

# PLANNING COMMITTEE AGENDA



**Wednesday 8 July 2015**

**at 10.00 am**

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

## MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Belcher, Cook, James, Loynes, Martin-Wells, Morris, Richardson 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 10 June 2015

### 4. BUDGET AND POLICY FRAMEWORK ITEMS

- 4.1 Planning Obligations Supplementary Planning Document (SPD) – *Assistant Director (Regeneration)*

### 5. ITEMS REQUIRING DECISION

- 5.1 Planning Applications – *Assistant Director (Regeneration)*
- 1 H/2015/0147 Temporary school - Land at Wynyard Woods (*page 1*)
  - 2 H/2015/0153 Two storey side and single storey rear extension – 7 Claremont Drive (*page 19*)
  - 3 H/2015/0186 Temporary change of use to event/festival site – Jacksons Landing (*page 29*)
- 5.2 Appeal at 90-92 Ashgrove Avenue, Hartlepool, Appeal Ref: APP/H0724/W/15/3033353 - *Assistant Director (Regeneration)*
- 5.3 Request to set aside planning obligations: H/2013/0566 Alterations and change of use to provide 8 self contained apartments. Morison Memorial Hall, Church Close, Hartlepool – *Assistant Director (Regeneration)*



**6. ITEMS FOR INFORMATION**

6.1 Appeal At Scallywags Nursery, Warrior Drive, Hartlepool, Appeal Ref:  
APP/H0724/W/15/3005307 - *Assistant Director (Regeneration)*

6.2 Update on Current Complaints – *Assistant Director (Regeneration)*

**6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**FOR INFORMATION: -**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 5<sup>th</sup> August 2015



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

10<sup>th</sup> June 2015

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Sandra Belcher, Marjorie James, George Morris, Carl Richardson and George Springer

Officers: Peter Devlin, Chief Solicitor  
Andrew Carter, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Mike Blair, Highways, Traffic and Transportation Manager  
Leigh Taylor, Planning Officer  
Paul Burgon, Enforcement Officer  
Jo Stubbs, Democratic Services Officer

### **1. Apologies for Absence**

Apologies were submitted by Councillors Allan Barclay, Brenda Loynes and Ray Martin-Wells

### **2. Declarations of interest by members**

None

### **3. Confirmation of the minutes of the meeting held on 13<sup>th</sup> May**

The minutes were confirmed subject to an amendment to minute 145 (Friarage Manor House) namely the removal of the word 'unanimously'.

### **4. Planning Applications** (*Director of Regeneration and Neighbourhoods*)

**Number:** H/2015/0143

**Applicant:** Mr David Greathead 1 Kielder Road HARTLEPOOL

**Agent:** SCCE Ltd Mr John Lees The Pavilion 1 Belasis Court  
Belasis Hall Technology Park BILLINGHAM

**Date received:** 09/04/2015

**Development:** Erection of a perimeter wall and fence

**Location:** 1 Kielder Road HARTLEPOOL

The Planning Officer advised members that this application had been submitted retrospectively

The Applicant, Mr Greathead, was present and addressed the Committee. He apologised for having failed to get planning permission for these changes but had been unaware that he was required to at the time the wall and fence were erected. His reasons for erecting the wall and fence were to prevent noise pollution caused by cars driving outside his property. In addition by moving the entrance to the property as part of these changes he felt that visibility had been improved 100%. Every effort had been made to use similar materials to those used on the property.

A member noted that the new boundary wall had been set half a metre behind the original wall and asked who was responsible for maintaining that half metre of land. The Highways, Traffic and Transportation Manager confirmed that this would still be the responsibility of the applicant. Members queried whether there were properties with similar walls in the immediate area. The Planning Team Leader confirmed that there were similar walls and boundary treatments in the wider area. In response to the objections raised regarding the safety of the new entrance the Highways, Traffic and Transportation Manager was of the view that moving the entrance and removing some of the planting had led to a significant improvement on highway safety in the area. He did not anticipate that the newly planted bushes would cause any problems in the future but if they did the householder would be asked to take appropriate action. A member queried the aesthetics of using wood rather than another material. The applicant advised that they had chosen to use wood due to the noise factor for those living in the property and intended to use high quality cedar wood.

Members approved the application by a majority.

**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 permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details (Site Location Plan) received by the Local

Planning Authority on 09/04/15 and (New Boundary Wall Details & Information drawing ref. P7021-CD-005 Rev P1) received by the Local Planning Authority on 07/05/15, (West Elevation Looking East drawing ref. P7021-CD-006 Rev P1) and Elevation From Kielder Road Looking West drawing ref. P7021-CD-007 Rev P1), received by the Local Planning Authority on 08/05/15, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission. 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.
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.

## **5. Appeal at Worset Lane, Hartlepool** (*Assistant Director (Regeneration)*)

A planning appeal had been submitted against the decision by Planning Committee to refuse planning permission for the erection of 7 self build residential plots with associated access and landscaping. The appeal would be decided by written representation.

### **Decision**

That Officers be authorised to contest the appeal.

## **6. Update on current complaints** (*Assistant Director (Regeneration)*)

Members' attention was drawn to 9 ongoing issues currently being investigated.

A member requested an update on an investigation into UPVC windows on Marine Crescent.

A member asked to see the original planning application relating to student accommodation on Grange Road. The Chair advised that as no action had been deemed necessary this information would need to be requested through official channels. The member advised that there had been a number of complaints made to the police regarding this property.

A member referred to the investigation into a business selling garden items from a residential property on Carnoustie Grove which had found that as the business activity was hobby based no planning permission was needed. The Chair asked that a report on this issue be brought back to Committee.

### **Decision**

That the report be noted

## **7. Appeal at Moor Terrace, Headland, Hartlepool** *(Assistant Director (Regeneration))*

Members were advised that this appeal was dismissed by the inspector. A copy of the decision was attached.

A member raised concerns that the advice given to members in terms of conservation tended to vary across the town and was not in his opinion always in the best interests of Hartlepool. The Chair suggested that this issue be discussed at a future meeting.

### **Decision**

That the outcome of the appeal be noted.

## **8. Appeal at Tunstall Farm, Valley Drive, Hartlepool** *(Assistant Director (Regeneration))*

Members were advised that this appeal was allowed by the inspector. A copy of the decision letter was attached. The appellant had not made a claim for costs against the Council.

The Vice-Chair indicated that the Ward Members for Rural West were appealing against this decision and correspondence had been sent to the Secretary of State for Communities and Local Government and the MP for Stockton South.

### **Decision**

That the outcome of the appeal be noted

## **9. 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 155 – (Inglefield, Seaton Lane) – 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 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

- 10. Inglefield, Seaton Carew** *(Assistant Director (Planning and Economic Development))* 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 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

Details are given in the closed section of the minutes

**Decision**

Details are given in the closed section of the minutes

**11. 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.

**12. Wynyard**

The Chair referred to planning applications which had been received for the Wynyard area and suggested a site visit might be prudent before members were asked to make any decisions. A member suggested that this be scheduled to follow a Planning Committee meeting as all members would be expected to be present. The Chair advised that, depending on the number of items due for consideration, a site visit would be provisionally scheduled to follow the next Planning Committee meeting on Wednesday 8<sup>th</sup> July.

The meeting concluded at 11.00am

CHAIR

# PLANNING COMMITTEE

8<sup>th</sup> July 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** PLANNING OBLIGATIONS SUPPLEMENTARY  
PLANNING DOCUMENT (SPD)

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

- 1.1 Key decision – Part of the Budget and Policy Framework.

## 2. PURPOSE OF REPORT

- 2.1 The purpose of this report is to present the Planning Obligations Supplementary Planning Document (SPD) (see **Appendix 1**) to Planning Committee for consultation following a recommendation from Regeneration Services Committee on the 11<sup>th</sup> June 2015.

## 3. BACKGROUND

- 3.1 Once adopted this Planning Obligations Supplementary Planning Document will form part of the Local Development Framework for Hartlepool. The SPD directly links to Policy GEP9 of the saved Hartlepool Local Plan 2006 and provides the policy basis for requested developer contributions where they are necessary and relevant to a planning application. Policy GEP9 does not provide any details regarding the levels of contributions required, it simply states which types of contributions may be sought. The SPD will be linked to policies regarding Developer Contributions and Affordable Housing in the emerging 2016 Local Plan.
- 3.2 The purpose of this Supplementary Planning Document (SPD) is to provide developers and other interested parties with information and guidance concerning the Local Authority's approach towards securing planning obligations associated with development within the Borough.
- 3.3 The Local Authority will continue to use planning conditions and legal agreements as part of the planning application process to ensure that new developments in the town are sustainable, well designed and attractive and will have a positive impact on the townscape of Hartlepool. New developments however often put pressure on already over-stretched infrastructure and it is generally expected that



developers will mitigate or compensate for the impact of their proposals by way of 'Planning Obligations'. These are usually concluded under Section 106 of the Town & Country Planning Act 1990 (as amended) and are agreements between local planning authorities and developers (and the landowner where the developer does not own the land) that secure contributions (in cash or in kind) to address community and infrastructure needs associated with development.

- 3.4 The SPD has been prepared in accordance with relevant national guidance set out in the National Planning Policy Framework (NPPF), Planning Practice Guidance and the Community Infrastructure Levy Regulations 2010 (as amended). Through the 2010 CIL Regulations the Government introduced a new charge which Local Authorities in England and Wales are empowered, but not required, to charge on most types of new development. The Government states that CIL will improve predictability and certainty for developers as to what they will be asked to contribute, will increase fairness by broadening the range of developments asked to contribute and will enable important sub-regional infrastructure to be funded. However since its introduction it has become evident that it is more deliverable in some areas rather than others, where, given the current market conditions, CIL is proving to be unviable and undeliverable.
- 3.5 During the development of a new Local Plan work will be undertaken on viability testing to determine whether or not it is going to be feasible to bring forward a CIL charging schedule or whether the continued use of Planning Obligations would be the best option locally.
- 3.6 The SPD is compliant with the CIL regulations and all planning obligations are subject to the legal tests, which are used to determine use of a S106 agreement and are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:
1. necessary to make the development acceptable in planning terms;
  2. directly related to the development; and
  3. fairly and reasonably related in scale and kind to the development.
- 3.7 This SPD clearly sets the thresholds for developer contributions through planning obligations in terms of the following:
- Affordable housing
  - Open Space, Outdoor Sport / Recreation and Play Facilities
  - Built Sport Facilities
  - Green Infrastructure
  - Highway Infrastructure
  - Community Facilities, and
  - Training and Employment.

- 3.8 The SPD does not contain any policies. However the levels and types of contributions required have been tested and proved to be viable and deliverable in most developments in the town over the past three years or so.
- 3.9 The only exception to this is the level of affordable housing achieved. Since the publication of the 2012 Tees Valley Strategic Housing Market Assessment (SHMA), Hartlepool's affordable housing need has been identified as 27.5%, however the amount achieved in most instances has been reduced through the viability process to ensure deliverability of schemes; the SPD is written in a way which allows flexibility and where there are issues regarding viability allows for contributions to be reduced to ensure development is viable.
- 3.10 This flexibility is an essential element of this Supplementary Planning Document and will be crucial to developer negotiations in the delivery of affordable housing, especially as the 2015 Hartlepool Strategic Housing Market Assessment, endorsed by Regeneration Committee in May 2015, demonstrates an increased affordable housing need of 144 affordable housing units per year. This represents an affordable need of 44% when considered against the overall annual target of 325 dwellings.
- 3.11 The Planning Obligations Supplementary Planning Document was consulted on; Section 4 details the particulars of the process undertaken. In addition the SPD was updated in relation to national guidance detailed in Section 5. The Planning Obligations Supplementary Planning Document was presented to Regeneration Services Committee on 11<sup>th</sup> June 2015. A recommendation of the Committee was to present the SPD to Planning Committee for information and consultation and subsequently be brought back to Regeneration Services Committee.

#### **4. METHODOLOGY**

- 4.1 In order to ensure the planning system is open and transparent it is considered vital that the Planning Obligations SPD is consulted on and then adopted to provide developers with information at an early stage in the planning process as to the types and levels of contributions which will be necessary as a result of their application.
- 4.2 Following authorisation from Regeneration Services Committee in May 2014, an 8 week public consultation on the draft Planning Obligations Supplementary Planning Document was undertaken.

- 4.3 The means of public consultation included:
- Copies of the documents made available at the Civic Centre
  - A statutory notice in the Hartlepool Mail
  - A local press release
  - Reference on the Planning Policy section on the Council's website
  - Letters to Parish Councils
  - Letters to statutory consultees and other stakeholders
- 4.4 Through the consultation 12 responses were received from statutory consultees, developers and interested parties. All responses have been carefully considered, details of the comments received and Hartlepool Borough Council's response (including resulting amendments to the document) is attached as **Appendix 2**.
- 4.5 Comments received from Planning Committee on 8<sup>th</sup> July 2015, will be considered and included in an amended Consultation Statement. This will be included in the subsequent report to Regeneration Services Committee which will be submitted at the earliest opportunity. The Planning Obligations Supplementary Planning Document will be updated to reflect this additional consultation as appropriate.

## 5. CHANGES TO NATIONAL PLANNING PRACTICE GUIDANCE

- 5.1 On 28 November 2014, additional National Planning Practice Guidance (NPPG) on Planning Obligations was published by the Government. This outlines new minimum thresholds to ensure that planning obligations are not sought from small and self build development. This guidance details specifically that:
- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm*
  - *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty*
  - *affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home*
- 5.2 The guidance also details information on planning obligations in relation to the reuse of vacant buildings with the introduction of a

Vacant Building Credit, this acknowledges the benefits of bringing a vacant building back into use by outlining that the *developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions would be required for any increase in floorspace.*

- 5.3 The release of this additional guidance presents different thresholds from those detailed in the consultation draft SPD. In the main this will increase the minimum threshold from over 5 to over 10 units, with the exception of Affordable Housing where this new guidance presents the opportunity to reduce the threshold from 15 to over 10 units (over 5 units in the designated rural area which covers the entire parishes of Brierton, Claxton, Dalton Piercy, Elwick, Greatham, Hart and Newton Bewley). Whilst this has not been consulted on specifically through this process, this is the most recent national guidance (which was developed in response to consultation) and therefore re-consultation on the SPD for this reason is unnecessary as the new thresholds are set out in national guidance. Should these requirements create viability issues which could potentially impact upon any development, there is flexibility within the detail of the SPD to allow for developers to negotiate the level of contributions with the provision of appropriate viability information.

## 6. PROPOSALS

- 6.1 The Planning Obligations Supplementary Planning Document (SPD), attached as **Appendix 1** has been updated from the draft document to reflect the comments (as applicable) received through consultation (**Appendix 2**) and the Government changes to National Planning Practice Guidance (NPPG) on Planning Obligations outlined in Section 5.1-5.3 of this report.
- 6.2 The main changes and amendments to the Planning Obligations Supplementary Planning Document (SPD) are summarised below:
- Thresholds for Planning Obligations have been updated in line with National Planning Practice Guidance published on 28 November 2014.
  - Levels of contributions have been updated following the receipt of additional evidence from statutory organisations and endorsement of the 2015 Hartlepool Strategic Housing Market Assessment.
  - A threshold and level of contribution table has been provided as an appendix to the SPD to give a clearer reference point developers and other interested parties.
  - Further clarity has been given to viability assessment requirements.

- Inclusion of 'trigger points' in relation to the payment of planning contributions on large scale developments to be negotiated as part of legal agreements.
- Additional section on Heritage Assets has been included as a result of a response from English Heritage (now renamed as Historic England).

## **7. RISK IMPLICATIONS**

- 7.1 Without an up to date approved Planning Obligations Supplementary Planning Document (SPD) in place the Council is at risk of not securing all of the developer contributions outlined within this document. This poses a serious risk in relation to the sustainable development of Hartlepool.

## **8. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 8.1 There are no issues in relation to the crime and anti-social behavior.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1 The Planning Obligations Supplementary Planning Document (SPD) sets out the financial contributions to be made by developers as part of the planning process. This SPD will be the key document setting out the thresholds for and levels of contributions which must be made by developers as part of developments in Hartlepool. The SPD is however written in a flexible way which will ensure the viability of development coming forward.

## **10. LEGAL CONSIDERATIONS**

- 10.1 The Planning Obligations Supplementary Planning Document (SPD) has been set out in line with the Community Infrastructure Levy Regulations 2010 as amended, National Planning Policy Framework and the National Planning Practice Guidance.

## **11. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 11.1 There are no equality and diversity considerations in relation to Planning Obligations Supplementary Planning Document (SPD), the aim of securing planning obligations is to support the achievement of Sustainable Development.

## **12. RECOMMENDATIONS**

- 12.1 That Members consider the Planning Obligations Supplementary Planning Document (SPD) presented for information and make any comments to be included for consideration in the consultation process. The Planning Obligations Supplementary Planning Document will then be resubmitted to Regeneration Services Committee for endorsement and to approve the document for submission to Full Council for consideration for adoption.

## **13. REASONS FOR RECOMMENDATIONS**

- 13.1 The Planning Obligations Supplementary Planning Document (SPD) needs to be adopted to form part of the Local Development Framework and provides the basis for securing planning obligations.

## **14. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ONLINE**

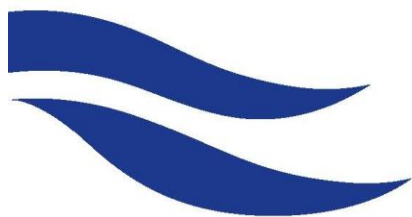
- 14.1 The Planning Obligations Supplementary Planning Document (SPD) (**Appendix 1**) and Consultation Statement (**Appendix 2**) will be available in the Members Library and Online.

## **15. BACKGROUND PAPERS**

- 15.1 Report to Regeneration Services Committee on 8<sup>th</sup> May 2014.  
15.2 Report to Regeneration Services Committee on 11<sup>th</sup> June 2015.

## **16. CONTACT OFFICERS**

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# Hartlepool Local Planning Framework

## Planning Obligations Supplementary Planning Document

**Final for Endorsement**



**June 2015**



This document is the Supplementary Planning Document (SPD) which outlines Hartlepool Borough Council's approach on Planning Obligations which will be required in relation to development within the Borough.

A draft version of this document was published for a formal eight-week public consultation between 23<sup>rd</sup> May 2014 and 18<sup>th</sup> July 2014 period as part of the development process. As a result of this consultation 12 comments were received from 10 different organisations. These comments have been considered in a feedback report which has been published, and have been taken into account in producing this final document.

This document also reflects the Government changes on Planning Obligations as part of the Planning Practice Guidance published on 28<sup>th</sup> November 2014 and the updated housing figures presented in Hartlepool Strategic Housing Market Assessment (SHMA) endorsed by Hartlepool Council on 19<sup>th</sup> March 2015.

This Supplementary Planning Document (SPD) and other background documents are available on the Council's website at:

[www.hartlepool.gov.uk](http://www.hartlepool.gov.uk)



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## **1.0 Introduction**

- 1.1 The purpose of this Supplementary Planning Document (SPD) is to provide developers and other interested parties information and guidance concerning the local authority's approach towards securing planning obligations associated with development within the Borough.
- 1.2 The Local Authority will continue to use planning conditions as part of the planning application process to ensure that new developments in the town are well designed, attractive and will have a positive impact on the townscape of Hartlepool. New development however, often puts pressure on already over-stretched infrastructure and it is generally expected that developers will mitigate or compensate for the impact of their proposals by way of 'Planning Obligations'. These are usually concluded under section 106 of the Town & Country Planning Act 1990 (as amended) and are agreements between local planning authorities and developers (and the landowner where the developer does not own the land) that secure contributions (in cash or in kind) to address community and infrastructure needs associated with development.
- 1.3 The Council previously undertook consultation to ascertain which types of contribution needed to be covered within the SPD. A consultation draft was consulted on in 2009/10, but this was never adopted as a result of the introduction of the Community Infrastructure Levy (CIL) Regulations and the uncertainty that this created. It has become clearer recently that there is still a need for an adopted SPD which covers s106 agreements. This will enable any contributions deemed necessary as a result of the development to be secured. From April 2015 it will be used to determine the level of onsite contributions needed and will be used to pool more strategic contributions needed off site as a result of the development. The Council will clearly set out where the contribution is to be used to ensure there is a direct correlation between the contribution and the development. No more than 5 contributions from developments will be pooled towards the delivery of one specific infrastructure improvement (for example no more than 5 towards the improvement of Mill House swimming pool).
- 1.4 This SPD will help to ensure that developments make a positive contribution to sustainable development by providing social, economic and environmental benefits to the community as a whole.
- 1.5 This SPD is made up of two sections. Section One sets out the local authorities general principles with regards to Planning Obligations, and Section Two explains the thresholds and formulae used to calculate the levels of Planning Obligations that the local authority may wish to seek.
- 1.6 Once adopted, this SPD will be a material consideration in determining planning applications and if development proposals do not comply, the SPD may be used as a basis for the refusal of planning permission by the local authority. Section 106 Agreements have to be agreed and in

place before planning permission can be granted. It is advised that any potential developer should contact the local authority at the earliest stages of the development process to discuss their proposal and establish whether there is likely to be a requirement for a Planning Obligations agreement.

## **2.0 Purpose of SPD**

- 2.1 This Supplementary Planning Document (SPD) has been prepared to set out comprehensively the local authority's approach, policies and procedures in respect of Planning Obligations. It aims to increase understanding and enable developers to take into account the potential costs of a proposed development at the earliest stage.
- 2.2 It is recognised that this SPD is being prepared during hard economic times and this is reflected in the levels of contributions that are required from developers and the flexibility that the SPD creates where viability may be an issue. The types of specific contributions which may be sought, the thresholds which will trigger the need for those contributions and the levels of contributions necessary have been set at realistic levels that will allow the delivery of these vital infrastructure improvements whilst still ensuring the viability of development in line with the guidance set out in the National Planning Policy Framework and Planning Practice Guidance.
- 2.3 The Local Authority will regularly review this SPD and should the economic climate improve the levels of contributions will be reassessed. If a developer feels that the levels of contribution requested make their development unviable they will be expected to submit a viability assessment of the scheme at validation stage (to avoid unnecessary delays), which will be assessed by the Council.
- 2.4 The Planning Obligations SPD will provide guidance on the requirements and mechanisms for contributions from development for infrastructure and other related provision. It will:
  - provide greater clarity for developers and applicants;
  - speed up the processing of applications;
  - provide a clearer framework for assessing requirements and for calculating contributions;
  - play an important role in ensuring community and infrastructure needs are fulfilled as part of new development; and
  - Link to other relevant SPD's which give further information, for example the Green Infrastructure SPD and Action Plan.

2.5 The major areas that are expected to arise in considering development proposals are:

- Affordable Housing
- Children's Play / Play Facilities
- Playing pitches & Outdoor Sports Provision
- Built Sport Facilities
- Highway Infrastructure
- Education provision
- Community Facilities
- Green Infrastructure
- Training and Employment
- Heritage

2.6 This list is not exhaustive, but illustrates some of the local authority's main priorities. However, in certain circumstances, other contributions may be sought towards issues such as housing market renewal, flood protection or renewable energy. Conversely, in certain circumstances, if it is illustrated that the development is providing a significant regeneration benefit, such as the clearance of a problem building or renovation of a heritage asset, there may be an opportunity to reduce the developer contributions associated with that development, e.g. through the Vacant Building Credit.

### **3.0 Status of SPD**

3.1 The SPD expands on established national planning policies and also policies contained within the adopted Hartlepool Local Plan 2006, in particular GEP9 (Developer Contributions) and will support documents produced as part of the Local Development Framework. The guidance within this SPD will therefore be a material consideration in determining planning applications.

3.2 This SPD has been prepared in accordance with relevant national guidance set out in the National Planning Policy Framework (NPPF), National Planning Practice Guidance and the Community Infrastructure Levy Regulations 2010 (as amended). Hartlepool Borough Council is currently preparing a new Local Plan and consequently the Adopted Hartlepool Local Plan (2006) and its saved policies will be retained until it is replaced by the new Local Plan and any other Local Development Documents. It is anticipated that the emerging Local Plan will include specific Planning Obligations and Affordable Housing Policies.

3.3 On adoption, this SPD will have been approved by Regeneration Services Committee and formally presented to Full Council, the process of development included a formal consultation period of eight weeks.

## 4.0 **National Policy**

4.1 Planning Obligations are secured via legal agreements usually made under section 106 of the Town and Country Planning Act 1990 (as amended) usually in association with planning permissions for new development. They normally relate to any aspect of a development that cannot be controlled by imposing a planning condition. They can serve various purposes including:

- restricting the use of land
- requiring specific operations to be carried out, in, on, under or over the land
- requiring land to be used in a specific way
- requiring a sum or sums to be paid to the Local Planning Authority on a specified date or dates, or periodically.

4.2 The legal tests for when you can use s106 agreements are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

4.3 These tests replaced the five tests which were previously set out in Circular 5/05. As with Circular 5/05 pooling developer contributions from planning obligations in cases where individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure is permitted, however only 5 contributions can be pooled towards any discrete piece of infrastructure. Local authorities are still required to use formulae and standard charges as part of their framework for negotiating and securing planning obligations. This helps to speed up negotiations, and ensure predictability, by indicating the likely size and type of some contributions in advance.

### National Planning Policy Guidance (NPPF) March 2012

4.4 Planning Obligations are covered in paragraphs 203 to 205 of the NPPF, which highlights the tests identified at paragraph 4.2, and requires local authorities to take account of market conditions over time and to be sufficiently flexible to avoid development being stalled.

### National Planning Practice Guidance (NPPG) March 2014

4.5 Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests as set out in the Community Infrastructure Levy 2010 Regulations and within the NPPF.

4.6 The NPPG states that policies for seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination and that Supplementary Planning Documents

should not be used to add **unnecessarily** to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy. **(Note: Hartlepool Borough Council have an adopted Planning Obligations Policy GEP9 which is saved. The requirements set out within this SPD have been shown through viability testing to be deliverable on most schemes within Hartlepool over recent years. The requirements (with the exception of the Playing Pitches, Tennis Courts and Bowling Green contributions which were included following consultation with Sport England) within this SPD were recently tested at examination for the Hartlepool Local Plan which was found sound subject to modifications (which did not relate to the obligation requirements) but then subsequently withdrawn. It is considered the requirements made by the SPD have therefore been robustly tested and examined and are also flexible in viability terms).**

- 4.7 It goes on to state that planning obligations should not be sought – on for instance, public art – which are clearly not necessary to make a development acceptable in planning terms and notes that the Government is clear that obligations must be fully justified and evidenced. Where affordable housing contributions are being sought, obligations should not prevent development from going forward.
  - 4.8 The Government currently places great emphasis on ensuring the viability and deliverability of development and the NPPG emphasises the need for contributions to be flexible and negotiable and to take into account site specific issues which may impact on delivery.
  - 4.9 The NPPG goes on to state that policy for seeking obligations should be grounded in an understanding of development viability through the plan making process and that on individual schemes developers, where obligations are required, should submit scheme viability to be assessed, preferable through an open book process.
  - 4.10 The NPPG also gives some guidance on the ability to renegotiate planning obligations where both parties are in agreement or by means of appeal. This may become necessary where obligations were secured in older applications and the schemes would not be viable in the current market with the delivery of the obligation.
  - 4.11 The Government released additional Planning Practice Guidance on Planning Obligations in November 2014 and March 2015 to strengthen this position. New minimum thresholds have been introduced and this SPD has been updated to reflect these changes.
- Community Infrastructure Levy
- 4.12 Through the 2010 CIL Regulations the Government introduced a new charge which Local Authorities in England and Wales are empowered, but not required, to charge on most types of new development. The

Government feels that CIL will improve predictability and certainty for developers as to what they will be asked to contribute, will increase fairness by broadening the range of developments asked to contribute and will enable important sub-regional infrastructure to be funded. However since its introduction it has become evident that it is far more deliverable in areas around London and the southeast and that in other areas, given the current market conditions, CIL is proving to be unviable and undeliverable.

- 4.13 During the development of a new Local Plan the Local Authority will undertake some viability testing to determine whether or not it is going to be able to bring forward a CIL charging schedule or whether the Local Authority chooses not to use CIL and instead continues to use Planning Obligations.

## 5.0 Regional Policy

- 5.1 Following the revocation of the Regional Spatial Strategy for the North East, there is no longer a regional level of guidance and the Local Authority therefore relies on local and national policy and guidance.

## 6.0 Local Policy

- 6.1 The Local Authority needs a structured and transparent approach to obtaining contributions in the future.
- 6.2 Policy GEP9 (Developer Contributions) of the adopted Hartlepool Local Plan April 2006 is a saved policy which this SPD links to. It sets out where obligations will be used and the benefits that will be sought in furtherance of the Plan's strategy. Supplementary Note 8 on Developer Contributions supports policy GEP9 (this Note will be superseded by this SPD). Policy GEP9 states:

### **POLICY GEP9 - DEVELOPERS' CONTRIBUTIONS**

*"The Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. Contributions may be required for:*

- ♦ *Highway and infrastructure works,*
- ♦ *Improvements to public transport and the pedestrian and cycleway network (see policy tra19),*
- ♦ *The layout and maintenance of landscaping and woodland planting,*
- ♦ *the layout and maintenance of open space and play facilities (see policy rec2),*
- ♦ *The provision of neighbourhood parks (see policy rec3),*
- ♦ *Works to enhance nature conservation features,*
- ♦ *Additional measures for street cleansing and crime prevention (see policies com12 and rec13),*
- ♦ *The acquisition and demolition of surplus housing stock and housing improvements in low demand housing areas (see policies hsg6 and hsg5),*
- ♦ *The rationalisation of retail facilities, and*
- ♦ *Any other community facilities deemed necessary by the local authority as a result of the development.*

*Contributions may necessitate developers entering into legal agreements with the borough council."*

- 6.3 Whilst Policy GEP9 does not specifically highlight a type of contribution, such as affordable housing, more recent evidence points to the need for such provision, these types of obligation may still be requested.
- 6.4 In Hartlepool, three Neighbourhood Plans are being developed by communities, these will set out planning policy at the community level, following adoption these will become part of the Local Development Framework. Where development sites are within a designated Neighbourhood Plan area, developers must have regard to policies set out in the relevant Neighbourhood Plan.

