures would therefore be required within these areas. Such measures would include allowing only less noise sensitive development and / or attention to matters of detailed design such as building orientation and glazing specification. It is also considered appropriate to impose a condition restricting the hours of operation of construction activity.

Flood risk

1.100 The flood risk assessment has concluded that with certain protective measures such as minimum building floor levels, potential coastal protection work to serve sites adjacent to Middleton Beach and an acceptable surface water drainage scheme that the development can be accommodated without undue risk from flooding.

1.101 It is considered that any required measures can be secured through the imposition of planning conditions.

Water pollution contamination and drainage

1.102 It is considered that these issues can be satisfactorily dealt with through the imposition of appropriate conditions.

Archaeology

1.103 Tees Archaeology has confirmed that it is satisfied that the protection of archaeological deposits can be satisfactorily dealt with through the imposition of a suitable condition

Deliverability of the harbour bridge

1.104 With respect to concerns raised by the local resident referred to above about the deliverability of the proposed harbour bridge it would be both unreasonable in planning terms and financially unrealistic to require that this feature be provided prior to the commencement of development.

7. CONCLUSION

1.105 It is therefore considered that this proposal amounts to a major regeneration initiative for the Borough that is compatible with policy at the regional, national and local levels and offers the prospect of major economic, physical and social benefits.

1.106 It is considered that any adverse effects of the housing, commercial and transportation elements of the proposal can be overcome through the imposition of appropriate conditions and through a planning agreement which have been discussed in detail with the applicant and relevant consultees .

1.107 The Environmental Impact Assessment has shown that with appropriate mitigation measures in place the development is not expected to cause any significant adverse effects. It also recognises that there are likely to be positive effects in terms of improvements to landscape and socio-economic measures.

RECOMMENDATION – APPROVE subject to the following conditions and planning agreement

1. The maximum number of residential units constructed within the following specified phases of the project, unless evidence within the housing market reveals further capacity shall be restricted as follows:- Phase 1 - Until 31 March 2011 - 550, Phase 2 - 1 April 2011-31 March 2016 - 900, Phase 3 - 1 April 2016-31 March 2021 - 1100, Phase 4 - 1 April 2021 - 31 March 2026 - 880
In the event that periodic reviews of housing supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised.
The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007

September 2009

March 2012

September 2014

March 2017

September 2019

March 2022

September 2024

If necessary at 2. 5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

2. Approval of the details of the siting, design including noise attenuation measures where relevant, height and external appearance of the building(s), the use of any land within the zones proposed for 'mixed use', 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. Application for the approval of the reserved matters referred to above must be made not later than specified in the following schedule:-
 1. For the initial development on the land parcels within phase 1 of the project hereby approved the expiration of three 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.
 4. For any subsequent development the expiration of 15 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 the approval of the reserved matters in question; or
 - b) the expiration of two years from the final approval of the reserved matters in question, 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.
5. The development hereby approved shall be constructed entirely in accordance with the land use zoning restrictions / definitions and phasing schedules in the design statement dated 21 June 2004 hereby approved unless otherwise agreed with the Local Planning Authority.
In the interests of visual amenity.
6. The development hereby approved shall conform with the zones identified within the design statement dated 21 June 2004 in terms of building height, massing, and spatial relationships between built development, public open spaces and water bodies unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
7. With the exception of the part of the site reserved for port related activity no new development within the site shall be for a purpose within planning use classes B2 or B8 unless those uses are ancillary to the primary use of a particular operation.
In the interests of reserving the site as a location for high quality light industrial and office development.

8. Unless otherwise agreed with the Local Planning Authority each of the various water bodies shown on plan reference 12b shall be constructed in accordance with details to be previously agreed with the Local Planning Authority prior to the commencement of work within Phase 3 of the development hereby approved.
In the interests of visual amenity.
9. Prior to the development being commenced a Habitat Management Plan comprising a package of mitigation measures aimed at retaining wintering and breeding bird populations within the site shall be submitted to and agreed by the Local Planning Authority.
In order to make appropriate provision for the potential loss of breeding and wintering bird populations to the development.
10. The measures agreed by virtue of the previous planning condition shall be implemented in accordance with a phasing programme to be agreed with the Local Planning Authority.
In order to make appropriate provision for the potential loss of breeding and wintering bird populations to the development.
11. Prior to the development being commenced an Enhancement Plan aimed at protecting and enhancing the Slake SNCI shall be submitted to and agreed by the Local Planning Authority. The Plan shall be based upon the findings of a detailed ecological and hydrological assessment and the subsequent development of a management / monitoring regime. The issues that the Enhancement Plan will need to address are:-
- a) interpretation of the site, (both on-site and off-site to be considered).
 - b) access management considerations
 - c) mapping of vegetation communities and other features of conservation importance
 - d) current position of the habitat in terms of ecological succession and future pressures on this habitat.
 - e) potential for maintaining current position in hydrosere
 - f) hydrology of site including salinity
 - g) potential for inputs of saline water
 - h) recommendations for management practices
 - i) recommendations for monitoring regime
 - j) litter and rubbish clearance
- In order to help safeguard the ecological interest of the site.
12. The Slake Enhancement Plan agreed by virtue of the previous condition shall be implemented in accordance with a timescale to be previously agreed by the Local Planning Authority. The timescale shall be agreed prior to the commencement of development on the site.
In order to help safeguard the ecological interest of the site.
12. Any departure from the requirements of the Slake Enhancement Plan shall be permitted only at the discretion of and following written application to the Local Planning Authority.
In order to help safeguard the ecological interest of the site.
13. Development shall proceed only in accordance with the findings and recommendations of the flood risk assessment revision 7, dated May 2005. The reference in para. 1.3 page 4 to future developments shall relate to parcels, D15a, D16a, D17a, D15b, D16b, D17b and D18 on parcel plan 12b and all land including any adjacent highway infrastructure between these parcels

and the coast protection structure. Any required coast protection structure(s) shall be constructed in accordance with details to be previously agreed by the Local Planning Authority prior to development within any of those land parcels or any adjacent highway infrastructure being commenced.

To reduce the risk from flooding and in the interests of coastal protection.

14. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including necessary flow attenuation 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.

