

PLANNING COMMITTEE

AGENDA



Wednesday 15 February 2023

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Martin-Wells, Morley, D Nicholson, 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 18th January 2023

4. ITEMS REQUIRING DECISION

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

- | | |
|----------------|--|
| 1. H/2022/0306 | Former Engineers Club and Registry Office (page 1) |
| 2. H/2022/0333 | Kingsley Primary School (page 65) |

5. ITEMS FOR INFORMATION

5.1 Update on Current Complaints – *Assistant Director (Place Management)*

5.2 Development Management Performance – Third Quarter 2022-23 – *Assistant Director (Place Management)*

5.3 Appeal at 56 Rosthwaite Close, Hartlepool – *Assistant Director (Place Management)*

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.

- 5.4 Planning Appeal at 107 Park Road, Hartlepool – *Assistant Director (Place Management)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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 15 March 2023



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

18th January 2023

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

Present:

Councillor Paddy Brown (In the Chair)

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

In accordance with Council Procedure Rule 4.2 Councillor Ben Clayton was in attendance as substitute for Councillor Brenda Harrison

Officers: Kieran Bostock, Assistant Director (Place Management)
Zoe Craig, Environmental Health Manager (Environmental Protection)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Stuart Edwards, Flood Risk Officer
Chris Scaife, Countryside Access Officer
Stephanie Bell, Senior Planning Officer
Alex Strickland, Legal Advisor
Jo Stubbs, Democratic Services Officer

83. Apologies for Absence

Apologies were submitted by Councillor Brenda Harrison.

84. Declarations of interest by members

None

85. Confirmation of the minutes of the meeting held on 14th December 2022

Minutes confirmed

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

Number:	H/2022/0263
Applicant:	RACHEL NESS DEVONSHIRE SQUARE LONDON
Agent:	RACHEL NESS CLEARSTONE ENERGY 8 DEVONSHIRE SQUARE LONDON
Date received:	05/07/2022
Development:	Proposed construction, operation and maintenance of a Battery Energy Storage System (BESS) facility with associated infrastructure and works including earthworks, highway access, landscaping and biodiversity enhancements.
Location:	LAND AT WORSET LANE HARTLEPOOL

A member visit to the site had taken place immediately prior to this meeting.

Councillor Young moved that the vote be put. This was seconded by Councillor Martin-Wells. A recorded vote was taken on the officer recommendation to approve:

For – Councillors Moss Boddy, Paddy Brown, Tom Feeney, Ben Clayton, Sue Little, Dennis Loynes, Andrew Martin-Wells, Melanie Morley, David Nicholson, Veronica Nicholson and Mike Young

Against – None

Abstained - None

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 following plans: Dwg. No. WLP1.0 Rev C (Location Plan), Dwg. No. WLP3.0 Rev F (Proposed Site Layout Plan), Dwg. WLP4.0 (Site Cross Sections), Dwg. No. WLP6.0 Rev A (Proposed Containerised Equipment Plan), Dwg. No. WLP8.0 Rev A (Proposed Perimeter and Substation Fence and Gate Elevation Plan), Dwg. No. WLP9.0 Rev A (Proposed CCTV and Infra-Red Plan) received by the Local Planning Authority 5th July 2022; Dwg. No. NT15841-201 (Visual

Analysis) received by the Local Planning Authority on 26th October 2022; WLP5.0 Rev B (Proposed Battery Pack and Elevations Plan) and Dwg. No. WLP7.0 Rev B (Proposed Inverter/Transformer Station Plan) received by the Local Planning Authority on 22nd November 2022. For the avoidance of doubt.

3. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity to the plan 'Landscape and Ecological Enhancement Strategy' (Dwg. No. NT15841-200, received by the Local Planning Authority on 5th July 2022) and 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 development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the installation of the BESS facility hereby approved. 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 to enhance biodiversity in accordance with the provisions of the NPPF.
4. 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 development shall not be operational or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In the interests of protecting archaeological assets.

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless any variation is otherwise agreed in writing by the Local Planning Authority.

In the interests of avoiding or mitigating ecological harm.

6. A biodiversity management plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The content of the BMP shall be in general conformity with Section 5 'Potential Impacts and Recommendations' of 'Ecological Impact Assessment and Biodiversity Net Gain Assessment' (document reference R006 / July 2022, received by the Local Planning Authority on 5th July 2022) and include the following:

- Description and evaluation of features to be managed, including identification of target ecological condition used to calculate the change in biodiversity value,
- Ecological trends and constraints on site that might influence management,
- Aims and objectives of management,
- Appropriate management options for achieving aims and objectives,
- Prescriptions for management actions,

- Preparation of work schedule (including annual work plan capable of being rolled forward over the lifetime of the development),
- Details of the body or organisation responsible for implementation of the plan,
- Ongoing monitoring and remedial measures,
- A timetable for implementation.

The BMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Thereafter, the approved BMP shall be implemented in accordance with the approved details and timetable for implementation.

In the interests of ensuring ecological impacts are suitably mitigated/compensated for and to ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.

7. No development shall commence until a Construction Traffic Management Plan (CTMP) for the development has been submitted to and approved in writing by the Local Planning Authority and National Highways. The CTMP shall include:
 - Identification of the routes to site for general construction traffic and the associated workforce, and details of the number and type of vehicle movements anticipated on these routes during the construction period;
 - A detailed protocol for the delivery of any abnormal loads, prepared in consultation and agreement with interested parties, including National Highways, the Local Highway Authority and the Police (if applicable);
 - Any necessary traffic management measures on the routes to site for construction traffic;
 - Proposed measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;
 - A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
 - Measures to ensure that all affected public roads are kept free of mud and debris arising from the development, and that effective wheel/vehicle cleansing is undertaken;
 - Measures to ensure a mechanism for identifying and mitigating any potential cumulative highway impacts, should the construction of the project coincide with the construction of any other major projects in the area;
 - Measures to ensure that all construction traffic to the site follows an approved route to avoid any impacts on the minor road network;

To ensure that the A19 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

8. Prior to the commencement of development, a scheme for dust suppression measures during site remediation and construction works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.
In the interest of the amenity of neighbouring properties and land users.
9. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree protection measures identified in the 'Technical Note' (document reference NT15841, prepared by Moray Simpson (Associate Director – Arboriculture, documented dated 21/07/2022, received by the Local Planning Authority on 22nd July 2022), shall be in place and thereafter retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the existing trees and the visual amenity of the area.
10. Prior to above ground construction, final details of the external finishes to the BESS facility structures hereby approved shall be submitted to and approved by the Local Planning Authority, colour treatments and samples (or high quality photographs) of the desired materials being provided for this purpose. The finishing materials shall include moss green finish to the containers identified in Dwg. No. NT15841-201 (Visual Analysis) received by the Local Planning Authority on 26th October 2022. The approved finishes shall be implemented and retained thereafter.
In the interests of visual amenity.
11. 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 shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. The agreed scheme shall be implemented prior to the BESS facility being brought into operation.
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.

12. Notwithstanding the requirements of condition 10 and prior to the completion of the BESS facility hereby approved, full details of a 3.8m high bund to be positioned to the west / southwest of the southern plant area located along the southern boundary(s) as detailed in paragraph 4.15 of the submitted 'Noise Impact Assessment' (document ref R009 by NoiseAssess Ltd, dated July 2022), received by the Local Planning Authority 5th July 2022, shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter, the agreed scheme shall be implemented in accordance with the agreed details prior to the BESS facility being brought into operation and shall remain in place for the lifetime of the development hereby approved.
In the interests of amenity of future occupiers and the amenities of the area.
13. The scheme for the disposal and management of surface water associated with the BESS facility hereby approved shall be carried out solely in accordance with the submitted 'Flood Risk Assessment and Drainage Strategy', reference R008 / June 2022 (date received by the Local Planning Authority 5th July 2022). 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.
14. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 8.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
15. 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 Hartlepool Borough Council's standard 'Site Characterisation' condition. Where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of Hartlepool Borough Council's standard 'Submission of a Remediation Scheme' condition and submitted to the Local Planning

Authority for its approval in writing. The approved remediation scheme shall thereafter be implemented and following completion of measures identified in the approved remediation scheme, a validation report shall be prepared in accordance with Hartlepool Borough Council's standard 'Implementation of Approved Remediation Scheme' condition, which is subject to the approval in writing of the Local Planning Authority. For details of the aforementioned conditions, please contact the Local Planning Authority. Long Term Monitoring and Maintenance and 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 works, neighbours and other offsite receptors.

16. When the BESS facility hereby approved ceases its operational use, which shall be no later than 41 years from the commencement of development, all containers, support structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its current use as agricultural land in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority. The developer shall notify the Local Planning Authority in writing of their intended commencement date on site no later than 1 week prior to works starting for the purposes of calculating the time limit for this condition.

The application has been assessed in accordance with the details submitted by the applicant and, taking into account the benefits of the production of renewable energy. At the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

Number:	H/2022/0024
Applicant:	SEAN DRINKEL FRONT STREET HART HARTLEPOOL
Agent:	PLANNING HOUSE MRS HELEN HEWARD 4 MAYNARD GROVE WYNYARD BILLINGHAM
Date received:	22/02/2022

Development:	Extension to beer garden including installation of raised decking to rear of public house (retrospective application)
Location:	WHITE HART INN FRONT STREET HART HARTLEPOOL

A member requested assurance that there would be no direct access from the beer garden onto Clevecoat Walk, now or through any future application. The Senior Planning Officer confirmed that this access had originally been applied for by the applicant but was withdrawn when planning officers advised it was unacceptable. The Chair noted that members were required to consider the application presented to them and should not consider what might happen in the future.

A member queried whether a time limit would be put on any external noise associated with external TVs. The Environmental Health Manager advised that her team would have responsibility for any noise complaints should this application be approved.

A recorded vote was taken on the officer recommendation to approve:

For – Councillors Moss Boddy, Paddy Brown, Tom Feeney, Ben Clayton, Sue Little, Dennis Loynes, Andrew Martin-Wells, Melanie Morley, David Nicholson, Veronica Nicholson and Mike Young

Against – None

Abstained - None

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development hereby permitted (extension to beer garden including installation of raised decking to rear of public house) shall be carried out in accordance with the plans and details; Dwg. No. 2206.P.04 Rev A ('Location Plan') received by the Local Planning Authority on 22nd February 2022; Dwg. No. 2206.P.01 Rev B ('Ground Floor Plan and Photographs') and 2206.P.05 Rev A (Existing Block and Proposed Block Plan) both date received by the Local Planning Authority on 9th March 2022; Dwg. No. 2206.P.03 Rev B ('Elevations' with the exception of any reference or works to the 'balcony as developed' which this permission does not relate to and shall be removed within the timescale stipulated in condition 2) received by the Local Planning Authority on 8th December 2022. For the avoidance of doubt.
For the avoidance of doubt.
2. Within 3 (three) months from the date of the decision notice, the first floor balcony/terrace and associated canopy and decking annotated as 'View A showing balcony as developed' and 'View E as developed' on

plan Dwg. No. 2206.P.03 Rev B (Elevations, received by the Local Planning Authority on 8th December 2022) and Dwg. No 2206.P.02 Rev A (First Floor Plan and Photographs, received by the Local Planning Authority on 15th February 2022) shall be removed and the building restored to its former condition before the breach took place. In the interests of visual amenity and the amenities of neighbouring properties, and to which the permission is based.

Number:	H/2022/0394
Applicant:	BOWMER & KIRKLAND SPACES FITZROVIA 77-79 NEW CAVANDISH STREET LONDON W1W 6XB
Agent:	DPP PLANNING MR BOB ROBINSON SPACES FITZROVIA THE HARLEY BUILDING 77-79 NEW CAVANDISH STREET LONDON W1W 6XB
Date received:	22/11/2022
Development:	Approval of reserved matters for the erection of a new SEN school building (Class F1) and associated outdoor-sports areas and infrastructure pursuant to the outline element of H/2022/0168
Location:	LAND TO THE WEST OF BRENDA ROAD GOLDEN FLATTS SCHOOL HOUSE SEATON LANE HARTLEPOOL

Councillor Young moved that the vote be put. This was seconded by Councillor Little. A recorded vote was taken on the officer recommendation to approve:

For – Councillors Moss Boddy, Paddy Brown, Tom Feeney, Ben Clayton, Sue Little, Dennis Loynes, Andrew Martin-Wells, Melanie Morley, David Nicholson, Veronica Nicholson and Mike Young

Against – None

Abstained - None

Decision: Reserved Matters Approved

CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following plans;

Dwg. No. FS0893-RYD-XX-ZZ-DR-A-3600 Revision P9 (GA Elevations),
Dwg. No. FS0893-RYD-XX-00-DR-A-3000 Revision P10 (GA Plan,
Level 00),
Dwg. No. FS0893-RYD-XX-01-DR-A-3001 Revision P10 (GA Plan,

Level 01),

Dwg. No. FS0893-RYD-XX-R1-DR-A-3002 Revision P6 (GA Plan, Level Roof),

Received by the Local Planning Authority on 18th October 2022;

Dwg. No. FS0893-RYD-XX-ZZ-DR-A-3801 Revision P8 (Coloured Elevations) received by the Local Planning Authority on 15th November 2022;

Dwg. No. FS0893-RYD-XX-ZZ-DR-A-2900 Revision P4 (Site Location Plan), at a scale of 1:1250) received by the Local Planning Authority on 23rd November 2022;

Dwg. No. FS0893-ALA-XX-ZZ-DR-L-0001 S2 Revision P04 (Illustrative Masterplan),

Dwg. No. FS0893-ALA-XX-ZZ-DR-L-0008 S2 Revision P03 (Site Sections),

Dwg. No. ALA648-FS0893-ALA-XX-ZZ-DR-L-0004 S2 Revision P04 (Landscape General Arrangement, 1 of 2),

Dwg. No. ALA648-FS0893-ALA-XX-ZZ-DR-L-0005 S2 Revision P04 (Landscape General Arrangement, 2 of 2),

Dwg. No. ALA648-FS0893-ALA-XX-ZZ-DR-L-0002 S2 Revision P03 (Landscape General Arrangement),

Dwg. No. 600230-HEX-00-00-DR-TP=0100 (Refuse and Service Vehicle Swept-Path Analysis)

Received by the Local Planning Authority on 13th December 2022;

Document reference FS0893-ALA-00-XX-RP-L-0001 Rev P02 (Landscape Maintenance and Management Plan), received by the Local Planning Authority on 19th December 2022;

Dwg. No. FS0893-ALA-XX-ZZ-DR-L-0003 Revision P04 (Fencing General Arrangement),

Dwg. No. ALA648-FS0893-ALA-00-XX-DR-L-0011 Revision P05 (Planting Strategy),

received by the Local Planning Authority on 22nd December 2022
For the avoidance of doubt.

2. Notwithstanding the submitted details, and prior to the above ground construction of the development hereby approved, full details and elevation drawings of cycle parking details, trim tail, play equipment, external canopies, bin store, sprinkler tank, and substation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, such development shall be carried out in accordance with the approved details and implemented prior to first use of the development hereby approved.
In the interests of visual amenity.
3. Notwithstanding the submitted details, and prior to the above ground construction of the development hereby approved, large scale details

(including samples) of all external finishing materials and hard surfacing 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.

4. Notwithstanding the submitted details, and prior to the above ground construction of the development hereby approved, large scale details of all boundary treatments shall be submitted to and approved by the Local Planning Authority. Such details shall be in general conformity with the details shown on Dwg. No. FS0893-ALA-XX-ZZ-DR-L-0003 Revision P04 (Fencing General Arrangement, received by the Local Planning Authority on 22/12/2022). Thereafter the development shall be carried out in accordance with the approved details and implemented prior to the first use of the development hereby approved. In the interests of visual amenity.

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

Members were given information on 8 complaints currently under investigation and 4 which had recently been completed

Decision

That the report be noted

88. Appeal at vacant land on Fens Lane, Hart (*Assistant Director (Place Management)*)

Members were advised that an appeal in respect of an application for construction of a single dwelling house and associated drive had been dismissed. The inspector's decision was appended to the report.

Decision

That the report be noted.

89. Appeal at 21 North Lane, Elwick (*Assistant Director (Place Management)*)

Members were advised that an appeal in respect of an application for the erection of a single and 2 storey rear extension, installation of bay window, erection of porch extension to the front elevation and fixed canopy to the rear garden had been dismissed. The inspector's decision was appended to the report.

Decision

That the report be noted.

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

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

Minute 91 – (Enforcement Items) – 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.

91. Enforcement Items (*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.

This information is detailed in the closed section of the minutes.

Decision

Detailed in the closed section of the minutes

The meeting concluded at 10:35am

CHAIR

No: 1.
Number: H/2022/0306
Applicant: ADVANCED RS DEVELOPMENT WESLEY SQUARE
HARTLEPOOL TS24 8BX
Agent: LOGIC ARCHITECTURE MISS ELLIE-MAY SIMMONDS
BOHO SEVEN QUEENS SQUARE BOHO ZONE
MIDDLESBROUGH TS2 1PA
Date valid: 02/09/2022
Development: Demolition of Former Engineers Club & Registry Office
(The Willows) and erection of 3, 4 & 5 storey residential
blocks with commercial units to ground floor providing
98no. residential units
Location: ENGINEERS SOCIAL CLUB 28 RABY ROAD
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 application site benefits from an extensive planning history of which the most recent and relevant are set out below.

1.3 In respect of the former Engineers Club;

H/1980/0550 – Extension. Approved 09/09/1980.

HFUL/1986/0390 – Creation of a new vehicular access. Approved 22/09/1986.

HFUL/1989/0824 – Single storey extensions to the front and side of club premises. Approved 11/01/1990.

HFUL/1999/0342 – Replacement of flat roofs with pitched roofs. Approved 06/09/1999.

1.4 In respect of land adjacent to Advanced House/rear of the former Engineers Club;

H/2016/0416 - Hybrid planning application for outline planning permission for the erection of 1.no two storey unit for A1 (Retail) and B1 (Business) Uses with 4no. 1-bed flats (C3 Residential Use) above. Full planning permission for provision of new vehicle access/amendments to existing access and provision of car parking. Approved 27/07/2017. This permission has since lapsed.

1.5 In respect of the former Registry Office;

H/2015/0335 – Change of use of former Registry Office to Community Resource Centre with ancillary café/sandwich bar. Approved 15/10/2015.

PROPOSAL

1.6 The application seeks full planning permission for the demolition of the former Engineers Club and Hartlepool Registry Office and the erection of three blocks providing a mixed residential and commercial development, to comprise a total of 98 residential apartments and 6 commercial units.

1.7 Block 1 would be a four storey building (the third floor consisting of flats within the roof space) to the eastern extent of the site, which would provide 25 residential apartments across four floors. Block 1 would measure approximately 28m in length by approximately 19.2m in width with a height of approximately 9.4m.

1.8 Block 2 would be a six storey building (featuring a recessed floor to the top storey) to the south west of the site, which would provide 41 residential apartments and 2 ground floor commercial units (approximately 122sqm in total floor space). Block 2 would measure approximately 38m in length by approximately 17.3m in width with a height of approximately 16.6m. Block 2 includes a sprinkler room with commercial refuse storage (in the ground floor, accessed from the south west elevation).

1.9 Block 3 would be a five storey building (featuring a recessed floor to the top storey) to the north west of the application site, which would provide 32 residential apartments and 4 ground floor commercial units (approximately 270sqm in total floor space). Block 3 would measure approximately 38m in length by approximately 19.1m in width with a height of approximately 13.5m.

1.10 Block 1 would be accessed (and served by separate car parks) from Clarence Road to the east, whilst Blocks 2 and 3 would be accessed from Raby Road to the west. The three blocks would together provide a total of 6 x 1-bedroom apartments and 92 x 2-bedroom apartments and 6 commercial units. The commercial units would be at ground floor of Blocks 2 and 3 and would front onto Raby Road (west).

1.11 In terms of materials, Blocks 2 and 3 would be finished with brick slips above the ground floor (that would feature grey brickwork) with brick banding at a higher level as well as high levels of glazing to serve the residential units and the commercial units.

1.12 Block 1 would be finished in render to the north and south elevations and part render/part red brick to the east and west elevations.

1.13 The proposed residential blocks feature windows in each elevation and on each floor with obscure glazed treatment to certain elevations of Block 2 including the south east elevation (facing the north/side elevation of Ward Jackson House (occupied by the Job Centre), and to the north west elevation facing the south east

elevation of Block 3. In turn Block 3's south east elevation would feature similar treatment to a number of windows.

1.14 In terms of car parking, the application proposes a total of 43 car parking spaces (including 4 accessible car parking spaces), and 38 bike storage spaces. Car parking for Block 1 would be sited to the east of the application site and would feature 16 car parking spaces, a store providing storage for 8 cycles, and a bin store to the south east corner.

1.15 Blocks 2 and 3 would feature a combined car parking area accessed from Raby Road towards the centre of the site (the access running between the 2 blocks) and would feature 27 car parking spaces throughout, storage for 30 cycles on the northern boundary, a substation on the northern boundary, and refuse storage on the southern boundary.