## **7.0 Priorities**

- 7.1 Planning Obligations will be negotiated on a site-by-site basis. The priority given to any particular type of Planning Obligation will be at the discretion of the Local Authority. It would not be possible to set out townwide priorities relating to development types in any sort of priority order as each development proposal will have different circumstances, whether they are physical, financial, environmental or social. Priorities may vary and will depend on a number of factors including local need as well as central government guidance and the current political agenda on both a national and local level.
- 7.2 Whilst each obligation will be negotiated on a site-by-site basis the local authority will have due regard for the priority theme areas within the Community Strategy along with other studies that have been undertaken such as the 2015 Open Space, Sport and Recreation Audit and Assessment, the 2014 Green Infrastructure SPD and Action Plan, the 2013 Indoor Sports Facilities Strategy, the 2012 Playing Pitch Strategy, the most up-to-date School Organisation Plan and 2015 Hartlepool SHMA. The desires of the Community Strategy and the findings of these studies will help in guiding where the contributions will be spent.
- 7.3 There may be site-specific requirements other than those highlighted in this SPD that are flagged up whilst an application progresses and these should also need to be included in any planning agreement.

## **8.0 Types of Obligations and Thresholds**

- 8.1 The thresholds for seeking planning contributions are set out in Table 1. These thresholds should be read as a guide for normal procedure and are set at practical levels that can be easily identified and measured. However each planning application will be judged on its own merits and in light of local concerns. There may be instances where obligations will be sought that are below the threshold level if the



local authority feel that the impact the development will have justifies the need to require contributions.

- 8.2 Planning Obligations and thresholds are set out in Table 1 on page 13 of this document.
- 8.3 Planning Obligations will be sought on developments below these thresholds if the Local Authority feels that the site in question is part of a larger development site. When determining contributions, the Local Authority will look at the cumulative impact of a number of adjoining small developments. Developing sites incrementally or sub-dividing a site to avoid contributions will not be acceptable. Where it is likely that this could occur the Local Authority would request a comprehensive masterplan to be developed for the area to ensure that the full potential and regeneration benefits of the site are realised. This includes cases where one site is divided between different developers, or is proposed to be developed in a phased manner.
- 8.4 This is to ensure that the necessary contributions are divided fairly between developers on the whole site and so that services and facilities, to meet overall needs, can be delivered in a comprehensive, rather than piecemeal fashion.

## **9.0 In Kind Contributions**

- 9.1 The presumption will be that where there is a requirement for on-site improvement, the developer will provide facilities themselves. Where the Local Authority wishes to provide certain facilities themselves, developers will be required to donate the land free of charge, together with a financial contribution in lieu of the developer providing the facilities.

## **10.0 Financial Contributions and Pooling of Contributions**

- 10.1 In cases where the level of contribution secured by the development is insufficient on its own to provide a facility e.g. a new play area, then a financial contribution will be paid to the Local Authority upon commencement of the development or at an agreed point of the development. This payment will be held in an account along with other similar contributions received. No more than 5 contributions will be pooled towards the provision of a distinct piece of infrastructure, such as a new play area or as a contribution towards maintenance of such a piece of infrastructure (see Section 15). The pool of money within this account will be used to pay for the implementation of schemes once there are sufficient funds. Any contributions that remain unspent at the end of the time period specified in the planning agreement may be repaid upon request by the developer.

## **11.0 Existing Uses**

- 11.1 For the majority of contributions that the Local Authority will be seeking the existing use of the site will be taken into account when determining the levels of contributions. For example, for residential developments, all contributions, with the exception of affordable housing, play and green infrastructure, will be based on the increase in population caused by the new development. If the new proposal will result in a lower population then no other contributions would be sought.
- 11.2 The exceptions to this rule are affordable housing, green infrastructure and play. As affordable housing is not a requirement that is linked to the demands of an increasing population, existing uses will not be taken into account. The level of affordable housing will be determined by the total number of dwellings proposed in the new development. It is also considered that the provision of play and green infrastructure in relation to new housing developments is critical to help to ensure a healthy and active population and as such contributions will be required in all new housing/residential schemes of over 10 dwellings, or over 5 dwellings in rural areas.

## **12.0 Unilateral Undertakings**

- 12.1 A Unilateral Undertaking is made where an applicant offers a planning obligation in support of a planning application or a planning appeal. Unilateral Undertakings bind the developer to their terms but not the Local Authority. When submitted in connection with an appeal, the appellant's solicitors normally draft the Undertaking, although the Local Authority will usually welcome an opportunity to discuss terms prior to submission to the Inspector.

## **13.0 Index Linking**

- 13.1 In large scale developments which will be delivered in a number of phases, it is likely that financial contributions will be paid in stages. Trigger dates for the payment of financial contributions will be written into the legal agreement.
- 13.2 In order to maintain the value of financial contributions between the date of the planning permission and the date that they are paid, the payments will be index linked in accordance with the All Items Retail Prices Index excluding Mortgage Interest Payments Index (RPIX) published by the Office for National Statistics (ONS), or such replacement index as agreed between the parties.
- 13.3 The Council will charge interest for the late payment of financial contributions. Any such liability will be written into the legal agreement

so that developers are aware of the implications of late payment and agree to the terms when completing the agreement.

#### **14.0 Review of Baseline Figures**

- 14.1 In order to ensure “best value” the Local Authority will regularly review all baseline figures used to calculate Planning Obligations. If any legislation or guidance upon which the strategy is based is subject to change, any such changes would be taken into consideration when reviewing this SPD.
- 14.2 Where evidence suggests a significant change to thresholds and the level of developer contributions, the Local Authority will review relevant sections of this SPD in line with formal adoption procedures; this will include consultation where appropriate.

#### **15.0 Maintenance Costs**

- 15.1 Where planning contributions are secured for facilities that are predominantly for the benefit of users of the associated development then it may be appropriate for the maintenance of these facilities to be contributed to by the developer. The length of maintenance contributions will be determined on a case by case basis and will take into account the viability of a development. Larger, mixed use developments which are introducing new infrastructure such as parks or green spaces will normally be required to make maintenance contributions to cover at least 20 years.

#### **16.0 Economics of Provision - Viability**

- 16.1 For those developments listed (Table 1), both residential and non-residential, the Local Authority expects the full relevant Planning Obligation requirements, as outlined in this document, to be taken into account when negotiating the price of the land. Applicants should engage in pre-application discussions with the Local Authority. In order for the Local Authority to consider reducing or waiving certain requirements, the developer must be able to show that there is abnormal development costs associated with the site that could not reasonably have been foreseen at the time the land was bought. In exceptional circumstances, for example where the site is found to be heavily contaminated, it may be possible to accept reduced Planning Obligations contributions in order to achieve an acceptable land use or development.
- 16.2 Viability assessments should be submitted to the Local Authority by the developer to demonstrate that planning obligation requirements affect the deliverability of proposals. Developers can submit viability

assessments in their preferred format (this may include the HCA Viability Assessment Model).

## **17.0 Legal and Admin Costs**

- 17.1 The lead responsibility of producing a section 106 Legal Agreement lies with the developer. Developers will be required to pay any legal/professional fees incurred by the Local Authority's in the preparation and completion of the section 106 agreement. Legal fees will be charged at the hourly rate of the officer completing the agreement.

## **18.0 Drafting of Agreements**

- 18.1 The developer will be expected to submit a draft section 106 legal agreement on submission of a planning application. The Local Authority has a standardised template which will be used where practicable that will enable agreements to be drawn up quickly so as not to slow down the planning process. The developer can use its own legal team to complete this or, the section 106 agreements can be drafted by the Local Authority's Legal Services Team or by Solicitors acting on the Local Authority's behalf. The Council's legal fees will be included in all legal agreements.

## **19.0 Monitoring**

- 19.1 The Local Authority has an established process for monitoring and managing Section 106 Legal Agreements, including a database with details of all agreements and where those financial contributions have been / will be spent. The Local Authority will pro-actively pursue any late payments. There is an admin charge payable for this.

## **20.0 Contact Details**

- 20.1 Although this document sets out the types of contributions that will be sought, early contact with a member of the planning policy team will be advisable to discuss the likely obligations that may be sought on particular developments.

Matthew King	Planning Policy Team Leader	<a href="mailto:matthew.king@hartlepool.gov.uk">matthew.king@hartlepool.gov.uk</a>	01429 284084
Fiona Stanforth	Planning Policy Officer	<a href="mailto:fiona.stanforth@hartlepool.gov.uk">fiona.stanforth@hartlepool.gov.uk</a>	01429 523532
Alison Macklam	Monitoring Officer (Development Control)	<a href="mailto:alison.macklam@hartlepool.gov.uk">alison.macklam@hartlepool.gov.uk</a>	01429 284380

## 4.1 Appendix 1

Landuse	Contribution towards	Threshold (number of units)	Level of Contribution	Reference in SPD
<b>Residential Development</b>				
Affordable Housing / Housing Market Renewal		Over 10 units*	44% (target figure)	Section 21 (page 14-21)
Built Sports facilities		Over 10 units*	£250 per dwelling	Section 23 (page 27-30)
Community Facilities - Education		Over 10 units*	Case by case	Section 26 (page 41-45)
Other Community Facilities		Site-by-Site	Case by case	Section 26 (page 41-45)
Green Infrastructure		Over 10 units*	£250 per dwelling	Section 24 (page 31-35)
Highway Infrastructure		Site-by-Site	Case by case	Section 25 (page 36-40)
Outdoor sport and play facilities - <i>Children's Play / Play Facilities</i>		Over 10 units*	£250 per dwelling	Section 22 (page 22-26)
Outdoor sport and play facilities - <i>Playing Pitches</i>		Over 10 units*	£233.29 per dwelling	Section 22 (page 22-26)
Outdoor sport and play facilities - <i>Tennis Courts</i>		Over 10 units*	£57.02 per dwelling	Section 22 (page 22-26)
Outdoor sport and play facilities - <i>Bowling Green</i>		Over 10 units*	£4.97 per dwelling	Section 22 (page 22-26)
Training and Employment		Over 10 units*	Case by case	Section 27 (page 46-47)
Travel Plan		Over 50 units	N/A	Section 25 (page 36-40)
<b>Commercial Development</b>				
<b>A1</b> Retail - Shops (all other A use classes – case by case)	Green Infrastructure	500sq m (gross) or more of additional floorspace	£20,000 for initial 500sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace	Section 24 (page 31-35)
	Highway Infrastructure		Case by case	Section 25 (page 36-40)
	Training and Employment		Case by case	Section 27 (page 46-47)
	Travel Plan		Case by case basis	Section 25 (page 36-40)
<b>B1</b> Including Offices	Green Infrastructure	1000sq m (gross) or more of additional floorspace	£5,000 for initial 1000sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace	Section 24 (page 31-35)
	Highway Infrastructure		Case by case	Section 25 (page 36-40)
	Training and Employment		Case by case	Section 27 (page 46-47)
	Travel Plan		Case by case basis	Section 25 (page 36-40)
<b>C1</b> Hotels	Green Infrastructure	New hotels or extensions of 10 bedrooms or more to existing hotels (based on no. of bedrooms)	Case by case basis	Section 24 (page 31-35)
	Highway Infrastructure		Case by case	Section 25 (page 36-40)
	Training and Employment		Case by case	Section 27 (page 46-47)
	Travel Plan	Case by case basis	Case by case basis	Section 25 (page 36-40)
<b>D2</b> Including leisure	Green Infrastructure	1000sq m (gross) or more of additional floorspace	Case by case basis	Section 24 (page 31-35)
	Highway Infrastructure		Case by case	Section 25 (page 36-40)
	Training and Employment		Case by case	Section 27 (page 46-47)
	Travel Plan	Case by case basis	Case by case basis	Section 25 (page 36-40)
<b>Other</b>	Case by Case basis	Case by case basis	Case by case basis	

**TABLE 1: Planning Obligations SPD Thresholds and Levels of contribution**

**NB.** Levels of Contributions set in this SPD may be subject to change when evidence documentation is updated.

**\* In Designated Rural Areas a lower threshold applies, planning obligations will be applied to developments over 5 units. In line with National Guidance the threshold of 1000 square metres also applies to the 10unit or more threshold for determining planning obligations. A flow diagram is provided as Figure 1.**

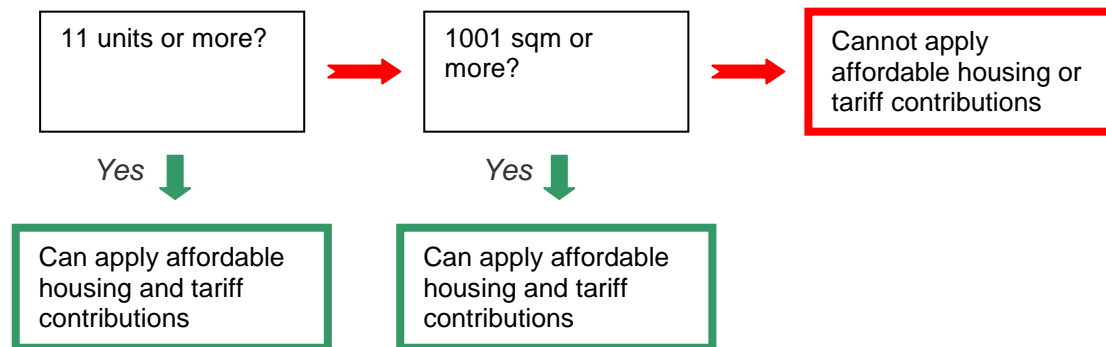
### **Figure 1 – Thresholds**

In applying Government guidance on planning obligations thresholds, the flow chart and table below set out how the following guidance of the National Planning Practice Guidance is interpreted by Hartlepool Borough Council and applied in this SPD.

“National planning policy defines specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development, as set out in the [Written Ministerial Statement on small-scale developers](#).

- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area).” (National Planning Practice Guidance)

Affordable housing and tariff planning obligations will be required from schemes that have 11 residential units or more, or schemes below this threshold with a gross combined floorspace of more than 1000sqm.



Examples	Can Planning Obligations be applied?	Explanation
11 unit scheme, with a total combined gross floorspace of 1,100sqm	Yes	11 or more units are being provided
11 unit scheme, with a total combined gross floorspace of 900sqm	Yes	11 or more units are being provided
10 unit scheme, with a total combined gross floorspace of 1,100sqm	Yes	There are less than 11units but it will provide more than 1,001 sqm combined gross floorspace
10 unit scheme, with a total combined gross floorspace of 900sqm	No	There are less than 11units and it will provide less than 1,000 sqm combined gross floorspace

## **Part Two – Specific Contributions**

### **21.0 Affordable Housing**

#### **21.1 Policy and Background Information**

Various national, sub-regional and local policy documents as identified below and evidence base highlight the need for affordable housing in new developments. Some of the key documents which support the need for affordable housing are listed below.

#### National Planning Policy Framework (2012)

21.2 The principle aim of the NPPF is to drive forward sustainable development. In terms of housing it aims to boost significantly the supply of housing, both market and affordable. It requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area where the developments are proposed and that they are consistent with other policies in the NPPF.

21.3 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the NPPF requires local planning authorities to:

- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- Where they have identified that affordable housing is needed, set policies<sup>1</sup> for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- Determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise. It notes that the NPPF is a material consideration in decision making. (Bearing this in mind recent pieces of evidence base work, such as the 2015 Hartlepool Strategic Housing Market Assessment, which provide up to date

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<sup>1</sup> The emerging Local Plan will set policies on affordable housing. Counsel advice has advised that given there is an up-to-date evidence base in the form of the 2015 Hartlepool Strategic Housing Market Assessment affordable housing provision / contributions can be sought.

evidence, are also considered material considerations in the determination of planning applications.)

- 21.4 It also supports the identification and re-use of empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, the use of compulsory purchase powers to acquire the properties.

#### **Evidence of Local Need**

- 21.5 Until 2006 the need to provide affordable housing in new developments had not been an issue in Hartlepool as affordability had not been a problem given the relatively low cost of housing (compared with the national average), the existing supply of social housing and the variety of choice across the market. This is reflected within the Hartlepool Local Plan 2006 which does not have a specific policy on affordable housing provision. Subsequent changes in the housing market and detailed assessments of the sub-regional and local housing markets revealed increasing problems of affordability, which consequently increased the need for new affordable housing.
- 21.6 The 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) identified a growing and immediate need for the provision of new affordable housing and illustrated a significant annual need across the Tees Valley for affordable housing and within Hartlepool a need for 89 new affordable homes annually (for Hartlepool this equated to 27.5% annually) with the primary need being smaller 1 and 2 bedroom properties. It also highlighted the need for new bungalow provision across the borough. The study recommended a 70:30 split between social rented and intermediate tenure properties. The evidence provided within this document has enabled the Council to successfully secure the provision of affordable homes on schemes which have been approved in recent years.
- 21.7 The Hartlepool Strategic Housing Market Assessment (SHMA) 2015 provides an up-to-date position in terms of housing need and identifies the net imbalance in affordable housing as 144 per year. Set against the baseline for total housing need of 325 identified in the SHMA, this equates to 44%. However through the development of the emerging Local Plan, demolitions and backlogs will be examined which may result in revisions to this percentage.
- 21.8 In terms of a split between social rented and intermediate tenure properties, the 2015 SHMA details to same ratio as the 2012 Tees Valley document. Further detail on the type and tenure of housing need is outlined in the Hartlepool Strategic Housing Market Assessment (SHMA) 2015.
- 21.9 Given the clear illustration over the past few years that there is a irrefutable and immediate need for the provision of affordable homes, within new housing developments and subject to viability testing, the



Council will seek the delivery of affordable homes by the following means.

### **Negotiating Affordable Housing**

#### **Threshold**

- 21.10 Affordable housing will be required on all planning applications for residential development that consist of a gross addition of over 10 dwellings in urban areas and over 5 dwellings in rural areas<sup>2</sup>, including renewal of lapsed unimplemented planning permissions, changes of use and conversions. A floorspace threshold also applies; see Figure 1 (page 13).
- 21.11 Given the level of identified need and the limited opportunities for securing affordable housing provision in the Borough, planning permission will not be granted for residential applications that meet or exceed the gross additional thresholds and do not include any on-site affordable housing or off-site provision, unless they illustrate the regeneration benefits noted in paragraph 2.6.
- 21.12 The Council will be alert to the sub-division of sites or phasing of development as an attempt to avoid providing an affordable housing requirement. Therefore, for the purposes of establishing the affordable housing requirement, planning applications will be viewed as any composite or naturally defined larger area, whether or not subject to phased development and regardless of ownership. If development is proposed in phases, later phases may be required to fulfil affordable housing requirements from previous phases, where it has not already been adequately provided.

#### **Level of Contribution**

- 21.13 An affordable housing target of 44%<sup>3</sup> will be required on all sites above the minimum threshold where there is an identified local need and/or where the economic viability of schemes allows. The Council do recognise this is a high target<sup>4</sup>, where viability evidence is submitted to illustrate that this level is not achievable, a lower percentage may be agreed through the Council assessing the development through its viability testing model.

#### **Where Affordable Housing is Provided**

- 21.14 Generally all affordable housing will be delivered through on-site provision. Only in exceptional circumstances will it be acceptable for provision to be made off-site. Applicants will need to provide sound,

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<sup>2</sup> Identified Affordable Housing Threshold in line with Planning Practice Guidance released on Planning Obligations 2014.

<sup>3</sup> This level may be subject to change following housing figures identified in the emerging Local Plan.

<sup>4</sup> This target applies to the entire units on the development and not just the development above the level of the identified threshold.

robust evidence why the affordable housing cannot be incorporated on-site and show how off-site provision or commuted sums will contribute to the creation of sustainable mixed communities elsewhere in the Borough.

- 21.15 The delivery emphasis of affordable housing will be very strongly favoured to provide on-site provision as there is a short supply of available development land within the urban area of Hartlepool to cater for off-site developments. In the unlikely event that a developer is proposing the provision of affordable housing off-site, there should be early discussions with the Council to identify a suitable site or sites.
- 21.16 In the unlikely event that off-site provision is agreed, similar to the on-site provision; the timing of off-site provision will be related to the completion of numbers of properties on the associated general market housing site. The general approach will be to secure completion of the affordable homes proportionally to the general market housing, unless the timing is otherwise agreed with the Council. In this situation affordable housing contributions may directly relate to the Local Authority's build provision of affordable housing and registered providers.
- 21.17 Where an off-site provision is agreed to be acceptable, the level of contribution will be calculated by deducting the transfer price of the unit from its open market value (OMV).

***Example of Financial Contribution:***

*Based on a development of 200 homes in the urban area*

*A = The average market price of a house on the scheme = £125,000*

*B = The average onsite affordable house if sold on the open market = £100,000*

*Commutated sum = 40%\* of affordable price is £40,000 (ie 40% of £100,000)*

*(\*this is based on a Registered Provider being able to source funding, either by grant or mortgage, to pay for 60% of the open market price.)*

*Affordable housing obligation of 44% requires provision of 88 affordable homes*

*The application is for 200 dwellings. A 44% affordable requirement means that a commuted sum contribution is required for 88 affordable units.*

*Therefore 88 units x £40,000 = £3,520,000 total contribution.*

### **Type and Tenure**

- 21.18 Developers will be expected to achieve an aspirational target of 70% social rented or affordable rented and 30% intermediate tenure mix on each site. Housing type and tenure split will be negotiated on a site-by-site basis, having regard to the most up-to-date evidence of need, mix of tenures of existing housing nearby, the desire to create balanced communities and the constraints and requirements of providing on-site provision.
- 21.19 The aspirational tenure split of 70% social rented or affordable rented and 30% intermediate affordable housing is considered most appropriate to meet Hartlepool's strategic housing aims and the identified housing need within the town. This is based on the robust 2015 Hartlepool Strategic Housing Market Assessment evidence and recent evidence from the Council's housing waiting list. The need is compounded by the reduction of social rented stock through the 'Right to Buy' scheme.
- 21.20 Bearing in mind the aspirational target, the Council recognises that negotiation on a site-by-site basis would be the best approach; ensuring that nearby housing is taken into consideration in the desire to create sustainable balanced and mixed communities. Where a developer is proposing a target that deviates from the 70/30 split, there should be early discussions with the Council to ensure an appropriate target is achieved.

### **Future Management of Affordable Housing**

- 21.21 All affordable units should be delivered in partnership with a Registered Provider by means of a section 106 legal agreement, with appropriate provision to secure the retention of the properties as affordable units in perpetuity. The terms of sale from the developer to the Registered Provider must be suitable to meet these requirements.
- 21.22 The Council regards partnership delivery with a Registered Provider (RP) as the preferred means of securing affordable housing, tied in by means of a section 106 legal agreement to which the RP will be party. This applies to all the forms of affordable housing. (Again the Local Authority must be approached by the developer when consideration is being given to which RP is to be involved).
- 21.23 Where a developer is proposing providing affordable housing involving an RP, there should be early discussions with the Council to draft the Section 106 Legal Agreement.

### **Design and Specification of Affordable Housing**

- 21.24 The Council promotes the development of energy efficient housing. It is important not only to minimise the running costs of a home to the occupier but also to reduce carbon emissions. It is expected that all affordable properties will achieve high levels of energy efficiency in line with the Governments Zero Carbon Policy, affordable homes in particular should seek to address energy efficiency even more so and it is often the case that if homes are Homes and Communities Agency (HCA) funded they are required to meet a higher energy efficiency level. Amendments to the building regulations are expected in 2015, the Council may seek to use the provisions in the new legislation to set its own bespoke energy efficiency standards but in the meantime the Council expect developers to demonstrate how they meet with the requirements of NPPF paragraph 96 and use of the Code for Sustainable Homes is one method that will be supported<sup>5</sup>.
- 21.25 In respect of affordable homes which are receiving funding from the HCA, these properties would be expected to meet the design standards set out within the HCA Design and Quality Standards in April 2007 or any subsequent standards that amend or replace those standards.
- 21.26 The Council will expect applicants to ensure that the affordable properties are integrated into the overall development, in terms of their built form and external appearance, so that they are indistinguishable from the other properties on the site. Affordable properties should not be marked out by being of poorer design, specification and quality of finish than neighbouring properties. It is recommended that the skills and experience of RP's be employed at an early stage in the design process to ensure that the future management of the affordable housing units is fully considered.

### **Pepper Potting of Affordable Housing**

- 21.27 The Council supports the development of sustainable mixed and balanced communities. In order to avoid the negative implications of social exclusion and isolation, affordable homes within housing schemes should be evenly distributed across the site (which is known as pepper potting) and not disproportionately allocated to the periphery or in one particular area. The Council will normally require affordable homes to be grouped together in clusters of no more than 5 properties.
- 21.28 In apartment and flat developments the Council requires pepper potting to be maintained. However it is recognised that other issues may impact upon the distribution of affordable units in apartment blocks, including difficulties in their management and financial concerns

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<sup>5</sup> The relevant guidance will be applied, following the amendments to the Building Regulations for energy efficiency.

regarding levels of service charges. The benefits of this will be weighed against the scope to achieve a better degree of pepper potting. The level of pepper potting on apartment schemes will be negotiated on a site-by-site basis.

- 21.29 The Council expects the location of the affordable housing will be discussed and agreed at an early stage in conjunction with the appointed RP. At Reserved Matters application it will be necessary for the developer to liaise with a Registered Provider and to identify the location of the affordable properties on the final plan. The final location must be agreed before development commences.

### **Accessibility**

- 21.30 The Council expect developers to have regard to the changing needs of residents over time, in ensuring that homes are easily adaptable, residents know that they are likely to be able to reside in their home if they become less able bodied. If easily adaptable then costs are kept to a minimum. The Lifetime Homes Standards are likely to be phased out; however they are still a useful tool in delivering adaptable homes and the principles are supported by the Council.

### **Affordability and Service Charges**

- 21.31 Although the emphasis in determining affordability is primarily focussed on rent or purchase price, it is the total cost of occupation that ultimately determines affordability. Some residential developments have high levels of service charges, and this has an impact upon the relative affordability of the accommodation. Such potentially significant additional costs may result in affordable housing extending beyond the financial reach of those in housing need. It is therefore anticipated that the cost of service charges will be minimised. The proposed level of service charges will form part of pre-application discussions.

### **Funding for Affordable Housing**

- 21.32 The Homes and Communities Agency (HCA) has historically been the main provider of public funding for affordable housing, however in recent years this ability to fund schemes has diminished significantly due to the national economic crisis. Their approach is that affordable housing on Planning Obligation sites should be delivered without the input of grant. If grant were to be considered on a site, their objective would be to ensure that the site delivers more affordable housing or a different mix or higher standards, than would have been possible without grant. If funding becomes available the HCA will assess the 'additionality' offered by a scheme in making a decision regarding potential funding. Developers should therefore assume that no grant will be available to fund the affordable housing, unless an agreement has been made with the HCA. Before the HCA is approached developers must ensure that the Local Authority will support a bid to the HCA for grant funding.

**Transfer Prices**

- 21.33 The Council will seek to negotiate, on a site-by-site basis, transfer prices as these are likely to fluctuate depending on housing market and site conditions.

**Future Policy Changes**

- 21.34 The Local Authority will ensure that evidence is kept up-to-date and will include a Policy within the emerging Local Plan on affordable housing.
- 21.35 If new evidence changes the levels or mix of affordable housing required, the new evidence will supersede the requirements set out within this SPD until such a time as this SPD is refreshed to reflect the changes.

## 22.0 Outdoor Sport and Play Facilities

- 22.1 The Government's commitment to Parks and Open Spaces<sup>6</sup> has evolved significantly in recent years. They are among the community's most valued features. Well managed open spaces not only make an area more attractive but they also contribute towards sustainable development through creating places in which people want to invest and locate, the promotion of healthier lifestyles, urban renaissance, social inclusion and community cohesion.

### National Policy Background

#### National Planning Policy Framework (2012)

- 22.2 Recognises how open space including parks and sports fields plays a vital role in the delivery of sustainable development. It states "access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities."
- 22.3 In order to do this it requires that "planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required."
- 22.4 It also recognises the vital importance of existing provision and the need to protect these spaces and facilities in the future, stating "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

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<sup>6</sup> This does not cover Green Infrastructure or Built Sports Facilities which are dealt with separately within the following two chapters.

## Local Policy Background

### Hartlepool Local Plan (Adopted 2006)

- 22.5 There are a number of policies within the Local Plan that support the delivery of open space, leisure and play facilities as part of new developments in the town. Policy GEP9 (Developer Contributions) highlights that the local authority will seek contributions from developers for the provision of additional works deemed to be required as a result of the development towards “the layout and maintenance of open space and play facilities” and also for “the provision of neighbourhood parks.”
- 22.6 Policy Rec2 (Provision for play in new housing areas), Policy Rec3 (Neighbourhood Parks), Policy Rec4 (Protection of Outdoor Playing Space) and Hsg9 (New Residential Layout – Design and other Requirements) all indicate that developer contributions may be needed towards the provision of play and leisure space in the town.
- 22.7 Policy GN2 is also especially critical in protecting against the loss of open space as a result of developments in the town. The policy sets circumstances where the loss of open space to facilitate a development may be permitted but goes on to stipulate that an adjacent site should be enhanced or compensatory open space must be provided on an alternative site, which is in line with national guidance outlined in the NPPF.

### Open Space, Sport and Recreation Audit and Assessment (2008 & 2015)

- 22.8 As part of the evidence base for the development of the Local Development Framework Hartlepool Borough Council undertook a PPG17 Assessment which was concluded in April 2008. A new Open Space, Sport and Recreation Audit and Assessment was endorsed in January 2015 to update the evidence base supporting the Local Plan. The specific objectives of the new assessment, reflecting those of the previous assessment, are to:
- provide information about existing community needs and aspirations;
  - analyse how these results vary according to the different demographic characteristics of different groups and communities within Hartlepool;
  - research standards of provision; and
  - develop a set of appropriate standards for Hartlepool.
- 22.9 The types of Open Space that were assessed as part of the study include:
- Urban parks and gardens
  - Amenity greenspace
  - Play areas
  - Outdoor sport facilities (including schools where there is public access either formally or informally)



- Green corridors
- Natural and semi natural greenspaces
- Allotments
- Churchyards and cemeteries
- Common land
- Civic spaces

22.10 The Open Space, Sport and Recreation Audit and Assessment 2015 can be viewed at;

[http://www.hartlepool.gov.uk/downloads/file/12169/open\\_space\\_sport\\_and\\_recreation\\_assessment-january\\_2015](http://www.hartlepool.gov.uk/downloads/file/12169/open_space_sport_and_recreation_assessment-january_2015)

It sets out the standards that have been endorsed for different types of open space within Hartlepool.

#### Hartlepool Playing Pitch Strategy (PPS) (2012)

22.11 In December 2012 Hartlepool Borough Council adopted a new Playing Pitch Strategy which was developed with the support of Sport England. The PPS guides the delivery of playing fields and outdoor sports facilities and to inform decision making in relation to pitch provision. It sets out the key issues and priorities for facilities for football, cricket, rugby union, rugby league, hockey, tennis and bowls across Hartlepool and identifies specific actions, timescales and responsibilities for implementation and delivery.

