

PLANNING COMMITTEE AGENDA



Wednesday 17th December 2014

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Cook, Dawkins, James, Lilley, Martin-Wells, Morris, Payne and Springer.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 5th November 2014
- 3.2 To confirm the minutes of the meeting held on 12th November 2014
- 3.3 To confirm the minutes of the meeting held on 26th November 2014 (to follow)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Regeneration)*

- 1. H/2014/0400 - Construction of a reinforced concrete wall on top of the Ancient Monument, Town Wall, including large culvert to control the water that overtops the wall - Town Wall, Hartlepool. (page 1)
- 2. H/2014/0516 - Strengthening of existing coastal protection works by the construction of a new reinforced concrete wall and additional toe protection provided at critical points with the use of rock armour stone - Town Wall, Hartlepool. (page 19)
- 3. H/2014/0517 - Dismantle stone parapet to the Scheduled Ancient Monument between the Ferry Landing and The Fish Quay (approximately 15 metres in length) and replace the support to the parapet before rebuilding it with the same materials - Town Wall, Hartlepool. (page 27)



- 4.2 Appeal at Seaton Meadows Landfill Site, Brenda Road, Hartlepool – *Assistant Director (Regeneration)*
- 4.3 Appeal at Land Off Valley Drive Tunstall Farm, Hartlepool – *Assistant Director (Regeneration)*
- 4.4 Locally Listed Buildings – *Assistant Director (Regeneration)*
- 4.5 Member Training and Proposed Revisions to the Scheme of Delegation – *Assistant Director (Regeneration)*
- 4.6 Update on Current Complaints – *Assistant Director (Regeneration)*

5. ITEMS FOR INFORMATION / DISCUSSION

No items.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FOR INFORMATION

The Next Scheduled Meeting will be held on Wednesday 21st January 2015 commencing at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

5th November 2014

The meeting commenced at 10.30 am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Alan Barclay, Keith Dawkins, Marjorie James, Geoff Lilley, Ray Martin-Wells, George Morris and George Springer

In accordance with Council Procedure Rule 4.2 Councillor Carl Richardson was in attendance as substitute for Councillor Robbie Payne

Also Present: Councillors Alan Clark and Paul Thompson

Officers: Peter Devlin, Chief Solicitor
Andrew Carter, Planning Services Manager
Mike Blair, Technical Services Manager
Sarah Scarr, Landscape Planning and Conservation Manager
Jim Ferguson, Planning Team Leader (DC)
Adrian Hurst, Principal Environmental Health Officer
Zoe Craig, Senior Environmental Health Officer
Sinead Turnbull, Senior Planning Officer
Tony Dixon, Arboricultural Officer
Peter Rowe, Sites and Monuments Officer
Jo Stubbs, Democratic Services Officer

51. Apologies for Absence

Apologies were submitted by Councillor Robbie Payne

52. Declarations of interest by members

Councillor Ray Martin-Wells declared a personal, non-prejudicial interest in planning applications H/2014/0163 and H/2014/0179 Meadowcroft.

Councillor Alan Barclay declared a personal, non-prejudicial interest in planning applications H/2014/0177 Land at Brenda Road and H/2014/0367 Heugh Gun Battery in his capacity as Armed Forces Champion

Councillor Jim Ainslie declared a personal interest in planning applications

H/2014/0354 Former Coastguards Office, H/2014/0163 Meadowcroft, H/2014/0179 Meadowcroft and H/2014/0367 Heugh Gun Battery in his capacity as Heritage Champion and Chair of the Conservation Area Advisory Committee.

53. Confirmation of the minutes of the meeting held on 1st October 2014

The minutes were approved

54. Planning Applications (*Assistant Director (Regeneration)*)

Number: H/2014/0163

Applicant: Mr & Mrs S Cockrill Elwick Road HARTLEPOOL TS26 0BQ

Agent: GAP Design Mr Graeme Pearson 7 Hylton Road
HARTLEPOOL

Date received: 18/06/2014

Development: Erection of fourteen unit retirement village, access road, entrance and enclosure details

Location: Meadowcroft Elwick Road HARTLEPOOL

The Planning team leader (DC) highlighted to members that further representations had been received since the completion of the report including representations from English Heritage and objectors. The representations were tabled for members consideration.

Members were advised that this application had previously been approved by members subject to a Section 106 agreement on 3rd September 2014. However the National Planning Casework Unit (NPCU) had since contacted the case officer and advised that a request to “call in” the application for decision by the Secretary of State had been received. It had subsequently transpired that English Heritage had not been consulted regarding the proposed development despite their status as a statutory consultee on an application of this size located in a conservation area. The Planning application was therefore reported back to members for determination. The comments of English Heritage were included in the report. These comments recommended refusal on the grounds that the development would be harmful to the significance of the Park Conservation Area and setting of the Grade II listed Meadowcroft.

The Applicant, Steve Cockrill, spoke in favour of the application. He advised that nothing had changed since the Committee had made their original

decision. He indicated that he had brought forward a high quality scheme. He also stated that officers made recommendations but he believed it was not maladministration for Councillors to disagree with these recommendations. He expressed concern that the decision should rest with the Council not the NPCU.

An objector, Julia Patterson, spoke against the application. She noted that the Council and Planning Committee had a duty to protect the town's heritage assets and highlighted that a number of planning applications in this area had been dismissed even at the appeal stage. Statutory heritage consultees had expressed their opposition to the proposal as had a large number of local residents. She noted that the two storey dwellings were in front of Meadowside and visible from it. Similar properties were available in the town. There was a risk of flooding and sewerage problems and proposals to provide an access road and narrow Elwick Road would make the area more dangerous for pedestrians and drivers. She advised that in approving the application members would be ignoring the NPPF, the Hartlepool Local Plan and previous planning history of refusals.

The Planning Team Leader (DC) in response to a question from a member confirmed that there had been no objections from highways or ecology. Northumbrian Water had not objected but had requested a planning condition that detailed plans for the removal of sewage be included as part of the conditions.

A member commented that access and highways were of minor importance when compared to the damage which could be done to Hartlepool's heritage assets if this application was approved. English Heritage had identified the site as being of national importance and had recently placed the Park Conservation Area on their 'at risk' register. If building were allowed to go ahead the nature of the site would be lost forever. However another member felt that this was a sustainable development which would meet the needs of older people in the area. The impact on the Conservation Area would not be significant as it was not visible from public roads. It would also enable more people to be able to see the Grade II listed building.

The Chair advised that a Ward Councillor had submitted a letter of recommendation as she had been unable to attend in person. She described the application as sympathetic to the nearby listed building and said it would enable the owners to maintain it. English Heritage were showing a lack of consistency as they had been happy for other developments to be built near listed buildings (Friarage for example). She was concerned that if the application was not approved the result might be another Tunstall Court.

The Planning Service Manager summarised from the debate the following grounds which members thought were material planning considerations:

- Sustainable development
- Contribution to the five year housing land supply
- Will meet the need for homes for the elderly

- Will have a limited impact on the Conservation Area as it is not readily visible from public roads
- Will enhance access to views of the listed building as people will live nearby

He also highlighted that this was not an enhanced development and members should therefore disregard this when making their decision

In accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken

Those in favour of the officer recommendation to refuse the application:

Councillors Geoff Lilley and George Springer

Those against:

Councillors Jim Ainslie, Stephen Akers-Belcher, Allan Barclay, Keith Dawkins, Marjorie James, Ray Martin-Wells, George Morris and Carl Richardson

Those abstaining:

None.

Decision: **Planning Permission Approved** subject to conditions and the completion of a legal agreement securing the developer contributions/obligations set out in the report £3,500 towards green infrastructure, £3,500 towards Play provision, £3,500 towards built sports facilities, a commitment to build and maintain the access road to an adoptable standard and to the appropriate maintenance of open spaces within the site. Conditions were delegated to the Planning Services Manager

Number: H/2014/0179

Applicant: Mr & Mrs S Cockrill Elwick Road HARTLEPOOL

Agent: GAP Design Mr Graeme Pearson 7 Hylton Road HARTLEPOOL

Date received: 18/06/2014

Development: Listed building consent for the erection of fourteen unit retirement village, access road, entrance and enclosure details

Location: Meadowcroft Elwick Road HARTLEPOOL

In accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken

Those in favour of the officer recommendation to approve the application
Councillors Jim Ainslie, Stephen Akers-Belcher, Allan Barclay, Marjorie James, Ray Martin-Wells, George Morris and Carl Richardson

Those against:
Councillors Keith Dawkins, Geoff Lilley and George Springer

Those abstaining:
None.

Decision: Listed Building Consent Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (1404:ER:Sk.05 Location Plan, 1404:ER:Sk.04 Proposed site layout Enclosure Details, 1404: P.05 location plan and entrance elevations, 1404:P.06 Proposed site layout Enclosure and SW Outfall Details (Trees omitted for clarity)) and details received by the Local Planning Authority at the time the application was made valid on 18th June 2014, as amended in respect to the final details of the walls by condition 3 below. For the avoidance of doubt.
3. Notwithstanding the submitted details final details of the walls shall be submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed in accordance with the plans so approved. In the interests of the character and appearance of the listed building.
4. Details of all external finishing materials (bricks and copings) shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of the character and appearance of the listed building.
5. Prior to the commencement of work on the wall a sample panel of one square metre of walling using the approved materials shall be constructed on the site and approved in writing by the Local Planning Authority. The remainder of the wall shall thereafter be constructed in accordance with the sample so approved. In the interests of the character and appearance of the listed building.

6. This permission relates only to the walls and gates (vehicular and pedestrian x3) to be constructed at the north western end of the site. To clarify the extent of the permission.
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Number: H/2014/0354

Applicant: Mr Mark Beard c/o SJR Architectural 104 The Innovation Centre Hartlepool

Agent: SJR Architectural & Interior Designers Mr David Johnson SJR Architectural & Interior Design Suite 104 The Innovation Centre Venture Court, Queens Meadow B Hartlepool

Date received: 15/08/2014

Development: Change of use of former coastguards station to dwelling including first floor extension and viewing gallery

Location: Former Coastguards Office Moor Terrace Hartlepool

The Planning Team Leader (DC) summarised his report and highlighted the highly subjective nature of views on design and that concerns had been raised by PD Ports around security and light affecting the occupants of the proposed dwelling. Concerns had also been initially expressed at the potential use of the foghorn. These issues and others had been considered and the officer recommendation was to approve the application.

Members queried how the development would affect the use of the foghorn. The Planning Team Leader (DC) advised that this particular foghorn had not been in use for 10 years as he understood it modern vessels tended to use GPS systems for navigation. PD ports after initially raising this as a concern had subsequently advised that a foghorn would not be needed at the site.

The Agent, Dave Johnson, addressed the Committee. He noted there had been no objections from any of the statutory consultees and 19 objections. Of these 19 objections only 6 of them had been positively identified as being written by Headland residents. People who lived close to the site had not objected to the proposal and four letters of support had been received. He acknowledged that the design was contemporary and not to everyone's taste but that the approach was supported by the NPPF.

Councillor Ainslie, Heritage Champion and Headland and Harbour Ward Councillor, stated that contrary to rumours and insinuations he had become aware of he was not a friend of the applicant Mr Beard. He had only met Mr Beard on one occasion at a Hartlepool Headland Neighbourhood Plan Working Group meeting and Headland Parish Council meeting in June this year when Mr Beard had clarified the application under consideration to

residents. They were both former pupils at Henry Smiths Grammar School but at different times.

Members felt the lighthouse was a heritage asset and should therefore stand alone. That the development would have a detrimental visual and economic impact. Its proximity to the Heugh Gun Battery in the centenary year of the bombardment was noted. However a member did feel that the development would bring the lighthouse compound back to life and enhance the area.

In accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken

Those in favour of the officer recommendation to approve the application
Councillor Jim Ainslie

Those against:

Councillors Stephen Akers-Belcher, Allan Barclay, Keith Dawkins, Marjorie James, Geoff Lilley, Ray Martin-Wells, George Morris, Carl Richardson and George Springer

Those abstaining:

None.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority it is considered that the proposed development by reason of its design, appearance and visual impact would have a detrimental impact upon the setting of the listed Sebastopol Gun, the locally listed Headland Light House and the Heugh gun battery, a scheduled ancient monument. It has not been demonstrated that substantial public benefit would outweigh the harm caused to the designated and undesignated heritage assets. Therefore the proposal would be contrary to paragraphs 131, 132 and 133 of the NPPF and GEP1, HE1 and HE12 of the Hartlepool Local Plan 2006.
2. In the opinion of the Local Planning Authority it is considered that the proposed development by reason of its design, appearance and visual impact would have a detrimental impact on the character and appearance of the Headland Conservation Area a designated heritage asset. It has not been demonstrated that substantial public benefit would outweigh the harm caused to the designated heritage asset. Therefore the proposal would be contrary to paragraphs 131, 132 and 133 of the NPPF and GEP1, and HE1 of the Hartlepool Local Plan 2006.

Councillor Ray Martin-Wells left the meeting.

Number: H/2014/0177

Applicant: Brenda Road Holdings Ltd Nelson House David Place St Helier

Agent: AAD LTD Mr Pramod Kumar 15 ST Albans Grove Kensington LONDON

Date received: 18/07/2014

Development: Outline application with access (all other matters reserved) for the demolition of buildings on the site and redevelopment to provide a residential care home (70 beds - Use Class C2), 300 residential apartments with care for persons aged 55 and over (Use Class C2), 50 residential apartments (Use Class C3) 80 key worker apartments (Use Class C3), 80 houses (use class C3), community centre (Use Class D1), retail (Use Class A1), workshops and offices (Use Class B1) 641 parking spaces, bandstand and associated works.

Location: Land at Brenda Road HARTLEPOOL

A member questioned why the impact this application would have on nearby businesses had not been given more weight. The Senior Planning Officer confirmed that economic regeneration had objected to the scheme but following noise recording and assessments Public Protection had raised no objections. The member asked why the need for housing had been given greater weight than the need to retain the land for employment use. The Planning Services Manager indicated that officers did not feel this development would cause significant harm to employment in the borough and on balance the housing need was greater. The Senior Planning Officer confirmed that the businesses had raised concern that any future residents would complain about the noise coming from their premises. Noise abatement would be a condition.

The Chair, Councillor Rob Cook, left the meeting

Councillor George Morris in the Chair

A member referred to previous officer recommendations that this site would not be suitable as a traveller site due to the noise level caused by industry. The Principal Environmental Health Officer indicated that permanent dwellings could be better insulated than traveller dwellings. The Planning Services Manager advised that whilst there had been concerns regarding flooding and the relationship of the site to neighbouring businesses it was the officer view that these had been addressed by the applicant's submission.

The Agent, Will Birch, described the development as a sustainable low cost community of homes and businesses. It would provide homes for the elderly and veterans. There were 4.5 million ex-servicemen in the UK many of whom could bring unique skills to the communities they settled in. The development would bring permanent jobs, help toward achieving the Council's 5 year housing target. The council had an adequate employment land supply and that all necessary technical studies had been completed and were satisfactory. All studies indicated that the benefits of the scheme would outweigh negative effects. The development was designed for the use of ex-forces personnel and would be a model for the rest of the country which Hartlepool could be proud of. A member asked what guarantees they had that the housing would be allocated to ex-servicemen. Mr Birch confirmed that it was difficult to make this a legal condition but this was certainly their intention. Organisations such as the Royal British Legion had been contacted to that end. A member questioned what residents groups had been consulted and the agent listed them.

An objector, Alan Jordan, spoke against the proposals which he described as unduly large, over development and out of character for the area. Bungalows would be more suitable for the people that might be interested in moving to this development rather than the proposed multi-storey apartments. It would lead to an increase in traffic on already congested roads and there was a risk of flooding.

Members were opposed to the development for reasons relating to loss of employment land and impact on neighbouring businesses. They voted against the application by a majority.

Decision: Outline Planning Permission Refused

REASONS FOR REFUSAL

- 1 The proposed development would result in the loss of land designated for employment use. The proposal is considered to be harmful to the employment land supply for the Borough and would be contrary to policies GEP1 and Ind5 of the Hartlepool Borough Council Local Plan (2006) and paragraph 19 and 20 of the NPPF.
- 2 The resultant development could result in unreasonable constraints to the working practices and future expansion of existing neighbouring business uses in an established employment area and as such the proposal would be contrary to policies GEP1 and Ind5 of the Hartlepool Borough Council Local Plan (2006) and paragraph 19 and 20 of the NPPF.

Councillor Keith Dawkins left the meeting

Number: H/2014/0308

Applicant: Durham Diocesan Board of Finance c/o Agent

Agent: Smiths Gore Mr Robert Murphy 26 Conisdiffe Road
Darlington

Date received: 16/07/2014

Development: Outline planning application with all matters reserved for residential development comprising the erection of 29 dwellings

Location: LAND OFF STATION ROAD GREATHAM

The Agent, Robert Murphy, spoke in favour of the application which he described as a sustainable development located near to employment and leisure facilities. The council couldn't demonstrate a five year housing land supply and the application should be approved unless its detrimental impacts significantly outweighed the benefits. The relevant statutory consultees were satisfied with the proposal. A member referred to the outline status of the proposal and asked whether future developers would be asked to adhere to the design statement for Greatham Village. Mr Murphy advised that housing design was a reserved matter but developer would be expected to be in accordance with the current design of Greatham Village.

An objector, Mrs Hammond, spoke against the proposal saying that the site was prone to flooding and was not attached to drainage systems. That residents has not been consulted on amended plans. There was no safe entrance or exit for pedestrians and cars and no local transport links. Concerns were also raised in relation to levels/overlooking, loss of hedgerow, impact on the school and highway safety.

A member referred to the 106 agreement to provide £250 per dwelling toward sport facilities and asked if this could be given to the sports field directly opposite to provide changing facilities. The Planning Services Manager advised that these monies had been identified to regenerate Mill House Leisure Centre however this request would be looked into..