1.16 The proposed cycle storage to serve Block 1 would measure approximately 3.7m in length by approximately 2.7m in width, with a sloped flat roof measuring approximately 2.7m in height (approximately 2.4m to the eaves). The proposed cycle storage to serve Blocks 2 and 3 would measure approximately 13.4m in length by approximately 2.7m in width, with a sloped flat roof design with a total height of approximately 2.7m in height (approximately 2.4m to the eaves). Both cycle stores would be finished in timber.

1.17 The proposed bin storage to serve Block 1 would measure approximately 4.8m in length with an irregular shape measuring approximately 4.4m in width at the western side and approximately 4.8m at the eastern side. The proposed bin storage would be of an irregular shape and would measure approximately 10.1m along the southern boundary with a maximum width of approximately 7.3m. Both proposed bin stores would feature a mesh fencing and landscaping surround with a height of approximately 1.8m.

1.18 An enclosed storage area for commercial refuse and A/C condensing storage unit would be positioned to the north of the site, adjacent to Block 3. The proposed commercial bin and A/C condensing storage would measure approximately 5.4m in length by approximately 3m in width and would be enclosed by a brick wall and mesh fence, both with a height of approximately 1.8m. Two a/c condensing units are proposed to be present on the south west elevation of Block 2.

1.19 In respect to boundary treatments, the proposals would include the installation of a mesh fence boundary with planting along the northern boundary, southern boundary and eastern boundary (aside from access), the installation of a retaining wall to the south east corner, and the retention of railings to the eastern boundary. The proposals would necessitate the cutting back of part of the northern boundary wall between the application site and Sir William Gray House. The brick wall boundary to the north west corner (adjacent to the existing 'High School For Girls' Arch) would be retained.

1.20 The proposals would necessitate the removal of 5 existing trees (which are formally protected), pruning works to 3 remaining trees on the eastern boundary, and

the replanting of trees, as well as hedges and other landscaping throughout the application site. This is discussed in further detail below.

1.21 During the course of the application, amended plans and additional information was requested by the case officer and duly received which included (not an exhaustive list);

- Retention of existing brick wall to north west boundary;
- a minor repositioning of Block 2 (south west corner) to achieve 10m to the gable side elevation of Ward Jackson House building;
- obscure glazing to a number of windows including an amended 'oriel' window design (in effect a triangular shaped projecting window with an offset element);
- updated tree protection plan and retained trees scheme;
- an additional cycle storage unit to serve Block 1;
- a 'Resident Transport' proposal/statement which sought to explain and justify the applicant's rationale for the proposed car parking provision.

1.22 Tailored re-consultations were undertaken to a number of technical consultees in respect of the amendments which are discussed further below. No further neighbour consultation or publicity was considered necessary given the scale and nature of the changes.

1.23 The application has been referred to be determined in the Planning Committee given the scale and nature of the proposal (including that part of the application site is owned by HBC).

SITE CONTEXT

1.24 The application site is an area of land to the east of Raby Road within the Town Centre area (as defined Policy RC2 of the Hartlepool Local Plan) and the site measures approximately 0.45 hectares in area.

1.25 The application site currently comprises two existing vacant buildings, the former Engineers Club (28 Raby Road) and the former Registry Office (the latter within the ownership of HBC), and an area of hardstanding to the east of these buildings. The area of land runs to the south of Sir William Gray House (a Locally Listed Building) on Museum Road. Within the grounds of Sir William Gray House (to the north/north west) is a Grade II Listed drinking fountain and a Locally Listed World War II bunker amongst other ancillary buildings and structures.

1.26 The application site boundary runs to the north of both Ward Jackson House (south, occupied by the Job Centre) and Advanced House (south east, within the ownership of the applicant based on the submitted Location Plan). Beyond the main highway of Raby Road to the west are the Town Hall Theatre (a Grade II Listed Building), a Grade II Listed telephone box, and the Masonic Hall building, with Lauder Street and Middleton Grange Lane extending toward the west. To the east the application site adjoins an existing access road off Clarence Road.

1.27 Towards the eastern section of the site (where block 1 would be accessed) are a number of mature trees protected by Tree Preservation Orders.

PUBLICITY

1.28 The application has been advertised by way of 61 notification letters to individual neighbouring properties, site notice and press advert.

1.29 To date, one objection has been received, which raises the following concerns:

- The proposal does not complement the proposed reimagining of Middleton Grange shopping centre
- Empty properties elsewhere throughout the town could be utilised
- Developers should consider the demographics of the town

1.30 In addition, one response of 'do not object' has been received.

1.31 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=154896>

1.32 The period for publicity has expired.

CONSULTATIONS

1.33 The following consultation replies have been received:

HBC Traffic and Transport:

Updated comments received 24th January 2023 following applicant's submission of a 'Resident Transport Proposal' and amended plans:

Impacts on Local Road Network

The developer has carried out junction modelling at various key locations, previously agreed with the Highway Authority. The modelling shows that the development will not have a severe impact on the surrounding highway network. I can confirm that the proposed scale of the development would be acceptable.

Layout

The site will be accessed from 2 separate locations, the main access from Raby road and a second access on Clarence Road. The access from Raby Road will cut through the existing Taxi Rank. It is proposed to extend the Taxi Rank north along Raby Road, this will require an amendment to the Existing Traffic Regulation Order. The developer should pay all costs associated with this including the legal / advertising costs and amendments to signing and lining. These access points are considered acceptable. The internal car park layout and access roads are acceptable.

Servicing

The commercial units will be serviced from within the site and a turning area has been provided to allow vehicles to enter and leave in a forward gear. Refuse will be collected from within the internal layout. Refuse storage areas have been provided.

Parking

The proposed plans do not meet the normal requirements for parking provision for this type of development. The Tees Valley Design Guide requires 1.5 spaces per property for a flat. In this instance, we would likely reduce the requirement to 1 space per property as the development is located close to the town centre and has good transport links. The application provides a total of 3 car club parking spaces, 4 accessible spaces and 36 resident bays, a total of 43 parking spaces. The development therefore has a significant shortfall on the level of parking which should be provided, even when assessing at 1 space per flat, of 55 spaces.

In order to mitigate the shortage in parking the developer is looking to introduce a car club, with access to 3 cars. The developer has stated that these clubs can be highly effective in reducing car ownership, and considers that each car club vehicle would reduce parking demand by approximately 18 spaces.

The developer has contacted Morrison's Supermarket, and they would be open to leasing residents access to their car park, renewing on an annual basis. The cost to residents would be in the region of £420+VAT. There seems sufficient capacity in the Morrison's Car Park to accommodate the extra vehicles. There are also various other public car parks (pay & display/ permit) in the area which could potentially be utilised by residents. There are residential parking zones (RPZ) within walking distance, however these are already heavily subscribed and there is no capacity to include parking from this development.

There are also a total of 34 cycle storage spaces planned for residential use, and 4 spaces for commercial use.

The developer will need to consider how their car park area will be managed, as it is located close to the town centre and will attract town centre visitor/ commuter parking if not regulated.

Even with the close proximity to car parks and the proposed car club scheme, I would still have concerns that the substantial shortfall of 55 spaces will have an impact on the surrounding highway network. This is more likely to be a cumulative impact and may see parking overnight in nearby resident zones whilst the RPZ is not in operation, or in the closest areas where free parking is available. This will be to the annoyance/ nuisance of others rather than a highway safety issue, as it will result in the reduction of available parking for existing residents.

Residents from the development would not be able to park in the immediate surrounding areas as traffic regulations are in place to manage on-street parking. It is also a concern that Morrison's could withdraw the facility for residents to purchase a permit within their car park at some point in the future should it impact their customers, given they are only prepared to commit to a 12 month arrangement. The scheme may also result in short term parking on existing restrictions during the day, although it would be difficult to quantify this.

Taking these issues into account, and the NPPF advice that says development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the

road network would be severe, it would be difficult to sustain an objection in this case and this would also be likely to be unsupported at any appeal. Notwithstanding this, the concerns over the significant shortfall in parking provision with the application remain.

HBC Arboricultural Officer: The proposed development includes the removal of a number of different trees. There are two Tree Preservation orders on trees on the suggested development.

TPO 1 covers the trees in the south east corner along the southern border of the site.

TPO 114 covers the trees around the entrance off Clarence road on the east of the site.

Works to these trees would need to be applied for and dealt with as two separate applications and then decided on their own merits. The want for a development does not negate the legal protection provided by the TPOs already in place.

My suggestion for when applications are completed for any works to TPO trees that justifiable reasoning is used in the removal of any tree. The site plan currently proposed and the trees that have been suggested for removal do not make sense for example T5 from TPO 114 is outside of the development but has been labelled to be removed for no justifiable reason and the AIA provides no reasons or justifications.

The proposed planting plan only has eight trees designated as being planted but the removal of nineteen trees, nine of which are TPO trees meaning our minimum number of replacement trees would be nine anyway without taking into account the other losses suffered on the site. Suitable replacements of worth would be needed if the application got to that stage.

The tree losses along the northern boundary of the site and centre wall down for removal are of no worth and I am happy to have them removed. The six trees along the western boundary are trees under the ownership of HBC and add to the aesthetic of Raby road, that being said removal as suggested would be acceptable if suitable replacements were included within the development. If the replacement of these trees cannot be included within the development then I would hope for replacements that can be planted elsewhere within the borough to offset the canopy loss.

The suggested trees within the planting proposal can be better designed to provide a more biodiverse tree planting scheme. I would propose that the tree planting proposal is designed using the free guidance document from the Trees & Design Action Group, Tree Species Selection for Green Infrastructure. This will give guidance of what to tree to plant in a number of varying conditions. It is essential that the right tree be planted in the right location to allow the tree to establish successfully but to also stop any future problems with property boundaries and maintenance issues.

In its current form I must object to the proposed development for the reasons stated above.

In addition to comments already made for further clarify the point around the TPOs located on the site. If full planning permission is granted this overrides the TPO. If only Outline planning permission is granted the LPA's Authority for any work to TPO trees is still required. The points mentioned in my previous comments about trees located on the site are still relevant and should be taken into consideration when deciding.

Updated comments received 1st December 2022 following clarification regarding the TPO trees:

I'm happy with most of the points the agent has responded to and feel we are getting closer to a compromise regarding the trees. [Comments in italics are the agent's response to queries from the HBC Arboricultural Officer].

The trees to the east of the site covered by TPO 114 consists of 4 trees but have been labelled as one group which is down for retention however from the comments made 2 of these trees will be lost so they should be labelled as 4 individual trees with it shown accurately which ones will be kept and which ones will be removed. This is needed so that TPO 114 can be varied in the future correctly.

All trees within TPO114 are to be retained. Apologies if this was unclear, to assist with clarity I have amended the site drawings to show all the tree canopies in this area.

Now that all 4 trees are to be retained more information regarding the tree protection that will be put in place is needed as the fencing mentioned within the AIA does not offer suitable protection for the RPA of all 4 trees during the development. The RPA must be identified, suitable protection in place and written down for clarity. I don't think the access road and the retention of all 4 trees is plausible as the access road will encroach a large area of at least 1 central tree.

There is also a deficit of 5 trees on the site with the removal of 13 trees and planting of 8. After speaking to [the Council's Landscape Architect] we would be happy with the replacement of 2 offsite trees within hardstanding in a tree pit on Church Street which is in close proximity to the site. This would be to replace 2 trees that have been damaged in previous years. We would want 2 x Extra Heavy standard tree (18-20cm) *Tilia tomentosa* 'Brabant'. This should be undertaken as part of and at the same time as the tree planting scheme on the site. This should be done in line with BS8545:2014 – Trees: from nursery to independence in the landscape – recommendations. *Happy to accommodate replacing x2 trees off-site (Tilia Tomentosa 'Brabant'). Can you please advise what maturity these trees will need to be when planted? (Can we plant saplings or would these already need to have been nurtured & grown to specific age/size?)*

As mentioned in my comment the two replacements we would require would be 2 x Extra Heavy standard tree (18-20cm) *Tilia tomentosa* 'Brabant', this the size and species to be replanted and should be sourced from a reputable supplier. [The

Council's Landscape Architect] will be best to provide more information on the exact location of where they are going.

The rest of the points and the conditions that would be acceptable are all fine with me.

Update 20th January following amendments:

To summarise my standpoint on the application overall I am now happy with the proposed development on the Engineers club site providing that Revision 5 of the AIA is adhered to throughout the development. As mentioned before I feel I would be pertinent to have some tree related conditions:

1. The supply and implementation of a dimensioned tree protection plan for the trees on the eastern boundary, T16, T18 and T19.
2. Works within the RPA of T16, T18 and T19 are to be supervised by a qualified Arboriculturalist with a pre commencement meeting of works with the LPA Arboricultural Officer.
3. Details of access facilitation pruning to T16, T18 and T19 if they need to do the pruning. This would remove the need for another TPO application for the works.
4. The supply and implementation of a Tree/landscape management plan for the newly planted trees.
5. 5 year protection for retained trees and any that are planted as part of the proposed planting plan.

If it is of any help to you there are some pre written conditions that I have tinkered with from the London Tree Officers Association that you may wish to use or vary. They cover the points mentioned above.

Condition: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a dimensioned tree protection plan(s) (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with NE1 of the Hartlepool Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990.

Condition: Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved dimensioned tree protection plan. The development shall thereafter be

carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990.

Condition: Prior to the commencement of any pruning works to trees labelled T16, T18 and T19 details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Condition Prior to the commencement of the development hereby approved a Landscape Management plan setting out how the trees and hedges within the site will be managed over a minimum period of 5 years has been prepared and has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved management plan.

Reason: To ensure the continued wellbeing of the protected species and habitats and in the interests of the amenity and environmental quality of the locality.

Condition: No retained trees or trees planted as shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

Condition: Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

HBC Heritage and Open Spaces: To the west of the site is the grade II listed Town Hall Theatre and telephone box, both of which are grade II listed. In addition to the

north is Sir William Gray House which is recognised as a locally listed building, along with the bunker to the rear of the property. Within the grounds of this building is a grade II listed fountain. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering development within the vicinity of a listed building attention should be paid to the desirability of preserving the setting of the asset in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, “great weight” to the asset’s conservation (para 199, NPPF).

Policy HE4 of the local plan states, “to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting”.

NPPF looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 203, NPPF).

Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

The proposal is the demolition of Former Engineers Club & Registry Office (The Willows) and erection of 3, 4 & 5 storey residential blocks with commercial units to ground floor providing 98 residential units.

In principle there is no objection to the proposal. It is considered that the blocks, B2 and B3 will not impact on the setting of the listed buildings located opposite. This is because Raby Road currently separates the sites and this will remain, in addition the scale and the massing is similar to those buildings which are proposed for demolition on the site at the moment and therefore there will be a neutral effect.

With relation to B1 this will sit alongside the existing locally listed building. It is acknowledged that there has been development on the adjacent site in the past and the location of the new block will go some way to echo this past development. Some of the boundary treatment to Sir William Gray House is proposed to be altered however that closest to the listed drinking fountain appears to be remaining. Should the application be approved a condition is proposed that work is completed to ensure that the existing stone wall is sound and will not be disturbed by construction works, in addition, protection will be provided, if necessary to the listed building for the lifetime of the works in its vicinity.

Tees Archaeology: Thank you for the consultation on this application. We are pleased to see that the comments made during the pre-application stage have been taken into consideration with this application, and note the submission of a heritage

statement. We have no objection to the development in principle, however, we note that part of the boundary wall between Sir William Gray House and Block 1 is to be removed. It would be useful to understand why this has been proposed rather than leaving the boundary wall between the two sites intact.

Natural England: No objection subject to HRA screening (significance test).

Based on the plans submitted, and subject to our comments below Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

With specific reference to the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site the Council should carry out 'screening' for significant effects as part of its Habitats Regulations Assessment (HRA) for this proposal. When doing so please refer to our advice letter dated 6.7.22 regarding the Seaton-Carew waste water treatment works ('Teesmouth and Cleveland Coast Special Protection Area and Ramsar site – Natural England advice in relation to Nutrient Neutrality and the Seaton Carew Waste Water Treatment Works where discharges are to the long sea outfall to the North Sea').

We also provide further advice below on other natural environment issues.

International Sites – No objection subject to HRA screening

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. To assist you in screening for the likelihood of significant effects on European sites, Natural England offers the following advice, based on the information provided:

- the proposal is not directly connected with or necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, either alone or in combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

The application site lies in close proximity to the Teesmouth and Cleveland Coast SPA and Ramsar Site. Natural England's advice issued on 16.3.22 explains that this designated site has been assessed as being in unfavourable condition due to excess nutrients. The advice goes on to describe the 'nutrient neutrality' approach available in order to reconcile new developments involving overnight stays with the prevention of further nutrient enrichment within the SPA.

Our subsequent letter dated 6.7.22 and focusing on the Seaton-Carew waste water treatment works (WwTW) updates this nutrient neutrality advice and includes the following relevant information:

Natural England has reviewed the current available evidence and based on the information provided by the Council that Seaton Carew WwTW discharges via a long sea outfall to the North Sea, concludes that a significant effect on the Teesmouth & Cleveland Coast SPA and Ramsar site from discharges of nitrates from new development to the Seaton Carew WwTW, where discharges are via the long sea outfall to the North Sea, can be excluded. This is because Natural England's Nutrient Neutrality advice applies where there is a pathway or hydrological connection between the nutrient source (e.g. WwTW) and the Habitats site. Any nutrient discharges directly into, or upstream of the site are therefore within the scope of this advice. Discharges downstream, or beyond the Habitats site, where there is no hydrological connection, in this case via a long-sea outfall to the North Sea can be excluded.

We advise that the Council refers to our advice letter dated 2.7.22 in full when carrying out your HRA screening.

Update 20th December 2022 following receipt of HRA Stage 1 Screening Assessment undertaken by the Council's Ecologist:

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Based on the plans submitted, Natural England would agree with the conclusions of the HRA Stage 1 Screening. The proposed development will not have significant effects on designated sites and we have no objection.

The proposal can be screened out from further stages of HRA assessment as the development's wastewater discharges outside of the Nutrient Neutrality catchment. An assessment of surface water is not required if the development is below Environmental Impact Assessment (EIA) scale and utilises a SuDS system.

HBC Ecology:

- Conditions required
- HRA financial mitigation payment required

I have assessed, and support, the following submitted Ecology documents:

- Preliminary Ecological Appraisal (PEA) Report, Ecosurv, 11/08/2022
- Ecological Impact Assessment (EclA), Ecosurv, 02/09/2022
- Bat Activity Survey Report, Ecosurv, dated 02/09/2022
- Biodiversity Metric 3.1, Ecosurv, dated 05/08/2022
- Biodiversity Net Gain statement, Ecosurv, dated 11/08/2022

I have prepared a Habitats Regulations Assessment (HRA) stage 1 for this project and a nutrient budget calculation (both submitted separate to this report). The HRA screens in potential adverse impacts on nationally designated sites through increased recreational disturbance and screens out nutrient pollution to the R. Tees catchment.

The site is approx. 1.2km walking distance and 1.25km driving distance to the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site and to mitigate likely recreational disturbance to the interest features of the site (birds) a financial contribution of £24,500 must be secured. NB: This is a Habitats Regulations Directive requirement and falls outside of the Town and Country planning viability assessment.

The Natural England nutrient budget calculator assesses that 0 additional nitrogen will enter the Tees catchment and confirms that there will be no adverse impact from nutrients.

I am satisfied that the derelict buildings on-site can be demolished without risking harm to bats.

I am satisfied with the way that Biodiversity Net Gain (BNG) has been assessed and agree that while there will be a biodiversity loss of on-site habitats, these are low value brownfield habitats (not Open Mosaic Habitat), and this loss can be dealt with outside of the Biodiversity Metric and as described in the Biodiversity Net Gain statement and in Section 7 of the EcIA report (see below).

I support the planning mitigation measures in section 7.1, 7.2 and 7.3 of the EcIA report, and these should be conditioned. This will ensure the root plates of existing mature trees are protected, suitable landscaping will be delivered, and biodiversity compensation and enhancement (as per current legislation and planning guidance) will be delivered by the inclusion of integrated bat roost bricks and bird nest bricks. The snip below shows the biodiversity compensation plan (EcIA report, section 10.4, figure 9) which should be included in the condition.

The Landscape Plan and Arboricultural Impact Assessment (to protect retained trees) should be conditioned.

HBC Ecology: HRA Stage 1 Screening Assessment: (summary) £24,500 required in mitigation.

3. Background

European Sites include SPAs and SACs (also referred to as Natura 2000 sites) are designated under the Conservation of Species and Habitats Regulations 2017 (amended 2019). Plans and projects that may harm the interest features of a SPA and Ramsar Site require a Habitats Regulations Assessment (HRA) to be submitted to Natural England (NE) by the competent authority. The initial HRA is a stage 1 screening and if required, a stage 2 Appropriate Assessment (AA) (demonstrating appropriate mitigation) must be prepared. Details regarding legislation are provided in Appendix 1. For this application, the only European Site screened in is the T&CC SPA (and Ramsar Site), for which site details are given in Appendix 2.