#### **Thresholds**

22.12 Given the importance of outdoor sport and play facilities in creating a town in which people are healthy and active and have a range and choice of high quality activities in which they can partake, the threshold for contributions towards this for residential developments is over 10 dwellings<sup>7</sup>.

22.13 This threshold has been reached following an assessment of potential housing sites which may come forward in the future in the Borough and taking into account the yields which would be expected from each site. Given that all housing will have an impact on the need for play space within the town, and taking into account the cumulative impact of the developments which are likely to be delivered in the coming years it is necessary to set the threshold at this level so that play facilities within the Borough provide high quality play space which adequately meets the needs of the current and expected future population.

#### **Amount and Location of Provision**

22.14 The amount and location of the provision of outdoor sport and play facilities will vary from site to site. The Local Authority will always require a contribution towards play provision on all residential

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<sup>7</sup> In Designated Rural Areas a lower threshold applies, planning obligations will be applied to developments over 5 units. Planning obligations will also be applied in cases where a development of 10 units or less has a combined internal floor space in excess of 1000sqm.

developments of over 10 houses<sup>8</sup>. Larger sites of more than 100 homes will be expected to incorporate on site provision. On smaller sites this contribution will be towards off site facilities in the vicinity of the development. The developer should liaise with the Local Authority to ensure that the quality and layout of play facilities meets the requirements of the Local Authority.

- 22.15 Developments (as identified in the table 3 below) which bring together large numbers of people will be required to make a contribution towards play facilities and outdoor sports facilities in the vicinity of the development. The Open Space, Sport & Recreation Assessment 2015 and the 2012 Playing Pitch Strategy will be used to identify where the financial contribution should be spent.

**Table 3 – level of Contributions Outdoor Sport and Play Facilities**

Type of development	Planning Obligation	Level of Contribution
Residential	Play Facilities	£250 per unit (where development exceeds 100units onsite provision required.)
Residential	Playing Pitches	£233.29 per unit
Residential	Tennis Courts	£57.02 per unit
Residential	Bowling Greens	£4.97 per unit

- 22.17 The levels of contribution outlined in the table are based on standards in relation to Outdoor Sport set out within the Hartlepool Playing Pitch Strategy (2012):

- Playing Pitches 0.9 Hectares per 1000 population.
- Tennis Courts is 0.02 hectares per 1000 population.
- Bowling Greens is 0.03 hectares per 1000 population.

- 22.18 Calculations have been made using Sport England's facility's cost information available at;  
<http://www.sportengland.org/media/198443/facility-costs-4q13.pdf>. In exceptional circumstances given the nature of the development (e.g. one person units) the level of contributions may be split to household composition to be developed.

- 22.19 The playing pitch standard is 9000sq.m per 1000 population which equates to 9sq.m per person. Cost per square metre for constructing varying sizes of football pitches, and rugby pitches has been averaged, and it equates to £11.27 per sq.m.  
 Therefore the cost per person of Hartlepool's playing pitch standard is  
 $£11.27 \times 9 = £101.43$

<sup>8</sup> In Designated Rural Areas a lower threshold applies, planning obligations will be applied to developments over 5 units. Planning obligations will also be applied in cases where a development of 10units or less has a combined internal floor space in excess of 1000sqm.

Based on an average household of 2.3 persons<sup>9</sup> this is **£233.29** per unit / household.

- 22.20 The tennis court standard is 200 sq.m per 1000 population which equates to 0.2sq.m per person. The costs for tennis courts including floodlighting is £123.94 per sq.m.  
Therefore the cost per head of Hartlepool's tennis court standard is  $£123.94 \times 0.2 = £24.79$   
Based on an average household of 2.3 persons this is **£57.02** per unit / household.
- 22.21 The bowling green standard is 30sq.m per 1000, which equates to 0.03sq.m per person. The cost of a bowling green (flat or crown green) works out at £71.86 per sq.m.  
Therefore the cost per head of the standard is therefore  $£71.86 \times 0.03 = £2.16$ .  
Based on an average household of 2.3 persons this is **£4.97** per unit / household.

#### **Maintenance of facilities**

- 22.22 Where the developer makes a payment for off-site play or outdoor sports facilities, they will also be expected to pay a commuted sum for the maintenance of the facility for a 20 year period from the point at which the facility is completed. Where the developer is not the sole contributor towards the overall cost of a facility, there will be an apportionment of the maintenance cost based on the percentage of its contribution towards the overall cost of the facility.
- 22.23 Discussions with the appropriate department within the Local Authority will be necessary at the application stage to determine the level of maintenance contribution that is necessary towards the upkeep of the facility.

#### **Timescale for contributions to be paid to and held by Local Authority**

- 22.24 All developer contributions should be paid to the Local Authority on commencement of the development. The contributions will be paid into an account by the Local Authority.
- 22.25 In exceptional circumstance in large-scale development, it may be appropriate that payments or provision would be phased in order to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.

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<sup>9</sup> Tees Valley Unlimited - the average household size is the resident household population divided by the number of occupied households. Tees Valley figures are Mid Year; England & Wales figure for 2011 is Census day.

**23.0 Built Sports Facilities**

- 23.1 The provision of local sports facilities is essential to the health and well being of the population. Where new development occurs it is vital that sufficient sports provision is made to encourage residents to lead active lifestyles.
- 23.2 Hartlepool has a lack of sports facilities suitable for the higher levels of performance sport so talented athletes invariably need to travel to other towns where facilities meet their needs. Current facilities are not capable of staging or supporting major sporting events. Many of the local sports facilities are low quality and there is an urgent need for investment to modernise, improve and expand facilities.

**National Policy Background**

- 23.3 There are numerous national policies aimed at improving the quality and provision of sporting facilities across the country. One of Sport England's priorities is to use the success and national pride that was created by the 2012 London Olympics and people's passions for sport to encourage a more active and sporting nation.
- 23.4 Almost all of the national policies recognise the importance and significance of sport and education in meeting a number of different agenda, including:
- Increasing participation in physical activity
  - Reducing obesity, particularly amongst children and young people
  - Economic regeneration
  - Increasing access and targeting under-represented groups.

**National Planning Policy Framework (2012)**

- 23.5 The NPPF promotes the use of shared facilities included sport facilities and advises local authorities to plan positively for them and to guard against their loss, particularly where this would reduce the community's ability to meet their day to day needs. It also identifies the need for local assessments of facilities to identify any qualitative or quantitative issues that need to be addressed, thus helping to ensure adequate provision is made to meet the needs of the community.

**Assessing Needs and Opportunities Guidance (Sport England) (2013)**

- 23.6 Sport England has consulted on this piece of draft guidance which focuses on the practicalities of producing a clear and robust assessment to help develop and apply local planning policy. The guide will therefore assist Local Authorities with meeting the requirements of the National Planning Policy Framework (paragraph 73) and will ensure that built sports facilities meet the needs and aspirations of the communities that use them.

**Local Policy Background**Hartlepool Local Plan (Adopted 2006)

- 23.7 The Hartlepool Local Plan recognises the need for sports and leisure facilities which will attract large numbers of visitors to locate in sustainable locations in line with national guidance. As such policy Rec14 (Major Leisure Developments) sets out a sequential approach that should be followed in locating major new sports and leisure facilities within the town.

Indoor Leisure Facility Strategy (2013)

- 23.8 In 2013 the Local Authority appointed consultants to undertake a refresh of the indoor leisure facilities strategy which was carried out previously by consultants in 2007. It looks at the provision of sports halls, swimming pools, and other indoor leisure activities within the town. It recognises that the development and/or refurbishment of sporting and other cultural facilities in Hartlepool could contribute significantly to the achievement of priorities in terms of addressing Government aims to achieve higher levels of activity in the population.
- 23.9 The strategy had 4 specific objectives:
- To provide a firm foundation upon which policy decisions and funding for future development can be based;
  - To support initiatives by voluntary and private sector groups to develop new or improved indoor sports facilities for the Borough that meets broader strategic aims;
  - To develop and maximise the opportunities for school and community sport through educational facilities; and
  - To improve the quality and provision of the Council's indoor sports facilities to meet the expectations of local residents.
- 23.10 The consultants were also asked to look at asset management issues and options including the development of new facilities, the re-development of existing facilities and the closure or disposal of facilities.
- 23.11 There are a number of significant findings, conclusions and recommendations which the report identifies, they are:
- The current position regarding facilities is not sustainable in the long-term as many key sites are beyond their economic life – in particular, the school swimming pools are life expired.
  - The newer facilities at the Headland and Brierton are key facilities in terms of the Borough's provision now and longer-term into the future.
  - The strategy recommends that a new Borough leisure centre facility is constructed to replace the existing provision at Mill House. Ideally this should be done in such a way that the swimming facilities in particular remain in operation until such time as this opens. The capital cost is estimated to be in the region of £16m or at a significantly reduced cost if new pool facilities were constructed alongside the present dry facilities at

the Mill House site. A further assessment of this would be required.

- Highlights the potential for a new pool at Brierton Sports Centre at a capital cost estimated to be in the region of £5m.
- In order to ensure access to a pool facility on the North West of the Borough, the pool at High Tunstall should be retained. This will require refurbishment works (estimated minimum £250k). The alternative would be to construct a replacement pool estimated at £3.5m.
- The redevelopment and/or refurbishment of the school/college sports halls serves to consolidate the service provision to the town's residents but additional investment may be required to provide separate entrances, reception areas etc.
- The Council has a role to ensure that educational facilities are developed, managed and operated in a consistent manner and in accord with industry and legislative standards.
- The current provision of sports halls is well over what is required if the parameters of the facilities planning model (FPM) are to be adopted but current programmes of use demonstrate that there is actual demand for more than the minimum suggested.
- Whilst not eligible to be included as part of Sport England's Facility Planning model, Belle Vue Community, Sports and Youth Centre plays an important part in the overall provision of the town's facilities.
- The strategy would provide a good range of indoor multi-purpose sports facilities but in order to maximise their value in the development of sport and physical activity, it will be important to ensure the delivery of an enhanced and coordinated programme of participation opportunities, both targeted at specific user groups and available to the general resident and visitor population.
- The Council will need to consider and explore the financial options open to it in terms of the delivery of the Strategy. This may also ultimately mean considering alternative management arrangements for the facilities in order to provide the capital investment required rather than continuing the management under the current in-house arrangement.

23.12 It is clear that even without further growth of the town, significant investment is needed in the built leisure facilities around the town. It is therefore reasonable to expect that new development which will further add to the strain on these facilities contributes towards the improvement and where necessary re-provision or new provision of facilities. The Council will seek other sources of grant funding and private investment which will be used alongside any developer contributions to meet the needs of the town. The Council will use the findings and recommendations of the study to direct developer contributions for built sport facilities to the most appropriate location in relation to a development.

**Thresholds**

- 23.13 Given the importance of indoor sports facilities (both wet and dry) in creating a town in which people are healthy and active and have a range and choice of high quality activities in which they can partake, it is considered that all new developments with over 10 dwellings<sup>10</sup> should contribute towards built sports facilities within the town.

**Levels and Location of Provision**

- 23.14 Given that no more than 5 developer contributions can be pooled towards one discrete element of infrastructure, developers will be informed at application stage where their contribution is being directed. It is likely that contributions from major strategic developments will be put towards the Mill House Leisure Centre renewal or replacement.

**Table 4 – Level of Contribution for Built Sports Facilities**

Type	Level of Contribution
Residential	£250 per unit towards new or improved built sports facilities

**Maintenance of facilities**

- 23.15 Given the scale of the major indoor leisure facilities, and taking into account development viability, no maintenance costs will be required from developers towards the upkeep of the facility.

**Timescale for contributions to be held by Local Authority**

- 23.16 All developer contributions will be paid to the Council on commencement of the development. The contributions will be paid into an account by the Local Authority. This pot of money will be used towards the delivery of built sports facilities in the town.
- 23.17 In exceptional circumstance in large-scale development, it may be appropriate that payments or provision would be phased in order to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.

<sup>10</sup> In Designated Rural Areas a lower threshold applies, planning obligations will be applied to developments over 5 units. Planning obligations will also be applied in cases where a development of 10 units or less has a combined internal floor space in excess of 1000sqm.

## 24.0 Green Infrastructure

- 24.1 Green infrastructure is defined as:  
*"The physical environment within and between our cities, towns and villages. It is a network of multi-functional open spaces, including formal parks, gardens, woodlands, green corridors, waterways, street trees and open countryside. It comprises all environmental resources, and thus a green infrastructure approach also contributes towards sustainable resource management".<sup>11</sup>*
- 24.2 Green infrastructure planning involves the provision of strategically planned networks that link existing (and proposed) green spaces with green corridors running through urban, suburban, urban fringe, and rural areas. Through the maintenance, enhancement and extension of these networks multi-functional benefits can be realised for local communities, businesses, visitors and the environment.
- 24.3 Green infrastructure offers opportunity for the accommodation of Sustainable Drainage Systems (SuDs) and flood alleviation schemes where inclusion of such provision is required.

### National Policy Background

#### National Planning Policy Framework

- 24.4 The NPPF notes the importance of green infrastructure and describes it as a *"network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities."* It notes that Green Infrastructure can be used as an adaption measure in areas of risk in terms of issues such as flooding. It goes on to state that in the preparation of plans local authorities should *"set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure."*

#### National Planning Policy Guidance (2014)

- 24.5 This guidance contains a significant amount of information on the importance of biodiversity, ecosystems and green infrastructure and sets out helpfully the law regarding its protection such as Section 40 of the Natural Environment and Rural Communities Act 2006 which places a duty on all local authorities, in the exercise of their functions, to the purpose of conserving biodiversity. Key documents such as the Natural Environment White Paper are also discussed which provides important details on ecologic networks.
- 24.6 The NPPG also provides guidance on elements of green infrastructure such as Local Sites and Nature Improvement Areas, Ancient Woodland and Veteran Trees and provides guidance on how it should be

<sup>11</sup> Green Infrastructure Planning Guide; Northumbria University, North East Community Forests, University of Newcastle upon Tyne, Countryside Agency, English Nature, Forestry Commission, Groundwork, 2005



considered in the preparation of a planning application. It notes that sufficient green infrastructure should be designed into a development to make the proposal sustainable. If this green infrastructure helps to mitigate any significant harm to biodiversity (among other benefits) then this should be taken into account in deciding whether compensation may also be needed.

- 24.7 The NPPG also notes how planning conditions and obligations can be used to ensure that mitigation or compensatory measures, such as a biodiversity offsetting scheme are secured.

Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services

- 24.8 This document highlights England's strategic direction in terms of biodiversity up to 2020. Biodiversity is key to the survival of life on Earth. Its loss deprives future generations of irreplaceable genetic information and compromises sustainability. It notes that the recent National Ecosystem Assessment also shows just how much nature provides for us in this country. For example, the enormous value of inland wetlands to water quality, the value of pollination to agriculture, the health benefits of experiencing nature and, not least, how nature and wildlife enrich all our lives. All of these are elements of green infrastructure and illustrate its importance in sustainable development.

Natural Environment White Paper: The Natural Choice; Securing the Value of Nature (2011)

- 24.9 The white paper places the value of nature at the centre of the choices our nation must make: to enhance our environment, economic growth and personal wellbeing. By properly valuing nature today, we can safeguard the natural areas that we all cherish and from which we derive vital services.
- 24.10 It notes that *"Economic growth and the natural environment are mutually compatible. Sustainable economic growth relies on services provided by the natural environment, often referred to as 'ecosystem services'. Some of these are provided directly, such as food, timber and energy. Others are indirect, such as climate regulation, water purification and the productivity of soil."* One of the key actions of the White Paper is to establish a Green Infrastructure Partnership with civil society to support the development of green infrastructure in England.

**Sub Regional Policy Background**

Tees Valley Green Infrastructure Strategy (2008)

- 24.11 One of the greatest challenges facing the Tees Valley is to create attractive places and an environment that offers a quality of life that will encourage people to stay and will attract new investment and entrepreneurs.
- 24.12 Green infrastructure can play a key role in helping to achieve the economic and sustainable vision for the Tees Valley. The scale of

development and regeneration envisaged requires a new way of looking at the environment, and in particular how new development and redevelopment can contribute to environmental quality.

- 24.13 The green infrastructure concept offers a way of viewing open space provision as a resource that should be planned strategically and delivered in an integrated way across regions and sub-regions. The vision for green infrastructure in the Tees Valley is:

*“To develop by 2021 a network of green corridors and green spaces in the Tees Valley that:*

- Enhances the quality of place and environment for existing and future communities and potential investors;*
- Provides an enhanced environmental setting and context for new development, regeneration projects, and housing market renewal initiatives and produces schemes of high quality design;*
- Creates and extends opportunities for access, recreation and enhancement of biodiversity, and*
- Provides a buffer against the effects of climate change.”*

#### Tees Valley Biodiversity Action Plan

- 24.14 The Tees Valley BAP was produced in 1999 and consists of a series of Species and Habitat Action Plans setting out the current status, targets for protection and enhancement plus the actions to be taken by each partner organisation. It is carried out by the Tees Valley Biodiversity Partnership, which is a partnership of local organisations and people working together to benefit our wildlife. This document takes the objectives and targets of the UK Biodiversity Action Plan and translates and amplifies them into a Tees Valley context. Focusing on the most significant elements of the Tees Valley’s environment, it sets out the actions needed to achieve those objectives and targets.

#### Hartlepool Local Plan (2006)

- 24.15 Although there are no specific references to the term “green infrastructure” within the Local Plan, many of the policies within the plan are aimed at ensuring that the environmental assets of the Borough are all safeguarded and enhanced where possible. These include the coastline and its environs (WL3), the Green Network (Policies GN1 and GN3), open spaces (Policy GN6), natural environments (Policy Rec8, Rec10, WL2, WL5 & WL7) green wedges (Policy GN2), parks (Policy Rec3), recreational routes (Policy Rec9) and the rural hinterland (Policies Rur1 and Rur7). Policy GEP 9 (Developer Contributions) also highlights those contributions that the Local Authority may seek where deemed to be necessary as a result of the development. Contributions towards landscaping and woodland planting, open space, neighbourhood parks and nature conservation features are all included in this policy and are seen as important elements of green infrastructure.

Hartlepool Green Infrastructure SPD and Action Plan (2014)

- 24.16 These documents form part of the Local Development Framework and will be used in the determination of planning applications and also to ensure that the Borough's green spaces are not only protected but enhanced for the benefit of all. Where planning contributions are secured towards green infrastructure as part of a planning application the SPD and Action Plan will be used to direct the contribution to the most appropriate scheme in relation to the application.

**Thresholds**

- 24.17 Given the importance of green infrastructure in creating a town and region in which people want to live and work and businesses want to invest in, the threshold for contributions towards green infrastructure for residential developments is over 10 dwellings<sup>12</sup>. Other types of developments may be expected to contribute towards this initiative as it is seen as critical in ensuring the town develops in a sustainable way in the future.

**Level of Contribution**

- 24.18 Given the importance that is placed on green infrastructure both at a national and regional level, the Local Authority will require all types of developments indicated in Table 5 below to contribute. This level of contribution has been illustrated to be viable (via viability testing) on schemes within Hartlepool over recent years.

**Table 5 – Level of Contribution for Green Infrastructure**

Type	Level of Contribution
Residential	£250 per dwelling
<b>Commercial:</b>	
<b>A1</b> Food Retail/Non Food Retail	£20,000 Threshold of 500sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace
<b>B1</b> Including Offices	£5,000 Threshold of 1000sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace
Other	Case-by-Case basis

- 24.19 All developer contributions will be paid to the Local Authority on commencement of the development. The contributions will be paid into an account by the Local Authority. Contributions will be subdivided into pots of no more than five contributions towards the delivery and

<sup>12</sup> In Designated Rural Areas a lower threshold applies, planning obligations will be applied to developments over 5 units. Planning obligations will also be applied in cases where a development of 10 units or less has a combined internal floor space in excess of 1000sqm.

maintenance of a particular piece of green infrastructure as outlined within the Green Infrastructure SPD and Action Plan. Developers will be informed when and where their contribution has been invested.

- 24.20 In exceptional circumstance in large-scale development, it may be appropriate that payments or provision would be phased in order to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.

## 25.0 Highway Infrastructure

### National Policy Background

#### National Planning Policy Framework (2012)

- 25.1 Sets the position in terms of how transport should be dealt with both in plan preparation and in the determination of planning applications. It notes that *“transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives”* and that *“in preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.”*
- 25.2 It goes on to state that *“all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
  - safe and suitable access to the site can be achieved for all people; and*
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

25.3 Where it is likely improvements to the highway network will be required as a result of the development, the NPPF notes that the scale of obligations should still provide competitive returns to a willing landowner and developer. It notes that it is therefore important for local authorities to understand the costs of infrastructure associated with development of the sites within a developing plan.

### Sub Regional Policy Background

#### Tees Valley Strategic Infrastructure Plan (2014)

- 25.4 This plan gives an overview of the Tees Valley's transport network noting some of the key issues and challenges. One of the main issues it highlights is that the majority of travel is currently by private car and this has resulted in a number of *“pinch points”* on the highway network which impacts on the reliability of the road network. The Plan highlights some of the key investments and improvements which are needed over the coming years to increase the national competitiveness of the sub region.

### **Local Policy Background**

#### Hartlepool Local Transport Plan 3 (LTP) (2011-26)

- 25.5 The LTP, in tandem with the Hartlepool extant and emerging Local Plan, will help shape transport policy in the Borough. The LTP should be used alongside the extant and emerging local plans in reference to transport strategy and policies. The local plan will, through its written statement and policies, seek to reflect the strategies set out in the LTP.
- 25.6 LTP3 recognises the significant reductions in funding (from the previous 2 LTP's) towards implementing a sustainable transport network within Hartlepool. It however also recognises that by addressing transport problems and concerns we can improve access to jobs and skills, enhance the competitiveness of the region, and also improve social inclusion, health and access to key services.
- 25.7 The LTP is split into two main sections looking at longer term highway aspirations and needs and a shorter term delivery plan.

#### Hartlepool Local Plan (2006)

- 25.8 National, regional and local transport policy recognises the need for sustainable transport solutions (such as the promotion of public transport, cycling, walking etc), and that current trends in increased car ownership and usage cannot be supported in the longer term. As such, future transport investment needs to focus on measures that encourage modal shift away from the car and increase travel choice by improving conditions for pedestrians, cyclists and public transport users. This is in line with policies Tra5 (Cycleways Network), Tra16 (Car Parking Standards), Tra20 (Travel Plans).
- 25.9 The Local Plan highlights a number of policies where improvements to the road infrastructure in town will be necessary. Where viable, developments in the vicinity of these improvements will be expected to contribute toward the cost of implementing these schemes where it is shown that the development will have an impact on the road network.

#### Hartlepool Transport Assessments and Travel Plans SPD (2010)

- 25.10 The document promotes good practice in support of the Council's vision for sustainable development. It gives guidance additional to that set out in the Hartlepool Local Plan with regard to transport and accessibility by encouraging a choice of transport options for new development which are safe, efficient, clean and fair. The guidance seeks to minimise the need to travel and to improve accessibility by providing real alternatives to the private car. The document encourages developers to take account of transport issues at an early stage in the preparation of development proposals and describes what measures should be taken to achieve the transport objectives through the implementation of Travel Plans.

Hartlepool Local Infrastructure Plan (2012)

- 25.11 The Local Infrastructure Plan (LIP) was developed to support the production of the Local Plan (which was subsequently withdrawn following the examination) and highlighted the pressures that were put on specific highway infrastructure as a result of the proposed development. The LIP was drawn up in consultation with the Highways Agency and helps to give an understanding of some of the key areas of the highway network which will need investment if development in certain areas of the town comes forward. The LIP is an adopted document which will be refreshed as the new Local Plan is drawn up<sup>13</sup>. It should be referred to by developers considering development in the town before a new Local Plan is in place.

**Off-site Provision**

- 25.12 Assuming that car ownership and use patterns remain or increase it can be expected that new developments will increase the number of vehicular trips on the surrounding road network. This could cause problems for the safe and free flow of traffic. In these circumstances, works or contributions will be required to mitigate the negative impacts of the development.
- 25.13 To look at the impacts developments within the Local Plan will have on the road network the Council will work closely with neighbouring authorities (where there are cross boundary implications from a development), the Local Enterprise Partnership (LEP) / Tees Valley Unlimited (TVU) and the Highways England (HE) to ensure that developments which are proposed will not adversely impact on the highway network to such an extent that the development is not acceptable. Modelling will be undertaken using both sub regional and HE models to assess the likely impact from developments. Where works to the highways networks are necessary this will need to be factored in at an early stage to assess the deliverability of the scheme.
- 25.14 Developers have a responsibility to provide improvements to the transport network within the vicinity of their site to cater for increased vehicular movement, or increased size of vehicles needing to use nearby junctions. The extent of any improvements required to ensure the safe and efficient operation of the development and the local highway network will be determined in the light of the Transport Assessment Statement submitted with the planning application. Highway access improvements will normally be secured through a section 278 agreement. Highway mitigation measures on the wider network will normally be secured through a Planning Obligation Agreement. Highway improvements will only be required where they are essential for the operation of the development and the adjacent highway network.

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<sup>13</sup> Upon endorsement of an updated Hartlepool Local Infrastructure Plan as part of the Local Plan development, this will become the reference document for this SPD, superseding the Hartlepool Local Infrastructure Plan (2012).

25.15 Therefore, all works required under the Transport Assessment (TA) or Transport Statement (TS) will need to be secured under the Planning Obligations Agreement or via condition.

25.16 Developers have an important role to play in encouraging sustainable travel and will be required to submit a travel plan with all applications likely to generate significant amounts of travel. Development proposals for all major developments within the boundaries of Hartlepool will require a travel plan when the following thresholds are exceeded:

**Table 6 – Development Thresholds requiring a Travel Plan**

LAND USE CLASS	THRESHOLD
A1 - Food Retail and Non Food Retail	500sq m (gross)
B1 - Business	1000sq m
B2 General Industry B8 Storage or Distribution	2500sq m
Residential – Dwelling Houses	50 units
Other	Case-by-Case

25.17 Travel plans can be secured through conditions on the planning permission, rather than through the Planning Obligations Agreement. However, there will be circumstances where the Travel Plan will be required through the Agreement. This will be on sites where there are particular concerns that the targets within the Travel Plan will not be met or where they are so important to the decision to grant planning permission that they must be adhered to. In these cases the Agreement will secure the submission of the Travel Plan and will also put in place measures to pursue targets and address any failure to meet targets.

25.18 There will be a requirement placed on the developer to submit annual reports on whether, or to what extent, the Travel Plan targets have been met for that year. DfT 'Good Practice Guidelines – Delivering Travel Plans through the Planning Process' (2009) states in Section 9 that *Local Authorities should consider charging for Travel Plan monitoring and Review to help encourage implementation of Travel Plans that have been secured*. The Council will require this unless it can be illustrated that to do so would impact on the viability of the development to such an extent that it would mean that the scheme was not deliverable.

#### **Level of Contribution**

25.19 The type and level of contribution required for off-site highways works can only be determined on a site by site basis through the developments TA. If there is an existing use on the development site, the traffic generation from that use will be taken into account when



determining the impact of the new proposal. The developer will only be expected to mitigate the impact of the additional traffic caused by their new use.

- 25.20 In instances where highway works are needed as a direct result of the development, and considering the lack of public funding available for investment in highway infrastructure, the full cost of the mitigation measures will need to be met by the developer unless there is any grant funding available, for example through the HA which could help to cover the costs of the work. The presumption will be that the works will be either carried out by the Local Highway Authority, under a section 278 Agreement, or by the developer to a specification and timetable agreed with the Local Authority. In the vast majority of cases the works will need to be carried out before the legal completion of the first unit within the development.
- 25.21 Where a number of different developments will give rise to a need for off-site highways improvements, contributions will be required from each development towards those works. The level of contribution for each development will be determined by applying a pro-rata contribution based on the trip generation of each development.

## 26.0 Community Facilities

- 26.1 Community facilities including schools, community centres, libraries and health care facilities are vital to ensure communities are prosperous, sustainable, healthy, vibrant and safe. The provision of a range of community facilities is particularly important on large sites where whole new communities are being created. It is also important however, to ensure that the scale of existing facilities keep up with expanding populations through smaller incremental developments.
- 26.2 Community facilities generally will be dealt with on a site-by-site basis to allow the impact of the development to be assessed against the need for particular facilities which such a development would create. In terms of contributions towards education provision, capacity in nearby schools, along with other known developments and the pressures they will create will be taken into consideration in determining whether contributions are needed. The following paragraphs set out some general principles and highlight the types of community facilities which may be required. In some instances contributions may be required not only towards the development of new facilities but also towards the sustainable refurbishment or extension of existing facilities.

### National Planning Background

#### National Planning Policy Framework (2012)

- 26.3 The NPPF states that *“the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *give great weight to the need to create, expand or alter schools; and*
  - *work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

#### National Planning Policy Guidance (2014)

- 26.4 This guidance sets out in Policy statement – planning for schools development, the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. Placing a duty on Local Authorities to *‘make full use of their planning powers to support state-funded schools applications. This should include engaging in pre- application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.’*

**Local Policy Background**Hartlepool Local Plan (2006)

- 26.5 Policy GEP9 of the Hartlepool Local Plan 2006 supports the requirement for contributions towards community facilities such as schools, thus helping to ensure that the boroughs education infrastructure can cope with developments over the coming years.

Education Facilities

- 26.6 Education infrastructure is an integral part of new residential development and is essential in order to achieve sustainable communities. Developments that are likely to generate an increased demand for school places will need to contribute towards expanding existing education facilities where the development is not of a sufficient size to require a new school. This will include contributions and/or the allocation of land to enable schools to be built or extended.
- 26.7 Contributions will only be sought for these developments where there is insufficient capacity in existing local schools to cope with the pressures associated with development in the area. When looking at spare capacity the Local Authority will also take into account other developments in the vicinity, and information on projected future pupil numbers.
- 26.8 The following types of residential development will be exempt from education obligations: sheltered housing, student accommodation, care homes and residential homes for the elderly.

**Primary Schools**

- 26.9 For developments of 750 dwellings or more a primary school will normally be required on-site, subject to spare capacity in local schools. In cases where a school is to be provided on site, the developer will normally be expected to set aside sufficient land and to pay towards the construction of the educational facilities to the Local Authority's design and specification. Early dialogue between all parties will be critical to ensure that additional sources of funding can be obtained to enable the school to be provided at the necessary point in time to meet demand. In certain circumstances, if the developer can illustrate that the construction of the school cannot be justified in viability terms; the Local Authority may be willing to accept a parcel of land on site which would be used to construct new education facilities with a reduced financial contribution to assist with construction costs.

