



Hartlepool Development Corporation Planning Committee

Date: 18th March, 2024

Venue: Hartlepool Civic Centre

Membership:

Mayor Ben Houchen (Tees Valley Mayor)

Sarah Bedford (Independent member)

Simon Bedford (Independent member)

Brenda McLeish (Independent member)

Lisa Molloy (Independent member)

Shane Moore (Independent member)

Steve Turner (Independent member)

Cllr Mike Young (Executive member)

Associate Membership:

Julie Gilhespie (Group Chief Executive TVCA)

Denise McGuckin (MD, Hartlepool Borough Council)

Independent Adviser:

Mark Webster (Chief Constable, Cleveland Police)

AGENDA

1. Apologies for Absence

To receive any apologies for absence

2. Declarations of Interest

To receive any declarations of interest.

3. Governance & Appointments

To receive Planning Board Terms of Reference, guidance for members, officers and members of the public, a speaking note and a proposal for how to deal with complaints regarding planning matters.

4. Planning Applications

To receive a planning application for decision.

5. Planning Update & Delegated Decisions Summary

To receive an updated position of planning service delivery and the status of planning applications submitted for consideration.

6. Appeals

Nothing to report

7. Enforcement

Nothing to report

Date and Time of Next Meeting

TBC

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting or for details of access to the meeting for disabled people, please contact:
tvagovernance@teesvalley-ca.gov.uk

Hartlepool Development Corporation Declaration of Interests Procedure

1. The purpose of this note is to provide advice and guidance to all members of the Development Corporation Board and Audit & Risk Committee on the procedure for declaring interests. The procedure is set out in full in the Development Corporation's Constitution under the "Code of Conduct for Members" (Appendix 2).

Personal Interests

2. The Code of Conduct sets out in full, the principles on the general conduct of members in their capacity at the Development Corporation. As a general principle, members should act impartially and should not use their position at the Development Corporation to further their personal or private interests.
3. There are two types of personal interests covered by the Constitution:
 - a. "disclosable pecuniary interests". In general, a disclosable pecuniary interest will involve any financial interests, such as paid employment or membership of a body, interests in contracts, or ownership of land or shares. Members have a pecuniary interest in a matter where there is a reasonable likelihood or expectation that the business to be considered will affect your well-being or financial position, or the well-being or financial position of the following persons:
 - i. a member of your family;
 - ii. any person with whom you have a close association;
 - iii. in relation to a) and b) above, their employer, any firm in which they are a partner, or a company of which they are a director;
 - iv. any person or body in whom persons described in a) and b) above have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - v. any body as described in paragraph 3 b) i) and ii) below.
 - b. Any other personal interests. You have a personal interest in any business of the Development Corporation where it relates to or is likely to affect:
 - i. any body of which you are a member (or in a position of general control or management) and to which you are appointed or nominated by the Development Corporation;
 - ii. any body which:
 - exercises functions of a public nature;
 - is directed to charitable purposes;
 - one of whose principle purposes includes influencing public opinion or policy (including any political party or

trade union) of which you are a member (or in a position of general control or management).

Declarations of interest relating to the Councils' commercial role

4. Financial relationships between the Development Corporation and individual councils do not in themselves create a conflict of interest for Council Leaders who are also Development Corporation Board members. Nor is it a conflict of interest if the Development Corporation supports activities within a council boundary. Nevertheless, there are specific circumstances where the Board may consider entering into direct contractual arrangements with a council, for example in relation to a particular commercial investment project, or in which that council is a co-funder. In these circumstances a non-pecuniary declaration of interest should be made by the Council Leader or their substitute.

Procedures for Declaring Interests

5. In line with the Code of Conduct, members are required to adhere to the following procedures for declaring interests:

Register of Interests

6. Each member is required to complete a register of interests form with their personal interests, within 28 days of their appointment to the Development Corporation. If no declaration is received from elected members within 28 days the matter may be referred to the Head of Paid Service of your local authority and Leader of the political group you represent on your council for action. If a Declaration is not submitted within an appropriate timescale you may be prevented from attending committee meetings. Details of any personal interests registered will be published on the Development Corporation's website, with the full register available at the Development Corporation's offices for public inspection. The form will be updated on an annual basis but it is the responsibility of each member to notify the Monitoring Officer of any changes to the register throughout the year. Notification of a change must be made to the Monitoring Officer within 28 days of becoming aware of that change.

Declaration of Interests at Meetings

7. The Development Corporation will include a standing item at the start of each statutory meeting for declaration of interests. Where members are aware that any of their personal interests are relevant to an item of business being considered at a meeting they are attending, they must declare that interest either during the standing item on the agenda, at the start of the consideration of the item of business, or when the interest becomes apparent, if later.
8. Where members consider that their interest could be considered by the public as so significant that it is likely to prejudice the members' judgement then they may not participate in any discussion and voting on the matter at the meeting, but may attend the meeting to make representations, answer questions or give evidence relating to the business, before it is discussed and voted upon.

9. If the interest is a disclosable pecuniary interest (as summarised in paragraph 3a) then the member must leave the meeting room during discussion and voting on the item of business, but may make representations, give evidence and answer questions before leaving the meeting room. Failure to comply with the requirements in relation to disclosable pecuniary interests is a criminal offence.

Sensitive Information

10. Members can seek the advice of the monitoring officer if they consider that the disclosure of their personal interests contains sensitive information.

REPORT TO THE HARTLEPOOL DEVELOPMENT CORPORATION (HDC) PLANNING BOARD

18th MARCH 2024

REPORT OF ACTING CHIEF LEGAL OFFICER (MONITORING OFFICER)

GOVERNANCE & APPOINTMENTS

SUMMARY

This report presents to the Planning Board, Planning Board Terms of Reference for approval which sets out the basis on which planning decisions should be made. It also provides guidance for Members of the Hartlepool Development Corporation Planning Board, Officers and members of the public, a Speaking Note which will, when adopted by the Development Corporation, provide guidance to those wishing to speak at Planning Board Meetings provide guidance to those wishing to speak at Planning Board Meetings and seeks approval of the proposed way in which to deal with complaints regarding the planning matters.

RECOMMENDATIONS

It is recommended that the Hartlepool Development Corporation Planning Board:

- (i) appoints a Chair of the Planning Board
- (ii) approves the Planning Terms of Reference (Appendix 1) for insertion into the Hartlepool Development Corporation Constitution;
- (iii) notes the Guidance for Members of the Hartlepool Development Corporation Planning Board, Officers and members of the public;
- (iv) notes and adopts the draft Speaking Note for Planning Board Meetings which sets out the procedure for speaking at Planning Board Meetings; and
- (v) approves the proposal to adopt the Hartlepool Development Corporation Complaints Procedure for complaints regarding planning matters.

DETAIL

1. Hartlepool Development Corporation (the Development Corporation) was created on 27 February 2023, by Order (The Hartlepool Development Corporation (Establishment) Order 2023)).

2. By Order, the part of which relevant to this Report came into force on 1 June 2023, (Hartlepool Development Corporation (Functions) Order 2023)) (the Functions Order), the Development Corporation received various powers in respect of planning, pursuant to four Acts of Parliament, namely the Town and Country Planning Act 1990, the Government, Planning and Land Act 1980, the Planning (Hazardous Substances) Act 1980 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. For the purposes of making planning decisions, the Hartlepool Development Corporation Board will sit as a 'Planning Board'.
4. For that purpose, the Planning Board will require a Chair. It is proposed that a Chair is sought for the Planning Board by a verbal nominations process, and following agreement by the Planning Board.
5. At its meeting of 22nd May 2023 the Development Corporation approved a Planning Scheme of Delegation (a copy of which, for ease of reference, is attached to this Report at Appendix 2), which sets out which planning applications pursuant to the legislation set out at 2 above may be determined by the Development Corporation's Head of Planning, and consequently, which applications must be determined by the Development Corporation Board.
6. For those planning applications that require the approval of the Development Corporation Board, this Report proposes:
 - a. approval of the draft Terms of Reference for the Development Corporation Planning Board (and insertion into the Development Corporation Constitution);
 - b. that the Planning Board notes the Guidance for Members of the Hartlepool Development Corporation Planning Board, Officers and members of the public; and
 - c. that the Planning Board notes and adopts the draft Speaking Note for Planning Board Meetings which sets out the procedure for speaking at Planning Board Meetings.

