

PLANNING COMMITTEE

AGENDA



Wednesday 24 August 2022

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Martin-Wells, Moore, Morley, V Nicholson and Young.

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 27 July 2022 (to follow)

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Place Management)*

- 1 H/2022/0168 Land to the South of Golden Flatts School House,
Seaton Lane

5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints – *Assistant Director (Place Management)*
- 5.2 Development Management Performance – First Quarter 2022-23 – *Assistant Director (Place Management)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

7. **FOR INFORMATION**

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 21 September 2022



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

27 July 2022

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

Present:

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Tom Feeney, Brenda Harrison, Dennis Loynes, Andrew Martin-Wells, Melanie Morley, Veronica Nicholson and Mike Young.

In accordance with Council Procedure Rule 4.2 Councillor David Nicholson was in attendance as substitute for Councillor Shane Moore

Officers: Tony Hanson, Director of Neighbourhood and Regulatory Services
Kieran Bostock, Assistant Director (Place Management)
Daniel James, Planning (DC) Team Leader
Zoe Craig, Environmental Health Manager (Environmental Protection)
Kieran Campbell, Senior Planning Officer
Andrew Morrison, Planning Officer
Nick Robertson, Planning Officer
Andrew Tickle, Environmental Health Officer (Environmental Protection)
Alex Strickland, Legal Advisor
Jo Stubbs, Democratic Services Team

23. Apologies for Absence

Apologies were submitted by Councillors Sue Little and Shane Moore.

24. Declarations of interest by members

With reference to planning application H/2022/0822 (The Highlight) Councillor Mike Young noted that he had been present at the Finance and Policy Committee and taken part in the unanimous approval of the business case for the development. However he had not made any comment on the application during that meeting.

25. Confirmation of the minutes of the meeting held on 22nd June 2022

Confirmed

26. Planning Applications *(Director of Regeneration and Neighbourhoods)*

- 27. Number:** H/2022/0082
- Applicant:** HARTLEPOOL BOROUGH COUNCIL
- Agent:** HARTLEPOOL BOROUGH COUNCIL MR SCOTT PARKES CIVIC CENTRE VICTORIA ROAD HARTLEPOOL
- Date received:** 14/03/2022
- Development:** Erection of leisure and community building including swimming pools, fitness suites, studios, cafe and ancillary spaces. External landscaping including public events space, car parking, vehicle drop off/collection and infrastructure improvements
- Location:** THE HIGHLIGHT THE WATERFRONT HARTLEPOOL
- Decision:** **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the plans and details:

DWG NO: 300-106-L001 Rev F (Highlight Masterplan),

DWG NO: 20036 - GT3 - 00 - 00 - DR - A - 08-0010 - RevP1 (Ground Floor GA Plan),

DWG NO: 20036 - GT3 - 00 - 01 - DR - A - 08-0011 - RevP1 (Level 01 GA Plan),

DWG NO: 20036 - GT3 - 00 - 00 - DR - A - 08-0000 - RevP1 (Site Location Plan),

DWG NO: 20036 - GT3 - 00 - B1 - DR - A - 08-0009 - RevP1 (Basement GA Plan),

DWG NO: 20036 - GT3 - 00 - ZZ - DR - A - 08-0050 - RevP1 (Sections),

DWG NO: 20036 - GT3 - 00 - ZZ - DR - A - 08-0051 - RevP1
(Detailed Strip Section 1 - East Elevation (Fitness)),

DWG NO: 20036 - GT3 - 00 - ZZ - DR - A - 08-0052 - RevP1
(Detailed Strip Section 2 - South West Elevation (Pool))

Received by the Local Planning Authority 28th February 2022;

Dwg No: 206-66 L002 Rev H (Highlight Site Plan Proposed)
received by the Local Planning Authority on 4th March 2022;

DWG NO: 20036 - GT3 - 00 - ZZ - DR - A - 08-0021 - RevP1 (True
Elevations) received by the Local Planning Authority 14th March
2022.

For the avoidance of doubt.

3. Notwithstanding the submitted information, development hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

To prevent the increased risk of surface water flooding from any sources in accordance with the NPPF.

4. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- c. adjoining land,
- d. groundwaters and surface waters,
- e. ecological systems,
- f. archeological sites and ancient monuments;

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a validation report shall be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same shall be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. 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 development thereafter shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and the visual amenity of the surrounding area, in accordance with Policy QP4 and LS1 of the Hartlepool Local Plan.

6. Prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the

queuing of construction vehicles prior to the opening of the site. The development shall thereafter proceed in accordance with the scheme so approved.

In the interests of the occupiers of adjacent and nearby premises and highway safety.

7. Prior to any demolition/development commencing on site, a documented procedure for the discovery and recording of any archaeological remains shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the operation of the site shall at all times follow the approved documented procedure for archaeological remains.

In order to ensure the appropriate treatment of any archaeological features present on the site.

8. Prior to the commencement of development above ground level, a scheme for the provision of 10no. starling nest boxes to be provided, details of which shall show location of the boxes, including specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The starling boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

To provide ecological mitigation and enhancement in accordance with paragraphs 8, 174, 179 of the NPPF and policy NE1 of the Local Plan.

9. Prior to commencement of the works above ground level on site, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. 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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the first use of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and biodiversity enhancement.

10. Notwithstanding the submitted information and prior to commencement of works above ground level on site, details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, 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.

11. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the development hereby approved being brought into use, full details of all secure cycle parking, seating and public realm works (as detailed on Highlight Masterplan Dwg No: 300-106 L001 Rev F, date received by the Local Planning Authority 28/02/2022) shall be submitted and agreed in writing with the Local Planning Authority. The elements shall be carried out in accordance with the details so approved.

In the interests of visual amenity.

12. The café element of the development hereby approved (as shown on Dwg No: DWG NO: 20036 - GT3 - 00 - 00 - DR - A - 08-0010 - RevP1 (Ground Floor GA Plan, date received by the Local Planning Authority 28/02/2022) shall not operate or be open to the public until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

In the interests of the amenities of the occupants of neighbouring properties.

13. Prior to the commencement of works above ground level on site, details of the location and specification for photovoltaic (PV) panels to be applied and Air Source Heat Pumps to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed/installed in line with the approved scheme prior to the premises being open to the public.

In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.

14. Prior to commencement of the works above ground level on site, details of electric vehicle charging apparatus, including the location of the apparatus shall be submitted and approved in writing by the Local Planning Authority. Thereafter and prior to the development being brought into use, the agreed scheme shall be implemented on site.

In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.

15. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final 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. Permeable surfacing shall be employed for hardstanding areas where possible, to provide additional attenuation storage. The agreed scheme shall be implemented prior to the first use of the site and/or the site being open to the public.

In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

16. Prior to the commencement of works above ground level on site, details of all walls, fences and other means of boundary enclosure including any vehicle bollard and other crowd protective measures (as may be required) shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

17. No programmed events shall take place within the hybrid activity space area available within the car park and the main public events space(s) as detailed on Dwg No: 206-66 L002 Rev H (Highlight Site Plan Proposed, received by the Local Planning Authority 04/03/2022) between the hours of 2300 and 0700.

In the interests of the amenities of the occupants of neighbouring properties.

18. Notwithstanding the requirements of condition 17, the use of the hybrid activity space area available within the car park and the main public events space(s) hereby approved shall be permitted to operate for up to six (6) temporary events in a calendar year. Any event shall be limited to no more than two (2) consecutive days. For such temporary events the hours of operation shall be limited to 0900 to 2300 hours, Monday to Sunday (inclusive) and at no other time. Within a minimum of one (1) month in advance of such temporary event, the applicant shall notify the Local Planning Authority in writing of such an event.

In the interests of the amenities of the occupants of neighbouring properties.

19. The premises (Leisure Centre) shall only be open to the public between the hours of 0630hrs and 2200hrs.

In the interests of the amenities of the occupants of neighbouring properties.

20. No construction or demolition works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.

In the interests of the amenities of the occupants of neighbouring properties.

21. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a leisure and community centre and for no other purpose within Use Classes E or F.2 (formerly D2 use class) and not for any other use within that use class.

To define the permission to which it is based.

As an update within the Planning (DC) Team Leader's presentation, Members were advised that following the publication of the report and further discussions with the applicant, conditions 8, 17, 19 and 20 had been updated and condition 18 had been added. These were tabled for members' consideration.

A member queried whether the 2 objectors were residents. The Planning (DC) Team Leader advised he understood this was the case, noting that 500 properties had been consulted in all.

The applicant was present and indicated he would be happy to answer any questions members might have.

In general debate reference was made to the proposed limitations and hours of use for the outside space. An amendment to condition 17 was proposed by Councillor Young – namely that the hours requiring no organised public events between 9pm and 7am be amended to 11pm – 7am. This was seconded by Councillor Harrison. Members subsequently indicated their unanimous approval for this amendment.

A recorded vote was taken on the recommendations set out in the report which recommended approval of the application, including the amendment to condition 17 as detailed previously.

Those in favour: Councillors Boddy, Brown, Feeney, Harrison, Loynes, Martin-Wells, Morley, D Nicholson, V Nicholson and Young

Those against: None

Those abstaining: None.

Application approved unanimously

- 28. Number:** H/2022/0170
- Applicant:** MISS LAURA NICHOLLS ROSTHWAITE CLOSE
HARTLEPOOL
- Agent:** FAIRWAY DEVELOPMENT PLANNING HELEN
SPOORS 47 SEATON CLOSE GATESHEAD
- Date received:** 03/05/2022
- Development:** Erection of 2m fence to side of property and
incorporation of land into private garden (retrospective)
- Location:** 56 ROSTHWAITE CLOSE HARTLEPOOL
- Decision:** **Planning Permission Refused**

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the development by virtue of its design, scale and prominent location, significantly diminishes the green and open character of the estate and causes harm to its character and appearance, contrary to Policies NE6 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).

Following the Planning (DC) Team Leader's presentation of the application, a member queried whether the applicant had been aware that approval would be needed to erect the fence. The Planning (DC) Team Leader advised that officers had tried to engage with the applicant but had been unsuccessful. He did not know if they were aware that permission was needed.

A recorded vote was taken on the recommendation to refuse the application as set out in the report

Those in favour: Councillors Boddy, Brown, Feeney, Harrison, Loynes, Martin-Wells, D Nicholson, Morley, V. Nicholson and Young.

Those against: None.

Those abstaining: None.

Application refused unanimously.

- 29. Number:** H/2022/0173
- Applicant:** MR LEWIS ROBINSON ROSTHWAITE CLOSE
HARTLEPOOL
- Agent:** MR LEWIS ROBINSON 15 ROSTHWAITE CLOSE
HARTLEPOOL
- Date received:** 31/05/2022
- Development:** Retrospective application for the erection of a 2m high fence to enclose side garden and driveway (removal of existing boundary fence).
- Location:** 15 ROSTHWAITE CLOSE HARTLEPOOL
- Decision:** **Planning Permission Refused**

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the development by virtue of its design, scale and prominent location, significantly diminishes the green and open character of the estate and causes harm to its character and appearance, contrary to Policies NE6 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).
2. In the opinion of the Local Planning Authority, the development by virtue of its design, scale and siting, results in a potential detrimental impact on highway and pedestrian safety, in particular in respect to vehicles egressing the driveway of the neighbouring property (17 Rosthwaite Close), contrary to Policy QP5 of the Hartlepool Local Plan (2018).

Councillor Young moved that a recorded vote be taken on the recommendation to refuse the application as set out in the report. This was seconded by Councillor Martin-Wells

Those in favour: Councillors Boddy, Brown, Feeney, Harrison, Loynes, Martin-Wells, D Nicholson, Morley, V. Nicholson and Young.

Those against: None.

Those abstaining: None.

Application refused unanimously.

- 30. Number:** H/2022/0145
- Applicant:** MR MICHAEL O'DONOVAN TANFIELD ROAD
HARTLEPOOL
- Agent:** MR MICHAEL O'DONOVAN 9 TANFIELD ROAD
HARTLEPOOL
- Date received:** 04/05/2022
- Development:** Removal of part of existing metal railing fence and erection of 2m high timber fence to front boundary (retrospective)
- Location:** 9 TANFIELD ROAD HARTLEPOOL
- Decision:** **Planning Permission Refused**

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the development by virtue of its design, scale and prominent location, constitutes an unsympathetic and visually intrusive form of development, resulting in a detrimental visual impact on the character and appearance of the area, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).

The Committee considered representations in relation to this matter.