15. No development approved by this permission shall be commenced until:
a) A further site investigation has been designed for the site with the intended purpose of better understanding the relationship of shallow groundwater and deep groundwater. 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
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements

b) The further groundwater investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

c) The prepared method Statement detailing the remediation requirements is up-dated to incorporate further groundwater investigation results. The remediation method statement should include measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation and further groundwater investigation. The remediation method statement should be submitted and approved in writing by the LPA prior to that remediation being carried out on the site.

To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

16. If during development of any of the individual land parcels identified on Parcel Plan 12b, contamination, not previously identified, is found to be present, then no further development within the land parcel in question (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA, 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

17. Upon completion of the remediation detailed in the Method Statement 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 remediation site has been reclaimed to an appropriate standard.
18. 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 LPA. To prevent pollution of the water environment.
 19. 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 an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor. To prevent pollution of the water environment.
 20. 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.
 21. Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be retained throughout the life of the development. To enable discharges from individual premises or buildings to be inspected and sampled.
 22. 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 LPA. The approved scheme shall be retained throughout the construction period. To prevent pollution of the water environment.
 23. Roof drainage downwater pipes 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.
 24. 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.
 25. Unless deemed suitable for their intended use by the Local Planning Authority, nothing other than inert, uncontaminated materials shall be used in groundworks on the site. Secondary aggregates must comply with the "Quality Protocol for the Production of Aggregates from Inert Waste" (June 2004 ISBN 1-84405-119-6).

- To prevent pollution of the water environment.
26. Development hereby permitted within any of the individual land parcels identified on Parcel Plan 12b shall not be commenced until:
- a. The land parcel in question has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives be determined through risk assessment, and agreed in writing with the Local Planning Authority
 - b. 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.
 - c. The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme. The verification report should include post remediation sampling and monitoring results and future monitoring and sampling as appropriate.
 - d. If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.
- To safeguard against pollution.
27. 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), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
- To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
28. The use of any development approved within use class A3 shall not commence operation until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells. All approved items must be installed prior to the development in question coming into operation. 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.
29. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of the amenities of the occupants of neighbouring properties.
30. 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.
- In the interests of highway safety.
31. Prior to any development being commenced 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 shall be submitted to and agreed 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.
32. Prior to the completion of phase 4 the applicant shall in accordance with details to be previously agreed by the Local Planning Authority provide a bridge between points A and B as shown on plan ... connecting the site with the Headland area.
- In order to promote travel by means other than the private car.
33. Prior to 31 March 2011 or, having regard to funding ability a later date to be agreed between the parties, the applicant shall provide a coastal walkway and cycleway between points C and D on plan ... in accordance with details to be agreed by the Local Planning Authority.
- In order to promote travel by means other than the private car.
34. The provision of convenience retailing floorspace within the site shall not exceed 1,394 square metres gross.
- In order to avoid an adverse impact on existing convenience retailing within the town centre and other local centres.
35. The provision of speciality retailing floorspace within the site shall not exceed 1,300 square metres gross in total, no single unit to exceed 130 square metres gross.
- In order to avoid an adverse impact on existing retailing within the town centre and other local centres comparison shopping remains under consideration.
36. Prior to the commencement of development within any of the individual land parcels identified on Parcel Plan 12b, unless evidence is submitted to indicate it is not required, all buildings comprising residential accommodation shall be designed to combat noise encroachment in accordance with measures to be previously agreed with the Local planning Authority. The agreed design measures shall be implemented prior to respective development being brought into use.
- Appropriate design measures may include attention to the following:-
- Orientation of buildings
 - Internal layout of dwellings
 - Attenuation Performance of glazing units.
 - Fixture of glazing units
 - Method of ventilation
 - The use of buildings accommodating less noise sensitive uses as noise attenuation barriers
- To ensure that appropriate provision is made to safeguard against disturbance and nuisance caused by noise.
37. No construction works on any part of the project shall take place outside the hours 8.00 a.m - 8.00 p.m, unless otherwise agreed in writing with the Local Planning Authority.
- To ensure that appropriate provision is made to safeguard against disturbance and nuisance caused by noise.
38. Unless otherwise agreed with the Local Planning Authority until it can be demonstrated that archaeological remains will not be significantly affected due to disturbance or loss no development shall take place within any agreed phase or sub-phase of development until the applicant or their agents or successors in title has completed the implementation of a phased programme of archaeological work in relation to the respective land parcels in accordance

with a written scheme of archaeological investigation submitted by the applicant and approved in writing by the Local Planning Authority.

The scheme of archaeological work in question will comprise of the following:

A) Within the main dock area

The extraction of core samples of peat for carbon dating processes.

B) Within the Headland Area (Areas B19 -21 and possibly B18 as shown on plan

Trial trenching followed by preservation in situ or archaeological excavation if preservation in situ cannot be agreed.

The site is of archaeological interest.

39. No development within any of the individual land parcels identified on Parcel Plan 12b shall be commenced until details of the proposed foul sewage management arrangements relating to the land parcel in question have been submitted to and agreed by the Local Planning Authority in consultation with Northumbrian Water.
- In order to prevent pollution of the water environment.
40. No development within any of the individual land parcels identified on Parcel Plan 12b shall be brought into use until the foul sewage management arrangements relating to the land parcel in question (agreed by virtue of the previous condition) have been implemented to the satisfaction of the Local Planning Authority in consultation with Northumbrian Water.
- In order to prevent pollution of the water environment.
41. Prior to any development proceeding that causes a requirement for the site currently occupied by storage cabins situated within the location ? shown on plan ..., the storage cabins shall unless otherwise agreed with the Local planning Authority be relocated elsewhere in accordance with details to be previously agreed with the Local Planning Authority.
- In order to make alternative provision for the storage of dock business related equipment.
42. The maximum proportion of the total office / industrial floorspace within the following specified phases of the project, unless evidence reveals further capacity shall be restricted as follows:-

Phase1 - Until 31 March 2011 - 13,000 square metres

Phase 2 - 1 April 2011 - 31 March 2016 - 15,000 square metres

Phase 3 - 1 April 2016 - 31 March 2021 - 15,000 square metres

Phase 4 - 1 April 2021 - 31 March 2026 - 14,000 square metres

In the event that periodic reviews of industrial and office land supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007

September 2009

March 2012

September 2014
 March 2017
 September 2019
 March 2022
 September 2024
 If necessary at 2. 5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

To control the supply of commercial land entering the market.