Draft Terms of Reference

7. Generally speaking, the purpose of a meeting Terms of Reference document is to define the purpose and structure of a meeting, as well as the roles and responsibilities of the participants in it.
8. The Terms of Reference for a meeting are used to guide the structure and agenda of the meeting, setting out the objectives and expected outcomes.
9. The draft Terms of Reference for the Development Corporation Planning Board are enclosed with this Report at Appendix 1.

10. The draft Terms of Reference clearly states the objective of the Development Corporation Planning Board, the quoracy and frequency of meetings.

Guidance for Members, Officers and the Public - Proposed Amendments to the Development Corporation's Constitution

11. The public perception of probity, openness and transparency in planning decision making is crucial. This provides confidence in the robustness of decision making.
12. The Guidance at Appendix 2 is for Members, Officers and the Public, to provide guidance and agreed processes in relation to a number of areas including avoiding influence, pre-application discussions, site visits, conduct at planning meetings, declarations of interest/hospitality, complaints and training.

Speaking Procedure

13. This Report includes a draft Speaking Procedure for adoption by the Planning Board, which clearly sets out the procedure to be followed by those wishing to speak at Planning Board Meetings.
14. If adopted by the Planning Board, the Speaking Procedure will be made available on the Development Corporations Planning Website Page.

Complaints

15. There may be times when an individual or entity may feel the need to complaint about the planning services provided by the Development Corporation or the Board. For that purpose, the Development Corporation should have a clearly written, published Complaints Procedure.
16. It is proposed that those wishing to pursue a complaint against the Development Corporation in respect of planning services, be directed to the Development Corporation's Complaints Procedure.

FINANCIAL IMPLICATIONS

17. The Development Corporation approved the budget for the provision of planning services.
18. It is not expected that the proposals in this paper will result in any further financial implications other than those already approved by the Development Corporation.

LEGAL IMPLICATIONS

19. The Planning Board will require a Chair in order to conduct proceedings. This appointment should be agreed by the Board and should be carried out in an open and transparent manner.
20. In order to ensure good governance in the decision making process, the Development Corporation sitting as the Planning Board will need to understand the extent of its decision making powers. The Terms of Reference (Appendix 2) proposed in this report will ensure that the Planning Board, and the wider public understand its role and remit and acts within those.
21. The Guidance attached to this Report at Appendix 3 will ensure that all Planning Applications received by the Development Corporation will be received and processed from application to decision in the same manner, ensuring fair, open and transparent decision making.

RISK ASSESSMENT

22. There is a risk of planning decision being challenged. The proposals in this report are intended to provide a framework within which decisions are made by the Planning Board to mitigate the risk of challenge, and to ensure that decisions are made in the most open and transparent way.

CONSULTATION & COMMUNICATION

23. Not applicable.

EQUALITY & DIVERSITY

24. There have been no impact on groups of people with protected characteristics, highlighted as part of this report.

Name of Contact Officer: Emma Simson
Post Title: Acting Chief Legal Officer (Monitoring Officer)
Telephone Number: 01325 792600
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Hartlepool Development Corporation Planning Board Terms of Reference

Status:

Taking decisions within its terms of reference. Part VA of the Local Government Act 1972, which deals with access to meetings and documents, applies to this committee.

Membership:

The Board for the purposes of taking planning decisions shall be the same as the wider Development Corporation Board and is as set out in the Hartlepool Development Corporation's Constitution.

Term of Membership:

A Planning Board Member's Term of Office shall be co-terminus with their term of Office on the Hartlepool Development Corporation Board.

Resignation:

A Planning Board Member may resign by giving notice of their intention to do so, to the Chair. Resignation of a Member's Membership of the Planning Board will also terminate the Member's Membership in respect of the Hartlepool Development Corporation Board.

Substitutes:

Substitutes are required as they are for the wider Development Corporation Board, as set out in the Hartlepool Development Corporation Constitution.

Chairperson:

The Committee Chairperson shall be appointed from time to time by the Development Corporation Planning Board.

In attendance:

Chief Finance Officer (at his/her discretion) Development Corporation Head of Planning.

Secretary:

To be nominated by the Chief Executive Officer

Quorum:

Four members of the Committee, including the Chair.

Frequency of meetings:

1. The Committee will meet as determined by the Committee Chair, in light of the need for advice and decisions.
2. Meetings of the Committee shall be convened by the Chief Executive or the Head of Planning at the request of its Chair.

Decision Making:

The Planning Board shall seek consensus on all matters, but where consensus cannot be achieved decisions shall be made by majority vote. Each member of the Board shall have one vote. Where a vote is tied, the Chair shall have the casting vote.

Report to the Development Corporation Board:

The Development Corporation Planning Board will provide a six-monthly update on planning matters to the Development Corporation Board.

Purpose of the Planning Board:

To enable transparent, efficient and effective discharge of the Hartlepool Development Corporation's functions to determine planning applications and to respond to consultation on applications on which the Corporation is a consultee.

Terms of Reference and Delegated Authority:

The Planning Board will take decisions in accordance with the Planning Scheme of Delegation, which also sets out matters that are delegated to the Head of Planning.

The Chief Executive Officer, Chief Finance Officer, and Head of Planning shall be entitled to attend all meetings of the Planning Board, subject to any limitations in the Planning Code of Practice.

Amendments:

Any of these procedures and Terms of Reference may be altered or amended from time to time by resolution of the Board. Notice shall be given of the

proposed alteration(s) in a paper for the meeting of the Board at which they are to be discussed.

Version Control:

Document Title	Date Approved by Board	Replaces Version	In force from:
Hartlepool Development Corporation Planning Board Terms of Reference		First Version	

Hartlepool Development Corporation

Guidance for Members of the Hartlepool Development Corporation Planning Board, Officers and members of the public.

1. Introduction

1.1 The public perception of probity in planning decision-making is critical if the system is to remain effective and retain the confidence of its users. For planning applications, save for where the Planning Board has delegated authority to the Head of Planning for the Development Corporation, decisions will be made by the Development Corporation Planning Board, in accordance with its Terms of Reference. It is important to demonstrate impartiality in all planning decisions, and as such, this guidance is provided to all Members of the Development Corporation Planning Board.

This Guidance is published to be read alongside the Development Corporation's Code of Conduct for Members.

1.2 In the interests of probity, in the event that a Member considers that he or she has or may have breached this guidance for example, by indicating in any way support or objection to a proposal in advance of a meeting of the Development Corporation Planning Board at which the proposal is to be considered, the appropriate course of action is for the Member to declare the breach or potential breach at the earliest opportunity at the beginning of the Development Corporation Planning Board and to withdraw from the meeting when the proposal is to be considered.

2. Influence

2.1 Seeking to influence a decision, is an identified risk. Those potentially affected by a planning decision or their agents will often seek to influence the decision by approaching Planning Board Members. Whilst there is nothing improper in this, such lobbying can call into question the impartiality and integrity of individual Members if they give the impression of support or opposition, or declare their voting intention prior to formal consideration of the matter. To declare a voting intention without having all the relevant information, views and advice before them would be seen as a predetermination of an application, and unfair. Thus, Members are advised:

- (a) to take care in expressing any opinion on a planning proposal until they have received a formal report from officers at the Development Corporation Planning Board. Prior to that it is best to offer only procedural advice and refer any individual who

approached you to officers. Representations made to officers can then be included in any formal report.

- (b) Officers may give an indication of their likely recommendation to Committee based upon policy contained in statutory plans and Government advice etc
- (c) During any discussion with individuals who contact them, Members should make clear that their comments are not those of the Development Corporation Planning Board and are provisional pending other evidence and officer advice.
- (d) Members may visit sites before Committee but they should have regard to the principles set out above. They should avoid situations where they could be subject to undue pressure by an applicant, agent or objectors. Advice regarding site visits can be sought from officers.
- (e) Members should not debate or negotiate detailed planning issues with any person who may contact them.
- (f) Members should not lobby other Members.
- (g) Members should not put any officer under pressure to make a particular recommendation.
- (h) Given that the point at which a planning decision is made cannot occur before the Development Corporation Planning Board meeting when a formal report is presented, political group meetings prior to the Planning Board meeting should not influence how Members (who are also elected Councillors) sitting on the Planning Board should vote.
- (i) It is appropriate for any Member having detailed knowledge of a particular matter to address the Planning Board but those Members should not organise support or opposition or lobby other Members.
- (j) Members should not act as advocates or agents for planning applications or other planning matters to be determined by the Planning Board.
- (k) Instances of lobbying (in the case of elected Councillors) and attempted influence, should be declared on the appropriate form.