**Off-site Provision**

- 26.10 At the current point in time it is unlikely that a new, off-site school would be required as a result of any development site in Hartlepool. Sites over the threshold noted above would provide a school on site and other sites would be required to make a financial contribution towards the extension or refurbishment of a nearby school where it is considered by the Local Education Authority that the schools in

proximity to development will be unable to cope with the additional children generated by the development.

### **Financial contributions**

- 26.11 A local formula has been developed, reflecting the number of pupils expected to reside in the dwellings during and beyond completion of the development. The calculations for primary schools are summarised below<sup>14</sup>:

#### **Primary Contribution (based on example of 200 homes)**

15 community primary school pupils per 100 houses built

3.6 Roman Catholic primary pupils per 100 houses built

Total -18.6 primary pupils in total per 100 houses built

$200 \text{ (Number of houses to be built)} / 100 \times 18.6 \text{ primary pupils} = 37.2 \text{ (total primary pupils from development) (round down if below 0.5)}$

In order to calculate the overall cost of providing these places, the cost per place must be calculated. The DfE annually updates the cost of guidance relating to the provision of educational facilities.

The cost factor per primary school place (outside of London) is currently (2014) **£9,165**.

The commuted sum sought from the development for Primary education provision can then be calculated as  $37 \text{ (places)} \times £9,165 \text{ (cost per place)} = £339,105$

- 26.12 All financial contributions will be index linked (using the Retail Prices Index – all items) to the date of the determination of the planning application by the council. Where there is clear evidence that the costs of relevant works/services have increased or decreased (having regard to the most up to date cost data published by the council), then any financial contributions sought through planning obligations may be adjusted accordingly.

### **Secondary schools - On-site or Off-Site provision**

- 26.13 The need for an additional secondary school is not considered likely in Hartlepool, given the planned rebuilding and remodelling of the town's existing schools via the current government programme which will see Manor School rebuilt. In the future should the town expand significantly, and, as a result, there is an identified need for a new secondary school, this will be considered at that time. However there may be a requirement for investment into existing secondary schools where there is insufficient capacity within nearby schools or where there is capacity but investment is needed in the building to secure that capacity for the

<sup>14</sup> Cost per place subject to change in line with the most recent produced figures from DfE.

future. If a contribution is required, the following calculation will be used:

**Secondary Contribution (based on example of 200 homes)**

10 secondary pupils per 100 houses built  
 3 Roman Catholic secondary pupils per 100 houses built  
 Total - 13 secondary pupils in total per 100 houses built

$200 \text{ (Number of houses to be built)} / 100 \times 13 \text{ secondary pupils} = 26 \text{ (total secondary pupils from development)}$

In order to calculate the overall cost of providing these places, the cost per place must be calculated. The DfE annually updates the cost of guidance relating to the provision of educational facilities.

The cost factor per secondary school place (outside of London) is currently (2014) **£12,205**.

The commuted sum sought from the development for secondary education provision can then be calculated as  $26 \text{ (places)} \times £12,205 \text{ (cost per place)} = £317,330$

- 26.14 As with the contributions to Primary education these will be index linked (see 26.12).

Community Centres

- 26.15 Community centres provide an important focus for local people and contribute to the economic, social and cultural life of neighbourhoods by providing leisure, recreation, education and job training opportunities for a range of groups. Community centres can help to create sustainable neighbourhood centres that contribute to the local economy through provision of affordable space for meetings, training and functions together with workspace for local businesses, organisations and community enterprises. They provide a vital resource for building a cohesive community and as such are important in residential developments.

**National Policy Background**

National Planning Policy Framework (2012)

- 26.16 Localism is at the heart of the Government's changes to the planning system and a key element of that is ensuring the growth of cohesive communities. The NPPF requires local authorities to plan positively for the provision and use of shared space, community facilities (such as... meeting places...cultural buildings...) and other local services to enhance the sustainability of communities and residential environments and to guard against the loss of valuable community facilities which would reduce the community's ability to meet its day to day needs.

**Local Policy Background**

Hartlepool Local Plan (2006)

- 26.17 Policy GEP9 of the Hartlepool Local Plan 2006 enables the authority to seek contributions towards community facilities, such as community centres, where they are considered necessary as part of a development and where their provision would not impact on the overall viability of the development.

**On-site Provision**

- 26.18 On large residential sites (over 750 dwellings), where a new community centre is required on-site the Local Authority would require the developer to build the facilities themselves, to a design agreed by the Local Authority.

**Maintenance**

- 26.19 In situations where the developer has provided a new community centre facility, the Local Authority will seek a commuted sum to provide for the maintenance of the facility for an agreed period which is usually 20 years, subject to viability of the development.

## 27.0 Training and Employment

- 27.1 Within all new developments it is becoming important to encourage that Local Labour Agreements and Training initiatives help to provide local people with an opportunity to gain employment or training as part of the development. Within the town a number of agreements have been put in place over the past few years, all of which have contributed significantly towards ensuring good quality jobs and opportunities for the residents of Hartlepool.
- 27.2 These agreements can help to ensure that new developments employ a certain percentage of unemployed people, local residents and people with disabilities and also help to maintain these positions and levels in the future.
- 27.3 This includes seeking opportunities in the form of training and employment on schemes to repair and restore heritage assets in order to build capacity in terms of traditional crafts and skills which are in short supply in the North east region generally.

### Policy Background

- 27.4 The Hartlepool Borough Council Targeted Training Recruitment and Training Strategy 2007 commits the Council to *“achieving the economic, social and environmental objectives set out in the Hartlepool Community Strategy so as to ensure a better quality of life for everyone, now and for generations to come. To achieve this, the Council commits to the following actions to the fullest extent possible within the relevant legal and policy frameworks and the available funding:*
- *To include training, equal opportunities and employment requirements, and opportunities for small and medium sized enterprises, in its service requirements, where it considered appropriate.*
  - *To include other social and environmental matters in its service requirements, where it considers appropriate.*
  - *To use these requirements in all stages of the selection and appointment process, and as contract conditions.”*
- 27.5 The Council has an adopted Targeted Training and Employment Charter 2007. This Charter allows the Local Authority to incorporate targeted training and employment matters in planning and development proposals/briefs where it is appropriate and affordable.
- 27.6 In addition, the Council has also implemented the Constructing Hartlepool Strategy 2014 which complements the shared goals of key documents such as Hartlepool Vision, Masterplan, Economic Regeneration Strategy and Housing Strategy. Through this strategy,

developers will be invited to advise the Council on how they plan to incorporate local supply chains and targeted, recruitment and training (TRT) clauses within their planning proposal which will support business growth and enable greater access to employment and skills for local residents.

### Thresholds

- 27.7 All new developments over the thresholds in table 7 below will be required to put into place a training and employment plan.

**Table 7 – Development Thresholds requiring a Training and Employment Plan**

Type	Threshold
Residential	Over 10 units
<b>Commercial:</b>	
<b>A1</b> Food Retail/Non Food Retail	500sq m floorspace
<b>B1</b> Including Offices	1000sq m floorspace
<b>C1</b> Hotels	Over 10 bedspace
<b>D2</b> Including leisure	1000sq m floorspace
Other	Case-by-Case basis

### Delivery Requirements

- 27.8 Where a development is required to include training and employment as part of a planning obligation the local authority may ask for targeted recruitment and training requirements relating to both the construction of developments and the long term recruitment policy of the company who would operate the building or development.
- 27.9 Early discussions with the developer will help to ensure that there is a clear understanding of the specific targeted recruitment and training requirements that would be appropriate for the development and also to help set out the likely mechanisms that will ensure that these requirements can survive delays, changes in developer or other changes in circumstances that may influence the requirements of the development.
- 27.10 The contact point in relation to queries on Training and Employment requirements is Antony Steinberg, Economic Regeneration Manager, Tel. 01429 857081.



## 28.0 Heritage

### National Policy Background

#### National Planning Policy Framework (2012)

- 28.1 The Government's commitment to the protection and enhancement of Heritage assets through the planning system is set out in Section 12 of the NPPF. The NPPF requires local authorities to have a positive strategy for the conservation and enjoyment of the historic environment, outlining that in determining applications; local 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.

#### National Planning Practice Guidance (2014)

- 28.2 This guidance sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past.
- 28.3 This guidance states that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- Public benefits may include heritage benefits, such as:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
  - reducing or removing risks to a heritage asset
  - securing the optimum viable use of a heritage asset in support of its long term conservation

### Local Policy Background

- 28.4 Hartlepool has eight conservation areas which all vary in character. Six of the conservation areas lie in the main urban area of the town, and

the two others in outlying villages. Conservation area appraisals outline the character for each of the areas. There are 212 Listed Buildings and whilst Hartlepool has a number of buildings that are deemed of national importance there are many buildings that locally make a contribution to the character and historical legacy of the areas in which they are located. The Council has put together an extensive 'local list' of buildings to recognise the significance of these properties to Hartlepool. [A list of buildings of local interest is available to download.](#)

#### Hartlepool Local Plan (2006)

- 28.5 Policy HE1, HE2, HE3, HE8 and HE12 of the Hartlepool Local Plan 2006 sets out the Local Authority's position in relation to the protection and enhancement of heritage assets.

#### **Thresholds**

- 28.6 There are no set thresholds in relation to Heritage Assets; impact of development will be assessed on a case by case basis.

#### **Delivery Requirements**

- 28.7 Where a development affects heritage assets or their settings, harm may be caused to their historic significance in exceptional circumstances, therefore mitigation measures will be required as part of the development. By way of example these could include, but would not be limited to the following,
- 'In kind' payments, including land transfers: this could include the transfer of an 'at risk' building.
  - Repairs and improvements to, and the maintenance of, heritage assets where they are an infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities, transport infrastructure such as historic bridges, and green and social infrastructure such as parks and gardens.
  - Opportunities for funding improvements to, and the mitigation of adverse impacts on, the historic environment, such as archaeological investigations, access and interpretation and the repair and reuse of buildings or other assets.
- 28.8 It is acknowledged that there could be circumstances where the viability of a scheme (otherwise designed to respect the setting of a heritage asset in terms of its quantum of development) could be threatened by planning obligation requirements. In these cases it is accepted that negotiation will take place with developers to ensure the protection and enhancement of heritage assets will take precedent.

**Appendix One – Glossary of Terms**

Affordability		A measure of what housing is affordable to certain groups of households.
Affordable Housing		Affordable housing is housing designed for those whose income generally deny them opportunity to purchase houses on the open market as a result of the difference between income and the market cost of housing. For further definition see NPPG.
Circular		Central Government guidance
Code for Sustainable Homes		A national standard for sustainable design and construction of new homes. The Code is still a useful method although it is likely to be wound down by the end of 2014.
Commencement of development		The date at which work begins on site.
Community Facilities		A facility that can be used by all members of the community i.e. community centre, phone box etc.
Community Strategy		Provides the planning framework for all services in Hartlepool, including the regeneration and neighbourhood renewal activity. Sets out a long term vision and details the principles and 7 priority aims necessary to achieve the vision and improve services.
Commuted Sum		A sum of money paid by a developer to the local authority to provide a service or a facility, rather than the developer providing it direct.
Design and Specification		Provides precise and explicit information about the requirements for a development design.
Developer Contributions		Relate to the provision of those items outlined within the section 106 legal agreement.
Development Plan Document	DPD	A Local Development Document in the Local Development Framework which forms part of the statutory Development Plan. The Local Plan, documents dealing with the allocation of land, action area plans and the proposals map are all Development Plan Documents.

Economic Viability Assessment		A means by which to assess the profitability of a scheme.
Financial contribution		A cash specific amount of money paid to the local authority.
Green Infrastructure		Green infrastructure involves natural and managed green areas in both urban and rural settings. It involves the strategic connection of open green areas and provides multiple benefits for people.
Hartlepool Local Plan		A Local Plan is a statutory document containing all the planning policies and standards that will be used to determine planning applications received by the Development Control Section. The plan is also intended to highlight areas where the Council is seeking to encourage new development within the Borough.
Heritage Asset		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 asset includes designated heritage assets and assets identified by the local planning authority (including local listing)
Homes and Communities Agency	HCA	The Homes and Communities Agency is the national housing and regeneration delivery agency for England. Their role is to create thriving communities and affordable homes.
Housing Market Renewal	HMR	An area allocated for improvements to the housing stock either by demolition and rebuild or by refurbishment.
Infrastructure		Can be many things and includes roads, rail, pipelines etc or social provision such as schools.
Intermediate Tenure		This type of housing, also known as Shared Ownership or Shared Equity, enables people to privately buy a share of a property being sold and pay a subsidised rent on the remainder.
Land use		The use that exists on a certain

		area of land, various land uses could be residential, agricultural, open space etc
Level of Contribution		The value of money or in kind contribution that a developer is required to pay as a result of the development.
Lifetime Homes		Lifetime Homes are ordinary homes incorporating 16 design criteria that can be universally applied to new homes. Each design feature adds to the comfort and convenience of the home and supports the changing needs of individuals and families at different stages of life.
Local Area Agreement	LAA	LAA's are a three year agreement, based on local Sustainable Community Strategies, that sets the priorities for a local area between the Council and other key partnerships.
Local Development Framework	LDF	The overarching term given to the collection of Local Development Documents which collectively will provide the local planning authority's policies for meeting the community's economic, environmental and social aims for the future of the area where this affects the development and use of land and buildings. The LDF also includes the Local Development Scheme, the Statement of Community Involvement and the Authorities Monitoring Report.
Local Highway Network		All the roads within the Borough, ranging from the A19 down to local roads within housing estates.
Local Transport Plan	LTP	Describes the long-term transport strategy for the Borough and sets out a programme of improvements to address the identified local transport problems.
Localism Act		The Localism Act has devolved greater powers to local government and neighbourhoods and given local communities more rights and powers over decisions about housing. It also includes reforms to

		make the planning system more democratic and more effective.
Maintenance		The repair and upkeep of a product.
Market Conditions		The prevailing performance of the economy across all sectors.
Masterplan		A detailed plan of the site and the type of development that would seek to be achieved for the whole site.
National Planning Policy Framework	NPPF	Sets out the national policy situation in one document which replaced the previous Planning Policy Statements and Planning Policy Guidance Notes.
National Planning Policy Guidance	NPPG	The Government has published the NPPG to support the National Planning Policy Framework and to give further guidance to developers and local authorities.
On-site		An area within the planning application boundary.
Open Market Value		The value of a product if advertised on the open market.
Open Space Assessment	OMV	An assessment of the quality and availability of open space within Hartlepool.
Pepper Potting		The principle of ensuring there is a spread of affordable housing throughout and overall development rather than all being provided in one specific area.
Piecemeal		Development that is carried out bit by bit.
Planning Condition		A requirement attached to a planning application to ensure that the development is of a high standard and to help mitigate against any implications an application may have. Conditions can relate to types of materials or assessments that may have to be carried out.
Planning Obligation		A legally binding agreement between the local planning authority and persons with an interest in a piece of land. Planning obligations are used to secure funds or works for significant and essential elements of a scheme to

		make it acceptable in planning terms. Planning obligations will have been set out in an agreement often known as a 'section 106 agreement' and may be used to prescribe the nature of development, to compensate for loss or damaged created by development or to mitigate a development's impact on surrounding built and natural environment.
Pre-application		The stage referred to prior to submission of an application.
Registered Providers	RP	Registered Providers are Government-funded not-for-profit organisations that provide affordable housing. They include housing associations, trusts and cooperatives. They work with local authorities to provide homes for people meeting the affordable homes criteria. As well as developing land and building homes, RPs undertake a landlord function by maintaining properties and collecting rent.
Section 106 Legal Agreement		Legally binding agreement entered into between a developer and the Council.
Section 278 Agreement		Where a development requires works to be carried out on the existing adopted highway, an agreement will need to be completed between the developer and the Council under Section 278 of the Highways Act 1980.
Social Rented		Housing that is rented to a tenant by a Registered Provider.
Strategic Housing Market Assessment	SHMA	Identifies land for housing and assess the deliverability and developability of sites. Provides the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes.
Subsidy		A form of financial assistance paid to a business or economic sector.
Supplementary Planning Document	SPD	A Local Development Document providing further detail of policies

		in Development Plan Documents or of saved local plan policies. They do not have development status.
Sustainability Appraisal	SA	Identifies and evaluates social, environmental and economic effects of strategies and policies in a Local Development Document from the outset of the preparation process. It incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive.
Sustainable		To maintain the vitality and strength of something over a period of time without harming the strength and vitality of anything else.
Sustainable Locations		A location that helps maintain the vitality and strength of something over a period of time without harming the strength and vitality of anything else.
Tees Valley		Stockton, Hartlepool, Middlebrough, Redcar and Cleveland and Darlington collectively known as the Tees Valley
Tenure		Tenure refers to the arrangements under which the household occupies all or part of a housing unit.
Threshold		A value at which a contribution would be sought. For example if the threshold is over 10 and a developer has a scheme for 10 houses they would not be required to contribute, however if a scheme was for 10 dwellings a contribution would be required.
Transfer Price		The discounted price at which a developer would transfer a property to a Registered Provider.
Transport Assessment	TA	A Transport Assessment is a comprehensive and systematic process that sets out at an early stage transport issues relating to a proposed development and identifies what measures will be



		taken to deal with the anticipated transport impacts of the scheme.
Transport Statement	TS	A simplified or basic report in the form of a Transport Statement may be sufficient. A transport statement is appropriate when a proposed development is expected to generate relatively low numbers of trips or traffic flows and would have only a minor impact on transport.
Travel Plans		A Travel Plan is a package of measures to assist in managing the transport needs of an organisation. The main objective of a Travel Plan is to provide incentives for users of a development to reduce the need to travel alone by car to a site.

## APPENDIX 2 - PLANNING OBLIGATIONS SPD CONSULTATION STATEMENT January 2015

Consultee	General Comment/ Paragraph in SPD	Comment	HBC Response
<b>PO01 – Sport England</b>	General Comment	Sport England seeks to ensure that communities have access to sufficient high quality sports facilities that are fit for purpose. Using evidence and advocacy, we help to guide investment into new facilities and the expansion of existing ones to meet new demands that cannot be met by existing provision.	Noted.
	General Comment	Hartlepool Council is in a strong position to be able to understand the needs of sport in its area having undertaken a Playing Pitch Strategy in 2012, and an assessment of built sports facilities last year. It is clear that both these documents have informed the decision to include playing pitches and built sports facilities within the scope of the draft SPD. Sport England supports the scope of the SPD, and considers that it is a sound and justified document in respect of sport.	Noted and agreed that these are both justifiable obligations to be sought.
	Section 22 & 23.	<p>Both the PPS and Needs Assessment will have identified recommended standards of provision for pitches and sports facilities, and the needs arising from that. The section on built sports facilities clearly articulates these findings. What is not clear however is how these standards or needs have been translated in the costs per dwelling set out in the draft SPD. It is important that there is transparency in the process established by the SPD, and its subsequent robustness will be dependent on there being a clear link between the documents that inform it and value of financial contribution sought. As such we would strongly suggest that the clarity of the SPD is enhanced in this area. Sport England keeps an up to date register of facility costs, the latest of which can be found <a href="#">here</a>. We would be happy to help you translate your adopted standards / identified needs into a cost figure per dwelling / person should you require.</p> <p>Additional comments provided 15.01.2015  <i>“Having read the document I’m presuming you’re seeking our help in costing the standards established at the front end of the document for playing pitches, tennis courts, and bowling greens.</i></p> <p><i>The table specifies the following sports facility standards;</i></p> <p><i>The quantity standard for playing pitches 0.9 Hectares per 1000 population.</i>  <i>The quantity standard for Tennis Courts is 0.02 hectares per 1000 population.</i></p>	<p>Noted. Sport England have been approached to provide a cost per dwelling based on their figures, this information will contribute towards the evidence base for justification of the £250 figure per dwelling for built sports.</p> <p>Additional threshold evidence provided on 15.01.2015 – to be reflected in SPD.</p>

		<p><i>The quantity standard for Bowling Greens is 0.03 hectares per 1000 population.</i></p> <p><i>Sport England's facility costs can be found at the following location on our website;</i></p> <p><i><a href="http://www.sportengland.org/media/198443/facility-costs-4q13.pdf">http://www.sportengland.org/media/198443/facility-costs-4q13.pdf</a></i></p> <p><i>The playing pitch standard is 9000sq.m per 1000 population which equates to 9sq.m per person. I have averaged out the cost per square metre for constructing varying sizes of football pitches, and rugby pitches, and it equates to £11.27 per sq.m. So the cost per person of Hartlepool's playing pitch standard is £11.27 x 9 = £101.43</i></p> <p><i>The tennis court standard is 200 sq.m per 1000 population which equates to 0.2sq.m per person. The costs for tennis courts include floodlighting (as a rule of thumb this approximately doubles the cost) and averages out at £123.94 per sq.m. So the cost per head of Hartlepool's tennis court standard is £123.94 x 0.2 = £24.79</i></p> <p><i>Finally the bowling green standard is 30sq.m per 1000, which equates to 0.03sq.m per person. The cost of a bowling green (flat or crown green) works out at £71.86 per sq.m. The cost per head of the standard is therefore £71.86 x 0.03 = £2.16."</i></p>	
	General Comment	<p>Finally I am not aware of the Council's position on Community Infrastructure Levy and whether the proposed SPD signals your intention not to use CIL at all. There are pros and cons to each approach in respect of sports facilities, and our advice to Local Authorities is that where their strategies have identified the need for "big ticket" sports facilities such as pools or sports halls then a CIL mechanism offers clear benefits because of the 5 development limit (per a single piece of infrastructure) on the use of S.106 agreements. Clearly the replacement of the Millhouse Centre and the expansion of provision at Brierton would fall within the scale of development normally delivered by CIL. If you intend to use S.106 money to help deliver these schemes you may have to break them down into key phases or constituent elements to overcome the 5 scheme rule, or have a clear understanding as to the key sites which will help you achieve your aspirations.</p>	<p>At present the Council is unclear whether it will proceed with CIL due to viability issues in development in the town. Setting a CIL level at a high enough level to bring in meaningful levels of finance towards the provision of infrastructure such as a new swimming pool would probably deter development as it would be seen as unviable. Measures are in place to effectively manage the 5 scheme rule.</p>
<b>PO02 – Greatham</b>	Para 21.9	<p>States 'affordable housing will be required on all planning applications for residential development that consist of a gross addition of 15 dwellings or more' In the rural area a</p>	<p>The concern is noted. Lower threshold in designated rural</p>

#### 4.1 Appendix 2

<b>Parish Council</b>		gross addition of 15 dwellings or more would be relatively rare and large addition to the small villages. In order that the need for affordable housing in the rural area is more likely to be addressed the Parish Council would suggest a lower figure of 5 dwellings be used in the rural area.	areas is recognised in the recent changes to PPG (28.11.2014). SPD to be updated to reflect changes to NPPG.
<b>P003 – Taylor Wimpey</b>	General comments	The Community Infrastructure Levy is a system of agreeing planning contributions and obligations between local councils and developers under section 106 of the Town and Country Planning Act 1990. Regulation 122 of the Community Infrastructure Levy (Amended) Regulations, 2014, specifies limitations to the use of obligations by LPAs in the determination of planning permission. Regulation 122 states that; for a planning obligation to be lawful it must pass three statutory tests and be: a) Necessary to make the development acceptable in planning terms; b) Directly related to the development; and c) Fairly and reasonably related in scale and kind to the development.	Noted and comments to be reflected in SPD.
	Section 23	We contend that the requirement to contribute to the provision of 'built sports facilities' as laid out in section 23 of the Planning Obligations SPD fails to pass the second test. Test 'b' ensures that any obligation required goes to addressing any <i>direct</i> need or impact generated by a development. The requirement to contribute to sports facilities that may be located several miles away from a development cannot be supported as it cannot be reasonably expected that residents of said development will lead to increased pressure on their usage or indeed, derive any benefit from improvement to the facilities.	Noted. HBC do not agree with statement. Evidence available to support the provision of 'built sports facilities' through planning obligations as a direct means of achieving sustainable development (para 7 of NPPF). Obligations contribute towards town offer of built sports facilities which will be in strategic locations.
<b>P004 – Persimmon homes</b>	General comments <b>Economic Climate</b>	Persimmon Homes are pleased that the Council recognise that the SPD is being prepared "during hard economic times" and that this is "reflected in the levels of contributions that are required from developers." The recent house price fluctuations across the north east of England have highlighted the need for Local Authorities to be acutely aware of the challenges and precarious nature of the housing market. A failure to do so by adopting unrealistic targets for financial contributions or applying obligations incorrectly will result in drawn out negotiations, possible appeals and delays, and potentially prevent new housing from being delivered. Considering that one of the core purposes of the SPD is to provide greater clarity to the planning system	Noted. If planning obligations result in an unviable development. Developers are encouraged to submit a viability assessment to evidence this. Following this, a process for negotiation will take place.

		in an attempt to speed up the decision making process, if the current economic conditions are not taken into account then the document could be counter productive. It is therefore imperative given the current economic uncertainty that housing obligations are just, necessary and deliverable so as not to act as a barrier and prevent new development within the Borough.	
	<b>Viability Appraisals</b>	<p>Persimmon Homes are satisfied that the council acknowledge that there will be occasions when the scale of contributions will make a development unviable and in such circumstances a viability assessment can be submitted to the council to demonstrate this issue. However, we wish to reiterate the tests outlined within paragraph 204 of the NPPF which state that planning obligations must be:</p> <ol style="list-style-type: none"> <li>1. Necessary to make the development acceptable in planning terms</li> <li>2. Directly related to the development</li> <li>3. Fairly and reasonably related in scale and kind to the development</li> </ol> <p>With this in mind, upon adoption of the Planning Obligations SPD, viability assessments should not be used as the mechanism to justify the council applying all planning obligations to every planning application. It is essential that only those planning obligations that directly relate to the development and are necessary to make the scheme acceptable in planning terms should be enforced to avoid unjust burdens on developers and risk the delivery of schemes. In the event that viability assessments are required to determine the extent of any planning obligation, such as affordable housing, the mechanism for evaluating 'viability' must be properly documented within the SPD and be clear and transparent to prospective applicants. It is not sufficient to say that such assessments will be dealt with on a case by case basis. Persimmon Homes would therefore be happy to assist the council further in the creation of a suitable viability assessment mechanism using industry standards to help accurately assess viability.</p>	<p>Noted. Agree with comments, SPD reflects comments made.</p> <p>In terms of planning obligations, the contributions outlined in the SPD are to support areas where there is always a continual requirement to develop and improve provision / facilities as additional development occurs.</p> <p>Within the detail of the SPD, there is flexibility to allow for developers to query contributions in terms of viability, information will be required to evidence this. HBC use the HCA model for viability assessments.</p>
	<b>Financial Contributions and Pooling of Contributions</b>	<p>Whilst Persimmon Homes have no objections to the pooling of contributions we believe that there should be clearly agreed timeframes as to when the money is expected to be spent and how. This should be agreed between the developer and the council and set out within the Section 106 Agreement.</p> <p>In terms of pooling contributions, Persimmon Homes would also like to draw the Council's attention to the CIL Regulations which in view of the role and nature of CIL have attempted to scale back the way planning obligations operate. Limitations are therefore in place restricting the pooling of contributions from a maximum of five separate planning obligations for an item of infrastructure that is not locally intended to be funded by the levy. The limit of five also applies to types of general infrastructure contributions, such as education and</p>	<p>Noted.</p> <p>Covered in 10.1 of the SPD. SPD to be updated to include position on unspent funds / change in needs.</p> <p>Section 106 Agreements are managed and monitored by the Development Control Team. A useful contact list</p>

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		<p>transport so it is important any pooling of contributions is clearly documented by the council and shown to accord with the regulations. Published in May 2011 by DCLG, the document entitled “Community Infrastructure Levy: An overview” clarifies that when assessing whether five separate planning obligations have already been entered into for a specific infrastructure project or a type of infrastructure, local planning authorities must look over agreements that have been entered into since 6 April 2010. In finalising the details of this SPD, it is therefore essential that the Council refer back to and check that the document accords with the policies and principles of the CIL regulations and any associated documentation.</p> <p>In the event that the infrastructure should be found to be no longer necessary, or the contribution is not spent in the prescribed timeframe agreed within the Section 106, then the money should be returned to the developer. As a result, further reference should be given within the SPD as to how unspent monies will be remitted back to the developer.</p>	<p>will be included as an appendix to the SPD.</p> <p>Reference to CIL included in the SPD.</p>
	<b>Existing Uses</b>	<p>The SPD states that the existing use of the site will be taken into consideration when determining the levels of contribution. Persimmon Homes strongly agree with this principle, particularly on brownfield sites to ensure that the development only contributes to the additional pressures on the surrounding infrastructure resulting from the development itself, and is not used to cover existing, unrelated efficiencies in infrastructure.</p>	Noted
	<b>Maintenance Costs</b>	<p>Whilst Persimmon Homes are pleased to see that developer contributions for the maintenance of certain forms of infrastructure will be determined on a case by case basis and will take into account viability, it would provide greater clarity if the council published a maintenance schedule outlining the cost of the possible charges. This would help developers consider the wider implications of planning obligations on viability at an earlier stage of the planning process.</p>	<p>Noted.</p> <p>To date maintenance costs have only been sought on significant strategic sites – HBC is not persuaded that this is viable within smaller developments. Inclusion of a schedule within the SPD is not considered appropriate as this will quickly be out dated and maintenance costs are site / project specific. Planning obligations are discussed at an early stage in the development management process, either through the one stop shop or planning application process.</p>
	<b>Economics</b>	<p>Paragraph 16.1 of the SPD states that “for those developments listed in table 1, both</p>	Noted