The applicant was present and addressed the Committee. He had been unaware that he would need planning permission to erect the timber fence, having not been informed of this by the gardening company he had employed. The existing fence had required replacement and there had been a lot of positive feedback regards the new fence with no comments against it. The intent had been to provide privacy and security.

Members were sympathetic to the applicant but noted that the property was close to the cemetery entrance used by funeral corteges. They queried whether a lower fence would be more acceptable. The Planning (DC) Team Leader that any fence would be unacceptable in visual terms given its proximity to the cemetery entrance although railings would be acceptable. He also noted that a smaller fence would not give privacy and security which was understood to be the primary reason given for its erection. A member suggested that a privet hedge might address these requirements.

A recorded vote was taken on the recommendation to refuse the application as set out in the report

Those in favour: Councillors Boddy, Brown, Feeney, Harrison, Loynes, Martin-Wells, D Nicholson, Morley, V. Nicholson and Young.

Those against: None.

Those abstaining: None.

Application refused unanimously.

- 31. Number:** H/2021/0198
- Applicant:** MS HELEN BROUGHTON BUTTERSTONE AVENUE
HARTLEPOOL
- Agent:** MS HELEN BROUGHTON 17 BUTTERSTONE
AVENUE HARTLEPOOL
- Date received:** 14/03/2022
- Development:** Enclosure of balcony to front with glass walls and roof, installation of electric shutters to the ground floor window at the front, erection of a fence to the front (approx. height 1.6m) and erection of fence to the both side boundaries at the rear (approx. height 2.1m) (retrospective) and proposed installation of weatherboard cladding to the front
- Location:** 17 BUTTERSTONE AVENUE HARTLEPOOL
- Decision:** **Planning Permission Refused**

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the development (enclosure of the first floor balcony to the front with glass walls and roof, and shutters to ground floor window to the front) by virtue of its design, scale and siting, would constitute an unsympathetic form of development to the host dwelling, resulting in a detrimental visual impact on the character and appearance of the area, contrary to Policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraph 134 of the NPPF which states that permission should be refused for development of poor design that fails to take the

opportunities available for improving the character and quality of an area and the way it functions.

2. In the opinion of the Local Planning Authority, the development (boundary fencing to the front) by virtue of its design, scale and prominent location, significantly diminishes the open plan character of the estate and causes harm to its character and appearance, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).
3. In the opinion of the Local Planning Authority, the proposed development (enclosure of the first floor balcony to front with glass walls and roof) by virtue of its siting and scale, would result in an unacceptable loss of privacy for the adjacent neighbouring property (No. 15 Butterstone Avenue), contrary to Policies QP4 and HSG11 of the Hartlepool Local Plan (2018), the Council's Residential Design Guide SPD (2019) and paragraph 130 of the National Planning Policy Framework (2021).
4. In the opinion of the Local Planning Authority, the development (boundary fencing to the front) by virtue of its design, scale and siting, results in a potential detrimental impact on highway safety, in particular in respect to vehicles egressing the driveway of the neighbouring property (15 Butterstone Avenue) contrary to Policy QP5 of the Hartlepool Local Plan (2018).

In response to members queries the Planning (DC) Team Leader advised that they were unable to make separate decisions on the individual applications but must consider them as a whole. Most members indicated broad support for the shutter and balcony but not the fence. However comments were made that none of the elements of the application were acceptable and the officer recommendation should therefore be supported.

A recorded vote was taken on the recommendation to refuse the application as set out in the report

Those in favour: Councillors Brown, Loynes, Martin-Wells, D Nicholson, V Nicholson and Young.

Those against: Councillors Feeney, Harrison and Morley

Those abstaining: Councillor Boddy

Application refused

32. Update on Current Complaints (*Assistant Director, Place Management*)

Members were given details of 12 ongoing complaints and 12 which had been completed.

Decision

That the report be noted.

33. Planning Appeal – Vacant land on Fens Lane, Hart, Hartlepool (*Assistant Director, Place Management*)

Members were advised that an appeal had been submitted against the Council decision to refuse a planning application for the erection of a single dwelling house and associated drive.

Decision

That the report be noted.

34. Planning Appeal at Sea View Guest House, 11 The Green, Seaton, Hartlepool (*Assistant Director, Place Management*)

Members were advised that a planning application had been submitted against the Council decision to refuse a planning application for the replacement of glazed window inserts with uPVC double glazed vertical sliding sash window inserts at the property.

Decision

That the report be noted.

35. Appeal at land adjacent to Lynn Street, Hartlepool (*Assistant Director, Place Management*)

Members were advised that a planning appeal had been submitted against the Council decision in respect of the refusal to allow the installation of a 15m telecommunication installation and associated ancillary works.

Decision

That the report be noted.

36. Enforcement Notice Appeal at 38 Linden Grove, Hartlepool *(Assistant Director, Place Management)*

Members were advised that an enforcement notice had been submitted against the Council's decision to issue an enforcement notice in respect of the change of use from residential property to a mixed use residential and hairdressing salon property.

Decision

That the report be noted.

A member noted that applications to split a property into part home / part commercial were on the increase since the pandemic and national guidance stated that unless a property was changed completely to a commercial premises it should be acceptable in planning terms, something that was at odds with current Council policy. The Planning (DC) Team Leader acknowledged this, noting that each application was considered on its merits and considered by officers on the basis of whether it was causing an issue for nearby residents. The Chair asked that officers provide suitable training for members on these matters.

37. Any other business which the Chair considers urgent

None

38. 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.

Minutes 39 to 42 inclusive – Enforcement Notice – These items contained exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

- 39. Enforcement Notice** (*Assistant Director, Place Management*) 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 (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Details are provided in the exempt minutes.

Decision

Detailed in the exempt minutes.

- 40. Enforcement Notice** (*Assistant Director, Place Management*) 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 (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Details are provided in the exempt minutes.

Decision

Detailed in the exempt minutes.

- 41. Enforcement Notice** (*Assistant Director, Place Management*) 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 (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Details are provided in the exempt minutes.

Decision

Detailed in the exempt minutes.

- 42. Enforcement Notice** (*Assistant Director, Place Management*) 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 (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Details are provided in the exempt minutes.

Decision

Detailed in the exempt minutes.

The meeting concluded at 11.35am

CHAIR

No: 1.
Number: H/2022/0168
Applicant: HARTLEPOOL BOROUGH COUNCIL
Agent: HARTLEPOOL BOROUGH COUNCIL MR SCOTT
 PARKES CIVIC CENTRE VICTORIA ROAD
 HARTLEPOOL TS24 8AY
Date valid: 23/05/2022
Development: Hybrid planning application for the erection of a SEN school (in outline, all matters reserved except access), and installation of access road (in detail)
Location: LAND TO THE SOUTH OF GOLDEN FLATTS SCHOOL HOUSE SEATON LANE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The wider area beyond the application site has an extensive planning history. The most relevant and recent planning applications are considered to be:

To the west / north west

H/2019/0260 – Residential development comprising 55no. dwellings. Approved 25/02/2020.

H/2021/0572 – Erection of 76 dwellings, associated infrastructure and landscaping. Pending consideration.

Beyond Brenda Road to the east

H/2021/0498 – Demolition of all existing buildings and erection of 234no. new dwellings and associated infrastructure and landscaping. Approved 23/02/2022.

PROPOSAL

1.3 This 'hybrid' planning application seeks planning permission for the erection of a Special Educational Needs (SEN) school in 'outline' (all matters reserved except access) within an area known as Golden Flatts, and the installation of access road 'in detail/in full' off Seaton Lane.

1.4 In respect to the detailed element of the application, this relates to the installation of an access road would measure approximately 255m in length by approximately 6.8m in width. The proposal would be located in place of an existing access track

that leads into the Golden Meadows fields and currently serves as a temporary access to a compound associated with the ongoing construction of 55 dwellings to the north west (H/2019/0260). The scheme will also provide an adjacent 2m wide footpath that runs to the west of the access road. The proposed works will require localised widening to allow vehicles to turn into the site from Seaton Lane. The proposed access would serve the proposed school.

1.5 In respect to the 'outline' element of the application, this relates to the erection of an SEN school. This element has been submitted in outline with all matters reserved (appearance, scale, layout and landscaping), save for access, for a further required application, should the current application be approved. The 'outline' element of the scheme relates to the eastern parcel of the application site where it abounds Brenda Road to the east and the boundary with Golden Flatts primary school to the north (with the school playing fields understood to be beyond the immediate boundary to the north). Illustrative plans have been submitted, which indicate that the proposed site will include access and an internal car park on the western side (the access being provided by the 'in detail' element of the application), with two storey modular school buildings running north to south, and a Multi -Use Games Area (MUGA), open playing fields, yard and courts, and a habitat area sited toward the eastern side of this section of the red line boundary (which runs up to Brenda Road). The school site area has a maximum gross area of approximately 11,500sqm.

1.6 Indicative soft landscaping plans (and an Arboricultural Impact Assessment) have been submitted as part of the scheme in addition to a Planning, Design and Sustainability Statement (including Heritage and Archaeology), Drainage Strategy and contaminated land statements and an Ecological Impact Assessment. These are considered in detail below.

1.7 The application has been referred to the Planning Committee due to the number of objections received (more than 3) in line with the Council's scheme of delegation and that the proposal represents a 'departure' from the Hartlepool Local Plan (2018).

SITE CONTEXT

1.8 The application site relates to a parcel of land measuring approximately 2.38 hectares situated to the south of Seaton Lane and west of Brenda Road, known as Golden Flatts, primarily comprising former grazing fields which is currently occupied by horse grazing. The application site is not within a designated nature conservation site, however it is identified as green infrastructure under Policy NE2j (Natural and Semi-Natural Open Space) of the Hartlepool Local Plan (2018).

1.9 Although the site is accessible from both Seaton Lane (via the existing dirt/access track) and Brenda Road (via the Public Right of Way running beyond the southern boundary of Golden Flatts), no formal vehicular access into the site exists. The site is adjacent to a primary school building and associated grounds to the north, whilst to the south, the parcel of land is adjacent to a steel works. To the east lies commercial/industrial units as well as the parcel of land that benefits from a recent planning permission for residential development (H/2021/0498). Beyond the east of the proposed access are the properties within Whitehorn Gardens (understood to consist of residential care bungalows and independent supported

living apartments) and to the west of the access are the rear boundaries serving the newly constructed and occupied properties within Golden Meadows (approved as part of H/2019/0260). Mature trees are present along the eastern boundary to the proposed access road and existing dirt track (within the curtilage of the properties within Whitehorn Gardens) and along the northern boundary to the existing adjacent primary school. A number of hedges are also understood to be present within the application site boundary.

PUBLICITY

1.10 The application has been advertised by way of 178 notification letters to individual neighbouring properties, site notice and press advert. To date, there have been 9 objections received.

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

- Anti-social behaviour, crime and fear resulting from the existing service road and proposed open access road
- New residential properties are not shown on the location plan
- Proposal not shown on land searches
- Noise
- Lack of privacy
- Traffic and road safety
- Close proximity to residential properties, namely the rear boundary fence of properties along Golden Meadows
- Access from Brenda Road would be a safer option
- Proposed access adjacent to access to a care home
- Occupant of neighbouring property advised by another party that the existing service road would be closed and secured
- Will future housing development share the proposed access road?
- Street lighting will impact on privacy
- Existing fencing is not sufficient to safeguard the privacy of neighbouring properties (from access road)
- Confusion for vulnerable residents of adjacent care home
- Pollution
- Health of all users of the access road

1.12 In addition, 3 responses of support/'no objection' (including 2 from the same address) have been received. One of which has commented that the proposal "is a great idea and is needed thing".

1.13 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=153064>

1.14 The period for publicity has expired.

CONSULTATIONS

1.15 The following consultation replies have been received:

HBC Ecology:

Updated response received 09/08:

Summary

Baseline is 5.71 HU (Habitats) and 0.85 HU (Hedgerow) = 6.56 HU
10% (of baseline) 6.56 = 0.65

Number of HU after development = 2.71 (Habitats) and 0.76 (Hedgerow) = 3.47 HU
Shortfall is 6.56-3.47 = 3.09 HU

HU shortfall + 10% BNG = 3.09+0.65 = **3.74 HU**

For this application to meet current statutory and HBC requirements, biodiversity equivalent to 3.74 Habitat Units must be provided at an off-site location with a Biodiversity Management Plan covering their management for a minimum of 30 year and a 5-yearly monitoring plan.

HRA is scoped out.

1. Introduction

2.