3. Pre-application discussions

3.1 Pre-application discussions are encouraged in order to achieve the best planning outcome for all. These discussions may continue after determination of an application if there are reserved or outstanding matters or amendments to be dealt with.

3.2 These discussions should always be undertaken by officers who should make it clear that they are expressing a professional officer opinion and thus the discussions are held without prejudice.

3.3 The following guidelines should be adhered to:

- (a) Pre-application discussions should always be conducted at appropriate officer level. However, it should be made clear that the



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views expressed may be subject to review at a more senior level or by Members of the Planning Board.

- (b) Advice should be consistent with Statutory Plans, Government Planning Policy Guidance and Statements and any other material considerations.
- (c) Officers should make a detailed written note of any pre-application meetings as soon as practicable.
- (d) Confirmation of the advice given should always be supplied in writing when requested by or on behalf of the applicant or when deemed appropriate by the Head of Planning.
- (e) Where Members attend any such meetings they should be seen to be advised by professional officers of appropriate seniority. Members' involvement should be authorised by the Planning Board.
- (f) The involvement of Members should be recorded in any subsequent Committee report.

3.4 Members who are also Councillors of the Local Authority in which the Development Corporation Area is located, are advised;

- (a) that Councillors should always make it clear that they do not form a view upon planning applications or planning policy until the relevant information is before them at the Planning Board.
- (b) That they can continue to offer advice and assistance when planning matters are considered by the relevant Council but they should avoid giving any indication of support or objection in advance of a decision by the Planning Board.
- (c) That they can pass on the views of the Local Authority and explain the reasons for those views when the Planning Board considers the application.

4. Ward interests

4.1 Members who are elected Councillors and who may have a ward within the Development Corporation Area have a special duty to their ward constituents but an overriding duty to the Development Corporation. For this reason any such Members should not favour any individuals or groups and they should represent their constituents as a body. Where a ward member has publicly supported a particular outcome, that member should make an open declaration to the Planning Board and withdraw whilst the application is determined.

5. Declaration of interests

5.1 The Local Government Act, 1972 and the National Code of Conduct must be adhered to scrupulously so that not only is impropriety avoided but so too is any appearance or grounds for suspicion of improper conduct.

5.2 Members should register and declare certain interests and this is covered in the Code of Conduct for Members. The guiding rule for both Members and officers is that they must not use their position to further private or

personal interests rather than the public interest or give grounds for any suspicion in that connection.

- 5.3 Where a Member declares a prejudicial and/or pecuniary interest he or she must withdraw from the relevant proceedings and not seek improperly to influence them.

6. Hospitality

- 6.1 Whilst a reasonable amount of entertainment is a normal part of public life, it is important that the offer or acceptance of hospitality is not perceived as the execution of improper influence on individuals. All such offers must be recorded on the appropriate form, and in accordance with the Development Corporation's Constitution.

7. Development proposals submitted by Councillors

- 7.1 Serving Councillors who are also Members of the Planning Board should not act as agents for people pursuing a planning matter with the local authority.
- 7.2 It is possible that Members or their close friends or relatives (or in the case of elected Councillors, their Local Authority) may from time to time submit their own proposals to the Planning Board. In doing so, they should declare their interest to the Monitoring Officer and they should take no part in the Planning Board's handling of that matter.
- 7.3 Declarations of interest should be logged on the relevant planning files.

8. The Decision

- 8.1 The Development Corporation recognises two categories of decision on planning and related applications:
(a) those delegated by the Planning Board to the Head of Planning; and
(d) those made by the Planning Board.
- 8.2 Planning Policy decisions shall be made by the Planning Board.
- 8.3 In instances where the decision is made at the Planning Board, officers will prepare a full and structured report setting out the relevant points and in the case of applications, the development plan policies, site or related history and other material considerations including any representations made in respect of the application. The officers' report will include a clear recommendation.
- 8.4 The law (Section 70 of the Town and Country Planning Act 1990 (as amended)) requires that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise (S38(6)) of the Planning and Compulsory Purchase Act 2004). Where Members make a decision contrary to officer recommendation, Members will clearly specify the planning reason(s) for that decision and these will be minuted.

9. Planning Board site meetings

- 9.1 Site inspections by the Planning Board can be helpful in reaching a decision on issues where site circumstances are fundamental to the decision. Site inspections should only be called where the impact of the proposed development is difficult to visualise from the plans and other supporting material. The reason for each Planning Board site visit shall be minuted and recorded on the relevant planning file.
- 9.2 Visits will be conducted in a formal manner in compliance with the Human Rights Act 1998. The Chair or Vice-Chair will open the meeting and advise those present of the purpose of the meeting and how it will be conducted. Officers will highlight issues relevant to the site inspection.
- 9.3 Subject to the permission of the landowner being forthcoming, members of the public, Ward Councillors and Parish and Town Councillors and representatives may observe proceedings but not take part in any discussion and they will not be permitted to address the Planning Board on site.
- 9.4 At the end of the site visit, the Planning Board will return to the relevant venue to make a decision on the application.
- 9.5 Each year a review will be undertaken of decisions made following a Planning Board site visit and the results and analysis presented to the Development Corporation in accordance with the reporting requirements detailed in the Terms of Reference for the Planning Board.

10. Public speaking at the Planning Board

- 10.1 Hartlepool Development Corporation permits public speaking at its Planning Board (applications) meetings, subject to the following
 - (a) where possible those wishing to speak should advise an of the Development Corporation, in advance of the Planning Board meeting that they wish to speak on an application. (Contact names and numbers appear on the website of the Development Corporation). Speaking will only be permitted if the application is one which will go before Planning Board and the individual concerned has a legitimate interest in the application. Comments should be limited to material planning considerations and comments of a personal or discriminating nature will not be permitted. Prior notice should be given if it is intended to show plans, photographs or other illustrative material and copies must be deposited with the Council. Where there are several members of the public wishing to make the same points, the Chair may ask them to elect up to three spokespersons.
 - (b) those wishing to speak should arrive at the Planning Board meeting at least 15 minutes before its start and report to the Governance Officer tasked with secretariat services for that meeting. A note will be taken of their details and the Chair of the Planning Board advised accordingly.

- (c) generally, but only so far as is possible, the Chair will ensure that those applications on which people wish to speak are taken early on in the agenda.
 - (d) Such applications will be dealt with as follows:
 - (i) The Chair will ask the officer(s) to present their report. Following that, the order of speaking is:
 - (a) Objector(s)/Supporter(s) (10 minutes each maximum) the number of objectors/supporters allowed to speak will be at the discretion of the Chair but will generally not exceed 3 for each side). The Chair will not allow repetition of points.
 - (b) Ward Members (5 minutes each maximum)
 - (c) Parish/Town Council Representatives (5 minutes maximum)
 - (d) The applicant or their Agent (10 minutes maximum)
- 10.2 Following the above, the Chair will ask the Officer(s) if there are any further points they wish to make in response to the points raised. The Planning Board will then debate the application and a decision will be made. Very occasionally, a decision may be deferred for more information. Members of the Planning Board may ask specific questions of a speaker for clarification, but speakers will not be allowed to join in the Planning Board debate, or to speak from the floor before or after their 3 minute slot.
- 10.3 A short leaflet will be made available to members of the public attending Planning Board meetings, explaining briefly the procedures followed. A copy is forwarded when objectors are notified of the Planning Board meeting date.
- 10.4 If a member of the public interrupts the proceedings, the Chair should warn that person. If the person continues the disruption, the Chair shall order an adjournment of the meeting. If deemed necessary the Chair shall order that the disruptive person be removed to enable the meeting to be resumed.
- 10.5 The Planning Board has adopted a Speaking Note

11. Regular reviews of decisions

- 11.1 A sample of sites of implemented planning permissions should be visited and assessed once per year by the Planning Board, as recommended in the Audit Commission's document "Building in Quality". The sample should include examples from a broad range of categories and the results formally considered in order to inform the need for amendment to policies or practices.