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	<p><b>of Provision</b></p>	<p>residential and non residential, the Local Authority expects the full relevant Planning Obligation requirements, as outlined in this document, to be taken into account when negotiating the price of the land.”</p> <p>Persimmon Homes strongly object to this statement. It should not be the role of the Local Planning Authority to set what is an acceptable sale price. Paragraph 173 of the NPPF makes clear that there needs to be competitive returns to a willing land owner and a willing developer to enable the development to be deliverable. If an acceptable land value can not be agreed with the landowner that in turn provides accept returns for the developer then development will not go ahead. Therefore, rather than attempt to influence the market and land values, the SPD should be respondent to the market and sufficiently flexible as to ensure it does not prevent the delivery of much need housing given any changes to the market at the time. If a contribution is shown through viability assessments not to be viable, then an alternative solution or contribution should be found.</p> <p>In regards to what amounts to “competitive returns for a willing landowner”, this will vary on a case by case basis. However it is imperative that the council understand that for the majority of landowners such a sale of land is a once in a lifetime opportunity and therefore in terms of Land Value they attempt to get as much as possible from developers based on the market conditions at the time of the sale. If a landowner does not feel they will receive an acceptable land value, they will simply not sell the land at that time. If an acceptable land value cannot be achieved once planning obligations have been incorporated, it demonstrates that any policies requiring contributions or provisions are undeliverable and therefore unsound. It is therefore imperative that the Planning Obligations SPD is flexible enough to respond to changing market conditions to allow acceptable land values to be achieved in order to facilitate and protect the supply and delivery of housing within the borough. The bottom line is that if policies do not tempt landowners to sell, housebuilders can not build and then the council can not achieve their aims and objectives outlined within the Local Plan which form the basis of their ‘vision’.</p> <p>In terms of “competitive returns for a willing developer” Persimmon Homes consider this to be 20% GDV. In the Delivery of Local Plan Sites (2012) published by the council as evidence into the viability testing of the previous local plan which was withdrawn in late 2013, the council set the developer profit margin at 18%. In the production and testing of this SPD and the future policies, Persimmon Homes strongly object to this figure and strongly recommend 20% GDV as a more suitable benchmark inline with recognised industry standards and case law.</p> <p>In the current economic climate where many lenders remain risk averse they are unlikely to lend unless reasonable profit margins can be demonstrated i.e. 20% GDV. Support for this statement is provided in the BNP Paribas Review of Stockton Borough Council Economic Viability Appraisal for the Planning Inspectorate, August 2009, in which it was stated; <i>“banks will not provide funding for a scheme that shows a profit of less than</i></p>	<p>Section 16.1 SPD refers to Planning Obligation required, there are no specific levels detailed in the SPD. Para 16.1 of the SPD is not contradictory to para 173 of the NPPF.</p> <p>Levels of GDV consistent with national levels. Viability is assessed on a case by case basis; there is flexibility within the scope of the SPD to allow for negotiation.</p> <p>Reference to the appeals is welcomed and noted, however notwithstanding the outcome of the appeals, HBC currently uses an accepted viability assessment method which considers viability on a site by site basis, and offers opportunity for negotiation.</p>
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		<p><i>20% on gross development value".</i></p> <p>In an appeal, APP/T3535/A/11/2147958, against Waveney District Council for the construction of 7 terraced houses, 10 detached houses and 1 bungalow the inspector noted;</p> <p><i>"also note that the DV sets the level of profit required as 18%, whereas I would expect a figure of 20% to be used, bearing in mind the risks associated with the current housing market"</i></p> <p>Finally, in another appeal at Shinfield, Reading against Wokingham Borough Council for the construction of a residential development comprising up to 126 dwellings, a sports pavilion, public open space, landscaping and associated works the inspector once again stated;</p> <p><i>"that a figure of 20% of GDV, which is at the lower end of the range, is reasonable."</i></p> <p>Therefore, whilst it is acknowledged that the actual profit margin will be dependent upon a wide range of issues and site characteristics, Persimmon Homes recommend that the Council respond to industry expectations and ensure that in viability appraisals the expected profit margin is set at least 20% unless an alternative is agreed with the developer/applicant. This will more closely aligned the council's expectations to those of the developer and remove the requirement for applicants to justify their profit margins when they are within the nationally accepted limits whilst still providing a realistic benchmark on which viability can be judged and planning obligations sought.</p>	
	<b>Legal, Admin and Monitoring Costs</b>	<p>In terms of the costs associated with the legal, admin and monitoring aspects of Section 106 agreements, Persimmon Homes believe that these should be negotiated on a site by site basis between the developer and the council. Any costs should be proportionate the work and time involved on the planning officers behalf in respect to the obligations to ensure that any burden is reasonable and justified. These costs should be agreed between the council and developer prior to the signing of a Section 106 agreement.</p>	<p>Noted.</p> <p>The fee in terms of the monitoring is a set fee which can be found at <a href="http://www.hartlepool.gov.uk/info/608/development_control/107/development_control/5">http://www.hartlepool.gov.uk/info/608/development_control/107/development_control/5</a>.</p> <p>Will look to reference this in the SPD.</p> <p>In terms of the legal agreement this is the hourly rate of the Legal Officer / Solicitor, available at request. A useful contact list will be included as an appendix to the SPD.</p> <p>Early liaison with HBC is</p>



			advised during the application process.
	Section 21.0	<p>The SPD states that affordable housing will be required on all planning applications for residential development that consist of a gross addition of 15 dwellings or more, including renewal of lapsed unimplemented planning permissions, changes of use and conversions. This threshold is inline with other Local Planning Authorities across the Tees Valley and County Durham region and therefore we support this figure.</p> <p>Whilst we do however object to the requirement for a 27.5% contribution given the current market conditions in the North East of England, we are pleased to see that a lower contribution can be provided when supported by a viability assessment. However as one of the core aims of the SPD is to provide certainty to developers and speed up the decision making process, we strongly believe that a more deliverable and achievable level of contribution should be sought. Therefore, whilst we understand that the figure is derived from the Tees Valley Strategic Housing Market Assessment 2012 (TVSHMA), we do not consider this to be an accurate representation of the current housing market due to the lack of developer involvement during its production and the fact it was produced during an economic downturn. In the years since it was published, the economic climate and housing market has changed significantly and therefore we feel that it is now outdated. We would therefore question the whether the 27.5% requirement is either justified, deliverable or consistent with national policy.</p> <p>The TVSHMA concludes that there is an affordable housing shortage of 89 dwellings per annum within the Hartlepool area. The method behind this figure is explained in detail within Appendix D, 'Table D1: CLG Needs Assessment Summary' of the TVSHMA. It basically combines the Existing Backlog which it aims to eliminate over a 5 year period, and the Newly Arising Need to form the Total Annual Affordable Need. The Annual Social Rented Capacity (based on a 3 year average of households moving within the stock) is then subtracted from this need to arrive at the Net Annual Shortfall. The information, as currently presented within the TVSHMA, is shown below:</p> <p>Total Backlog Need 1125  Quota to reduce over 5 Years 20%  Annual Backlog Reduction 225  Newly Arising Need 386  Total Annual Affordable Need 611  Annual Social Rented Capacity 523  <b>New Annual Shortfall 89</b></p> <p>The Council have subsequently converted this figure of 89 into a percentage of the annual housing requirement which it is claimed to be 320 units per annum to arrive at the 27.5%</p>	<p>Noted.</p> <p>The 27.5% affordable housing contribution is based on need which is evidenced in Tees Valley SHMA 2012.</p> <p>This figure will be updated following the Hartlepool SHMA for the new Local Plan.</p> <p>Assessments made using open market value (OMV).</p> <p>Should the outcome of the Standards Review on housing design have any significant impact on the content of the SPD and review will be undertaken.</p> <p>Deliverability on housing need is dealt with in the Deliverability Risk Assessment; this is currently being updated for the emerging plan. Viability is considered as part of this.</p> <p>Thresholds to be lowered in line with the new National Planning Practice Guidance on Planning Obligations published 28/11/2014.</p>

		<p>affordable housing requirement. As the table below demonstrates, a minor alteration to the way in which the backlog is addressed throughout the plan period significantly alters the affordable housing need. For example, should the backlog be tackled at 15% per annum, rather than the 20% proposed by the TVSHMA, the impact upon the affordable housing shortfall is dramatic, as the table below demonstrates using the same rational as above.</p> <p>Total Backlog Need 1125  Quota to reduce over 6.7  Years  15%  Annual Backlog Reduction 169  Newly Arising Need 386  Total Annual Affordable Need 555  Annual Social Rented  Capacity  523  <b>New Annual Shortfall 32</b></p> <p>As the table above demonstrates, addressing the backlog at 15% per annum rather than 20% results in an additional 169 dwellings on top of the estimated Newly Arising Need of 386 units. This is a reduction of 57 dwellings to create a Total Annual Affordable Need of 555 dwellings. When this figure is subtracted from the capacity of the social rented sector in the town this results in a far greater Annual Shortfall of 32 units.</p> <p>Using the Council's method of converting this annual shortfall into a percentage of the overall housing requirement to create the affordable housing need, this results in an affordable housing requirement of 10%, rather than 27.5% currently sought by the council. Using this method, the current backlog will be addressed over 6.7 years rather than 5 years but given the current housing stock within the borough, this figure is a more realistic and credible affordable housing requirement. It is also more deliverable and in line with other Local Authorities approaches within the region.</p> <p>Table 4.23 of the TVSHMA clearly identifies Hartlepool as having the lowest net affordable housing need yet the council currently request the highest affordable housing contribution. In contrast to Hartlepool, neighbouring Local Planning Authorities have set more realistic targets in view of viability in an attempt to encourage and promote sustainable residential development. Using the approach above outlined by Persimmon Homes, it is recommended that Hartlepool follow other Local Authorities examples to ensure that its plan remains deliverable.</p> <p>In accordance with the 2012 TVSHMA, the SPD states that developers will be expected to</p>	
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	<p>achieve an aspiration target of 70% social rented or affordable rented and 30% intermediate tenure mix on each site. It is Persimmon Homes' view that whilst this is a satisfactory aspirational target, the precise mix of affordable dwellings on any housing development should be a matter for negotiation between developers and the Council on a site by site basis. This will allow for the any site specific characteristics such as the composition of the existing housing stock in the area to be taken into account to help create a more balanced community. This could include the introduction of Discount OMV units rather than rented properties to diversify the housing stock and as such Persimmon Homes feel that the policy should be worded in a manner which allows flexibility in the delivery of affordable housing to ensure viability does not become an issue and that developments maximise their potential and contribute greater to the creation of sustainable, balanced communities.</p> <p>In the unlikely event that off-site provision is proposed, we do not have any concerns with the proposed formula for calculating the financial contribution but would re-iterate the importance of the Council using "average sales price" rather than "average asking price". In terms of the design and specification of affordable units, Persimmon Homes strongly believe that it would be inappropriate to comment on such a requirement in view of the on-going Standards Review which proposes the phasing of out 'Code for Sustainable Homes' and a move towards integrating standards directly into the Building Regulations. If this is implemented it would rationalise and simplify the house building process in respect to technical standards. Therefore, until the current issue has been resolved, we do not feel that we could support any policy requiring development to be constructed over and above Building Regulations. The Council should therefore await the outcome of the Standards Review before progressing with this issue.</p> <p>Finally, paragraph 21.32 states that, "the council will seek to negotiate, on a site-by- site basis, transfer prices as these are likely to fluctuate depending on housing market and site conditions." Persimmon Homes object to this position as we currently already negotiate with numerous Registered Providers in the region on each of our sites. The council should only therefore negotiate transfer prices if requested to do so by the applicant.</p> <p>Based on the comments above in relation to Affordable Housing, Persimmon Homes would like to see further justification and testing of the scale of requirements set out within the SPD to ensure that the plans are deliverable and grounded within a strong evidence base so that viability assessments are not used as a tool to retain unsound policies. If it is found that a 27.5% affordable housing contribution alongside 20% developer profit can not provide an acceptable land value then the SPD is not viable and so should be amended to a more realistic and deliverable level. In addition, we would also like to see greater flexibility in the way affordable housing contributions are delivered in terms of tenure and Discount OMV</p>	<p>Document doesn't require building to above code standards.</p> <p>Noted, in the first instance the local authority would expect the developer and Registered Provider to negotiate, if required the local authority may get involved.</p>
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		units to ensure that the SPD does not create a barrier to the supply of new homes or the creations of sustainable communities.	
	Section 22.0	<p>The SPD proposes that the level of contribution for Open Space, Outdoor Sport / Recreation &amp; Play Facilities will be £250 per unit. This will be applied to all developments of 5 units or more where necessary and in accordance with the tests outlined within the NPPF. This figure is similar to other recent obligations the company have agreed to in the Borough and around the region so we have no objections to the scale of this contribution.</p> <p>The document states that on larger sites of over 100 units the development will be expected to incorporate on site provision. Persimmon Homes object to this requirement and believe that each site should be assessed on its own merits taking into account its location and proximity to existing facilities. We believe that in the event a larger site does provide an on-site provision of open space, outdoor sport, recreation and play facilities the development should not get charged twice by way of a further contribution for additional offsite works over and above its 'impact'. In order to provide further clarity the SPD should include the criteria used to assess the need for open space as well as the formula used to calculate the amount of open space a development should provide on site to allow developers and landowners to factor this into their scheme early in the plan process. Any criteria or formula should be agreed with relevant stakeholders and developers prior to the adoption of the SPD.</p> <p>In terms of the future maintenance of facilities, the SPD states that developers will be expected to pay a commuted sum for the maintenance of the facilities for a 20 year period from the point at which the facility is completed. Persimmon Homes believe this figure should be negotiable on a site by site basis to take account of viability. It will be important that when a number of developments have contributed towards the infrastructure, the maintenance contributions are split accordingly to ensure fairness. In order to assist developers, the council should also publish a standard schedule of maintenance outlining the associated costs to give greater certainty to developers earlier in the planning process. This should be included within the SPD.</p> <p>Finally the SPD states that the contributions are expected to be paid to the local authority on commencement of the development. Persimmon Homes however would like to see flexibility and allow for the timescales for each contribution to be determined on a case by case basis. This will assist developer's cashflow and help overcome the most economically challenging period of a build, the initial start up.</p>	<p>Noted. No objections to contribution for 5+ units. <i>(Will be updated in response to NPPG revisions)</i></p> <p>On larger sites (100 plus) – developers would be required to provide a play park rather than contribute towards off site provision.</p> <p>20 year maintenance figure determined by expected lifetime of play facilities, this will be negotiated at planning application stage. HBC is not proposing to include a maintenance schedule due to such information quickly going out of date.</p> <p>Proposed inclusion of</p>

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			<p>sentence such as the following to ensure facilitate cashflow if there is a need – to be negotiated case by case?</p> <p><i>“In the case of a large-scale development, it may be that the payments or provision would be phased in order to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.”</i></p>
	Section 23.0	<p>The SPD proposes that the level of contribution for Built Sport Facilities will be £250 per unit. This will be applied to all developments of 5 units or more where necessary and in accordance with the tests outlined within the NPPF. This figure is similar to other recent obligations the company have agreed to in the Borough and around the region so we have no objections to the scale of this contribution. However, despite the above, there is a concern that this section of the SPD is, at least in part, more concerned with 'addressing areas of existing deficiency' and 'sustaining existing services' than meeting new needs. As set out within the NPPF, planning obligations should be necessary to make the development acceptable, directly related to the development, and fairly and reasonable related in scale and kind to the development so should not be used as a tool to levy funds towards the ongoing upkeep of existing facilities. They should only be used to address new needs.</p> <p>Once again Persimmon Homes would request that the payment of any contribution is negotiated on a site by site basis to allow flexibility particularly if the contribution is being directed towards a long term element of infrastructure.</p>	<p>Noted.</p> <p>Consider inclusion of similar wording to above?</p> <p>The SPD outlines where the current need, facilities continually require updating and repair especially with additional users demand created by new residential development. This SPD sets out policy to help address this.</p>
	Section 24.0	<p>The SPD proposes that the level of contribution for Green Infrastructure will be £250 per unit. This will be applied to all developments of 5 units or more where necessary and in accordance with the tests outlined within the NPPF. This figure is similar to other recent obligations the company have agreed to in the Borough and around the region so we have</p>	<p>Noted.</p> <p>The evidence outlined in the SPD demonstrates the need for planning contributions</p>

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		no objections to the scale of this contribution. Whilst the Hartlepool Green Infrastructure SPD is used as the evidence to align contributions to specific areas of green infrastructure, Persimmon Homes would like to reiterate the importance of the planning obligation being necessary to make the development acceptable in planning terms and directly related to development in accordance with paragraph 204 of the NPPF. It will be important that where green infrastructure is provided on site, such as at Upper Warren and the South West Extension, then the requirement to provide a contribution for offsite works is negated or balanced against the onsite provision to ensure that any obligation is fair and the development only contributes towards its 'impact' on such infrastructure	from all new developments as defined by the thresholds set out in the SPD.  It is the case that where large development includes onsite provision – this will be included in the assessment of the requirement of any additional contributions.
	Section 25.0	The SPD proposes that the level of contribution for Highway Infrastructure for offsite highway works can only be determined on a site by site basis. Persimmon Homes support this statement and wish to reiterate the need, especially on brownfield developments to take into account the existing use of the site to determine the impact of the new proposal. Whilst significant highway improvements may be needed across the borough, it is important that the council's approach is 'impact based'. For example, if a road junction needs to be altered then the additional traffic created from the site should be assessed against the wider usage and the financial contribution calculated in the light of the overall situation with any contribution being reasonable and in scale to the proposed development. If more than one development impacts upon a junction then the costs should be shared proportionately.	Noted. This is the approach undertaken.
	Section 26.0	The SPD proposes that the level of contribution for Community Infrastructure will be determined on a site by site basis to allow the impact of the development to be assessed against the need for particular facilities which such a development would create. Whilst Persimmon Homes are pleased with this approach, it contradicts Table 1 on page 8 of the SPD which states that the threshold number for education facilities will be 5 units. Whilst the document specifically points to education provision and community centres as likely sought after community contributions, the actual definition and scope of community facilities is vague and uncertain. Persimmon Homes understand that the contribution will be determined on a site by site basis, however we feel that it would be useful to provide greater clarification as to the other possible "community facilities" a contribution could be required for. This should therefore be included within the SPD to provide developers with greater information of the potential costs associated with their development alongside any associated costs or formulas which would be used to determine the scale of the contribution. In terms of education provision the SPD states that contributions will only be sought on developments where there is insufficient capacity in existing local schools to cope with the pressures associated with development in the area. The contribution will either be a	Noted. As a point of clarity the amounts of contribution will be added to the table presented on page 8 (although this may be repositioned within the SPD). Assessment of level of contribution will be determined once a development meets the threshold level.  Examples of community facilities are provided in 26.1.

		<p>commuted sum towards expanding an existing education establishment or, if the development is of a sufficient size (750 units), to provide a new school altogether within the development. Persimmon Homes fully acknowledge our role and responsibility in creating sustainable developments benefitting from the necessary facilities so therefore do not object to this 750 unit threshold requirement for new schools when there is an identified need providing it does not undermine the viability of the development.</p> <p>Where there is an identified need for improvements to a school as a result of a development, the council have identified a local formula which they will use for calculating the financial contributions for both primary and secondary provision. These formulas, outlined within paragraphs 26.10 – 16.13, are considered to be acceptable by Persimmon Homes. As touched upon above, the SPD also outlines the threshold above which community centres will be sought. Whilst Persimmon Homes accept that there may be a need for a community centre on larger sites, we believe that this should once again be determined on a site by site basis on developments over of 750 units.</p>	<p>All planning contributions can be discussed should a developer evidence that provision requested in the SPD is not viable.</p>
	Section 27.0	<p>The SPD proposes that the council will seek training and employment opportunities on developments of over 10 units. For reasons not identified, this has been reduced from the 20 unit threshold proposed within the previous Draft Planning Obligations SPD published in 2009. Unless further justification can be provided, we would wish to see the threshold increased to its previous level.</p> <p>Whilst the SPD states that the Council's adopted Targeted Training and Employment Charter 2007 allows the local authority to incorporate targeted training and employment matters in planning and development proposals where it is appropriate and affordable to do so, Persimmon Homes cannot find any published version of the document. Before progressing with the SPD, we would therefore wish to have the opportunity to appraise this document in detail before agreeing to any form of planning obligation relating to Training and Employment to ensure that any requirement is properly justified by a sound evidence base.</p> <p>In any case, Persimmon Homes already proactively employ local residents whether they are school leavers or graduates in many different roles throughout the company. These roles vary and include many different aspects of the company including within our in-house development and design departments, our onsite construction teams or within our sales and customer care offices. We therefore believe that any policy requiring such an obligation should be flexible so as to allow the council to work with the applicants and adapt to their needs and method of operating to ensure that any employment is beneficial to all parties involved.</p> <p>As Persimmon Homes do not consider such an obligation to be 'necessary' to make the development acceptable in planning terms in line with paragraph 204 of the NPPF, then we feel that such an obligation should only be 'encouraged' by the council through negotiation with developers rather than be an explicit 'requirement' on all sites.</p>	<p>The reduction in threshold offers the opportunity for training and employment opportunities to be sought on smaller developments in the borough. These are generally undertaken by smaller local builders, from which there have not been any negative comments about the level of this threshold. In addition these changes are inline with the recent NPPG revisions on Planning Obligations.</p> <p>Should the developer determine that the requirement makes a development unviable, the SPD allows for discussion relating to the level of contribution, this can consider evidence provided.</p>

	General comments	<p>Is noted that within the SPD, Hartlepool Borough will consider the introduction of the Community Infrastructure Levy (CIL) as part of the on-going arrangements for the new Local Plan. It is important that the Council undertake a thorough viability assessment of all plan policies prior to its introduction and methodically engage with local stakeholders and developers at every stage so that the levy is not be set at the margins of viability which is likely to jeopardise plan delivery. If CIL is adopted this should be the only tool for collecting “area-wide” funds to address the cumulative impacts of development on types of infrastructure. Where a levy is in place the local Council may still secure “site specific” planning obligations through Section 106 agreements in some instances but, will need to clearly publish what infrastructure will be financed through S106 agreements and what will be financed through CIL to avoid any duplication or “double counting” of obligations inline with CIL Regulations .</p> <p>Where additional costs such as planning obligations are placed on top of CIL it may adversely impact upon a development’s viability and as such may not create the conditions that support local economic growth, which is a primary objective of the Government’s growth agenda (Written Ministerial Statement by Rt Hon Eric Pickles MP, 6 October 2012) and the NPPF. The SPD should therefore make specific reference to the viability of a scheme, and only seek to capture additional obligations where viability allows.</p>	<p>When CIL is considered by HBC, viability will be calculated as part of the assessment to develop the levy, this is a key element of the development of CIL.. If CIL comes into force, the levy and planning contributions will be applied as set out in policy.</p>
	General comments	<p>There is clearly an obligation on developers to mitigate the impact of new development and to contribute to the provision of infrastructure in respect of that growth. Whilst Persimmon Homes support the principle of the Planning Obligations SPD to provide greater clarity for developers and applicants, the fact remains that it is imperative that each development is assessed on its own merits.</p> <p>Persimmon Homes believe that the Council have created the foundations from which to now take on board feedback from the industry and alter the SPD accordingly to ensure that it delivers clear, coherent and justified guidance on the use of planning obligations within the Borough. However, it must be repeated that given the current Local Plan predicament, we feel that it would be more logical for the Planning Obligations SPD to follow the emerging Local Plan. This way it would ensure that the current policy position is up-date and based on policy which is compliant with the NPPF, whilst it would also allow for the contributions contained within the document to be thoroughly tested against the other local plan requirements to ensure that it is deliverable and will not prevent development.</p> <p>As stated in the NPPF, development should not be subject to such a scale of obligations and policy burdens that its ability to be developed viably is threatened. To ensure viability, the NPPF states that the costs of any requirements likely to be applied to development, such as requirements for affordable housing and infrastructure contributions, should, when taking account of the normal cost of development and mitigation, provide competitive</p>	<p>Noted.</p> <p>The SPD is being developed in advance of the emerging the Local Plan. This is consistent with best practice detailed in recent Local Plan Examinations in Public where Planning Inspectors have shown preference to the development of SPD’s in advance to inform policy for the new local plan. The SPD is compliant with GEP9 a saved policy of the 2006 Local Plan.</p> <p>The SPD does allow for negotiation in planning contributions should viability</p>



		<p>returns to a willing land owner and willing developer to enable the development to be deliverable. We would therefore like to see further evidence of testing which shows that the policies can be delivered as they say they can given the current market conditions and that developers and landowners expectations in respect to profit and land value can be realistically achieved.</p> <p>Persimmon Homes currently have concerns that some areas of the document, as outlined within the preceding paragraphs, do not meet some of the objectives and principles of the NPPF. Persimmon Homes therefore request that the council give due consideration to these Representations herewith and adjust the SPD accordingly in order to avoid an undeliverable, unjustified and therefore unsound SPD. It is therefore essential that the SPD is amended to take account of the following points;</p> <ul style="list-style-type: none"> <li>• The need for all contributions to be flexible and negotiable on a site by site basis in order to take account of a development's viability and any mitigating site specific characteristics.</li> <li>• A more realistic, achievable and deliverable target for affordable housing should be set using an up to date and sound evidence base to ensure that the council requirements to not prohibit the delivery of new housing.</li> <li>• Greater flexibility towards the payment and delivery of contributions to assist with developer cashflow and the delivery of the scheme for example with regards to the tenure of affordable units or timing of payments.</li> <li>• Further clarification on what "community facilities" can include to provide greater transparency to developers.</li> <li>• The need to create and publish any criteria or formulas which are used to assess the need for contributions and then the scale of any such a provision to provide transparency and clarity to developers, landowners and interest parties earlier in the application process.</li> <li>• Full and proper testing of the contributions contained within the SPD to ensure they do not inflict undue financial burdens on developers when coupled with Local Plan Policies.</li> <li>• <input type="checkbox"/>The need to base any assessment of viability on the industry's expectation of at</li> </ul>	<p>impact upon the deliverability of a development.</p> <ul style="list-style-type: none"> <li>• Standard has been set and negotiation is an option if required.</li> <li>• The need of 27.5% for affordable housing is based on sound evidence.</li> <li>• Sentence to be added to SPD.</li> <li>• This is detailed in Section 26 of the SPD.</li> <li>• It would be up to developers to evidence should they feel a site is undeliverable. Viability information is set out in the SPD.</li> <li>• This will be done when the CIL is tested and considered. Levels of contributions have been proven to be broadly acceptable through historical achievement of planning obligations.</li> <li>• The margin of</li> </ul>
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		<p>least 20% developer profit to provide sufficient reward to award the risk to ensure the development goes ahead unless otherwise agreed with the applicant.</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> Be flexible enough to accommodate changes in the market to ensure that Land Values subject to the necessary obligations and levies continue to incentivise landowners to sell so as not to prevent the supply and delivery of new homes.</li> <li>• The need for all planning obligation thresholds to be correctly evidenced and justified.</li> <li>• <input type="checkbox"/> Await the outcome of the Standards Review before committing to policies which require specific technical design related standards to be met.</li> <li>• <input type="checkbox"/> Finally, the SPD needs to be fully assessed in terms of its compliance with both the CIL Regulations and NPPF to ensure that: the council operates within its limits; obligations are applied to development correctly in accordance with the statutory tests; developers, landowners and stakeholders understand the processes involved; and developments will not be double charged through both the CIL and Section 106 obligations.</li> </ul> <p>Therefore, until further work has been carried out to address the issues raised above and within this document, Persimmon Homes believe that the SPD should not influence the company's existing and ongoing interests within the Borough at Upper Warren, Britmag, Elwick and the South West Extension. Persimmon Homes are subsequently happy to discuss with the council any of the comments made within this representation and would request to be kept informed of all future consultations on the local plan and supplementary planning documents.</p>	<p>acceptable profit is something which is considered on a case by case basis.</p> <ul style="list-style-type: none"> <li>• There is the flexibility within the SPD to accommodate this.</li> <li>• The thresholds have been applied and market tested at this level, obligations have been successfully secured at this level.</li> <li>• Noted. HBC are confident that this is the case and the SPD is compliant.</li> </ul>
<b>PO05 – Enviroment Agency</b>	Section 24.0	We welcome the section requiring developers to contribute towards the provision of green infrastructure. This is consistent with the objectives of paragraph 109 of the National Planning Policy Framework, which state that 'the planning system should contribute to and enhance the natural and local environment'.	Noted
	General Comments	<p><b>Drainage and Flood Prevention</b></p> <p>It is recommended that the Council includes a section in relation to flood prevention and drainage, requiring developers to enter into a planning obligation where a Sustainable Drainage System (SuDS) is required off site or where a financial contribution is required</p>	SuDS schemes would be discussed as part of the application process and addressed through a Section

		<p>to deliver SuDS or flood alleviation schemes.</p> <p>References should also be made to providing compensatory storage for water during flood events, improving flood defences and providing mitigation works such as restoration and maintenance.</p> <p>Where appropriate, contributions should also be made towards a fund to an external provider to ensure the maintenance of SuDS systems is carried out and/or where the systems are due to be adopted.</p>	<p>106 where an offsite requirement exists on land not owned by the developer.</p> <p>Agree to add a section within the green infrastructure element to cover SuDS.</p>
<b>PO06 – Onsite</b>	Section 2	<p>Section 2 sets out the purpose of the SPD which is to “set out comprehensively the local authority’s approach, policies and procedures in respect of Planning Obligations”. The NPPF states in paragraph 153 that “supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burden on development”. The Government’s objectives through the NPPF are sustainable development and growth. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 14 stresses the need for Local Plans to meet objectively assessed needs of an area. The core planning principles are set out in paragraph 17. This states that planning should be a positive tool, proactive and meet identified needs. Plans should take account of market signals and allocate sufficient land to accommodate development in their area. The focus through the NPPF is to build a strong, competitive economy and to deliver a wide choice of high quality homes.</p> <p>The Government’s aim through the NPPF is to “boost significantly the supply of housing”. Local authorities should use a robust evidence base to meet “the full, objectively assessed needs for market and affordable housing”. In doing so they must identify a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirement with an additional buffer of 5% to ensure choice and competition in the market for land. In identifying and allocating housing local authorities should “plan for a mix of housing based on demographic trends, market trends and the needs of different groups in the community” including older people (paragraph 50).</p> <p>The NPPF indicates that Local Plans should concentrate on a strategy for delivery and that it is not a document which seeks to reformulate national policies and other guidance for development control purposes. In addition, the ethos relating to Local Plans is to include clear policies that set out the opportunities for development and clear policies on what will and will not be permitted.</p>	Noted.