1.1 Biodiversity Net Gain

Biodiversity Net Gain (BNG) is enacted by the Environment Act 2021. The requirement for a minimum 10% BNG for major developments is likely to be enacted by secondary legislation in 2023. The 'Validation of Planning Applications – Hartlepool Borough Council Information Requirements (Updated July 2022)' at: [file:///C:/Users/graym/Downloads/HBC Local Validation Doc Appendix 1 2022 %20\(3\).pdf](file:///C:/Users/graym/Downloads/HBC%20Local%20Validation%20Doc%20Appendix%201%202022%20(3).pdf)

States:

Biodiversity enhancement measures. Recent planning updates have introduced the concept of a minimum 10% Biodiversity Net Gain.

Therefore, at least 10% BNG is required and, in addition, a proportionate measure of NPPF 'biodiversity enhancement' is required.

The Biodiversity Metric 3.1 covers habitats but not species. For semi-natural habitats, quality correlates to greater species diversity so this is inherent in the scoring system. However, individual protected species must be dealt with in the usual way through the development control planning process.

1.2 UK Habitat classification

The Biodiversity Metric 3.1 uses the UK Habitats classification system.

The UK Habitat Classification system which can be viewed at: <https://ecountability.co.uk/ukhabworkinggroup-ukhab/>.

Each of the habitats has been classified according to the relevant criteria (with reference to the UK Habitats and Biodiversity Metric technical supplements).

1.3 Habitat area

Habitat areas have been calculated using the measurement tool on the open-source data website <https://gridreferencefinder.com/>.

1.4 Habitat condition

Each of the habitat condition assessments has been assessed according to the relevant technical supplements.

3. Results

2.1 Habitats

The SEN school Biodiversity Metric 3.1 calculation has been submitted as an Excel spread sheet. Table 1 shows the Biodiversity Metric 3.1 habitat types, areas and condition status. Table 2 gives the justification for the condition assessments.

Table 1.

UK Habitat	Area (ha)	Condition
Grassland – Modified grassland	1.13	Poor
Grassland – Modified grassland	0.107	Moderate
Grassland – Arrhenatherum neutral grassland	0.93	Poor
Urban (access road)	0.126	Poor
Urban (hard standing by derelict factory)	0.083	Poor
Total area	2.38	
Hedges		
Native hedgerow No 1	0.329 km	Poor
Native hedgerow No 1	0.039 km	Poor
Total length (km)	0.368	

Table 2.

UK Habitat	Area (ha)	Condition	Condition justification
Grassland – Modified grassland	1.13	Poor	An agricultural grassland characterised by vegetation dominated by a few fast-growing grasses on a fertile, neutral soil. An abundance of rye-grass. Land managed as pasture Failing three of the condition assessment criteria.
Grassland – Modified grassland	0.107	Moderate	Total cover of wildflowers and sedges is less than 30%. injurious weeds present, inc. creeping thistle & common ragwort. Failing at least one of the condition assessment criteria.
Grassland – Arrhenatherum	0.93	Poor	An agricultural grassland characterised by vegetation dominated by a few fast-growing grasses on a fertile, neutral soil.

neutral grassland			An abundance of rye-grass. Failing three of the condition assessment criteria.
Native hedgerows	0.368 km	Poor	Fails a total of more than four attributes, or both attributes in more than one functional group.

2.2 Condition assessment criteria

Condition assessment criteria for grassland

1. The area is clearly and easily recognisable as a good example of this type of habitat and there is little difference between what is described in the relevant habitat classifications and what is visible on site.
2. The appearance and composition of the vegetation on site should very closely match the characteristics for the specific Priority Habitat [i.e., as described by either the Phase 1 Habitat Classification or the UK Habitat Classification], with species typical of the habitat representing a significant majority of the vegetation.
3. Wildflowers, sedges and indicator species for the specific Priority grassland habitat are very clearly and easily visible throughout the sward and occur at high densities in high frequency. See relevant Habitat Classification for details of indicator species for specific habitat.
4. Undesirable species and physical damage is below 5% cover.
5. Cover of bare ground greater than 10% (including localised areas, for example, rabbit warrens).
6. Cover of bracken less than 20% and cover of scrub and bramble less than 5%.

Condition assessment for hedgerows

This is based on eight attributes, split in to four groups A to D:

- Height (A)
- Width (A)
- Gap at hedge base (B)
- Gap at canopy level (B)
- Undisturbed ground & perennial vegetation (C)

Undesirable perennial vegetation (C)

- Invasive and neophyte species (D)
- Current damage (D)

Minimum attributes for favourable condition are assessed for each, from which condition status can be assessed.

3. Biodiversity change

3.1 Biodiversity change calculation

Biodiversity change is calculated by the biodiversity metric 3.1. The results are shown in Table 3.

Table 3.

On-site baseline	Habitat units	5.71
	Hedgerow units	0.85
	River units	0.00
On-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	2.71
	Hedgerow units	0.76
	River units	0.00
On-site net % change (Including habitat retention, creation & enhancement)	Habitat units	-52.55%
	Hedgerow units	-10.60%
	River units	0.00%
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-3.00
	Hedgerow units	-0.09
	River units	0.00
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-52.55%
	Hedgerow units	-10.60%
	River units	0.00%
Trading rules Satisfied?	No - Check Trading Summary ▲	

The red box indicates that the LPA must agree measures outside of the Biodiversity Metric 3.1 tool.

The project area covers 2.38 Ha (with 0.37km of hedgerow)

The baseline is 5.71 HU (Habitats) and 0.85 HU (Hedgerow) = 6.56 HU
10% (of baseline) 6.56 = 0.65

Number of HU after development = 2.71 (Habitats) and 0.76 (Hedgerow) = 3.47 HU
Shortfall is 6.56-3.47 = 3.09 HU

HU shortfall + 10% BNG = 3.09+0.65 = **3.74 HU**

Figure 1 shows the submitted detail for the access road and Figure 2 the outline detail for the SEN school.

4. Biodiversity conclusion

To satisfy HBC planning authority guidelines, 3.74 HU must be secured at an off-site location. It is recommended that HUs should be traded at £30,000/HU.

This could be covered in the following condition wording:

No development shall commence unless and until a Biodiversity Management Plan scheme for offsite compensation ("the scheme") to ensure that the approved development provides the delivery of 3.74 Habitat Units of habitat creation or habitat uplift (including hedgerow creation) and the subsequent management of habitats in 'good condition' has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the offsite compensation, shall be measured in accordance with the biodiversity metric 3.1. The scheme shall include:

- a) identification of the compensation site(s);*
- b) details of habitat creation or habitat uplift sufficient to provide the delivery of 3.74 Habitat Units;*
- c) the provision of arrangements to secure the delivery of the Habitat Units (including a timetable for their delivery);*
- d) a management and monitoring plan (to include for the provision and maintenance of Habitat Units for a period of at least 30 years).*

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery or any variation so approved in writing by the Local Planning Authority.

To provide biodiversity management and biodiversity net gain in accordance with paragraphs 8, 174 and 180 of the NPPF and policy NE1 of the Local Plan.

5. Other Ecology issues

The need for a HRA has been scoped out for both recreational disturbance and nutrient neutrality because the school is not a residential development and will cater for residents of the borough.

From memo and email of 05/08/22

NB: I do not think mitigation for bats, such as low-level lighting, is specifically needed, especially as most lighting schemes these days tend to be fewer lumens than previously.

Bird nest bricks

The building should include 10 integral bird nest bricks located in south or east facing walls (where possible) and at a minimum height of 3m above ground level.

Bat roost bricks

The building should include 10 integral bat roost bricks located in south or east facing walls (where possible) at a minimum height of 3m above ground level, or in a roof tile.

A Construction and Environment Plan (CEMP) to include the badger protection measure.

Or:

Badger

Any on-site excavations to be securely covered overnight, or to include a means of escape for badgers and other mammals. To prevent harm to badgers and other mammals.

Bird nesting informative

Breeding birds and their nests are protected by the Wildlife & Countryside Act (1981) as amended. It is an offence to damage or destroy the nest of a breeding bird whilst it is being built or in use. In practice the bird breeding season is mainly confined to the period from March to August inclusive, but it should be noted that some species will breed outside this period. If bird's nests that are actively being built or used are found, then work should be suspended within a 10m circumference until the birds have finished breeding. For further information contact the Council's ecologist on 01429 523431. To prevent harm to legally protected nesting birds.

Landscape Plan

The delivery of the appropriate Landscaping plan should be conditioned.

HBC Countryside Access Officer: The proposed development will need to include plans for the diversion of an existing public footpath which will need to approach the site from the south and then route around the west and northern boundaries to end up linking to Brenda Road, to the east.

This diversion will also be an advantage to the school and offer pedestrian and possible cycle access directly off Brenda Road, for the benefit of the school staff, visitors and students.

It also provides sensible and safe access from Brenda Road directly onto Golden Flatts open space, which will be developed into a woodland and grassland amenity area.

To make sure that this route is safeguarded, there will be need to amend the plans to take it into account, especially along the northern site boundary.

This diversion proposal has been discussed from the start of this project and should have already been implemented and added to the site layout, from the start.

To discuss this further I will require the applicant/agent to contact me directly.

Update 08/08 following further discussions around the delivery of the required Green Infrastructure improvements:

I am happy to confirm that all previous concerns relating to this application have been addressed. The Green Infrastructure details, explained by the applicant, is also more than acceptable, benefitting both the local ecology and the wellbeing and health of people access the site.

HBC Flood Risk Officer: In response to your consultation on the above application:

Access Road

No objection to proposals in respect of surface water management. It is identified in the flood risk assessment that the watercourse into which it is proposed to discharge surface water requires maintenance prior to the installation of drainage on the proposed development. Proposals for this maintenance do not appear to have been presented as part of the planning application. As such please can you include a

condition on any permission issued for proposals to require watercourse to be restored to a functional condition prior to completion of the access road.

No objection to proposals in respect of contaminated land. Please include our standard unexpected contamination condition on any permission issued for proposals.

School

In respect of surface water management we have no objection in principle to proposals, please include the following condition on any permission issued for proposals:

Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

In respect of contaminated land we have no objection in principle to proposals. The phase 2 site investigation submitted with the application finds elevated levels of PAH and also states For this report, gas monitoring is via measuring emissions from three standpipes (WS3, WS5 & WS6) that were installed during the sitework. The gas monitoring will consist of six visits over a period of three months. The gas monitoring results will be presented as an addendum to this report. This additional information cannot be located in application documents and proposals for addressing elevated PAH levels have not been finalised. Whilst it is acknowledged that any contamination matters can be successfully addressed, to ensure that this takes place please include our standard non-residential contaminated land condition on any permission issued for proposals.

Update 11/08/2022 in respect of foul drainage requirements for The Access element

There doesn't need to be a foul water condition for the access road. Foul water comes from toilets, bathrooms and commercial/industrial processes. The access road does not have any of these and cannot produce any foul water, access roads only produce surface water, there isn't a need to confirm this with NWL.

HBC Estates: The application is strongly supported as it will provide a much needed high quality SEND education facility in an accessible location.

HBC Landscape Architect: An Arboricultural Impact Assessment has been provided which is acceptable. Full hard and soft landscape details along with a management plan should be provided as part any further application. The possibility of avenue tree planting to the Access Road (dwg PR836/PA/SECTIONS) should be considered.

HBC Public Protection: due to the above application being a hybrid application with a 'full' element (the access road) I feel it would beneficial if I split my comments so better to understand what is required.

Access Road

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

- Demolition or construction works and deliveries or despatches shall not take place outside
08:00 hours to 18:00 hours Mondays to Fridays and
09:00 hours to 13:00 hours on Saturdays
nor at any time on Sundays or Bank Holidays.
- A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
- We would like a condition to state No open burning at any time on site however following discussions with Hartlepool Councils Planning Department it is understood this could not be enforced under Planning Conditions. We would therefore kindly request a statement from the applicant that no opening burning will take place on site and ask the applicant to note that Public Protection have alternate enforcement powers that will be used should we deem them necessary regarding opening burning.
- After reviewing the supporting documentation and taking into consideration the peak times the private road would be in use it has been determined an acoustic fence either side of the access road is unnecessary. The width and design of the road should deter motorists from stopping and idling along the access road itself.

It is Public Protections opinion with appropriate management from the school and signage deterring motorists from stopping the access road should have little impact on neighbouring amenities.

School

Whilst I appreciate full plans for the school have not yet been submitted I am able to comment on what will be required for the development to progress.