43 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (Or any Order revoking and re-enacting that Order with or without modification) the proposed retail warehouse units shall not be used for the sale of:

- food and drink;
- clothing or shoes (including sports clothing);
- books and stationery;
- CDs and other recorded audio-visual material;
- toys and children's goods;
- jewellery, clocks and watches;
- sports equipment and accessories;
- china and glassware;
- musical instruments;
- medical, chemist and opticians' goods; and,
- pet products,

with the following exception. One unit of maximum 1,500 sq m gross may sell sports goods and equipment (including sports clothing) but with no more than 50% of the net retail floorspace to be used for the sale or display of sports clothing and footwear.

To protect the viability of the town centre.

Victoria Harbour – Section 106 agreement – Heads of terms

1. Phasing of residential development

The maximum number of residential units constructed within the following specified phases of the project, unless evidence within the housing market reveals further capacity shall be restricted as follows:-

Phase1 – Until 31 March 2011 - **550**
 Phase 2 – 1 April 2011 – 31 March 2016 - **900**
 Phase 3 – 1 April 2016 – 31 March 2021 - **1100**
 Phase 4 – 1 April 2021 – 31 March 2026 - **880**

In the event that periodic reviews of housing supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007
 September 2009
 March 2012
 September 2014
 March 2017
 September 2019
 March 2022
 September 2024
 If necessary at 2.5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

2. Phasing of office / industrial development

The maximum proportion of the total office / industrial floorspace within the following specified phases of the project, unless evidence reveals further capacity shall be restricted as follows:-

Phase1 – Until 31 March 2011 - 13,000 square metres
 Phase 2 – 1 April 2011 – 31 March 2016 – 15,000 square metres
 Phase 3 – 1 April 2016 – 31 March 2021 – 15,000 square metres
 Phase 4 – 1 April 2021 – 31 March 2026 - 14,000 square metres

In the event that periodic reviews of industrial and office land# supply and demand within the Borough, in the context of regional supply and demand, reveal further

capacity the Local Planning Authority may consent to the aforementioned quotas being raised.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007
 September 2009
 March 2012
 September 2014
 March 2017
 September 2019
 March 2022
 September 2024
 If necessary at 2.5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

3. Reservation and donation of land for community facility

- a) The sites denoted as land parcels C4 and C5 on parcel plan 12b shall be reserved for the implementation by the Council of a water-based leisure centre/park, including community meeting facilities and associated car parking and landscaping. Construction of such development is to start on site not later than 31 March, 2013. The land in question shall be provided by the applicant to the Council at nil cost, the Council having given not less than 6 months' written notice of its requirement to complete the freehold acquisition of the site.
- b) Not later than the giving of such notice, referred to in para (a), the Council shall provide details of the site layout, building design and car park layout for the leisure centre for approval by the applicant, such approval not to be withheld unreasonably.
- c) The site lying between land parcels C3 and C4 shall be provided by the applicant to the Council by 31 March, 2013. The site shall be provided to the Council at nil cost, for incorporation as part of the proposed leisure centre, the Council having given not less than 6 months' written notice of its requirement to complete the freehold acquisition of the water body/site.
- d) The Council shall use all reasonable endeavours to secure the implementation of the leisure centre at the earliest practical date. In the event that the Council's investigations conclude that the proposed project is unable to proceed the Council shall inform the applicant accordingly in writing and the reservation of

land parcels C4 and C5 for this purpose shall be terminated with immediate effect.

- e) On such termination of this reservation, the applicant and Council shall agree an alternative reservation within the application site of an area of 0.5 ha. for the implementation by the Council of community meeting facilities, construction of such development to start on site not later than three years from the date of this alternative reservation. The land in question shall be provided as a flat, top-soiled and seeded site by the applicant to the Council at nil cost, the Council having given not less than 6 months' notice of its requirement to complete the freehold acquisition of the site.
- f) Not later than the giving of such notice, referred to in para(e) the Council shall provide details of the site layout and building design for the community meeting facilities for approval by the applicant, such approval not to be withheld unreasonably.

4. Reservation of site for provision of school

The site denoted as land parcel D6 on parcel plan 12b shall be reserved until 31 March 2016 for the provision of a school subject to the LEA requiring such a facility during this time. The land shall be made available to the Authority for the purposes of providing a school upon it serving notice to owner. If such a notice is served the Authority to pay open market value for the land based on an education use as at the date of the notice.

5. Play provision within the site

- The two parts of the Wave Park identified by red hatching as shown on plan ref: each a minimum of 30m by 30m in area shall be reserved for the provision of an equipped children's playground the final design of which is to be submitted to and agreed by the Local Planning Authority. The land shall be provided to the Council at nil cost prior to any development being commenced in Phase 2 of the project.
- Prior to any development being commenced within Phase 2 of the project, the sum of £120,000 shall be paid to Hartlepool Borough Council to enable it to provide an equipped children's playground within the area identified by red hatching as shown on plan ref: ...
- Prior to any development being commenced within Phase 3 of the project, the sum of £ 50,000 shall be paid to Hartlepool Borough Council to enable it to contribute to the enhancement of existing play facilities elsewhere within the town.

6. Labour Market issues

- a) The applicant and its successors in title, their contractors, sub-contractors and suppliers (hereinafter referred to as “developers”) shall use all reasonable endeavours to ensure that the recruitment and training opportunities during the construction of the Victoria Harbour development and the subsequent operation of the facilities created by the development are made available to the residents of the Borough of Hartlepool.
- b) A Recruitment and Training Charter will be agreed by the applicant and the Council before the development commences on site. The Charter will establish the performance indicators, prospective inputs by developers, the Council and other relevant agencies and broad operational and monitoring arrangements to promote and secure the implementation of targeted recruitment and training. The Charter will also provide a template for a Method Statement to be used by individual developers to establish targets and detailed measures to deliver the Charter’s commitments.
- c) Each developer will be required to submit a Method Statement to be agreed by the Council before each construction contract or facility operation commences.
- d) The form and content of the Recruitment and Training Charter shall be reviewed by the applicant and the Council at two yearly intervals to ensure that it continues to provide an appropriate framework for targeted recruitment and training, having regard to the progress of the development and the local labour market context.