Members were in support of the application which would allow future generations to remain in Greatham Village. The proposed height of the new dwellings was an issue but it was hoped that the developer would take note of the concerns raised by residents and prevent overlooking of existing properties.

Members voted to approve the application by a majority.

Decision: **Outline Planning Permission Approved** subject to the following conditions and subject to the completion of a legal agreement securing the following developer contributions/obligations £100,144 towards primary education, £7250 towards green infrastructure, £7250 for built sport, £7250 for play, 3 affordable dwellings and the acceptable provision and maintenance of highway infrastructure, open space and drainage infrastructure

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than 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. To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the means of access there to and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. In order to ensure these details are satisfactory.
3. Development shall not commence until a detailed scheme for the disposal of foul water from the development including the provision of a new sewage pumping station, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
4. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated can be attenuated to the greenfield run off equivalent for the impermeable areas only and will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. To prevent the increased risk of flooding, both on and off site.
5. The development hereby approved shall be carried out having regard to the following:
 1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the

approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are

subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. No part of the development shall be occupied until vehicular and pedestrian access, including tactile paving and appropriate level access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority. In the interests of highway safety and to ensure a satisfactory form of development.
7. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
9. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).

10. The clearance of any vegetation including trees and hedgerows shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In the interests of breeding birds.
11. The total development hereby approved shall not exceed the following maxima: Up to 29 Residential dwellings (C3 Use Class). To ensure a satisfactory form of development.
12. Prior to the commencement of development details of existing and proposed levels of the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.
13. Prior to the commencement of development details of acoustic fencing to be erected between the residential development and Greatham Primary School shall be submitted to and approved in writing by the Local Planning Authority, thereafter the approved scheme shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings which share the boundary with the school. In the interests of the amenities of the occupants of neighbouring properties.
14. The development hereby permitted shall be carried out in accordance with the site location plan Dwg No 1038076/01 and details received by the Local Planning Authority on 2 July 2014, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
15. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority. To

- enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 18. 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 Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property and the visual amenity of the area.
 19. A scheme to incorporate on site renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority before the construction of any of the hereby approved dwellings commences. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. To encourage sustainable development.
 20. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
 21. The details submitted with the reserved matters shall include a tree survey in accordance with BS5837:2012 of all trees and hedges within and adjacent to the site, details of their condition and recommendations regarding their retention.
The tree survey details submitted with this application were not detailed enough. In order to ensure that account is taken of trees/hedges on and adjacent to the site in bringing forward the final scheme.

Councillors Geoff Lilley and Carl Richardson left the meeting

Number: H/2014/0427

Applicant: Mr & Mrs Michael Reeve 34 Bolton Grove HARTLEPOOL

Agent: GAP Design Graeme Pearson St Oswald House 32 Victoria Road HARTLEPOOL

Date received: 08/09/2014

Development: Extension to dormer on front elevation and new dormer to rear

Location: 34 Bolton Grove HARTLEPOOL

The Agent, Graeme Pearson, urged councillors to support the application. He advised that there was no significant issue with overlooking as the relationship was typical. An objector, Karen Jones, addressed the committee, she believed that the extension would lead to overlooking, was out of keeping with other development and was contrary to policy.

Members voted to approve the application by a majority verdict.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 08/09/2014 as amended by the plans (drawing 1428:W.01) received on 02/10/2014. For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s). In the interests of visual amenity.

Number: H/2014/0367

Applicant: Mr David Worthington Sir William Gray House Clarence Road Hartlepool

Agent: Hartlepool Borough Council Mr Steven Wilkie 1 Church Street Hartlepool

Date Received : 11/08/2014

Development: Construction of a stone monument with 4 no bronze plaques to elevations, concrete foundation and paved setting and spotlighting

Location: HEUGH GUN BATTERY MOOR TERRACE HARTLEPOOL

Members voted to approve the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 104/08F L009 Rev B, 104/08F L005 Rev A, 104/08F L003 Rev B, 104/08F L008 Rev A (site location plan) and details received by the Local Planning Authority on 11 August 2014, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
4. Recording of a heritage asset through a programme of archaeological works
 - A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
 - C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. In the interests of the historic heritage

55. Appeal at Quarry Farm, Hartlepool (*Assistant Director (Regeneration)*)

Members were informed that an appeal had been submitted against the decision of the Council to refuse planning permission for 81 dwellings at Quarry Farm. The appeal was to be determined through the inquiry procedure, scheduled for 22nd and 23rd January 2015, and authority was requested to contest the appeal.

Decision

That authority be given to officers to contest the appeal

56. Hartlepool Tree Strategy 2011-2016 Progress Report (*Assistant Director (Regeneration)*)

The Hartlepool Tree Strategy was adopted by members in February 2011. A comprehensive action plan was created to help achieve the overall aim and objectives and details of progress made on the action plan were given within the report. A member asked that the planting of fruit trees in suitable areas be considered as a way of helping financially deprived families. The Planning Services Manager confirmed that these comments would be taken into consideration and incorporated into the document if appropriate.

Decision

That the report be noted.

57. Appeal at Low Throston, Hart Lane, Hartlepool (*Assistant Director (Regeneration)*)

The Planning Team Leader (DC) advised that the above planning appeal had been allowed and the owner given permission for a two-year temporary siting of a mobile home. Members requested that officer ensure the appropriate legal action be taken as soon as the two year permission expires. The Planning Team Leader confirmed that officers would monitor the situation.

Decision

That the outcome of the appeal be noted

58. Update on Current Complaints (*Assistant Director (Regeneration)*)

Eleven issues currently under investigation were reported to the committee.

The Chair asked that members contact planning officers direct for any further information

Decision

That the report be noted

59. Updated Planning Policy Framework Justification October 2014 *(Planning Services Manager)*

In December 2013 Regeneration Services Committee approved the Planning Policy Framework Justification. Contained within it was a statement that the Council could only demonstrate a 3.5-year housing supply rather than the 5-year requirement and all policies relating to the supply of housing were therefore considered out of date and there was a presumption in favour of sustainable development. Since 2013 the council had granted permission for 1890 new dwellings. As a result Hartlepool now had a 4.24 year supply of deliverable housing sites. When a 5 year supply was reached housing policies could be re-instated. A copy of the updated Planning Policy Framework Justification document was appended to the report.

A member felt HBC needed to find ways to re-engage with the building and delivery of homes in Hartlepool, primarily by ensuring that developers build their affordable housing allocation rather than offer funds to the Council to build them. There was also a requirement for more bungalows and units for older people or disabled families.

Decision

That the report be noted

60. Local Government (Access to Information) (Variation Order) 2006

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

Minute 61 – (26 Egerton Road) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an

order or direction under any enactment

Minute 62 – (Crookfoot Farm, Elwick) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

- 61. 26 Egerton Road** (*Assistant Director (Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

Details were given of proposed legal action. Further information is supplied in the exempt minutes.

Decision

Details given in the exempt minutes

- 62. Crookfoot Farm, Elwick** (*Assistant Director (Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

Details were given of proposed legal action. Further information is supplied in the exempt minutes.

Decision

Details given in the exempt minutes

The meeting concluded at 13:30pm

CHAIR

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

12th November 2014

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Allan Barclay, Marjorie James, George Morris and George Springer

Officers:

Peter Devlin, Chief Solicitor
Andrew Carter, Planning Services Manager
Sarah Scarr, Landscape Planning and Conservation Team Leader
Sinead Turnbull, Senior Planning Officer
Jo Stubbs, Democratic Services Officer

63. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher, Keith Dawkins, Ray Martin-Wells and Robbie Payne.

64. Declarations of interest by members

Councillor Jim Ainslie declared a personal interest in the item requiring decision due to his role as Heritage Champion. The Chair clarified that in the future Councillor Ainslie's declaration of interest in any item involving a listed building or other conservation decision would be considered automatic given his status as Heritage Champion and chair of the Conservation Area Advisory Committee unless the item of business referred specifically to the Headland Parish Council.

65. Confirmation of the minutes of the meeting held on 5th November 2014

Deferred

With reference to the decision made at the previous meeting to reject an application for housing on land at Brenda Road a number of councillors advised that they had been approached by residents and criticised for refusing to allow the building of 'homes for heroes' in armistice week. This

followed an article in the Hartlepool Mail making these allegations. Members asked that something be done to correct this misapprehension. The application had been rejected because members had felt it was not suitable due to its proximity to heavy industry and in the absence of the official minutes of the meeting they felt this should be made clear and the allegations in the Hartlepool Mail rebutted. A member confirmed that a press release was currently being prepared and would be distributed to the local press when the Chief Solicitor had approved the contents. The Chair agreed that there was a need to rebut the allegations but cautioned that the wording of the press release be legally sound in order not to compromise the authority in any appeal or other action in the future. He asked that in future he be informed of any press releases being issued relating to decisions made by the Planning Committee.

66. Locally Listed Buildings (*Assistant Director (Regeneration)*)

In February 2014 the Planning Committee had agreed to update the list of Locally Listed Buildings. These were buildings which were not considered to be of national significance but of local significance and made a contribution to the local sense of place. It had been decided that the most effective way to review the list would be on a thematic basis rather than by reviewing large areas. The theme for the proposed new additions was military. Officers identified potential additions to the list while other structures were nominated by parish councils and local groups. These were then considered against the selection criteria, a copy of which was appended to the report. Details of the proposed new entries were appended to the report. All nominees had been notified of their inclusion and invited to comment. No responses had been received at the time of writing the report.

A member requested that the new memorial to the bombardment on the Headland be included on the list from its initial installation. The Planning Service Manager advised that an assessment would need to be carried out confirming it met the assessment criteria. Provided it did a report would be brought back to a future meeting of the committee.

Members approved the inclusion of all the proposed additions to the list of locally listed buildings as outlined in Appendix 2 to the report by a majority vote.

A member queried who was responsible for the repair and upkeep of the locally listed buildings. The Landscape Planning and Conservation Team Leader advised that the landowner was responsible however there was no statutory duty making them responsible for repairs and maintenance.

A member asked whether the Council's building maintenance apprentices could be tasked with carrying out projects on heritage at certain localities. The Landscape Planning and Conservation Team Leader confirmed that the local authority were always look for opportunities to do this and provided details of an example where the Economic Development Team were working with Hart Parish Council to put a bid in to the Heritage Lottery Fund for grant

assistance with repairs to the walls at Hart Parish Church.

Councillor Geoff Lilley present at the meeting

A member queried why rules and regulations in regard to the protection of listed buildings were not being adhered to citing Tunstall Court as an example. The Landscape Planning and Conservation Team Leader indicated that the Council had the power to serve repairs notices and if necessary carry out these repairs themselves and bill the landowner. However these powers were rarely used as officers preferred to work with the owners to find a solution. With regard to Tunstall Court the Chair commented that large amounts of money had been spent by the Council on attempts to secure the building which was not owned by the authority.

The Landscape Planning and Conservation Team Leader advised members that as part of the review a number of buildings had been identified for removal from the list. Details of these buildings and the reason for their removal were appended to the report. One of these was the Seaton High Light on Jackson Landing which was suggested for removal as it had been confirmed by English Heritage as a Grade 2 listed building in November 2013. Members queried if there was a reason this building could not be both nationally and locally listed. The Landscape Planning and Conservation Team Leader indicated that this was not general practice as its inclusion on the national list gave it official protected status.

Members approved the removal of the buildings from the list of locally listed buildings as outlined in Appendix 3 to the report by a majority vote.

Councillor Geoff Lilley left the meeting

The Chair referred to the complete list of locally listed buildings, copies of which had been tabled for members' information. He questioned whether some of the entries were necessary or appropriate and asked whether members felt a full review of the list complete with public consultation was required. The Planning Services Manager advised that this would be a large undertaking which might require additional officer support. Members suggested that a small sub-group of members on the Planning Committee look at the current list, identify any properties whose inclusion was questionable and inform officers of their findings. Officers could then advise how complicated a task it would be to make these amendments. It was agreed that Councillor Ainslie would lead the group as Heritage Champion. The other members would be Councillors James and Springer.

A member noted that certain entries in the list did not have photographic illustration. The Landscape Planning and Conservation Team Leader advised that in these cases the owners had requested that no photographs be published. However when the list had originally been agreed by the Portfolio Holder photographs had been supplied. The Landscape Planning and Conservation Team Leader would circulate these photographs to all members of the Committee. The Chair also asked that a list of all of

Hartlepool's Grade 1 and 2 listed buildings be sent out to members in order that there be no confusion regarding what was and was not included on the national and local lists.

Decision

1. That the buildings detailed in Appendix 2 to the report be added to the list of Locally Listed Buildings
2. That the buildings detailed in Appendix 3 to the report be removed from the list of Locally Listed Buildings

67. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

The Chair highlighted that training for 2 members of the committee was due to run out at the end of the month therefore they would need a further training session in order to take part in the December meeting of the committee. One of the members concerned queried whether this training was strictly necessary as they had regularly attended committee meetings and taken part in ad hoc training as and when required. The Chair advised that a requirement for members sitting on Planning Committee every 2 years had been agreed by Council and was incorporated within the Planning Code of Practice. It was suggested that in the future all members and potential substitute members of Planning Committee receive full training in advance of the first meeting of Planning Committee for the new municipal year.

The meeting concluded at 11.25 am.

CHAIR

No: 1
Number: H/2014/0400
Applicant: HARTLEPOOL BOROUGH COUNCIL Hartlepool
Borough Council Civic Centre HARTLEPOOL TS24 8AY
Agent: HARTLEPOOL BOROUGH COUNCIL MR B
COLAROSS Engineering Consultancy Hartlepool
Borough Council Civic Centre TS24 8AY
Date valid: 28/08/2014
Development: Construction of a reinforced concrete wall on top of the
Ancient Monument Town Wall, including large culvert to
control the water that overtops the wall
Location: Town Wall HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 An application was submitted on 21/02/2012 (H/2012/0636) for the erection of a reinforced concrete wall with cast iron railings and culvert incorporating drainage outfall adjacent to 33 Town Wall, flood gates and a pedestrian access ramp and footpath linking Sandwell Gate and Town Wall and alterations including the provision of reinforced concrete cladding to existing wall. This application was subsequently withdrawn.

1.3 The application is being reported to committee as twenty four objections have been received. It is one of three applications for coastal defence works on this agenda (H/2014/0516) (H/2014/0517).

PROPOSAL

1.4 Planning permission is sought for the construction of a reinforced concrete wall on top of the Ancient Monument Town Wall, including large culvert to control the water that overtops the wall.

1.5 The proposal involves the following:

- a) Construction of approximately 100m of concrete retaining wall and foundation (which will also act to strengthen the existing Town Wall below the parapet) behind the existing Town Wall, to a height of 0.7m above the current footpath level;
- b) The installation of flood gates at both ends of the wall and at an access point;
- c) The installation of a drainage culvert under the footpath with an outfall to the sea;

d) re-construction of the concrete section of wall repaired following a breach in 1966 with the installation of a new wave return parapet;

e) alterations to the existing pedestrian access arrangements comprising a new access ramp for disabled access and a footpath link between the new ramp and Sandwell Gate.

1.6 This proposal represents phase 2 of coastal protection works in this area. The applicant has advised that that if phase 2 of the scheme is rejected there is a risk that HBC will have to pay some money back to the Environment Agency, who have provided funding for the works, as the Council will have only delivered the coastal erosion element of the scheme which provides protection to 12 properties and not the flood defence works which will provide protection to 230 properties.

1.7 The Applicant will upon request provide residents with a certificate stating the works that have been completed and the additional flood protection this has offered. Residents can then provide this to their insurance companies with a view to trying to bring down premiums.

SITE CONTEXT

1.8 The application site constitutes the Town Wall on Hartlepool Headland. It is the partial remains of an early 14th Century defensive wall which surrounded the Headland to protect the harbour and town. It contains a single surviving gate, the Sandwell Gate. The Town Wall is both a Scheduled Ancient Monument and a Grade I Listed structure. It is also within the Headland Conservation Area and adjacent to a number of listed buildings.

PUBLICITY

1.9 The application has been advertised by way of 28 neighbour letters, a press notice and 3 site notices. To date, there have been twenty four objections and one letter of comment.

1.10 The concerns raised are:

- Not the correct solution
- Do not want a concrete wall to block the town wall
- This area does not flood
- Waste of time and money
- No reference to dredging by PD Ports
- If Groynes had been completed the sediment would not move so easily
- It is claimed that 230 properties are at risk, all of these properties should have been consulted.
- If the fragility of the Town Wall is of concern why has there been no work carried out on it?
- Role of English Heritage – statutory or advisory?
- Would increase the risk of flooding to the dock head and damage properties

- Would damage the ancient monument.
- Would flood properties due to the design and construction of the works.
- Seawater would freeze inside and block the drainage system.
- The drainage and culvert would back feed water via the wave height.
- Debris would block the drain holes.
- Flooding would occur if the flood gates are not closed; as they are unmanned this could occur.
- The gates could not be closed if severely affected by ice/snow/debris.
- Storm surges/overtopping cannot be adequately forecast.
- Would erode the beach level.
- The outlet on the beach would be a danger to a member of the public in front of the outlet if a volume of water is released onto the beach.
- The outlet pipe should not discharge onto the beach it may cause pollution.
- The Town Wall has never been flooded; these works will flood the Town Wall.
- This is a gamble on the Council's part that global warming will happen.
- The build up of water in the drainage system could damage the Ancient Monument.
- The force between the two walls may cause the Town Wall to collapse.
- The footpath may become flooded, this could be a danger to people coming along the wall, they may slip and fall into the water and possibly drown.
- My insurance will rise as my home will be at risk from flooding. It is not currently in a flood zone.
- The works may cause structural damage to my home.
- No notice is taken of what people say.
- If the system became blocked the water pushing directly onto the parapet would dramatically increase the Risk Potential of failure of the structure.
- The water when overtopped and captured would produce a wave going down the wall which could cause injury to passers by.
- The ramp/access will narrow the width of the road causing access difficulties for vehicles.
- It has not been properly explained how the floodgates will be managed.
- Either spend the money on a seaward side solution or reduce the Town Wall residents Council Tax.
- Concerned that the ramp and steps will be detrimental to residents vehicular access to and from our driveways.
- If cars park next to new kerb residents will not be able to have access to their drives.
- The plans are flawed.
- The documents make no mention of CDM Regulations
- The Party Wall Act has not been addressed.
- The concrete foundation will cover our services.
- The construction period will make my property uncomfortable.
- No consultation has been undertaken on the effect the work will have on my property.
- Will the Council indemnify the work?
- Loss of amenity.
- Health implications to residents from contaminated soil and dust.
- The system will not deal with projected water volumes.