Nutrient Neutrality

The information below and in Appendix 3 is taken from the Teesmouth and Cleveland SPA tab of the Teesmouth Nutrient Budget Calculator version 2.1 Excel spreadsheet.

A separate Nutrient budget calculator (Excel doc version 2.1) has been completed and submitted. The T&CC SPA/ Ramsar catchment map, Land use types and Soil types are given in Appendix 3.

Recreational disturbance

Recreational disturbance is identified as an LSE, potentially harming populations of SPA birds. It is accepted that increased recreational disturbance (including dog walking) can be caused by an increase in recreational activity, and this is linked to an increase in new residents which is a consequence of housebuilding. The Hartlepool Local Plan identified an average increase of 2.3 people per new dwelling and 24% of new households owning one or more dogs.

Hartlepool LPA (as the competent authority) has full authority to approve HRAs so long as the HRA conclusion is in line with the Hartlepool Coastal Mitigation Scheme. This concludes that harm can be avoided if Suitable Alternative Natural Green Space (SANGS) and/or a financial contribution is secured, as calculated by the HBC metric (Table 1). The Hartlepool Coastal Mitigation Scheme is the Hartlepool Local Plan Mitigation Strategy and Delivery Plan, which was approved at the Local Plan Examination and by Members. This financial contribution is required by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and is additional to any contributions required by planning legislation. If this financial contribution is secured, the HRA concludes that there will be no adverse impacts on the T&CC SPA and Ramsar Site.

4. HRA Stage 1 Screening Assessment

European Sites screened

This HRA stage 1 screening assessment covers screened in European Sites (Table 2) and uses the source-pathway-receptor model to assess LSE (Table 3). The source is the project site and the receptors are the European Sites. European Site interest features, qualifying features, conservation objectives, vulnerabilities, and Natural England IPENS (Improvement Programme for England Natura 2000 Sites) site issues are published on-line and given in Appendix 1.

Screened out European Sites

The following sites which fall within 10km are screened out as they lie within a different catchment to the application site, or because there is no risk of recreational disturbance due to insignificant numbers of new residents and/or suitable alternative recreation sites.

- Northumberland Coast SPA/ Ramsar
- Durham Coast Special Area of Conservation (SAC)
- Castle Eden Dene SAC

European Sites which are greater than 10km distance away are screened out due to their separation by farmland, urban development and infrastructure.

Nutrient Neutrality Budget Calculator findings

TN = Total Nutrients

Stage 1 - Nutrient loading from additional wastewater 0 kg TN/year. Based on average occupancy rate of 2.4 people, using 120 litres/person/day. 100% additional

sewage is discharged via Seaton Carew or Billingham WwTW so will not impact the Tees catchment. Stage 1 has been manually calculated as 0 kg TN/year.

Stage 2 – user inputs 4.98 kg TN/year is calculated for the existing land use which is 'Lowland'.

Stage 3 – user inputs 4.98 kg TN/year is calculated for the new land use which is 'Residential urban land'.

A multiplier of x1.2 is used by the Metric to provide a precautionary buffer.

Stage 4 – calculated output $(0 - 4.98 + 4.98) = 0 \times 1.2 = 0$

For this project the Nutrient budget is 0 kg TN/year.

5. Conclusion

After the above stage 1 screening, this project is assessed as not causing Likely Significant Effect. European Site features will not be adversely affected and an HRA stage 2 Appropriate Assessment is not required. The HRA process ends at stage 1.

HBC Engineering Consultancy: In response to your consultation on the above application, in respect of contaminated land we have no objection in principle to proposals however the phase 1 site investigation report finds:

- A moderate risk of unexploded ordnance (UXO) on site. As such and as recommended by the report please require the applicant to perform a detailed UXO desk study and risk assessment and carry out any necessary remedial actions prior to development by means of planning condition on any permission issued for proposals.
- A low to moderate risk of ground contamination. As such and as recommended by the report further investigation and any necessary remedial actions are required prior to development. To ensure this takes place please include our standard residential contaminated land condition on any permission issued for proposals.

We have no objection in principle in respect of surface water management and to allow detailed design to be assessed for approval prior to development please include the condition below 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).

Reason: 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 demolition of existing buildings, the applicant's attention is drawn to section 80 of The Building Act 1984 that requires the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This requirement is separate and in addition to the planning application.

Update 13th January 2023 in response to query regarding Natural England's comments:

In respect of nutrient neutrality, SuDS provides a level of surface water treatment, the treated surface water goes to sewage works and gets further treated then discharges outside of the Nutrient Neutrality catchment so it is inconceivable that nutrient neutrality requirements can apply.

For info, in drainage terms, a s106 agreement refers to s106 of the Water Industry Act and is an agreement with Northumbrian Water to connect with Public Sewer.

Northumbrian Water: Our pre-planning enquiry response (Ref: 301073) stated that foul flows should connect to the existing public combined sewer at manhole 8702 and surface water flows should connect to the existing public combined sewer manhole 8702, at the restricted rate of 5 l/sec.

Because the applicant has not submitted a drainage scheme which reflects our pre-planning enquiry advice, we 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.

HBC Landscape Architect: The proposed development has been the subject of pre application advice.

While the landscape details provided are acceptable, the potential for the provision of appropriated street trees to Raby Road should be explored.

HBC Countryside Access Officer: There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

HBC Public Protection: Not Object - I have no objections to this application subject to the following conditions:

The working hours for all construction and demolition activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.

All sound attenuation measures detailed in the noise assessment accompanying the application shall be fully implemented prior to the development being brought into permitted end use and permanently retained thereafter.

There should be adequate dust suppression facilities on site during demolition and construction works.

There should be no open burning at any time on the site.

Cleveland Police:

Legislation and National Planning Guidance

National Planning Guidance states that designing out crime and designing in Community Safety should be central to the planning and delivery of new developments.

Section 17 of the Crime and Disorder Act 1998 requires all Local Authorities to exercise their functions with due regard to their likely effect on crime and disorder and do all they reasonably can to prevent crime and disorder.

Secured by Design

Secured by Design is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes and commercial premises to adopt crime prevention measures in these new development.

The principles of Secured by Design have been proven to achieve a reduction of crime risk by up to 75% by combining minimum standards of physical security and well tested principles of natural surveillance and defensible space.

Crime Pattern Analysis

The location has higher than average rates of crime and disorder a full crime pattern analysis can be provided if required.

Access and Movement

The aim is to create places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.

The proposed development is protected by 1.8m mesh fencing which should help to ensure the parking areas and building entrances are not accessed at these boundaries. No climbing aids to this boundary should be present. The proposed parking area and cycle storage may be vulnerable to crime particular overnight when any natural surveillance from dwellings and passing surveillance will be limited.

Structure

The structure of a development is in a way it is laid out, to minimise conflict between different uses and avoids creating “dead spaces” that can be under used or ill cared for.

Meets Requirements.

Surveillance

Crime and anti-social behaviour are more likely to occur if criminals can operate, including travelling to and from a location, without the fear of been seen.

The proposed parking areas will have surveillance from dwellings but this will limited during hours of darkness and overnight when residents are asleep Lighting to car parking areas should be well lit lighting which confirms to BS5489 2020 any proposed landscaping should not hinder natural surveillance Use of CCTV would of benefit to parking areas, cycle storage and all entrances to buildings. Dusk/Dawn lighting to all entrance doors would improve security and safety. Internal corridors also require to be well lit.

Ownership

Clear demarcation between private and public space gives people the opportunity to personalize their own space. Crime and anti-social behaviour are more likely to occur if it is unclear whether the space is public or private.

A change of surface or rumble strip to parking area entrances can help to deter casual entrance. The proposed car parking would benefit from an access controlled gate to help keep this area private from casual intrusion.

Physical Protection

Crime and ant-social behaviour are more likely to occur if the target hardening measures such as doors, windows and gates set out by Secured by Design are not selected to be appropriate to the security of the building and to the crime risk faced. It will important to ensure communal entrance doors are secure and prevent both unauthorised and casual entry to help achieve this Any communal door will be subject to heavy use and will need to be of robust construction doors certified to LPS 1175 Security rating 2 min or PAS24:2016 tested BS EN1627 with Certification to BS6375 to ensure doors are fit for purpose and safe to use. An access control system is required to allow visitors to call occupants and occupants able to view and speak to visitors and allow entry if appropriate any door entry system should incorporate a CCTV system which records all people using the system and kept for 30 days.

Internal flat doors should also be of a good level of security doors certified to PAS 24 2016 would achieve this a door viewer fitted to such doors is recommended All emergency access doors also need a good level of security these doors would benefit from an intruder alarm.

All accessible windows are advised to be laminated and certified to PAS 2016 would ensure a good level of security.

Secure mail delivery needs to be provided along with any communal bin storage Proposed cycle storage needs to be secure container/ shed with good quality locks, locks certified to Sold secure Silver would provide this.

In relation to retail units these should have secure entrances and glazing with a secure retention system. All glazing should be laminated min 6.4mm door installation need to have a good locking system with anti-snapping and bumping incorporated.

Any glazing to frontage of commercial premises is vulnerable to random attack the risk of this will increase by the nature of the business consideration should be given to installing roller shutters to remove this risk all commercial units require to be fitted with an intruder alarm.

Activity

Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

Internal access is advised to have some restrictions in place to prevent full authorised access to the buildings.

Management

Places that are designed with management and maintenance in mind to discourage crime in the present and the future.

Landscaping should be maintained and car parking areas kept clean and free from debris. It is also important that the building is properly maintained and that any proposed tenants for flats are vetted before any residence provided.

Valuable Metal Theft

Although not an Secured by Design requirement I would recommend where possible to use replacement materials instead of valuable metals particular easily accessible copper and lead which will be at high risk of been targeted.

HBC Community Safety and Engagement: Community Safety has no concerns.

HBC Economic Growth: We have reviewed the application and would support the proposed development into bringing a redundant site back into productive.

Environment Agency: Thank you for your email. The Environment Agency have no comments as the consultation falls outside of our remit.

HBC Head of Housing, Hardship and Welfare: Personally I see no need or demand for student housing so therefore did not comment. I believe we have sufficient and other officers confirm this. We do need accommodation for single people, couples and larger families though.

Hartlepool Civic Society: Hartlepool Civic Society welcomes the redevelopment of this area and supports the above application in principle. However there are two specific comments which we believe should be considered when making the decision on this application.

- 1) The trees with the TPOs that are between the development and Clarence Road are indicated as being felled on some plans but remain on the artist's impression. We are losing quite a lot of trees to make room for the buildings but these outside the red boundary should remain. We cannot see any

justification or requirement to remove the tree closest to Clarence Road, which is well away from the development, and yet is shown to be felled.

- 2) The arch that was relocated from the girls school in Eldon Grove is adjacent to the old registry office that is being demolished - this must be protected from the demolition work and the new building works. There is a proposal to site the commercial bin storage area adjacent to the arch - with mesh fencing and climbing plants. This method of screening is inadequate and also leads to litter and debris collecting around the area. A solid structure i.e. brick wall would provide a more acceptable visual amenity for the arch and the pocket park that is there. (Interestingly the artist's impressions seem to have omitted the bin storage areas.)

These seem minor requests but will enhance this interesting scheme and protect the current historical features of the area.

HBC Environmental Health (Housing): I would have no objections to this application as it will deal with a problematic vacant site and improve the visual amenity of the area. The proposed layout, space and amenities of the apartments appear satisfactory.

Northern Gas: Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

HBC Building Control: I can confirm that a Building Regulation application will be required for erection of 3, 4 & 5 storey residential blocks with commercial units to ground floor providing 98no. residential units

HBC Waste Management: Developers are expected provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/ receptacles to enable the occupier to comply with the waste presentation and collection requirements in operation at that time.

Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council's waste collection service and vehicle load handling equipment.

Please see our 'Developer Guidance Waste and Recycling for new properties' document which can be found at www.hartlepool.gov.uk/usingyourbins for further information.

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 1:2019, Section B5 for Dwellings & 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 1 Section B5 Table 13.1 & 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.

Northern Power Grid: Under the provisions of the above act Northern Powergrid have no objections to make, providing that our rights are not affected and will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary.

HBC Public Health: No comments received.

PLANNING POLICY

1.34 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

1.35 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
 HE1: Heritage Assets
 HE4: Listed Buildings and Structures
 HE5: Locally Listed Buildings and Structures
 HSG1: New Housing Provision
 HSG9: Affordable Housing
 INF1: Sustainable Transport Network
 INF2: Improving Connectivity in Hartlepool
 LS1: Locational Strategy
 NE1: Natural Environment
 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

R2: The Town Centre

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

1.36 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

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA057: Planning conditions and obligations

PARA058: Planning conditions and obligations

PARA060: Delivering a sufficient supply of homes

PARA065: Delivering a sufficient supply of homes

PARA081: Building a strong, competitive economy

PARA086: Ensuring the vitality of town centres

PARA092: Promoting healthy and safe communities

PARA104: Promoting sustainable transport

PARA105: Promoting sustainable transport

PARA106: Promoting sustainable transport

PARA107: Promoting sustainable transport

PARA110: Considering development proposals

PARA111: Highway safety

PARA112: Considering development proposals

PARA113: Considering development proposals

PARA120: Making effective use of land
 PARA124: Achieving appropriate densities
 PARA126: Achieving well-designed places
 PARA130: Achieving well-designed places
 PARA131: Achieving well-designed places
 PARA152: Meeting the challenge of climate change, flooding and coastal change
 PARA157: Meeting the challenge of climate change, flooding and coastal change
 PARA169: Planning and flood risk
 PARA174: Conserving and enhancing the natural environment
 PARA185: Habitats and biodiversity
 PARA189: Conserving and enhancing the historic environment
 PARA194: Conserving and enhancing the historic environment
 PARA195: Conserving and enhancing the historic environment
 PARA199: Conserving and enhancing the historic environment -Considering potential impacts

HBC Planning Policy comments:

Principle of development

1.37 The application site comprises a vacant brownfield site within Hartlepool town centre, as is designated under policy RC2 of the Hartlepool Local Plan and illustrated on the Local Plan Policies Map. The proposed residential and commercial mixed use development is appropriate for this town centre site, as per the suitable uses listed in policy RC2. The principle of development is therefore acceptable. The efficient, high quality redevelopment of this disused, prominent and sustainable site would be welcomed as making an important contribution to the regeneration, attractiveness and vitality of the town centre.

1.38 Redevelopment of this town centre brownfield site is also consistent with paragraphs 119-121 of the National Planning Policy Framework as concern the importance of making effective use of land.

1.39 Policy RC2 provides that town centres uses should not adversely affect the character, appearance, function and amenity of the property and the surrounding area. Planning Policy do not consider that the proposed uses would give rise to any unacceptable impacts in this respect, subject to the controls imposed by appropriate conditions.

1.40 The requirements of policy RC2 include the expectation that development should facilitate, where appropriate and in accordance with the Planning Obligations and Green Infrastructure SPDs, improvements to:

- a) Creating a sense of arrival in the Town Centre*
- b) Connectivity within the Town Centre and between the different elements of the Town Centre, this includes providing visually attractive focal points that encourage movement.*
- c) Connectivity from the Town Centre to Edge of Town Centre areas and the Retail and Leisure Parks including improved pedestrian and cycle provision*
- d) Public transport provision*
- e) Cycling facilities*
- f) Car parking facilities*

- g) The overall environment and appearance of the area*
- h) Areas of public realm*

1.41 Many of the above points are not applicable to this site, given its location and as a self-contained development not providing facilities for public use. Planning Policy are however of the view that the overall quality of the scheme is such that it would significantly improve the Raby Road street scene, thereby in the process improving connectivity between Morrisons supermarket / Mill House and Victoria Road / Middleton Grange by helping to make this environment more attractive and welcoming for pedestrians. The issue of developer contributions towards off-site infrastructure is addressed below.

Planning obligations

1.42 Local Plan policies QP1 and HSG9 together with the Planning Obligations SPD set out the Council's approach to securing planning obligations, including affordable housing, in the interests of mitigating the impacts of new development upon existing infrastructure and achieving sustainable development. Policy QP1 together with the SPD acknowledge that obligations are subject to viability; that there may be instances whereby there is insufficient value generated by a scheme to fulfil the standard contributions as set by the SPD, and so that by rigidly insisting on these could jeopardise the deliverability of positive developments. The SPD therefore allows for a flexible approach to agreeing obligations, which may be informed by the submission of Viability Assessment at application stage for the Council's consideration.

1.43 The number of dwellings proposed is such that the scheme meets the threshold for the following contributions, as set out in Table 1 of the SPD (subject to viability):

- Affordable Housing: (18%) – resulting in 17 AH dwellings on site (of mixed tenure to be agreed) + £34,279.14 towards off site provision
- Secondary Education: £175,851.94 (based upon the 91 no. 2 bedroom units within the scheme in which a school age child could realistically live). Note primary education contribution not sought due to amount of local capacity, as advised by Pupil Place Planning, Admissions & Capital Manager
- Green Infrastructure: £24,500
- Built sports facilities: £24,500
- Play facilities: £24,500
- Playing pitches: £22,862.22
- Tennis courts: £5,587.96
- Bowling greens: £487.06

1.44 It should be noted that the Affordable Housing target set by the SPD was arrived at based upon viability testing using a greenfield, dwellinghouse development typology which typically involves higher sales values per unit and lower abnormal costs than a brownfield scheme of flats, as is proposed.

1.45 A Viability Assessment (VA) has been submitted with the application, together with an Executive Summary and associated Development appraisal tool

spreadsheets. These documents have been updated this month (January 2023) in response to queries raised by Planning Policy with the original submissions.

1.46 Referencing the findings of the VA, paragraph 6.9.5 of the application's Planning Statement states that 'The proposed development will require significant grant aid assistance to become viable, never mind provide affordable housing or S106 contributions. In short, the proposed development is unable to make the S106 contributions previously requested by Council officers (through the pre-application enquiry process) or to provide any affordable housing units.'

1.47 In summary, the VA sets out that the proposed development is very challenging in viability terms due a combination of factors. These include the low sales values of the types of dwelling as 1 and 2 bedroom flats, significant recent increases in build costs in the challenging economic climate and significant abnormal costs as associated with the brownfield condition of the site. With these factors in mind, Planning Policy recognise as a starting point that it is not realistic to expect the applicant to be able to comply with the standard obligations for a residential development of this number of units, as are calculated above.

1.48 The updated VA documents include a series of Development appraisal tool spreadsheets. These tools are used to appraise viability for an individual site for a range of scenarios. Planning Policy accept the sales valuations used within the viability to be appropriate. The commentary within the VA explains the valuations that have been set, together with the approach used in respect of the varying cost inputs for each appraisal, in order to support a robust comparison exercise across the scenarios. In brief, the applicant's financial projection for the development, on the basis of its proposal of no Affordable Housing or other contributions excepting for the mandatory Teesmouth and Cleveland Coast Special Protection Area and Ramsar site mitigation payment, is a £6,038,184 loss.

1.49 If Affordable Housing and other contributions as per the SPD's requirements are however fulfilled but no other cost inputs changed, this loss increases to £7,315,868. If however the cost inputs are significantly revised down, including through the alternative use of current BCIS build cost figure data (which the applicant has provided evidence to indicate may be well below that expected to be secured through tendering) a reduced profit margin and a £1 land value, fulfilling the SPD's requirements would still produce a loss of £986,872. The applicant's position is therefore that proposed development is unviable if meeting the SPD's requirements across all modelled scenarios, with even the most very optimistic leading to a substantial loss, and therefore that there is no capacity for planning obligations to be agreed otherwise than those deemed essential in order for planning permission to be granted.

1.50 Planning Policy have considered the VA documents and are satisfied that the submission is suitably robust, realistic and justified in its methodology and findings. It is therefore accepted that the above contributions cannot be secured in this instance, as to do so would result in the scheme being unviable. In this respect, given the projection of an approximate £6 million hole, it is understood that the applicant is seeking to obtain funding in order to bridge the viability gap.

1.51 The applicant submitted a draft Heads of Terms for a Section 106 agreement; on the basis of the VA this is limited solely to the mandatory payment for coastal mitigation (£24,500) for the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site arising from the additional recreational pressure associated with the development. Following discussions with the applicant with regard to the essential requirement for off-site tree planting to contribute to mitigation for the on-site tree loss arising from the proposal, it has been agreed that notwithstanding the viability situation, a Section 106 agreement will also secure a modest contribution of £7,087 to cover the cost (including future maintenance) of this work.

1.52 Finally, it is worth noting that whilst no formal Affordable Housing provision will be secured, the flatted nature of the development as 1 and 2 bedroom dwellings is such that the units can be expected to be marketed for sale or rent at a price which is 'affordable' to a significant percentage of the town's population. As such, the proposal would boost the supply of lower-cost housing in a highly sustainable location, which is welcomed.