	General comment	<p>OnSite <b>object</b> to the lack of reference to viability throughout the SPD which is considered to be inflexible as it indicates that “affordable housing will be required on all planning applications”. Whilst it makes reference to viability in paragraph 2.2, reference to viability testing is not included in relation to specific obligations contained within the document and as such could have a detrimental impact upon the viability of schemes which will then affect delivery.</p> <p>The content of the Planning Obligations Supplementary Planning Document need to ensure that full account is taken of the need for viability and deliverability. OnSite considers that the key issue facing the area is deliverability of development schemes taking into account their viability. OnSite therefore consider that (where relevant) reference to viability should be taken into account in each element of the Guidance in relation to ALL proposed obligations to ensure that developments do not become undeliverable due to a lack of flexibility within the SPD. Consequently, OnSite consider changes should be made to make reference to the deliverability of contributions and components of the scheme which take into account the viability of each scheme. This is supported by paragraph 173 of the NPPF:</p> <p><i>“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”</i></p> <p>The SPD as currently drafted offers no flexibility and states “the development will” deliver with regards to the various obligation(s). There is no reference to viability in any of the Tables which convey the level of contribution payable. OnSite consider that this is approach is inflexible, unclear as it is referred to elsewhere in the SPD and allows no basis for negotiations for development on a site by site basis to consider matters such as abnormal costs that could affect the amount of affordable housing a scheme can viably provide for example. As such, OnSite <b>object</b> to the SPD and consider that it is not clear or consistent and is therefore considered to be ineffective in its present form, nor justified or consistent with national policy and is therefore unsound.</p>	<p>Viability is mentioned comprehensively in section 16.0 of the SPD. Accepted that this section could be strengthened and will be address in the development of the SPD to set out a clear process which considers viability.</p> <p>Viability is also referred to at 2.2, 4.6, 4.8, 4.9, 15.1, 21.8, 21.11, 23.15, 24.17, 25.18, 26.8, 26.16 and 26.18.</p> <p>Agree to add reference to viability into the table, however disagree that the SPD is inflexible and it mentions viability throughout the document.</p>
PO07 – Rural Plan		<p>States ‘affordable housing will be required on all planning applications for residential development that consist of a gross addition of 15 dwellings or more’ In the rural area a gross addition of 15 dwellings or more would be relatively rare and large addition to the small villages. In order that the need for affordable housing in the rural area is more likely to be addressed the Parish Council would suggest a lower figure of 5 dwellings be used in the rural area. In order to better ensure the need for affordable housing provision in rural communities the Rural Plan is proposing such be required in all applications or proposals for residential development that consist of a gross addition of 5 or more dwellings (or 0.4</p>	<p>Noted. SPD to be updated to reference Neighbourhood Planning, as this develops and starts to hold weight to SPD will implement a reduced threshold in line with the Neighbourhood Plan. Thresholds to be</p>

		<p>hectares). Currently the Rural Plan is also proposing a minimum affordable housing target of 10% to be required on all sites.</p> <p>A community's need for an appropriate balance and mix of housing, including the provision of affordable housing, is recognised at national level as a material consideration in determining planning applications for housing development. Government policy seeks to create sustainable communities that offer a wide range of housing types and tenures and are socially inclusive. This must surely also seek to include rural communities. The Tees Valley Strategic Housing Market Assessment 2012 showed that the Hartlepool Rural Area has a good mix of housing sizes, types and tenures. The neighbourhood plan seeks to continue to ensure that this balanced housing stock is maintained so that there is a good choice of housing available that meets the needs of people at all stages of their lives from those setting up home for the first time, to growing families and those seeking homes to meet their needs in older age. It is recognised that there is a need to attract young and growing families to the villages to help support schools and community organisations. Also with improving longevity, housing that meets the needs of older people will be increasingly important so that they can maintain their independence. Consequently, a good range of housing that meets local needs is vital.</p>	lowered in line with the new National Planning Practice Guidance on Planning Obligations published 28/11/2014.
<b>PO08 – Sainsbury's</b>	General comments	<p><b>Development required to provide planning obligations</b></p> <p>Retail developments may trigger S106 obligations relating to training and employment, highways infrastructure and green infrastructure. However, it is not considered that Sainsbury's developments would normally require an open space or outdoor recreation and play facilities planning obligation due to the nature of the development and impacts arising. This type of planning obligation would not meet the tests set out in the NPPF. Paragraph 204 of the Framework states 'Planning obligations should only be sought where they meet all of the following tests;</p> <ol style="list-style-type: none"> <li>1) Necessary to make the development acceptable in planning terms;</li> <li>2) Directly related to the development; and</li> <li>3) Fairly and reasonably related in scale and kind to the development.'</li> </ol> <p>Therefore, the requirement for open space, outdoor sport or recreation and play facilities planning obligation should be omitted for Class <b>A1</b> developments.</p>	Disagree, open space surrounding A1 developments is essential for the high quality landscaping. Provision of these facilities can complement A1 developments. It may be for examples that a local centre with a number of units were developed – it would not be unreasonable to seek a small children's play areas as part of the scheme.
<b>PO09 – North Tees and Hartlepool NHS</b>	General comments	<p>The view of the Trust is that the guidance is welcomed as it provides a framework and clarity in understanding the local authority's approach towards securing planning obligations associated with proposed developments within the Borough. The broad principles of the document are supported.</p> <p>With respect to the specific thresholds and values of the contributions indicated in the</p>	Noted. Viability is mentioned on a number of occasions in the SPD. Accepted that this section could be strengthened and will be

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		<p>document they do appear to be significant and may well result in an increased submission of viability assessments. This has the potential to incur additional planning costs, slowing down the approval process and introducing uncertainty. The document implies these developer contribution thresholds will only increase as the economy improves and would not reduce should viability assessments evidence that schemes are otherwise unviable. The document also suggests that new developments often put pressure on already over-stretched infrastructure and that developers will compensate for the impact of their proposals and that there will be a direct correlation between developer contributions and the proposed development. It is unclear that should such infrastructure pressures related to the proposed scheme not exist would the contributions be reduced accordingly and not 'pooled' to contribute to unrelated infrastructure improvement.</p>	<p>address in the development of the SPD to set out a clear process which considers viability.</p> <p>Justification for any contribution is required and planning obligations are only applied if an application creates or adds to a provision requirement.</p> <p>HBC will always seek to determine applications within the timescales whether a viability assessment is needed or not.</p>
<b>PO10 – Cleveland police</b>	General comments	<p>Further to our conservation although I understand there is to be a separate document with regard designing out crime in relation to residential developments. Designing out crime and promoting community safety should be considered in all planning applications where there is any likelihood of an impact on crime and disorder.</p> <p>I can see no reference in the document to any guidance for developers or planners to ensure that all developments where appropriate incorporate the principles of designing out crime and no explanation how crime prevention measures can be incorporated into a development from the start of the planning process and the benefits of doing so</p>	<p>Noted. This should be something which is incorporated as part of the design of the scheme rather than requiring a legal agreement to secure it.</p>
<b>PO11 – Highways agency</b>	General comments	<p>The Agency is generally supportive of securing developer contributions through the use of planning obligations and as such is generally supportive of the SPD. It is understood that the SPD expands on established national and regional planning policies and also policies contained within the adopted Hartlepool Local Plan 2006, but as stated within Paragraph 4.6 of the SPD, the requirements set out have been recently tested at examination for the Hartlepool Local Plan 2012 which was found sound subject to modifications (not relating to obligation requirements) but then subsequently withdrawn. The SPD therefore considers that the requirements made have been robustly tested and examined and are flexible in viability terms. During the consultation process for the Local Plan 2012, the Agency had previously raised no concerns with the approach and that it was generally supportive of securing developer contributions through the use of planning obligations. This remains the case. Paragraph 8.1 of the SPD identifies the thresholds for seeking planning contributions,</p>	<p>Noted and support welcomed.</p>

		<p>which are set out within Table 1 of the document. The Agency has no particular concerns with the thresholds proposed or the intention to judge each planning application on its own merits to allow for obligations to be sought for some developments below the threshold level if the local authority considers is justified by the consequential impact of the development. Similarly, the Agency welcomes the provisions of Paragraph 8.2 which goes on to state that when determining contributions, the local authority will look at the cumulative impact of a number of adjoining small developments and where necessary will require a masterplan to be developed for an area to prevent the sub-division of a site to avoid the threshold for contributions. Paragraph 10.1 sets out the requirements and intentions for the pooling of contributions, which is also supported by the Agency, particularly where contributions are required for significant infrastructure improvements or where the impacts of development requiring an infrastructure improvement are cumulative.</p>	
	Section 25.0	<p>Of specific interest to the Agency is Section 25.0 of the SPD, Highway Infrastructure. Paragraph 25.11 details the LIP that was developed to support the production of the withdrawn Local Plan. As stated, the Agency was thoroughly involved in its preparation to ensure the issues relating to key areas of the SRN were understood in order to help focus future investment required to support the Plan's development aspirations. The Agency welcomes the intention to refresh the LIP as the intentions for the new Local Plan are developed.</p> <p>The Agency welcomes the recognition in Paragraph 25.12 that it is likely that the continued or increase in car ownership alongside new development will increase the number of trips and therefore the potential for detrimental impacts on the road network, that will require mitigation through works or contributions to such works. The Agency therefore welcomes the Councils intention, as referred to in Paragraph 25.13, to looking at the impact that developments within the Local Plan will have on the road network in collaboration with the Highways Agency. This should help to ensure that developments that are ultimately proposed in the Plan will not adversely impact on the safe and efficient operation of the SRN.</p> <p>The Agency is supportive of Paragraph 25.17 and its intention to include Travel Plans within Planning Obligation Agreements where there is a particular concern with the targets set within the Plan and whether they will be met, or where they are so important to the decision to grant planning permission that they must be adhered to. The Agency is also supportive of the development thresholds requiring a Travel Plan as identified in Table 6. This along with suitably worded planning policy in the forthcoming Local Plan should help to contribute towards ensuring that the impact from proposed development on the SRN can be minimised. The Agency also welcomes the requirement placed on developers to submit annual reports on whether or to what extent the Travel Plan targets have been met, which should help to ensure that Travel Plans are successful implemented.</p>	Noted and support welcomed.

<b>PO12 – English Heritage</b>	General	<p>English Heritage recognises the importance of planning obligations as a source of funding to deliver the infrastructure required to underpin the sustainable development of Hartlepool. Planning obligations and other funding streams can be used to implement the strategy and policies, within your emerging Local Plan, aimed at achieving the conservation and enhancement of the historic environment, heritage assets and their settings, in accordance with paragraphs 6, 126 and 157 of the National Planning Policy Framework (NPPF). In my view such assets are a legitimate recipient of receipts where they may otherwise be impacted upon by a development.</p> <p>In terms of what can be funded and is needed to support the development of the area, I would suggest you include the following:</p> <ul style="list-style-type: none"> <li>• ‘In kind’ payments, including land transfers: this could include the transfer of an ‘at risk’ building;</li> <li>• Repairs and improvements to, and the maintenance of, heritage assets where they are an infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities, transport infrastructure such as historic bridges, and green and social infrastructure such as parks and gardens.</li> <li>• Opportunities for funding improvements to, and the mitigation of adverse impacts on, the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets.</li> <li>• Schemes requiring contributions in the form of training and employment opportunities in order to build capacity in terms of traditional crafts and skills which are in short supply in the North East region generally.</li> </ul> <p>English Heritage is concerned that, in pursuit of planning obligations for development which affects heritage assets or their settings, harm may be caused to their historic significance. For example, there could be circumstances where the viability of a scheme (otherwise designed to respect the setting of a heritage asset in terms of its quantum of development) could be threatened by greater demands for receipts. Equally, there could be issues for schemes which are designed to secure the long term viability of the historic environment (either through re-using a heritage asset or through enabling development).</p>	<p>Noted. Include a section on Heritage Assets in the SPD reflecting these comments.</p> <p>This will be included as part</p>



		<p>Paragraph 126 of the NPPF requires the local planning authority to set out, in its Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In relation to planning obligations, this means ensuring that the conservation of the Borough's heritage assets is taken into account when considering whether, or at what level, to use planning obligations so as to safeguard and encourage appropriate and viable uses for the historic environment.</p> <p>I would therefore encourage the local authority to provide, within the SPD and the Schedule of Obligation Types and Thresholds, the right to offer relief in exceptional circumstances where development which affects heritage assets and their settings may otherwise become unviable.</p>	of the emerging Local Plan.
	SA General	<p>Crucial is the need to ensure the careful <i>integration</i> of social and environmental objectives with economic ones. The NPPF places a presumption on development being sustainable. Consisting of three dimensions, one is the need for development to contribute to protecting and enhancing our natural, built and historic environment – improving biodiversity, using resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Sustainable development requires economic, social, and environmental objectives to be jointly and simultaneously sought because they are regarded as mutually dependent. It follows that development which does not do this will not be sustainable and might reasonably be resisted. (NPPF paragraphs 7, 8 and 9.)</p>	Noted
	SA Section 4	<p>Section 4 of the document deals with baseline conditions and key sustainability issues in Hartlepool. Whilst it contains a brief outline of the numbers of some heritage asset types in the Borough, it remains silent with regard to the issues which accompany those headline figures. I would suggest that issues for the SPD to address should include the extent to which:</p> <ul style="list-style-type: none"> <li>• sufficient is known of the heritage interest of a building, site or area to be able to safeguard it appropriately or make best use of the opportunities it might otherwise present</li> <li>• there is an under-appreciation of the various ways in which the historic environment and its heritage assets can assist with achieving other social and economic objectives</li> <li>• there is access to the historic environment, both physically and intellectually, and an ability for everyone to enjoy it</li> <li>• heritage assets (designated or otherwise) are adjudged to be at risk or</li> </ul>	Noted. Historically through the consideration of planning obligations as part of planning applications there have been examples where contributions have not been requested as this would impact upon the viability of the scheme where the preservation and enhancement of heritage assets has been the incorporated into the development. Section 16 will be strengthened to include this.

		<p>vulnerable to deterioration. The NPPF encourages Local Plans to include a positive strategy for the removal of heritage from risk</p> <ul style="list-style-type: none"> <li>• brownfield sites are overlooked in favour of development on previously undeveloped land which may possess archaeological potential. The government is again pressing for better use to be made of previously developed land.</li> <li>• planning decisions are taken which fail to safeguard heritage assets in a manner appropriate to their significance in order to allow development the need for which could be met in more acceptable ways, and perhaps in other locations</li> </ul> <p>These sustainability issues effectively form the basis of measures by which to judge the achievement of sustainability objectives and the success of the SPD and, ultimately, the delivery of Development Plan policy.</p>	
	SA Section 5	Section 5 deals with other strategies, plans and programmes which have a bearing on the SPD. One omission at an international level is the European Landscape Convention. At a national level I would advise that the Practice Guide accompanying the now superseded PPS5: <i>Planning for the Historic Environment</i> is still extant as tertiary guidance material.	Noted. Will update SPD to reflect.
	SA Section 6	Section 6 assesses the sustainability of the SPD. Table 1 sets out the Sustainability Objectives and assessment criteria. English Heritage welcomes reference to the historic environment in SA Objective 7, but observes an inherent problem within it. Because the objective concerns both the built and 'natural' environment, it is not possible to readily discern the separate and distinct effects specifically on the historic environment. Such effects, if any, remain invisible. Furthermore, there may be circumstances in which effects upon SA Objective 7 could be contradictory as regards the built and natural environment. To this extent the SA is flawed and does not satisfy the Strategic Environmental Assessment Directive (EC/2001/42), which requires an assessment of the likely significant effects of the SPD on, amongst other things, cultural heritage, including architectural and archaeological heritage and for this reason I would urge separation.	Noted
	SA Assessment Criteria	<p>In terms of Assessment Criteria, I would additionally suggest that the success or otherwise of the SPD be measured against the extent to which the sustainability issues above are addressed.</p> <p>Table 2 looks at the compatibility of the Sustainability Objectives, and it is here where we perhaps see the difficulty of conflating natural and historic environmental matters into a single objective. We are shown that the relationship between SA Objective 7, and Objectives 6 and 11 is neutral, and that between SA Objectives 7 and 1 the relationship is</p>	Noted

		<p>negative.</p> <p>However, the quality of the built and historic environment is crucial to the economic wellbeing of the Borough. It is especially important to the tourism sector. Indeed, the NPPF makes clear that economic development which does not jointly and simultaneously seek to additionally achieve social and environmental objectives will not be sustainable and might therefore expect to be resisted.</p> <p>Repair and maintenance is an essential part of the conservation of the historic environment, and is an important part of the construction industry. All repair and maintenance accounted for about a third (£34.8 billion) of construction output in Britain in 2010. A meaningful proportion of this output will have been on pre-1919 buildings which make up a fifth of all dwellings in England.</p> <p>Approximately a fifth of visitors to areas which had received investment in the historic environment, in a survey of 1000, stated that they spent more in that area after investment in the historic environment than they did before. A quarter of those surveyed stated that such investment had led to an increase in business revenue.</p> <p>It is also acknowledged that heritage allows the UK to benefit from the expanding international tourism market, growing from 25 million in 1950 to over 940 million today. It is estimated that, in 2010, UK heritage tourism directly accounted for £4.3 billion of GDP and created jobs for 113,000 people – larger than the UK film industry and only somewhat smaller than the motor vehicle manufacturing industry (£5.5 billion).</p> <p>With regard to Transport, managing the movement of people and goods is critical to achieving a successful and thriving town. Minimising the need to travel, and reducing the distances covered, however, is as fundamental to business economies as it is to enhancing quality of life for many who endure time-consuming commutes or have to live and work in, or visit, places made unpleasant and unappealing by avoidable levels of motorised transport. The townscape quality of our historic towns and villages can be generally improved by careful traffic management.</p> <p>With regard to promoting strong and inclusive communities and developing skills levels, many community facilities are to be found in historic buildings and public spaces. Many constitute a point of stability and comfort in an increasingly changing world and are cherished all the more for it. It should be acknowledged that community wellbeing often resides in these local assets, many of which are local authority owned. Careful asset management planning is important in this regard.</p>	
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		<p>It is clear that a number of people in the Borough feel detached from the ability to influence decisions which affect their daily lives. Engagement with local heritage – saving assets from closure and possible demolition, for example – can be an invaluable way of galvanising local communities, providing residents with a sense of shared ownership, and empowering those who feel alienated by the planning process.</p> <p>With regard to education and skills, there is an under-acknowledgement of the extent to which the historic environment could assist with raising educational standards and help create home-grown employment opportunities for those who find other avenues unappealing or unattainable.</p>	
	SA Section 6.4	<p>Section 6.4 involves appraising the effect of the objectives of the SPD on the SA Objectives. Increased opportunities for training and employment, whilst perhaps increasing the need to travel, could be offset by improvements to public transport and promoting non-motorised movement. If training and employment helps with enhancing the condition of the historic environment and the heritage assets of the Borough the effects on SA Objective 7 could be positive, or at least neutral. Receipts spent on community facilities which are of heritage value would be a positive effect.</p>	Noted

**No:** 1  
**Number:** H/2015/0147  
**Applicant:** Mr Jeremy Fitt Church House St John's Terrace NORTH  
SHIELDS NE29 6HS  
**Agent:** Jacobs Mr Michael Locke 1 City Walk LEEDS LS11  
9DX  
**Date valid:** 11/05/2015  
**Development:** Proposed siting of a temporary school for a period of up  
two years, consisting of a single storey classroom block  
and a single storey administration building, associated  
soft play and tarmac play areas, access and car parking  
areas, and 1.8m high boundary fence and gates  
**Location:** Land at Wynyard Woods Wynyard Billingham

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## 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/RELEVANT PLANNING HISTORY

1.2 The following applications are relevant to the site.

1.3 **H/2014/0176-** An application seeking outline planning permission for the erection of 134 dwellings on agricultural land lying to the north west of Wynyard Village (approximately 31 ha) was recommended for approval by Members in September 2014, subject to the completion of a section 106 (s106) legal agreement which included securing an affordable housing contribution, a contribution towards secondary education, off site highway mitigation, a commitment to public transport provision and travel planning.

1.4 The current planning application for the erection of a temporary school proposes to position the school on a rectangular shaped parcel of land (circa 1,509m<sup>2</sup>) that falls within the red line boundary of application H/2014/0176 – the parcel of land in question is indicatively shown on the proposed residential scheme as a landscape buffer between the proposed development and the existing residential properties along Black Wood, Wynyard.

1.5 **Stockton on Tees Borough Council reference 13/0342/EIS** - Outline application for the construction of up to 500 houses, Primary School (inc Sport Facilities) and nursery, Retail Units (up to 500 sqm), Doctors Surgery, Community Facilities, access and associated landscaping, footpaths and open space (all matters reserved).

1.6 This development scheme for a site incorporating the plantations was considered by Stockton's Planning Committee in 2014 that were minded to approve the

application subject to the completion of a section 106 agreement. Officers at Stockton Borough Council have advised the case officer that they are actively pursuing the signing of the s106.

1.7 This approval included the erection of a permanent primary school (Church of England school). The applicant has advised that the current application for a temporary school (for up to 2 years from September 2015) *“is envisaged to be open for 12-18 months, while the design and construction of the permanent school is undertaken”*.

## PROPOSAL

1.8 This application seeks planning permission for the proposed siting of a temporary primary school for a period of up to two years on land at Wynyard Woods. The scheme would primarily consist of the siting of a single storey classroom block and single storey administration block. The proposed classroom would measure approximately 18.4m in length x 8.6m x 3.3m in height with a flat roof design. The building would facilitate 2 classrooms with associated cloakrooms, wc, and stores. The building would feature windows and doors in the front and rear elevations and windows in both side elevations. The building would be served by an approximately 2.8m high canopy on the rear elevation.

1.9 The proposed administration block would measure approximately 7.1m in length x 8.6m x 3.3m in height with a flat roof design. This block would facilitate a head teacher's office, wc, admin office and staff room and would feature windows and doors in the front, side and rear elevations. Both units would be constructed from a plastic coated steel frame and would be served by access ramps and a set of steps. The main classroom block would feature 2 sets of access steps on the rear elevation.

1.10 The site would be accessed through a new vehicular access off Wynyard Woods which would serve a car park for 8 spaces (including 2 disabled spaces). A separate pedestrian/pupil access would also be created along the eastern boundary, served by the existing footpath along Wynyard Woods. The site also includes a tarmac play area and a soft play area towards the rear/west of the site. A proposed waste storage area would be sited towards the front (no further details of this have been submitted). The site would be enclosed by an approximately 1.8m high chain link fence with associated vehicular access and pedestrian gates along the front elevation.

1.11 Within the submitted Design and Access Statement, the applicant (Education Funding Agency on behalf of the Wynyard Church of England primary school) has indicated that the anticipated pupil numbers is approximately 30 but could rise to 60. The submitted information also indicates that the school is *“envisaged to open for 12-18 months while the design and construction of the permanent school is undertaken”*. The school has received applications for pupils to start in September 2015.

1.12 The application has been referred to Planning Committee as 3 or more objections have been received.

## SITE CONTEXT

1.13 The application site relates to a parcel of land to the west of Wynyard Woods, Wynyard, Hartlepool. The land currently consists of scrub land (towards the frontage of the site) and cultivated agricultural land further west. The proposed site is rectangular in shape and measures approximately 1,509m<sup>2</sup> in area. The land features a slope across the site with the land sloping from west to east with the majority of the site on an even level. The land lies immediately to the north of the adjacent boundary to No 2 Black Wood (south west). A number of other properties along Black Wood are present along the western boundary (no's 4-14, evens). To the north east is a construction compound with properties in Manor Fields beyond. Beyond the highway of Wynyard Woods to the east is an open parcel of land with the residential properties of Cawthorne Place and Swainston Close beyond. The highway of Wynyard Woods loops through Wynyard Village and existing housing areas.

## PUBLICITY

1.14 The application has been advertised by way of neighbour letters (49) and site notices (x3). To date, there have been 4 objections from neighbouring properties and a further objection from Grindon Parish Council.

1.15 The objections/concerns raised can be summarised as follows:

- Visual impact/out of keeping with surrounding residential area
- Impact on residential amenity as a result of close proximity to residential properties with associated noise disturbance
- Over development of the site taking into account future housing in area
- Impact of noise, dust, smells from car parking and waste facilities
- Proposed fencing would be an 'eyesore'/have a visual impact and be out of keeping with existing fencing and the open plan nature of area. The area is controlled by covenants on fencing
- Concerns whether existing infrastructure can accommodate school and housing including an increase in traffic
- Car park entrance would compromise pedestrian safety with limited visibility
- No turning facilities within site for vehicles resulting in further highway issues, particularly in Black Wood
- May set a precedent for similar schools in area
- If the application is approved, it should be conditioned to remove structures at end of period.
- Provision should have been made to accommodate temporary school on permanent school site
- There are adequate school facilities close by and the proposal is therefore unnecessary
- Surface water run off/drainage issues
- Disturbance from construction works and vehicles
- Property devaluation
- Already number of temporary buildings in vicinity

## Copy Letters A

1.16 The period for publicity has expired.

## CONSULTATIONS

1.17 The following consultation replies have been received:

### **Public Protection Manager**

I would have no objections to this application subject to the following conditions;

That the layout of the site is as shown on the submitted plan.

That the permission is strictly limited to the 2 years applied for and that the site is then restored to its current condition.

That an acoustic barrier (wall or acoustic fence) is provided along the boundary between the school and 2 Black Wood. The details of this barrier to be agreed in writing with the LPA prior to the development going ahead and the barrier maintained for the life of the development.

### **Traffic and Transportation**

I believe that the number of children attending the school will be around about 30. Although I believe that a high percentage of the children will be driven to school, I would expect that the existing carriageway would be able to accommodate the parking demand without the need to introduce separate parking facilities.

Will the number of children attending the school be capped for the duration of the temporary provision, obviously the higher the number of children attending the potential traffic issues outside the school will increase?

The proposed car park is adequate for the number of staff proposed.

Provision for the parking of a minimum 6 cycles should be provided.

Appropriate signing and lining should be provided on Wynyard Woods in the vicinity of the school, this would include the provision of school warning signs and Zig Zag markings in front of the school gates, a section of pedestrian guard railing should be provided outside the main school gates to prevent children running into the road. A scheme should be submitted to HBC highways for approval and implemented prior to the school starting.

*Further comments;* If the number of children could be conditioned to 60 that would be useful to help prevent the school escalating in size without proper measures being put in place.



### **Environmental Engineering**

(Summarised) - On receipt of NWL's confirmation that they have no objections to the proposal or the indicated surface water connection, the Principal Engineer confirmed no objections to the scheme.

### **Northumbrian Water Limited**

Further to our telephone conversation we would be happy to accept the proposed drainage scheme.

We would not require the applicant to undertake any pre development drainage enquiries with ourselves due to the small scale of the development in terms of additional flows into the system

### **School Place Planning, Admissions & Capital Manager**

(Summarised) No objections are raised to the temporary school siting on Hartlepool Land. Stockton Borough Council's Education department will be responsible for the school.

### **HBC Ecologist**

There are no significant ecological issues associated with this proposal.

### **Tees Archaeology**

There are no known archaeological sites within the development area with very little known in the immediate vicinity. I therefore have no objection to the proposal and have no further comments to make.

### **Countryside and Access Officer**

No comments

### **Ramblers Association**

No rights of way are affected.

### **Hartlepool Water**

(Summarised)

- we do not anticipate any diversion work
- Hartlepool Water has sufficient capacity in the local network to supply the proposed development
- No objection to this development

### **Cleveland Police Architectural Liaison Officer**

No comments received

### **Elwick Parish Council**

The Parish Council has no objections to the scheme.

### **Stockton on Tees Borough Council**

Further to the consultation on the above planning application, the temporary school development should be sustainable and any potential negative impacts fully mitigated in line with the NPPF.

There are no Highways objections to the proposed development and no Landscape and Visual objections to the proposed development.

Officers at Stockton-on-Tees Borough Council welcome the continued joint working with officers at Hartlepool Borough Council regarding the delivery of sustainable development at Wynyard Park.

### **Grindon Parish Council**

There are concerns in relation to

- 1) The increased traffic in this area - there is a two form entry proposed - 60 children and in the first year of (September 2015) and it is anticipated that there will be children in two years of entry, therefore, 120 children. There would be the associated staffing teaching, support and admin transport needs
- 2) The means of access to the school - There would need therefore to be access / egress for potentially 130 cars.
- 3) The visual impact that this temporary site, with demountable structures, surrounded by a 1.8 metre fence, will have on the area and residents. There would need to be access/egress at that time for lorries/vans for catering and for the removal of sewerage. One assumes there will be temporary toilets for both children and staff. These will need emptying and clean units taken in. Another potential eye saw for local residents.
- 4) The length of time residents will have to live with the above
- 5) The noise from the school as well as the construction of the school and additional housing development within the area
- 6) Whether the current infrastructure can accommodate the additional traffic and parking
- 7) That approval of this form of temporary building may set a precedent for future construction within other areas of Wynyard.
- 8) That the site will be over developed taking into consideration future housing construction in this area.
- 9) In addition there is also, nearby to the, site a number of demountable buildings associated with the local house builders.

The above concerns link into the following reasons.

The School Construction traffic will require access via the housing estate.

The site will consist of a number of demountable classrooms and offices.

Provision will be required, in some way, to provide catering for children and staff.

There will be on-going deliveries to and from the school.

There will also be on-going maintenance of the site.

Some children will be taken to school by car, or other means.

Staff will arrive at the school by car.

Other development within the area

House building will also be taking place at the same time as this proposed construction.

Impact of residents within the area

The imposing construction of a 1.8 metre fence which will be in situ for a long period of time.

The increased traffic during construction and once the school is open.

Lack of parking which will impact on residents properties.

Should the Council be minded to grant this application we ask that a condition be imposed that the buildings must be removed at the expiry of the requested period without the possibility of an extension being granted

## **PLANNING POLICY**

1.18 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

1.19 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  
 GEP3: Crime Prevention by Planning and Design  
 RUR1: Urban Fence  
 RUR2: Wynyard Limits to Development  
 TRA16: Car parking standards

### National Policy

1.20 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.

Paragraph 14 presumption in favour of sustainable development  
 Paragraph 17 12 planning principles  
 Paragraph 19 support sustainable economic growth  
 Paragraph 56 Good design  
 Paragraph 57 high quality and inclusive design for all development  
 Paragraph 61 the connections between people and places and the integration of new development  
 Paragraph 72 Importance of ensuring a sufficient choice of school places

Paragraph 123 Noise pollution

Paragraph 196 determination in accordance with the development plan

Paragraph 197 presumption in favour of sustainable development

## PLANNING CONSIDERATIONS

1.21 The main planning considerations with respect to this application relate to the principle of development and the conformity to local and national planning policies; the impact on the character and appearance of the surrounding area; the impact on the amenity and privacy of neighbouring land users and highway safety matters. These and any residual matters are considered below;

### Principle of development

1.22 The application site lies within very close proximity of, but outside of the defined limits to development as defined by saved Local Plan Policy Rur1. This policy seeks to control the spread of urban development and to protect the open countryside.

1.23 Notwithstanding this, consideration is given to the above referenced planning application for the erection of 134 dwellings (recommended for approval subject to the signing of a s106 Agreement), of which the current school proposal would fall within the site boundary for this application; the land in question is indicatively shown as a landscape buffer on the submitted plans. The siting of the residential proposal is reflected in the wording of saved Local Plan Policy Rur2 (Wynyard limits to development) which relates to *“a new housing area set in the countryside which extends across the boundary between the Boroughs of Hartlepool and Stockton on Tees”*.