- A seaward side solution would be more suitable.
- The structure is too small and in the wrong place.
- As an alternative the beach should be replenished.
- The applicant has failed to provide an Environmental Statement that meets the relevant regulations.
- Works proposed in year 30 and year 70 should form part of the Environmental Statement.
- The EIA should refer to the proposed works to the Headland and Block Sands as part of cumulative impacts of these developments on sensitive receptors.
- The potential adverse impacts arising from the development when taken in combination with other developments have not been assessed and as such the measures proposed cannot be relied upon to mitigate all the significant environmental or other effects.
- As an EIA development the application is not valid, publicity is not in accordance with the EIA regulations, consultation with stakeholders is not in accordance with the EIA regulations, consultee comments cannot be relied upon as they are based upon information and assessments that are in error and incomplete, the proposals have not been assessed in accordance with the NPPF and the NPPG.
- Visually intrusive.
- Will make our living quarters darker.
- Very little water comes over.

1.11 The comments received are:

- When will the work start?
- How will the work disrupt the local area?

1.12 Copy Letters **A**

1.13 The Environmental Statement has been amended and re-consultations undertaken. The neighbour consultation period does not expire until 15/12/2014. Any comments received prior to the committee meeting shall be updated to members at committee.

CONSULTATIONS

1.14 The following consultation replies have been received:

HBC Engineering Consultancy: The Town Wall is a Scheduled Monument of national heritage importance however it is prone to ongoing deterioration and damage. A major area of concern was addressed in 2012 when, during Phase 1, work to protect the wall toe from undermining and repairs to the existing groynes was undertaken to help prevent further coastal erosion. A residual risk of the wall collapsing and/ or being overtopped still remains. Any sudden failure of the wall would pose a health and safety risk to the general public and would lead to coastal erosion and flooding of residential properties. The Town Wall provides flood protection to 230 households on the Headland, from wave overtopping. The standard

of protection is currently 1:20 years (5% chance of occurrence) but this decreases significantly as the condition of the wall parapet deteriorates and sea levels rise.

Initial studies into the flooding and erosion problems on the Town Wall commenced in 2008 and concluded in 2011 with the Environment Agency approving the proposed scheme on a Technical, Environmental and Financial level to the value of £1.3million. Since this approval Phase 1 of the works has been completed and the works proposed in this application form Phase 2 of that Environment Agency approval.

It is considered that the proposal outlined in the above application will provide a substantially greater standard of protection - 1:100year (1% chance of occurrence) over the design life of the scheme- when compared to the present day. There are no issues in relation to contaminated land and land drainage. Therefore HBC Engineering Consultancy fully supports this application as it will considerably reduce flood risk to both Headland residents and Hartlepool Borough Council.

Marine Management Organisation: No comments offered

Teesmouth Birds Club: No comments offered

Tees Valley Wildlife Trust: No comments offered

Headland Parish Council: Object to the application as the proposed reinforced concrete wall with cast iron railings and concrete cladding is not in keeping with the Town Wall which is grade I listed. Although the additional wall will be lower than the Town Wall it will alter the appearance. Concern was expressed about who will be responsible for closing the flood gates and the effectiveness of the drainage culvert.

Northern Powergrid: No objection

Northern Gas Networks: No objection

Tees Archaeology: As a result of the archaeological evaluation the designs for the scheme were altered to limit the depth of excavation required for the proposed box culvert to minimise direct impact on archaeological deposits associated with the wall. The plans submitted conform to the redesign.

Although the works have been designed to minimise the impact on archaeological deposits there will still be some disturbance. Further archaeological mitigation work will be required to advance understanding of those parts of the monument where deposits will be removed. This must be controlled by a suitably worded planning condition.

Northumbrian Water: No comments to make

Natural England: This application is in close proximity to the Tees and Hartlepool Foreshore and Wetlands; and Hartlepool Submerged Forest Site of Special Scientific Interest (SSSI). The Tees and Hartlepool Foreshore and Wetlands SSSI forms part

of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Teesmouth and Cleveland Coast has been classified.

Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Tees and Hartlepool Foreshore and Wetlands; and Hartlepool Submerged Forest SSSIs has been notified.

English Heritage: English Heritage supports the proposals outlined in the planning application. If the local Authority determines that the public benefits of the proposals outweigh the harm to the monument then English Heritage recommends that, in accordance with the requirements of paragraph 141 of the NPPF, a full programme of archaeological investigation is carried out before the construction of the set back wall and the box culvert.

Environment Agency: The Environment Agency have worked closely with Hartlepool Borough Council over the last few years regarding this proposal and, although the development lies in Flood Zones 2 & 3, we are satisfied that the scheme will reduce the risk of coastal flooding in the area. We therefore have no objections to the proposal as submitted.

HBC Traffic and Transportation: Contractors should liaise with HBC Highways Section to determine any traffic related construction issues.

HBC Public Protection: No objection subject to working hour's condition.

HBC Ecology: The location of the proposed set back wall would not be adjacent to the Teesmouth & Cleveland Coast SPA and would be screened from it by the Pilot Pier. Consequently disturbance to the birds which form the interest feature of the SPA is very unlikely. Small numbers of such birds use the foreshore at Fish Sands in front of the Town Wall but again works are unlikely to disturb those birds as the works would not be seaward of the Town Wall.

Given the location it is very unlikely that the proposed works would affect any breeding birds. The submitted Environmental Statement states that a pre-construction walkover survey will be undertaken in order to determine the presence of any bird nests within the study area. This should be made a condition of any permission. The pre-construction walkover survey should take place within 48 hours of works commencing.

HBC Parks and Countryside: There are a number of national and locally promoted routes that run along the top of the Town Wall and Promenade, which run around the perimeter of The Headland.

One such route - The England Coast Path - is a National Trail and as such is a legally registered right of way. It is not a Public Right of Way but a coastal right of way. As such it requires that it is not obstructed at any time and that no materials, equipment and or vehicles are placed on it to cause such an obstruction. If there is a need to consider a temporary diversion of the route then the applicant must contact the Council's Parks and Countryside Section.

HBC Conservation: The setting of the listed buildings will be altered; this will be apparent when standing in the vicinity of the wall from both the pavement and adjacent to the wall and the roadway. Similar to experiencing the conservation area, the views will be obstructed by the new wall.

The harm that will be caused to the listed building will be less than significant. This harm will be minimised by the use of a common pallet of materials found within this area. This should result in the new development linking to the old.

Whilst there will be harm to both the conservation area and the listed building this harm will be off set by the public benefits that will be derived from the scheme as a whole. The scheme will provide an opportunity for further interpretation of the Town Wall and result in a greater understanding of the structure itself. Further to this the long term impact will be the protection of the built and historic environment in this area as a whole.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles
GEP2: Access for All
HE1: Protection and Enhancement of Conservation Areas
HE8: Works to Listed Buildings (including partial demolition)
HE13: Scheduled Monuments
Rec9 Recreational Routes

National Policy

1.17 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in

achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs of the NPPF are particularly relevant to this application.

Paragraph 6 – Purpose of the planning system

Paragraph 7 – Three dimensions to sustainable development

Paragraph 9 – Sustainable development

Paragraph 11 – Planning law and development plan

Paragraph 12 – Statutory status of development plan

Paragraph 13 – NPPF is a material consideration

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principles

Paragraph 107 – Coastal Change Management Area

Paragraph 131 – Determining heritage planning applications

Paragraph 132 – Impact on the significance of a designated heritage asset

Paragraph 133 – Substantial harm to a heritage asset

Paragraph 141 – Recording of the significance of heritage assets

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

1.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact on historic heritage and visual amenity, neighbour amenity, ecology, highways and other matters.

Principle of Development

1.19 The Town Wall is a Scheduled Monument of national heritage importance however it is prone to ongoing deterioration and damage. A major area of concern was addressed in 2012 when, during Phase 1 work, to protect the wall toe from undermining, repairs to the existing groynes were undertaken to help prevent further coastal erosion. A residual risk of the wall collapsing and/ or being overtopped still remains. Any sudden failure of the wall would pose a health and safety risk to the general public and would lead to coastal erosion and flooding of residential properties. The Town Wall provides flood protection to 230 households on the Headland, from wave overtopping. The standard of protection is currently 1:20 years (5% chance of occurrence) but this decreases significantly as the condition of the wall parapet deteriorates and sea levels rise.

1.20 Initial studies into the flooding and erosion problems on the Town Wall commenced in 2008 and concluded in 2011 with the Environment Agency approving the proposed scheme on a Technical, Environmental and Financial level to the value of £1.3million. Since this approval Phase 1 of the works has been completed and the works proposed in this application form Phase 2 of that Environment Agency approval.

1.21 It is considered that the proposal outlined above will provide a substantially greater standard of protection-1:100 year (1% chance of occurrence) over the design life of the scheme- when compared to the present day.

1.22 Alternative options were explored with the set back wall option being selected as the preferred option as it provides a sustainable management approach which directly addresses the problems being experienced. The preferred options for the drainage system were taken forward on the basis of improved hydraulic performance and ease of installation in comparison to the alternatives.

1.23 The preferred option for the location of the culvert outlet through the Town Wall has been considered in terms of its impact on the historic Town Wall. The preferred option involves the construction of a sloping concrete revetment for a length of approximately 15m between the two existing concrete abutments where the wall has previously failed and been repaired. This section of the Town Wall is currently in a poor state of repair, and the replacement of this section would improve the condition and long term stability of the wall.

1.24 The Shoreline Management Plan 2 (SMP2) is the second generation of management plans which reviewed both the SMP1 and Coastal Strategy policies. The SMP2 recommended a 'Hold the Line' policy for the frontage between the Heugh Breakwater and Newburn Bridge (including the application area) for the entire duration of the Shoreline Management Plan (up to 2105). The SMP2 confirmed the recommendations of the Hartlepool Coastal Strategy; to provide improved protection for the Town Wall. The SMP2 was fully approved in 2009.

1.25 The proposals in this application were included in the "Review of the Long Term Coastal Management Strategy Covering the Frontage from Crimdon to Newburn Bridge" which was adopted by Hartlepool Borough Council Cabinet in May 2013 and the Environment Agency in September 2014.

1.26 The proposed scheme will impact significantly on an important heritage asset, however it is considered that the development would be acceptable due to imperative reasons of public interest. It is considered that the applicant has arrived at the most appropriate option in terms of protecting properties from coastal flooding and minimising detrimental impacts to the historic Town Wall. The impact on the historic heritage of the site and the surrounding area is discussed in detail below.

1.27 The proposed development is considered to be acceptable in principle in accordance with policies.

Impact on historic heritage and visual amenity

1.28 Hartlepool Town Wall has significance because of its evidential (archaeological), historical, aesthetic and communal values as discussed below and as set out in the Heritage Statement that accompanies this planning application. The Headland Conservation Area has significance because it contains the remains of the seventh century Anglo-Saxon Monastery of St Hilda and because the medieval street pattern is preserved in the modern street plan. The proposed works have the potential to cause harm to both the significance and the setting of the monument and the character of the Conservation Area. They will also impact upon the setting of several Grade II Listed Buildings on the Headland. This is, however, a highly exceptional case. English Heritage believes that the proposed works offer the most viable and least harmful solution to the problems likely to be caused by future wave overtopping and the subsequent flooding of the land behind the Town Wall, while at the same time, ultimately strengthening the monument, and ensuring the long term future of both the Monument and the Conservation Area.

1.29 English Heritage appreciates the need for the proposed works as they are an essential part of the enhanced coastal defence scheme for the Hartlepool Headland and they will help to mitigate the impact of the more frequent storm surges and increasingly high tide events that are predicted in light of recent climatic trends. They will protect people and property (around 230 houses to the rear of the Town Wall), a designated Conservation Area and several listed buildings from flooding. Failure to implement the scheme could lead to serious problems from overtopping that would pose a clear danger to individuals and their homes.

1.30 The applicant's mitigation strategy includes a full programme of archaeological investigation along the line of the Wall, in the area that will be disturbed by the construction of the setback wall and the box culvert drain, and also an archaeological watching brief on the works to be carried out in the carriageway behind the monument. English Heritage have recommended that if planning permission is granted, this programme is carried out in full. It is also a condition of the Scheduled Monument Consent for the works that has been granted by the Secretary of State, on advice from English Heritage. English heritage fully endorses the assessment of the significance of the monument set out in the Heritage Statement that accompanies the planning application.

1.31 The Town Wall has potential to provide archaeological insights into both its own development and the development of the Hartlepool Headland in general. The most recent archaeological evaluation carried out 2012 -2013 has demonstrated the complex nature of the Wall's structure and its association with well stratified, undisturbed, Medieval archaeological deposits. The trenches have cast significant light on the main characteristics of the Wall. The excavations have clearly demonstrated how the Wall is different along its length. This difference is subtle in that the components of the two faces and a fill are always present but the manner of the Wall's construction is often different. This probably reflects two activities namely: different campaigns of constructing the original Wall and periodic repair to the monument over 600 years. The Town Wall is a special place for the inhabitants of the Headland, it is an important public amenity and both archaeologically and historically it is clearly of national importance.

1.32 The main character of the Headland Conservation Area derives from the fact that it contains the Anglo-Saxon Monastery of St Hilda as well as preserving the medieval street pattern of the area. As the Heritage Statement points out the area of the Headland immediately to the rear of the Town Wall, especially that part to the North of Sandwell Gate, forms the original core of the medieval town. The area between 2 and 29 Town Wall and Southgate forms an area of medieval land reclamation.

1.33 English Heritage has had a long involvement with the development of this project their specialist engineers and architects have commented on the proposals through several iterations, and in December 2012 - January 2013, on English Heritage advice, Hartlepool Borough Council commissioned an archaeological evaluation of the Town Wall. This demonstrated that significant archaeological deposits are contained within the core of the Town Wall, in the area of the proposed drainage culvert.

1.34 These findings, along with English Heritage's engineering advice, have informed the final design of the proposed culvert. The depth of the culvert has been significantly reduced to take account of the sensitive archaeological material and minimise the scale of its loss.

1.35 The set back wall would be a major addition to the structure of the Town Wall and would change its appearance significantly. The wall and culvert will be constructed over, and to the rear of, the scheduled monument, with a drainage outfall constructed through the existing concrete section of the wall opposite No. 33 Town Wall (formed as a repair to a breach in 1966) to minimise the disturbance to the archaeology of the historic sections of the Wall. The sense of openness, currently enjoyed by people walking along the Town Wall, created by the existing railings, will be replaced with an enclosed space.

1.36 Though the proposed scheme would, undoubtedly, alter the outward appearance of the Town Wall, and impact upon the character of the Conservation Area, the works, once completed, will add strength to the top of the structure through the creation of a single cast element with its own integrity. The construction of this feature would tie the current parapet (which has suffered serious damage in the past) to the bulk of the wall. It would reduce the danger of water ingress into the top of the Town Wall, thus reducing the risk of it being further weakened. As the Heritage Statement indicates, tying the parapet back to the roadway behind would also improve the stability of the top of the Wall.

1.37 Construction of the box culvert would necessitate removal of the existing pavement and excavation to a maximum depth of 760mm. An archaeological evaluation, carried out as part of the pre-application process, encountered archaeological deposits at 300mm below the present ground level in some locations. The proposed work, would, therefore, also lead to a loss of archaeological information relating to the, history, development and construction of the Town Wall. Given the nature of the essential works proposed this is unavoidable but the overall impact can be mitigated by a full programme of archaeological excavation and investigation, as outlined in the Heritage Statement and the Environmental Statement (Non-Technical Summary).

1.38 English Heritage is mindful of the fact that a balance has to be struck in this case between the preservation of the scheduled monument and the protection of the whole of the Headland (including the Conservation Area) which forms the historical and current context for the Town Wall. English Heritage is of the opinion that the proposed scheme is the best compromise that could be arrived at, given the Council's informed choice of preferred option and the nature of the problem being addressed.

1.39 The Heritage Statement, in conjunction with the Environmental Statement - Non Technical Summary and the Note on Development of Detailed Drainage Design outlines the development of the project and indicates the range of alternative solutions to the problems caused by wave overtopping that were examined in detail, and the reasons for their rejection. It also gives a clear justification for the adoption of the preferred solution of the set back wall and box culvert. All the documentation acknowledges the exceptional nature of the proposed project and makes the clear case that the substantial public benefits of the proposed works will outweigh the impact of the harm to the monument.

1.40 English Heritage appreciates that the Town Wall is a rare example of a functioning scheduled monument. It remains the cornerstone of the Headland's sea defences, and the current proposals stem from a growing awareness that the Town Wall, in its current condition, is becoming unfit for this purpose. The proposed works are an essential part of the enhanced coastal defence scheme for the Hartlepool Headland being developed by the Borough Council, in conjunction with the Environment Agency, English Heritage and other agencies. The proposals will help to mitigate the impact of the more frequent storm surges and increasingly high tide events that are predicted in light of recent climatic trends. They will protect people and property (around 230 houses to the rear of the Town Wall) and the Headland Conservation Area from flooding. Failure to implement the scheme could lead to serious problems from overtopping that would pose a clear danger to individuals and their homes.