Layout, design and sustainability

1.53 Local Plan policy RC2 encourages bold and innovative design for medium and large scale development (in the Town Centre), whilst policy QP4 seeks to ensure that the layout and design of all development is of a good quality and positively enhances its location and setting.

1.54 Whilst not bold or innovative, Planning Policy are nevertheless of the view that the proposal, as has been significantly revised from the pre-application enquiry and further amended since submission of the application, meets this overall aspiration of policy QP4.

1.55 Policy QP7 seeks to ensure that all development within the borough is energy efficient and is expected 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.
- Ensure that green infrastructure is used appropriately to assist in ensuring energy efficiency.
- Incorporate sustainable construction and drainage methods.

1.56 Alongside this, policy CC1 requires major developments to include opportunities for charging electric and hybrid vehicles and to secure, where feasible and viable, a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources. Planning Policy note the content of the supporting Energy Statement together with section 3.10 of the supporting Design and Access Statement. The proposed approach to energy efficiency and renewable energy, including the use of pv roof panels, satisfies these policy requirements. Whilst raised in the pre-application response, details of charging points do not appear to have been provided however and this should therefore be conditioned.

1.57 Policy MWP1 from the Tees Valley Minerals and Waste Core Strategy expects a waste audit to be required for all major proposals, which should identify

the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed. This should be conditioned, if not provided as part of the application.

Historic environment

1.58 Planning Policy note and support the comments of the Head of Service (Heritage and Open Spaces) that the proposal will not harm the setting and significance of adjacent designated and non-designated heritage assets, and therefore complies with Local Plan policies H1, H4 and H5.

PLANNING CONSIDERATIONS

1.59 The main planning considerations with respect to this application are the principle of development (including viability and planning obligations, planning balance, energy efficiency and renewable energy), highway safety and parking, design and impact on the visual amenity (including impact on designated and non-designated heritage assets), trees and landscaping, residential amenity, ecology (including biodiversity mitigation measures, biodiversity enhancement, and habitat regulation assessments including recreational impact on designated sites and nutrient neutrality), flood risk and drainage, and contamination. These and any other planning matters (including archaeology, public rights of way, and crime and anti-social behaviour) and residual matters are considered in the sections below.

PRINCIPLE OF DEVELOPMENT

1.60 The application site comprises a vacant brownfield site (including 2 vacant buildings in the form of the former Engineers Club and the former Registry Office) within Hartlepool town centre, as designated under Policy RC2 of the Hartlepool Local Plan (2018) and illustrated on the Hartlepool Local Plan Policies Map (2018).

1.61 Policy RC2 of the Local Plan considers that the Town Centre is the sequentially preferable location for shops, financial and professional services, food and drink, drinking establishments, hot food takeaways, business, hotels, non-residential institutions, assembly and leisure, theatres and nightclubs, and residential uses. This policy requires that town centres uses should not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The requirements of policy RC2 include the expectation that development should facilitate, where appropriate and in accordance with the Planning Obligations and Green Infrastructure SPDs, improvements to:

- a) Creating a sense of arrival in the Town Centre*
- b) Connectivity within the Town Centre and between the different elements of the Town Centre, this includes providing visually attractive focal points that encourage movement.*
- c) Connectivity from the Town Centre to Edge of Town Centre areas and the Retail and Leisure Parks including improved pedestrian and cycle provision*
- d) Public transport provision*
- e) Cycling facilities*

f) Car parking facilities

g) The overall environment and appearance of the area

h) Areas of public realm

1.62 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, whilst 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.

1.63 Paragraphs 119 and 120 of the NPPF (2021) seek to promote making effective use of using suitable brownfield land or under-utilised land and buildings, in encouraging multiple benefits from mixed use schemes while safeguarding and improving the environment and ensuring safe and healthy living conditions.

1.64 Given the location of the proposal as a self-contained development, the Council's Planning Policy team consider that the overall quality of the scheme is such that it would significantly improve the Raby Road street scene, thereby in the process improving connectivity between Morrisons supermarket / Mill House and Victoria Road / Middleton Grange by helping to make this environment more attractive and welcoming for pedestrians.

1.65 It is further acknowledged that the proposal is adjacent to an existing commercial development to the north, south and west and is in close proximity to shops and services and public transport links and therefore deemed in a locational sense to be sustainable.

1.66 It is of note that the application form indicates that a range of the former 'A' uses (as they were previously referenced, prior to the revised 2020 Use Classes Order) consisting of A1 (shops), A2 (Financial Services), A3 (Cafes and Restaurants), A4 (Drinking Establishments and those with Extended Food Provision) and A5 (hot food takeaways). All of these classes are now obsolete under the Use Class Order 2020. Classes A1, A2 and A3 are now contained within Use Class 'E' (Commercial, Business and Service) together with business (formerly B1 use class), and parts of non-residential institutions and assembly and leisure (formerly D1 and D2 use class respectively). Drinking establishments and hot food takeaways (formerly classes A4 and A5 respectively) are now a 'Sui Generis' use class.

1.67 Policy RC2 supports the above mentioned 'A' uses (as applied for by the applicant), providing that they would not result in an adverse impact on the character, appearance, function and amenity of the proposals or the surrounding area. In this context, the subsequent changes to the use classes order (in 2020) as well as the proposed siting of the commercial uses below the proposed flats, not all of the 'E' use classes would be appropriate in this instance without further consideration (i.e. through a separate planning application). As such and following agreement with HBC Planning Policy and HBC Public Protection colleagues, it is

considered necessary at this stage to restrict the use of the proposed 6no. commercial units to certain 'E' uses namely;

- (a) shops and retail;
- (b) café/restaurant;
- (c) financial and other professional services and;
- (e) medical or health services

as identified by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) in view of the proposed mixed use development, and a planning condition can secure this.

1.68 Although it is of note that flats (as identified by the Town and Country Planning (Development Management Procedure) (England) Order 2015) are not classed as 'dwellinghouses' and therefore do not benefit from the same householder permitted development rights, it is considered necessary to define this within the permission, and a planning condition is recommended accordingly.

1.69 The Council's Planning Policy team also consider that the efficient, high quality redevelopment of the existing disused, prominent and sustainable site would be welcomed as making an important contribution to the regeneration, attractiveness and vitality of the town centre.

1.70 In view of the above, the proposed residential and commercial uses are considered to be acceptable in principle and appropriate for this town centre site, as per the suitable uses listed in Policy RC2 and the provisions of Policies LS1 and SUS1 of the Hartlepool Local Plan (2018) and paragraphs 119 and 120 of the NPPF (2021) subject to the consideration of other material considerations set out below.

Viability & Planning Obligations

1.71 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Policies QP1 (Planning Obligations) and HSG9 (Affordable Housing) of the Hartlepool Local Plan (2018) and the Planning Obligations SPD (2015), the Council's Planning Policy section has confirmed that given the size of the proposed residential development and its intended purpose and in the interest of providing sustainable development, a commitment from the developer in terms of the provision of the following should be sought:

- Affordable Housing: (18%) – resulting in 17 AH dwellings on site (of mixed tenure to be agreed) + £34,279.14 towards off site provision
- Secondary Education: £175,851.94 (based upon the 91 no. 2 bedroom units within the scheme in which a school age child could realistically live). Note primary education contribution not sought due to amount of local capacity, as advised by Pupil Place Planning, Admissions & Capital Manager
- Green Infrastructure: £24,500
- Built sports facilities: £24,500
- Play facilities: £24,500
- Playing pitches: £22,862.22
- Tennis courts: £5,587.96

- Bowling greens: £487.06

1.72 The HBC Ecologist has considered the proposals through the Habitat Regulations Assessment (HRA), which is considered in further detail below, and requires a mandatory financial contribution of £24,500 towards wardening to mitigate likely recreational disturbance to the interest features (breeding and nesting birds) of the designated sites.

1.73 Notwithstanding the Planning Obligations detailed above, Policy QP1 (Planning obligations) of the Local Plan has a caveat that “The Borough Council will seek planning obligations where viable”. In view of the submitted Viability Assessment and as detailed in the Planning Policy comments above, it is considered that there would be insufficient viability within the scheme to enable the development to deliver the majority of the contributions sought.

1.74 In full, the following financial contributions, obligations and planning conditions are to be secured:

- Habitat Regulations Assessment contribution for wardening to mitigate against any Likely Significant Effects in the form of recreational disturbance (£24,500) on designated sites
- A financial contribution of £7,087 for the replacement of 2 off-site trees together with 5 years maintenance for mitigation for the on-site tree loss arising from the proposal

1.75 The applicant has agreed to the above contributions which would need to be secured by a S106 legal agreement. Other planning obligations include the requirement for long term maintenance and management of the on-site landscaping and open space, and surface water drainage.

1.76 In view of the above, given that the submitted Viability Assessment sets out that the proposed development is challenging in viability terms due a combination of factors, the Council’s Planning Policy team recognise that it is not realistic to expect the applicant to be able to comply with the standard obligations for a residential development of this number of units in this instance. The Council’s Planning Policy team have confirmed that they are satisfied that the submission is suitably robust, realistic and justified in its methodology and findings, and consider that subject to the contributions being secured to deliver the off-site tree planting and maintenance as well as the HRA requirements, it is considered that the proposal is acceptable in this respect and in this instance.

Energy Efficiency and Renewable Energy

1.77 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.

1.78 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.

1.79 The submitted Energy Statement indicates that the proposed development would seek to improve energy efficiency by virtue of an ‘energy efficient design’, which would primarily consist of efficient heating and cooling, mechanical ventilation with heat recovery, SMART hot water heating, and Photovoltaic panels, utilising high efficiency passenger lifts, high efficiency pump motors and low energy LED type external lighting. It is noted that the submitted Planning Layout indicates that Blocks 2 and 3 would incorporate solar panels.

1.80 Whilst it is noted from the submitted Energy Statement that the applicant intends to offer renewable technologies and electric vehicle (EV) charging points, it is considered that at least 10% of the anticipated energy must be derived from a renewable source (in this instance through PV panels) and that EV charging points are installed. Full details of the renewable energy infrastructure (10%) including electric charging points to serve the proposed development can be secured by appropriate planning conditions.

1.81 In respect to energy efficiency, 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.

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

Planning Balance

1.83 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:

1.84 Benefits

- The proposed development is in a town centre location and would repurpose brownfield land, remove an untidy/disused building (in the form of the former Engineers Club) to the benefit of existing and future residents of the Borough (social, economic + environmental)
- The proposal would improve the visual amenity of the area with connectivity to the town centre and sustainable modes of transport (social + economic)

- The proposal would provide a number of commercial units with associated benefits (economic and social)
- The proposal will provide a contribution towards the Council's 5 year housing supply (economic and social)
- The submitted information indicates the proposed development is intended to support/provide renewable energy (economic + environmental)

1.85 *Adverse impacts*

- The proposed development does not meet the requirements for parking provision for the type of development, contrary to Local Planning Policy QP3 (social + economic + environmental)
- The development does not make any provision or contribution towards affordable housing provision and does not secure contributions to all of the planning obligations including education facilities, play and built sports, tennis, playing pitches and bowling greens (social + economic + environmental)
- The proposal would result in the loss of a number of trees (environmental)

1.86 In terms of the resulting impacts on the provision of car parking, it is considered that Policy QP3 of the Hartlepool Local Plan (2018) must be given considerable importance and weight. As set out in the Highway and Pedestrian Safety section (below), whilst the Council's Traffic and Transport team have commented that it is disappointing and of concern that the proposed scheme would not achieve a minimum of 1 car parking space per dwelling, fundamentally, the Council's Traffic and Transport team have not formally objected to the proposals on highway safety grounds. This is discussed in further detail below.

1.87 In respect to the required planning obligations and financial contributions, although it is acknowledged that full contributions cannot be secured in this instance as to do so would result in the scheme being unviable, the Council's Planning Policy section accept the viability position of the development for the reasons set out above. The proposal would also provide for a comprehensive landscaping scheme including the protection of existing trees where applicable as well as providing a financial contribution towards the planting of 2 off site trees.

1.88 In conclusion, and when weighing up the balance of the benefits of the proposed mixed use residential and commercial development against the potential adverse impacts, it is considered that these impacts would, on balance, be outweighed by the identified economic, environmental and social benefits of the proposal in this instance.

Principle of Development Conclusion

1.89 In view of the above considerations including the required planning obligations and financial contributions as well as identified planning conditions, the principle of development 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.

HIGHWAY SAFETY & PARKING

1.90 Policy QP3 of the Hartlepool Local Plan seeks to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

1.91 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Local Road Network

1.92 The developer has carried out junction modelling at various key locations, previously agreed with the Council's Traffic and Transport section. The modelling shows that the development will not have a severe impact on the surrounding highway network and therefore HBC Traffic and Transport have confirmed that the proposed scale of the development would be acceptable in this respect.

Access & layout

1.93 It is proposed that Block 1 would take access from Clarence Road, whilst Blocks 2 and 3 would take access from Raby Road. In terms of car parking and internal road layout, Block 1 would be served by a car park sited to the eastern extent, whilst the car parking provision to serve Blocks 2 and 3 would run between these blocks to the centre area of the application site. As such, there is no through access for vehicles to the front (east) of Block 1 from the car park area serving Blocks 2 and 3 to the west of the site, or vice versa.

1.94 As noted above, the application has been amended during the course of consideration, following concerns from the case officer in respect of the lack of bike storage facilities to serve Block 1. The applicant amended the layout to address these concerns by including cycle storage for the residents of Block 1.

1.95 As a result of the proposed access from Raby Road (that would cut through the existing taxi rank), it is proposed to extend the Taxi Rank north along Raby Road, this will require an amendment to the Existing Traffic Regulation Orders. The Council's Traffic and Transport team have raised no objection to this but have advised that the developer would be required pay all costs associated with this including the legal / advertising costs and amendments to signing and lining. An informative can relay this to the applicant.

1.96 The Council's Traffic and Transport team have confirmed that the proposed internal car park layout and access roads are acceptable.

Car & Cycle Parking

1.97 As noted above, the proposed development provides a total of 43 parking spaces across both car parks proposed to serve the development, as well as storage for a total of 38 cycles (for which it is proposed 34 would serve occupants of the proposed residential flats and 4 would be for users of the commercial units). The

Tees Valley Design Guide (2018) requires 1.5 car parking spaces are provided per property across the borough. It is therefore acknowledged that the proposed plans do not meet the requirements for parking provision for this type of development.

1.98 In this instance, given the town centre location of the proposed development, the Council's Traffic and Transport section confirmed that the provision could be reduced to 1 space per residential property (i.e. 98 spaces). This is therefore a shortfall of 55 spaces from the proposed 43 car parking spaces.

1.99 In response to the HBC Traffic and Transport concerns, the applicant has submitted a 'Resident Transport Proposal' which outlines a strategy for alternative car parking provision to serve the future residents of the proposed development. The strategy includes that the proposal is:

- accessible to a range of public and private car parks in the surrounding area,
- the application site is situated within a reasonable distance to local and national public transport interchanges including bus stops and a train station, and
- the introduction of a 'car club', with access to 3 cars. The developer has stated that car clubs can be highly effective in reducing car ownership, and considers that each car club vehicle would reduce parking demand by approximately 18 spaces.

1.100 In view of the above, it is of note that a 'car club' could not be legally secured or enforced by the Local Planning Authority. However, consideration is given to the town centre location of the proposal which is located within close distance of local and national transport hubs including the town's train station and bus stops.

1.101 The Council's Traffic and Transport team have also advised that the applicant/developer would need to consider how their car park area will be managed, as it is located close to the town centre and will attract town centre visitor/ commuter parking if not regulated. These comments are noted but would ultimately be a management matter for the site operator.

1.102 Overall, the Council's Traffic and Transport team consider that the shortfall of parking spaces (a minimum of 55 spaces for the proposed development) would result in an impact on the surrounding highway network, with the potential to result in annoyance and nuisance to others (e.g. if occupants park their cars in nearby streets) as it would potentially result in the reduction of available parking for existing residents. Furthermore, residents from the development would not be able to park in the immediate surrounding areas as traffic regulations (i.e. double yellow lines) are in place to manage on-street parking as confirmed by HBC Traffic and Transport.

1.103 Taking the above issues into account, and in view of paragraph 111 of the NPPF (2021) which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, the Council's Traffic and Transport team have confirmed that the concerns with the proposed car parking provision would not be so significant as to sustain an objection or warrant a reason to refuse the application in this instance.

1.104 In terms of the proposed cycle parking, during the course of the application, officers requested that a dedicated cycle storage facility be provided to serve Block 1 as there is no proposed direct access to the proposed cycle storage facilities to serve Blocks 2 and 3 (including a number of spaces to serve the commercial units).

1.105 The provision of additional cycle storage to serve Block 1 would be at the expense of a further car parking space however in the context of the overall shortfall of spaces, this was deemed to be acceptable and the benefit of the cycle storage would clearly outweigh the loss of 1 space in this context, a view supported by the Council's Traffic and Transport team who have not offered any objections including this amendment. As such, the proposed cycle storage is considered to be acceptable including the siting and positioning of the facilities. A planning condition is secured to ensure that such provision is made prior to the occupation of the development.

Servicing

1.106 The proposed commercial units would be serviced from the Raby Road access, and a turning area / drop off point has been provided in the centre of the application site. The submitted site plans indicate refuse storage areas, one to serve Blocks 2 and 3 sited to the southern boundary of the application site (accessed by Raby Road), and one to the south east of the site (accessed by Clarence Road). The submitted plans indicate that refuse could be collected from within the internal layout. The Council's Traffic and Transport team have confirmed that the proposed servicing areas and refuse collection proposals are acceptable.

Highway Impacts Conclusion

1.107 Overall and whilst it is disappointing that the proposed scheme would not provide the minimum amount of in curtilage car parking spaces, for the reasons identified above, and that the Council's Traffic and Transport section do not object to the application on highway safety grounds, the lack of car parking would not be so unacceptable in respect of highway safety as to warrant a reason to refuse the application in this instance.

1.108 Furthermore, the proposed cycle parking is considered to be acceptable and the proposal is also acceptable in respect to servicing, access and layout.

DESIGN & VISUAL AMENITY OF SURROUNDING AREA (INCLUDING IMPACT ON ADJACENT DESIGNATED AND NON-DESIGNATED HERITAGE ASSETS)

Heritage considerations

1.109 As noted above, to the west of the site is the Grade II listed Town Hall Theatre and telephone box, whilst to the north is Sir William Gray House which is recognised as a locally listed building, along with the bunker to the rear of the property. Within the grounds of Sir William Gray House is a Grade II listed fountain. Beyond the A689 trunk road to the south east of the application site is the Church Street Conservation Area.

1.110 When considering proposals within the vicinity of a listed building, attention should be paid to the desirability of preserving the setting of the asset in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1.111 Policy HE1 of the Hartlepool Local Plan (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 of the local plan states, “to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting”.

1.112 Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

1.113 The NPPF (2021) also looks for local planning authorities to take account of the significance of a designated heritage asset and give, “great weight” to the asset’s conservation (para 199, NPPF). Paragraph 203 of the NPPF (2021) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

1.114 The Council’s Head of Service for Heritage and Open Space has confirmed that in principle there would be no objections to the proposals. The Council’s Head of Service for Heritage and Open Space considers that Blocks 2 and 3 would result in an overall ‘neutral impact’ on the setting of the listed buildings located beyond the main highway of Raby Road to the west, owing to the separation by this main highway together with the scale and massing of the proposed blocks being read in the context of the overall street scene, particularly when taking into account that the existing buildings (former Engineers Club and former Registry Office) would be demolished.

1.115 The Council’s Head of Service for Heritage and Open Space has confirmed that although Block 1 would sit alongside the existing locally listed building, it is acknowledged that there has been development on the adjacent site in the past and the location of the proposed block (Block 1) would echo this past development. It is also of note that the proposed Block 1 would be primarily rendered in a material to match the adjacent locally listed building. Furthermore, it is acknowledged that the applicant has worked with the Local Planning Authority through the pre-application process by significantly reducing the scale and addressing the siting of proposed Block 1. Overall, it is considered that the design and scale of Block 1 would not result in any adverse impacts to the designated and non-designated heritage assets and that the design and layout is acceptable in this instance.

1.116 In respect of the boundary treatment adjacent to Sir William Gray House, the Council’s Head of Service for Heritage and Open Space has confirmed no objections overall, however has requested a planning condition to ensure that the existing stone wall along the northern boundary is sound and will not be disturbed by construction

works. A planning condition is recommended accordingly. The condition cannot however ensure that the wall is protected ‘for the lifetime of the current development’ as this would not meet the relevant ‘tests’ of a planning condition, namely not being reasonable or enforceable. Should any issues arise with the wall beyond the construction period, this would clearly be a civil matter.