12. Complaints about the Planning Process

- 12.1 The Planning Board has adopted a complaints procedure which can be utilised to make any complaint about the process of delivering the

Planning Service. Full details are contained in "Complaints, Comments, Compliments" published on the Development Corporation Website.

12.2 Complaints in respect of any Member (save for as specifically provided for in the Development Corporation's Constitution) are handled by the Development Corporation's Monitoring Officer.

12.3 All complaints will be monitored for the purpose of identifying trends.

13. Training

13.1 Officers who are members of professional institutions are required to complete a prescribed amount of Continuing Professional Development (CPD).



Your Right to Speak – Planning Board of the Hartlepool Development Corporation

You have the right to attend and address meetings of the Planning Board of the Hartlepool Development Corporation (“the Corporation”) in relation to matters relating to planning applications. The following information sets out the procedure for speaking at meetings of the Planning Board on planning applications.

Do I have to speak at the Board meeting?

You do not have to speak to have your views taken into account as letters carry equal weight and will always be considered carefully. However, you may feel that speaking at the meeting gives you the chance to reinforce the points you have already made in writing.

Expressing a desire to speak at the Planning Board meeting

If you wish to speak at the Planning Board meeting, objectors and supporters should express their desire to speak within their written comments on a planning application. A member of the Planning Team will contact anyone who has expressed a desire to speak in writing no less than five working days before the Planning Board meeting at which the application is due to be considered, providing details of the public speaking process and details of the Planning Board meeting, including date, time and location. The applicants/agents will be similarly informed and do not need to express their desire to speak in writing.

All individuals wishing to speak at the Planning Board meeting must register to speak by noon on the last working day prior to the Planning Board meeting.

On the Corporation’s website, there is a calendar of meetings for the year, along with agendas for each meeting published a week before the meeting, detailing all the planning applications to be discussed. The agenda may be viewed on the Corporation’s website at [Hartlepool Development Corporation Planning Board - About \(teesvalley-ca.gov.uk\)](http://Hartlepool Development Corporation Planning Board - About (teesvalley-ca.gov.uk)) or in person at Hartlepool Development Corporation, Teesside Airport Business Suite, Teesside International Airport, Darlington, DL2 1NJ / Hartlepool Development Corporation, Teesside Airport Business Suite, Teesside International Airport, Darlington, DL2 1NJ.

Speaking Arrangements

To ensure that the Planning Board can deal with all of its business, the time afforded to public speaking on each planning application is as follows:

- Ward Members and Parish/Town Council representatives - 5 minutes each for speaking;
- Each other group (objectors and applicants/supporters) – A maximum of 10 minutes for speaking.

If more than one individual within a group wishes to speak, the time will be divided between a maximum of two individuals. Speakers are however encouraged to appoint a single spokesperson. Where two individuals from the same group are speaking, they must voice different views on the application. The same issues should not be raised twice. Speakers will be registered on a first come, first served basis as set out under Order of Decision.

The applicant/agent is only allowed to speak where an objector is speaking against the planning application or when the application is recommended to be refused planning permission by officers.

Constraints

The circulation of plans, photographs, or other material at the Planning Board meeting will not be permitted and will not be presented to members, unless submitted in writing and marked for the attention of the relevant case officer as part of the existing consultation arrangements.

Order of Decision

Discussion on items will be in the following order:

1. The Chair of the Planning Board will announce the application;
2. The Planning Officer will present the item, and give any update to the written report on the agenda;
3. Public speaking will then take place in the following order:
 - a. Ward Member(s)
 - b. Parish or town council
 - c. Objectors
 - d. Supporters
 - e. Applicant/Agent
4. Planning Board members will then debate the application and make a decision.

Planning Board members will be provided an opportunity to ask questions of each speaker following their speech.

Attendance at the Planning Board meeting

Speakers who are registered to speak should arrive at the venue at least 15 minutes before the start of the meeting to be briefed on the procedure. Speakers must either attend the meeting in person to read their question or statement or arrange for a representative to do so on their behalf. Statements will not be read out in the absence of the speaker or their representative.

Period of Notice

A statement may only be made if notice has been given by delivering it in writing or by electronic mail to the Case Officer by no later than 9am on the day of the meeting, which must give the name and address of the speaker.

Copies of all submitted statements will be circulated to all Members of the Planning Board and will be made available to the public attending the meeting.

Material Planning considerations

In addressing the Planning Board, you are requested to restrict your comments to issues which are material planning considerations and relevant facts.

Some examples of material planning considerations may include:

- the environmental impact of the development;
- the impact of the development on the highway network;
- any policy in the Development Plan for the area;
- central and regional Government planning policy guidance, circulars, orders and statutory instruments.

Issues that may be taken into account by the Planning Board:

- planning laws and previous decisions;



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- noise, disturbance, smells;
- residential amenity;
- design, appearance and layout;
- impact on trees, listed buildings and conservation areas;
- public open space.

Issues that will not be taken into account by the Planning Board:

- boundary disputes;
- private rights of way, private covenants or agreements;
- the applicant's conduct, private affairs or how a business is run;
- the applicant's motives (including profit);
- the impact of property values;
- suspected further development;
- loss of views over other people's land;
- land ownership.

Deferred proposals

If an item is deferred before public statements have been heard, then public speaking will not be taken and the list of registered speakers will be carried forward to the meeting at which the item is next considered. Public speakers will have the opportunity to amend their statements should there be changes to the application.

If an item is deferred after public statements have been heard, public speaking will not be allowed at the following meeting at which the item is next considered.

Withdrawn Applications

Applications are very infrequently withdrawn, however, if an application is withdrawn before being presented at the meeting, those who have already registered a wish to speak will be notified before the meeting, providing that sufficient time has been given for officers to notify those involved of the withdrawal.

Chair's Discretion

Public speaking operates at the discretion of the Chair. The Chair retains the discretion to vary the procedures as long as there is always equality and proportionality between objectors and supporters.

Application Number:	HMDC/2023/0019
Registration Date:	6 th October 2023
Applicant:	Mr Stephen Litherland
Agent:	Ms Emily Andrews
Case Officer:	Josh Woollard
Site Address:	Land at Queens Meadow Business Park, Hartlepool
Proposal:	Hybrid application seeking (1) full planning permission for the erection of 2no. employment buildings (Use Class E(G)/B2/B8) with associated access, parking, landscaping and infrastructure; and (2) outline planning permission for the erection of 1no. employment building (Use Class E(G)/B2/B8) with associated access, parking, landscaping and infrastructure with all matters reserved
Recommendation:	Delegate authority to Head of Planning to approve, subject to conditions and completion of s106 agreement
Reason for bringing before Planning Board:	Development is contrary to Local Plan Policy NE1

Purpose of the Report

An application has been submitted for the development highlighted within this report.

The Hartlepool Development Corporation (HDC) as Local Planning Authority (LPA) is required to make a decision on this application. The application has been brought to the Board of the HDC as the proposed development is contrary to Policy NE1 of the Local Plan.

This report outlines the material considerations in relation to the proposal and presents a recommendation.

Site Description

The application site is irregular in shape, comprising c.1.1 acres of land within the Queens Meadow Business Park, Hartlepool. The site is devoid of built form and, with the exception of two existing turning heads, is predominantly soft landscaping comprising mixed scrubland with a line of young trees running along the southern boundary of the site.

The application site is bound:

- to the north by an existing access road with Stockton Road (A689) running east-west;
- to the west by an area similar in character to the application site whilst to the north-west, 4no. large employment buildings are located;

- to the south by the primary access route through Queens Meadow Business Park with car parking and employment buildings beyond; and
- to the east by a linear row of 4no. earth mounds and the access into the Business Park beyond.

Access into the site is provided via 2no. existing turning heads which currently terminate at the boundaries of the application site.

The application site is located c.2km from Hartlepool Town Centre. East and westbound bus stops are located along the A689, c. 130m north of the site as the crow flies. This distance increases to c.350m in terms of walking distance.