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

- Demolition or construction works and deliveries or despatches shall not take place outside
08:00 hours to 18:00 hours Mondays to Fridays and
09:00 hours to 13:00 hours on Saturdays
nor at any time on Sundays or Bank Holidays.
- A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
- We would like a condition to state No open burning at any time on site however following discussions with Hartlepool Councils Planning Department it is understood this could not be enforced under Planning Conditions. We would therefore kindly request a statement from the applicant that no opening burning will take place on site and ask the applicant to note that Public Protection have alternate enforcement powers that will be used should we deem them necessary regarding opening burning.
- All deliveries to the school shall only be carried out between the hours of 7:00am and 7:00pm on any day. In the interests of the amenities of the occupants of neighbouring properties.
- Prior to commencement of the development a scheme detailing any floodlights for outdoor area use shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the submitted details and retained as such for the lifetime of the development. In the interests of the amenities of neighbouring occupiers.
- Prior to commencement of the development a scheme detailing any fixed plant equipment shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the submitted details and retained as such for the lifetime of the development. In the interests of the amenities of neighbouring occupiers.
- An hours restriction on the use of the building and outside recreational area and any multi-use games areas or sports pitches is required. This is in the

interests of the amenities of neighbouring occupiers. The building and outside recreational areas shall not be used outside of the hours 07:00hrs – 19:00hrs Monday to Friday.

HBC Traffic and Transport: I have no objections to this application.

The access immediately west of the proposed access is currently being used temporarily for construction purposes. This access should be removed and the footway reinstated following the completion of the housing site or 2 years after the completion of the school access.

The proposed car park layout and provision are acceptable.

Update 11/08/2022

I can confirm that from our discussions regarding the dirt track and its intended removal as part of the construction of the school access, I would have no objections to the provision of the School access.

Tees Archaeology: Thank you for the consultation on this application. We note the section on heritage and archaeology in the planning, design, access, and sustainability statement. As discussed in this section, while the proposed school building should not have a significant impact on any known heritage assets, the proposed access road for the site is positioned through an 18th century farmstead. We therefore recommend that archaeological monitoring is undertaken during groundworks associated with the construction of the access road; this work could be secured by a condition upon the development. I set out the proposed wording of this condition below:-

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

C) The condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the

provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

Cleveland Fire Brigade: Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2: 2019, Section B5, for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2. It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above. Further comments may be made through the building regulation consultation process as required.

Northumbrian Water: In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our 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.

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

At this time the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

How to Satisfy the Condition

The applicant should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:- • Soakaway • Watercourse, and finally • Sewer If sewer is the only option the developer should contact Northumbrian Water to agree

allowable discharge rates and points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559. The applicant should then submit a drainage strategy reflecting our recommendations for consideration as part of the planning application.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

National Highways: No objection.

HBC Children's and Joint Commissioning: Further to your consultee letter dated 30 May 2022 in respect of the erection of Hybrid planning application for the erection of a SEN school (in outline, all matters reserved except access), and installation of access road (in detail), South of Golden Flatts School, Seaton Lane. I can confirm Children's & Joint Commissioning Services department have no objections to the proposed development.

HBC Children's Services: Children's Services are fully supportive of this application. We have worked closely with the DfE to bid for this new SEMH Special school and once we were successful we have worked with the DfE to recruit a provider. The development of this school is critical to ensure we can meet the needs of children with SEND (Special Educational Needs and/ or Disabilities) in Hartlepool. There are a large number of children having to access educational provision outside of Hartlepool due to there being no SEMH special school in Hartlepool.

HBC Economic Development: We have reviewed the plans and have no comments from an Economic Growth perspective.

Environment Agency: We have no objections to the proposed development as submitted.

Sport England: Thank you for consulting Sport England on the above application. Sport England – Non Statutory Role and Policy
The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>.

This application falls within the scope of the above guidance as it relates to the creation of new playing fields.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are
Protect - To protect the right opportunities in the right places;
Enhance - To enhance opportunities through better use of existing provision;

Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

The application is a hybrid application with detail provided on the proposed access road, and the remainder of the proposal in outline. Sport England is satisfied that the route of the proposed route of the access road does not encroach on the playing fields of Golden Flatts School.

No detail is available at this stage in respect of the proposed playing field and MUGA Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport', A copy of this guidance can be found at:

<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/2020-02/natural-turf-for-sport.pdf?VersionId=e9s7zKPkOzvo.ZACZNHlzldmDpaWt6AX>.

Cleveland Police: These type of facilities are prone to misuse and can attract both anti-social behaviour I am not aware of the proposed boundary treatment to the facility but will require to be protected when not in use and supervised by staff fencing to a min. of 2m would be recommended with regard the access road again not of aware of the proposed boundary to nearby residential properties this again will need to boundary protection to the housing estate to prevent casual intrusion I am not aware if CCTV has been considered for the facility or what lighting is proposed.

HBC Community Safety: No community safety concerns associated with this application.

Hartlepool Water: No comments received.

Natural England: No comments received.

HBC Parks and Countryside: No comments received.

HBC Sport and Recreation: No comments received.

HBC Heritage and Countryside Manager: No comments received.

HBC Housing Management: No comments received.

HBC Education: No comments received.

Ramblers Association: No comments received.

HBC Waste Management: No comments received.

HBC Arboricultural Officer: No comments received.

HBC Building Control: No comments received.

HBC Public Health: No comments received.

PLANNING POLICY

1.16 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

1.17 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and adapting to climate change
CC2: Reducing and Mitigating Flood Risk
INF2: Improving Connectivity in Hartlepool
INF4: Community Facilities
LS1: Locational Strategy
NE2: Green Infrastructure
QP1: Planning Obligations
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
QP7: Energy Efficiency
SUS1: The Presumption in Favour of Sustainable Development

Tees Valley Minerals DPD

1.18 The Tees Valley Minerals DPDs (TVMW) form part of the Development Plan and includes policies that need to be considered for all major applications, not just those relating to minerals and/or waste developments. The following policies in the TVMW are relevant to this application:

MWP1 – Waste Audits

National Planning Policy Framework (NPPF)(2021)

1.19 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable

development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA038: Decision making

PARA044: Pre-application engagement and front-loading

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA057: Planning conditions and obligations

PARA058: Planning conditions and obligations

PARA092: Promoting healthy and safe communities

PARA093: Promoting healthy and safe communities

PARA095: Promoting healthy and safe communities

PARA098: Open space and recreation

PARA099: Open space and recreation

PARA110: Considering development proposals

PARA112: Considering development proposals

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA154: Meeting the challenge of climate change, flooding and coastal change

PARA157: Meeting the challenge of climate change, flooding and coastal change

PARA218: Implementation

1.20 HBC Planning Policy comments: Planning Policy have no objections to the proposed school for pupils with special educational needs (SEN school) along with on-site MUGA, informal areas, outdoor PE space, habitat area, car parking and drop off space. Planning Policy note that the school is on allocated green space (NE2j land, Natural and semi-natural green space) and that the land provides a buffer between the urban area to the north and the industrial development to the south along with providing leisure routes for residents.

1.21 Local plan policy NE2 (Green Infrastructure) sets out that the council will safeguard green infrastructure from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure. In addition policy NE2 states that the loss of green infrastructure

components will generally be resisted but in exceptional circumstances green infrastructure will only be considered for other uses where:

- it can be demonstrated to be surplus to needs, or
- it has no other recreational, nature conservation or amenity function, or
- it is in an area where the local need has already been met elsewhere, or
- it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or
- it is too small or difficult to maintain.

1.22 Planning Policy are of the view that, the land is not surplus to need, it does still have a recreation, nature and amenity function, it is not a detriment to neighbours nor is it difficult to maintain. There are other areas of open space within the area however this specific parcel of land is strategically located as a buffer between housing and employment and thus that element of its use cannot be located elsewhere.

1.23 Notwithstanding the above, Planning Policy are of the view that this proposal is located on a small area of open space in the north east corner of the green infrastructure allocation. A significant amount of land will remain and the buffer and leisure benefits will remain. Planning Policy also support the provision of the SEN school, educating all children is important and Planning Policy welcome the opportunity to be able to do this in the borough, thus negating the need to send pupils outside of the area. It is noted that the school does incorporate areas for outdoor play and wildlife and that such areas are a betterment to what is in the area already. It is appreciated that such facilities will be for pupils but Planning Policy consider that the outdoor activity and wildlife elements are a benefit and complementary to the overall green space allocation. Planning Policy are of the view that although the proposal is not strictly aligned with policy NE2, the proposal is aligned with the local plan as a whole and the overall aim of creating sustainable development and making Hartlepool a better place to live.

1.24 Taking a balanced view Planning Policy consider that the benefits in providing the school outweigh the limited harm- with regards to the loss to the parcel of green land as a whole.

1.25 The proposed unit is 1193 metres squared, given the size, its intended purpose and in the interest of providing sustainable development, in accordance with the Planning Obligations SPD, Planning Policy expect to see a commitment from the developer with regards to improving green links to and from the site. The aim being that staff and users can access the site along a green link and thus encourage sustainable modes of transport instead of using a car.

1.26 The applicant can put forward ideas on how they intend to improve the access route to the school or the applicant can pay a contribution and HBC will deliver an appropriate scheme.

1.27 The sum requested is £7000. This has been calculated using the figures within the B1 use category on page 11 of the SPD (£5,000 for initial 1000sq m (gross), contribution increases by £1,000 per additional 100sq m (gross) of floorspace). The

former B1 use category is for office use and more aligned to the school use than using the A1 (retail) figures, as a retail has more comings and goings so the sum would be higher.

1.28 If a scheme is not put forward and or the applicant is of the view that the sum cannot be paid then justification must be submitted by the applicant, this can often be in the form of a viability assessment.

Update 03/08 following discussions with the applicant regarding securing Green Infrastructure improvements:

1.29 This seems like a logical location for GI improvements as its likely to be a key access route and one that if improved may encourage more people to use it and thus assist in making the development more sustainable. The things suggested sound acceptable adding some greenery and wildlife options all of which are factors that can encourage more walking and cycling.

PLANNING CONSIDERATIONS

1.30 The main planning considerations in relation to this application are the compliance of the proposal with national and local planning policy (the principle of development, sustainability of the site, planning obligations), impact upon the visual amenity of the area (including landscaping), impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, flooding and drainage, impact on highway and pedestrian safety, impact on archaeology, heritage assets, safety and security and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT

Site Allocation

1.31 Policy LS1 of the Hartlepool Local Plan (2018) supports sustainable development based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built-up area to ensure that growth occurs in a controlled way and is delivered alongside local and strategic infrastructure improvements.

1.32 Policy SUS1 of the Hartlepool Local Plan (2018) and paragraph 119 of the NPPF (2021) sets out that proposals for new development should be located on previously developed or brownfield land and should be designed in a sustainable way.

1.33 The application site is allocated under Policy NE2j (Natural and Semi-Natural Green Space) on the Hartlepool Local Plan Policies Map (2018). The application site is considered to provide a buffer between the urban area to the north and the industrial development to the south.

1.34 Local plan policy NE2 (Green Infrastructure) sets out that the council will safeguard green infrastructure from inappropriate development and will work actively

with partners to improve the quantity, quality, management and accessibility of green infrastructure. In addition policy NE2 states that the loss of green infrastructure components will generally be resisted but in exceptional circumstances green infrastructure will only be considered for other uses where:

- it can be demonstrated to be surplus to needs, or
- it has no other recreational, nature conservation or amenity function, or
- it is in an area where the local need has already been met elsewhere, or
- it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or
- it is too small or difficult to maintain.

1.35 Taking into account the size and location of the parcel of land comprising the application site, it is considered that the land is not surplus to need; it does still have a recreation, nature and amenity function; it is not a detriment to the amenity of neighbours; nor is it too small or difficult to maintain. It is further considered that this specific parcel of land is strategically located as a buffer between housing and employment and therefore it is considered that element of its use cannot be located elsewhere. Therefore it is acknowledged that the proposal is in conflict with Policy NE2 of the Hartlepool Local Plan (2018).

1.36 Notwithstanding the above, consideration is given to the application site comprising a relatively small area of open space in the north east corner of the above mentioned allocation under NE2j, and that it is sited on the edge of existing development. It is of note that a significant amount of the land under this allocation (NE2j) would remain and the buffer and leisure benefits of the parcel of green infrastructure would remain.

1.37 It is also acknowledged that local and national planning policy support the provision of community facilities, including schools. Policy INF4 of the Hartlepool Local Plan (2018) seeks to ensure that all sections of the local community have access to a range of community facilities that meet education, social, leisure/recreation and health needs, and supports the provision of educational establishments to serve developments and to remedy any existing deficiencies within the borough.