1.117 The Civic Society have also confirmed that the proposed redevelopment of the site would be acceptable, albeit have commented that it would be necessary to safeguard the existing ‘High School for Girls’ arch (adjacent to the north west of block 3) from construction works. A planning condition will also require details of protection to the ‘arch’ and this is recommended accordingly.

Design and Layout

1.118 In terms of layout and design of the proposals, Policy RC2 of the Hartlepool Local Plan (2018) encourages bold and innovative design for medium and large scale development (in the Town Centre).

1.119 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.

1.120 The NPPF (2021) sets out the Government’s commitment to good design. Paragraph 126 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 129 of the NPPF stipulates that planning decisions should ensure development will add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history (whilst not preventing or discouraging appropriate innovation or change), establish a strong sense of place and optimise the potential to accommodate and sustain an appropriate amount and mix of development.

1.121 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.

1.122 The application site is bounded to the north, south and south east by commercial buildings including Advanced House and the Ward Jackson House (occupied by the Job Centre) to the south, Sir William Gray House to the north and the Town Hall Theatre and Masonic Hall to the east (beyond the main highway of Raby Road). Beyond the main highway of Museum Road to the north is a large supermarket.

1.123 Although it is acknowledged that the view of the Council's Planning Policy team are that the proposed design of the three blocks are not considered to be "bold or innovative" (as per the aims of Policy RC2), it is acknowledged that the applicant has sought to work with the Local Planning Authority through the pre-application process to arrive at a design and scale of proposal that is both positive in the overall context of the street scene and sympathetic to the existing buildings along Raby Road and Museum Road given its location adjacent to listed and locally listed buildings. Given the constraints of the specific site (i.e. adjacent to a number of both designated and non-designated heritage assets), it is considered that the proposed scheme achieves a positive balance which is acceptable overall. The Council's Planning Policy team consider that the proposals meets the overall aspirations of Policy QP4 of the Hartlepool Local Plan (2018).

1.124 Overall, it is considered that the proposed development would respect the hierarchy of scale of the adjacent and nearby buildings and would be reflective of the proposed development and existing buildings within the wider area, including Advanced House to the south, Sir William Gray House to the north and the Town Hall Theatre and Masonic Hall to the east (beyond the main highway of Raby Road), respectively.

1.125 The palette of materials of existing surrounding buildings along Raby Road to the west primarily comprises red brick and grey roof tiles, whilst Sir William Gray House to the north is finished in a white/cream render material to all elevations and grey roof tiles. It is noted that these features are replicated in the finishing materials proposed as part of this development, whereby Block 1 is proposed to be finished in a render material with grey roof tiles, and blocks 2 and 3 are proposed to be finished in red brick slips above ground floor level.

1.126 In terms of the design and materials to be used in the proposed blocks, it is acknowledged that the applicant has sought to utilise a design which would complement adjacent buildings, to include a scale and finishing material (a mix of brick and render) to Block 1 which is similar in scale and appearance to the adjacent locally listed building of Sir William Gray House. Red brick work and brick slips would be applied to blocks 2 and 3 which is similar to red brick buildings along Raby Road (including the Grade II Listed Building of the Town Hall Theatre).

1.127 In terms of layout, it is acknowledged that the proposed Block 1 building would be set back from the main highway (with the proposed car park to serve this block in between), whilst the positioning of blocks 2 and 3 would be adjacent to the footpath (in line with adjacent buildings along this section of Raby Road), with commercial units fronting Raby Road to the west.

1.128 Furthermore, when considering the overall context of the proposal in the street scene, it is considered that the proposed development would in effect tie into and extend from existing buildings along Raby Road to the west (running north to south) and Sir William Gray House to the north. In this context, the proposed blocks would primarily be read alongside the existing properties when viewed from the main highways of Raby Road to the west, Clarence Road to the east, Museum Road to the north and surrounding street scenes.

1.129 As noted above, Block 1 would be set back from the main highway (of Clarence Road) in line with the adjacent locally listed building Sir William Gray House. It is acknowledged that tree planting to the eastern boundary would primarily be retained which would assist in softening the appearance of the proposed Block 1 in this location. Furthermore, planting is proposed along part of the northern and eastern boundaries which would further assist in softening any adverse impacts on the character and appearance of the wider area.

1.130 The Council's Landscape Architect was consulted on the proposals and advised that avenue tree planting along Raby 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 proposal would not allow for this suggested tree planting given the site constraints. Overall and taking into account the modest width of the proposed access, and that the proposals intends to provide landscaping throughout the site in the form of hedges around the blocks and parcels of intentional landscaping, it is considered that the lack of tree planting in these areas would not warrant a refusal of the application in this instance.

1.131 It is acknowledged that the application site is relatively level albeit it features a slightly lower level to the western extent, which is demonstrated by stepped-level Blocks 2 and 3, designed with a split ground floor plate to accommodate the topographic changes. Whilst the site levels are broadly acceptably, full details of the proposed site levels (within and outwith the site) can be secured by planning condition.

1.132 It is also considered necessary for final finishing materials, and hard and soft landscaping, can be secured by separate planning conditions, which are recommended accordingly.

1.133 Overall and in the above context, the design, scale and layout of the proposed development is generally considered to be in keeping with the character and appearance of the wider area and would overall positively satisfy the general requirements of Policies HE4, HE5, QP4 and RC2 of the Hartlepool Local Plan (2018) and the relevant provisions of the NPPF (2021).

TREES + LANDSCAPING

1.134 The application site contains two Tree Preservation orders on trees, to include TPO 1 which covers the trees in the south east corner along the southern border of the site, and TPO 114 which covers the trees around the entrance off Clarence road on the east of the site.

1.135 The application is accompanied by a revised Arboricultural Impact Assessment (AIA) and Method Statement that identify a number of trees/hedgerows that are to be retained and measures to do so. The AIA also identifies a number of trees that would need to be removed in order to facilitate the development proposed.

1.136 The application has been amended during the course of consideration, following concerns expressed by the Council's Arboricultural Officer in respect of trees under the above mentioned TPOs and the removal of trees without sufficient

replacement planting being considered. The concerns also highlighted discrepancies with the submitted AIA, for example that trees that have been suggested for removal (for example T5 from TPO 114) are outside of the development but were labelled to be removed for no justifiable reason whilst the submitted AIA provided no reasons or justifications.

1.137 The amended AIA and site plans to retain four trees along the eastern boundary (under TPO 114), amend the tree types proposed, and, as noted above, the applicant subsequently agreed a financial contribution (of £7,087) in respect of off-site tree planting (2 x Extra Heavy standard tree (18-20cm) *Tilia tomentosa* 'Brabant' to be planted on Church Street). At the request of the Council's Arboricultural Officer, the applicant provided more information regarding the tree protection that would be put in place in order to secure protection for the root protection area of all 4 trees (along the eastern boundary) during the development.

1.138 The Council's Arboricultural Officer confirmed that the proposal is acceptable in respect of trees, subject to Revision 5 of the AIA being adhered to throughout the development, and subject to a number of planning conditions ensuring that a tree protection for the trees on the eastern boundary, along with works to be supervised by a qualified Arboriculturalist, details of access facilitation pruning to the above mentioned trees is provided, the supply and implementation of a Tree/landscape management plan for the newly planted trees, and protection for retained trees and any that are planted as part of the proposed planting plan. These are secured accordingly (albeit with some amendments to the HBC Arboricultural Officer's suggested wording).

1.139 As noted above, the applicant proposes a soft landscaping scheme, including hedges and trees to be planted within the site (as detailed above), which is considered to offer a measure of biodiversity enhancement to the development proposed. Final landscaping details are to be secured by a planning condition.

1.140 Any works to the formally protected trees (TPOs) within the site that are not covered by the planning conditions or agreed details of this application would need to be subject to separate TPO works applications and an informative can be relayed to the applicant to this effect.

1.141 On balance and subject to the identified planning conditions, the application is considered to be acceptable in respect to landscaping and the impact on trees.

RESIDENTIAL AMENITY

1.142 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates 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. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

1.143 As above, policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses. The following minimum separation distances must therefore be adhered to:

- Principal elevation (habitable room window) to principal elevation (habitable room window) - 20 metres.
- Gable (blank or non-habitable room window) to principal elevation (habitable room window) - 10 metres.

1.144 These distances are reinforced within the Council's Residential Design Guide Supplementary Planning Document (SPD).

1.145 As noted above, the proposed development is bound by commercial/non-residential buildings, including Sir William Gray House at a separation distance of approximately 10m to the north of the northern elevation of Block 1 (at the closest point, from the projecting bay windows in the southern side of Sir William Gray House); the Ward Jackson House (south, occupied by the 'Job Centre') at a separation distance of approximately 10m (aside from the modest projecting and 'treated' oriel windows which project approximately 35cm) from the south east elevation of Block 2.

1.146 The proposed development is a minimum of 20m (and in some instances, in excess of 20m) from other existing properties where principal elevations are directly opposite each other, and a minimum of 10m where there is a gable to principle elevation, including a separation distance of approximately 75m to Morrisons (at the closest point from Block 3) to the north (with the main highway of Museum Road and boundary treatments between), approximately 20m to the Masonic Hall (at the closest point from Block 3), and approximately 23m to the Town Hall Theatre (at the closest point from Block 2) beyond the main highway of Raby Road to the west.

1.147 In terms of the internal relationships, it is noted that each of the proposed 98 residential apartments would be served by natural light to habitable rooms. A separation distance of approximately 11m would remain between the north east elevation of Block 2 and the western elevation of Block 1, however it is considered that the relationship and principal elevations of the two blocks are clearly offset and result in an oblique, satisfactory distance and relationship in this instance. A separation distance of approximately 44m would remain between the western elevation of Block 1 and the north eastern side elevation of Block 3 (at the closest point).

1.148 Between Blocks 2 and 3, although it is acknowledged that a separation distance of approximately 15.5m would be maintained between the north west elevation of Block 2 and the south east elevation of Block 3, following concerns expressed by the case officer to the applicant in respect of the inadequate separation distances between habitable room windows in these blocks, the applicant's agent submitted amended plans to demonstrate requisite treatments to windows above the ground floor level in the identified elevations of Blocks 2 and 3, including the provision of an oriel window design to habitable room windows and

obscure glazing to non-habitable room windows. Whilst the approximately 15.5m distance does not fully achieve the requisite 20m distance, consideration is given to the proposed window treatments of the two proposed blocks and the presence of the main access into the site which would remain between Blocks 2 and 3. Further consideration is given to the oblique relationship between the proposed Juliet balconies in upper floors of Block 2 and the orientation of Block 3, together with the required treatment to windows in the south east side elevation of Block 3.

1.149 At ground floor level, whilst, as noted above, the separation distance between habitable room windows in Blocks 2 and 3 would be approximately 15.5m which would not meet the requisite 20m separation distance, it is acknowledged that boundary hedges would run along the north west elevation of Block 2 and the south east elevation of Block 3, which would assist to screen views between windows in these elevations of these blocks. Whilst these hedges would form part of the long term maintenance and management of the site (to be secured through a planning obligation within the s106 legal agreement), it is considered appropriate for a form of permanent/fixed screening to be provided within this area. Furthermore and of consideration is the presence of the main access road that separates the two blocks. It is considered that final details of the boundary treatments can be secured by a planning condition, which is necessary in this respect.

1.150 In turn, the relationships between the proposed blocks of mixed use residential apartments and commercial units and the existing buildings in the area are, on balance, considered sufficient to prevent a loss of light, outlook, overbearing appearance or overlooking for existing or future occupiers and such relationships would not warrant a refusal of the application.

1.151 The land immediately to the east of the development site is an existing car park, access road and main highway of Clarence Road and therefore there are no neighbouring properties that would be affected in terms of any impact on the amenity and privacy by the development proposed.

1.152 Overall and on balance, these relationships are considered to be acceptable and it is considered that the proposal would not result in an unacceptable impact on the amenity and privacy of existing and future occupiers of the proposed residential apartments in terms of loss of outlook, overbearing, overshadowing and overlooking as to warrant a refusal of the application.

1.153 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.

1.154 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”*.

1.155 The application has been supported by a Noise Impact Assessment, which concludes that façade sound insulation and trickle ventilators are required to safeguard the future residents of Blocks 2 and 3 from any noise from the Town Hall Theatre (beyond the main highway of Raby Road to the west). The Council's Public Protection have assessed the proposals in light of this and have raised no objection to the development, subject to the measures indicated in the Noise Impact Assessment being implemented and this can be secured by a planning condition.

1.156 The Council's Public Protection team considers it necessary for details of sound insulation to be provided between the 6 ground floor commercial units and the adjacent ground floor and first floor residential flats, and this can be secured by a planning condition.

1.158 It is considered that planning conditions are also necessary to control the hours of use of the 6 commercial units to between the hours of 7am and 11.30pm, in line with the provisions of Policy RC2 of the Hartlepool Local Plan (2018). The Council's Public Protection team have also verbally confirmed that it is necessary for a further planning condition to be secured to limit hours of deliveries to/from the commercial interests to certain times, in the interests of the amenities of existing occupiers of surrounding properties and future occupiers of the proposed flats.

1.159 The proposed scheme includes details of external air condenser/conditioning units to serve the commercial units within Blocks 2 and 3. The specification and technical details of these are required and can be secured by a planning condition as agreed by the Council's Public Protection team.

1.160 Subject to the installation of the appropriate mitigation measures (as detailed in the submitted Noise Assessment) and the other above identified planning conditions, it is considered that the proposed development would not prejudice the proposed residential or commercial units of the site or adversely affect the amenity of existing and future occupiers in terms of noise disturbance. The proposed development is therefore considered to be acceptable with regards to noise impacts subject to the identified mitigation measures that can be secured by appropriate planning conditions.

Other amenity considerations

1.161 In order to further minimise disruption to surrounding land users and future occupiers, the Council's Public Protection team have also requested planning conditions in respect of hours of construction and demolition activities, and dust suppression facilities. Further conditions are considered to be necessary in respect to the installation of any external lighting or other equipment such as air conditioning or external extraction equipment. These can be secured by planning conditions which are recommended accordingly.

Neighbour Amenity Conclusion

1.162 Taking account of the above considerations regarding overlooking, light, outlook, overbearing appearance and private amenity space, as well as noise

disturbance, it is considered the proposed development is acceptable in terms of amenity and privacy for all existing and future occupants of nearby and neighbouring properties (including those within the proposed development site).

ECOLOGY MATTERS

Biodiversity (including Mitigation, Enhancement and Compensation measures)

1.163 The Council's Ecologist has been consulted on the proposals and has confirmed that whilst there would be a loss of on-site habitats however these are low value brownfield habitats and the loss could be considered outside the Biodiversity metric.

1.164 In addition, the Council's Ecologist has confirmed that the proposed demolition of the existing buildings would not risk harm to bats.

1.165 As noted above, the application is accompanied by an Ecological Impact Assessment (EclA). The Council's Ecologist has recommended a planning condition is appended (to require the implementation of the measures set out in the EclA), to ensure that the enhancement measures of bat box bricks and bird nesting features on the proposed blocks and hedges are installed. A planning condition is recommended accordingly.

1.166 In addition, the Council's Ecologist has recommended a planning condition to require the implementation of measures of ecological mitigation measures, to ensure that root plates of existing mature trees are protected, suitable landscaping is delivered, and biodiversity compensation is delivered by the inclusion the following:

- Avoiding demolition works and vegetation clearance during the bird nesting season;
- Covering excavations overnight;
- Protecting trees and hedges to be retained with Heras style fencing;
- Soft fell methods of tree felling;
- A sensitive lighting scheme;
- Control of the cotoneaster species; and
- Hedgehog friendly measures are undertaken.

1.167 The Council's Ecologist has also requested that a Landscape Plan and Arboricultural Impact Assessment are secured by planning conditions, to assist in providing ecological enhancement. Planning conditions are recommended accordingly.

1.168 In view of the above and on balance, it is considered that the application is acceptable in respect of biodiversity in this instance.

Habitats Regulation Assessment

1) Recreational impacts on designated sites

1.169 As the site is 1.2km walking distance and approximately 1.25km driving distance from the European Protected Site, Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site, and suitable alternative natural green space (SANGS) is not provided on site, following the completion of a Stage 1 and Stage 2 Habitat Regulations Assessments by the Council's Ecologist (as the competent authority), a financial contribution of £24,500 (£250 per property) is necessary to mitigate the adverse recreational impacts on the SPA (and Ramsar Site). The applicant has confirmed agreement to this contribution.

1.170 In turn, Natural England have confirmed they have no objection to the application subject a suitable legal agreement to secure the financial contribution. This will be secured in the s106 legal agreement.

2) Nutrient Neutrality

1.171 On 16 March 2022 Hartlepool Borough Council, along with neighbouring authorities in the catchment of the Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area and Ramsar site is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area.

1.172 Given this application would involve development comprising residential development, it is considered the proposals are 'in scope' for further assessment. The applicant submitted Nutrient Neutrality Budget Calculations accompanied by a Nutrient Statement which concludes that the application does not result in a net increase in nitrates as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works, which has been confirmed by Northumbrian Water. A HRA Stage 1 Screening Assessment was duly completed by the Council's Ecologist which confirms there would not be a Likely Significant Effect on the designated sites.

1.173 Natural England agree with the LPA's position on Nutrient Neutrality subject to on-site Sustainable Drainage Systems (SuDS) being in place to address any nitrate pollution occurring from surface water.

1.174 In response, the Council's Flood Risk Officer advised that SuDS provides a level of surface water treatment, the treated surface water goes to sewage works and gets further treated then discharges outside of the Nutrient Neutrality catchment. The submitted details indicate that the proposed scheme provides for 'positive drainage' in the form of surface water discharging via permeable/SuDS paving and a filter trench to provide attenuation that would then discharge into the public sewer, to which the Council's Flood Risk Officer raises no concerns. Therefore the scheme satisfactorily addresses Nutrient Neutrality in this respect and would not be a Likely Significant Effect on the designated sites.

1.175 The application is considered to be acceptable in respect of any Likely Significant Effects on designated sites.

FLOOD RISK & DRAINAGE

1.176 Local Plan Policy CC1(3) sets out that development should incorporate appropriate measures to minimise flood risk such as SuDS and/or the use of porous materials and water retention and recycling. Policy CC2 requires all proposals to demonstrate how they will minimise flood risk. Policy QP7(3) sets out that all development will be required to incorporate sustainable construction and drainage methods.

1.177 The application site is brownfield land under 0.5 hectares in size, within Flood Zone 1 and therefore at low risk of flooding and a Flood Risk Assessment is not required, however the application is accompanied by a Flood Risk Statement.

1.178 As noted above, the proposed hardstanding includes SuDS measures. The Council's Flood Risk Officer has confirmed that the proposal is acceptable subject to the inclusion of a pre-commencement planning condition (as well as a Planning Obligation within the s106 legal agreement) to ensure that a detailed surface water drainage scheme is submitted to and approved by the Local Planning Authority to include full details of surface water management and maintenance.

1.179 Northumbrian Water has advised both foul that surface flows should discharge to the existing combined sewer and has requested a planning condition to secure details of foul and surface water drainage. A planning condition is recommended accordingly to secure the foul drainage element too. In addition, an informative can relay the advice from Northumbrian Water regarding the expected discharge of foul and surface water to the applicant.

1.180 Subject to the inclusion of these planning conditions and the necessary planning obligation in the s106 legal agreement, the development is considered to be acceptable with regards to flood risk and drainage.

CONTAMINATED LAND

1.181 The application is supported by a phase 1 site investigation report. The Council's Flood Risk Officer has confirmed no objection in respect of contaminated land, subject to planning conditions to ensure a detailed desk study and risk assessment is undertaken together with any required remedial actions, as recommended by the above mentioned submitted report. Accordingly, such a condition is duly recommended and the development is considered to be acceptable in this respect as a result.

OTHER PLANNING MATTERS

Public Rights of Way

1.182 The Council's Countryside Access has confirmed that the proposals would not affect any nearby public rights of way and/or permissive paths within the vicinity, and therefore the application is considered acceptable in this respect.

Archaeology

1.183 Tees Archaeology have been consulted on the application and have raised no objections. Tees Archaeology initially made comments regarding the requirements of a planning condition on the adjacent phase of development (by the same applicant), however have since confirmed that the requirements do not apply to the current application, and as such the application is considered to be acceptable in this respect. As detailed above, their concerns regarding damage to the adjacent boundary stone wall is to be addressed through a planning condition to protect the stone wall during construction works.

Crime, Fear of Crime and Anti-Social Behaviour

1.184 HBC Community Safety have been consulted on the proposals and have not offered any objections. A consultation response from Cleveland Police has been received which confirms that the proposed layout is acceptable, however has provided advice in relation to reducing the risk of crime to the residential and commercial units, including the use of lighting and CCTV to car parking areas, cycle storage and entrances to buildings, and secured communal bin storage and cycle storage and entrances. This advice can be relayed to the applicant via an informative and the proposal is considered to be acceptable in this respect.

Waste

1.185 The Tees Valley Joint Minerals and Waste Development Plan Document (2011) requires all major developments to produce a waste audit. A pre-commencement planning condition can secure this.