1.41 In considering the impact on the wider conservation area the peninsular form of the land means that views from the sea, and more distance points such as York Place looking towards Town Wall, are significant. The proposed height of the new wall is lower than the existing Town Wall which means that these views should, for the most part, be unchanged with the wall continuing to be the dominant feature.

1.42 The impact of the set back wall on the conservation area will be most significant when experiencing the wall from Town Wall itself and when walking along the footpath adjacent to the wall. The experience of walking along the footpath adjacent to the wall will change with the path bounded on both sides by a wall. It will still be possible to look over the top of the wall and see the listed buildings and wider conservation area however the feeling of space provided by the railing installed at the moment will be eliminated and replaced with a clear sense of enclosure.

1.43 The significance of the conservation area lies in the wider character of the area. It is the original settlement of Hartlepool with its unique character. The proposed changes will cause harm within this part of the conservation area.

1.44 The setting of the listed buildings will be altered. This will be apparent when standing in the vicinity of the wall from both the pavement and adjacent to the wall and the roadway. Similar to experiencing the conservation area, the views will be obstructed by the new wall.

1.45 The harm that will be caused to the listed building will be less than significant. This harm will be minimised by the use of a common pallet of materials found within this area. This should result in the new development linking to the old.

1.46 Whilst there will be harm to both the conservation area and the listed building this harm will be off set by the public benefits that will be derived from the scheme as a whole. The scheme will provide an opportunity for further interpretation of the Town Wall and result in a greater understanding of the structure itself. Further to this the long term impact will be the protection of the built and historic environment in this area as a whole.

1.47 The proposal is considered to be in accordance with paragraph 133 of the NPPF as it can be demonstrated that the substantial harm to the Town Wall is necessary to achieve substantial public benefits that outweigh that harm.

Neighbour Amenity

1.48 The proposed development will cause some disruption to neighbouring residents during the construction period. It is therefore considered appropriate to condition hours of work to control the level of disruption to neighbouring residents.

Ecology

1.49 The application site is in close proximity to the Tees and Hartlepool Foreshore and Wetlands; and Hartlepool Submerged Forest Site of Special Scientific Interest (SSSI). The Tees and Hartlepool Foreshore and Wetlands SSSI forms part of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Wetland of International Importance under the Ramsar Convention (Ramsar Site).

1.50 Natural England have advised that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Teesmouth and Cleveland Coast has been classified.

1.51 Natural England has also advised that an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives is not required. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Tees and Hartlepool Foreshore and Wetlands; and Hartlepool Submerged Forest SSSIs has been notified.

1.52 As the location of the proposed set back wall would not be adjacent to the Teesmouth & Cleveland Coast SPA and would be screened from it by the Pilot Pier it is considered that disturbance to the birds which form the interest feature of the SPA is very unlikely. Small numbers of such birds use the foreshore at Fish Sands in

front of the Town Wall but again works are unlikely to disturb those birds as the works on the seaward of the Town Wall are limited.

1.53 Given the location it is very unlikely that the proposed works would affect any breeding birds. The submitted Environmental Statement states that a pre-construction walkover survey will be undertaken in order to determine the presence of any bird nests within the study area within 48 hours of works commencing. This shall be a condition of any planning permission granted for the development. In ecological terms the proposal is considered acceptable.

Highways

1.54 The construction work will involve a risk of disruption to the residents with road closures and access restrictions. However, these will be controlled and mitigated by effective construction planning and sequencing and appropriate advanced consultation between the applicant and HBC Traffic & Transportation.

1.55 The length of highway between the existing 'build out' at Sandwell Gate and No. 36A Town Wall will be approximately 2m narrower to allow for the pedestrian access ramp and footpath link. The carriageway is 7.2m wide at its narrowest point in this location and the traffic direction is one way. As a result of the proposed alterations the minimum width of highway would reduce to 5.2m. This is deemed wide enough to cater for vehicles parked outside of the dwellings and also for other vehicles to safely pass.

1.56 The Council's Traffic and Transportation Section have been consulted and have raised no objections to the proposed scheme. The proposal is therefore considered to be in accordance with policy GEP1 of the Hartlepool Borough Council Local Plan 2006.

Other Matters

1.57 Further work was undertaken to address concerns regarding the Environmental Impact Assessment. The issues raised have now been addressed and full statutory consultation was carried out following the receipt of the revised Environmental Impact Assessment.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.58 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.59 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

1.60 There are no Section 17 implications.

REASON FOR DECISION

1.61 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions and the consideration of any further representations being received prior to the expiry of the consultation period, with the final decision being delegated to the Planning Services Manager; should any objections be received these will be considered by the Planning Services Manager in consultation with the Chair of Planning Committee:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 26 August 2014 (Drawing no. PR461/PASBW/1a, Footpath and Set Back Wall Details; Drawing no. PR461/PASBW/2a, Outfall Details, Drawing no. PR461/PASBW/3a, Generic Sections; Drawing no. PR461/PASBW/4, Culvert Long Section).
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Prior to the commencement of the development a sample panel of the proposed wall using the approved finishing materials shall be erected on site and approved in writing by the Local Planning Authority. The wall shall thereafter be constructed in accordance with the sample panel so approved. The sample panel shall be retained for reference on site throughout construction.
In the interests of visual amenity.
5. (A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

(C) The planning condition will remain active until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In the interests of historic heritage.

6. Prior to the commencement of development a pre-construction walkover survey will be undertaken in order to determine the presence of any bird nests within the study area. The pre-construction walkover survey should take place within 48 hours of works commencing and be carried out in consultation with the Council's ecologist. Should nesting birds be present a mitigation strategy shall be submitted to and agreed in writing with the Local Planning Authority.

In the interests of protected species.

7. Operations associated with the construction phase of the development hereby approved shall only be carried out within the hours of:-
Monday to Friday (08:00 to 18:00)
Saturday (08:00 to 13:30)
No construction works shall be carried out on Bank Holidays and Sundays.
In the interests of residential amenity.

BACKGROUND PAPERS

1.62 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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TOWN WALL



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:2000
Date : 4/12/14
H/2014/0400

No: 2
Number: H/2014/0516
Applicant: Mr Brendon Colarossi Engineering Consultancy Level 4 Civic Centre
Agent: Hartlepool Borough Council Mr Brendon Colarossi Engineering Consultancy Level 4 Civic Centre
Date valid: 04/11/2014
Development: Strengthening of existing coastal protection works by the construction of a new reinforced concrete wall and additional toe protection provided at critical points with the use of rock armour stone
Location: Headland Walls Marine Drive HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 This application is for coastal protection works. In relation to such works within this part of Hartlepool two other applications have been submitted. One for the construction of a reinforced concrete wall on top of the Ancient Monument Town Wall, including large culvert to control the water that overtops the wall (H/2014/0400). The other an application for works between the Ferry Landing and The Fish Quay (H/2014/0517). These works are part of the coastal defence strategy for this part of Hartlepool and are located to the west of this application.

PROPOSAL

2.3 Planning permission is sought for the strengthening of existing coastal protection works by the construction of a new reinforced concrete wall and additional toe protection provided at critical points with the use of rock armour stone. The areas of work include,

1. A stepped revetment in concrete from the Pilot Pier to the Heugh Breakwater.
2. Rock armour positioned at the base of the sea wall east of the Heugh Light House around the coast line to the area north of Fairy Cove Terrace.
3. Reinforcement of the sea wall from the Pilot Pier to the Heugh Breakwater in part and then the continuous reinforcement of the wall from the Breakwater to the end of Marine Drive.
4. The removal of stepped access to the lower promenade at the junction of Marine Drive and Thorpe Street.
5. Two temporary compound and storage areas to the lower north and south of the Heugh Gun Battery.

6. A temporary compound and storage area to the lower promenade and beach for approximately 165 metres in length including a temporary access ramp adjacent to Sea View Terrace and Marine Drive.

2.4 An indication has been provided as to the route that construction traffic will take through the area to the site. It is proposed that this will move along Durham Street and take Corporation Road to directly access the temporary ramp at this point on to the beach.

2.5 The application is being reported to committee as it concerns a substantial site located adjacent to the Headland Conservation Area. In addition the works will also impact on the setting of a listed building, a scheduled monument and a number of locally listed buildings.

SITE CONTEXT

2.6 The application site runs east from the Pilot Pier at York Place around the coast of the Headland to the end of Marine Drive. The site itself is located at the bottom of the wall which spans the lower promenade and sea walls within this area. Part of the site is adjacent to the Headland Conservation Area. A section of the area directly crosses the application boundary in the form of the Heugh Breakwater which is also recognised as a locally listed building.

2.7 From the Pilot Pier, which is a locally listed building, to the breakwater the lower promenade includes the paddling pool area. To the north of the walkway, in the section adjacent to South Crescent, are the Remains of Town Wall, a grade II listed building.

2.8 The site area north of the breakwater round to the Heugh Gun Battery does not have a lower promenade. This begins again in the area adjacent to Heugh Gun Battery, a scheduled monument. In this area the promenade is at its widest and includes the area known locally as the Bandstand. From this point the promenade continues along the side of the Town Moor, a locally listed asset, terminating at the end of Marine Drive.

PUBLICITY

2.9 The application has been advertised by way of 42 neighbour letters, a press notice and 10 site notices. To date, one letter of no objection has been received.

2.10 The time period for representations expires before the meeting. Members will be updated on any additional responses received.

CONSULTATIONS

2.11 The following consultation replies have been received:

HBC Engineering Consultancy: The Headland and Block Sands frontages have a long history of coastal engineering and management. The frontage is protected by vertical masonry and concrete walls that were built during the last 150 years. Many

of the walls are now in poor condition with zero residual life remaining and are susceptible to storm damage. The walls are frequently overtopped during storms, making the promenade unsafe for pedestrians.

Significant damage and breaching has occurred in recent years with increasing potential for further breaching as the condition of the wall deteriorates. The rate of deterioration and failure is already exceeding the Council's capital maintenance budgets ultimately leading to an increasing risk of major failure of the wall over time.

Lowering beach levels and scour to the wave cut platform increasingly exposes the foundations of the seawall defences and results in toe undermining and increased risk of collapse. The main risk of erosion to the frontage is from approaching waves, particularly large North Sea storm waves from the north and north east. Condition surveys carried out in recent years indicate continued damage to these defences with emergency repairs recently undertaken to the seawall toe. If similar events were to occur in the future the wall could be damaged and undermined further with potential for collapse.

Without substantial capital investment, maintenance costs will become unsustainable resulting in increased risk of defence collapse and erosion. This is likely to become worse with climate change and sea level rise. Overtopping is a risk to pedestrians both now and in the future. The Scheme focuses on erosion protection primarily but will also support management of overtopping risks.

The Council has successfully bid for over £7million pounds from various sources for this essential scheme. This allows funding to be granted upfront to enable the scheme to progress on the provision that construction starts before the end of March 2015.

The proposed scheme aligns with the Council's Headland Coastal Strategy (2014) and the Shoreline Management Plan 2 recommendations and will ultimately protect 562 Hartlepool properties, both residential and commercial.

HBC Parks and Countryside: There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting or affected by the proposed development on this site.

However the England Coastal Path (ECP) National Trail does run along the full length of the proposed development and users of the National Trail will undoubtedly be inconvenienced by the disruption caused by the works to be carried out. There is a legal requirement for the developer to contact Natural England Trail Team to inform them of the proposals and the likelihood of disruption and possible obstruction to the ECP route in order to create a temporary diversion for users.

HBC Public Protection: No objections to this application. It is clear that this will require some works to be undertaken outside of weekday or daytime hours. Work should be scheduled where possible to between 8am and 6pm Monday to Friday and 8:30am to 1:30pm on a Saturday, particularly to the North end of the site where the work will be in close proximity to residential premises.

Tees Archaeology: In terms of archaeology there seems to be a number of issues which I set out below:-

Prehistoric peat deposits

Extensive peat beds underlie much of the coastal strip of Hartlepool. These peats are an excellent medium for the preservation of archaeological and environmental remains. There is a potential for these peat deposits to be disturbed along the North Sands. This is recognised in the ES (para 7.63). Mitigation is proposed in the form of a geoarchaeological investigation to determine presence or absence of deposits and to inform of further mitigation during the construction phase. This recommendation is acceptable.

Anglo-Saxon and Medieval town

The plans for the proposal indicate a number of temporary compounds and an access track (ES Vol. 3 Figure 2). Compounds 2 & 3 are already areas of hardstanding. However Compound 1 is on a green area at the north end of the Town Moor. This area will have been in semi-continuous use from the medieval period onwards (and potentially also the Anglo-Saxon period) and has a high archaeological potential. Several archaeological features were noted on this area following a geomagnetic survey in 1994. Further detail is needed on the compound and access track to make an informed decision on its impact on archaeological deposits. A field evaluation is recommended should damage be unavoidable (NPPF 128). If important remains are identified then it might be pertinent to move the compound elsewhere.

Impact on the existing sea defences

The existing sea defence walls appear to be built in a mixture of materials in several different phases and can be considered as a heritage asset in their own right. It would be useful to see a historic building survey of the walls which stated their significance, particularly if parts of them are contemporary with the Heugh Battery. If this is not achievable then it is recommended it take place prior to construction.

Impact on rock cut and built foreshore features

There is documentary evidence for foreshore features such as lime kilns around the Headland. There may also be other features connected with maritime industry such as rock cut tanks for storage of shellfish etc. The proposal will also have an impact on the remains of the tidal pool. A foreshore survey in advance of the development with more specific recording as appropriate should be requested.

Impact of the proposal on the setting of the Conservation Area etc

The change in appearance of the sea defenses could have a major impact on the setting of the Headland Conservation Area. At the moment the majority of the sea walls are built in stone blocks, often magnesium limestone, and fit in with the Conservation Area. There are various statements in the submission that indicate that materials will be sympathetic but no visualization of key aspects of the walls, particularly those areas requiring rock armour. This information should be sought in order to fully assess this aspect of the application.

PLANNING POLICY

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

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

Local Policy

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

GEP1: General Environmental Principles

GEP2: Access for All

HE1: Protection and Enhancement of Conservation Areas

HE3: Developments in the vicinity of Conservation Areas

Rec9 Recreational Routes

National Policy

2.15 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are of particular relevance to this application.

Paragraph 6 – Purpose of the planning system

Paragraph 7 – Three dimensions to sustainable development

Paragraph 9 – Sustainable development

Paragraph 11 – Planning law and development plan

Paragraph 12 – Statutory status of development plan

Paragraph 13 – NPPF is a material consideration

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principles

Paragraph 107 – Coastal Change Management Area

Paragraph 131 – Determining heritage planning applications
Paragraph 132 – Impact on the significance of a designated heritage asset
Paragraph 133 – Substantial harm to a heritage asset
Paragraph 135 - Impact on the significance of a non-designated heritage asset
Paragraph 141 – Recording of the significance of heritage assets
Paragraph 196 – Primacy of the Development Plan
Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

2.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact on historic heritage and visual amenity, neighbour amenity, ecology and highways. Discussions in relation to the application are ongoing and the application will be the subject of an update report.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.17 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.18 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

2.19 There are no Section 17 implications.

REASON FOR DECISION

2.20 The decision will be subject to an update report.

RECOMMENDATION – An **UPDATE** report will follow. It is anticipated that the recommendation will be favourable.

BACKGROUND PAPERS

2.21 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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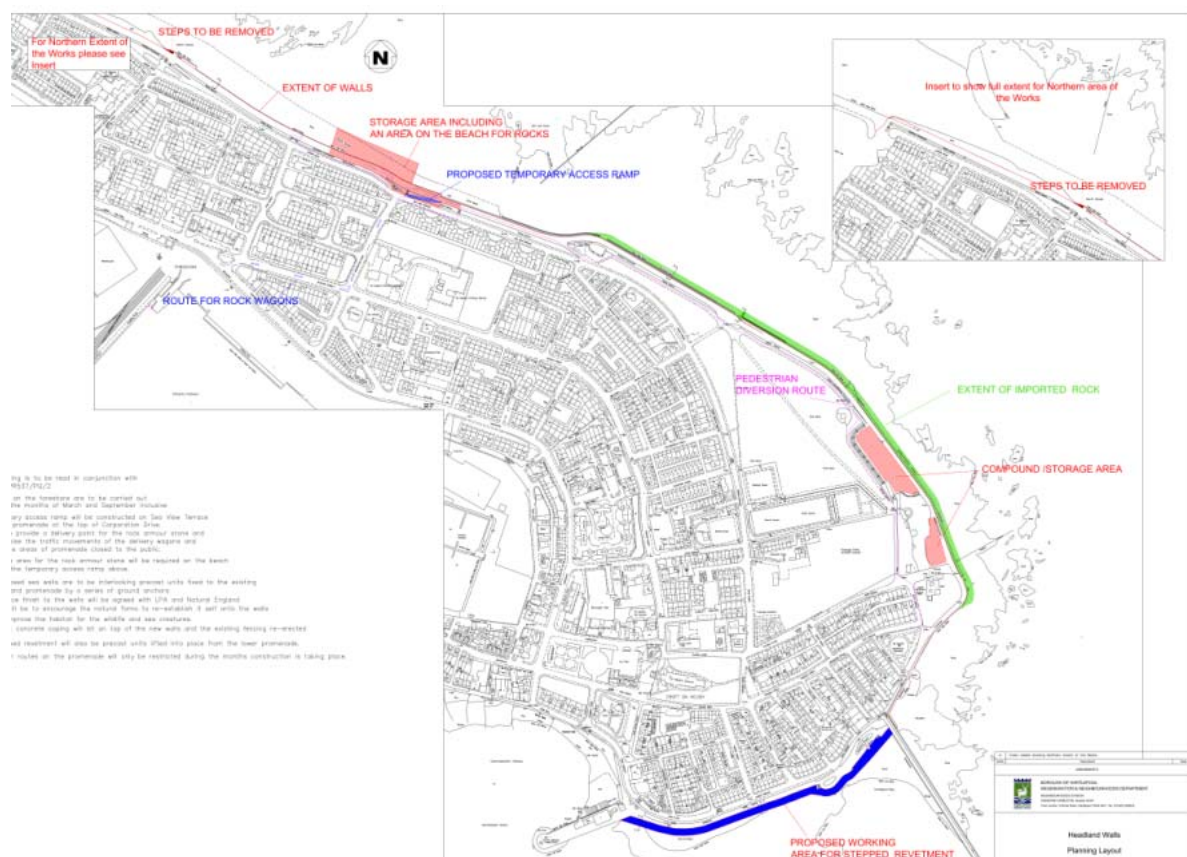
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TOWN WALL

2



This plan is for site identification purpose only
 HARTLEPOOL BOROUGH COUNCIL
 LEVEL 1 CIVIC CENTRE, HARTLEPOOL TS24 8AY
 DEPARTMENT OF REGENERATION AND NEIGHBOURHOODS

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DATE: 4/12/14
 H/2014/0516

No: 3
Number: H/2014/0517
Applicant: Mr Neil Dallus 1 Queen's Square MIDDLESBROUGH
Cleveland TS2 1AH
Agent: Hartlepool Borough Council Mr Brendon Colarossi Civic
Centre Victoria Road HARTLEPOOL TS24 8AY
Date valid: 04/11/2014
Development: Dismantle stone parapet to the Scheduled Ancient
Monument between the Ferry Landing and The Fish Quay
(approximately 15 metres in length) and replace the
support to the parapet before rebuilding it with the same
materials.
Location: TOWN WALL HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 There are no planning applications relating to this specific area of the Town Wall.