Relevant Planning History

The following applications represent the relevant planning history:

- H/2005/5929 - Erection of 14 business units and associated works – Approved 04/01/2006

The Proposals

The application is a hybrid planning application and seeks:

- 1 Full planning permission for the erection of 2no. employment buildings (Use Class E(G)/B2/B8) with associated access, parking, landscaping and infrastructure; and
- 2 outline planning permission for the erection of 1no. employment building (Use Class E(G)/B2/B8) with associated access, parking, landscaping and infrastructure with all matters reserved except for access.

Plot 1, the south-west plot, is in outline with all matters reserved except for access. An outline application allows for a decision to be made on the general principles of how a site can be developed. Matters relating to appearance, landscaping, layout and scale are reserved for subsequent approval and therefore are not for detailed consideration now. The proposed site plan indicatively shows the Plot 1 to be c.450sqm.

Detailed plan for Plots 2, western plot, and 3, northern plot, are provided.

Plot 2 is 28m in length, 15m in depth, with a maximum height of 8.1m. The building would be c.420sqm in external floor area. The building would have a mono-pitch roof.

Plot 3 is 30m in length, 15m in depth, with a maximum height of 8.1m. The building would be c.450sqm in external floor area. The building would have a dual-pitch roof with a gable roof at the front of the building.

A total of 28no.car parking spaces would be provided across the site, including 3no. disabled spaces.

Access into the site would be provided from two locations, via an existing turning head at the northern boundary and an existing turning head on the western boundary.

The application is supported by a proposed drainage strategy comprising two below ground surface water storage crates.

Consultee Representations

Adjoining Authority Consultation Response from Hartlepool Borough Council (HBC) 10.11.2023

HBC Planning Policy Section

Having reviewed the application, I have the following comments, many of which are procedural:

It is noted that the application was preceded by a pre-application enquiry: I/2022/0227, to which the following Policy comments were given:

Planning Policy welcome this proposal, the proposal will be a positive addition to the business park.

The size of the proposal is 1330sqm and there will be staff and visitors who are likely access the site. Those who access the site should have the option to access it via sustainable means i.e. walking and cycling and to have options within the business park to take breaks in i.e. within seating areas or to take short strolls in. The aim being that users can access pleasant and attractive spaces while on, often short, work breaks.

Planning Policy encourage the applicant to consider ways in which they can ensure their site meets with the above aims. If the applicant is not able to put forward any and ideas to better improve the connectivity of the site or the environment around the site then in accordance with page 11 of the Planning Obligations SPD a sum of £8000 should be secured and HBC will direct the funding to an appropriate scheme.

The Planning Statement refers to the application being of a hybrid nature, yet this is not reflected in the description, and it is unclear which if any reserved matters are being sought at this stage in respect of Plot 3. Every hybrid application I have come across clearly identifies in the description and supporting documents / plans what parts and developments of the site to which full permission is being sought and what parts and developments outline permission is being sought.

Section 18 of the application form (non-resi floor space) states that the proposal comprises 900 m2 of Use Class E floorspace. The amount of proposed development is not however referenced anywhere within the Planning Statement (including section 8.3 and 8.4 'Use and Amount'). The submitted plan '001-FULL PLANS' also provides no floor area figures for each plot and as referenced above, it is unclear if approval of scale i.e. floor area, is being sought at this stage for Plot 3. It is noted though that the pre-application plan for Plot 1 stated a 433m2 floor area. This building is unchanged from the pre-app, and Plots 2 and 3 are of very similar footprint. It would therefore appear that the proposal is actually for approx. 1300 m2 floor space.

The submitted plan '001-FULL PLANS' labels Plot 3 as for 'B2/B8' use, yet the application form and Planning Statement only refers to Use Class E.

The Planning Statement identifies SAB Supplies, a tool and plant hire business, as the occupant of Plot 2, yet the submitted plan '001-FULL PLANS' fails to label this building as it does for Plot 1. In addition, the roof plan as shown on the site plan for this plot is inconsistent with the unlabeled rear (south) elevation.

Section 9 of the application form (materials) refers to the submitted plans, yet the only submitted plan '001-FULL PLANS' provides no materials information.

Para 3.1 of the Planning Statement states that the proposal is for '3 commercial units to be used as offices (Use Class E)'. This is misleading; office use is later described and is shown on the submitted plan '001-FULL PLANS' as to comprise only part of the use Plots 1 and 2. In particular, the warehouse element of Plot 2 would appear to fall within Use Class B8 and therefore this plot would appear to comprise a mixed use.

The site falls within Hartlepool Local Plan policy EMP2: the allocation of land at Queens Meadow Business Park for high quality employment development. The policy sets out criteria in respect of Use Class B1 (now E(g)) proposals:

'Proposals for business development (falling within class B1 of the Town and Country Planning (Use Classes) Order 1987 as amended) will be permitted at Queen's Meadow Business Park provided that:

The buildings are of a high standard of design;

There is no more than 35 per cent coverage of each developable site by buildings;

High quality landscaping, including restoration, creation or enhancement of wildlife habitats and/or woodland planting are provided as appropriate to the surrounding natural environment, particularly on the main road frontages and along the boundary closest to Greatham village;

4) Car parking areas are landscaped and outside storage is adequately sited and screened, and 5) Appropriate surface water management and sustainable drainage is incorporated.'

The LPA should be satisfied that the above requirements are met.

Given the site's prestige business park location, the LPA will need to control the usage of the proposal to specific sub use-classes, in the interests of Local Plan policies RC1 and EMP2 and more generally the protection of the vitality and viability of the town centre and other local centres. Failure to do so would for example enable inappropriate change of uses within Class E to retail, food and drink, day nursery, indoor sport uses etc.

It is noted from the Planning Statement that the applicant is not agreeable to making the above referenced financial contribution as a planning obligation. It is for the decision maker to determine whether such obligations should be secured to make the development acceptable.

On the basis that the proposal appears to amount to major development (a floor space of over 1,000sqm or a site area of one hectare), a minimum of a 10% energy supply from decentralised and renewable or low carbon sources should be secured by condition in accordance with Local Plan policy CC1(9).

HBC Flood Risk Officer - In response to your consultation on the above application we have no objection in principle to proposals in respect of surface water management or contaminated land. Please include the condition shown 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).

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.'

For information the applicant proposes a surface water flow restriction of 5l/s, please note that the lowest practicable flow restriction can be 3.5l/s dependent upon asset used, such as a vortex control.

Note also that the Hartlepool Development Corporation in its capacity as planning authority must ensure that maintenance arrangements are in place for the development's surface water drainage to ensure an acceptable standard of operation for the lifetime of the development.

HBC Public Protection - No comments to make or any objection to this application.

HBC Arboricultural Officer - The Arboricultural impact assessment from Elliot's Consultancy Ltd dated September 2023 provides all the necessary information regarding the trees, the impacts and the tree protection to be implemented for the works however the proposed works appears as a remove all and start from fresh approach to trees and has not been designed around the trees, rather the trees are an afterthought to the design.

As you enter the industrial park the paths and boundaries are lined with trees all of a similar age and size which provides a visual screen to the existing units on the industrial park. The pushing upto the boundary of the proposed units and the removal of the trees to the south of the site means as you enter the site you will have an unobstructed view of the units with no visual break unlike the other units on the site, this is not mitigated through the landscaping plan and ideally the size of the units should be reduced in size to retain the tree belt for visual amenity and screening of the units from the road with the additional new planting complimenting the design.

HBC Ecology

Summary

The Adjacent Planning Authority should not consider this application until missing Ecology information has been provided. Survey reports are missing and therefore the proposal has not been lawfully assessed. Some Priority species that will be harmed have no proposed mitigation measures. Birds of Conservation Concern should be assessed and any harm mitigated.

Further information required:

Botanical survey - results and assessment.

Butterfly survey - results and assessment.

ERIC Northeast bird records are available on request and the HDC should request them.

All red listed species in the ERIC data must be ecologically assessed and mitigation offered if any are harmed.

Depending on HDC's approach to Biodiversity Net Gain (BNG), it may require a Biodiversity Metric for small sites. This would ensure 'no net loss' of, and gains for biodiversity.

NPPF (2018) paragraph 170 d) includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This net gain must be appropriate to the scale of the development.