1.186 A consultation response has been received from HBC Waste Management confirming no objections to the proposal, and providing advice regarding the provision of necessary waste receptacles and collection requirements throughout the proposed development. This can be relayed to the applicant via an informative.

1.187 No objections have been received from either HBC Public Protection or HBC Traffic and Transport in respect of servicing and access to refuse storage. The proposal is therefore considered to be acceptable in this respect.

Fire Safety and Access

1.188 In 2021, the Government introduced the requirement for Fire Statements to support the consideration of information on fire safety matters, and these are a national requirement for all planning applications that contain two or more dwellings or educational accommodation and meet the height condition of 18m or more in height or are 7 or more storeys. Although not required for this application (as none of the three blocks exceed approximately 18m (the highest being approximately 16.6m), the applicant has still submitted a Fire Statement which advises that Blocks 2 and 3 would feature sprinkler systems.

1.189 Cleveland Fire Brigade has provided advice for the applicant with respect to fire safety and access. These matters, including the provision of a sprinkler system,

are principally a consideration for the building regulations process, which the Council's Building Control section has confirmed the application is subject to. Notwithstanding this, an informative to make the applicant aware of this advice is recommended accordingly.

OTHER MATTERS

1.190 It is acknowledged that a representation has been received in respect of vacant buildings and speculative proposed redevelopment elsewhere in the town centre, and considerations around the 'need' for the proposed development. Other comments make reference to the need for student accommodation. The current application can only be considered the merits of the proposed scheme at the application site, and alternative proposals and/or locations are not considered to be within the remit of planning control. Furthermore, the residential scheme is not identified as student accommodation.

1.191 As noted above, the application includes the demolition of two vacant buildings. The Council's Flood Risk Officer has confirmed that in accordance with section 80 of The Building Act 1984, the applicant is required to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This requirement is separate and in addition to the planning application and an informative can relay this requirement to the applicant.

1.192 The Council's Public Protection section have advised that there should be no open burning. It is of note that this is covered under separate legislation, however an informative can relay this to the applicant.

PLANNING BALANCE AND OVERALL CONCLUSION

1.193 It is acknowledged that the proposed scheme would provide a 43 car parking spaces for 98 residential apartments and 6 commercial units which is considered to be less than the minimum requirements of the Tees Valley Design Guide (2018). In view of this, it is acknowledged that the application is in conflict with Policy QP3 of the Hartlepool Local Plan (2018).

1.194 It is also disappointing that the submitted viability information demonstrates that there is insufficient viability within the scheme to deliver a number of planning obligations and contributions including securing affordable housing provision.

1.195 Notwithstanding these concerns, in view of the comments from the Council's Traffic and Transport team which confirm that a highway safety objection cannot be sustained, and taking into account the economic, environmental and social benefits of the scheme as identified by the Council's Planning Policy section, it is, on balance, considered that the scheme would not result in such an adverse impact on the highway safety or result in an unsustainable form of development (as a result of viability) as to warrant a refusal of the application in this instance, particularly when such concerns are considered in the overall planning balance for the development.

1.196 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 the visual amenity of the application site and surrounding area (including designated and non-designated heritage assets as detailed above), and the proposal is considered to be acceptable in respect of all other material considerations.

1.197 Subject to the identified conditions and the completion of a section 106 legal agreement to secure the contributions (as detailed above), as well long term maintenance and management of landscaping and open space, and surface water drainage at the application site, the proposal is, on balance, considered to be acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.198 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.199 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.

1.200 There are no Section 17 implications.

REASON FOR DECISION

1.201 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 completion of a S106 legal agreement to secure financial contributions toward HRA mitigation (£24,500) for indirect adverse impacts on SPA (and Ramsar Site) feature birds through recreational disturbance; a financial contribution of £7,087 to provide for 2 off-site trees together with a 5 year maintenance); the provision, maintenance and long term management of on-site landscaping and open space; and maintenance and long term management of surface water drainage; and subject to the planning conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans:

drawing number 2122-LAL-XX-XX-DR-A-00-600 Rev P6 (Block 01 Proposed Elevations),
drawing number 2122-LAL-XX-XX-DR-A-00-10 Rev P9 (Block 01 GA Floor Plans),

received by the Local Planning Authority on 15th August 2022;

drawing number 2122-LAL-XX-XX-DR-A-00-100 Rev P2 (Location Plan),
drawing number 2122-LAL-XX-XX-DR-A-00-202 Rev P2 (Proposed External Refuse Store),
drawing number 2122-LAL-XX-XX-DR-A-00-207 Rev P1 (Boundary Treatment Types),
drawing number 2122-LAL-XX-XX-DR-A-00-205 Rev P1 (Proposed Sub Station),
received by the Local Planning Authority on 2nd September 2022;

drawing number 2122-LAL-01-RF-DR-A-00-11 Rev P1 (Block 01 GA Roof Plan),
received by the Local Planning Authority on 4th November 2022;

drawing number 2122-LAL-XX-XX-DR-A-00-208 Rev P1 (Proposed Cycle Storage - Block 01),
drawing number 2122-LAL-XX-XX-DR-A-00-102 Rev P9 (Demolition Site Plan),
drawing number 2122-LAL-XX-XX-DR-A-00-204 Rev P3 (Proposed Cycle Storage - Block 02 & 03),
received by the Local Planning Authority on 19th December 2022;

drawing number 2122-LAL-XX-XX-DR-A-00-710 Rev P2 (Existing & Proposed Site Section Sheet 01),
drawing number 2122-LAL-02-ZZ-DR-A-00-12 Rev P10 (Block 02 GA Floor Plans – Sheet 02),
drawing number 2122-LAL-02-ZZ-DR-A-00-13 Rev P8 (Block 03 GA Floor Plans – Sheet 01),
drawing number 2122-LAL-02-ZZ-DR-A-00-14 Rev P9 (Block 03 GA Floor Plans – Sheet 02),
drawing number 2122-LAL-XX-XX-DR-A-00-203 Rev P4 (Proposed Boundary Treatment),
drawing number 2122-LAL-XX-XX-DR-A-00-201 Rev P7 (Proposed External Works),
drawing number 2122-LAL-XX-XX-DR-A-00-200 Rev P23 (Proposed Site Plan),
drawing number 2122-LAL-03-XX-DR-A-00-602 Rev P6 (Block 03 Proposed Elevations),
drawing number 2122-LAL-02-XX-DR-A-00-601 Rev P7 (Block 02 Proposed Elevations), received by the Local Planning Authority on 17th January 2023;

drawing number 2122-LAL-02-ZZ-DR-A-00-11 Rev P9 (Block 02 GA Floor Plans – Sheet 01), received by the Local Planning Authority on 24th January 2023.

For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to the commencement of development (including any demolition works), details of the existing and proposed levels (both within and outwith 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 their associated gardens in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan.

4. Notwithstanding the submitted information, no development (including any demolition works) 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 and urban creep, 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.
5. Prior to the commencement of the development hereby approved (including any demolition works), a detailed scheme for the disposal of foul water from the development shall be 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.
6. No development (including any demolition works) 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;
 - g. a detailed unexploded ordnance (UXO) study to confirm the UXO hazard on site;
- (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.

7. Notwithstanding the submitted details and prior to the commencement of the development (including any demolition works) hereby approved, 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 shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a programme of the works to be undertaken. The scheme shall include details of biodiversity and habitat enhancement (and compensation) in accordance with Section 7.2 'Compensation' of the submitted 'Ecological Impact Assessment' by EcoSurv (dated August 2022), received by the Local Planning Authority 2nd September 2022. The scheme shall also include details of the retained landscaping features as detailed within the 'Arboricultural Constraints Survey, Impact Assessment, Protection Plan and Method Statement', Issue No. 5 document dated 12/01/2023, received by the Local Planning Authority on 17th January 2023.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the first occupation of the development or completion of the development (whichever is the sooner) hereby approved. 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, biodiversity enhancement and to ensure a satisfactory form of development.

8. Prior to the commencement of the development (including any demolition works) hereby approved, a scheme to effectively control dust emissions from the site remediation and construction works shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the development shall be carried out solely in accordance with the agreed scheme.
In the interests of the occupiers of adjacent and nearby premises and highway

safety.

9. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for the protection and retention of the retained trees (as identified in the 'Arboricultural Constraints Survey, Impact Assessment, Protection Plan and Method Statement', Issue No. 5 documented dated 12/01/2023, received by the Local Planning Authority on 17th January 2023 and as annotated on drawing entitled 'Tree Protection Plan', plan dated July 2022, received by the Local Planning Authority on 17th January 2023) shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall include a dimensioned tree protection plan(s) (TPP). Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site (and thereafter retained until the completion of the development) and an on-site meeting shall be undertaken with the Local Planning Authority to confirm that all tree protection measures have been installed in accordance with the required and approved dimensioned tree protection plan. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees that are found to be dead, dying, severely damaged or diseased 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.
10. Prior to the commencement of any pruning works to trees labelled T16, T18 and T19 (as identified in the 'Arboricultural Constraints Survey, Impact Assessment, Protection Plan and Method Statement', Issue No. 5 documented dated 12/01/2023, received by the Local Planning Authority on 17th January 2023 and as annotated on drawing entitled 'Tree Protection Plan', plan dated July 2022, received by the Local Planning Authority on 17th January 2023), details of all proposed Access Facilitation Pruning (as defined by British Standard BS5837:2012) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved tree pruning works shall be carried out in strict accordance with the approved details. In the interests of the health and appearance of the existing trees and the visual amenity of the area.
11. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for protection of the existing stone walls to the northern boundary, as annotated on drawing number 2122-LAL-XX-XX-DR-A-00-200 Rev P23 (Proposed Site Plan, received by the Local Planning Authority on 17th January 2023) and the adjacent 'High School For Girls' Arch shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the

development, the agreed protection measures shall be implemented on site and retained for the duration of the construction period.

To avoid any irreversible damage to locally listed building (and associated structures) and to protect and enhance the appearance and character of the site and locality.

12. Notwithstanding the submitted information, and prior to the commencement of development, a site specific Waste Audit which shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use, shall be submitted to and agreed in writing with the Local Planning Authority. 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 development shall be carried out in accordance with the agreed details. To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
13. Notwithstanding the submitted information, details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority prior to the commencement of above ground construction, 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.
14. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) 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 scheme, including car parking provision and footpath connections, shall be completed in accordance with the agreed details prior to the occupation or completion of the development. To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
15. No part of the development shall be occupied 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 amenities of the surrounding area.
16. Notwithstanding the submitted details and prior to above ground construction of the development 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. The scheme shall make provision for appropriate screening/means of enclosure

adjacent to the external area(s) to the front of the ground floor flats contained within the north west elevation of Block 2 (where they directly face the south east elevation of Block 3). Thereafter the development shall be carried out in accordance with the approved details prior to first occupation or completion of the development (whichever is the sooner).

In the interests of visual amenity, the privacy of future occupiers and to protect the setting and significance of adjacent heritage assets.

17. Prior to the commencement of development above ground level, details of bat box bricks and bird nesting features to be incorporated into the proposed buildings hereby approved, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The bat box bricks and bird nesting features shall be in general conformity with the details specified in Section 10.4 'Example Compensatory and Enhancement Features' and located in general conformity with the identified locations annotated in Figure 9 of Section 10.4 of the submitted 'Ecological Impact Assessment' by EcoSurv (dated August 2022), received by the Local Planning Authority 2nd September 2022. Thereafter, the bat box bricks and bird nesting features shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the development, whichever is the sooner, and shall be maintained for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.

18. Prior to the above ground construction of the development hereby approved, full details of the proposed solar panels to be installed to Blocks 2 and 3 as annotated on drawing number 2122-LAL-02-ZZ-DR-A-00-14 Rev P9 (Block 03 GA Floor Plans – Sheet 02) and drawing number 2122-LAL-02-ZZ-DR-A-00-12 Rev P10 (Block 02 GA Floor Plans – Sheet 02), both plans received by the Local Planning Authority on 17th January 2023, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a report that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the development's predicted energy supply. The development shall thereafter be constructed/installed in line with the approved scheme prior to the occupation or completion of the development hereby approved, whichever is sooner.

To ensure a satisfactory form of development, In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.

19. Prior to the commencement of development above ground level on Block 2 and Block 3 (as the buildings are annotated on the Approved Plans set out in Condition 2), a scheme for the obscure glazing and, where considered necessary, restricted openings (max. 30 degrees) or be fixed of the following proposed windows (as annotated on the elevation drawings and denoted on the floor plans by an asterix(*) on the following drawings);

i) the identified windows to be installed in the north west elevation and south east elevations of Block 2 (serving residential flats on floors 1, 2, 3 and 4), as

detailed on drawing number 2122-LAL-02-ZZ-DR-A-00-12 Rev P10 (Block 02 GA Floor Plans – Sheet 02) and drawing number 2122-LAL-02-XX-DR-A-00-601 Rev P7 (Block 02 Proposed Elevations), received by the Local Planning Authority on 17th January 2023 and drawing number 2122-LAL-02-ZZ-DR-A-00-11 Rev P9 (Block 02 GA Floor Plans – Sheet 01), received by the Local Planning Authority on 24th January 2023; and

ii) the identified windows to be installed in the south east elevation of Block 3 (serving residential flats on floors 1, 2 and 3), as detailed on drawing number 2122-LAL-02-ZZ-DR-A-00-14 Rev P9 (Block 03 GA Floor Plans – Sheet 02), drawing number 2122-LAL-02-ZZ-DR-A-00-13 Rev P8 (Block 03 GA Floor Plans – Sheet 01), and drawing number 2122-LAL-03-XX-DR-A-00-602 Rev P9 (Block 03 Proposed Elevations), all received by the Local Planning Authority on 17th January 2023, shall be first submitted and approved in writing by the Local Planning Authority.

The windows shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent. Thereafter the windows shall be installed in accordance with the approved details and prior to the occupation of each respective residential unit and shall remain for the lifetime of the development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.

To prevent overlooking.

20. Prior to the occupation of the residential units within Block 2 and Block 3 (as the buildings are annotated on the Approved Plans set out in Condition 2), the 'Noise Amelioration Measures' as set out in sections 6 and 7 of the document reference 10120.1A 'Former Hartlepool Engineers Club Noise Impact Assessment' Revision A by Apex Consultants, documented dated 31st August 2022, received by the Local Planning Authority 2nd September 2022) shall be applied to the residential units as identified on Table 1 (Summary of minimum façade sound insulation treatment) and Figure 1 'Façade sound insulation requirements' of the above referenced Noise Impact Assessment. Thereafter the measures shall be retained for the lifetime of the development hereby approved.
In the interests of the amenities of future occupiers of the development.
21. No part of the residential units hereby approved shall be occupied until details of electric vehicle charging apparatus, including identifying the location of the apparatus has been submitted and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the residential units, the agreed scheme shall be implemented on site.
In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
22. Prior to the occupation of the development hereby approved, provision shall be made for storage of refuse in accordance with the locations shown on drawing number 2122-LAL-XX-XX-DR-A-00-200 Rev P23 (Proposed Site Plan, received by the Local Planning Authority on 17th January 2023) and thereafter retained for the lifetime of the development.
To ensure a satisfactory form of development.

23. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
24. 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 6no. commercial units as annotated on drawing number 2122-LAL-02-ZZ-DR-A-00-13 Rev P8 (Block 03 GA Floor Plans – Sheet 01, received by the Local Planning Authority on 17th January 2023) and drawing number 2122-LAL-02-ZZ-DR-A-00-11 Rev P9 (Block 02 GA Floor Plans – Sheet 01, received by the Local Planning Authority on 24th January 2023) hereby approved shall only be used in connection with Use Class ‘E’ sub-categories;

E(a) for the display or retail sale of goods, other than hot food;
E(b) for the sale of food and drink for consumption (mostly) on the premises;
E(c) for the provision of the following kinds of services principally to visiting members of the public - (i) financial services, (ii) professional services (other than health or medical services), or (iii) any other services which it is appropriate to provide in a commercial, business or service locality;
E(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner),

as defined in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020) and for no other purpose or use (including any other use within Use Class E) and shall not be extended, sub-divided or externally altered in any manner without the written approval of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development in accordance with Policy RC2 of the Hartlepool Local Plan (2018).
25. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the 98no. residential units as annotated on drawing number 2122-LAL-02-ZZ-DR-A-00-14 Rev P9 (Block 03 GA Floor Plans – Sheet 02), drawing number 2122-LAL-02-ZZ-DR-A-00-13 Rev P8 (Block 03 GA Floor Plans – Sheet 01), drawing number 2122-LAL-02-ZZ-DR-A-00-12 Rev P10 (Block 02 GA Floor Plans – Sheet 02, all received by the Local Planning Authority on 17th January 2023, and drawing number 2122-LAL-02-ZZ-DR-A-00-11 Rev P9 (Block 02 GA Floor Plans – Sheet 01, received by the Local Planning Authority on 24th January 2023) hereby approved shall be used as flats (C3 Use Class, as defined in the Town and Country Planning

(Development Management Procedure) (England) Order 2015, as amended) and for no other purpose or use (including any other use within the C3 Use Class) and shall not be extended, sub-divided, converted or externally altered in any manner.

To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development in accordance with Policy RC2 of the Hartlepool Local Plan (2018).

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), other than the boundary enclosures to be agreed under Condition 16, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of the proposed development, without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the appearance of the wider area including the adjacent locally listed building and the protected trees within the site.
27. Prior to the installation of any external lighting and/or floodlights associated with the development 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 adjacent land users and future occupiers.
28. Notwithstanding the submitted information and prior to the installation of the air conditioning/condenser units to serve Blocks 2 and 3 as annotated on plan number 2122-LAL-XX-XX-DR-A-00-200 Rev P23 (Proposed Site Plan, received by the Local Planning Authority on 17th January 2023), full details shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the full manufacturers' specification, including details of the position, appearance and details of measures to prevent noise emissions. Thereafter the agreed scheme shall operate solely in accordance with the agreed details. This permission does not permit the installation of any other external air conditioning or condenser units, flues, ventilation or extraction equipment to serve the commercial or residential development hereby approved.
For the avoidance of doubt, in the interests of visual amenity, to protect the setting and significance of the adjacent heritage assets, and in the interests of the amenity of neighbouring occupiers.
29. The 6no. commercial units hereby approved shall not be open to the public outside of the hours 07:00hrs – 23:30hrs Mondays to Sundays inclusive. In the interests of the amenities of neighbouring occupiers and in line with Hartlepool Local Plan (2018) Policy RC2.

30. All deliveries to/from the 6no. commercial units hereby approved shall only be carried out between the hours of 07:00hrs and 21:00hrs Monday to Friday inclusive, 9:00hrs – 16:00hrs on Saturdays, and 10:00hrs – 16:00hrs on Sundays and bank holidays.
In the interests of the amenities of the occupants of neighbouring properties.
31. Prior to the development hereby approved being brought into use, a scheme demonstrating appropriate noise insulation between the ground floor commercial units in Block 2 and Block 3 (as the buildings are annotated on the Approved Plans set out in Condition 2) and adjoining residential units (the ground floor and first floor residential units within Blocks 2 and 3) shall be submitted to and approved in writing by the Local Planning Authority.
Thereafter, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained for the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
32. The proposed cycle storage as identified plan number 2122-LAL-XX-XX-DR-A-00-200 Rev P23 (Proposed Site Plan, received by the Local Planning Authority on 17th January 2023) shall be provided prior to the first occupation of the development hereby approved and thereafter retained for the lifetime of the development.
In the interests of the amenities of the future occupants of the approved development.
33. The development hereby approved shall be carried out solely in accordance with the required ecological mitigation measures set out in Section 7.1 'Mitigation' of the submitted 'Ecological Impact Assessment' by EcoSurv (dated August 2022), received by the Local Planning Authority 2nd September 2022.
To provide ecological mitigation.