3.3 Within the vicinity of this site an application has been submitted (H/2014/0400) for the construction of a reinforced concrete wall on top of the Ancient Monument Town Wall, including large culvert to control the water that overtops the wall. A further application for the strengthening of coastal defence works is also before members on this agenda (H/2014/0516).

PROPOSAL

3.4 Planning permission is sought to dismantle the stone parapet to the Town Wall between Ferry Landing and The Fish Quay (approximately 15 metres in length). Work will then be carried out to replace the support on this part of the parapet. The wall will then be rebuilt.

3.5 The application is being reported to committee as it concerns a Scheduled Monument which is also a grade I listed building.

SITE CONTEXT

3.6 The application site constitutes the Town Wall on Hartlepool Headland. It is the partial remains of an early 14th Century defensive wall which surrounded the Headland to protect the harbour and town. It contains a single surviving gate, the

Sandwell Gate. The Town Wall is both a Scheduled Ancient Monument and a Grade I Listed structure. It is also within the Headland Conservation Area.

PUBLICITY

3.7 The application has been advertised by way of 4 neighbour letters, a press notice and 2 site notices. To date, there have been no representations.

3.8 The time period for representations expires before the meeting. Members will be updated on any additional responses received.

CONSULTATIONS

3.9 The following consultation replies have been received:

Tees Archaeology: The applicant has worked closely with English Heritage in developing the Method Statement for the works in order to limit the impact of the proposal on the Town Wall Schedule Monument. I understand English Heritage have granted Schedule Monument Consent on instruction of the Secretary of State.

In this case I am happy to defer to English Heritage's advice. It is, however, recommended that a suitable condition is attached, should consent be granted, to ensure that a photographic record takes place prior to works commencing and that archaeological monitoring occurs during the construction phases.

Natural England: This application is in close proximity to the Hartlepool Foreshore and Wetland, and the Hartlepool Submerged Forest Sites of Special Scientific Interest (SSSI's). The Hartlepool Foreshore and Wetland SSSI forms part of the Teesmouth and Cleveland Coast Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Teesmouth and Cleveland Coast Ramsar and SPA has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Hartlepool Foreshore and Wetland and the Hartlepool Submerged Forest SSSI have been notified.

English Heritage: English Heritage supports the proposals outlined in the planning application. If the local Authority determines that the public benefits of the proposals outweigh the harm to the monument then English Heritage recommends that, in accordance with the requirements of paragraph 141 of the NPPF, a programme of archaeological work to run concurrently with the site works.

HBC Parks and Countryside: There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting or affected by the proposed development on this site. Similarly the England Coastal Path National Trail is not impacted.

HBC Conservation: The proposal comprises the dismantling and rebuilding a section of the Town Wall. The wall is both a scheduled monument and a listed building. It is also located within the Headland Conservation Area. These are all considered to be designated heritage assets under the definition provided by the National Planning Policy Framework (NPPF).

It is understood that the applicant has worked closely with English Heritage in developing the Method Statement for the works in order to limit the impact of the proposal on the Town Wall Schedule Monument. English Heritage have subsequently granted Schedule Monument Consent on instruction of the Secretary of State.

In this case I am happy to defer to English Heritage's advice.

The time period for consultations expires before the meeting. Members will be updated on any additional responses received.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles
 GEP2: Access for All
 HE1: Protection and Enhancement of Conservation Areas
 HE8: Works to Listed Buildings (including partial demolition)
 HE13: Scheduled Monuments
 Rec9 Recreational Routes

National Policy

3.12 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of

sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs of the NPPF are of particular relevance to this application.

Paragraph 6 – Purpose of the planning system

Paragraph 7 – Three dimensions to sustainable development

Paragraph 9 – Sustainable development

Paragraph 11 – Planning law and development plan

Paragraph 12 – Statutory status of development plan

Paragraph 13 – NPPF is a material consideration

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principles

Paragraph 107 – Coastal Change Management Area

Paragraph 131 – Determining heritage planning applications

Paragraph 132 – Impact on the significance of a designated heritage asset

Paragraph 133 – Substantial harm to a heritage asset

Paragraph 141 – Recording of the significance of heritage assets

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.13 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact on historic heritage and visual amenity, neighbour amenity, ecology and highways. Discussions in relation to the application are ongoing and the application will be the subject of an update report.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.14 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.15 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

3.16 There are no Section 17 implications.

REASON FOR DECISION

3.17 The decision will be subject to an update report.

RECOMMENDATION - An **UPDATE** report will follow. It is anticipated that the recommendation will be favourable.

BACKGROUND PAPERS

3.18 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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TOWN WALL



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:1000
Date : 4/12/14
H/2014/0517

No: 2
Number: H/2014/0516
Applicant: HARTLEPOOL BOROUGH COUNCIL Hartlepool
Borough Council Civic Centre HARTLEPOOL TS24 8AY
Agent: HARTLEPOOL BOROUGH COUNCIL MR B
COLAROSSE Engineering Consultancy Hartlepool
Borough Council Civic Centre TS24 8AY
Date valid: 04/11/2014
Development: Coastal Protection
Location: Marine Drive HARTLEPOOL

PURPOSE OF REPORT

2.1 The application appears as item 2 on the main agenda. Additional comments have now been received and assessed. The planning considerations are detailed in the remainder of the report.

PUBLICITY

2.2 A single response of no objection has been received to date. The time period for representations to the press advert expires after the meeting and the recommendation reflects this.

CONSULTATIONS

2.3 The following consultation replies have been received:

English Heritage: Whilst mindful of the fact that the current sea defences on the Headland are coming to the end of their effective usefulness and that refurbishment / replacement works are essential, English Heritage cannot, however, support the current application in its present form. The proposals would impact upon the setting and significance of the Headland Conservation Area and English Heritage does not have enough information to make an informed judgement on the magnitude of these potential impacts. To obtain this information we would recommend that the local Authority should request a series of photomontage visualisations of the proposed works in their finished state for various key locations along the promenade perimeter. We would also recommend that a detailed archaeological record of the existing sea defences is made before any proposed enhancement works take place, as these will cover up the existing structure. (Summary).

Natural England: Comments awaited.

Marine Management Organisation: The proposed works may require a Marine Licence under the Marine and Coastal Access Act 2009.

Teesmouth Bird Club: The ecology section of the EIA of this application is wide reaching and addresses the impacts on the local bird species assemble most fairly.

The actual numbers of a particular species will vary from year to year, month to month, and can be influenced hourly by local disturbance factors.

We would remark that the entire linear habitat is important for a localised wintering passerine and shore bird species that attempts to nest in the general area. The site maps, however indicate that its breeding location is outside the works. Timing of the works to avoid disturbance pressure in the short days of winter, is welcomed, as is the consideration of the degree of detail of the topography of the materials employed. Subsequent monitoring should show how this benefits the feeding by providing substrates for invertebrate colonisation.

Tees Valley Regionally Important Geological Sites Group: Comments awaited.

HBC Ecologist: In agreement with views expressed in the submitted Habitats Regulations Assessment (HRA) that this proposal would not have an adverse effect on the Teesmouth & Cleveland Coast Special Protected Area (SPA) subject to appropriate mitigation measures. During the construction period the mitigation would take the form of restricting works on the inter-tidal area to the months of April-October inclusive. This avoids the period when the peak numbers of wintering water birds for which the site is designated would be present. Significant numbers of the same bird species do use the rocky platform during the months of September and October however at low tide, when the works would be taking place, almost all of those birds are some distance out from the sea wall, feeding on the rocky platform so the likelihood of them being disturbed by the works would be reduced in any case.

With the exception of two small, specific roosting areas, the inter-tidal area in front of the proposed works is used exclusively for feeding by birds. The feeding activity is generally some distance from the sea wall with, relatively few birds present in the first 10m. The rock armour and stepped revetment would occur within 14m of the sea wall so would be within an area with very little functional use as feeding for SPA birds. Of the roosting areas, one is an elevated platform at Block Sands around 100m seaward from the sea wall and would be unaffected by the proposed works. The second is a small area at the north end of Sea View Terrace. SPA birds use this discrete, slightly elevated part of the rocky platform for roosting, and for some species such as Turnstone and Purple Sandpiper for feeding, while parts of the rocky platform around it are covered by water and the birds will even remain on this area over a neap high tide. This area is approximately between 15-40m out from the sea wall and is located at the most northerly point where the rock revetment is planned. Therefore it will be necessary to take this area into careful consideration during construction and in the final design.

Geology & Geomorphology

The entire rocky platform designated as a Local Geological Site for its exposures of Permian Magnesian Limestone does not appear to be acknowledged in the Environmental Statement. Therefore the effect on the Local Geological Site has not been assessed. The proposal would involve covering a 14m wide swathe of the magnesian limestone platform with granite for approximately the entire length of the Town Moor.

It is proposed that limestone rock is used around Elephant Rock. This is welcomed as this is a locally prominent feature and more precise details of the rock placement in this area should be conditioned.

The impact on the Dolomite Beach does not appear to have been assessed. The beach will need to be reinstated once the works are completed which should include re-vegetating the beach with plants from the locality.

Monitoring

Post construction monitoring of the new defences and the remainder of the rocky platform will be very important in assessing whether the works have had any effects on bird usage and to inform any further mitigation measures should they be required.

A number of mitigation measures have been proposed. These include:

- the use of pale coloured granite;
- the placement of blocks so that rough surfaces and horizontal, concave surfaces are on the outside;
- the use of limestone rather than granite around the northern end of MU7 and Elephant Rock;
- manufacturing the concrete stepped revetment to have rough surfaces with some hollows and holes;
- drilling of holes into a small number of blocks of granite.

The first four measures appear to be essential to enhancing feeding opportunities for birds and therefore a guarantee that these can be achieved should be secured. In particular the placement of the limestone around the northern end of Town Moor and Elephant Rock should be subject to a more detailed design, to be agreed before those elements are constructed.

The HRA acknowledges that creating rough surfaces on the concrete revetment would undoubtedly be an enhancement although it is not known how much of an enhancement it would be. Therefore it is proposed to create 10 enhanced sections and 10 smooth sections as a control. While this would make for an idealised scientific study, nevertheless the crucial element of this is to enhance the habitat therefore it is suggested that fewer control sections are used

The last measure would only involve around 10 holes to be drilled in one granite block every 10m or in a minimum of 25 boulders, with holes being around 25mm diameter and 10-15mm depth. This measure is on such a small scale that its effects on bird feeding would be difficult to determine. Consideration should be given to opportunities to provide further biodiversity enhancements, for example the fixing of ropes from the rock revetment.

HBC Traffic and Transportation: There are no highway or traffic concerns.

PLANNING CONSIDERATIONS

2.4 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan

and in particular the principle of the development, impact on historic environment and visual amenity, neighbour amenity, ecology and highways.

Principle of Development

2.5 The Hartlepool Headland and Block Sands frontage is exposed to potentially extreme North Sea tidal and wave conditions. The coastline is characterised by sandy beaches and rocky foreshores supporting various protected species. Magnesian Limestone cliffs which are currently protected from erosion by seawall defences separate the foreshore from 558 residential and 4 commercial properties, including infrastructure and historical assets. The aim of the works covered in this application is to provide a coastal protection scheme to reduce coastal erosion risk to the community.

2.6 The Headland and Block Sands frontages have a long history of coastal engineering and management. The frontage is protected by vertical masonry and concrete walls that were built during the last 150 years. Many of the walls are now in poor condition and susceptible to storm damage. Walls are frequently overtopped during storms, making the promenade unsafe for pedestrians.

2.7 Reports suggest that some of the walls are known to have voids behind them. It is considered that over the years these voids have formed behind the Headland Walls from loss of fill materials through gaps and opening in the masonry front. Significant damage and breaching has occurred in recent years with increasing potential for further breaching as the condition of the wall deteriorates.

2.8 Lowering beach levels and scour to the wave cut platform increasingly exposes the foundations of the seawall defences and results in undermining the structures and increased risk of collapse. The main risk of erosion to the frontage is from approaching waves from the north and north east. Condition surveys carried out in 2011 and 2013 found that the defences are continuing to deteriorate.

2.9 A number of options have been considered as part of the wider project appraisal on this scheme. These included various combinations of works such as full concrete encasement of the sea wall, an offshore reef, limestone rock armour and continued maintenance. Having assessed all of the options it was determined that the most appropriate solution would comprises low level granite rock armour revetment, full encasement of the sea wall and concrete stepped revetment.

2.10 The work will be carried out in phases with the rock armour revetment adjacent to the town moor round to the Heugh Gun Battery and associate sea wall completed first in 2015 - 2017. The remaining sea wall and concrete stepped revetment between the old pier and the breakwater will be constructed in the second phases in 2020 – 2021. These works are in line with the 'Hold the Line' policy identified within the Shoreline Management Plan 2.

2.11 The proposed development is considered to be acceptable in principle in accordance with policies GEP1 and GEP2 of the Hartlepool Borough Council Local Plan and paragraph 107 of the NPPF.

Impact on historic environment and visual amenity

2.12 Tees Archaeology has considered the proposals and English Heritage. A number of issues have been raised and further information is awaited from the applicant in order to address these issues. Without this information it is not possible to fully assess the impact on the historic environment and visual amenity.

Neighbour Amenity

2.13 The proposed development will cause some disruption to neighbouring residents during the construction period. It is anticipated that there would be phased works over a number of years. In addition the works taking place on the inter-tidal area will be restricted to the months of April to September. These arrangements should ease the disruption residents and visitors will experience.

Ecology

2.14 The Council's Ecologist has considered the application however comments are awaited from Natural England and the Regionally Important Geological Sites Group. In light of this it is not possible to fully assess the impact on the ecology and geology in the area.

Highways

2.15 The plans submitted have provided an indicative route which the construction traffic would use when accessing and leaving the site. It is anticipated that there would be phased works over a number of years and during some months works will be restricted on parts of the site. These arrangements should ease the pressure on the routes around the area.

The Council's Traffic and Transportation Section have been consulted and have raised no objections to the proposed scheme. The proposal is therefore considered to be in accordance with policy GEP1 of the Hartlepool Borough Council Local Plan 2006.

Conclusion

2.16 Discussions with English Heritage are ongoing and the comments of Natural England are awaited. It is anticipated that the issues raised can be favourably resolved following the receipt of further plans and discussions therefore it is recommended that the final decision is delegated to the Planning Service Manager.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.17 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.18 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

2.19 There are no Section 17 implications.

REASON FOR DECISION

2.20 The time period for representations will expire after the meeting and discussions are ongoing with a number of consultees however it is considered that the application can be favourably resolved. It is recommended that the decision be delegated to the Planning Services Manager in consultation with the Chair of Planning Committee.

RECOMMENDATION – DELEGATE the final decision to the Planning Services Manager; in consultation with the Chair of the Planning Committee:

BACKGROUND PAPERS

2.21 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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UPDATE

No: 3
Number: H/2014/0517
Applicant: HARTLEPOOL BOROUGH COUNCIL Hartlepool
Borough Council Civic Centre HARTLEPOOL TS24 8AY
Agent: HARTLEPOOL BOROUGH COUNCIL MR B
COLAROSS Engineering Consultancy Hartlepool
Borough Council Civic Centre TS24 8AY
Date valid: 04/11/2014
Development: Dismantle stone parapet to the Scheduled Ancient
Monument between the Ferry Landing and The Fish Quay
(approximately 15 metres in length) and replace the
support to the parapet before rebuilding it with the same
materials.
Location: Town Wall HARTLEPOOL

PURPOSE OF REPORT

3.1 The application appears as item 3 on the main agenda. Additional comments have now been received and assessed. The planning considerations are detailed in full in the remainder of the report.

PUBLICITY

3.2 No representations have been received to date. The time period for representations to the press advert expires after the meeting and the recommendation reflects this.

CONSULTATIONS

3.3 The following additional consultation replies have been received:

Environment Agency: No objections, the proposed works will have no impact on flood risk.