Therefore, even if the HDC does not require a minimum of 10% BNG under the Environment Act 2021, it should still secure net gain for biodiversity and minimise impacts. Currently the proposal harms populations of nationally important (Priority) species - which are a material requirement - and red and

amber listed Birds of Conservation Concern, as they have either not been assessed, or will be lost to the development with no compensatory measures.

I have studied the submitted OS Ecology Ltd, Preliminary Ecological Appraisal (PEA report) dated October 2022. A PEA report is a preliminary report, and for applications such as this, where biodiversity is impacted, an Ecological Impact Assessment (EcIA) is also required. This has been provided, although it is titled an Ecological Appraisal. It has been prepared by OS Ecology Ltd and is dated September 2023. This is assessed further down this response.

The PEA report states that further survey effort is required. The PEA report includes the following paragraphs:

<p>Further Survey</p>	<ul style="list-style-type: none"> • A detailed updating botanical survey of the habitats on site, to be undertaken during the core botanical survey period. • Four butterfly surveys for dingy skipper and grayling which should be undertaken during the peak flight times in order to confirm the presence / absence of this species.
<p>4.11 These surveys were undertaken in 2019 and 2020 and only one survey was completed during the flight periods of the main butterfly species. As such it is recommended that further updating surveys are undertaken in 2023.</p>	
<p>3.16 Breeding and wintering bird surveys by WYG in 2019 and 2020⁹ on this part of the site (The WYG surveys were undertaken over a much larger area) recorded 3 red listed Birds of Conservation Concern; house sparrow, mistle thrush and lesser black-backed gull and 3 amber listed Birds of Conservation Concern: meadow pipit, reed bunting and swift</p>	

The submitted Planning statement states:

<p>7.26 In addition to the above, Butterfly surveys were conducted by OS Ecology on the site. Please refer to the submitted reports for further information.</p>

However, the submitted Butterfly Survey report is a holding response (see below). The final report must be submitted. There are S41 butterfly species which must have mitigation measures (dingy skipper, small heath, grayling [should be assessed as likely to occur], wall [should be assessed as likely to occur]. The S41 species Cinnabar moth and shaded broad-bar moth may occur – non-butterfly invertebrates have been ignored.

Dear Sir/ Madam,

This letter is in regard to the application for 3 commercial units on land at Queens Meadow Business Park.

We can confirm that Butterfly Surveys have been undertaken by OS Ecology for the site and that the report will be forwarded to the Council in due course.

An additional botanical survey must be submitted. It must be ecologically assessed.

Missing bird records must be submitted. They are not assessed in either the PEA or EA reports. For example, house sparrow, mistle thrush, meadow pipit and reed bunting should be assessed. Birds of Conservation Concern (red and amber listed) are a material requirement).

3.16 Breeding and wintering bird surveys by WYG in 2019 and 2020⁹ on this part of the site (The WYG surveys were undertaken over a much larger area) recorded 3 red listed Birds of Conservation Concern; house sparrow, mistle thrush and lesser black-backed gull and 3 amber listed Birds of Conservation Concern: meadow pipit, reed bunting and swift

Birds

2276 bird records were received from ERIC NE, including several red listed species. Full results are available upon request.

The submitted Planning statement states:

7.27 The above reports were conducted and provided information, which has been taken into account within this application. As such, the development will avoid causing harm, where possible, to ecological systems and mitigation strategies have been noted – which will help to promote the ecological systems within the area. As such, the application is in accordance with the NPPF and local policy.

There is no evidence that additional information has been considered. The EA report largely repeats the findings of the PEA report.

All NERC Act Priority species (and red-listed and amber-listed birds) must be assessed in the Site Assessment, including any that may be within the 2,276 bird records received from ERIC Northeast.

The following are extracts from the report.

Birds

The site provides opportunities for a range of foraging and nesting birds within scrub, scattered trees and grasslands.

Based on the habitats present and the historic surveys undertaken of the wider site by WYG, the site is considered to be of up to local ornithological value, supporting a relatively typical range of species. No further bird survey is required.

Due to the presence of dingy skipper and the small numbers that were found, the site is considered to be of at least local significance. The species is widely found within the northeast and typically in similar numbers, with the northeast being a national stronghold for the species.

**Mitigation/
Compensation Scheme**

The following avoidance, mitigation and/or compensation measures are recommended:

- Opportunities for bats and breeding birds will be included within the development.
- Consideration should be given to the creation of habitats on site or within the wider landholding to achieve a biodiversity gain. This should include compensation for the loss of the S41 Open Mosaic Habitats, through the creation of similar habitats elsewhere within the client's landholding.
- The post development landscaping should also include habitats with a variety of forb and grass species suitable for nectaring, and as a larval food source for both dingy skipper and small heath butterflies.

This report is not suitable to support a planning submission. Detailed site design is required to complete the assessment, allowing a detailed impact assessment and design of an appropriate mitigation/compensation scheme.

The wording 'local ornithological value' is misleading. While this may be the case under the guidelines used, Section 41 Priority species are implicated, and these must be of national importance to be on the S41 list. Each Priority species bird should be assessed and if likely to be harmed, like for like mitigation measures and/or compensatory measures secured by the LPA by condition or S106 agreement.

Dingy skipper. The wording 'of at least local significance' means that harm to this Section 41 Priority species must be mitigated. It must be of national importance to be on the S41 list. Each Priority species should be assessed and if likely to be harmed, like for like mitigation measures and/or compensatory measures secured by the LPA by condition or S106 agreement.

Great crested newt – a Method Statement and its delivery, must be conditioned.

The wording of these measures is too vague. Precise like for like mitigation and/or compensation should be detailed for each constraint identified – each S41 species and red and amber listed species. There must be definite measures for each which can be conditioned to meet NPPF guidelines of ensuring no net loss of biodiversity and providing biodiversity gain. This is summed up in the statement given on page 8 and copied below. The LPA should not consider the application without this information.

While I may not have found this information, the HDC must be satisfied that it has been received, is accurate and appropriate, and can be conditioned.

HBC Traffic & Transport - I can confirm that there are no highway or traffic concerns with this application. The impact on the surrounding highway network would not be significant and would not require mitigation. The proposed car park lay out and access are acceptable.

Other Consultee Responses

National Highways - We have reviewed the Planning Statement [PS] submitted by Origin Planning Services [OPS] on behalf of Acland Homes Ltd [Acland] relating to the above planning application and would offer our comments below.

We would note that neither a Transport Assessment [TA] or Travel Plan [TP] has been submitted in support of the above application.

Proposed development

Queen's Meadow Business Park (the Site) is allocated within the adopted Hartlepool Borough Council (HBC) Local Plan, under policy EMP2, for high quality employment development. A total of 65.0 hectares of land is committed for high quality employment use, with currently 44.7 hectares of this land available.

The PS explains that the proposed development comprises 1.45 hectares of Class Use E development. We would understand that to mean land-use classification: E(g)(i) for offices to carry out any operational or administrative functions.

Having reviewed the proposed development composition detailed within the PS, we would expect the applicant to evidence how the proposed development is consistent with the policy requirements for the proposed site within the adopted HBC Local Plan.

Pre-application stage

On 27th September 2022, a pre-application enquiry was submitted to HBC. OPS state that HBC were broadly supportive of the proposed development, however encouraged the Applicant to consider ways in which accessibility of the site via walking, cycling and public transport could be maximised.

In March 2020, National Highways was consulted, by Tetra Tech, on a pre-application enquiry for the proposed development site. National Highways suggested that due to the scale of the proposed development and proximity of the Site to the Strategic Road Network (SRN) that is operated by us, a Transport Assessment [TA] and Travel Plan [TP] may need to be produced in support of the application.

National Highways would reiterate their previous request in relation to the above planning application, with a TA and TP required for this planning application.

Planning statement

OPS states that the site is located within a sustainable area and conclude that there would be no adverse impact on the highway network. National Highways would state that the impact of the proposed development on the SRN and the Site's accessibility via sustainable travel modes will need to be evidenced within a TA and a TP.

Transport Assessment

Vision

As per Circular 01/2022, 'Where a transport assessment is required, this should start with a vision of what the development is seeking to achieve and then test a set of scenarios to determine the optimum design and transport infrastructure to realise this vision'. National Highways request that a vision for the proposed development is presented. The vision must be specific to this planning application and

should consider the principles of sustainable development described in NPPF (2021) and DfT Circular 01/2022

Existing situation

Collision data analysis for the latest five-year period (excluding covid-19 effected years) should be provided for the A19(T)/A689 Junction and any other relevant section of the SRN.