BACKGROUND PAPERS

1.202 Background papers can be viewed by the 'attachments' on the following public

access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=154896>

1.203 Copies of the applications are available on-line:

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

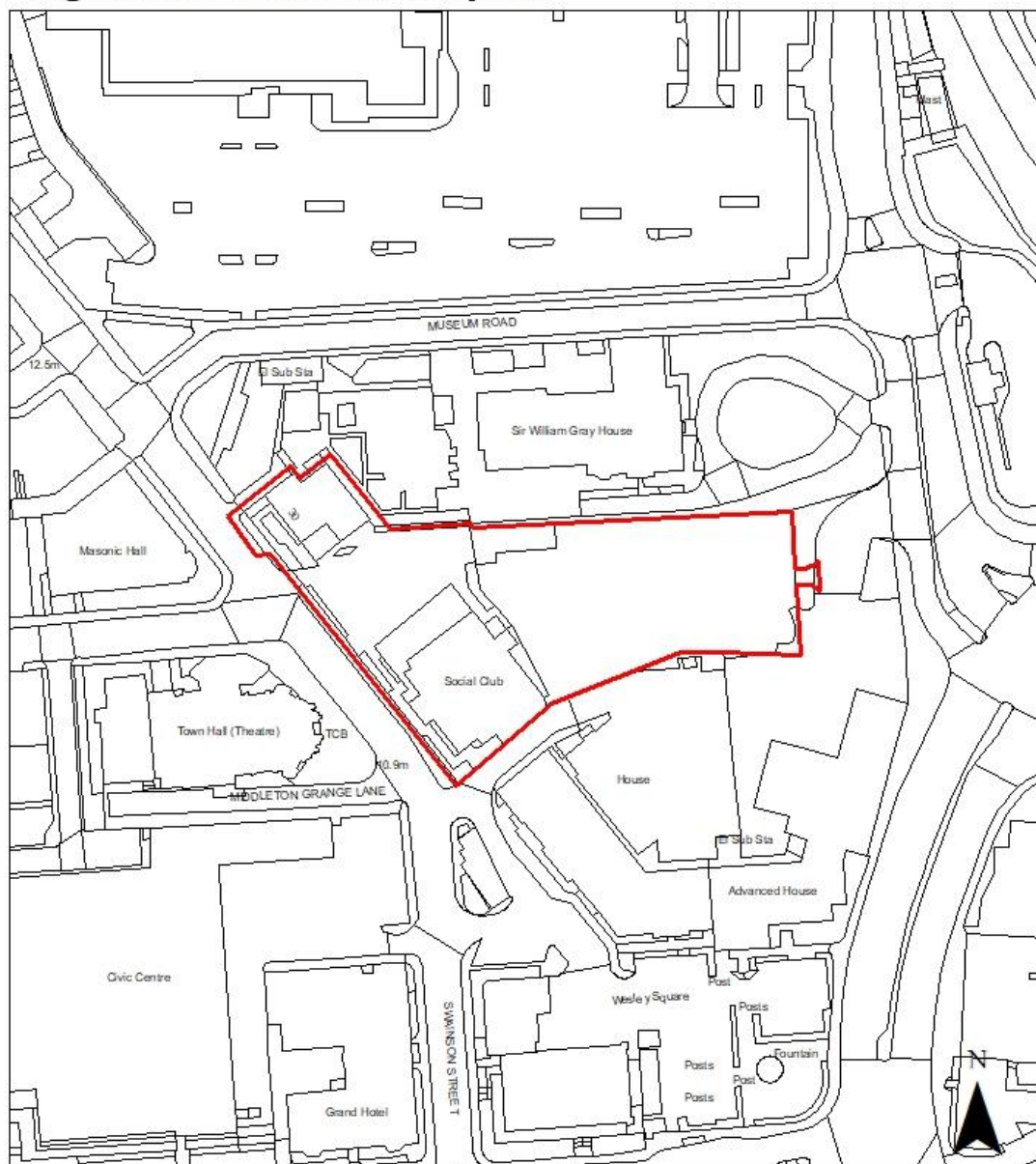
CONTACT OFFICER

1.204 Kieran Bostock
Assistant Director – Place Management
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

1.205 Stephanie Bell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 523246
E-mail: Stephanie.Bell@hartlepool.gov.uk

Engineers Club, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.01.2023
	SCALE 1:1,250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2022/0306	REV

No: 2.
Number: H/2022/0333
Applicant: HARTLEPOOL BOROUGH COUNCIL
Agent: PORTAKABIN LTD TOM MYERS LEEDS HIRE
 CENTRE GELDERD ROAD LEEDS LS12 6LZ
Date valid: 21/09/2022
Development: Provision of a temporary demountable classroom building
Location: KINGSLEY PRIMARY SCHOOL TAYBROOKE AVENUE
 HARTLEPOOL

PURPOSE OF REPORT

2.1 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

2.2 The application site has an extensive planning history and the most recent and relevant applications are detailed below:

H/2007/0352 - Erection of single storey extension to accommodate a children's centre and provision of an extended car park. Approved 04/07/2007.

H/2007/0349 - Erection of extension to courtyard to provide facilities for autistic children Approved 25/06/2007.

H/2008/0160 – Erection of extension to provide a meeting room. Approved 02/05/2008.

H/2008/0566 – Erection of single storey extension. Approved 18/12/2008.

H/2010/0344 - Erection of single storey classroom extension. Approved 08/07/2010

H/2012/0030 – Installation of photovoltaic array (16 panels) to the south facing roof. Approved 01/03/2012.

H/2012/0344 – Demolition of conservatory teaching facilities and erection of two replacement single storey extensions. Approved 20/08/2012.

H/2014/0586 - Erection of single storey extension. Approved 30/01/2015.

PROPOSAL

2.3 Planning permission is sought for the erection of a temporary, demountable classroom building to be located on part of the school playing field at the rear of the

school complex. The proposed building would be single storey and would be of a flat roof design, measuring approximately 3.5 metres in height by a width of approximately 16.8 metres by a depth of approximately 9.8 metres. The building would provide for two classrooms, two store rooms, two, lobby areas and provision of two w.c. facilities, with an overall floor area of approximately 156 square metres.

2.4 The front part of the building would face the back of the main school building (north) and at the entrance, would be the provision of a centralised ramped access and railings that would pivot at a right angle eastwards sloping down to the ground level. Four windows would also be contained within the front elevation, a window would feature within each side elevation and at the rear two windows and two emergency access exits would feature.

2.5 The galvanised steel structure would have a plastic coated external appearance finished in a cream ‘buttermilk’ colour (BS ref 10C31).

2.6 During the course of the application amended plans were received to include provision for toilets and other minor internal changes. Given the scale and nature of the changes, no further consultation was considered necessary.

2.7 The application has been referred to the planning committee owing to the nature of the proposal (the proposal would be sited on school playing fields) and the applicant is HBC Education.

SITE CONTEXT

2.8 The application site relates to a rectangular area of the school playing field, adjacent to the rear of the Kingsley Primary school, at the northern aspect of the school playing field. The school grounds are bounded to the west/side by residential properties located on The Sycamores and to the south/rear, beyond the playing field is the vehicular highway and residential properties located on of Swalebrooke Avenue. To the east/side, beyond the playing field is the vehicular highway of Kingsley Avenue with further playing fields beyond on the other side of the highway.

PUBLICITY

2.9 The application has been advertised by way of 21 neighbour letters and through the display of two site notices.

2.10 To date, there have been no letters of representation received.

2.11 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=155252>

2.12 The period for publicity will expire 08/02/2023 and any further responses will be tabled before Members at the committee meeting.

CONSULTATIONS

2.13 The following consultation replies have been received:

Sport England; (Updated comments received 16 January 2023)

I refer to the above application following further correspondence and meetings between the Council and Sport England.

Whilst it has become clear that the location of the proposed temporary demountable is unable to conform with exception 3 of Sport England's playing field policy, the Council have drawn our attention to the temporary period for which the demountable classroom will be needed and the reasons for this.

Sport England does allow the temporary loss of playing field for education capital projects such as school rebuilds under playing field policy – exception 4. This exception requires that any playing field lost to development is replaced by playing field of equivalent quantity and quality. Given the Council's indication that it would be willing to accept both a time limitation condition and a playing field restoration condition (once the temporary classroom building is removed) then Sport England is prepared to accept the proposal is able to meet playing field policy – exception 4

Conclusion

Given the above assessment, Sport England wishes to withdraw its objection to this application as it is considered to meet exception 4 of its Playing Fields Policy. The withdrawal of the objection is subject to the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

1) No development shall commence until a scheme for the removal of the demountable classroom building and the reinstatement of the playing field has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. [The scheme must be in accordance with [Sport England guidance "Natural Turf for Sport" (2011)] In the first planting season following the removal of the demountable classroom building the playing field must be reinstated in accordance with the approved scheme

If you wish to amend the wording or use another mechanism in lieu of the above condition, please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

If your Council decides not to attach the above condition (or an agreed alternative), Sport England would wish to retain its objection to this application. Should the local planning authority be minded to approve this application without the above condition, then given Sport England's subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, Sport England would like to be notified in advance of the meeting date and the publication of any

committee agendas and report(s). Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement. If you would like any further information or advice please contact me at the address below.

Updated comments received 19/01/2023 in respect of the case officer's proposed amended planning condition;

I'm fine with the amended wording. Thank you for checking.

HBC Participation and Strategy Manager; After viewing documentation in regards to planning application H/2022/0333 I would like to better understand as to the chosen location for the portakabin and the potential impact this may have on playing pitches. I know this is a temporary solution and it states that it will be sighted on a grass surface adjacent to the sports pitches; however, I was unclear on the current layout.

Updated comments received 20/01/2023

Thank you for sharing the comments of Sport England, which satisfies the previous points I raised from a sport and physical activity perspective.

HBC Traffic & Transport: There are no highway or traffic concerns.

HBC Engineering: In response to your consultation on the above application we have no objection to proposals in respect of surface water management or contaminated land.

HBC Public Protection: I have no objections to this application.

HBC Landscape: A more visually recessive colour may be more appropriate given the open location of the proposed unit.

HBC Arboricultural Officer: There are no problems from an arboricultural point of view. Access to the field from the gate located on Kingsley Avenue has a tree either side of the access. This may impede the access to the site and may need to be pruned to allow access. There is no objection to this as the trees are not within a conservation area and are not subject to a TPO. Any work carried out should be done to BS3998:2010 Tree work recommendations.

HBC Building Control: No comments received.

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.

PLANNING POLICY

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

Local Policy

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

Hartlepool Local Plan 2018

LS1: Locational Strategy
 NE2: Green Infrastructure
 NE5: Playing Fields, Tennis Courts and Bowling Greens
 INF4: Community Facilities
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

2.16 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.

2.17 The following paragraphs are relevant to this application:

NPPF 2021

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

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA099: Open space and recreation

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA218: Implementation

2.18 **HBC Planning Policy Comments:** Planning Policy note the reasoning for the application and have no objection on the basis that this is limited to a 2 year period as proposed and that the land is returned to playing field thereafter. These controls will ensure that the application does not conflict with the requirements of Local Plan policies NE2 and NE5 as relate to the protection of playing fields as a component of the borough's green infrastructure. It is furthermore noted that the building is appropriately sited at the northern end of the playing field, thereby minimising the amount of this resource temporarily taken out of use; a good sized field will still remain during this period.

PLANNING CONSIDERATIONS

2.19 The main issues for consideration in respect to this planning application relate to the principle of development, the impact on the character and appearance of the surrounding area, the impact on the amenity of surrounding neighbouring residents and highway safety considerations. These and any other material considerations are considered within the report.

PRINCIPLE OF DEVELOPMENT

2.20 The application site forms part of a designated playing pitch, which is protected from its loss by both national and local planning policy. Where proposals relate to development of part of a designated playing pitch, Sport England will resist such proposals, unless they meet with one of their 5 exemptions. At a local level, the HBC Planning Policies Map and Local Plan (May 2018) identify the site as being covered by Policy NE2d (Green Infrastructure), which covers 'Outdoor Sport Including

playing fields.' This policy resists the loss of such green infrastructure, assessing them against policy NE5: Playing Fields, Tennis Courts and Bowling Greens. The loss of these facilities will only be considered acceptable if the replacement provision can be shown to be at least comparable in terms of facilities and amenity: where evidence suggests that there is an excess of provision of playing field; where the loss of some playing field does not adversely affect the quantity, quality or use of any playing pitches or other sporting facilities on site; or the loss of playing pitch will be offset by the provision of the built sport facility, providing greater benefit to the provision of sport.

2.21 The applicants' planning statement explains that the proposed classroom building is needed due to a significant increase in the number of children with additional needs requiring support at the school. It is detailed that Kingsley Primary School has a significant number of children with special educational needs (SEN), and due to the high quality SEN provision that the school offers, there is a demand from parents for their children to attend the school.

2.22 It is explained that the need for the additional classrooms is only a temporary measure (for a maximum period of two years), whilst other options are explored to meet the educational needs of these children.

2.23 Sport England have considered the temporary nature of the classroom facility for educational purposes to meet one of their exemptions that can be accepted, providing that the applicant is willing to accept both a time limitation condition and a playing field restoration condition (once the temporary classroom building is removed). Similarly the comments from the HBC Planning Policy section give significant weight to the temporary nature of the structure and note that the classroom building would be appropriately positioned in order to minimise the loss of playing provision in the shorter term. In addition, the Council's Participation and Strategy Manager (for Sport and Recreation) notes the comments of Sport England and raises no objections to the proposed loss of playing field on this temporary basis.

2.24 Taking account of the above considerations and having regard to the comments of Sport England, the HBC Planning Policy section and the Council's Participation and Strategy Manager, it is considered that subject to a planning condition allowing the classroom for a temporary period of no longer than two years from the date of this decision where the site shall then be subsequently restored to its former condition, the principle of the development is, on balance, considered acceptable in this instance, subject to the material considerations as detailed below.

IMPACT ON THE CHARACTER OF THE SURROUNDING AREA

2.25 Whilst it is noted that the proposed classroom building would be located at the rear of the school grounds, it is acknowledged that views onto the structure would be possible both from the public highways of Swalebrook Avenue (south) and Kingsley Avenue (east). It is also noted that views would also be achieved from the residential occupiers to the west located at The Sycamores. The Council's Landscape Architect has been consulted and whilst no objections are raised, a comment has been received that the building should be finished in a 'more recessive colour'.

2.26 Although acknowledging that views onto the proposed classroom building would be possible, consideration is given to the scale, nature and relationship of the proposed building with the wider school, which would be single storey, would be temporary and would primarily be seen in proximity to and against the backdrop of the existing larger school building. Although views from public vantage points and from some private areas would be possible, they would be at sizable distances across the school field and in the context of the existing school complex. In addition, taking account of the temporary nature of the building, it is considered that the building would not have any long term visual impacts on the wider surrounding area.

2.27 Consequently, whilst the comments of the Council's Landscape Architect are noted, it is considered that the cream finish of the single storey building would not appear to be an incongruous feature within the school setting.

2.28 On balance, taking account of the above considerations, the proposed temporary building is considered not to lead to any significant impacts on the character of the school setting and the wider surrounding area and the proposed development is considered to be acceptable in this respect.

IMPACT ON AMENITY OF SURROUNDING AREA

2.29 Local Planning Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

- Principal elevation (habitable room window) to principal elevation (habitable room window) - 20 metres.
- Gable (blank or non-habitable room window) to principal elevation (habitable room window) - 10 metres.

2.30 The above requirements are reiterated in the Council's Residential Design SPD (2019) which explains that such distances also apply between 'commercial'/non-residential properties and residential properties.

2.31 To the west of the application site and beyond the school boundary are the residential properties of 23-28 (inclusive) and 36-44 (inclusive) The Sycamores. The nearest residential properties to the proposed temporary classroom building would be at a distance of approximately 60 metres, with the school playing field and existing boundary enclosures between. It is considered that taking account of the substantial distance and relationship, including the scale and design of the proposed temporary classroom building, the proposed development would not lead to any significant loss of privacy and amenity in terms of overbearing, loss of light, loss of outlook or overlooking for the residential occupiers located to the west at The Sycamores.

2.32 To the south of the application site, beyond the school playing field the properties of 70-80 Swalebrooke Avenue (evens) are located at distances of

approximately 90 metres from the location of the proposed classroom to the north. It is considered that taking account of the substantial distance and relationship, including the scale and design of the proposed temporary single storey classroom building, the proposed development would not lead to any significant loss of privacy and amenity in terms of overbearing, loss of light, loss of outlook or overlooking for the residential occupiers located to the south.

2.33 Properties to the north located along Taybrooke Avenue and to the north-east along Kingsley Avenue would largely be screened from the proposed temporary building by the presence of the main school building and taking account of the oblique relationships and sizable separation distances, it is considered that the proposed single storey class room building would not lead to any significant loss of amenity in terms of overbearing, loss of light or loss of privacy related matters in terms of overlooking.

2.34 Given that the nature of the proposed use of the building would be to serve the existing school facility (and is anticipated to operate within its current school opening hours), it is not envisaged that the use of the building would give rise to any significant noise and disturbance related issues. In addition, given the pre-fabricated design of the proposed structure, it is not anticipated that the construction phase/process would give rise to any significant noise and disturbance related issues. Through the course of the planning application the Council's Public Protection section were consulted on such matters and have raised no concerns in respect to the impacts from the proposed development on neighbouring residential amenity and no planning conditions have been recommended from the Council's Public Protection section.

2.35 Taking account of the above considerations, the proposed development is considered not to lead to any significant loss of privacy and amenity for the surrounding neighbouring properties in terms of overbearing, loss of light, loss of outlook, overlooking or any noise and disturbance related issues and the proposed development is therefore considered acceptable in this respect.

HIGHWAY SAFETY RELATED MATTERS

2.36 The HBC Traffic & Transport section have raised no concerns with respect to the proposed temporary school building in terms of parking and highway safety related matters. The proposed development is therefore considered acceptable in this respect.

OTHER PLANNING MATTERS

2.37 No objections have been received from technical consultees in respect of surface water drainage and flooding, contamination, or impact on any trees.

RESIDUAL MATTERS

2.38 Cleveland Fire Brigade have provided comments in relation to access and water supplies. These comments can be attached as an informative.

2.39 Comments have been received from the Council's Arborist, which note that trees exist near the gated access from Kingsley Avenue that may require some pruning works in order to facilitate the use of this access point. An informative is attached to the decision notice directing the applicant to the appropriate tree works standard for works to trees in the event that such works are required.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.41 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the following conditions:

1. The building hereby approved shall be removed from the site and the land restored to its former condition within two years of the date of this decision in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority. The required scheme of work shall be submitted to the Local Planning Authority at least three months prior to the date that the building shall be removed from the site.
The building is not considered suitable for permanent retention on the site.
2. The development hereby approved shall be carried out in accordance with the following plans; TM220200849 (Proposed Block Plan at 1:200, including Location Plan at 1:1250) received by the Local Planning Authority on 12/09/2022; HD (Plan and Elevations - Double Classroom Block with toilets and kitchen sinks - 5 x UK093 Ultima Modules) received by the Local Planning Authority on 23/11/2022.
For the avoidance of doubt.
3. The building hereby approved shall be carried out in accordance with the external finishing materials and specification as stipulated on plan HD (Plan and Elevations - Double Classroom Block with toilets and kitchen sinks - 5 x UK093 Ultima Modules) received by the Local Planning Authority on 23/11/2022.
In the interests of the visual amenity of the surrounding area and for the avoidance of doubt.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155252>

2.44 Copies of the applications are available on-line:

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

CONTACT OFFICER

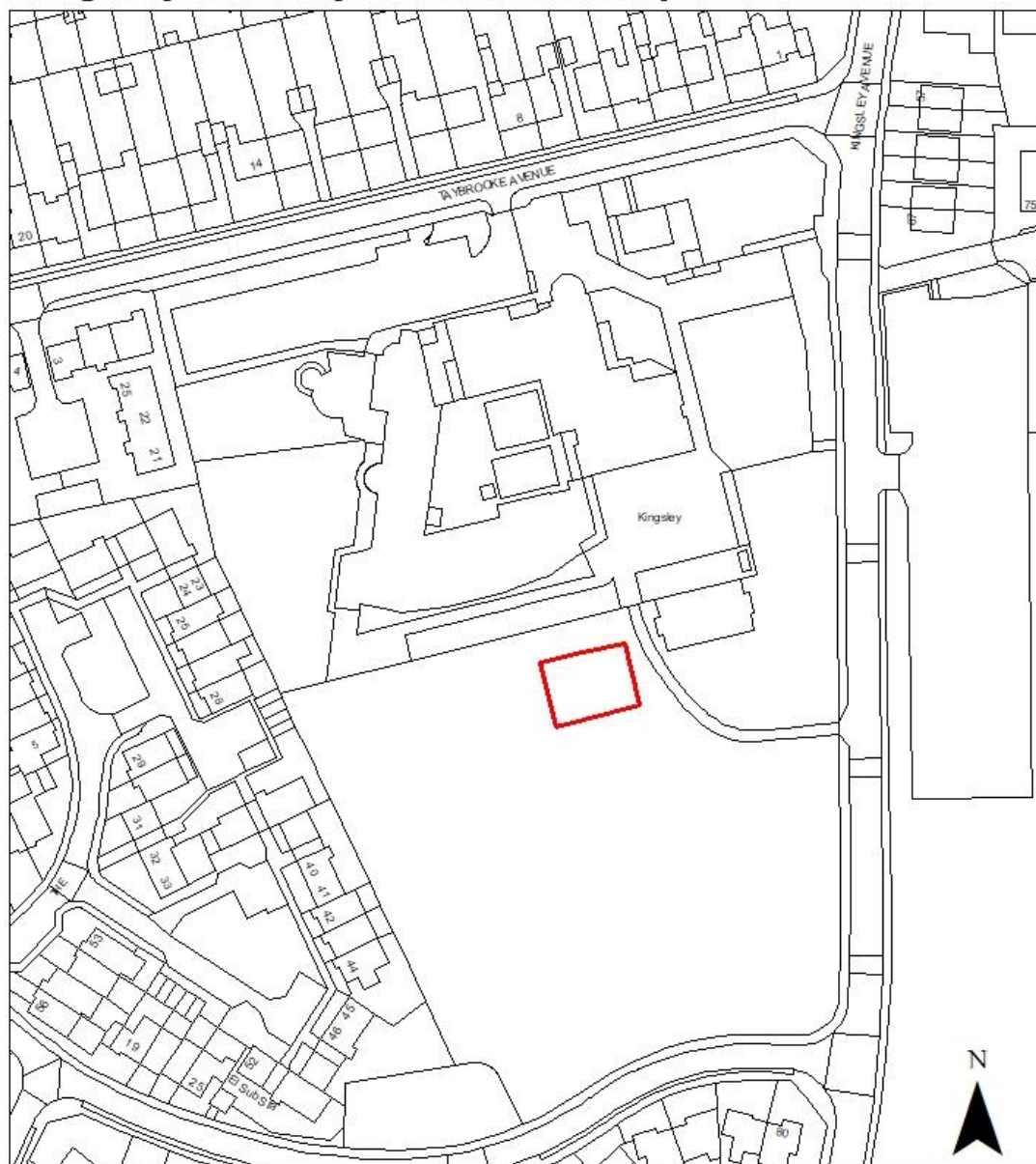
2.45 Kieran Bostock
Assistant Director – Place Management
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

2.46 Kieran Campbell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 242908
E-mail: kieran.campbell@hartlepool.gov.uk

Kingsley Primary School, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 27.01.2023
	SCALE 1:1,250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2022/0333	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

15 February 2023



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. The change of use of a shop with hot food takeaway to a shop at a commercial premises in Elizabeth Way.
2. The erection of a porch at a residential property in Huxley Walk.
3. The display of advertising signs at a residential development site at land at Wynyard Woods.
4. The installation of a window at the rear of a commercial premises on Church Street, Seaton Carew.
5. Running a car and caravan sales business at a residential property in Crowland Road.
6. An area of untidy land at the site of a former church hall on Oxford Street.
7. Running a facemask manufacturing business at a residential property in Catcote Road.
8. Non-compliance with a dune management plan at a residential development site at land off Old Cemetery Road.
9. Non-compliance with a condition relating to the use of matching materials at a householder development in Torcross Close.
10. Development not built in accordance with the approved plans (relates to separation distances and plot size) at a residential development site at Musgrave Garden Lane.