Marine Management Organisation: The proposed works may require a Marine licence under the Marine and Coastal Access Act 2009.

HBC Ecologist: No objections.

HBC Engineering Consultancy: No objections.

HBC Public Protection: No objections to this application subject to a condition restricting the construction work to between 8:00am and 6:00pm Monday to Friday, 8:30am and 1:30pm on a Saturday and at no time on a Sunday or Bank Holiday.

HBC Traffic and Transportation: There are no highway or traffic concerns.

UPDATE

The time period for consultations expires before the meeting. Members will be updated on any additional responses received.

PLANNING CONSIDERATIONS

3.4 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact on historic heritage and visual amenity, neighbour amenity, ecology and highways.

Principle of Development

3.5 The Town Wall forms a substantial part of an early 14th century defensive wall which surrounded the Headland to protect the harbour and town. The area of the wall which is the application site consists of a section of overhanging footpath adjacent to Victoria Harbour.

3.6 Monitoring of this part of the wall has show that the existing timber supporting beams below the footpath are structurally unstable. In addition it was noted that an original vertical column supporting the beams running from the base of the wall was also missing.

3.7 It is proposed to refurbish and repair the existing parapet wall, footway and timber beams. The works will include removing the existing parapet and paving and storing them for reuse. Replacing the vertical supports and installing new timber beams to stabilise the structure. Finally, re-establishing both the footway construction and parapet wall using the salvaged materials.

3.8 The proposed development is considered to be acceptable in principle in accordance with policies GEP1 and GEP2 of the Hartlepool Borough Council Local Plan as the works will ensure the long-term structural stability of this part of the Town Wall.

Impact on historic heritage and visual amenity

3.9 The Town Wall is a Scheduled Monument and a Grade I Listed Building. It is also located in the Headland Conservation Area. These are all considered to be designated heritage assets under the definition provided in the NPPF.

3.10 Considering these designations and the impact that the works will have both the Scheduling and Listed status of the wall can be considered together as works to the monument. During the dismantling, repair and reconstruction phases, the proposed works have the potential to cause less than substantial harm to the monument. This conclusion is reached as the works will be carried out in a controlled way. The wall will be carefully dismantled with the stone recorded, labelled and retained to enable it to be re-used in the reconstruction of the wall. This then allows the structural work to be carried out which will secure the long term future of this monument. Whilst the core of the wall will be altered in order to stabilise it and reinforce the structure, the exterior appearance of the wall will, for the most part, be retained due to the reuse of stone. This methodology has been agreed with English Heritage and Tees

UPDATE

Archaeology to ensure that the works are sensitive to the character of the monument.

3.11 It is considered that these works will cause less than substantial harm to the Scheduled Monument and Listed Building, however, this harm will be outweighed by the public benefit which will be provided by the restoration and long-term structural stability of this part of the Town Wall.

3.12 The Headland Conservation Area contains the original settlement of Hartlepool established in the Anglo-Saxon period in the 5th century with subsequent additions from the medieval period through to the present. The main character of the area derives from its original medieval street pattern overlaid with buildings from the 18th, 19th and 20th centuries. The area of the Headland to the rear of Town Wall forms part of this street pattern however the only evidence at the application site is the wall itself as the buildings to the rear have been replaced with modern semi detached properties.

3.13 In considering the proposal, whilst the construction works are on site the proposed works will cause less than significant harm to the conservation area. This is due to the fact that the wall will be taken down and therefore, for a short period, will not contribute to the character of this part of the conservation area. The reconstruction of the wall will mean that this harm is temporary and is outweighed by the public benefits which will result from these works, namely securing the long-term stability of the wall so it can continue to contribute to the character of this part of the conservation area.

Neighbour Amenity

3.14 The proposed development will cause some disruption to neighbouring residents during the construction period. It is therefore considered appropriate to condition hours of work to control the level of disruption to neighbouring residents.

Ecology

3.15 Natural England have advised that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Teesmouth and Cleveland Coast has been classified.

3.16 Natural England has also advised that an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives is not required. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Tees and Hartlepool Foreshore and Wetlands; and Hartlepool Submerged Forest SSSIs has been notified.

Highways

3.17 The Council's Traffic and Transportation Section have been consulted and have raised no objections to the proposed scheme. The proposal is therefore considered

UPDATE

to be in accordance with policy GEP1 of the Hartlepool Borough Council Local Plan 2006.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.18 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.19 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

3.20 There are no Section 17 implications.

REASON FOR DECISION

3.21 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions and the consideration of any further representations being received prior to the expiry of the consultation period by the Planning Services Manager, with the final decision being delegated to the Planning Services Manager:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 4th November 2014 (Drawing no. RS173/001 PD Ports – Town Wall, Strengthening Footpath Structure, Existing & Proposed, RS173/002 RS173 PD Ports – Town Wall, Strengthening Footpath Structure Proposals, RS173/003 RS173 PD Ports – Town Wall, Strengthening Footpath Structure, Hartlepool Town Walls and Sandwell Gate HO27, Method Statement for Proposed Works).
For the avoidance of doubt.
3. (A) No development shall take place until a program of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The program and methodology of site investigation and recording
 2. The program for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation

UPDATE

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

(C) The planning condition will remain active until the site investigation and post investigation assessment has been completed in accordance with the program set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In the interests of historic heritage.

4. Construction work to take place between 8:00am and 6:00pm Monday to Friday, 8:30am and 1:30pm on a Saturday and at no time on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.

In the interests of amenity of neighbouring property.

BACKGROUND PAPERS

3.22 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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POLICY NOTE

The following details a precis of the policies referred to in the main agenda. For the full policies please refer to the relevant document.

ADOPTED HARTLEPOOL LOCAL PLAN 2006

GEP1 (General Environmental Principles) - 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.

GEP2 (Access for All) - 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.

HE1 (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE3: (Developments in the vicinity of Conservation Areas) 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.

HE8 (Works to Listed Buildings (Including Partial Demolition))

States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

HE13 (Scheduled Monuments) - Development proposals which adversely affect the site and setting of a scheduled monument or protected wreck will not be permitted.

REC9 (Recreational Routes) – A network of recreational routes linking areas of interest within the urban area of Hartlepool will be developed.

Initially, the following routes will be provided:

- a. coastal route,
- b. middle warren,
- c. east – west route (Golden Flatts link),
- d. Greatham to Belle Vue Way and Marina, and
- e. Summerhill to Burn Valley.

Proposals which would impede the development of the above routes will not be permitted.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

13. The National Planning Policy Framework is a material consideration in determining applications.

14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

17: within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer

land of lesser environmental value, where consistent with other policies in the framework;

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

107. When assessing applications, authorities should consider development in a Coastal Change Management Area appropriate where it is demonstrated that:

- it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change;
- the character of the coast including designations is not compromised;
- the development provides wider sustainability benefits; and
- the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.

131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and

II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

141. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

197: In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.



PLANNING COMMITTEE

17th December 2014

Report of: Assistant Director (Regeneration)

Subject: APPEAL AT SEATON MEADOWS LANDFILL SITE,
BRENDA ROAD, HARTLEPOOL

APPEAL REF APP/H0724/A/13/2193420 HBC REF H/2010/0496
-PROPOSED VERTICAL EXTENSION AND REVISED
RESTORATION OF SEATON MEADOWS LANDFILL

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above planning appeal.
- 1.2 The appeal was allowed. The Inspector also allowed a partial award of costs. A copy of the appeal and costs decisions are **attached**.

2. RECOMMENDATION

- 2.1 That Members note the outcome of the appeal.

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Appeal Decision

Hearing held on 8 October 2014

Site visit made on 9 October 2014

by Elizabeth C Ord LLB(Hons) LLM MA DipTUS

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

Decision date: 20 November 2014

Appeal Ref: APP/H0724/A/13/2193420

Seaton Meadows Landfill, Brenda Road, Hartlepool, Teeside, TS25 2BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Jacques of Alab Environmental Services Ltd against the decision of Hartlepool Borough Council.
 - The application Ref H/2010/0496, dated 20 August 2010, was refused by notice dated 24 August 2012.
 - The development proposed is a vertical extension and subsequent revised restoration of Seaton Meadows Landfill.
-

Decision

1. The appeal is allowed and planning permission is granted for a vertical extension and subsequent revised restoration of Seaton Meadows Landfill at Brenda Road, Hartlepool, Teeside, TS25 2BJ in accordance with the terms of the application, Ref H/2010/0496, dated 20 August 2010 subject to the conditions set out in the schedule attached.

Application for costs

2. At the Hearing an application for costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is in part retrospective and is intended, amongst other things, to regularise over-tipping.
4. Some of the drawings and plans upon which the Council made its decision to refuse planning permission have been revised. These revisions have undergone public consultation as part of the update to the Environmental Statement and Further Information provided under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. I am satisfied that no issues of natural justice arise and I have determined this appeal on the basis of the submitted revisions.
5. At the Hearing a draft Unilateral Undertaking was submitted under Section 106 of the Town and Country Planning Act 1990. There were issues with this Undertaking relating to the Appellant's proposed commuted sum of money, which was intended to provide finances to enable the Council to maintain the restored site.

6. To resolve the issues it was agreed at the Hearing that the Appellant would be responsible for the aftercare maintenance rather than the Council, and to reflect this, an amended obligation would be drafted as a Section 106 Agreement. The Appellant was given 14 days to submit a certified copy of the new Agreement to the Planning Inspectorate.
7. Within this time period the Appellant submitted a Unilateral Undertaking as opposed to an Agreement, apparently due mainly to time restrictions. The Council was given an opportunity to comment on this Undertaking. It responded by confirming its satisfaction with the obligations made which, it opined, were in compliance with Section 106 of the Town and County Planning Act.
8. However, the Council also referred to the wording of the jurisdiction clause within the Undertaking and made it clear that enforcement should be entirely at the discretion of the Local Planning Authority. Having considered this clause, I am satisfied that it makes provision for the Council to enforce the planning obligations within the Undertaking at its discretion through the County Court.
9. There is no Community Infrastructure Levy in place, and I am content that the Unilateral Undertaking meets the tests set out in paragraph 204 of the National Planning Policy Framework (the Framework). Therefore, I have taken this Undertaking into account when determining this appeal.
10. After the Hearing Planning Policy Statement 10: *Planning for Sustainable Waste Management* (PPS10) was cancelled and replaced by the National Planning Policy for Waste (NPPW). A waste chapter in the Government's Planning Policy Guidance (PPG) was also published, which replaces the Companion Guide to PPS10, and provides guidance on the implementation of the new NPPW. The parties were consulted on these documents.

Main Issues

11. The main issues are:

- 1) The impact of the proposal on the character and appearance of the area;
- 2) Whether the proposal would prejudice movement of waste management up the waste hierarchy;
- 3) Whether the proposal is needed to meet capacity requirements for waste imported from outside the Tees Valley area;
- 4) Whether the site is well related to the source of waste arisings and whether its location is justified;
- 5) Whether the proposal is sustainable.

Reasons

Character and Appearance

12. The site is located off the B1277 and west of the A178, a few kilometres away from Hartlepool centre and close to the village of Seaton Carew. Whilst Teesmouth National Nature Reserve and Seaton Snook Golf Course lie to the east/north east, the immediate vicinity is generally industrial in nature, with

- industrial estates lying in close proximity to the north and west, and a sewage works lying to the south west. Nearby to the south east is Hartlepool Nuclear Power Station and offshore to the east is a large wind farm. Other industrial related land uses are apparent close by and in the wider area.
13. The site is an active landfill occupying in the order of 24 hectares of land. The extant consent provides for clay extraction from the site and backfilling with waste materials to restore the site to a nature reserve. I understand that operations are permitted until 2027.
 14. The landfill is already permitted to form a raised landform to a maximum post settlement height of 18 metres (m) Above Ordnance Datum (AOD), with restoration conditioned to reflect specified contours. The proposal is for a vertical extension to a maximum pre-settlement height of 32.5m AOD and a post settlement height predicted to be in the order of 26m AOD. Therefore, the proposed maximum post settlement height would exceed the already permitted post settlement maximum height by about 8m. Restoration contour levels would be higher than currently permitted.
 15. The landraise has already surpassed its permitted height in part, due to unauthorised over-tipping of excavated waste, resulting from a fire in 2007/2008 within some of the landfill cells. The proposed vertical extension would be no higher than the already over-tipped part of the site. Moreover, the proposal does not seek to extend the lifespan of the landfill and the proposed restoration would be similar in nature to that already permitted.
 16. The surrounding landscape is generally flat although the Niramax landraise is apparent in the middle distance, which I am told has reached its restoration phase at a pre-settlement height of about 31m. There are also two large sports domes in close proximity, built between the site and the southern edge of Seaton Carew, which are in the order of 14m and 16m in height. I heard undisputed evidence that a third dome was proposed.
 17. According to the Environmental Statement, the site is located in the Tees Lowland National Character Area, whose characteristics include *"A large area of urban and industrial development around the Tees Estuary.."* and *"Major industrial installations....juxtaposed with expansive mudflats, sand dunes and salt marshes..."*.
 18. From my site visit observations I agree with the conclusions of the Appellant's landscape assessment that the landscape quality of the site and its surroundings, and its sensitivity to change are low. Against this background, the proposed height, mass and form could be readily absorbed into the landscape. Consequently, I conclude that the landscape character would not be materially harmed by the proposal.
 19. With respect to visual impact, I accept the Appellant's assessment that residents in a few nearby properties, together with recreational visitors to the Nature Reserve, would experience a moderate change. However, in the context of an area dominated by industrial features, this change would not result in any significant harm. Furthermore, in the longer term, the proposed restoration scheme, which includes tree planting and water features, would enhance visual amenity.

20. Therefore, in conclusion, the proposal would not adversely impact on the character or appearance of the area. Nor would it conflict with saved Policy GEP1 (General Environment Principles) of the Hartlepool Local Plan adopted in April 2006, which seeks, amongst other things, to safeguard appearance.

Waste Hierarchy

21. The NPPW promotes the driving of waste management up the waste hierarchy with disposal (encompassing landfill) being at the bottom of this hierarchy¹. The Tees Valley Joint Minerals and Waste Core Strategy (TVJMWCS) adopted in September 2011 incorporates the waste hierarchy and states that *"The waste hierarchy is a key principle informing.....the actual development of waste management facilities in the Tees Valley"*².
22. The quantum and nature of waste tipped at the site is controlled by a Permit issued by the Environment Agency. Since commencing operations in the 1980s, the existing landfill has taken a variety of waste streams both hazardous and non-hazardous, namely Municipal Solid Waste (MSW), Commercial and Industrial waste (C&I), Construction and Demolition waste (C&D), Stabilised Non-Reactive Hazardous Waste (SNRHW), and special waste containing various types of asbestos (asbestos waste).
23. Historically the disposal rates have varied from 130,000 tonnes to 240,000 tonnes per annum. It is proposed that the vertical extension would take about 568,768m³, although some 296,863m³ is already in place due to the over-tipping.
24. According to the Appellant, approximately 80% of the proposed waste deposits would be asbestos waste. This is because the bulk of the extension would be located on top of already permitted asbestos cells, and only asbestos waste streams would be permitted to be deposited on top of existing asbestos waste. The Environment Agency confirmed this at the hearing.
25. This asbestos waste is non-recyclable/reusable and cannot be recovered due to the hazardous nature of the asbestos. However, I understand that the majority of this waste would emanate from decommissioned marine structures such as dismantled ships and oil rigs, most of the materials from which would be recycled or reused. Therefore, most of the asbestos would be the residual waste component of materials which have already gone through the recycling process. Consequently, with respect to the asbestos waste stream, the proposal would not prejudice movement up the waste hierarchy.
26. With regard to other proposed waste streams for the extension, I heard unchallenged evidence at the hearing that most of this would be the residual waste from recycling facilities. Therefore, it would largely be that element of waste which is difficult or impossible to move up the waste hierarchy.
27. In conclusion, I am satisfied that the proposal would not prejudice movement of waste management up the waste hierarchy and that it is compliant with the NPPW and the development plan in this respect. Furthermore, it is supported by TVJMWCS Policy MWC6 (Waste Strategy), which encourages sustainable management of waste arisings by *"developing the regional and national role of the Tees Valley for the management of specialist waste streams."*

¹ NPPW §§1&3; Appendix A

² TVJMWCS section 5.1

Need

28. Policy MWC7 (Waste Management Requirements) of the TVJMWCS states that *"Proposals for facilities to meet capacity to deal with waste imported from outside the Tees Valley must be supported by evidence of the need for these facilities and justification for their location within the Tees Valley."*
29. It appears that much of the waste proposed to be accepted at the site would originate from outside the Tees Valley area. I am told that most of the asbestos waste for the extension would come through the ABLE Seaton Port Marine Decommissioning Facility, largely from ships and oils rigs brought into the area from afar. ABLE UK Ltd, who operates the facility and whose Managing Director is the Appellant, has recently been awarded a contract to dismantle four rigs from the Brent Field in the North Sea. It is proposed to deposit mainly asbestos waste from these structures on the appeal site.
30. Historically, I understand that asbestos waste has come from further afield, such as Ireland, although I am told that the asbestos cells on site are now being reserved for waste generated through ABLE UK and its partner companies. Additionally, smaller quantities of general waste might be imported from outside the Tees Valley area.
31. The evidence suggests that landfill sites taking asbestos waste are few in number. The Appellant's unchallenged submission is that there are currently only seven such cells available in the UK and the appeal site is best placed to accommodate local needs. Considering the requirements of the nearby ABLE Seaton Port Marine Decommissioning Facility, I am satisfied that the Appellant has adequately demonstrated that a market exists in the area for the proposed asbestos waste cells.
32. With respect to non-hazardous residual waste, it appears from the *Urban Mines* report³ that, taking account of the closure of Houghton Landfill within the Sunderland waste planning area, there is likely to be a shortfall in landfill capacity in the North East of England by 2018, unless increased recycling rates are delivered. No evidence was submitted to challenge this conclusion, and I, therefore, accept those findings.
33. I understand that Houghton is about 20 miles from the appeal site and its closure may impact on demand for the appeal site's facilities from outside the Tees Valley area. Furthermore, even within the Tees Valley area there appears to be a capacity gap for C&D waste⁴, which could partly be met by the proposal.
34. In conclusion, I am satisfied that there is a need for the proposal to meet capacity requirements for waste imported from outside the Tees Valley area and, therefore, it meets the "need" requirement of Policy MWC7.