1.38 Paragraph 95 of the NPPF (2021) indicates that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities and requires Local Planning Authorities to take a proactive, positive and collaborative approach to meeting this requirement, by giving “great weight” to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

1.39 In this respect, the Council’s Planning Policy section have confirmed that the provision of a school is aligned with the aims of the Hartlepool Local Plan as a whole.

1.40 The Council’s Children’s Services team have responded to consultation to confirm support of the application. They have stated that the development of this school is critical to ensure the borough can meet the needs of children with SEND

(Special Educational Needs and/ or Disabilities) in Hartlepool. There are a large number of children having to access educational provision outside of Hartlepool due to there being no SEND school in Hartlepool.

1.41 The Council's Joint Commissioning section and the Council's Economic Regeneration section have confirmed no objections to the proposal.

1.42 Paragraph 185 of the NPPF (2021) states that planning decisions should ensure that new development is appropriate for its location. The NPPF (2021) also seeks to ensure that adverse impacts upon the landscape are addressed satisfactorily and that any negative impacts can be made acceptable.

1.43 It is noted that the indicative school layout includes provision of hard and soft landscaped areas and it is considered that the inclusion of such areas are a betterment to the existing grazing fields. The Council's Planning Policy section consider that the outdoor activity and wildlife elements are a benefit and complementary to the overall green space allocation. The Council's Landscape Architect has confirmed no objections overall.

1.44 Notwithstanding the above, it is considered that Policy NE2 of the Hartlepool Local Plan (2018) must be given considerable importance and weight.

1.45 In weighing up the balance of policies in favour of against the main policies of constraint (Policies LS1 and INF4 and Policy NE2 of the Hartlepool Local Plan (2018) respectively), emphasis is placed on balancing any identified potential harms of a proposal against the prospective benefits of development which results in the provision of a school.

1.46 The NPPF (2021) applies a presumption in favour of sustainable development and states that "achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways". In this context and in weighing up the balance of the proposal, the main benefits and adverse impacts arising from the proposal (in the above context) are outlined below:

1.47 *Benefits*

- The proposal would widen the provision of education in the borough (economic + social)
- The application site is located adjacent to existing residential and commercial areas with sustainable access routes from Seaton Lane (social + environmental)
- The proposed development would provide additional landscaping and biodiversity net gain (subject to planning conditions) (environmental)
- The final design of the proposed school buildings will have the opportunity to incorporate high levels of renewable energy (environmental + economic)

1.48 *Adverse impacts*

- The proposed development would have a potential detrimental impact on a parcel of land allocated for Natural and Semi-Natural Open Space, contrary to Local Planning Policy NE2 (environmental)

- Impact on ecological habitat (environmental)
- Potential impacts on visual and neighbouring amenity (social + environmental)

1.49 In conclusion, and when weighing up the balance of the benefits of providing facilities that meet the educational needs of children in the borough against the loss of allocated open space, and in view of the above considerations, the principle of development of the proposed installation of an access road and SEN school site is, on balance, considered to be acceptable in this instance, subject to the proposal satisfying the main planning considerations of this application.

Planning Obligations + Biodiversity Net Gain Requirements

1.50 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Policy QP1 (Planning Obligations) of the Hartlepool Local Plan (2018) and the Planning Obligations SPD, the Council's Planning Policy section has confirmed that given the size of the proposed school development and its intended purpose and in the interest of providing sustainable development, a commitment from the developer with regards to improving green links to and from the site is required.

1.51 The Council's Planning Policy section requested a sum of £7,000 be secured towards the delivery of green infrastructure improvements, or that alternatively the applicant could propose a scheme to improve the general amenity of the application site and wider area. In response to the request from the Council's Planning Policy section, the applicant has proposed a scheme to implement green infrastructure improvements in the vicinity of Seaton Lane and where possible the intersection between the access road and school site. Improvements are likely to include additional soft landscaping in the form of planting and bird boxes to be installed in the existing mature trees along Seaton Lane. It is proposed that these improvements will enhance the existing route to the proposed development site. The Council's Planning Policy section are satisfied with this approach and a planning condition can secure this requirement, to which the applicant has agreed to in writing.

1.52 In addition to the above, the Council's Ecologist has also confirmed that a scheme will be required to secure the procurement, provision/habitat creation and maintenance of 3.74 Habitat and Hedgerow Units (equivalent cost to £112,200.00) to compensate for the loss of Habitat and Hedgerow Units and achieve a 10% Biodiversity Net Gain (this is discussed in further detail in the ecology section, below).

1.53 It is noted that the Council cannot enter into a section 106 legal agreement with itself to secure the above mentioned financial contributions and obligations/ecology requirements, however the applicant (HBC) has confirmed their agreement to provide/deliver the above mentioned green infrastructure improvements and Biodiversity Net Gain scheme as required. These are secured by separate planning conditions.

Energy Efficiency and Renewable Energy

1.54 Policy QP7 (Energy Efficiency) of the Local Plan seeks to ensure high levels of energy efficiency in all development, and the development is therefore expected to be energy efficient. In line with this policy, the development is required to ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation alongside incorporating sustainable construction and drainage methods.

1.55 In addition to this, policy CC1 (Minimising and Adapting to Climate Change) of the Local Plan requires that major developments include opportunities for charging of electric and hybrid vehicles and, where feasible and viable, provide a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources.

1.56 Full details of the renewable energy infrastructure including electric charging points to serve the free school site can be secured by appropriate planning conditions. These have been agreed with the applicant.

1.57 In respect to energy efficiency, this will be given further consideration as part of the required reserved matters application in respect of the final layout, building orientation, scale and form of the school building. It is of note that Building Regulations have been updated as of 15th June 2022, and any forthcoming Building Regulation application will now be assessed under the new Regulations. In light of the above, given the implementation and requirements of the new Building Regulations, a planning condition is not required in respect of any energy efficiency improvement (previously required to be 10% improvement above the Regulations, prior to 15th June 2022) and such matters will need to be addressed through the new Building Regulations requirements.

1.58 The application is therefore considered on balance to be acceptable with respect to energy efficiency and renewable energy provision.

Principle of Development Conclusion

1.59 In conclusion, and in view of the above considerations including recommended planning conditions and obligations, the principle of development of the proposed installation of an access road and SEN school site is, on balance, considered to be acceptable in this instance, subject to the proposal satisfying the main planning considerations of this application as set out in detail in the sections below.

CHARACTER & APPEARANCE OF THE AREA

1.60 Policy QP4 (Layout and Design of Development) of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, and respects the surrounding buildings, structures and environment.

1.61 Paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to

the overall quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Access Road

1.62 As noted above, the proposed access road (and adjacent footpath) is a full element of the application and includes access taken from Seaton Lane, with localised widening of this road. The access road and footpath would lie adjacent to the existing residential boundaries to the east and the west. Consideration is given to the modest overall scale and design of the proposed access road, which, from certain vantage points, would be read in the context of the existing access point and certain views limited by the existing, adjacent boundary treatment.

1.63 Overall, and on balance, it is considered that the proposed access road and footpath would result in a modest formalisation of the existing dirt track access road and would not result in any adverse impact on the character and appearance of the application site and surrounding area. Final details of the proposed access, footpath and any associated hard and soft landscaping can be secured by separate planning conditions. The proposed scheme does not indicate the provision of any additional boundary treatments or lighting but such matters if required, can be secured for further consideration and agreement through separate planning conditions.

School

1.64 It is anticipated that the proposed school buildings would be comfortably accommodated within the application site, accessed by the proposed access road (as detailed above) on the western side. The overall site context includes grazing fields flanked by new housing development to the west and north west, industrial buildings to the south and east (including beyond the main highway of Brenda Road).

1.65 It is of consideration that the proposed school buildings may be partially visible when travelling along nearby roads (including Seaton Lane and Brenda Road) or from other vantage points within the surrounding area. Notwithstanding this, full matters are reserved in respect of this element of the application, and it is anticipated that the design and scale of the proposed school buildings and associated areas (playing pitches, habitat area etc) could come forward that would be suitable and could be accommodated within the site without adversely affecting the character and appearance of the existing site or the surrounding area. On the main, the proposed school would be read in the context of the adjacent school to the north and is likely to feature a set back from Brenda Road to the east which will assist in softening any significant visual impacts. Final details of boundary treatments, external finishing materials, hard and soft landscaping will be required to be provided and considered as part of the reserved matters application.

1.66 It is of note that any erected signage would likely require a separate Advertisement Consent application and to which an informative can be appended to any decision notice for the applicant's attention.

Landscaping + Impact on Landscape Features

1.67 The application site features trees along the northern boundary extending around the eastern boundary and hedgerows throughout the parcel of land. Mature trees are also present along the adjacent boundary to the proposed access road to the east (understood to be primarily in within the curtilage of the residential properties to the east). An Arboricultural Impact Assessment (AIA) has been provided in support of the application which concludes that the proposals would remove 3no. trees, comprising two ash trees and one oak tree, as well as internal hedgerows. The submitted AIA concludes that suitable mitigation planting should be proposed, and this can be secured by a planning condition, which is recommended accordingly.

1.68 The Council's Landscape Architect has considered the application including the submitted supporting AIA and considers that there are no landscape and visual issues with the proposed development. However, the Council's Landscape Architect has advised that avenue tree planting along the proposed access road should be explored by the applicant. The case officer requested that the applicant consider avenue tree planting, and in response, the applicant has advised that the proposed access road would not allow for tree planting given the site constraints. Overall and taking into account the modest scale of the proposed access, it is considered that the lack of tree planting in these areas would not warrant a refusal of the application.

1.69 Notwithstanding this, details of hard and soft landscaping that are anticipated to be adjacent to the access and footpath can be secured by condition. The reserved matters application for the school site will be expected to provide full details of hard and soft landscaping.

1.70 Subject to the above identified conditions and consideration of the full details of the school as part of the reserved matters application, the hybrid application is considered to be acceptable in this respect.

Cumulative Character & Appearance Summary

1.71 In view of the above and subject to necessary planning conditions and planning obligations, it is considered that the proposal is in accordance with the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021) and therefore acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area and that such impacts would not warrant a refusal of the application.

NEIGHBOUR AMENITY

1.72 Paragraph 130 of the NPPF requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

1.73 Policy QP4 (Layout and Design of Development) requires, amongst other provisions, that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon

the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook.

Access Road

1.74 It is acknowledged that a number of objections have been received from neighbouring occupants, primarily in relation to the siting of the proposed access road, citing concerns regarding impacts on privacy, and in respect of noise, light and air pollution.

1.75 The proposed access road would be sited with a separation distance of approximately 6.5m remaining from the rear boundaries (approximately 4.5m from the proposed footpath) and approximately 15m from the rear elevations of the existing residential properties along Golden Meadows to the west (approximately 13m from the proposed footpath), and approximately 12.5m from the care home/residential properties along Whitethorn Gardens to the east. Existing boundaries to both the east and west primarily consist of close boarded fencing approximately 1.8m in height. The proposed access road would be sited approximately 26m from the closest residential properties of Seaton Lane (north), with the main highway of Seaton Lane between. A substantial separation distance would remain to the nearest commercial properties to the south and south east.

1.76 It considered that the siting of the proposed access road and footpath which would be modest in scale and primarily be sited in place of the existing dirt track would not result in any adverse impacts on the amenity or privacy of any neighbouring properties (or users of the adjacent footpaths and roads) in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

1.77 Policy QP6 of the Hartlepool Local Plan (2018) requires that where appropriate, applicants must investigate and address the effects of a proposal on general disturbance, including noise.

1.78 Paragraph 185a of the NPPF (2021) states that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”*.

1.79 Whilst it is acknowledged that the proposed access road would intensify the use of the existing access track in terms of an increased number of comings and goings, particularly at certain times of the daytime, the Council's Public Protection section have been consulted on the proposal and consider that when taking into consideration the width and design of the proposed access road, the peak times the proposed access road would be in use, and appropriate management from the

school, that an acoustic fence either side of the access road would not be necessary in this instance and therefore raise no objections to this element.

1.80 The Council's Public Protection section have requested the inclusion of planning conditions requiring the submission and agreement of a Construction Management Plan in respect of the development of the access road, as well as standard controls on hours of construction and the control of any lighting, which are recommended accordingly. The Council's Public Protection section have requested that the applicant confirm that there would be no open burning at the application site, to which the applicant has duly confirmed this in writing to the case officer. This would ultimately be controlled by separate environmental legislation.