7. Management Company

Prior to the completion of any development within Phase 1 of the project, the applicant shall establish a management company to take responsibility for the maintenance of public realm works including:-

1. Upkeep of landscaping and open spaces
2. Maintenance of water spaces

8. Offsite highway works

Prior to any development being commenced details of the location, design and phased implementation of toucan crossing points adjacent to the site broadly in accordance with Fig. 6 of the transport assessment shall be agreed by the LPA. The agreed details shall be adhered to unless otherwise agreed with the LPA.

Unless otherwise agreed by the LPA the works identified 1-5 and 10-12 below shall be implemented at the cost of the applicant in accordance with details to be previously agreed by the Local planning Authority. The works shall be implemented prior to the end of the respective phases indicated.

Unless otherwise agreed by the LPA the works identified 6-9 below shall be implemented at the cost of the HBC in accordance with details to be previously agreed by the Local planning Authority. The works shall be implemented prior to the end of the respective phases indicated.

Hartlepool Borough Council Network

1. Powlett Road/Easington Road/Raby Road – conversion from roundabout to signalised crossroads and localised widening - Phase 2
2. Powlett Road – widened to two lanes in each direction between Raby Road and a point 30m west of May Street - Phase 2
3. Powlett Road/Milbank – localised widening to existing signalised crossroads and right turn ban from Powlett Road west (except buses and cyclists) – Phase 2
4. Marina Way/Powlett Road – signalisation of existing roundabout and localised flaring – Phase 2
5. Site Access Junction – new roundabout – Phase 1.
6. Marina Way / Middleton Road – addition of segregated left turn lane from the south at existing roundabout – Phase 2
7. Marina Gateway/Church Street – right turn ban into Clarence Road and staging amendments – Phase 2
8. Victoria Road/Stockton Street – right turn ban into Victoria Road (except buses, taxis, and cyclists) and staging amendments – Phase 2
9. Stranton / Burn Road – conversion from roundabout to signalised crossroads – Phase 1

Highways Agency/Stockton Borough Council Network

10. A19/A689/A1185 – signalisation of two nodes of the existing 5 arm roundabout and widening of the circulatory carriageway adjacent to the A689 westbound approach – Phase 2
11. A19/A689 – signalisation of both A689 approaches and the A19 southbound off-slip approach to the junction, and widening of the circulatory carriageway adjacent to both A689 approaches – Phase 2.

Highway Agency / Durham County Council network

12. Carriageway improvements at A19 / A179 junction

9 Contribution to public transport provision / enhancement

Terms to be agreed

10. Travel Plan

The applicant and its successors in title shall use all reasonable endeavours to ensure that new employers within Victoria Harbour adopt a travel plan for their organisation. A travel plan framework (to which the applicant shall require employers to adhere) shall be agreed between the applicant and the Local planning Authority before development commences. The framework for each travel plan shall include a range of initiatives and measures as follows.:-

- The appointment of a travel plan co-ordinator
- The conducting of staff travel surveys.
- The agreement of targets for the reduction in car usage by staff
- The monitoring of performance against targets
- Other such measures as detailed in the transport assessment.

APPENDIX A - Housing demand

The application proposes up to 3,430 housing units over the 20 year implementation period.

A Housing Demand Study has been prepared to justify the case for up to 3,430 housing units at Victoria Harbour. The Study identifies three principal sources of increased residential demand in the town:

- Through reducing current rates of out-migration among households currently resident in Hartlepool;
- Through attracting additional in-migrant households into Hartlepool, and
- Through securing a proportion of the households changing property within Hartlepool.

Current migration levels into and out of Hartlepool Borough are broadly balanced. However the potential exists through the step change renaissance of the urban area to significantly reduce out-migration, currently 2.5% of its population (1860 persons) every year and to broaden the catchment of in-migrants to the town, both of whom may choose to relocate to Victoria Harbour. This will be dependent on an extremely high quality product being brought forward in association with other lifestyle facilities of an equally high standard.

At the present time Hartlepool does not offer a great deal of variety in terms of the residential properties available to prospective purchasers. The implementation of Victoria Harbour will see a new product becoming available that will consist of very high quality residential properties in an attractive coastal setting, highly accessible to a range of associated high quality local services. This development will put Hartlepool “on the map” and will offer an associated boost to the image of the town as a place to live and work.

The Housing Demand Study has also considered the supply context in which Victoria Harbour will be accommodated. The Study shows that at January 2003 planning permissions in Hartlepool amounted to a total of 2,972 dwellings, of which 1,215 were at Middle Warren and 900 at the Marina. The Study identifies a need to accommodate about 330 new houses annually in Hartlepool over the next 15-20 years. This is based on a Tees Valley Structure Plan target of 214 dwellings per year, plus 116 from the annual replacement of cleared dwellings.

Taking existing commitments (planning permissions) into account plus an allowance for windfall sites, the Study demonstrates that Hartlepool will still need to identify land for an additional 118 houses per annum for the next 15 to 20 years.

The Demand Study shows that there was considerable interest in the Victoria Harbour scheme, both from volume house-builders and from smaller 'niche' developers. They consider that a high quality product could capture a greater proportion of the commuter market, including singles and families looking to take advantage of the increased business opportunities in the Tees Valley and that build rates of 150 units per year are achievable. Victoria Harbour could broaden the supply available in the town at the top end of the market through a full range of housing types for which the waterfront environment will stimulate demand.

The study concludes that Victoria Harbour would contribute fundamental and significant economic regeneration benefits to Hartlepool and act as an 'economic driver' through improvement in image and place competitiveness; creation of a step change in the housing market and prospects in the area; retention and expansion of a highly skilled labour force; and add significant population, incomes (147.8 million gross per annum) and expenditure (62.39 million gross per annum) to the local and sub-regional economy while adding significantly to the local tax base. Furthermore as one of the largest brownfield sites in the sub-region it offers a key opportunity to ensure that regional policy targets for residential development on recycled land are met.

APPENDIX B - Retail need and impact

Three types of retailing are proposed at Victoria Harbour. These comprise convenience type retailing of up to 1394 square metres and most likely to take the form of a single store; 1300 square metres of speciality retailing and 14,400 square metres of comparison retailing.

In support of the planning application the applicant has provided a retail capacity and impact assessment. The study draws the following conclusions:

Convenience retailing

In terms of impact, the proposed convenience goods floorspace will form localised 'top-up' shopping facilities for the new residential population (7,700 people), and will not be of a scale sufficient to divert trade from existing shopping destinations. This element is necessary to help form and serve the new community, but is insignificant in terms of its impact on the wider Borough. The new resident population will generate sufficient 'top up' convenience goods expenditure to support the proposed local convenience goods floorspace. The main impact of the proposals will be on trade which existing stores in the area would otherwise derive from new residents.