11. Change of use to a waste transfer station at a nursing home on Brierton Lane.
12. Unsafe streets at a residential development site at Highgate Meadows, Dalton Piercy.
13. The disposal of rubble in the alleyway at the rear of a commercial redevelopment site in Victoria Road.
14. The demolition and rebuilding of a wall at a residential property in Friar Terrace.
15. Non-compliance with the approved plans at a householder development at North View, Dalton Piercy.

1.2 Investigations have been completed as a result of the following complaints:

1. Non-compliance with conditions at a commercial redevelopment site on Grange Road. A part retrospective planning application seeking to regularise the development has since been approved.
2. The erection of a fence to enclose an additional area of land at a residential property in Kesteven Road.
3. The erection of a garage at a residential property in Glentower Grove. No garage has been erected.
4. The erection of a fence at a farm in Elwick Village. The works involve the repair of an existing fence and therefore there is no breach of planning control in this case.
5. The erection of a conservatory at the rear of a residential property in Chaplin Lane. Permitted development rights apply in this case.

2. RECOMMENDATION

2.1 Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director – Place Management
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 284291
E-mail kieran.bostock@hartlepool.gov.uk

AUTHOR

- 3.2 Tony Dixon
Enforcement Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 523277
E-mail: tony.dixon@hartlepool.gov.uk

PLANNING COMMITTEE

15th February 2023



Report of: Assistant Director - Place Management

Subject: Development Management Performance – Third 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 third 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 third 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 99% of applications were determined within the statutory periods (or within an agreed extension of time). For county matters (mineral and waste) 100% were determined within the statutory periods (or within an agreed extension of time).
- 4.2 In all cases, the service is far exceeding the government's performance targets. Furthermore, of these applications, some 92% were approved.

Quality of decision making

- 4.3 For the third quarter of the year 4 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.

6. CONTACT OFFICER

- 6.1 Kieran Bostock
Assistant Director - Place Management
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

7. AUTHOR

- 7.1 Jim Ferguson
Planning and Development Manager
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523274
E-mail: Jim.Ferguson@hartlepool.gov.uk

PLANNING COMMITTEE

15th February 2023



Report of: Assistant Director - Place Management

Subject: APPEAL AT 56 ROSTHWAITE CLOSE,
HARTLEPOOL TS24 8RE
APPEAL REF: APP/H0724/C/22/3308520
Appeal against an enforcement notice for the
erection of a boundary fence to enclose additional
land to the side (H/2022/0170)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning enforcement appeal that has been determined in respect of an enforcement notice issued by Hartlepool Borough Council on 02/09/2022 in respect of without planning permission, the erection of a boundary fence to enclose additional land to the side (H/2022/0170).
- 1.2 The appeal was dismissed and the enforcement notice, as corrected, is upheld. A copy of the Inspector's decision is attached. (**Appendix 1**)

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director - Place Management
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4. AUTHOR

4.1 Nick Robertson
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 806908
E-mail: Nick.Robertson@hartlepool.gov.uk

Appendix 1.



Appeal Decision

Site visit made on 14 January 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/H0724/C/22/3308520
56 Rosthwaite Close, Hartlepool TS24 8RE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Miss Laura Nicholls against an enforcement notice issued by Hartlepool Borough Council.
 - The enforcement notice was issued on 2 September 2022.
 - The breach of planning control as alleged in the notice is *'without planning permission, the erection of a boundary fence to enclose additional land to the side'*.
 - The requirements of the notice are *'(i) remove the 2m high timber fence enclosing the land at the side of 56 Rosthwaite Close, (i) restore the boundary treatment to its original location (as indicated by a dashed black line on the plan) and (ii) remove any debris associated steps (i) and (ii)'*.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. It is directed that the enforcement notice be varied by deleting all of the words in section 5 and replacing them with *'(i) remove the 2 metre high timber fence enclosing the land at the side of 56 Rosthwaite Close, (ii) restore the boundary treatment to its original location (as indicated by a dashed line on the plan) and (iii) remove any debris associated with steps (i) and (ii)'*. Subject to these variations, the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Notice

2. The requirements of the notice include some typographical and grammatical errors. Indeed, the numbering of the various steps is incorrect and the word *'with'* is needed before *'steps'* in the last sentence of section 5. I shall vary the notice, without injustice being caused to interested parties, by deleting all of the words in section 5 and replacing them with *'(i) remove the 2 metre high timber fence enclosing the land at the side of 56 Rosthwaite Close, (ii) restore the boundary treatment to its original location (as indicated by a dashed line on the plan) and (iii) remove any debris associated with steps (i) and (ii)'*.

Main Issue

3. The appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice.

I have considered the reasons for issuing the notice and the main issue is the effect of the fence on the character and appearance of the area.

Reasons

4. The appeal property is an end of terrace dwelling on a corner plot falling within a modern housing estate. The evidence indicates that when planning permission was approved for the estate, permitted development rights were removed in respect of the erection of means of enclosure fronting a highway. It is understood that such rights were removed to protect the mainly spacious character that existed in terms of amenity spaces and front gardens in the wider environment.
5. I recognise that within the wider estate some fences have been erected in close proximity to highways. The evidence suggests that some of these were either built as part of the original housing estate, are immune from enforcement action due to the passage of time, or have been granted retrospective planning permission. Notwithstanding the above, and noting that a similar fence at No 15 Rosthwaite Close exists albeit that it is unauthorised and was refused planning permission at the same Planning Committee meeting, the immediate lawful site context is one which is characterised by predominantly open/green land around dwellings. Where lawful fences do exist, they are generally set back from the highway and principal elevations of dwellings and hence undeveloped garden and amenity spaces are experienced by passers-by as softening the effects of what is otherwise built form. This adds positively and distinctively to the character and appearance of this part of the housing estate.
6. In the context of the above, the unauthorised fence appears dominant and prominent in the street-scene. It is positioned in very close proximity to the highway and owing to its height, length and light colour, it is seen as an incongruous addition in the street-scene detracting from the former sense of green and open space that previously characterised the area of land to the side of the appeal property. I acknowledge that there was historically a picket fence enclosing the land. The evidence indicates that this was likely immune from enforcement action, but, in any event, it was very low in height and so cannot reasonably be compared with what is on the site now.
7. I note that the Council has approved some fencing in the locality on a retrospective basis, including at Nos 10, 12 and 52 Rosthwaite Close. These fences are not identical to the one under consideration of part of this appeal and, furthermore, the grant of planning permission for such fences does not alter my overall assessment about the prevailing character and appearance of this part of the estate. I do, however, acknowledge that it would be possible to soften the effects of the harmful appeal fence by painting or staining it in a dark colour as was the case for the aforementioned fences. However, this would not overcome my primary concern which relates to the loss of green and undeveloped land between the highway and the appeal dwelling and the dominating and enclosing impact that has been caused by the appeal fence.
8. The appellant claims that the land was previously used by residents as a cut through and meant that they walked close to the front dining room window. That may have been the case, but the appeal fence is set back from the front elevation of the house and so it would not fully prohibit people from walking past the front dining room window. In any event, there would be less intrusive and dominant solutions to address privacy concerns such as the erection of a

low lying hedge. The appellant has not provided any reasonable justification for discounting such an option. Similarly, such an option would be possible to the side of the property thereby addressing concerns raised by the appellant about dog fouling in this area.

9. While some planting has occurred to the part of the fence adjacent to the front of the house, no such planting has taking place along the long section of fencing to the side of the dwelling. At this point, the amount of land between the pavement and the fence is about 0.2 of a metre. I do not consider that there would be enough land to plant anything of any substance in this area. Furthermore, and despite the planting to the front elevation of the fence, such planting would not endure forever and indeed it is noteworthy that what has been planted does not fully screen that part of the fence.
10. For the above reasons, and notwithstanding the examples of other fences referred to me by the appellant, I find that the appeal fence has caused material harm to the character and appearance of the area. The Google Maps Images do not indicate that the land was difficult to maintain in the past and the space contributed positively to the pattern of development in the area. I therefore conclude that the appeal development does not accord with the open space, design, character and appearance requirements of policies NE6 and QP4 of the Hartlepool Local Plan 2018 (LP) and chapter 12 of the National Planning Policy Framework 2021. The Council has referred to policy QP5 of the LP, but I do not consider that this is directly relevant to the character and appearance main issue as it concerns safety and security.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the deemed application.

D Hartley

INSPECTOR

PLANNING COMMITTEE

15th February 2023



Report of: Assistant Director – Place Management

Subject: PLANNING APPEAL AT 107 PARK ROAD,
HARTLEPOOL, TS26 9HR
APPEAL REF: APP/H0724/Z/23/3314195
Advertisement consent for the upgrade of existing 48
sheet advert to support digital poster (displaying
multiple static adverts on rotation) (H/2022/0355).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a planning application for advertisement consent for the upgrade of existing 48 sheet advert to support digital poster (displaying multiple static adverts on rotation) at 107 Park Road.
- 1.2 The planning application was refused under delegated powers on 15th November 2022 for the following reason:
 1. *In the opinion of the Local Planning Authority, it is considered that the proposed digital advertisement, by virtue of its design, scale and siting, would result in a visually obtrusive feature and an overly assertive form of advertisement, resulting in an unacceptable, harmful effect on the visual amenity of the area, with particular regard to its character and appearance within its location of a key gateway (Park Road) into Hartlepool Town Centre. The development is therefore contrary to Policies QP4 and QP8 of the Hartlepool Local Plan (2018) and paragraph 134 and 136 of the National Planning Policy Framework (2021) which collectively seek to achieve high quality places.*
- 1.3 A copy of the officer's delegated report is appended at **Appendix A**.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director – Place Management
Level 4
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4.0 AUTHOR

- 4.1 Angela Hall
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 523741
E-mail: angela.hall@hartlepool.gov.uk

Appendix A.

DELEGATED REPORT

Application No	H/2022/0355
Proposal	Advertisement consent for the upgrade of existing 48 sheet advert to support digital poster (displaying multiple static adverts on rotation)
Location	107 PARK ROAD HARTLEPOOL

PS Code: 22

DELEGATION ISSUES	Neighbour letters:	15/10/2022
	Site notice:	19/10/2022
1) Publicity Expiry	Advert:	N/A
	Weekly list:	16/10/2022
	Expiry date:	16/11/2022
	Extended date:	
2) Publicity/Consultations		
Publicity		
<p>This application was advertised by way of a site notice, fifteen neighbour notification letters as well as to local ward members. To date two responses have been received, one not objecting and one objecting to the proposal for the following reason(s):</p> <ul style="list-style-type: none"> Concerns regarding damage to their property during installation/maintenance of advertisement 		
Consultations		
HBC Landscape Architect: No landscape and Visual issues with the proposed development.		
HBC Traffic and Transport: There are no highway or traffic concerns		
HBC Public Protection: I have no objections to this application subject to the following that are detailed in the accompanying covering letter of the application being implemented:		
To ensure compliance, Clear Channel advance a series of planning conditions, in addition to those applied as standard by Schedule 2 of the Regulations:		

i. During periods of darkness, the luminance level shall not exceed 300 candela/sqm as advised by the Institute of Lighting Professionals publication PLG05 (2015): The Brightness of Illuminated Advertisements, or any

publication replacing or superseding this guidance;

ii. The screen display shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging should spread across more than one screen image;

iii. The display shall be switched off between the hours of 00.00 and 05.00;

iv. The advertisement display shall not change more frequently than every 10 seconds; and

v. The illumination of the advertisement shall not at any time be intermittent.

3) Neighbour letters needed	Y
------------------------------------	---

4) Parish letter needed	N
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5) Policy

National Planning Policy Framework (NPPF)(2021)

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
 PARA047: Determining applications
 PARA055: Planning conditions and obligations
 PARA056: Planning conditions and obligations
 PARA124: Achieving appropriate densities
 PARA126: Achieving well-designed places
 PARA130: Achieving well-designed places
 PARA134: Achieving well-designed places
 PARA136: Achieving well-designed places
 PARA218: Implementation

Hartlepool Local Plan 2018

LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 Advertisements
 RC9: Park Road West Edge of Town Centre Area
 SUS1: The Presumption in Favour of Sustainable Development

HBC Planning Policy: No objection to this proposal provided that there will be no adverse affect on highway safety.

6) Planning Consideration

RELEVANT PLANNING HISTORY

Although not directly associated with the current application, the following application is still considered to be relevant to the application site, being located to below the proposed advertisement.

H/2018/0505 - Erection of a single storey extension to front and side and secure bin store – approved 03/05/2019

SITE AND SURROUNDINGS

The application site is the upper west elevation of 107 Park Road situated adjacent (to the south) of the highway of Park Road within the Burn Valley ward of Hartlepool. The ground floor of number 107 Park Road is commercial in nature and currently occupied by a cake shop, the floors above serve as residential flats.

The existing site features an illuminated poster 48-sheet advertisement displayed on the upper west elevation of number 107 Park Road. There are commercial properties immediately adjoining the site, with residential flats above, commercial properties adjacent to the site and residential properties to the rear. The application site sits entirely within an area identified as Policy RC9 (Park Road West Edge of

Town Centre) of the Hartlepool Local Plan (2018). The surrounding area is predominately commercial/ retail in nature with various signs/advertisements within the vicinity.

To the east of the proposed advertisement is 107 Park Road, to the south is a small car parking area and the highway of Campion Street with residential properties beyond, to the west is the highway of Benson Street with 115 Park Road (a commercial property occupied by a car garage) beyond and to the north by the highway of Park Road with commercial properties beyond. Situated below the proposed advertisement is 109 Park Road, a single storey building on the corner plot occupied by Hartlepool Special Needs Group.

PROPOSAL

Advertisement consent is sought for the erection and display of a single LED advertising unit, which would display static digital advertisements on rotation. The advertising unit would be approximately 6.207m wide and approximately 3.165m in height, with a projection of approximately 0.369m. The advertising unit would be placed on the side/west elevation of the application site and would be approximately 4.5m from ground level to the base of the advertisement.

The signage would be internally lit with an illuminance level of 3000 candelas/sqm during the day and 300 candelas/sqm at night. Content would be static and would change no more than every 10 seconds with no animation or special effects.

MATERIAL PLANNING CONSIDERATIONS

Paragraph 136 of the National Planning Policy Framework (2021) states:

The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

As such, the main planning considerations in respect to this application are the impact on the amenity of the surrounding area (including the impact on the amenity of neighbouring land users) and the impact on highway safety.

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING SITE AND SURROUNDING AREA

The application site is situated on a prominent position adjacent to Park Road and is situated within the Park Road West Edge of Town Centre (as designated by Policy RC9 of the Hartlepool Local Plan (2018)). Large scale elevated, illuminated/digital billboards are not a typical feature of the area (Park Road), although it is acknowledged that there is a historic hoarding sign externally illuminated with strip lighting at this location. The majority of the signs in the area are usually related to shop frontage for local business and are of a modest scale and design.

The proposal is a formal application for advertisement consent for a different form of advertisement to the current hoarding and must therefore be considered on its own merits. Park Road is a main road link to the Town Centre of Hartlepool.

Local Plan Policy QP8 (Advertisements) states that advertisements should be appropriately located and be of an appropriate scale and size. Where such signs introduce visually obtrusive features these will not be supported.

It is considered that this application is contrary to Policy QP8 and paragraph 136 of the NPPF on the basis that the proposal would introduce a visually intrusive feature, to the detriment of the visual amenity of the surrounding area. Owing to its substantial scale, elevated and prominent position, overall height (approximately 4.5m above ground level) and use of illuminated colours, it is considered that the advert would result in an overly assertive form of advertisement that would be dominating and out of keeping with the design and scale of the building. In turn, it is considered that the proposal would be seen in stark contrast to the backdrop of the main building and it would dominate this part of the street scene, which would be harmful to the visual amenity of the area.

In respect of neighbouring amenity, the proposal would directly overlook the side elevation of adjacent retail and commercial properties to the west (along Park Road), however given their commercial nature, it is considered that there would be no concerns in terms of overbearing, overshadowing or loss of outlook.

Furthermore, no objections were received from HBC Public Protection subject to appropriate restrictions on hours of operation and limit on the luminance levels of the signage (in accordance with the recommendations of the Institute of Lighting Engineers latest technical guidance) to prevent any adverse impact on the amenity of neighbouring land users. Had the proposal being considered acceptable, these measures would have been secured by appropriate planning condition.

When considered against the Local Plan and the NPPF as a whole, it is considered that the proposal would not amount to sustainable development and would not accord with Policies QP4 and QP8 of the Hartlepool Local Plan Document 2018 and chapter 12 of the National Planning Policy Framework 2021 which collectively seek to achieve high quality places.

HIGHWAY SAFETY

Policy QP8 'Advertisements' of the Hartlepool Local Plan (2018) states that advertisements should take into account the impact upon public safety in particular whether the advertisement itself, or the location proposed, is likely to be so distracting or impacts upon site lines that it creates a hazard. Where such signs introduce visually obtrusive features these will not be supported.

The Council's Traffic and Transport section have raised no concerns to the proposal in respect of any impact on the local highway network. The proposed signage is therefore considered acceptable in this respect of impact on highway safety.

CONCLUSION

In view of the above material planning considerations, it is considered that the proposed digital advertising unit, by virtue of the design, scale and siting, would have an unacceptable, harmful effect on the visual amenity of the area. The proposals are therefore considered to be unacceptable and contrary to policies QP4 and QP8 of the Hartlepool Local Plan (2018) and paragraphs 134 and 136 of the NPPF (2021) which collectively seek to achieve high quality places. The application is therefore recommended for refusal.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered

No

10) Any Declared Register of Interest

No

11) Chair's Consent Necessary

Y

12) Recommendation

REFUSE; for the following reason;

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority, it is considered that the proposed digital advertisement, by virtue of its design, scale and siting, would result in a visually obtrusive feature and an overly assertive form of advertisement, resulting in an unacceptable, harmful effect on the visual amenity of the area, with particular regard to its character and appearance within its location of a key gateway (Park Road) into Hartlepool Town Centre. The development is therefore contrary to Policies QP4 and QP8 of the Hartlepool Local Plan (2018) and paragraph 134 and 136 of the National Planning Policy Framework (2021) which collectively seek to achieve high quality places.

INFORMATIVE**01. Statement of Proactive Engagement**

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to determine the advertisement consent in accordance with the Hartlepool Local Plan 2018 and the NPPF. However, in this instance, it has not been possible to address the identified visual impacts/constraints.

Author of Report: Angela Hall

Signed: A.HALL

Dated: 10/11/2022

Signed: JT Tindall

Dated: 15/11/2022

Senior Planning Officer