1.81 It is therefore considered that disruption from both the construction activity and overall use of the proposed access road can be appropriately controlled and there would therefore not be any significant detrimental impact on the amenity of neighbours from undue disturbance, including noise, light or air pollution.

1.82 With respect to noise and disturbance from future users of the proposed access road, given the anticipated hours of use (associated with the school) and single carriage highway, the existing boundary treatments that are in situ (serving the residential properties to the east and west) and in view of the comments from the Council's Public Protection section which have confirmed that an acoustic fence would not be necessary, it is considered that the proposal would not result in any adverse impact on the amenity of existing and future occupiers of the adjacent residential properties in terms of any undue noise and disturbance. Should such issues arise, this could be considered through separate relevant environmental protection legislation, which is beyond the remit of this planning application.

1.83 Given the satisfactory separation distances to sensitive users such as residential properties, and taking into account the modest scale of the proposed access road, the anticipated use (as a school), and the comments (above) from the Council's Public Protection section, it is considered that the proposal would not result in an adverse loss of amenity and privacy in terms of overshadowing, overbearing, loss of outlook, overlooking, or any adverse noise or light disturbance or air pollution, and the proposal is considered to accord with Policies QP4 and QP6 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2021).

School

1.84 Given that the proposed school is only in outline at this stage, full consideration of its scale, layout and appearance, and its relationship (and impacts) on neighbouring properties would form part of the consideration of the reserved matters application. Notwithstanding this and based on the indicative submitted layout of the proposed school buildings, they would be sited with satisfactory separation distances of approximately 25m from the boundary and approximately 34m remaining from the existing residential properties along Golden Meadows to the west; approximately 16m from the Golden Flatts Primary School to the north; and approximately 17m from the closest properties to the east. The indicative plans indicate that the proposed school buildings would be sited approximately 65m from the existing commercial building that abounds the site to the east/south east with the associated

external areas of the proposed school being positioned adjacent to the boundary of this property. A substantial separation distance of approximately 195m would remain from the southern site boundary of the proposal to the nearest steel works to the south (understood to be Tata Steel).

1.85 Whilst it is acknowledged that the existing use of the parcel of land is green infrastructure (comprising grazing fields), the overall wider site context new housing development to the west and north west, industrial buildings to the south and east (including beyond the main highway of Brenda Road), and an existing primary school to the north, and as such the proposed school development would be sited adjacent to existing development.

1.86 It is of consideration that the nearest sensitive land users (including residential properties along Golden Meadows and residential properties in Whitethorn Gardens), would be separated from the proposed school development by existing boundary treatments and it is anticipated that the school could be designed and laid out to achieve the minimum satisfactory separation distances that meet the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (2019) and read in the context of the above mentioned existing site context. It is also considered that subject to the detailed consideration of the layout and scale, that the proposals would achieve a satisfactory relationship to the adjacent commercial properties to the south, immediately to the east and beyond the highway of Brenda Road (where residential development has recently been approved).

1.87 It is acknowledged that full matters are reserved in respect of this element of the application, however it is considered that a design and scale of the proposed school buildings (and associated external areas) could come forward that would be suitable and likely to be accommodated on site, in respect of the above noted satisfactory separation distances to nearby sensitive land users such as residential properties.

1.88 The Council's Public Protection section have requested the inclusion of planning conditions requiring the submission to the Local Planning Authority and subsequent agreement of a Construction Management Plan in respect of the development of the proposed school site, details of any fixed plant and machinery, as well as standard controls on hours of construction and the control of any lighting, which are recommended accordingly. The Council's Public Protection section have requested that the applicant confirm that there would be no open burning at the application site, to which the applicant has duly confirmed this in writing to the case officer. This would be controlled by separate environmental legislation.

1.89 It is therefore considered that disruption from construction activity can be appropriately controlled and there would therefore not be any significant detrimental impact on the amenity of neighbours from undue disturbance, including noise, light or air pollution.

1.90 With respect to noise and disturbance, it is considered that the scheme is unlikely to result in any unacceptable increase in additional noise and disturbance than might be expected from the proposed school of this size, particularly when

considering the size and location of the adjacent primary school site in relation to existing residential and commercial properties.

1.91 In order to safeguard the amenity of neighbouring properties and future occupiers of the estate, a planning condition is recommended to control the hours of opening of the proposed school site as agreed by the Council's Public Protection team.

1.92 In view of the above, it is considered that the proposed school site would not result in any adverse impact on the amenity or privacy of any neighbouring property (or users of the adjacent footpaths and roads) in terms of loss of outlook, overbearing impression, overshadowing or overlooking, or adverse noise or light disturbance or air pollution and the proposal is considered to accord with Policies QP4 and QP6 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2021).

Cumulative Neighbour Amenity Summary

1.93 Overall, in view of the above and given the overall anticipated modest scale and design of the proposals and anticipated remaining separation distances and relationships from the proposed school to the closest residential properties (including residential neighbours at properties along Golden Meadows), and commercial properties (including those immediately adjacent to the site to the east), it is considered that the proposed access road and the erection of school buildings is unlikely to result in an adverse loss of amenity and privacy for existing and future neighbouring land users, subject to the above identified planning conditions

1.94 As such and subject to the above identified planning conditions (and full consideration of the layout, scale, appearance of the school site as part of the reserved matters application including the requirement for the applicant to demonstrate at the reserved matters stage that such anticipated satisfactory relationships can be achieved), it is considered that satisfactory levels of amenity and privacy can be achieved for both existing and future occupiers of neighbouring properties. The application is considered, on balance, to be acceptable with respect to the impact on the amenity of neighbouring land users and in accordance with policies QP4 and QP6 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

ECOLOGY

1.95 The Council's Ecologist has confirmed that a Habitats Regulations Assessment is not required in this instance (as the competent authority) to assess the impacts of the development on the protected sites (Teessmouth and Cleveland Coast SPA/RAMSAR).

1.96 Policy NE1 of the Hartlepool Local Plan (2021) requires that the natural environment be protected, managed and enhanced, whilst Policy NE4 states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough. Paragraph 180 of the NPPF (2021) requires that planning

permission is refused if significant harm to biodiversity resulting from development cannot be avoided, mitigates for or compensated for.

1.97 Paragraph 174 of the NPPF (2021) states that planning decisions should contribute and enhance the natural and local environment including by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. This paragraph requires development to minimise impacts on and provide net gains for biodiversity.

1.98 Biodiversity net gain (BNG) is an approach to development that is intended to leave biodiversity in a measurably better state than before. This means protecting existing habitats and ensuring that lost or degraded habitats are compensated for by enhancing or creating habitats that are of greater value to wildlife and people. The Council's Ecologist has been consulted on the application and has assessed the proposals and overall site area against the Biodiversity Metric 3.1 calculation to conclude that the proposed site area (approximately 2.38 hectares) would result in the overall loss of approximately 3.09 Habitat Units and Hedgerow Units. Given the requirement to achieve a Biodiversity Net Gain (BNG) of 10%, the total number of Units required to compensate for the proposed development is 3.74 Habitat Units (the equivalent cost to delivering this would be £112,200). As noted above, the Council is not able to enter into a section 106 legal agreement with itself, and the Council's Ecologist has agreed that the BNG compensation can be secured by virtue of a planning condition, which the applicant has agreed to and this is secured accordingly.

1.99 The Council's Ecologist has recommended the inclusion of planning conditions to secure a number of measures aimed at enhancing the post development site for protected and priority species, as well as for other biodiversity enhancement, by way of the inclusion of 10no. bat boxes and 1no. bird nesting boxes into the fabric of the proposed school buildings. Subject to planning conditions that secure these measures, the proposals are considered to be in accordance with the relevant parts of policy NE1 of the Hartlepool Local Plan (2018) and NPPF (2021). The Council's Ecologist has confirmed that there is no specific mitigation required for bats, such as low-level lighting.

1.100 Natural England has been consulted on the application has not offered any comments or objections. Subject to the above referenced conditions, the proposal would not result in any significant adverse impacts on statutorily protected nature conservation sites or landscapes.

1.101 Given this application would not involve any development comprising overnight accommodation, the Council's Ecologist has confirmed that the proposals are not considered to be 'in scope' for further assessment in respect of nitrate pollution.

1.102 Subject to the abovementioned conditions, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the Policies NE1 and NE4 of the Hartlepool Local Plan (2018),

Policies NE1 and NE2 of the Rural Neighbourhood Plan (2018) and paragraph 180 of the NPPF (2021).

HIGHWAY & PEDESTRIAN SAFETY

1.103 It is acknowledged that a number of neighbouring objections have raised concerns that the proposed access road would result in adverse impacts for highway and pedestrian safety (particularly from Seaton Lane). As noted above, the application indicates that localised widening of Seaton Lane would be required to facilitate the creation of the access road.

1.104 It is noted that the area where the proposed access road is to be sited, is in temporary use as a construction access road for vehicles accessing an ongoing adjacent housing development (west). The access road and footpath are required to be in place/connected to the existing highway before the school is occupied and this is secured by a planning condition. The Council's Highways, Traffic and Transport section have been consulted on the application and have not raised any objection to either element of the hybrid application. The proposal is therefore considered to be acceptable in this regard.

1.105 In terms of public footpaths, it is acknowledged that an existing Public Right of Way (PROW) runs along the adjacent fields to the south of the application site. The Council's Countryside Access Officer has been consulted in respect of the application and has confirmed that there is no impact upon any public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. Notwithstanding this, the Council's Countryside Access Officer originally advised that consideration should be given to the re-routing of the existing public footpath to the south of the application site. The applicant has confirmed that this would not be a feasible solution as part of this application and as detailed above, green infrastructure improvements are to be secured by way of a planning condition, which the Council's Countryside Access Officer accepts/agrees to.

1.106 In view of the above, it is considered that the proposal would not result in any adverse impact on car parking, highway and pedestrian safety and the proposal is considered to be acceptable in this respect, subject to the inclusion of appropriate planning conditions.

FLOOD RISK, DRAINAGE & CONTAMINATED LAND

1.107 The proposed development would be situated in an area identified by the Environment Agency's Flood Map for Planning as being in Flood Zone 1 (low risk of flooding). Notwithstanding this, given the site area, the application has been accompanied by a Flood Risk Assessment and Drainage Strategy.

1.108 The Council's Flood Risk Officer has been consulted on the proposals and has confirmed no objection to proposals in respect of surface water management or flood risk, subject to the inclusion of a planning condition requiring the adjacent watercourse to be restored to a functional condition prior to the proposed construction of the access road. A planning condition is also requiring to secure

detailed design and associated management and maintenance of surface water drainage prior to the construction of the proposed school, and this is also secured by a further planning condition.

1.109 Northumbrian Water have been consulted on the application and have confirmed no objection subject to conditions requiring a scheme in respect of foul and surface water flooding be conditioned. The Council's Flood Risk Officer has confirmed that as foul water will primarily come from the school toilets, bathrooms and commercial/industrial processes, and that the access road does not have any of these and cannot produce any foul water, a planning condition securing details of foul drainage is only required in respect of the proposed school. The Council's Flood Risk Officer has also confirmed that further details of surface water are not required for the access element subject to the scheme being carried out in accordance with the submitted/agreed Drainage Strategy and to ensure that the watercourse is restored to a functional condition prior to completion of the access road, as detailed above. This is secured by a planning condition.

1.110 In respect of contaminated land, the application has been accompanied by a Phase 1 and 2 Geo-Environmental Site Assessment. The Council's Flood Risk Officer has confirmed no objections to the proposals subject to an unexpected contamination in respect of the proposed access road and a further condition to address any monitoring in respect of

1.111 The Environment Agency has been consulted on the application and have confirmed no objection in respect of flooding.

1.112 Subject to the inclusion of the above mentioned planning conditions, the proposal is considered to be acceptable in regard to flood risk and surface water drainage, and contaminated land, in accordance with the relevant Policies of the Hartlepool Local Plan (2018) and paragraphs of the NPPF (2021).

OTHER PLANNING MATTERS

Archaeology + Heritage Assets

1.113 The application site is situated a substantial distance from designated heritage assets, including Seaton Conservation Area. Local Plan Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. The applicant has submitted a Planning, Design and Sustainability Statement with a section on Heritage Assets in support of the application. Tees Archaeology have been consulted on the proposals and have had regard to the submitted supplementary information and have confirmed while the proposed school building should not have a significant impact on any known heritage assets, the proposed access road for the site is positioned through an 18th century farmstead. Tees Archaeology therefore request that archaeological monitoring is undertaken during groundworks associated with the construction of the access road. A planning condition can secure this which is recommended accordingly. Subject to the inclusion of this condition, the proposal is considered to be acceptable in these respects.