Speciality retailing

Speciality retailing will help promote tourism in North Docks and The Headland, in accordance with local policy and regeneration programmes. The Victoria Harbour development proposals will act as a catalyst for the wider regeneration of the area promoting continued investment. Strong linkages in the form of a seafront promenade will be created between North Docks and The Headland, helping to achieve the creation of a mixed-use Hartlepool waterfront running all the way to the Marina. The vibrant waterfront, incorporating speciality retailing, will have significant positive implications for the integration of the Hartlepool Waterfront, and will raise the profile of Hartlepool as a visitor destination.

In order to be successful the development depends on attracting retailers catering for a distinctive market. As such the impact of this element of the proposals on existing retailers is likely to be negligible. It is however accepted that it may be appropriate to impose an overall ceiling on the level of floorspace permitted per unit to ensure this element remains ancillary and would not become a significant destination in its own right. It is therefore proposed to limit this element of the scheme to 1300 square metres gross. A condition restricting the maximum size of individual units to 130 sq metres gross is also proposed.

Comparison retailing

The location of the retail warehouse element of the Victoria Harbour proposals will ensure excellent accessibility and linkages, and high visibility. Due to the very different nature of goods to be sold from the new warehouses, we do not consider the scheme will have a direct impact on the primary shopping area or existing centres. Instead we believe the development will have strong positive implications for the future of Hartlepool. The scheme, forming a critical mass of retail warehousing, will enhance trade retention and encourage stronger inflows of expenditure, facilitating spin-off benefits for the town centre. Hartlepool must strengthen its retail offer if it is to compete with improving retail provision in the wider catchment area.

The impact assessment, drawing on the Drivers Jonas base position, highlights that the largest impact will be on similar competing shopping destinations in the wider catchment area, notably Portrack Lane and Teesside Park. The scheme will 'claw back' trade from beyond the Study Area with the result of creating a more competitive shopping environment in light of improving shopping destinations in the wider catchment. The limited impact identified on existing provision is likely to be short lived as a result of strong growth forecasts in expenditure.

APPENDIX C - Transport assessment

A process of identifying the cumulative traffic volume generated by each of the various land uses at different stages within the lifetime of the project has been carried out.

A modelling exercise has been undertaken with a view to predicting the impact of increased traffic volume on the local highway network along with the A19 trunk road. Impact has been determined through comparing predicted traffic numbers and how this would influence decisions over preferred routes to the capacity of existing junctions and links between those junctions.

The assessment has identified that several junctions and links between them are already at capacity. If the development is allowed to proceed without intervention to secure highway improvements congestion problems are likely to occur on certain parts of the network.

The impact of the development in terms of traffic generation has been assessed both with and without various highway infrastructure improvement works. It is the net impact that is of particular interest given that without the development there would still be an impact arising from a general increase in the amount of traffic within the town over time.

The assessment has taken into account the extensive lifetime of the project and concludes with regard to mitigating against excessive congestion on the local highway network that no alterations will be required prior to commencement of development, that limited alterations will potentially be required within phase 1, with further alterations desirable prior to the end of phase 2. The recommended capacity enhancement schemes to the local highway network and to junctions situated outside the Borough Council area and their respective phases are set out below:-

Hartlepool Borough Council Network

Powlett Road/Easington Road/Raby Road – conversion from roundabout to signalised crossroads and localised widening - Phase 2

Powlett Road – widened to two lanes in each direction between Raby Road and a point 30m west of May Street - Phase 2

Powlett Road/Milbank – localised widening to existing signalised crossroads and right turn ban from Powlett Road west (except buses and cyclists) – Phase 2

Marina Way/Powlett Road – signalisation of existing roundabout and localised flaring – Phase 2

Site Access Junction – new roundabout – Phase 1.

Marina Way / Middleton Road – addition of segregated left turn lane from the south at existing roundabout – Phase 2

Marina Gateway/Church Street – right turn ban into Clarence Road and staging amendments – Phase 2

Victoria Road/Stockton Street – right turn ban into Victoria Road (except buses, taxis, and cyclists) and staging amendments – Phase 2

Stranton / Burn Road – conversion from roundabout to signalised crossroads – Phase 1

Highways Agency/Stockton Borough Council Network

A19/A689/A1185 – signalisation of two nodes of the existing 5 arm roundabout and widening of the circulatory carriageway adjacent to the A689 westbound approach – Phase 2

A19/A689 – signalisation of both A689 approaches and the A19 southbound off-slip approach to the junction, and widening of the circulatory carriageway adjacent to both A689 approaches – Phase 2.

Highways Agency/Durham County Council Network

A19/A179 – signalisation as a two node junction and localised widening – Phase 1

Green transport initiatives

The applicant proposes to enhance pedestrian and cycleway provision within the site and linkages with the town centre and residential areas through the implementation of toucan crossings points on Middleton Road, Marina Way and Cleveland Road.

The applicant also proposes to agree travel plans with the various employers who will eventually occupy commercial space within the development

APPENDIX D - Environmental Statement

A variety of potential impacts have been considered:-

Soil, ground and water conditions

Summary of Impact:

The study has revealed evidence of heavy metal and hydrocarbon contamination along with high alkalinity on the site.

Proposed mitigation: The ES suggests a number of techniques that might be employed to deal with contamination such as removal, soil flushing or incineration or through establishing a barrier preventing the migration of contaminants. With appropriate mitigation measures no adverse impact is anticipated.

Ecology

An assessment of the development's impact on local ecology within the site and environmentally sensitive locations nearby has been undertaken. In addition to the ES and ecology addendum report, surveys of winter birds, breeding birds and reptile populations have been undertaken.

Summary of findings

Within the site:

The study noted that the site is dominated by large expanses of tarmac with small areas of grassland scattered around the margins.

The most ecologically important area within the site is known as The Slake. This comprises an area of remnant salt marsh which has become degraded over time and is showing high levels of pollution. Nevertheless it has value as a breeding ground / nesting site for birds which could be subject to disturbance resulting from increased human activity. It also supports the most diverse selection of plants, insects and birds. The area is to be fenced to prevent access and increased disturbance.

There is no evidence of use of the area by protected species and as such no impact is anticipated.