Policy and guidance

The impact of the development should be assessed based on relevant regional and national planning policy. In terms of the impact on the SRN, we would request that the applicant make reference to the following policy

- DfT Circular 01/2022 *The strategic road network and the delivery of sustainable development*;
- National Planning Policy Framework [NPPF] (2021); and
- Hartlepool Borough Council's 2018 Adopted Local Plan.

Trip rates and trip generation

The Applicant should present trip rates and trip generation for the proposed development. This could be derived on a first principles approach or using trip rates from a different development site with a comparable level of accessibility and scale. Alternatively, the TRICS online database could be used. Regardless of the methodology, the trip rates will need to be residual (i.e. after the consideration of any mitigation or travel plan measures).

It should be stated whether the proposed development is expected to generate a significant number of Heavy Goods Vehicle movements. National Highways would also expect to see detailed methodology explaining the determination of appropriate mode splits for the proposed development.

Trip distribution and assignment

We request that the trip distribution rates for the proposed development, and the trip assignment based on these rates and the proposed traffic flows, are clearly presented on traffic flow diagrams.

Junction assessments

National Highway would state that subject to the impact of the proposed development on the Strategic Road Network, assessments may be required.

Travel Plan

National Highways would request that a TP is prepared, in line with Circular 01/2022, to accompany the application. The TP should aim to maximise the accessibility of and within sites by walking, wheeling, cycling, public transport, and shared travel. The TP should include:

Quantifiable mode shift targets should be set in advance;

A review of the baseline accessibility of the site by sustainable travel modes and proposed measures for how to maximise sustainable access;

A firm financial commitment should be made in the TP with regards to funding for the measures proposed in the short, medium, and long term;

Detail should be provided on the phasing of any proposed measures relative to any phasing of the development.;

The TP should clearly outline the responsibilities of the different parties involved with regards to implementing, monitoring, and funding the TP.

The TP monitoring strategy should be designed to monitor the level of vehicle trips assumed in the TA.

Given the need for further evidence, I enclose National Highways' formal NHPR 22-12 response recommending a period of non-determination. I trust this response is helpful, but should you require any further information please do not hesitate to contact me.

Natural England – No comments have been received.

Cleveland Police - I've read through the full plans and the Design and Access Statement, the author of which, has quoted that the NPPF 'is the most significant of material considerations and that significant weight is given to this policy document'.

The National Planning Policy Framework, (NPPF) 2023, sets out the Governments planning policies, and how these should be applied. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

Paragraphs 92B, and 103f are appropriate, and support the designing out crime methodology, in shaping a safer built environment.

NPPF 92 (b) Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible.

NPPF 130 (f) Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life.

This proposed development presents an excellent opportunity to 'build in' the police backed Secured by Design Initiative, and in particular the 2023 Commercial Guide.

The commercial guide provides a realistic level of risk and defensible security measures, that are well matched and supportive to business. The vast majority of crimes committed to commercial premises are property-related, this is because modern businesses uses a variety of desirable and easily transportable goods, with a ready market such as tools, laptops and many other valuable items.

Other types of crime to be considered when designing commercial properties are vandalism, graffiti, robbery, assaults on staff members and cybercrime. The guide also covers Internet of Things (IoT) and Cybercrime. We have a dedicated Cybercrime Team that will work with business and carry out stress tests of their various systems.

I would encourage the applicant to work with us to achieve a Secured by Design Award for the site.

Northumbrian Water – No comments received.

Cleveland Emergency Planning Unit – 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.

Adjoining Authority Consultation Response from Hartlepool Borough Council (HBC)
29.02.24 following re-consultation exercise

HBC Planning Policy Section

If the total floor area has been reduced in size the financial contribution required is likely to be lower and the decision maker should have regards to page 11 of the Planning Obligations SPD. If the applicant does not propose any improvements to green infrastructure and sustainable connectivity the decision maker must be satisfied that the proposal is in accordance with Local Plan Policy INF1 and NPPF Chapter 9.

HBC Arboricultural Officer: Following my previous comments the units have been rearranged to include a tree buffer to the south which is more in keeping with the rest of the industrial estate. The submitted Arboricultural impact assessment from Elliot's Consultancy Ltd dated September 2023 no longer aligns with the proposed site plans and will need updating to reflect the new proposal including additional tree protection to the south if that is the intention.

HBC Traffic & Transport - The two proposed access points would be acceptable. The proposed trees either side of western access should be positioned so that that the tree canopies do not impede visibility at the junction. The proposed parking levels are acceptable.

HBC Landscape Architect: There are no landscape and visual issues with the proposed AAC.

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.

Tees Archaeology: Thank you for the consultation on this application. The site has previously been subject to landscaping works, and the archaeological potential is considered to be low.

HBC Building Control: A Building Regulation application will be required for 'erection of 3 no. commercial units at Queens Meadows Business Park.

Economic Development - Economic Growth would support the application. It brings development to Queens Meadow Business Park offering businesses accommodation and creating job opportunities for local residents.

HBC Waste Management - No comments or objections received.

HBC Flood Risk Officer – No comments received.

HBC Public Protection - No comments received.

HBC Ecology

This is a Hartlepool Development Corporation (HDC) application (adjoining LPA) - Application Reference: HMDC/2023/0019. I made comments on this scheme on 04/11/2023 when it came to HBC as reference H/2023/0366.

Further information has been submitted including version 2 of the Ecological Appraisal prepared by OS Ecology and dated September 2023. NB: This report is marked 'V2 (DRAFT)'. The LPA should request a 'Final' version of this report.

I note that on p8 the report clearly states: *This report is not suitable to support a planning submission. Detailed site design is required to complete the assessment, allowing a detailed impact assessment and design of an appropriate mitigation/compensation scheme.*

This is largely because there are some mitigation measures that can be conditioned and some that require more detail and firm proposals so that they can be secured. An Amphibian method statement and a CEMP need to be provided or secured via condition. I recommend that HDC satisfy themselves that all mitigation measures are appropriate and can be secured.

I disagree with the confidence shown in the Planning, Design and Access statement dated January 2024 where it states that:

6.13 Moreover, it is recognised that there is a need to contribute to and enhance the natural and local environment. Therefore, avoidance measures and compensation schemes will be implemented, and a mitigation strategy followed during construction.

I recommend that HDC satisfies itself that these measures, schemes and mitigation strategies have been submitted for scrutiny, are appropriate and can be secured.

And:

7.29 The above reports were conducted and provided information, which has been taken into account within this application. As such, the development will avoid causing harm, where possible, to ecological systems and mitigation strategies have been noted – which will help to promote the ecological systems within the area. As such, the application is in accordance with the NPPF and local policy.

I have not been able to find submitted evidence that the recommendations in these reports have been taken into account.

I recommend that HDC satisfies itself that every identified protected or priority habitat or species has a bespoke mitigation measure, otherwise the biodiversity loss will be unacceptable. I recommend that it is unacceptable to only provide generic mitigation and compensation measures and I note that even these are broached in general phrases including ‘consideration should be given’. In the Ecological Appraisal report the Section 5 Impact Assessment is the consideration – what must be provided is mitigation and compensation, that can be secured by the LPA.

While the Butterfly survey has not been submitted, its results are assessed in the draft Ecological Appraisal as follows.

I recommend that it is not acceptable to identify populations of two S41 butterflies, to assess them to be of ‘at least local significance’ and then dismiss them by not offering any compensation. It is difficult to understand why a nationally designated (S41) species can be anything less than of national importance. To undermine such species (and habitats) is to chip away at these natural assets and lead to further erosion in the range and numbers of these. As these butterfly populations are considered by HBC as being of national significance and as these populations are likely to support wider populations outside of the HDC area and within the HBC area, HBC objects.

A ‘superseded 22159 Biodiversity Metric 4.0’ is on the HDC planning portal but is not openable and I have therefore been unable to check it. I recommend that HDC should satisfy itself that the Biodiversity Metric is accurate and records what the ‘biodiversity change’ is. I recommend that HDC requests a Biodiversity Metric Report to explain the results. I recommend that HDC satisfies itself that there will be ‘no net loss of biodiversity’ or a minimum 10% biodiversity net gain. While a Biodiversity Gain Plan can be conditioned, I recommend that HDC satisfies itself that biodiversity (habitat) losses can be delivered either on-site, off-site or both. I can see no evidence of this in the submissions.