1.114 The Council's Heritage and Countryside Manager has not offered any comments or objections and therefore the application is considered acceptable in this respect.

Safety and Security

1.115 It is acknowledged that a number of neighbour objections have raised concerns regarding crime, fear of crime and anti-social behaviour, in particular in respect of the proposed regularisation of the existing service road to provide an access road to the proposed school site.

1.116 The Council's Community Safety section have been consulted on the proposal and have confirmed no objections, whilst Cleveland Police have been consulted on the proposal and have advised that the type of access road has the potential to attract anti-social behaviour and have recommended that consideration be given to securing the access road with a fence with a height of 2m, as well as the use of CCTV and lighting. Whilst such proposals do not form part of the current application details, this advice can be relayed to the applicant by way of informative.

1.117 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, including no objections or comments from HBC Community Safety, it is considered that there is no evidence to indicate that the proposed development (including the proposed access road and proposed school site) would harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, the proposal is not considered to be contrary to Policy QP5 of the Hartlepool Local Plan (2018) and would accord with the guidance in the NPPF, in this respect.

Playing Pitches

1.118 As the outline element of the application relates to the provision of playing fields Sport England has therefore been consulted on the application as a statutory consultee. Sport England have confirmed that they are satisfied that the route of the proposed route of the access road does not encroach on the playing fields of Golden Flatts School. No detail is available at this stage in respect of the proposed playing field and MUGA and Sport England recommends that a ground conditions assessment is undertaken. It is considered that final details of the proposed playing fields can come forward through the reserved matters application to ensure the quality of the playing fields are satisfactory. Sport England's advice can be relayed to the applicant by way of an informative.

1.119 The Council's Sport and Recreation section has been consulted on the proposals and have raised no objections or comments. The application is therefore considered to be acceptable with respect to the impact on the provision of playing pitches subject to the submission of the reserved matters application.

Up to date location plans

1.120 With reference to the objections that the submitted location plans do not show new housing development adjacent to the red line boundary (along Seaton Meadows, to the west), it is of note that the submitted plans adequately identify the red line boundary of the application site, and the applicant has advised that the new housing development was not available at the time the plans were produced. Officers consider that they have sufficient information to consult upon and consider the application.

1.121 Notwithstanding the above, the LPA has issued consultation letters to the relevant neighbouring properties (including those abutting the red line boundary of the proposed access road, to the west), as well as displaying a site notice and press advert to advertise the application. It is therefore of note that the application has been advertised by the LPA in line with (if not exceeding) the minimum requirements of planning legislation including neighbour letters and by way of a site notice and a press advert. Notwithstanding the above, the responses have been considered and it is clear that based on the number of responses, people in this location are aware of the current planning application under consideration.

Waste

1.122 Details of waste storage for the school will need to be considered as part of the details of the Reserved Matters. No comments or objections were received from HBC Waste Management or HBC Traffic and Transport at this stage.

1.123 The Tees Valley Minerals DPD requires details with respect to the management of waste from the site once the building is operational and as such a suitable planning condition is recommended to secure a site specific Waste Audit.

RESIDUAL MATTERS

1.124 A number of objections make reference to a potential alternative access road (namely from Brenda Road). The current application can only consider matters as submitted and these matters are therefore not a material planning consideration.

1.125 The proposal not showing up on land searches is not a material planning consideration.

1.126 Cleveland Fire Brigade have offered no objections to the proposals with advice on the requirement for access and water supplies access. With respect to the installation of sprinklers, at this stage, the proposed school is in outline only and such details are not available. Ultimately this would need to be considered and addressed through the separate legislation of Building Regulations and is not a material planning consideration. Nevertheless, Cleveland Fire Brigade's comments have been forwarded to the applicant for their consideration and a suitable informative note if recommended to reiterate this advice

CONCLUSION

1.127 Overall, it is acknowledged that the application site is allocated as green infrastructure (Natural and Semi-Natural Open Space) in accordance with Policies

LS1 and NE2(j) of the Hartlepool Local Plan (2018), albeit no concerns have been raised by the Council's Planning Policy section or other relevant technical consultees including the Council's Ecologist. Notwithstanding this, it is acknowledged that the application is in conflict with Policy NE2 of the Hartlepool Local Plan (2018).

1.128 However and in view of the consideration of the wider benefits of the scheme as set out in the main body of the report, and the relatively marginal amount of green infrastructure land lost as a result, it is, on balance, considered that the development is acceptable in relation to Policies NE1, INF4, QP4 and QP6 of the Hartlepool Local Plan (2018) for the reasons detailed above and that the proposal, taken as a whole, is considered to constitute sustainable development.

1.129 It is further considered that the that the proposal would not result in significant adverse impacts on the amenity or privacy of neighbouring land users or adverse visual impacts, and the proposal is considered to be acceptable in respect of all other material considerations. Subject to the identified conditions (including those to secure the green infrastructure improvements, and long term maintenance and management of landscaping and ecological compensation/BNG at the application site), the proposal is considered to accord with relevant identified policies of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

EQUALITY AND DIVERSITY CONSIDERATIONS

1.130 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.131 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.

1.132 There are no Section 17 implications.

REASON FOR DECISION

1.133 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 which include the requirement for the provision and implementation of green infrastructure (equivalent cost of £7,000.00); and a Biodiversity Management Plan scheme to include the provision of 3.74 Habitat Units (equivalent cost of £112,200.00);

1. The part of the development for which full planning is hereby approved (the vehicular access and pedestrian footpath link to/from Seaton Lane, hereby referred to as 'The Access'), as defined by the blue line/area on Dwg. No. E/L/549e (date received by the Local Planning Authority 14th April 2022) 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. For the part of the development for which outline planning permission is approved (the school site, hereby referred to as 'the Free School Site'), as defined by the red line on Dwg. No. E/L/549e (date received by the Local Planning Authority 14th April 2022), application for the approval of the reserved matters (referred to below in condition 03) and the commencement of development, shall be as follows. The reserved matters applications shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matter.
For the avoidance of doubt.

3. Approval of the details of the internal pedestrian and highway layout, layout, scale and appearance of the building(s) and the landscaping of the Free School Site (hereinafter called the "reserved matters"), shall be obtained in writing from the Local Planning Authority.
In order to ensure that these details are satisfactory.

4. The development of The Access hereby approved shall be carried out in accordance with the following plans;
Dwg. No. PR836/PA/COMBINED (Location Plan, at a scale of 1:1250),
Dwg. No. PR836/PA/LAYOUT (Layout, at a scale of 1:1000),
Dwg. No. E/L/549e (scale at 1:5000),
Dwg. No. PR836/PA/SECTIONS (Golden Flats Access Road Sections)
Dwg. No. PR836/PA/DRAINAGE (Surface Water Drainage Layout)
all plans date received by the Local Planning Authority 14th April 2022;.

The development of the Free School Site hereby approved shall be carried out in accordance with the following plans;
Dwg. No. E/L/549e (scale at 1:5000),
Dwg. No. PR836/PA/COMBINED (Location Plan, at a scale of 1:1250),
date received by the Local Planning Authority 14th April 2022;
For the avoidance of doubt.

5. No development shall commence unless and until a Biodiversity Management Plan scheme for offsite compensation ("the scheme") to ensure that the approved development provides the delivery of 3.74 Habitat Units of habitat creation or habitat uplift (including hedgerow creation) and the subsequent management of habitats in 'good condition' has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the offsite compensation, shall be measured in accordance with the biodiversity metric 3.1. The scheme shall include:
 - a) identification of the compensation site(s);
 - b) details of habitat creation or habitat uplift sufficient to provide the delivery of 3.74 Habitat Units;
 - c) the provision of arrangements to secure the delivery of the Habitat Units (including a timetable for their delivery);
 - d) a management and monitoring plan (to include for the provision and maintenance of Habitat Units for a period of at least 30 years).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery or any variation so approved in writing by the Local Planning Authority.

To provide biodiversity management and biodiversity net gain in accordance with paragraphs 8, 174 and 180 of the NPPF and policy NE1 of the Local Plan.

6. Prior to the commencement of works above ground level of The Access, a scheme for the provision, long term maintenance and management of all landscaping within the site shall be first submitted to and agreed in writing with the Local Planning Authority. 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. All planting, seeding or turfing comprised in the approved details of landscaping of The Access shall be carried out in the first planting season following the first use of The Access or completion of The Access, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development of The Access, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
7. The Reserved Matters application (referred to in conditions 2 and 3) for the Free School Site shall be accompanied by a scheme for the provision, long term maintenance and management of all landscaping within the site. 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. Thereafter the agreed scheme (as part of the Reserved Matters) shall be provided in accordance with the approved details and timetable. All planting, seeding or turfing comprised in the approved details of landscaping of the Free School Site shall be carried out in the first planting season following the first use of the Free School Site or completion of the Free School Site, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development of The Access, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
8. In the event that contamination is found at any time when carrying out The Access hereby approved, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This

scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.
To ensure that any site contamination is addressed.

9. No development of the Free School Site hereby approved shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in

writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a validation report shall be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same shall be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. (A) No demolition/development of The Access shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation

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

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

C) The condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In order to ensure that the archaeology of the site is adequately investigated.

11. Prior to commencement of the development of Free School Site a scheme detailing any fixed plant equipment shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the submitted details and retained as such for the lifetime of the development.
In the interests of the amenities of neighbouring occupiers.
12. Development shall not commence of Free School Site until a detailed scheme for the disposal of foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
13. The scheme for the disposal and management of surface water associated with The Access hereby approved shall be carried out solely in accordance with the submitted 'Drainage Strategy and Flood Risk Assessment, July 2021', reference PR836/DS/001 (date received by the Local Planning Authority 14th April 2022). Thereafter and prior to the completion of The Access hereby approved, a scheme and timetable for the restoration of the adjacent unnamed watercourse to a functional condition shall be first submitted to and agreed in writing by the Local Planning Authority. Thereafter it shall be carried out in accordance with the agreed details and timetable.
To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
14. Notwithstanding the submitted information, no development of the Free School Site shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to

minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document). To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

15. No development of The Access or the Free School Site shall take place until a scheme for the protection during construction works of all trees shown to be retained (as detailed in E 'Tree Constraints Plan' of document BS5837 – Tree Survey, Arboricultural Impact Assessment, date received by the Local Planning Authority on 14/04/2022), in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the existing trees and the visual amenity of the area.
16. Prior to the commencement of The Access, a Construction Management Plan (CMP) shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction of The Access, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the first use of The Access. Thereafter the development shall be carried out solely in accordance with the agreed CMP. Any land affected by construction works shall be made good following construction and prior to The Access hereby approved being brought into use. In the interests of the occupiers of adjacent and nearby premises and highway safety.
17. Prior to the commencement of the Free School Site, a Construction Management Plan (CMP) shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction of the Free School Site, effectively control

dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the first use of the Free School Site. Thereafter the development shall be carried out solely in accordance with the agreed CMP. Any land affected by construction works shall be made good following construction and prior to the school building(s) hereby approved being brought into use.

In the interests of the occupiers of adjacent and nearby premises and highway safety.

18. Prior to the commencement of development of The Access, details of the existing and proposed levels of the site (The Access) including the finished floor levels of the road to be erected (within and outwith the site) and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.
19. Prior to the commencement of development of Free School Site, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected (within and outwith the site) and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.
20. Prior to the commencement of the Free School Site hereby approved, a report shall be first submitted to and approved in writing by the Local Planning Authority that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the Free School Site's predicted energy supply. The Free School Site shall thereafter be constructed/installed in line with the approved scheme prior to the completion of the Free School Site or first use of the Free School Site (whichever is sooner). In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1
21. Notwithstanding the submitted details and prior to the laying of any hard surfaces of The Access, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The

agreed scheme shall be implemented prior to the first use of the development or completion of the development, whichever is the sooner.
In the interests of visual amenity and to prevent an increase in surface water runoff.