Local Biodiversity Action Plan habitat would be lost which would impact on several national BAP species, both birds and mammals. The quality of this habitat is not however considered to be high due to the prevalence of non-native species.

Wintering Bird Survey

The wintering bird survey has revealed that there are large numbers of wintering birds in the vicinity of the development area, with the majority of species using the wave-washed, sea-weed covered rocks around the Headland, particularly around Inscar Point, which lies outside the planning application boundary. The Town Moor is preferred during high water periods when birds are displaced from Heugh Point.

The development area itself is, however, of limited value for wintering birds. The areas of rank grassland within the development area are utilised by very small numbers of small passerine species, despite their apparent value as a potential feeding area. Similarly, the Slake was not used by high numbers of birds during the survey period, probably due to disturbance from the working port area. The areas of open water within the development area are used sporadically by small numbers of oceanic species as a refuge and occasional feeding location.

Given that the current industrial use of the proposed development area limits the habitat available for foraging and roosting, and also causes disturbance the site is considered to be of relatively low value for wintering birds.

Breeding bird survey

The main impact will result from the loss of an area of rough grassland. Although the impact of this loss is not considered to be ecologically significant measures to minimise the impact are being incorporated into the design of the scheme.

Although birds using Middleton Beach and Fish Sands are likely to experience increased levels of disturbance this is not predicted to have a significant Impact on the populations of SPA qualifying species.

Reptile survey

No reptiles were found to be present on the site

Outside the site:

There are a number of formally designated environmentally sensitive locations in reasonably close proximity to the site.

The Tees and Hartlepool Foreshore and Wetlands Ramsar site, supports nationally important numbers of shore and wetland birds. The study concludes that the impact of the development on this area should be relatively minor given that the sites are separated by some 200 metres of existing infrastructure roads and port related activities.

The development would also be in close proximity to the Middleton Beach and Fish Sands Sites of Nature Conservation Importance. Recreational activity currently occurs within both areas and would be anticipated to increase within the Middleton Beach area in the wake of the development.

Proposed mitigation:

For wintering birds there are alternative roosting and foraging areas in the vicinity of the site, with the Town Moor being of particular value. Other areas of rough

grassland on brownfield land in the local area provide foraging habitat and accommodate breeding birds. Therefore, it is considered that mitigation for habitat loss as a result of the proposed development can be incorporated within the development area itself. These mitigation measures would include:-

1. Provision of an enhancement plan for the Slake, fencing the area to discourage access.
2. Incorporation of features for nature conservation into the landscaping and design of the development and retention of rough grassland within verges and on the edges of amenity areas.
3. The design of the scheme will acknowledge the sensitivities of the surrounding area; for example, there will be no new footpaths linking the development site to Middleton Beach, thus discouraging public access and limiting the disturbance experienced by birds using the beach for foraging and roosting.

The detail of these mitigation proposals will be provided within a Habitat Management Plan for the site, a working document which will inform the detailed design as well as set out the mitigation measures to be implemented during the construction period.

The environmental statement concludes that with mitigation measures in place and taking into account that there is a large area of better quality habitat in the vicinity the impact of the development on local ecology is not considered to be significant.

Water

Summary of impacts:- Potential pollution of surface and groundwater during the construction phases through the disturbance of contaminated land. Increased drainage into the Slake. Possible short-term adverse effects on water quality associated with the construction phase of the development

Proposed mitigation:- Appropriate remediation for areas of contaminated land across the site in order to avoid pollution. Implementation of well-managed drainage scheme for excess surface run-off. Unlikely in the longer term that there will be any significant negative impact. There is plenty of scope for an improvement in water quality and an associated increase in habitat and species bio-diversity associated with the development

Landscape and Visual Impact

Summary of impacts:

Opportunity to considerably improve the landscape. Would result in the reclamation of a significant amount of derelict and unused land due to the removal of scrap loading area and introduction of the wave landscaping belt.

Considers the impact of various vistas into, through and away from the site. Considers the key visual impacts to be views of the site from the historic quayside, the visual impact on residential properties situated on West View Road, Cleveland

Road and Lancaster Road, and the design scale and massing generally of buildings within the site, views of the new harbour bridge and loss of harbour character.

Proposed Mitigation: Construct buildings and bridge to appropriate scale and design, introduce hard and soft landscaping to help screen views from existing residential property. The overall impact subject to suitable design is regarded as positive.

Archaeology and Cultural Heritage

Summary of impacts: Potential disturbance to and loss of archaeological remains and impact of development on adjacent Conservation area. The areas of archaeological interest include prehistoric peat deposits and industrial remnants within the dock area and medieval remains within certain parts of the Headland.

Proposed mitigation:- Conduct a programme of archaeological evaluation and preservation by design or archaeological investigation as appropriate. Development to be in keeping with Headland character. Whilst there will inevitably be some disturbance to remains this will ensure that the adverse impact is minor in nature.

Socio Economic Issues

Summary of impacts:- Between 4000 and 5000 jobs predicted to be created directly and indirectly throughout the Tees Valley economy. Increased income level of population, competitiveness and retention and enhancement of skills. There could be distortion to existing job markets.

Proposed mitigation: Phasing and delivery of project to ensure maximum economic benefits are realised without distortion to existing markets

Tourism

Summary of impacts: Proposed facilities will compliment existing offer and raise the profile of Hartlepool as a tourist destination. Concern however about disjointed nature of offer with gaps between attractions.

Proposed mitigation: Phasing and delivery important to align development with existing tourism initiatives and themes.

Transport

Summary of impact: Severance and driver delay in various locations. An updated transport assessment is referred to in an earlier section of this report.

Mitigation: Incorporate measures to encourage non-car access. Notwithstanding this it should be noted that the impacts on driver delay in certain locations are predicted to be high. Various proposed capacity enhancement measures are detailed elsewhere in the report.

Noise and Vibration

No sensitive development will take place within areas vulnerable to the greatest noise impacts as identified in the Environmental Statement. For the least noise sensitive development no specific measures will be required.

Otherwise the following measures will be incorporated into detailed design:

Where appropriate the orientation of buildings and the internal layout of dwellings will place less noise sensitive rooms such as bathrooms , toilets, kitchens and utility rooms on the facades facing noise sources.

Glazing units will be designed to provide an internal standard for daytime of 40 decibels and a night time requirement of 30 decibels.