1.24 Consideration is also given to the temporary nature of the proposal (for a period of up to 2 years), with a view to the school commencing development on the permanent school site within Stockton Borough Council’s jurisdiction to the south of the current site (the approval also being subject to the signing of a s106 of which it is understood that this is currently being progressed).

1.25 The importance of delivering schools has been emphasised within national planning policy. A Ministerial Statement (Policy Statement for Schools development, August 2011) stated that *“it is the Governments view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations... this collaborative working would help to ensure that answer to proposals for the development of state-funded schools should be, wherever possible “yes”*.

1.26 This has been re-emphasised the National Planning Policy Framework (NPPF) which states that there should be a presumption in favour of the development of state funded schools. Para 72 of the NPPF notes that *“the Government attaches **great importance** to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement,*

*and to development that will widen choice in education. They should **give great weight to the need to create, expand or alter schools***".

1.27 The provision of the proposed school, whilst only for a temporary period, would accord with the provisions of the NPPF in this respect.

1.28 Promoting sustainable development (and transport) is a key principal of the NPPF. The submitted transport statement acknowledges that there is no public transport within the village of Wynyard but that pupils are therefore likely to walk to school or be dropped off by cars.

1.29 A significant material consideration relates to the granting of planning permissions for residential development to the north of the Business Village in addition to land allocations for further residential development within proximity of the current application site. Clearly there will be a growing need to ensure that the relevant infrastructure is put in place to create/support more sustainable communities (which will in part be facilitated through the granting of planning permission for the permanent school).

1.30 Whilst accepting that the scheme is likely to encourage some car journeys, in view of the above considerations, it is considered that in this specific instance, the proposed temporary use of the site would not introduce an unacceptable form of unsustainable development as to warrant a refusal of the application.

#### Policy summary

1.31 In view of the above, it is considered that there are, in this instance, material planning considerations that would outweigh the policy of constraint (saved local Policy Rur1) and that the temporary proposal is acceptable in principle subject to the scheme satisfying other material planning considerations as set out below.

#### **Character and appearance**

1.32 The two proposed modular buildings are considered to be of a simple design and modest scale, which reflects the temporary nature of the proposed development. The proposed site is to be enclosed by an approximately 1.8m high chain link fence which is considered to be a common feature for a modern school site and whilst such enclosures would be generally out of keeping with the open, estate-style fencing within the estate, the proposed fencing is considered to be acceptable given the temporary nature of the development. The proposed scheme would be situated close to the adjacent boundary of No 2 Black Wood and would therefore feature a back drop of residential properties when approaching from the north east along Wynyard Woods. The proposal would however break up the openness that this site currently offers when read alongside the open space to the east of Wynyard Woods.

1.33 Notwithstanding this, taking the temporary nature of the site and buildings into account, it is considered that on balance, the proposed development will not result in a long term detrimental impact on the character and appearance of the surrounding area or result in an adverse loss of visual amenity.

1.34 The final external finishing materials of the buildings, colour scheme for the proposed fencing and final details of hard standing can be secured by separate planning conditions. The restricted timescale for the use of the site up to 2 years (from September 2015), and the restoration of the site to a satisfactory appearance can be secured by further planning conditions, providing the Local Planning Authority with a level of control over the development and to ensure that it does not prejudice the future implementation of the residential development of 134 dwellings on the wider parcel of land to the north of the site.

### **Amenity of neighbouring land users**

1.35 As set out above, a number of objections have been received from neighbouring properties, setting out a number of concerns including the close proximity of the proposal and resultant impacts on amenity and privacy of residential properties including noise disturbance.

1.36 The proposed site would be situated along the adjacent rear/side boundary to No 2 Black Wood (south west). The existing boundary of this property consists of a low, open estate fence that is prevalent throughout Wynyard Village. The proposal has been laid out with the main classroom building being positioned furthest away from the adjacent boundary; the proposed classroom unit would be positioned approximately 32m from this boundary (with garden areas beyond) and approximately 43m from the main dwelling of 2 Black Wood. The proposed administration building would be sited approximately 16m from the adjacent boundary (and garden areas beyond) and approximately 27m from the main dwelling of 2 Black Wood. The proposed play areas have also been positioned in the north west corner of the site with the presence of the proposed car park and access in between, which would be positioned closest to the adjacent boundary of No 2 Black Wood.

1.37 A separation distance of approximately 45m would remain between the nearest administration building and both No 1 Black Wood (south) and No's 4 and 6 Black Wood (west). A distance of approximately 65m would remain between the proposed buildings and the nearest properties to the east along Cawthorne Place (east), with the presence of a highway in between. A distance of approximately 90m would remain between the proposed buildings and the nearest properties within Swainston Close (south east). A distance of over 120m (approx.) would remain between the proposed buildings and the nearest properties to the north east within Manor Fields.

1.38 With respect to noise, Para123 of the NPPF states that "*planning policies and decisions should aim*

- *to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

1.39 The Council's Public Protection Manager has assessed the scheme and has raised no objection to the proposal taking into account the temporary nature of the development and subject to the site being laid out as per the submitted plans (with play areas positioned away from the adjacent residential boundaries) and with a requirement for the erection of a 1.8m - 2m high acoustic fence along the full length of the rear/side boundary to No 2 Black Wood to assist in minimising any significant adverse noise impact. As set out above, it is considered necessary to condition the temporary timescale for the proposal, and details of the acoustic fencing can be secured by a pre-occupation planning condition. A further planning condition can ensure that the site is laid out as per the submitted layout. The submitted Transport Statement indicates that the school would operate between the core hours of 09:00 – 15:30 but with a breakfast club (from 07:30) and an after school club (up to 18:00), Monday - Friday which is considered to be appropriate in this instance and can be secured by a further condition.

1.40 It is acknowledged that the proposed scheme is likely to result in a notable degree of noise disturbance and effect on the amenity of neighbouring land users as a result of the siting of the school and the associated means of access. However, taking the above considerations into account including the requisite mitigation measures, the above referenced separation distances, the temporary nature of the scheme and that no objections have been received from the Public Protection Manager, it is considered that on balance, the proposal would not result in an unacceptable loss of amenity (in terms of noise disturbance, overbearing, overshadowing) for existing and future occupiers of surrounding residential properties as to warrant a reason for the refusal of the application. The Public Protection Manager has raised no objections to the scheme in terms of noise and dust from car parking and waste facilities.

1.41 With respect to matters of privacy and overlooking, in view of the indicated layout of the proposed units whereby the buildings would primarily look out towards the highway to the front (east) and the agricultural land to the rear (west), the above referenced separation distances and the indicated means of enclosure (and required acoustic fence), it is considered that the proposed development would not result in a detrimental loss of privacy in terms of overlooking for surrounding properties.

### **Highway safety**

1.42 A number of objections raise concerns regarding the impact on highway and pedestrian safety as a result of the site entrance.

1.43 The Council's Traffic and Transportation team have considered the scheme and have commented that although a high percentage of the children are likely be driven to school, they consider that the existing carriageway would be able to accommodate the parking demand without the need to introduce separate parking facilities. Traffic and Transportation have also advised that the proposed car park is adequate for the number of staff provided. The scheme also includes two disabled user spaces, and access ramps thereby satisfying saved Local Plan Policy Gep2 (Access for all). Details of cycle parking can be secured by way of a planning condition.

1.44 The applicant has confirmed that the total number of children within the school at any one time will be limited to up to 60 children; the Traffic and Transportation team have confirmed that a cap on this maximum number would *"help prevent the school escalating in size without proper measures being put in place"*. The total number of children can be restricted accordingly by way of a planning condition for highway safety purposes.

1.45 The Council's Traffic and Transportation team have advised that *"appropriate signing and lining should be provided on Wynyard Woods in the vicinity of the school"* and that *"a section of pedestrian guard railing should be provided outside the main school gates to prevent children running into the road"*. The applicant has been made aware of these requirements which can be secured by condition.

1.46 In view of the above considerations and subject to the appropriate conditions and informative, it is considered that the proposed scheme will not adversely affect highway and pedestrian safety.

### **Residual Matters**

1.47 No objections have been received from technical consults in respect of ecology, archaeology and in respect to the scheme not affecting any public rights of way.

1.48 With respect to surface water drainage, Northumbrian Water Limited has raised no objections to the submitted surface water drainage scheme. The Council's Principle Engineer has also raised no objections to the proposal. The implementation of the agreed drainage scheme can be secured by a planning condition. The site is located outside of Flood Zones 2 and 3 and falls outside of the scope of requiring a Flood Risk Assessment. The scheme is therefore considered to be acceptable in respect of drainage and flooding matters.

1.49 With respect to objections stating that the proposal would set an undesirable precedent for other schools in the area, each application should be assessed on its own individual merits.

1.50 A number of objections have also raised concerns with respect to the cumulative impact of the school and the proposed residential development on the site; as set out in this report, the proposed school is for a temporary period only for up to two years and the site is not considered to be suitable for permanent retention; the siting of the proposed temporary school would fall within a key, strategic landscape buffer that would provide a break between the proposed and existing residential developments.



1.51 Property devaluation and covenants (regarding fencing) are not material planning considerations.

1.52 Objections indicate that there is already sufficient education facilities nearby, that the proposal is unnecessary and that provision should have been made to locate the temporary school on the agreed permanent school site. Whilst these comments are acknowledged, as set out above, an application seeking permission for a permanent school within Stockton's jurisdiction has been agreed (subject to the signing of a s106). As set out above, the principle of development is considered to be acceptable in this instance (given the temporary nature of the scheme).

## **CONCLUSION**

1.53 Subject to the imposition of the identified relevant planning conditions, the proposal is considered to accord with the general principles of the National Planning Policy Framework and relevant saved Local Plan policies. The proposal is not considered to have an adverse impact on the character and appearance of the surrounding area. The proposal is not considered to result in an unacceptable loss of amenity and privacy for neighbouring land users or result in an adverse loss of highway and pedestrian safety. The Council's School Place Planning, Admissions & Capital Manager has raised no objections to the scheme commenting that Stockton Borough Council will be responsible for the temporary school.

1.54 The proposal is therefore considered to be acceptable for the reasons outlined above.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.55 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

1.56 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.

1.57 There are no Section 17 implications.

## **REASON FOR DECISION**

1.58 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

- 1 The development hereby permitted shall be carried out in accordance with plan L(01)001 (General layout) - received by the Local Planning Authority on 13th April 2015; plans L(00)001 REV B (Proposed site layout), L(00)002 REV A

(Location plan), L(00)003 REV A (Detailed site layout), L(02)001 REV B (Proposed elevations), L(02)002 REV A (Proposed elevations), L(02)003 (Proposed elevations), L(90)001 (Typical fence elevation) - all plans date received by the Local Planning Authority on 27th April 2015; and plans 6APFS000/09 REV 1 (Typical vehicle gate elevation), 6APFS000/10 REV 0 (Typical vehicle gate elevation) and 6APFS000/11 REV 0 (Typical pedestrian gate elevation) - all plans date received by the Local Planning Authority on 7th May 2015 unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt.

2. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. To enable the Local Planning Authority to control details of the proposed development.
3. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels and garden areas of the adjacent properties (No's 2 and 4 Black Wood). Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area, the living conditions of nearby residents.
4. Prior to the occupation of the building(s) hereby approved, details of an acoustic fence to be erected along the adjacent boundary to No 2 Black Wood shall be submitted to and agreed in writing with the local planning authority. The scheme shall include technical details of the acoustic qualities of the fence, the finishing colour and location. The development shall be implemented in accordance with the agreed details prior to the occupation of the building(s) and shall remain in place for the lifetime of the development hereby approved. In the interests of the amenity and privacy of the occupiers of the adjacent residential properties.
5. Notwithstanding the submitted information and the indicated location of the proposed 'waste storage area', and prior to the development hereby approved being brought into use, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly. In the interests of the amenities of the occupants of neighbouring properties.
6. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the occupation of the building(s) hereby approved, details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with

the agreed details. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

7. Notwithstanding the submitted plans details of access gates and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is occupied. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity and amenity of surrounding neighbouring properties.
8. Prior to the development hereby approved being brought into use, details of secure and covered cycle parking shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the school is brought into use.  
To ensure a satisfactory and sustainable form of development.
9. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of buildings facades and external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed the lighting shall be implemented wholly in accordance with the agreed scheme.  
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
10. The scheme for surface water drainage shall be implemented in accordance with plan L(00)001 REV B (date received 27th April 2015) unless otherwise agreed in writing with the Local Planning Authority.  
To ensure a satisfactory form of development.
11. The temporary school buildings, associated structures and hard standing areas hereby approval shall be removed from the site, the use shall cease and the land restored to its former condition on or before 1st September 2017 in accordance with a scheme of work to be first submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period.  
The buildings, structures and use are not considered suitable for permanent retention on the site and to avoid any prejudice to the future implementation of the extant residential development approval for the site.
12. The development hereby approved shall operate solely in accordance with the working layout as set out on plan L(00)001 REV B (date received 27th April 2015) including the proposed external play areas, car parking and access/egress to/from the site.  
In order to adequately control the impacts of the sites' use on the amenity associated with the surrounding residential area in accordance with the requirements of saved Local Plan Policy GEP1.
13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), the development hereby approved shall be used specifically for a primary school and for no other use within the D1 Use Class and the buildings shall not be converted or sub-divided.

To allow the Local Planning Authority to retain control in safeguarding the amenity of neighbouring land users and in the interests of ensuring a sustainable form of development.

14. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the building(s) and structures hereby approved shall not be extended or altered 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.

15. Notwithstanding the submitted information, the temporary school hereby approved shall be used by no more than sixty (60) children at any one time. In the interests of highway and pedestrian safety.
16. The school and administration buildings, car park and external play areas shall not be used and no machinery associated with the use hereby approved shall be operated within the buildings or the external areas, nor shall any deliveries be taken outside the hours of 0730 - 1800 hours Monday to Friday (only). In the interests of residential amenity.
17. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays. To avoid excessive noise and disturbance to the occupants of nearby properties.
18. Prior to the school hereby approved being brought into use, a scheme of highway measures shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of appropriate signage, lining/markings on the highway and the erection of safety railings. The agreed scheme shall be implemented prior to the opening/occupation of the school. The works shall be retained for the duration of the use authorised by this permission and shall be removed and the highway restored to its former condition, to the satisfaction of the Local Planning Authority on or before 1st September 2017. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

## BACKGROUND PAPERS

1.59 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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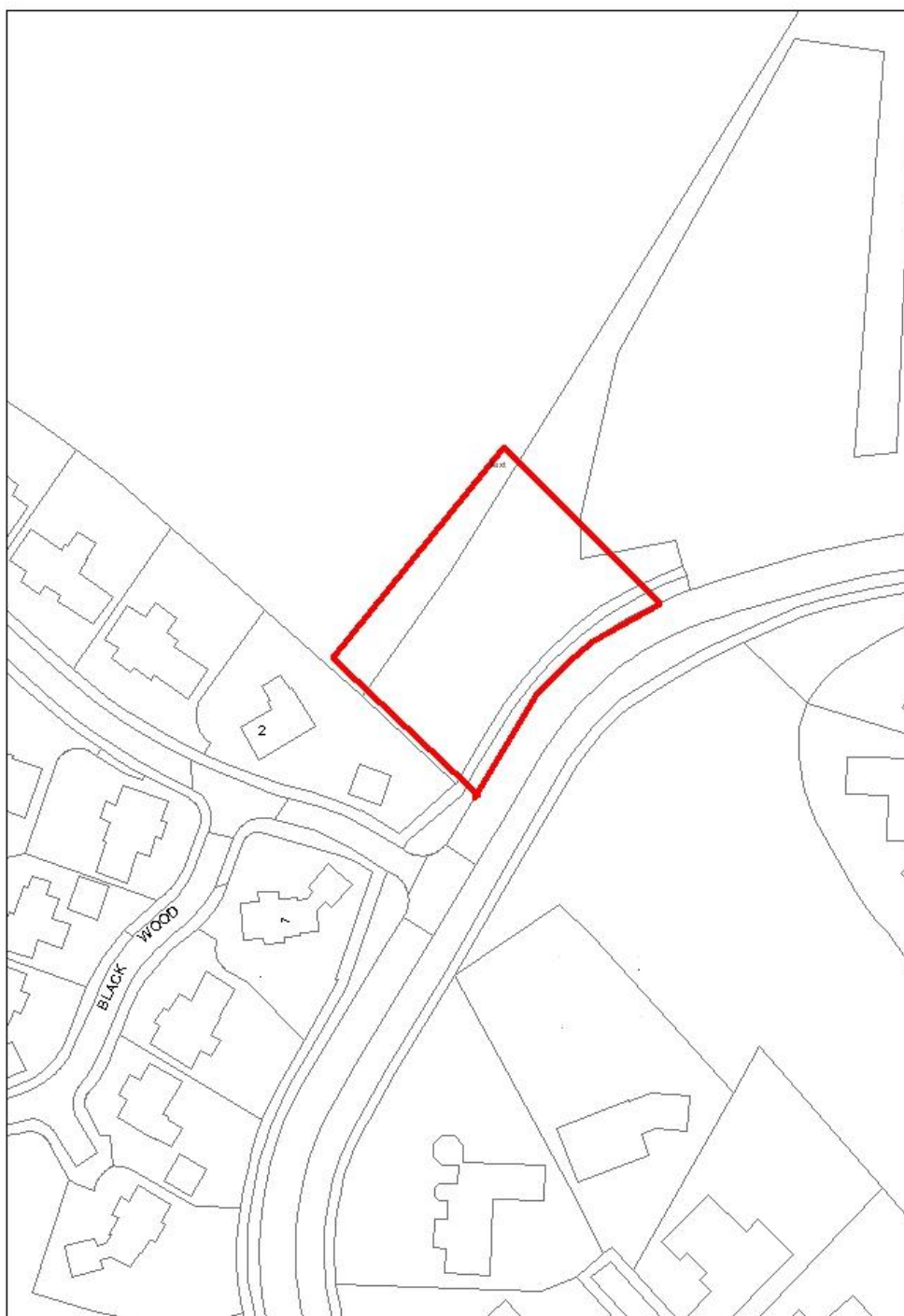
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## LAND AT WYNYARD WOODS



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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**H/2015/0147**  
**Scale: 1:1000**  
**Date : 24/06/15**

**No:** 2  
**Number:** H/2015/0153  
**Applicant:** Mr M Henson 7 Claremont Drive HARTLEPOOL TS26 9PD  
**Agent:** Mr M Henson 7 Claremont Drive HARTLEPOOL TS26 9PD  
**Date valid:** 06/05/2015  
**Development:** Erection of a two storey side and single storey rear extension  
**Location:** 7 Claremont Drive HARTLEPOOL HARTLEPOOL

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## 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 None.

## PROPOSAL

2.3 Planning permission is sought for the erection of a two storey side and single storey rear extension.

2.4 The application has been referred to planning committee due to the number of objections received.

## SITE CONTEXT

2.5 The application site comprises a semi-detached, two storey dwellinghouse in a residential street at Claremont Drive, Hartlepool. The dwellinghouse is adjoined to 5 Claremont Drive to the north. The application site is bounded to the south by 9 Claremont Drive and to the east by 14 & 16 Eldon Grove. To the west, the front of the property overlooks the front garden and the adopted highway beyond with 8 Claremont Drive directly opposite.

## PUBLICITY

2.6 The application has been advertised by way of neighbour letters (6). 4 letters of objection have been received.

2.7 The concerns raised are:

- The proposal is excessive/oversized/overdevelopment of the site.

- The proposed two storey side extension would result in a terrace effect/appearance.
- The proposal is out of keeping with the rest of the street.
- The proposal would have a negative impact on the character of the street.
- The proposed two storey side extension would result in a loss of light to the side elevation of 9 Claremont Drive.
- The proposal would restrict access to the shared drain with 9 Claremont Drive and prevent maintenance/repair.
- The proposed two storey side extension would obstruct easterly views from 8 Claremont Drive.
- The proposed single storey extension to the rear would severely limit light to the main living space of 5 Claremont Drive/result in overshadowing.
- If approved, the proposal would set a precedent for similar extension on Claremont Drive.
- The remaining driveway would not be suitable for the two vehicles normally parked on the drive.

2.8 Amended plans were submitted to the Local Planning Authority on 01/06/2015 and neighbours and consultees were subsequently reconsulted for a period of two weeks, extending the consultation period to 17/06/2015.

2.9 The original 4 objectors to the proposal have resubmitted their objections to the Local Planning Authority and added the following concerns to those listed above:

- The proposed two storey parapet wall is unsightly and appears unnecessary.
- The blank wall of the proposed two storey extension facing 9 Claremont Drive is higher than necessary and overbearing.
- The solid wall along the shared boundary will prevent free access to any vehicle parked on the driveway of 9 Claremont Drive.
- The proposal would result in feeling of enclosure for 9 Claremont Drive.
- The proposal would impact on the privacy of 9 Claremont Drive in terms of overlooking. The first floor rear bedroom window of the extension would significantly overlook the garden of 9 Claremont Drive. The Velux windows would overlook upstairs rooms and should be obscure glazed & non-opening.
- The design of the proposal is dominant and overbearing.
- The amended rear extension would still severely limit light to the main living area and garden of 5 Claremont Drive.
- The proposed roof lantern of the single storey rear extension would impact on the privacy of 5 Claremont Drive.
- The proposal would result in loss of light to the front and side of 8 Claremont Drive.

## Copy Letters **B**

2.10 The period for publicity has expired.

## **CONSULTATIONS**

2.11 The following consultation responses have been received.



HBC Traffic & Transport – There are no highway or traffic concerns

2.12 Following reconsultation with consultees, the following comments were received:

HBC Traffic & Transport – No further comments.

## **PLANNING POLICY**

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  
Hsg10: Residential Extensions

### National Policy

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.

2.15 The relevant paragraphs of the NPPF are listed below:

Paragraph 056 – Requiring Good Design  
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 impact of the proposal on visual amenity and neighbour amenity.

2.17 Adopted Hartlepool Local Plan Policy GEP1 (General Environmental Principles) sets out a number of general criteria which should be taken into account when determining planning applications. The external appearance of the development and its relationship with the surrounding area should be considered. The effect on the amenities of occupiers of adjoining or nearby properties should also be taken into account.

2.18 Policy Hsg10 (Residential Extensions) sets out more detailed criteria which residential extensions should adhere to. Proposals should also be in accordance with the guidance set out in supplementary note 4.

### Visual Amenity

2.19 The proposal comprises a two storey extension, projecting approximately 2.5 metres from the original side elevation of the dwellinghouse toward the shared boundary with 9 Claremont Drive, and a single storey extension projecting 3.95 metres beyond the original rear elevation of the dwellinghouse with a 0.3 metre roof overhang.

2.20 The proposed single storey rear extension is located in the rear garden of the property which is enclosed on all sides by an approximately 1.8 metre high closed boarded fence and is screened significantly by planting. Furthermore, the neighbouring property at 9 Claremont Drive features a detached garage immediately to the south of the proposed single storey rear extension which will significantly screen the proposal from this direction.

2.21 Whilst the proposed single storey rear extension is to feature a flat roof with roof lantern and rendered exterior walls which differs from the design of the host dwellinghouse, it is considered that given the location of the extension to the rear of the property, the significant screening afforded by the abovementioned garden enclosure and the size of this element of the proposal in relation to the main house would negate any significant impact on the visual amenity of the host dwellinghouse or surrounding area. Furthermore, a number of properties in the street feature a mixture of white render and brick to the front façade.

2.22 The proposed two storey side extension is located on what is currently an area of paved driveway extending from the front of the property, along the side and to the existing garage at the rear. This element of the proposal is significantly screened to the south by 9 Claremont Drive and to the north by the host dwellinghouse however will be readily visible from Claremont Drive to the front of the property. The rear elevation of the proposed two storey side extension sits flush with the rear elevation of the existing dwellinghouse. The two storey side extension features a hipped roof in a style similar to others found in the street.

2.23 This element of the proposal also features a parapet wall along the side of the extension extending approximately 0.85 metres above eaves height. Whilst a traditional hipped roof with overhanging guttering would have been more in keeping with the original dwellinghouse, examples of similar parapet walls can be found on the two storey side extension to 15 Claremont Drive (HFUL/1990/0154) and have been approved in the past.

2.24 The front elevation of the ground floor of the proposed two storey extension originally sat flush with the front elevation of the original dwellinghouse with the first floor of the extension set back 0.9 metres from the front of the property. Guideline 2 of Supplementary Note 4 of the Hartlepool Local Plan 2006 recommends that two storey side extensions should be set back 1 metre at first floor from the front of the property in order to prevent a 'terracing' effect should the neighbouring dwelling propose a similar extension that would result in the loss of all open space between the properties.

2.25 Whilst the original proposal was 0.1 metres short of the guideline setback, it is considered that this would not have been sufficient cause for refusal, however following objections from neighbours concerning the impact of the proposal on the streetscene and the amenity of 9 Claremont Drive, the applicant has amended the scheme so that the ground floor is also set back 0.9 metres from the front of the property in line with the first floor of the extension. Whilst the Local Planning Authority requested a further set back at first floor which has not quite been achieved, it is considered that the proposal in its current form would appear subordinate to the main dwellinghouse due to the abovementioned setback and therefore would not have a significant detrimental impact on the visual amenity of the host property.

2.26 The dwellinghouse sits within a street predominantly characterised by semi-detached dwellings. Concerns have been raised by objectors in relation to the impact of the proposal on the street scene however it is considered that the abovementioned setback would help to mitigate any potential for significant visual impacts from a 'terracing' effect.

2.27 On balance, it is considered that the proposal would not have a significant detrimental impact on the visual amenity of the host property, the street or the surrounding area.

2.28 In terms of impact on visual amenity the proposal is considered to be acceptable and in accordance with policies GEP1 and Hsg10 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

### Neighbour Amenity

2.29 The single storey extension to the rear extends 3.95 metres (4.25 metres including roof overhang) from the rear elevation of the original dwellinghouse. The side wall of the extension is set back 0.45 metres (0.15 metres including roof overhang) from the shared boundary with 9 Claremont Drive. The height of the single storey extension is approximately 2.85 metres to the top of the flat roof and

approximately 3.5 metres to the top of the roof lantern. The extension is partially screened to the north and east by the abovementioned garden fence and planting whilst to the south it is significantly screened by the detached garage of 9 Claremont Drive.

2.30 The single storey rear extension was initially proposed to be set back from the shared boundary with 5 Claremont Drive by approximately 0.15 metres. However, as the proposal is located south of this property the applicant was asked to amend the proposal to reduce the impact on the amenity of this neighbour in terms of overshadowing and overbearing of the main living space of this property. An objection was also received from this neighbour citing similar concerns. In response, the applicant has since amended the proposal so that the side wall of the single storey rear extension is set back approximately 0.75 metres from the shared boundary with 5 Claremont Drive. The applicant has however also incorporated a 0.3 metre overhang of the flat roof of the extension, matching the overhang of the main roof of the house. The edge of the flat roof of the extension is therefore set back 0.45 metres from the shared boundary with 5 Claremont Drive. It is considered that the amendments to the proposal which have increased the set back of the single storey extension from the shared boundary with 5 Claremont Drive, combined with the flat roof design of the proposal are sufficient to negate any significant impact on the amenity of this neighbour.

2.31 Furthermore, it should be considered that the applicant could construct a single storey rear extension up to 3 metres in projection from the rear wall of the property along the boundary and up to 4 metres in height under permitted development legislation. It is therefore considered that the proposal is arguably more sympathetic to the amenity of the adjoining neighbour than an extension that might be implemented without the consent of the Local Planning Authority.

2.32 The objectors from 5 Claremont Drive have also commented that the proposed roof lantern located in the flat roof of the single storey rear extension would result in a loss of privacy to their first floor bedroom window, however it is considered that the height and location of the roof lantern and the angle between this and the bedroom window would make views from one to the other difficult and it is therefore unlikely there would be any appreciable impact on the privacy of this neighbour as a result.

2.33 The proposed rear extension is considered to be at sufficient distance from the properties which bound the site to the east to negate any significant impact on the amenity of these neighbours due to overshadowing, overbearing or loss of privacy.

2.34 The proposed rear two storey side extension extends along the shared boundary with 9 Claremont Drive to the south of the site. It is considered that this element of the proposed extension by virtue of it reducing the separation distance between the side elevations of the two properties will result in a reduction in light levels to the windows and door in the north facing side elevation of 9 Claremont Drive. The windows and door in this elevation serve a hallway, stairwell, kitchen and first floor bedroom. However, the hallway and stairwell are not considered to be habitable rooms whilst the kitchen and first floor bedroom both feature additional windows on the rear elevation of the property and it is therefore not considered that

an objection on the grounds of a detrimental impact on the amenity of this neighbour could be sustained due to this arrangement.

2.35 It is also considered that the amendments to the two storey side extension which have set the first floor element back 0.9m from the front of the dwellinghouse will reduce the impact on the amenity of 9 Claremont Drive caused by loss of light to the side elevation of this neighbouring property.

2.36 The occupants of 9 Claremont Drive have also objected to the proposal on the basis of loss of privacy due to overlooking from the roof lights located in the south facing roof slope of the proposed two storey side extension and the neighbour's first floor rear bedroom window. However it is considered that the size of the proposed roof lights combined with the angle of the roof slope and their height from first floor level will negate any impact on this neighbour arising due to overlooking.

2.37 Furthermore, it is considered that there is already a degree of overlooking of the rear garden area of 9 Claremont Drive from the existing first floor rear windows of 7 Claremont Drive, as is the case for the majority of the properties in the street, due to the relationship between these windows and the rear garden areas. It is considered that the relationship between the first floor rear bedroom window of the extension and the rear garden area of 9 Claremont Drive would be no different to the relationship between 9 Claremont Drive and their adjoining neighbour at 11 Claremont Drive where the first floor rear windows are close to the shared boundary. It is therefore considered that there would be no significant detrimental impact on the amenity of this neighbour due to loss of privacy.

2.38 Whilst objections have also been received from the occupants of 8 Claremont Drive, opposite the development site, concerning impact on daylight to the front and side of their property, the proposal does not extend any further towards the dwellings on the opposite side of Claremont Drive and a separation distance in excess of 20 metres is therefore maintained between the proposed extension and any windows located in the front or side elevations of these properties. In terms of the neighbours to the rear generous separation distances in excess of 20m are retained. It is therefore considered that there would be no significant impact on the amenity of the neighbours opposite in terms of overshadowing, overbearing or loss of privacy.

2.39 On balance, it is considered that the proposal would not have a significant detrimental impact on neighbour amenity as a result of overshadowing, overbearing or loss of privacy.