Source of Waste Arisings and Justification for location

35. As stated above, TVJMWCS Policy MWC7, besides dealing with need, also requires justification of the location of facilities, which take waste from outside

³ *Model of Waste Arisings and Waste Management Capacity for the North East of England Waste Planning Authorities, July 2012*

⁴ TVJMWDCS §5.2.12

the Tees Valley area. Moreover, TVJMWCS Policy MWC8 requires landfill sites to be well related to the source of waste arisings.

36. The site is virtually adjacent to the ABLE Seaton Port Marine Decommissioning Facility and most of the asbestos waste destined for the vertical extension would emanate from there. I am told that other waste types are likely to be accepted from recycling facilities located within the Tees Valley waste planning area, such as Niramax Recycling, and Middlesbrough and Stockton and South Tees Recycling, along with an element of waste from further afield. On this basis, it seems to me that, overall, the site is well related to its sources of waste arisings and, therefore, the proposal is in accordance with Policy MWC8.
37. Moreover, the site is an existing landfill, and the proposal is for an extension of what is already in place. Therefore, its land use is already established and the proposal would not require additional infrastructure. The site is also within a strategic location (the Graythorp area) identified for large waste management facilities in Policy MWC8. For these reasons, I find that its location is justified and compliant with Policy MWC7.

Sustainability

Economic

38. The landfill site takes residual waste, thereby supporting other recycling facilities in the area and other industries needing to dispose of waste. The proposal would particularly support the ABLE Seaton Port Marine Decommissioning Facility, which is of significant economic benefit to the area. It would also provide its own employment opportunities and contribute to Government revenue by way of landfill taxes.

Social

39. Whilst there are inevitable amenity impacts from a landfill site, the proposal would not extend the lifespan of the existing facility and would not cause significant additional harm over and above what may already be experienced. The site would be restored to a publicly accessible nature conservation area, benefiting local residents and visitors. The Environment Agency confirmed at the Hearing that it currently controls working hours at the site and would also control working hours for the extension.

Environmental

40. The site is currently controlled on an ongoing basis by the Environment Agency who monitor for potential pollution, amongst other things. Neither the Environment Agency, nor the Council's Public Protection Section or Highways team have objected. Furthermore, the Appellant's Environmental Statement demonstrates that the proposal would not result in any significant environmental harm or detriment to the highway. There is no technical evidence before me to suggest otherwise and, therefore, I accept these conclusions. Once restored, the site would bring ecological benefits as a nature reserve.

Overall

41. Overall I am satisfied that the proposal is sustainable and, therefore, the presumption in favour of sustainable development, as set out in the Framework⁵, applies.

*Other Matters**Alternatives*

42. The alternative to a vertical extension would be to remove the over-tipped waste. This would require the removal of the clay capping over the burnt waste which, I am told, would re-introduce air and could result in re-ignition of the fire. Neither the Environment Agency, nor the Cleveland Fire Brigade supports this option because, I understand, it cannot be confirmed at this stage that the fire has been totally extinguished. Furthermore, such action could disturb previously deposited asbestos waste, potentially releasing asbestos fibres into the air, which would create a health and safety hazard. On this basis, removal of the over-tipped waste is not a reasonable alternative.

Ecology

43. The appeal site lies in the vicinity of a Special Protection Area and Ramsar Site, Sites of Special Scientific Interest, and Teesmouth National Nature Reserve. However, the Appellant's ecological assessment demonstrates that the proposal would have no significant adverse effects on these designations, and there is no technical evidence before me to challenge this conclusion, which I, therefore, accept. Furthermore, Natural England and the Council's ecologist have not objected. Consequently, I find that the proposal is acceptable in ecological terms.

Council's First Reason for Refusal

44. The Council's first reason for refusal refers to the proposal being contrary to the TVJMWCS, which advises that there is sufficient capacity for the landfilling of MSW and C&I waste to 2021. The Council thereby concluded that there was no need for additional landfill capacity. However, this reference to capacity appears to deal with the internal requirements of the Tees Valley area, rather than capacity to meet wider area requirements. With respect to internal demand, there is no requirement within the TVJMWCS to demonstrate need. Therefore, the proposal is not in conflict with it on this basis.
45. Furthermore, the NPPW states that applicants should only be expected to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan⁶. The TVJMWCS is up-to-date and the proposal is consistent with it. Therefore, apart from imported waste (as dealt with above), there is no requirement to show need for additional landfill capacity.

Conclusion

46. For the reasons given above, the proposal would not cause any significant harm and would constitute sustainable development. It would comply with the

⁵ Framework §14

⁶ NPPW §7

development plan and with national policy. Therefore, in accordance with the presumption in favour of sustainable development, the appeal is allowed.

47. This permission is subject to the agreed conditions in the attached schedule, which are imposed in the interests of visual and general amenity, highway safety and to ensure that development proceeds in accordance with the submitted plans.

Elizabeth C Ord

Inspector

APPEARANCES

FOR THE APPELLANT:

Andrew Jacques	Managing Director of ABLE UK Ltd
Miss Nicola Allan	Barrister at Law/Chartered Town Planner
Michael Halsall	Consultant Planner at AXIS PED Ltd/Chartered Town Planner
Philip Roden	Director of AXIS PED Ltd/Chartered Landscape Architect
Peter Thompson	Consultant to TerraConsult Ltd/Chartered Engineer
Barney Frith	Instructing Solicitor

FOR THE LOCAL PLANNING AUTHORITY:

Jim Ferguson	Case Officer with Hartlepool Borough Council
Matthew King	Policy Team Leader with Hartlepool Borough Council
Ian Bond	Ecologist with Hartlepool Borough Council
Adrian Hurst	Public Relations Officer with Hartlepool Borough Council
Chris Wenlock	Parks and Countryside Manager with Hartlepool Borough Council

INTERESTED PERSONS:

Kevin Nicholson	Regulatory Officer with the Environment Agency
Andrew Turner	Landfill Leader with the Environment Agency
Lucy Mo	Senior Planning Advisor with the Environment Agency
Cllr Paul Thompson	Seaton Ward Councillor
Jean Kennedy	Friends of Hartlepool
Iris Ryder	Friends of Hartlepool
Evelyn Leck	Local Resident
Ken Rowland	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

H1 – Updated Proposed Drawing List

H2 – Press Notice regarding Environmental Impact Assessment Further Information

H3 – Extract from Tees Valley Minerals and Waste Core Strategy (Policies MWC10: Sustainable Transport and MWC11: Safeguarding of Port and Rail Facilities)

H4 – Further Operational Information

H5 – Policies and Sites DPD

H6 – e-mails regarding planning obligation contribution

H7 – Press Release

H8 – TerraConsult's notes of Planning Committee meeting

H9 – Appellant's application for costs

H10 – Draft Unilateral Undertaking

H11 –Original restoration plans

H12 – Certified Copy Unilateral Undertaking

H13 - Council's comments on Unilateral Undertaking

H14 – Appellant's comments on Unilateral Undertaking

H15 – Council's comments on Planning Practice Guidance

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall not be carried out other than in complete accordance with the details shown on the following plans –
 - site location plan 391-02-001A
 - application boundary plan 391-02-002
 - vertical extension restoration plan post settlement contours 391-02-005-E
 - site plan figure 3.1A
 - general phasing figure 3.2B
 - pre-settlement restoration contours figure 3.3
 - post settlement restoration contours figure 3.4A
 - cross sections figure 3.5A
 - perimeter groundwater and gas monitoring borehole details figure 12.2
 - surface water systems catchments on completion figure 4 (ES Appendix K)
 - surface water systems catchments figure 5 (ES Appendix K)
 - surface water attenuation ditch figure 12.7
2. This permission shall expire at midnight on 31 December 2027 and the activity hereby permitted shall then cease.
3. Six months prior to the cessation of the development hereby permitted a restoration scheme for the implementation of the approved restoration plan (391-02-005-E) shall be submitted to and agreed in writing by the Local Planning Authority, to include details of the following –
 - a timetable for restoration of the site, including the commencement date
 - final pre-settlement height of the landfill
 - phased restoration of the site in accordance with figure 3.2B
 - the storage of any imported or site won materials, including stockpile heights and duration of storage.

The restoration of the site shall thereafter be implemented in accordance with the approved details.
4. Notwithstanding the approved restoration plan 391-02-005E, prior to commencement of the restoration scheme, further details shall be submitted to and agreed in writing by the Local Planning Authority, to include the following –
 - the new access, car park and cycle park
 - means of enclosure, gates, stiles, footpaths and tracks
 - a bird viewing screen and viewing platform
 - interpretation panels

The scheme shall thereafter be implemented in accordance with the approved details.

5. The car and cycle parking facility shown on the approved restoration plan (391-02-005 –E) shall be provided at the time of restoration and retained free from obstruction for its intended use thereafter.
6. Notwithstanding the submitted plans, within 6 months of the date of this permission, full details of proposed hard and soft landscaping works, including a landscape management scheme, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.
7. The landscape management scheme/maintenance schedule required by condition 6 shall make provision for the replacement, in the same position, of any tree, hedge, shrub or grassed area that is removed, uprooted, destroyed, or becomes seriously diseased, with another of the same species and size as that originally planted.
8. A wheel washing facility shall be made available and retained on site for the lifetime of the development.
9. The means of vehicular access for the development shall be from Brenda Road.

Costs Decision

Hearing held on 8 October 2014

Site visit made on 9 October 2014

by Elizabeth C Ord LLB(Hons) LLM MA DipTUS DipTP MRTPI

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

Decision date: 20 November 2014

Costs application in relation to Appeal Ref: APP/H0724/A/13/2193420 Seaton Meadows Landfill, Brenda Road, Hartlepool, TS25 2BJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Andrew Jacques of Alab Environmental Services Ltd for a full award of costs against Hartlepool Borough Council.
- The hearing was in connection with an appeal against the refusal of the Council to grant planning permission for a vertical extension and subsequent revised restoration of Seaton Meadows landfill.

Decision

1. The application for an award of costs is allowed in part in the terms set out below.

The submissions for Andrew Jacques of Alab Environmental Services Ltd

2. The Appellant's written submissions are set out in document H2 appended to the substantive appeal decision.

The response by Hartlepool Borough Council

3. The Update Report was produced on the Council's web site at least the Friday before the meeting, but I cannot recall exactly, as it was two years ago. The Reasons for Refusal were drafted from what was raised during discussion at the meeting. The appropriate form needed to be completed.
4. I struggle with the concept that the landfill would not take longer to fill if it were bigger. This is an unusually complex case. There was heightened anxiety due to over-tipping and the fires.
5. The first Reason for Refusal, that there was no need for additional capacity, came from the Development Plan Document.
6. With respect to the second Reason for Refusal, you do not need to be a qualified architect to comment on visual amenity. It is highly subjective. We gave reasons why the Local Planning Authority thought it was unacceptable.
7. The Case Officer recommended approval. However, the decision makers (members) were entitled to give different weight to the matter.
8. We have substantiated our reasons for refusal.

Reasons

9. The Planning Practice Guidance (PPG) states that a Local Planning Authority is at risk of a substantive award of costs if, amongst other things, it fails to produce evidence to substantiate each reason for refusal on appeal¹.
10. The first Reason for Refusal states that there is sufficient capacity for the landfilling of municipal solid waste (MSW) and commercial and industrial waste (C&I) to 2021 and, therefore, there is no need for additional landfill capacity. It goes on to state that the proposal would, therefore, be contrary to the Tees Valley Joint Minerals & Waste Core Strategy (TVJMWCS), adopted in 2011, and Planning Policy Statement 10: *Planning for Sustainable Waste Management* (PPS10), 2005.
11. At the time the Council made its decision in August 2012, the 2005 version of PPS10 had been superseded by the revised version of March 2011. Therefore, the 2005 version was not extant. Furthermore, the Council did not state which part of PPS10 the proposal would have contravened. Although PPS10 has now been completely superseded by the National Planning Policy for Waste (NPPW), in my judgement, the proposal would not have conflicted with PPS10, and nor would it conflict with the NPPW.
12. The first Reason for Refusal did not state what part of the TVJMWCS the proposal was contrary to, although on my reading of the TVJMWCS, it appears that the relevant policy could only be Policy MWC7, as no other policy requires need to be demonstrated. However, the requirement to show need in Policy MWC7 only relates to capacity to deal with waste imported from outside the Tees Valley area.
13. The Council's evidence on need is contained within the TVJMWCS and largely relates to MSW and C&I waste from within the Tees Valley. The TVJMWCS treats this internal waste differently to waste imported from outside the Tees Valley. Unlike external waste, there is no policy requirement to demonstrate need for facilities taking waste from within the Tees Valley area. Therefore, for waste sourced from within the Tees Valley, need should not be a reason for refusal.
14. Furthermore, the first Reason for Refusal only refers to MSW and C&I waste, and does not refer to the other waste streams proposed to be accepted, about 80% of which are likely to be hazardous wastes in the form of asbestos. Whilst the Council indicates in its evidence that there is sufficient capacity for hazardous waste management in the North East, hazardous waste encompasses a wide variety of substances, which require different types of waste management. The Council has offered no specific evidence on the need for facilities to take asbestos.
15. Consequently, I find that the Council has not substantiated its first Reason for Refusal on need.
16. With respect to the second Reason for Refusal relating to character and appearance, this involves a consideration of somewhat subjective matters. The Council has set out in its evidence why it believes the proposal would cause harm. Whilst the area is largely industrial, the Council's view is that the 8

¹ PPG § ID 16-049-20140306

metre additional height would be incongruous in a relatively flat, low lying coastal location that contains grazing marsh and sand dunes.

17. The Council is entitled to take this stance and, therefore, I find that it has substantiated its second reason for refusal and has not acted unreasonably in this respect.

Costs Order

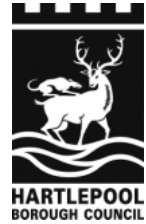
18. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Hartlepool Borough Council shall pay to Andrew Jacques of Alab Environmental Services Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs which relate to the Council's first Reason for Refusal, namely, the need for additional landfill capacity.
19. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Elizabeth C Ord

Inspector

PLANNING COMMITTEE

17 December 2014



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT LAND OFF VALLEY DRIVE TUNSTALL
FARM HARTLEPOOL TS26 0AL

APPEAL REF APP/H0724/A/14/2228786 HBC REF
H/2014/0196 - OUTLINE APPLICATION FOR
RESIDENTIAL DEVELOPMENT OF UP TO 110
DWELLINGS WITH ALL MATTERS RESERVED
EXCEPT MEANS OF ACCESS

1.0 PURPOSE OF REPORT

- 1.1 To advise members of the receipt of the above planning appeal.
- 1.2 The above application was considered at the Planning Committee on 3rd September 2014 where it was refused contrary to officer recommendation for reasons relating to flooding and difficulties with access at times of flooding.
- 1.3 The appeal will be decided through the hearing procedure.
- 1.4 The hearing will take place on 12th and 13th January 2015.

2.0 RECOMMENDATIONS

- 2.1 That Members authorise officers to contest the appeal.

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PLANNING COMMITTEE

Wednesday 17th December 2014



Report of: Assistant Director (Regeneration)

Subject: LOCALLY LISTED BUILDINGS

1. PURPOSE OF REPORT

- 1.1 In November 2014 this committee agreed to the updating of the list of Locally Listed Buildings. At the meeting a member of the committee nominated the new memorial on the Headland, which will be erected to commemorate the 100th anniversary of the Bombardment of the Hartlepool's, be included on the list. This report provides further details on that nomination.

2. BACKGROUND

- 2.1 Hartlepool has some 200 listed buildings. These are properties which have been designated by the Government as structures which are of 'special architectural or historic interest'.
- 2.2 Locally listed buildings are not of national significance however they may merit protection because, for example, they are the work of a local architect or have a link to a locally significant historical figure which, although not nationally noteworthy, nevertheless makes a contribution to the local sense of place.
- 2.3 The National Planning Policy Framework (NPPF), describes heritage assets as, 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing).' Within the NPPF there are policies relating to both designated and non-designated heritage assets.

3. UPDATING THE LIST

- 3.1 The original work carried out to establish the list encompassed surveying buildings across the borough resulting in 181 entries on the local list. It was

considered that the most effective way to continue to update the list was on a thematic basis, rather than attempt to review large areas again.

- 3.2 In November the list was updated to incorporate buildings, structures and spaces associated with the military. At the meeting to consider the proposed revisions to the list a Member nominated the new memorial on the Headland, which will be erected to commemorate the 100th anniversary of the Bombardment of the Hartlepool's, be included on the list.

4. NOMINATION OF NEW MEMORIAL

- 4.1 It was agreed at the previous meeting of this committee on 19th February that the selection criteria for new additions to the list would be the same as that used to decide the original list in 2012. A copy has been attached in **Appendix 1**.
- 4.2 To ensure consistency in selection it was proposed that the same method of scoring entries is used as for the original list. Each criterion was marked on a scale of one to five. Five was the highest score meaning the nomination fully met the requirements of the criterion. One was the lowest score used where the criterion was not met. All nominations scoring 15 or over were included on the final draft of the local list.
- 4.3 Consideration has been given to the new Memorial and how it may meet the criteria for inclusion on the local list. This is outlined in Appendix 2 along with details of how an entry on the list would be presented if it is included.