Further measures which may be employed include the provision of single aspect dwellings in the most exposed locations which themselves may act as barrier blocks to protect neighbouring development.

The assessment recognises the potential for disturbance to be caused to people living near the site during construction. However several safeguards exist to minimise the effects of noise and vibration. These include:- EC directives limiting noise output levels from equipment, powers available to the Local Authority under environmental protection legislation to control noise emission on construction sites and the restriction of operations to daytime hours only.

The ES concludes that in relation to construction noise there will be no long term residual effects as construction noise would be temporary. With appropriate design there should be no adverse impact from industrial related noise.

Air quality

Summary of Impact: Cooking odour from new hot food outlets. Construction related dust

Mitigation: Installation of appropriate odour abatement technologies. Implementation of best practicable means of controlling dust at source. With appropriate safeguards no residual impacts are forecast.

APPENDIX E - Flood risk assessment

The study concludes that the following minimum floor levels shall be adopted to ensure that the risk of flooding would be acceptably low.

- ground floor levels no less than 5 metres and access road at least 4.5 metres a.o.d.

The risk of damage and flooding caused by waves overtopping existing structures is considered to be acceptably small.

Drainage design must ensure that surface water flows from the site to the Slake understood to be at capacity remains unchanged and that no action is taken to reduce the capacity of the Slake.

The environment agency has confirmed that below ground level car parking will be acceptable subject to a suitable escape drill.

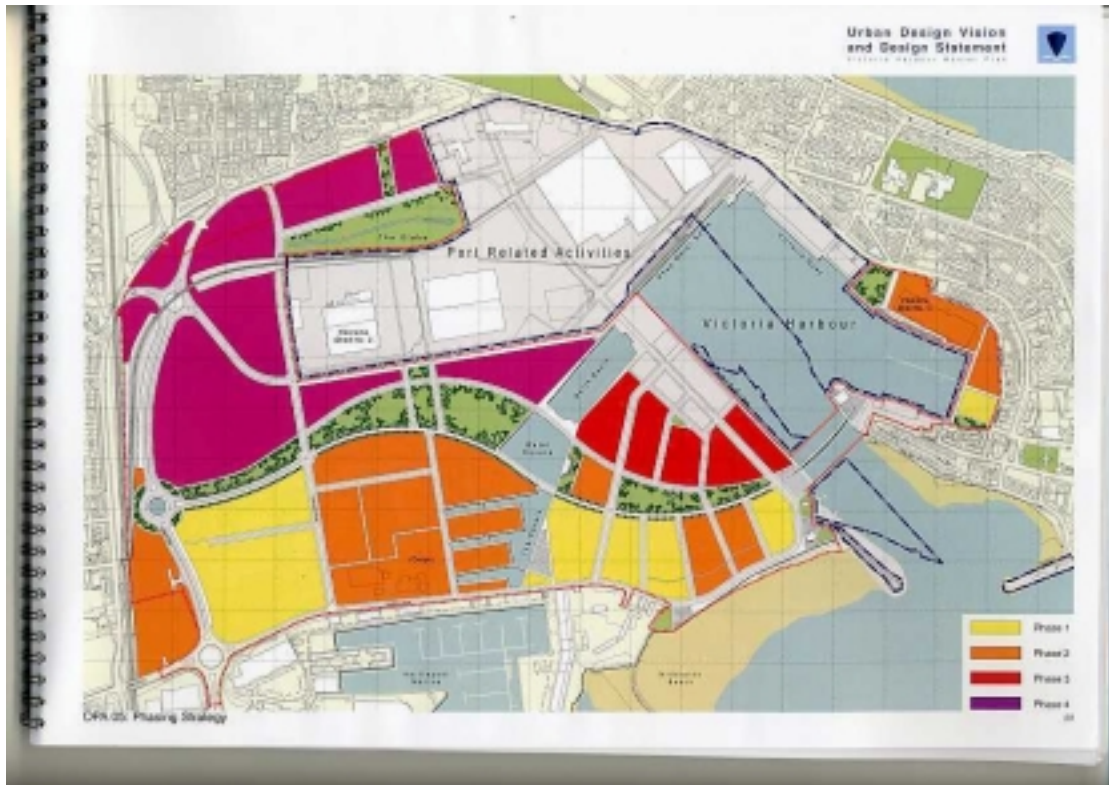
Future developments adjacent to the coastline must be protected by suitably designed coast protection structures which will limit overtopping to acceptable levels and not exacerbate coastal erosion.