22. Notwithstanding the submitted details and prior to above ground construction of The Access hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to first use of the development.
In the interests of visual amenity.
23. Prior to the commencement of works above ground level of Free School Site, details of a minimum of 10no. integral bird nest bricks located in south or east facing walls (where possible) and at a minimum height of 3m above ground level and 10no. integral bat roost bricks located in south or east facing walls (where possible) at a minimum height of 3m above ground level (or in a roof tile) to the Free School Site buildings, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the bat and bird features have been installed. The bat and bird bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.
To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.
24. Prior to the above ground construction of the Free School Site hereby approved, a scheme and timetable for green infrastructure improvements in the vicinity of the application site shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the agreed scheme shall be completed in accordance with the details and timetable for works embodied within the agreed scheme.
To accord with the provisions of policies LS1 and NE2 of the Hartlepool Local Plan (2018).
25. Notwithstanding the submitted information, the Reserved Matters application for the development of the Free School Site shall be accompanied by final details of all hard surfaces, hard landscaping, external finishing materials, boundary treatments and enclosures including all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings, and shall include a timetable for implementation. Thereafter, the Free School Site shall be carried out in accordance with the agreed details and timetable.
To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers
26. Notwithstanding the submitted information, the Reserved Matters application for the development of the Free School Site shall be accompanied by a site specific Waste Audit which shall identify the amount and type of waste which is

expected to be produced by the development of the Free School Site, both during the construction phase and once it is in use. The Waste Audit shall 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, and shall include a timetable for implementation. Thereafter, the Free School Site shall be carried out in accordance with the agreed details. To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers, and to ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

27. No part of the Free School Site shall be occupied until a scheme for the provision of electric vehicle charging apparatus to serve the Free School Site hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details, prior to the occupation of the Free School Site. In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
28. Prior to the installation of any external lighting and/or floodlights associated with The Access hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved. To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
29. Prior to the installation of any external lighting and/or floodlights associated with the Free School Site hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved. To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
30. During the construction of the development hereby approved, all holes or trenches should be dug and in-filled within the same working day. If this is not possible, these should be securely covered overnight and/ or provided with an adequate means of escape to prevent badger and other wildlife from becoming entrapped. In the interests of the ecology of the area.
31. No construction/building works or deliveries associated with the development hereby approved shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 8.00 am and 1.00 pm on

Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.

32. All deliveries to the Free School Site shall only be carried out between the hours of 7:00am and 7:00pm on any day.
In the interests of the amenities of the occupants of neighbouring properties.
33. The buildings and outside recreational areas of the Free School Site shall not be used outside of the hours 07:00hrs – 19:00hrs Monday to Friday.
In the interests of the amenities of neighbouring occupiers
34. The Free School Site hereby approved shall be used as a School (Use Class F1) and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.
35. No part of the Free School Site development shall be occupied or brought into use until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
36. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements, applications, banners or other covers should be displayed at the application site hereby approved at any time without the prior written approval of the Local Planning Authority.
In order to protect the character and appearance of the area.

BACKGROUND PAPERS

1.134 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=153064>

1.135 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

CONTACT OFFICER

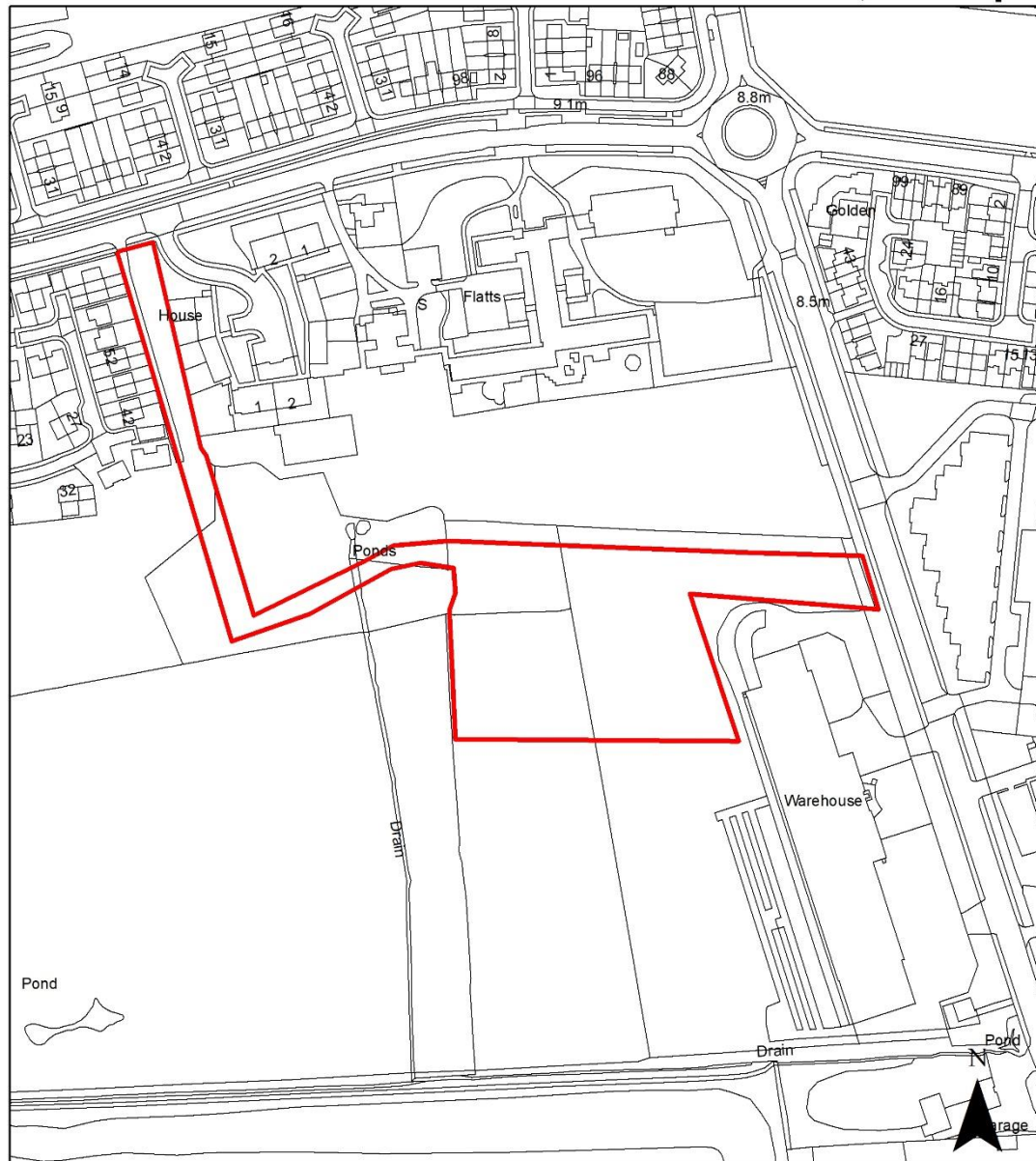
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Land to the south of Golden Flatts School, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 11. 7.2022
	SCALE 1:2500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2022/0168	REV

POLICY NOTE

The following details a precis of the overarching policy documents referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN POLICIES

<https://www.hartlepool.gov.uk/localplan>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018

MINERALS & WASTE DPD 2011

https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

MATERIAL PLANNING CONSIDERATIONS IN DECISION MAKING

Material Planning Consideration	Non Material Planning Consideration
<i>Can be used as reasons to make a decision to grant or refuse a planning application</i>	<i>To be ignored when making a decision on a planning application</i>
<ul style="list-style-type: none"> Local and National planning policy 	<ul style="list-style-type: none"> Political opinion or moral issues
<ul style="list-style-type: none"> Visual impact 	<ul style="list-style-type: none"> Precedent (individual merits of each case)
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Applicants personal circumstances
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Problems arising from construction period
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Loss of trade / business competition
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Loss of a view
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Alternative proposals
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Retention of existing use
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> There is a better site for the development
<ul style="list-style-type: none"> Crime and the fear of crime 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Economic impact 	<ul style="list-style-type: none"> Changes from previous approved schemes
<ul style="list-style-type: none"> Planning history or previous decisions made 	<ul style="list-style-type: none"> Building Regs (fire safety, land stability etc.)
<ul style="list-style-type: none"> Economic viability of the scheme 	

PLANNING COMMITTEE

24 August 2022



Report of: Assistant Director (Place Management)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. Alterations to ground levels at a residential property in Tarnston Road.
2. The erection of a fence at the front of a residential property in Templeton Close.
3. The change of use to a house in multiple occupation or flats at a residential property in Beaconsfield Square.
4. The installation of uPVC windows in the first floor flat at a residential property in Beaconsfield Street.
5. Fabrication works at a residential property in Tunstall Grove.
6. The change of use of a first floor storeroom to residential accommodation at a commercial premises on Raby Road.
7. Non-compliance with a condition relating to the construction of a bund, and the obstruction of a footpath at land at Wynyard Woods.
8. The incorporation of Council owned amenity space into residential gardens at land at Winthorpe Grove.
9. The erection of a fence and enclosure of land at a scheduled ancient monument site at a residential development at land at Hart Lane.
10. Running a joinery business at a residential property in Shelley Grove.
11. The erection of a fence or gate at a lane at the rear of commercial premises at The Front.

12. Use of an outbuilding for commercial plant and machinery storage at a residential property at The Green, Elwick.
 13. The removal of hedgerows at a residential development site and land south of High Tunstall, Elwick Road.
 14. The erection of a garage at a residential property on Greta Avenue.
 15. The erection of a fence at a residential property in Spalding Road.
 16. The sub-division of a dwellinghouse to create two separate flats at a residential property in Brenda Road.
 17. Non-compliance with a working hours condition at a residential development site at Wynyard Woods.
 18. Failure to discharge a condition relating to the installation of sound insulation measures at a residential development at Lowthian Road.
 19. The erection of a side extension at a residential property on Kesteven Road.
 20. The siting and occupation of a caravan at an industrial premises on Tofts Farm Industrial Estate.
 21. The raising of ground levels at a residential development site at land east of Brenda Road and south of Seaton Lane.
 22. Failure to discharge a condition relating to the disposal of foul and surface water at a residential development site and land east of Brenda Road and south of Seaton Lane.
 23. The erection of a high fence at the side of a residential property at Brinkburn Court.
 24. Non-compliance with a working hours condition at a residential development site at land at Wynyard Woods.
- 1.2 Investigations have been completed as a result of the following complaints:
1. The installation of uPVC windows at a listed residential property in Regent Square. The uPVC windows have now been replaced with timber sliding sash windows.
 2. The erection of a single storey extension at the rear of a residential property on Burns Close. A retrospective planning application seeking to regularise the development has since been approved.

3. The installation of a telecoms mast at land adjacent to a domestic garages complex on Wentworth Grove. It was found that no telecoms mast had been installed.
4. The erection of a gazebo at the rear of a residential property in Rillston Close. A retrospective planning application seeking to regularise the development has since been approved.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

24th August 2022



Report of: Assistant Director - Place Management

Subject: DEVELOPMENT MANAGEMENT PERFORMANCE
– FIRST QUARTER 2022-23

1. PURPOSE OF REPORT

1.1 This report is for information.

2. PURPOSE OF REPORT

2.1 To update the Planning Committee on performance of the Development Management service for the first quarter of 2022/2023.

3. BACKGROUND

- 3.1 The Development Management service focuses on determining planning applications. The service encourages the use of an advisory service (One Stop Shop) to enable proposals to be considered informally before applications are submitted, helping to improve the quality of development where appropriate. The section is also responsible for monitoring development and, where necessary, implementing enforcement action against unauthorised development.
- 3.2 The Government's current statutory determination periods for planning applications are 8 weeks for non-major development, 10 weeks for technical details consent, 10 weeks for development relating to major public service infrastructure projects (excluding EIA development) involving schools, hospitals and criminal justice accommodation, 13 weeks for major development and 16 weeks for EIA (Environmental Impact Assessment) development.
- 3.3 The Government sets stringent standards for performance, if these are not met then an authority can come under special measures which would mean that an applicant could apply to the Planning Inspectorate to determine its application rather than the planning authority. The Government's criteria for special measures designation require that, in terms of speed of decision making, 60% of major and 70% of non-major applications are determined within the statutory periods (or within an agreed extension of time). In terms of quality of decision making the criteria require that less than 10% of an authorities total decisions are overturned on appeal.

4. PERFORMANCE FOR THE FIRST QUARTER

Speed of decision making

- 4.1 For the first quarter the service recorded that 100% of major applications were determined within the statutory periods (or within an agreed extension of time). For non-major ('minor' or 'other') applications 98.59% of applications were determined within the statutory periods (or within an agreed extension of time). For county matters (mineral and waste) 100% of applications were determined within the statutory periods (or within an agreed extension of time). In all cases, the service is far exceeding the government's performance targets. Furthermore, of these applications, 96% were approved.

Quality of decision making

- 4.2 For the first quarter of the year two appeals were dismissed by the Planning Inspectorate. The authority has therefore had 0% of its decisions overturned on appeal this quarter, again far exceeding the government's target of less than 10%.

5. RECOMMENDATION

- 5.1 That members note the report.

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