2.40 In terms of impact on neighbour amenity the proposal is considered to be acceptable and in accordance with policies GEP1 and Hsg10 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

### Other Issues

2.41 The occupants of 9 Claremont Drive have raised concerns in relation to access to the shared drain which straddles the boundary between 7 & 9 Claremont Drive, however any access required for maintenance of this drain would be a civil issue between these neighbours and is therefore outside the remit of the Local Planning

Authority. It is understood that the drain is a public sewer owned by Northumbrian Water and they as the sewer operator have right of access to the drain and may access it from either property should this be necessary.

2.42 The occupants of 8 Claremont Drive have cited the obstruction of the clear easterly view from their property which they currently enjoy as a reason for objection; however the loss of view is not a material planning consideration.

2.43 Comments have also been received from neighbours concerning the impact of the proposal on parking at both 7 & 9 Claremont Drive, however the Council's Highways, Traffic & Transport section have been consulted and have confirmed that there are no highway or traffic concerns in relation to the proposal, it is therefore considered that the proposal is acceptable in terms of highway safety.

### Conclusion

2.44 With regard to the above planning considerations and the relevant policies of the Hartlepool Local Plan 2006, the proposal is considered to be acceptable and is recommended for approval subject to the conditions below.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.45 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

2.46 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.

2.47 There are no Section 17 implications.

## **REASON FOR DECISION**

2.48 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:

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 details received by the Local Planning Authority at the time the application was made valid on 06/05/15 as amended by the amended plans received by the Local Planning Authority on 12/05/15 (Location Plan), 01/06/15 (Sheet 10 Revision no. B, Proposed Ground Floor Plan; Sheet 11 Revision no. B, Proposed First Floor Plan; Sheet 14 Revision no. B, Proposed West Elevation; Sheet 15 Revision no. B, Proposed East Elevation and Section;

Sheet 16 Revision no. B, Section A, Section C), 02/06/15 (Sheet 12 Revision no. D, Proposed Roof Plan) and 25/06/15 (Sheet 13 Revision no. B, Proposed South and North Elevation).

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevations of the extensions facing 5 or 9 Claremont Drive without the prior written consent of the Local Planning Authority. To prevent overlooking.

## BACKGROUND PAPERS

2.49 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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## 7 CLAREMONT DRIVE



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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**H/2015/0153**  
**Scale: 1:1000**  
**Date : 24/06/15**



**No:** 3  
**Number:** H/2015/0186  
**Applicant:** Mr Antony Steinberg Hartlepool Enterprise Centre  
Brougham Terrace HARTLEPOOL TS24 8EY  
**Agent:** Planning and Regeneration Mr Antony Steinberg  
Hartlepool Enterprise Centre Brougham Terrace  
HARTLEPOOL TS24 8EY  
**Date valid:** 14/05/2015  
**Development:** Temporary change of use from retail to event/festival site  
**Location:** Jacksons Landing The Highlight 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.

## RELEVANT BACKGROUND/HISTORY

3.2 The following applications are of relevance:

HTDC/1993/0502 – Erection of catering/factory shop complex with associated car parking, approved 05/01/1994.

HTDC/1997/0357 – Extension to factory shopping outlet, approved 27/08/1997.

## PROPOSAL

3.3 This application seeks planning permission for a temporary change of use from a retail use (A1) to an event/festival site (D2 Uses) for up to 18 months. The applicant (Hartlepool Borough Council) has indicated within the submitted Design and Access statement that the proposal to hold music events/festivals at Jackson's Landing is "*in keeping and complementary to the surrounding uses*". The submitted application indicates that "*concessions will be granted to traders within the outside curtilage of the site*". This would be covered by separate legislation to planning.

3.4 The proposed scheme would not entail any material external alterations to the building.

3.5 Objections have been received to the scheme which relates to a scheme submitted by the Council. As such, the application has been referred to the Planning Committee under the Council's Planning Delegation Scheme.

## **SITE CONTEXT**

3.6 The application site relates to Jackson's Landing building at The Highlight. The building, which has been vacant for a prolonged period, is served by a large car park to the front (west) with the Marina harbour wrapping around the north, east and west elevations of the sites' curtilage. Both commercial and residential properties are present immediately to the north, south and west with the Marina and other properties to the east and south east. Seaton High Light, a grade II listed building, is present along the eastern boundary to the site.

## **PUBLICITY**

3.7 The application has been advertised by way of neighbour letters, site notices (x3) and a press notice. To date, there have been 3 letters of objection.

3.8 These objections/concerns can be summarised as follows:

- impact on amenity of neighbouring land users (particularly residential ones) in terms of noise disturbance from music and exacerbating existing noise issues, particularly on an evening
- impact on traffic and local routes
- increase in anti-social behaviour including sale and use of illegal substances
- location is not suitable for area

## **Copy Letters C**

3.9 The period for publicity has expired.

## **CONSULTATIONS**

3.10 The following consultation replies have been received:

### **Public Protection**

I would have no objections to this application subject to the following:

Where any event is likely to have an impact beyond of the boundaries of the application site;

- That there is a restriction on the number of events that can be held at the venue in any 12 month period
- That there is a restriction on the number of days that any single event can run at the venue.
- There is a restriction on the hours that the venue can operate.
- Noise controls and noise levels applicable to any event shall be agreed in writing with the LPA prior to any event being held within the venue. The agreed controls and noise levels shall be adhered to throughout the event.
- Suitable measures shall be taken to protect neighbouring premises from any potential light nuisance emanating from the venue.

### **Heritage and Countryside**

The proposal is the temporary change of use of the property known as Jackson's Landing from retail to event/festival site. The building is adjacent to Seaton High

Light a grade II listed building, therefore considered to be a designated heritage asset.

The listed building is a river navigation light tower dating from 1838 for the Tees Navigation Company. It was formerly located at the Vulcan Materials UK Ltd site in Longhill but subsequently moved to its current location when work was carried out to regenerate this area in 1994.

Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a duty to have special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which it possesses.

The glossary to the Nation Planning Policy Framework (NPPF) defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced' and states, 'elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

Furthermore paragraph 132 of the NPPF states that great weight should be given to the conservation of a heritage asset and any harm to its significance should require clear and convincing justification.

It is considered that the temporary change of use will not impact on the significance of this listed building. No objections to this proposal.

### **Traffic and Transportation**

I have no objections to the proposed change of use to an event / festival site.

As each event would be different I would need to have a separate parking / temporary signing strategy submitted for approval prior to each event.

### **Environmental Engineering**

No comments on this application.

### **Countryside and Access Officer**

Whilst the walkway (*around the perimeter of the building*) is not recorded as a public footpath, it is likely that it is an unrecorded public right of way. With regards to this public space and access; I am fine with the idea of the need to close the site off for certain events - for security and health and safety reasons.

### **HBC Estates and Regeneration**

The Estates and Regeneration Team supports the temporary change of use from retail to an event/festival site.

This temporary use would provide much needed activity to enhance the Marina in the short term as a prominent regional leisure and tourism destination whilst options for the redevelopment of the site are being considered.

Promoting the Waterfront as an events destination aligns with the aims of the draft Hartlepool Regeneration Masterplan and will attract tourists to the Waterfront to support nearby restaurants, businesses and Hartlepool Maritime Experience. The temporary use will also raise the profile of Hartlepool's tourism and leisure offer. The growth of the visitor economy in Hartlepool will attract additional development and investment which is a key regeneration aim.

### **Cleveland Police (Architectural Liaison Officer)**

I understand that detailed information is not available with regard the exact nature of events or festivals that are proposed at the site.

If the application is approved then Police recommend that the following be required prior to any proposed events or festivals held on the site

- 1 Event Manual completed
- 2 All aspects of Health and Safety are taken into consideration
- 3 A safety advisory group should look at all proposed events/ festivals
- 5 The premises will be subject to a licensing application.

### **Northumbrian Water Limited**

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

## **PLANNING POLICY**

3.11 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

3.12 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
- GEP3: Crime Prevention by Planning and Design
- Com4: Edge of town centre areas suitable for a number of uses
- Rec14: Location of major leisure developments
- To1: Marina as a major tourist attraction
- Tra16: Parking for all new developments that supports sustainable transport choices.

## National Policy

3.13 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.

Paragraph 14: presumption in favour of sustainable development

Paragraph 17: 12 planning principles

Paragraph 19: Support sustainable economic growth

Paragraph 24: Applying the sequential test

Paragraph 123: Noise pollution

Paragraph 196: Primacy of the Development Plan

Paragraph 197: Presumption in favour of sustainable development.

## **PLANNING CONSIDERATIONS**

3.14 The main planning considerations with respect to this application are the principle of development and whether the proposal accords with national and local planning policies, the impact on the character and appearance of the surrounding area, the impact on the setting of a listed building, the impact on the amenity of neighbouring land users and the impact on highway safety. These and any other matters will be considered in further detail below.

### **Principle of development**

3.15 Saved Policy Com4, point 10 (edge of town centre uses including the Marina) of the adopted Local Plan states that D2 uses are acceptable for such sites as long as a sequential test on town centre uses is satisfied (as per the requirements of saved Policy Rec14 and para 24 of the NPPF). Furthermore, the NPPF notes that “*when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre*”.

3.16 The submitted Design and Access statement notes that there are no known suitable and available town centre sites that could accommodate the proposed use (at the proposed size). The application site is classed as edge of centre and would

therefore satisfy the general provisions of saved policies Com4 and Rec14, and the NPPF.

3.17 Furthermore, the Council's Planning Policy section considers that the proposal would be an appropriate use in this area and that the proposal is also compliant with saved Policy To1 (Tourism Development in the Marina) and will bring a new offer to the selection of leisure facilities available at the Marina. In view of the above, the proposal is not considered to adversely affect the vitality and viability of the town centre.

3.18 Consideration is also given to the three strands of sustainable development as set out in the National Planning Policy Framework, namely, economic, environmental and social progress for current and future generations. Whilst temporary in nature, the proposal would have clear economic benefits in terms of bringing a large, vacant commercial unit back into use. The proposal would also bring with it environmental improvements in terms of bringing the vacant building back to life (notwithstanding any impacts on neighbouring land users as set out below). As set out above, the proposal is also considered to bring a new offer to the selection of leisure facilities available at the Marina with resultant social benefits.

3.19 In view of the above considerations, it is considered that the proposed temporary change of use constitutes a sustainable form of development and therefore the principle of development is accepted in this instance subject to the scheme satisfying other material considerations as set out below.

### **Amenity of neighbouring land users**

3.20 As set out above, a number of objections have been received from surrounding neighbouring properties, raising a number of concerns regarding the impact on amenity, particularly noise disturbance.

3.21 With respect to noise, paragraph 123 of the National Planning Policy Framework (NPPF) states that "*planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason".*

3.22 As part of the assessment of the proposal, the Council's Public Protection team recommended a number of conditions to restrict events that are likely to have an

impact beyond of the boundaries of the application site. This can be controlled through;

- a) The number of events that would have an effect that extends beyond the site boundary i.e. those requiring amplified music;
- b) The maximum number of days that any event/festival is permitted to run;
- c) The hours of operation

3.23 Following further discussions between the applicant and Public Protection Manager, it is considered necessary to restrict the use to

- a) no more than 6 events in the 18 month period that would require amplified music (the Public Protection Manager raising no concerns in respect of events such as fares, exhibitions etc)
- b) the total number of days that a festival can run for being limited to 2 days at a time
- c) the use operating between 0900-2330 hours

3.24 Subject to the imposition of the necessary planning controls that can be secured by separate planning conditions, the Public Protection Manager has raised no objections to the application.

3.25 It is acknowledged that the proposed scheme is likely to result in a degree of noise disturbance and effect on the amenity of neighbouring land users. However, taking the above considerations into account including the requisite mitigation measures, the existing separation distances to surrounding commercial and residential properties, the mix-use nature of the site where such uses are not uncommon, the temporary nature of the scheme and that no objections have been received from the Public Protection Manager, it is considered that on balance, the proposal would not result in an unacceptable loss of amenity and privacy including noise disturbance for existing and future occupiers of surrounding properties as to warrant a reason for the refusal of the application.

### **Impact on character and appearance of surrounding area and setting of listed building**

3.26 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990 require the Local Planning Authority to give special consideration to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

3.27 Furthermore, development decisions should accord with the requirements of Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Para 132 of the NPPF notes that *“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”*.

3.28 As set out above, Seaton High Light, a grade II listed building, is present immediately to the east of the existing building and is therefore considered to be a designated heritage asset.

3.29 No significant external alterations are proposed to the existing, established building. The Council's Heritage and Countryside Manager has assessed the proposal and raised no objections, commenting that the "*the temporary change of use will not impact on the significance of this listed building*"

3.30 The scheme is therefore considered to accord with the provisions of the NPPF and saved Local Plan policies HE1 and HE2.

3.31 Whilst the proposed temporary use is likely to result in an increase in activity within the surrounding area (in the context of the long term vacancy of the existing building), given the temporary nature of the development (and the restricted frequency of events as considered above), and given that the proposal will result in no significant external alterations to the building, it is considered that the proposed scheme will not result in an adverse impact on the character and appearance of the existing building or the visual amenity of the surrounding area.

### **Highway Safety and car parking**

3.32 Objectors have raised concerns regarding the impact of the proposal on traffic within the area.

3.33 The Council's Traffic and Transportation section has raised no objections to the proposed use subject to a separate parking/temporary signing strategy being submitted for approval prior to each event. The applicant has been made aware of this, which can be secured by a planning condition. Subject to this, it is considered that the proposal will not result in an adverse loss of highway and pedestrian safety.

### **Residual Matters**

#### Flooding

3.34 The application site is located outside of Flood Zones 2 and 3 and in view of the vulnerability classification of the use not changing, the scheme is not considered to result in an increased risk of flooding. The scheme is therefore acceptable in this respect

#### Drainage

3.35 The Council's Environmental Engineering Section and NWL have raised no objections to the scheme. The proposal is acceptable in this respect.

#### Access

3.36 The Council's Countryside and Access Officer has made comment in respect of the walkway around the site (which is not a designated Public Right of Way). The Officer has no objections given the temporary nature of the application, noting the



need to close the site off for certain events for security and health and safety reasons.

### Community Safety Implications/Anti-social behaviour

3.37 Issues such as fear of crime, anti-social behaviour and a scheme increasing substance misuse in an area are based on assumptions and are not supported by evidence as to the characteristics of the future occupiers or users of facilities and should therefore not be taken into account in the determination of this proposal.

3.38 Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. A received objection has raised concerns that the proposed scheme will lean to substance taking/misuse in the area. Whilst there is no evidence to link such issues to the proposed use, any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement and would not be a reason to warrant refusal of the application.

3.39 Furthermore, Cleveland Police have been consulted on the application and have raised no objections to the scheme, commenting that matters of health and safety should be considered in addition to the requisite Licensing application being submitted (which is controlled through separate legislation). The applicant has been made aware of these comments.

3.40 In terms of impacts on community safety and anti-social behaviour the proposal is considered acceptable.

## **CONCLUSION**

3.41 Subject to the imposition of the identified relevant planning conditions, the proposal is considered to accord with the general principles of the National Planning Policy Framework and relevant saved Local Plan policies. The proposal is not considered to have an adverse impact on the character and appearance of the surrounding area or setting of the adjacent listed building. The proposal is not considered to result in an unacceptable loss of amenity and privacy for neighbouring land users or result in an adverse loss of highway and pedestrian safety.

3.42 The proposal is therefore considered to be acceptable for the reasons outlined above.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.43 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

3.44 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.

3.45 These matters are discussed above.

## REASON FOR DECISION

3.46 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:-

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 details and plans (location plan), date received by the Local Planning Authority 13th May 2015.  
For the avoidance of doubt.
3. Prior to any individual event/festival taking place, a scheme for the temporary signing and a strategy for parking of vehicles of persons visiting the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed strategy shall be implemented as agreed prior to the commencement of any event taking place and be adhered to throughout the event.  
In the interests of highway safety.
4. Prior to any individual event/festival taking place, a scheme for noise controls (including details of noise levels), and details of any external lighting applicable to the event shall be submitted to and agreed in writing by the Local Planning Authority. The agreed controls, noise levels and lighting shall be implemented as agreed prior to the commencement of any event taking place and be adhered to throughout the event.  
In the interests of the amenities of the occupants of neighbouring properties.
5. The use hereby approved shall be discontinued and the land restored to its former condition on or before December 31st 2016 unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period. For the avoidance of doubt the use shall thereafter revert to its lawful use prior to the granting of this permission.  
To enable the Local Planning Authority to assess the use in the light of experience.
6. The development hereby approved shall be limited to no more than six (6) events/festivals that would require amplified music within the approved 18 month period up to December 31st 2016. Any event shall be limited to no more than two (2) consecutive days.  
In the interests of the amenities of the occupants of neighbouring properties.
7. The premises and associated curtilage shall only be open to the public between the hours of 0900 - 2330 hours, seven days a week.  
In the interests of the amenities of the occupants of neighbouring properties.

## BACKGROUND PAPERS

3.47 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.

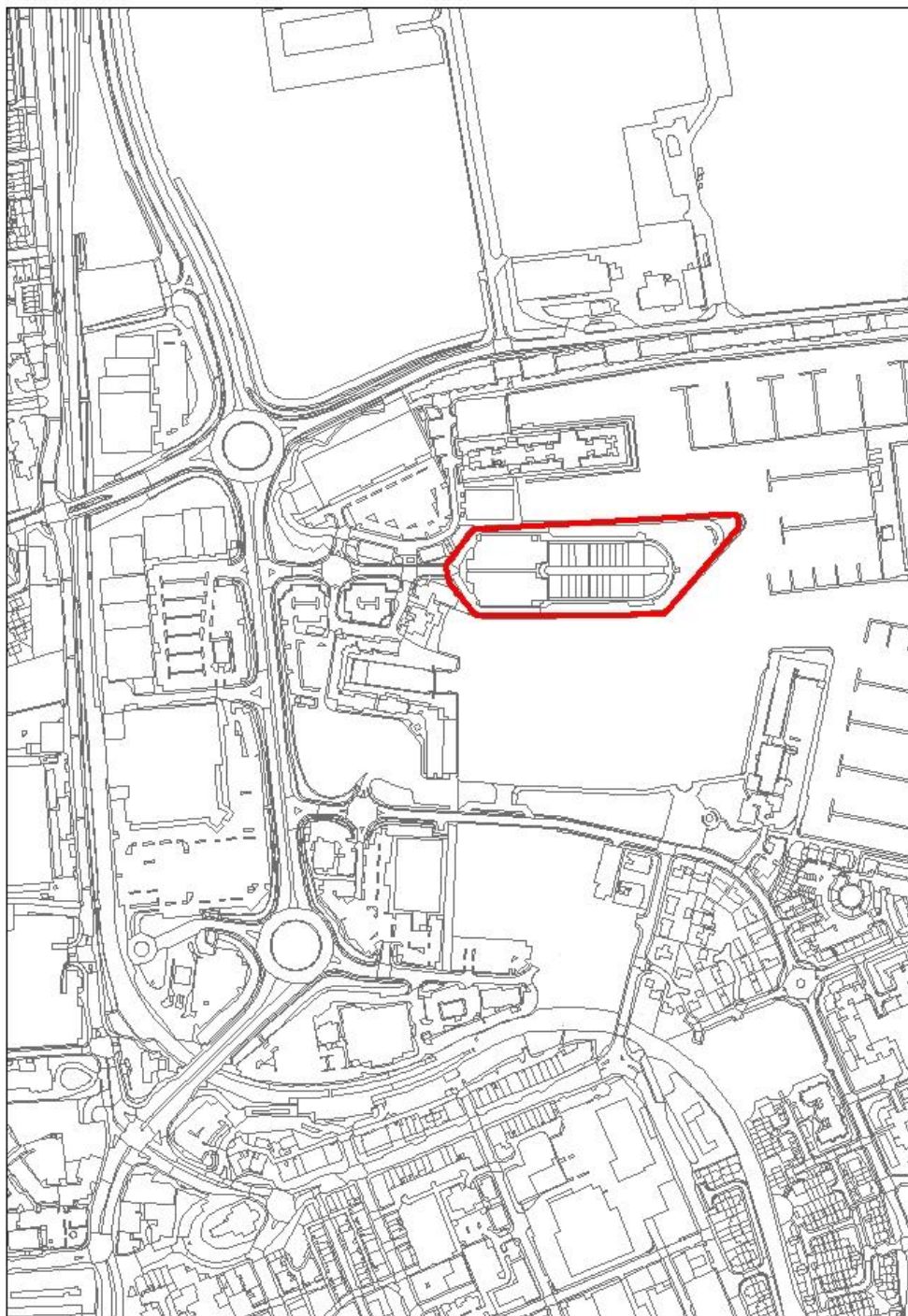
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## JACKSONS LANDING



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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**H/2015/0186**  
**Scale: 1:5000**  
**Date : 24/06/15**

**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.

**GEP3** (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

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

**To1** (Tourism Development in the Marina) - States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

**Hsg10** (Residential Extensions) - Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

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

**Rec14** (Major Leisure Developments) - States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

**Rur1** (Urban Fence) - States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

**Rur2** (Wynyard Limits to Development) - States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

## **MINERALS & WASTE DPD 2011**

**Policy MWP1: Waste Audits** : A waste audit will be required for all major development proposals. The audit should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012**

**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.

**19.** The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

**24.** Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

**56:** The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

**57:** It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

**61:** Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**72.** The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.



**123.** Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

**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

08 July 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** APPEAL AT 90-92 ASHGROVE AVENUE,  
HARTLEPOOL  
APPEAL REF: APP/H0724/W/15/3033353  
CHANGE OF USE FROM BAKERY AND SHOP TO  
FOUR RESIDENTIAL FLATS WITH ADDITIONAL  
COMMUNAL LOUNGE AND KITCHEN FACILITY  
AND EXTERNAL ALTERATIONS

### 1 PURPOSE OF REPORT

- 1.1 To notify members of the receipt of an appeal.
- 1.2 The appeal relates to the refusal of the Local Planning Authority of an application for the change of use from bakery and shop to four residential flats with additional communal lounge and kitchen facility and external alterations. The application was refused at the 18 February 2015 Planning Committee, against officer recommendation, for reasons relating to crime and fear of crime, lack of parking provision and impact on amenity.
- 1.3 The appeal is to be decided by the written representations procedure.

### 2 RECOMMENDATION

- 2.1 That authority be given to Officers to contest the appeal.

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## PLANNING COMMITTEE

8 July 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** Request to set aside planning obligations.  
H/2013/0566 Alterations and change of use to provide  
8 self contained apartments. Morison Memorial Hall,  
Church Close, Hartlepool

### 1. PURPOSE OF REPORT

- 1.1 To consider a request to set aside planning obligations in relation to the above development.

### 2. BACKGROUND

- 2.1 Planning permission was granted by Committee in September 2014 to convert Morison Memorial Hall into 8 self contained apartments. The permission was subject to the completion of a legal agreement securing developer contributions towards Green Infrastructure (£2,000), Play (£2,000) and sports facilities (£2,000).
- 2.2 A request has subsequently been received from the applicant to set aside the planning obligations on the grounds of viability.

### 3. Planning Considerations

- 3.1 The viability of the scheme has been assessed by Planning Policy Officers and it is accepted that the contributions could render the scheme unviable. At the same time there is a clear benefit in terms of the Headland and the Borough in bringing this building back into use as quickly as possible.
- 3.2 It is therefore accepted that the planning obligations in this case should be set aside.

### 4. Recommendation

- 4.1 That the planning obligations secured in relation to H/2013/0566 be set aside.

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## PLANNING COMMITTEE

8<sup>th</sup> JULY 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** APPEAL AT SCALLYWAGS NURSERY, WARRIOR DRIVE, HARTLEPOOL  
APPEAL REF: APP/H0724/W/15/3005307  
ERECTION OF A DETACHED SINGLE STOREY BUILDING TO CREATE ADDITIONAL FACILITIES FOR THE EXISTING SCALLYWAGS NURSERY SCHOOL

### PURPOSE OF REPORT

- 1.1 To notify Members of an appeal decision.
- 1.2 The appeal relates to the refusal of the Local Planning Authority of a planning application for the erection of a detached single storey building to create additional facilities for the existing Scallywags nursery school at Warrior Drive, Hartlepool. The application was refused under delegated powers by the Planning Services Manager in consultation with the Chair of Planning Committee.
- 1.3 The appeal was decided by written representation and dismissed by the Planning Inspectorate. The inspector concluded that the proposed development would be detrimental to the character and appearance of the area notwithstanding that some of the open space would remain. It was considered that the proposal failed to satisfy Policy GEP1 and GN6 of the Hartlepool Local Plan (2006) as the proposed development would result in the loss of incidental open space.
- 1.4 A copy of the decision letter is attached to this report.

### 2. RECOMMENDATION

- 2.1 That Members note the decision.

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## Appeal Decision

Site visit made on 2 June 2015

**by Michael Moffoot DipTP MRTPI DipMgt MCMI**

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

**Decision date: 24 June 2015**

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**Appeal Ref: APP/H0724/W/15/3005307**

**Sallywags Nursery, Warrior Drive, Hartlepool, Cleveland TS25 1EZ**

- 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 Sallywags Nursery against the decision of Hartlepool Borough Council.
  - The application Ref: H/2014/0303, dated 25 June 2014, was refused by notice dated 22 August 2014.
  - The development proposed is extension to existing nursery.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The red lined appeal site indicated on the location plan includes the existing Sallywags Nursery building and car park together with and an area of open space that extends southwards to a gas utility building. The site plan shows the proposed nursery building and play area enclosed by a security fence. For clarity and ease of reference I shall refer to this as 'the site'.

### Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The site is prominently located near the junction of Station Lane and Warrior Drive in a predominantly residential part of the town. It comprises part of an area of incidental open space between the nursery car park and Station Lane. The rear boundary generally consists of a well-established hedge, whilst a close-boarded timber fence about 1.2m high fronts Warrior Drive between the car park and the gas building close to the junction. The open space is down to rough grass and contains some five protected trees which are outside the area to be developed.
5. The open space is not identified as a protected green space on the *Hartlepool Local Plan Proposals Map* and the appellant submits that it was not a planned feature of the estate but rather a left over parcel of land. However, despite this and its partial enclosure by fencing, its verdant character makes an important contribution to the street scene, complementing the grass verges

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and providing visual relief from the boundary treatments on this stretch of Warrior Drive which generally consist of fences, brick walls and a utilitarian steel palisade fence fronting the existing nursery.

6. The proposal includes a single-storey nursery building of brick construction under a tiled roof together with an outdoor play area, all to be contained by fencing. In the context of its surroundings the proposed building would be a relatively large structure that would cover much of the site. It would compound built development on this side of Warrior Drive, diminish views of the hedge to the rear and result in a significant reduction in the site's pleasant open character that is an important component of the street scene in conjunction with the remaining open space. Moreover, whilst the grassed play area would be visible from the street through the proposed boundary fence, it would not be perceived as part of the remaining open space but rather as part of the nursery, with children, play equipment and, quite possibly, safety surfacing that would clearly distinguish it from the adjoining open land.
7. As such, the proposed development would be detrimental to the character and appearance of the area notwithstanding that some of the open space would remain. It would therefore conflict with those parts of Policies GE1 and GN6 of the Local Plan which are concerned with safeguarding the general environment and resisting the loss of incidental open space. However, I am mindful that Policy GN6 permits the loss of incidental open space where it can be demonstrated that the development has special locational requirements and there is no other appropriate site in the vicinity.
8. In most circumstances I do not consider that a children's nursery has a special locational requirement. Although such facilities are often located in residential locations such as this they can also be found in similarly sustainable locations in town centres, office parks and other commercial areas. I do not find that a compelling case has been made for the expansion of the existing business in this location notwithstanding the operational and financial advantages and the demand for nursery places in the town. Moreover, whilst the appellant submits that there are no alternative sites in the area that the business could relocate to, no detailed evidence has been provided in this respect.
9. I acknowledge that the *National Planning Policy Framework* requires the planning system to perform a social role by supporting strong, vibrant and healthy communities and 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. It also promotes the expansion of existing schools and a choice of school places to meet communities' needs, consistent with the Government's objectives to increase childcare provision. Whilst these factors clearly favour the proposed development, they do not outweigh my significant concerns regarding the loss of incidental open space and the associated harm to the character and appearance of the area.

**Other Matters**

10. Reference is made to 'special circumstances' identified by the Council in granting planning permission in 2007 for an affordable housing scheme on an area of incidental open space elsewhere in the Borough. However, the full circumstances surrounding this site are not before me and, whilst consistency

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is clearly desirable, each application has to be considered on its individual merits.

11. I appreciate that the site is privately owned and its future maintenance cannot be guaranteed. However, I am not persuaded that approval of the scheme would necessarily ensure the remaining land remains a well maintained and attractive space as the appellant contends, and this argument does not provide strong justification for the proposal.
12. Whilst concerns regarding highway safety have been raised by a nearby resident, the proposal would not appreciably increase traffic levels in the area and I note that the Council's highway adviser offered no objections to the development. Other matters raised in representations have no bearing on the planning merits of the proposal.

**Conclusion**

13. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

*Michael Moffoot*

Inspector

## PLANNING COMMITTEE

08 July 2015



**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 commenced in response to the Council's Community Safety and Engagement Team sharing information with the Council's Enforcement Officer regarding the covering over of a yard area to the rear of a supermarket at Owton Manor Lane resulting in the loss of a refuse store area. Shop staff permanently leave out shop rubbish bins, metal storage cages containing waste cardboard behind the shops on Council land raising issues of anti-social behaviour and arson.
2. An investigation has commenced in response to a complaint regarding the construction of a tree house at a residential property on The Drive, Greatham.
3. An investigation has commenced in response to a Councillor's complaint regarding an advert fixed to the side of a property on Tees Road.
4. An investigation has commenced in response to a complaint regarding the installation of PVCu windows to the front of a property on Friar Terrace. The property lies in the Headland Conservation Area and is protected by an Article 4 Direction.
5. An investigation has been completed in response to a complaint regarding a house in multiple occupations (HMO) on Melrose Street. The Use Classes Order allows a dwellinghouse to change to a HMO without requiring planning permission. No further action required.
6. An investigation has been completed in response to a complaint regarding the construction of boundary wall to the side of a property on Intrepid Close. The estate is open plan supported by a condition linked to the planning permission. The property owner intends to submit a retrospective planning application.

7. An investigation has commenced in response to a complaint regarding the construction of a summerhouse in the rear garden of a property on Brierton Lane.
8. An investigation has commenced in response to a complaint regarding the erection of a bamboo type canopy and playing of loud music outside a restaurant on the Marina. The noise nuisance issue has been passed on to Public Protection to investigate.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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