5. EQUALITY AND DIVERSITY CONSIDERATIONS

- 5.1 There are no equality or diversity implications.

6. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 6.1 There are no Section 17 Implications.

7. FINANCIAL CONSIDERATIONS

- 7.1 None.

8. RECOMMENDATIONS

- 8.1 That the Planning Committee reviews the proposed addition to the list of Locally Listed Buildings in Hartlepool attached in Appendix 2 and indicates if it considers this should be added to the list.

9. REASONS FOR RECOMMENDATION

- 9.1 At the meeting of Planning Committee on 19th February 2014 the Committee resolved to select the final entries for the draft list aided by experts if required.

10. BACKGROUND PAPERS

- 10.1 There are no background papers.

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APPENDIX 1

Defining a locally important building

The statutorily listed buildings can be all sorts of structures including telephone boxes, walls and gates as well as what we all recognise as buildings. In addition there is also a statutory process which recognises parks and gardens. It is proposed that when considering locally important buildings these definitions are combined and therefore the list will not be limited to buildings but will include other streetscape structures along with parks and landscapes.

Assessment Criteria

The assessment criteria that will be used;

- **Design merit:** is it the work of a particular architect or designer of regional or local note? Does it have qualities of age, style or distinctive characteristics relative to the area? Does it have landmark quality? Is it characterful and time-honoured or locally-valued
- **Historic interest:** does it relate to an important aspect of local, social, economic, cultural, religious or political history; does it have an historic association with an important local feature?
- **Historic association:** does it have close associations with famous local people (must be well documented); does it relate closely to any statutorily protected structure or site?
- **Survival:** does it survive in a substantial and recognisable form; are historic features and layout still present; does it represent a significant element in the development of the area?
- **Layout:** is it part of a planned layout that has remained substantially intact e.g. a terrace or a square?
- **General:** does it provide an important visual amenity?

APPENDIX 2

Proposed nomination for entry on the Hartlepool Local List

Nomination: Memorial to the victims of the bombardment

Selection criteria: Details of how the memorial meets the selection criteria

Design merit

- The memorial has been designed by the Landscape Service Section.

Historic interest

- The memorial is erected to commemorate the 100th anniversary of the Bombardment of the Hartlepoons by German naval vessels during the Great War.
- The memorial will include extracts from a painting by James Clark to three sides and a text panel to the fourth describing the events.
- The top section of the memorial has a detail intended to reflect the former lighthouse that stood on the site until 1915, whereby it was demolished to allow for clear sightlines for the coastal artillery battery.
- James Clark (1853 – 1943) was born in West Hartlepool. He rose to prominence in 1914 when his painting entitled 'The Great Sacrifice' was reproduced as a souvenir print. The painting depicted a young soldier lying dead on the battlefield beneath a vision of Christ on the Cross. The original oil painting was acquired by Queen Mary, wife of George V but several other copies were made. Clarke designed a number of war memorials and his painting was the basis for several memorial stained glass windows in churches.

Historic association

- To the east of the memorial is the Sebastapol Gun a grade II listed building.
- The Headland Light House is to the north of the memorial. This is a locally listed asset.
- It is also in close proximity is Redheugh Gardens. This includes the war memorial known as Triumphant Youth which was erected in memory of the civilians and servicemen killed in World War I. The memorial is a grade II listed building.
- The site in its entirety is located within the Headland Conservation Area.

Survival

- N/A

Layout

- N/A

General

- N/A

**Ref No.**

Name Memorial to commemorate the 100th anniversary of the Bombardment of the Hartlepool

Architect HBC Landscape Architecture

Date December 2014

Current Use N/A

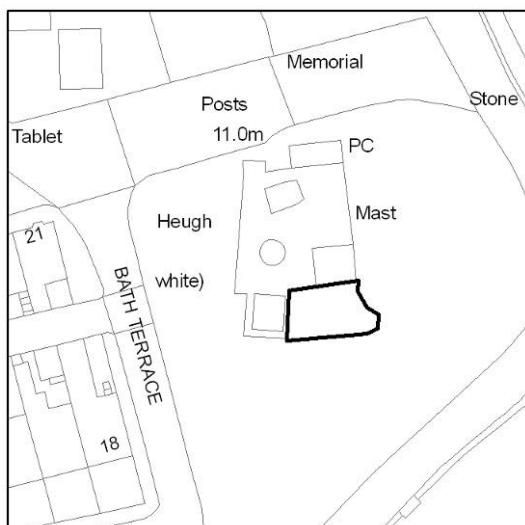
Conservation Area Headland

Statement of Significance

The memorial is erected to commemorate the 100th anniversary of the Bombardment of the Hartlepool by German naval vessels during the Great War.

The memorial features extracts from a painting by James Clark to three sides and a text panel to the fourth describing the events. James Clark (1853 – 1943) was born in West Hartlepool. He rose to prominence in 1914 when his painting entitled 'The Great Sacrifice' was reproduced as a souvenir print. The painting depicted a young soldier lying dead on the battlefield beneath a vision of Christ on the Cross. The original oil painting was acquired by Queen Mary, wife of George V but several other copies were made. Clarke designed a number of war memorials and his painting was the basis for several memorial stained glass windows in churches.

The top section of the memorial has a detail intended to reflect the former lighthouse that stood on the site until 1915, whereby it was demolished to allow for clear sightlines for the coastal artillery battery.



PLANNING COMMITTEE

17th December 2014



Report of: Assistant Director (Regeneration)

Subject: Member Training and Proposed Revisions to the Scheme of Delegation

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the proposed changes to mandatory and discretionary training for Planning Committee Members and to proposed revisions to the Scheme of Delegation.
- 1.2 If Members are satisfied with the proposed changes to the training for Planning Committee Members and to the proposed revisions to the Scheme of Delegation permission is sought to prepare a report which would be presented to Council on 26th March 2015; seeking permission from Members to make the relevant changes to the Planning Code of Practice and to the Constitution respectively.

2. BACKGROUND

- 2.1 The Monitoring Officer in any review of the Council's Constitution can receive items referred to him through Members, officers, the public and other relevant stakeholders in formulating recommendations for the betterment of the Constitution and the governance of the Council. Mandatory training of Members has been the subject of previous discussion and there is general acceptance of the principle of such training but further definition has been requested.
- 2.2 Equally in any consideration of a review of the scheme of delegation, there needs to be that element of certainty as to which applications should be determined before the Committee and those which can be delegated to officers.

3. ITEMS FOR CONSIDERATION**Mandatory and Discretionary Training for Members of the Council's Planning Committee**

- 3.1 It is accepted that Members should undertake such mandatory training in the fulfilment of their duties as prescribed by the Borough Council. It is therefore recommended that the Planning Code of Practice be revised to incorporate this provision with the insertion of the following text;

“A Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the mandatory training prescribed by the Council. Members of the Committee shall also endeavour to attend any other specialised training sessions provided, since these are designed to extend the knowledge of the Member on planning law, regulations, procedures, Codes of Practice and Development Plans and generally assist the Member in carrying out their role properly and effectively.”

- 3.2 It is proposed that the mandatory training expectation is delivered once a year and purely relates to the following session:

No	Training Session Subject	Duration	Delivered By
1	Getting to Grips With Planning <ul style="list-style-type: none"> • The Development Plan • The Planning Process • Probity in Planning 	2 Hours	Planning Legal

- 3.3 It is proposed that the mandatory session is sufficient enough to only be refreshed every 2 years by Members unless a significant change occurs with regard to the national or local planning framework that would necessitate an update for Members.

- 3.4 It is proposed that the discretionary training sessions are delivered to Members of the Planning Committee on a rolling basis throughout the year via a 30 minute presentation prior to each Planning Committee Meeting. The specific dates of the training will be organised at a later date and will include the following indicative subjects (These may be subject to change):

No	Training Session Subject	Duration	Delivered By
1	Economic Viability in Planning	½ Hour	Planning
2	The Use of Conditions and Legal Agreements	½ Hour	Planning
3	The Hartlepool Vision	½ Hour	Planning

No	Training Session Subject	Duration	Delivered By
4	Changes to Legislation / Policy	½ Hour	Planning
5	Role of Elected Members and Officers	½ Hour	Planning Legal
6	Sustainable Urban Drainage (SUDs)	½ Hour	Planning Engineers
7	Planning Appeals	½ Hour	Planning Legal
8	Conservation and Historic Environment	½ Hour	Planning English Heritage
9	Trees and High Hedges	½ Hour	Planning
10	Ecology and Planning	½ Hour	Planning Countryside

- 3.5 Whilst the discretionary training sessions are not mandatory the subjects covered in the sessions will aid Members understanding of the planning system and their attendance is recommended.

Review of Scheme of Delegation – Planning Committee

- 3.6 Section 101 of the Local Government Act 1972, allows for the discharge of any of the Council's functions through a "committee, sub-committee, an officer of the Authority or by any other Local Authority".
- 3.7 Currently in excess of 90% of all planning decisions are determined by Officers under schemes of delegation operating across the Country, without reference to a committee. Successive Governments have also encouraged the greater use of delegation in streamlining the planning application process. Furthermore, an officer's report through the exercise of delegated powers must include all information on relevant considerations relating to the application under the requirements of the Development Management Procedure Order and also the openness of Local Government Bodies Regulations, 2014.
- 3.8 Although Local Planning Authorities still operate within a "plan led" system the National Planning Policy Framework also constitutes guidance in planning preparation and also is a material consideration in the determination of planning applications. It is felt desirable that the following changes be made to the Constitution Part 3 regarding the Scheme of Delegation under points (i) – (iv) as follows.

Delegation of power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent; subject to the following exceptions:	
Existing Delegations	Proposed Delegations
(i) In the case of any relevant application which is submitted to the Council for determination, any matter which any Member requests should be referred to the Committee for decision, such request to be received within 21 days of publication of details of the application.	(i) In the case of an application for development which is submitted to the Council and where 3 or more Members request for material planning considerations, should be referred to the Committee for determination and such requests have been received within 21 days of the publication of details of the application.
(ii) Any matter which fall significantly outside of established policy guidelines or which would otherwise be likely to be controversial.	(ii) Any matter which has a significant adverse impact outside of established policy guidelines.
(iii) The determination of applications submitted by the Council in respect of its own land or proposed development, except those relating to operational development to which there is no lodged objection.	Suggest deletion, (but note exceptions under i) and ii) above and new iii) below).
(iv) The refusal of an application except with the agreement of the Chair of the Committee.	Suggest deletion and replace with; (iii) The determination of applications for development (other than where permission is refused or the application relates to a prior notification) as submitted to the Council where there is a significant level of objection to an application.

- 3.9 These suggested amendments strike a balance through allowing for appropriate levels of delegation but also recognising that where an application might have a significant adverse impact or arouses significant levels of local objection (except where the applications relates to a prior notification an applications is to be refused) that these matters necessarily should be reported to Planning Committee.

- 3.10 As regards determinations of applications submitted in respect of land owned by the Council it is contended, that reference should be made to the Committee where there is that significant adverse and demonstrable impact or significant level of local objection so there can be a determination consistent with all applications as received by the Local Planning Authority.
- 3.11 If Members are satisfied with the proposed changes to the training for Planning Committee Members and to the proposed revisions to the changes to the Scheme of Delegation permission is sought to prepare a report which would be presented to Council on 26th March 2015; seeking permission from Members to make the relevant changes to the Planning Code of Practice and to the Constitution respectively.
- 3.12 If Members are satisfied with the proposed revisions above and they are agreed at Council a subsequent report will be brought to Planning Committee which will provide additional detail on the Scheme of Delegation.

4. REASONS FOR RECOMMENDATIONS

- 4.1 National guidance cites delegation as the principle tool from which efficiencies can be made. Delegation is not a process that will generally change the outcome of a planning decision, nor is it one which transfers power from Members to officers. The purpose of delegation is to simplify procedures, speed up the decision making process, minimise costs and enable Planning Committee Members more time to concentrate on major planning issues.
- 4.2 Successive Governments have placed increasing emphasis on encouraging Councils to delegate more decision making to their trained and qualified officers, particularly in the case of straightforward or non-contentious cases.

5. EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

6. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS.

There are no Section 17 implications.

7. RECOMMENDATIONS

- 7.1 To inform Members of the proposed changes to mandatory and discretionary training for Planning Committee Members and to proposed revisions to the Scheme of Delegation.
- 7.2 If Members are satisfied with the proposed changes to the training for Planning Committee Members and to the proposed revisions to the Scheme of Delegation permission is sought to prepare a report which would be presented to Council on 26th March 2015; seeking permission from Members to make the relevant changes to the Planning Code of Practice and to the Constitution respectively.

8. BACKGROUND PAPERS

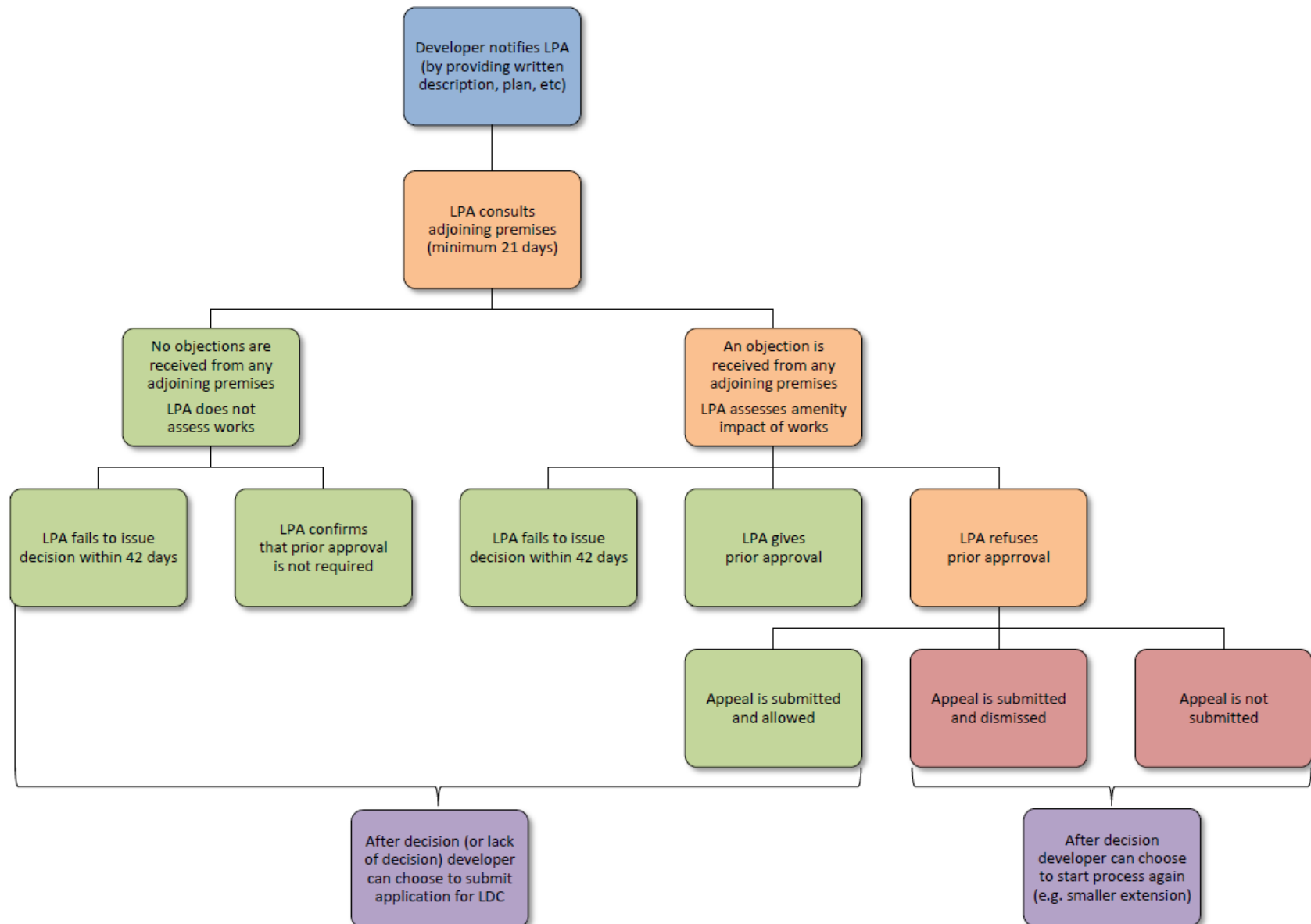
- 8.1 The Hartlepool Borough Council's Constitution 2014-2015 was used in the preparation of this report, the weblink to the document(s) is below:

http://www.hartlepool.gov.uk/downloads/download/180/hartlepool_borough_councils_constitution_2014-2015

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APPENDIX 1 **GENERAL PERMITTED DEVELOPMENT ORDER 2013 FLOW CHART**



PLANNING COMMITTEE

17 December 2014



Report of: Assistant Director (Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. An investigation has been completed in response to a complaint from a Councillor regarding selling of cars on a vacant car wash site on Stockton Road. Following helpful assistance from the landowner, the use has ceased. No action necessary.
2. An investigation has commenced in response to officer monitoring regarding amenity space incorporated into residential gardens at two properties on Mary Rose Close.
3. An investigation has commenced in response to a complaint regarding the erection of a high rear boundary fence at a property on Kesteven Road.
4. An investigation has commenced in response to a complaint regarding an unsecured vacant former children's home and nursery on Station Lane. Specifically a number of ground and first floor windows are unboarded posing a risk to unauthorised entry to the building.
5. An investigation been completed in response to an anonymous complaint regarding works where being carried to change the use of a residential property to flats on Park Road. After checking, the planning and building control files they revealed that the property owner was fitting a new soil pipe to the gable to accommodate an on-suite, thus no action necessary.

2. RECOMMENDATION

2.1 Members note this report.

3. CONTACT OFFICER

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