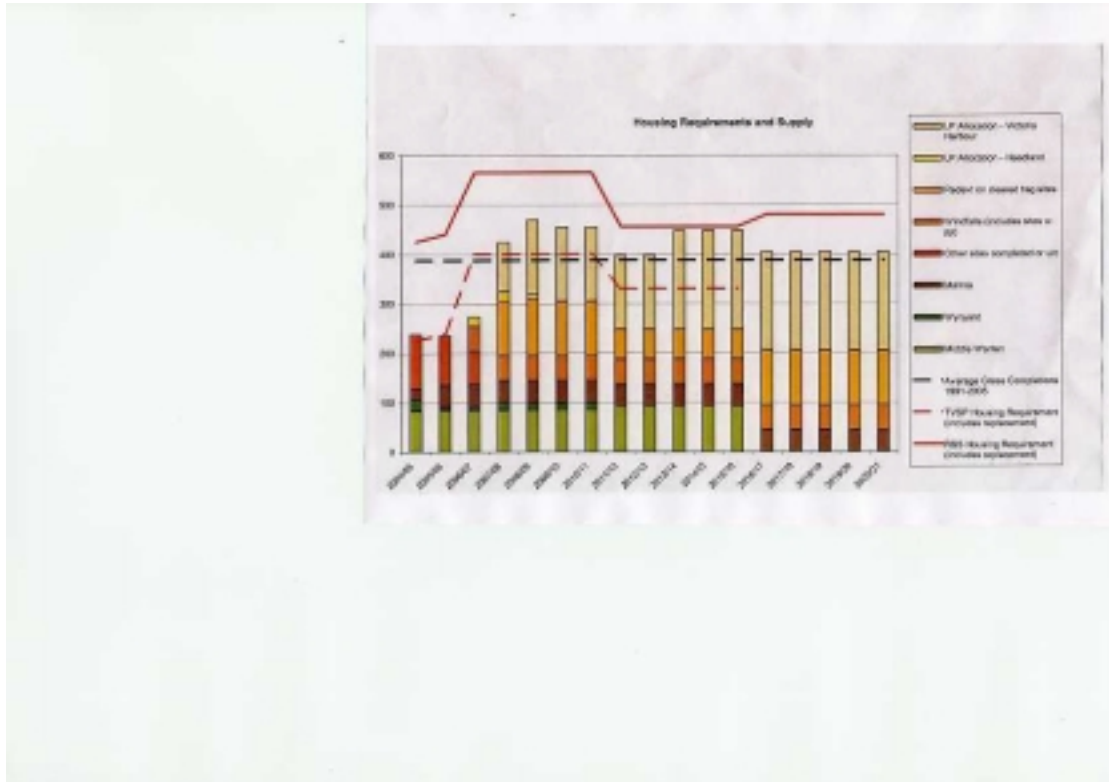
APPENDIX F - Design Statement

The design statement identifies themes that are intended to form the basis of the relationship between the building strategies, highway infrastructure, the public open spaces and the water bodies. These themes include:-

- The location of new retail and employment areas where they are highly visible from Marina Way and Middleton Road.
- The protection of views and vistas linking the eastern part of the site to The Headland with views to the west focusing on St. Oswalds Church. There are also visual connections to the marina and out to sea.
- A predominantly low rise building strategy comprising of buildings 15 metres in height or less, 3 storey offices and 3 to 4 storey town houses / apartments. In the area around the proposed canals and north basin opportunities for a dense mix of uses and taller buildings are identified (up to 35 metres in height – 10 floors). The aim is to contribute positively to the skyline of church steeples, towers and tall port structures.
- The residential areas are designed to incorporate features of the Headland including similar building heights and proportions / open street patterns/ communal open spaces / views to the sea and proximity to play areas.
- The residential buildings would be arranged as perimeter blocks to help define the edge of public streets and spaces.
- Apartments defining the edge of the wave park would be of similar materials / bulk and massing to help present a coordinated image.
- Within the mixed use area the various water bodies would help present a visual connection with the marina. The canals are intended to provide an interesting visual backdrop. There would be an extension of the pedestrian promenade into this area from Navigation Point with an emphasis on pedestrian activity and less dependence on the private car.

In support of the application the applicant states that the development of Victoria Harbour will contribute very significantly to changing the image and perception of Hartlepool and the sub region. It will be a high quality development that will expand choice and attract investment across housing, business, tourism and leisure sectors thereby acting as a catalysts for economic regeneration.





Victoria Harbour - Update report

The following report provides Members with an update on the outcome of discussions that have been continuing on certain aspects of the Victoria Harbour planning application.

Development Phasing

The proposed conditions 1 and 42 and the first two items of the section 106 agreement have been slightly revised to make explicit the total amounts of development permitted over the proposed four phases and to provide for rescheduling of development to later phases.

Transport Issues

Highway works –

The Highways Agency have now indicated their willingness to lift their direction preventing the application from being determined subject to appropriate conditions being imposed. Draft conditions from the Agency are set out below:-

1. Prior to the commencement of the development hereby approved, plans and details showing the highway improvement works, as outlined on Faber Maunsell drawings referenced 37770TNED712/P/001 Rev. B and 37770TNED/712/P/002/B, and the scheduling of these works, at the junctions of the A19/A179, A19/A689 and A19/A689 shall be submitted for the written approval of the Local Planning Authority in consultation with the Highways Agency.

Reason: In the interests of the safe and efficient operation of the strategic highway network and the free flow of traffic on the local road network.

2. The highway improvement works approved under the provisions of Condition 1 shall be completed prior to the occupation of the unit and in event by no later than 31 December to the satisfaction of the Local Planning Authority, in consultation with the Highways Agency.

Reason: In the interests of the safe and efficient operation of the strategic highway network and the free flow of traffic on the local road network.

The wording of these conditions and the form of any agreement(s) needed to relate to the implementation of the works are to be discussed at a meeting with the Highways Agency on 16 December. Further comments will be provided at the planning committee meeting.

Stockton Borough Council has confirmed its agreement to the proposed works at the A689/A1185/A19 and A689/A19 junctions with the incorporation of a bus only lane within the westbound A689 approach to the first of these junctions. Such a feature will serve to increase the queue length but the junction design can allow for two lanes of traffic going into the roundabout thereby maintaining the capacity and rate of traffic flow.

Bus subsidy -

The applicant has agreed in principle to enter into an agreement to secure the diversion / extension of services into the site. The nature and level of bus service required will be agreed with the applicant, as will the trigger in terms of volume of development completed and the length of time the applicant should support the provision for - subject to a ceiling financial figure.

Convenience retailing

It is considered that a condition requiring the phased introduction of convenience retailing is not required because it is accepted that such provision will serve the growth in population within the site and will not cause harm to the town centre or other local centres.

Comparison retailing

Conditions restricting the scale, range of goods and minimum size of units for bulky goods sales in order to help protect the vitality and viability of the town centre remain under discussion and will be reported to the meeting:-

Flood Risk

Minor revisions to certain technical details contained in the flood risk assessment have been made. The findings and recommendations of the assessment remain unaltered and are acceptable to the Environmental Consultancy Manager.

Minor amendments to planning Conditions / section 106 agreement

1. Condition 2 to include reference to parking provision as a reserved matter.
2. Condition 13 would now make reference to the updated flood risk assessment (see above).
3. Condition 19 to be qualified to clarify that it applies only to the need for oil interceptors serving industrial / commercial related car parks.
4. Condition 25 – Amendments to wording to cover materials relocated within and imported to the site. The revised wording has been agreed with the Environment Agency.
5. Condition 30 to be modified to require that a general parking strategy including phasing for casual leisure visitors to the site be agreed prior to development taking place and complied with unless otherwise agreed with the LPA.
6. Condition 43 to be qualified to clarify that it applies to the retail warehouse units concerned with comparison goods sales.
7. Planning agreement para. 3
 clause d - Where this refers to reservation of land it shall include reference to the areas situated between areas C3 and C4.
 Clause e – the land in question shall be provided without the stipulation that it be ‘top-soiled and seeded’.
8. Planning agreement para. 8 with regard to entrance roundabout phase- The provision of the entrance roundabout is to occur before the end of Phase 2 of the project.