The draft Ecological Appraisal identifies that an area of Open Mosaic Habitats on Previously Developed Land - a S41 Habitat of Principle Importance – will be lost. This habitat is considered by some as irreplaceable and scores highly in the Biodiversity Metric. HDC should satisfy themselves that the Biodiversity Metric trading rules have not being broken.

In general, the Ecological Appraisal has identified significant harm to priority habitats and species yet has only offered general wildlife improvements. While I presume the Biodiversity Metric has identified

the need for post development biodiversity gains, it appears that the applicant has provided no evidence of how this will be delivered.

Other Consultee Responses

Natural England – No response received.

National Highways - In January 2024, we received a technical note relating to the above planning application. Upon review of this evidence, we would update our position as follows.

National Highways would state that the approach taken by the Applicant and their transport consultant is not compliant with the requirements of DfT Circular 01/2022. National Highways is particularly disappointed that a Travel Plan was not provided in support of the above planning application. There is a clear national planning policy requirement to make development's more sustainable, regardless of their scale.

We have identified a deficiency within the proposed trip rate methodology and would state that the proposed development will generate 27 two-way vehicle trips in the AM peak period and 30 two-way vehicle trips in the PM peak period. This is likely to result in 12 AM / 13 PM trips at the A19 / A689 Junction.

Despite the discrepancy in trip assignment at the A19 / A689 junction (i.e. not residual development traffic flows with consideration of travel plan measures), due to the scale of the proposed development and the level of trip generation described above, there is no need for this planning application to prepare a Transport Statement or Travel Plan.

National Highways does, however, have concerns regarding the operation of the A19(T)/A689 Junction due to the cumulative pressure of development in Wynyard and west Hartlepool. We would state that any further applications forecasting trips onto the A19(T)/A689 Junction should cumulatively assess the impact of the junction.

We would also note that the approach taken to assess this planning application should not be used as a basis to inform the evidence accompanying the two major planning applications that are also located near Queens Meadow Business Park.

On the basis of the above, I enclose National Highways' formal NHPR 22-12 response recommending no objection. I trust this response is helpful, but should you require any further information please do not hesitate to contact me.

Representations

Neighbour notifications and publicity of the application were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

A site notice was placed on site on 27th October 2023 and a notice in the Hartlepool Life was published on 1st November 2023.

No representations have been received.

Policy Context

Hartlepool Local Plan (May 2018)

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

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

SUS1: The Presumption in Favour of Sustainable Development

Supplementary Planning Documents

Planning Obligations (November 2015)

Hartlepool Masterplan (2023)

Creative Industries Cluster

National Planning Policy Framework (NPPF)(2023)

List of relevant NPPF chapters:

Chapter 2 Achieving sustainable development

Chapter 4 Decision-making

Chapter 7 Ensuring the vitality of town centres

Chapter 8 Promoting healthy and safe communities

Chapter 9 Promoting sustainable transport

Chapter 11 Making effective use of land

Chapter 12 Achieving well-designed places

Planning Considerations

Section 38 of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF is a material planning consideration. The Hartlepool Local Plan constitutes the statutory development plan covering the period up to 2031.

The main planning considerations with respect to this application are the principle of the proposed use, the design of the proposals and impact on the character and appearance of the area, the impact of the proposals on the amenity of neighbouring land users, biodiversity and highway safety.

Principle of the Development

The application site is located within the limits to development as defined by policy LS1 (Locational Strategy) of the adopted Hartlepool Local Plan 2018 (2018 Local Plan).

The application site is allocated within the Local Plan as Queen's Meadow Business Park, a site for approximately 45ha of Higher Quality Employment, under Policy EMP2.

The proposed uses of the buildings would fall within Uses E(G), B2 and B8.

Policy EMP2 of the Local Plan states:

'Proposals for business development (falling within class B1 of the Town and Country Planning (Use Classes) Order 1987 as amended) will be permitted at Queen's Meadow Business Park provided that:

- 1) The buildings are of a high standard of design;*
- 2) There is no more than 35 per cent coverage of each developable site by buildings;*
- 3) High quality landscaping, including restoration, creation or enhancement of wildlife habitats and/or woodland planting are provided as appropriate to the surrounding natural environment, particularly on the main road frontages and along the boundary closest to Greatham village;*
- 4) Car parking areas are landscaped and outside storage is adequately sited and screened; and*
- 5) Appropriate surface water management and sustainable drainage is incorporated.'*

Proposals for general industrial development and warehousing (falling within classes B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will only be allowed on sites to the rear of the Business Park, away from the A689 and Greatham village frontages, where they meet the above criteria and:

- 6) Do not have a detrimental effect on the amenities of adjoining or nearby properties;*
- 7) Do not prejudice the development of adjoining sites;*
- 8) Will not have a negative impact on the promotion of Queen's Meadow as a high quality employment site.*

The proposed buildings are considered to be of a high standard of design, in-keeping with the surrounding employment development. Final details of materials can be secured via planning condition. The proposal would therefore comply with limb 1) of Policy EMP2 of the Local Plan.

The total floor area of the proposed development is c.1,1450sqm and the overall site area is c.1.1 acres. The coverage of the site by buildings would be in the region of 31% and would therefore comply with limb 2) of Policy EMP2 of the Local Plan.

The application site is not located adjacent to the A689, nor the village of Greatham. Impacts of ecology and biodiversity will be considered later in this report, but final details of a high-quality landscape strategy could be secured via a planning condition. Further, the trees along the frontage of the site with the main road would be retained. The development is therefore considered to comply with limb 3) of Policy EMP2 of the Local Plan.

The parking areas are interspersed within areas of retained on-site habitat and new soft landscaping and therefore the proposed layout would accord with limb 4) of Policy EMP2 of the Local Plan.

A drainage strategy has been submitted to support the planning application. Hartlepool Borough Council's (HBC) Flood Risk Officer has reviewed the strategy and has raised no objections. As such, the proposal is considered to comply with limb 5) of Policy EMP2 of the Local Plan.

In terms of amenity impacts, surrounding development is commercial or industrial in nature and it is therefore considered that the proposed use of the site would not give rise to an unacceptable impact on

the amenity of any nearby receptors. Further, the buildings would be situated away from any existing development would not therefore result in an unacceptable loss of privacy, overlooking, overshadowing or overbearing impact. The development is therefore considered to comply with limb 6) of Policy EMP2 of the Local Plan.

The development would occupy an entire development cell within Queens Meadow Business Park and is bound by existing earth mounds to the east and highway on all other sides. As such, the proposals are not considered to prejudice the delivery of any adjoining sites and would comply with limb 7) of Policy EMP2 of the Local Plan.

Lastly, the proposed development would result in a vacant, underutilized parcel of land at Queens Meadow to be occupied which is considered beneficial to the long term promotion of the business park. Further, the proposed uses are considered complementary to those already located at the business park. The proposed development is therefore considered compliant with limb 8) of Policy EMP2 of the Local Plan.

In terms of the emerging HDC Masterplan, the site lies within the Queens Meadow and Oakesway Growth Focus Area. The key objectives include addressing viability issues that impact the sites and supporting the delivery and uptake of high-quality employment space and supporting residential development with good connectivity to the wider Tees Valley. The proposal is consistent with the objectives of the HDC Masterplan.

Based upon the above, it is considered that the proposed development is acceptable and would accord with local plan policies LS1 and EMP2 of the Local Plan, the NPPF, and the HDC Masterplan.

Visual Amenity

The application site is located within an existing business park occupied by predominantly traditional employment buildings.

The proposed development would retain the line of trees along the southern boundary, in turn retaining the tree-lined street through the business park which is welcome. In design terms, the roof form, shape and scale of Plots 2 and 3 would be in-keeping with other buildings on the business park including those immediately opposite the site to the south. Final details of the materials to be used in the construction of Plots 2 and 3 could be secured via a planning condition.

With regards to Plot 1, layout, scale and appearance are matters reserved for future consideration.

Layout means the way in which buildings, routes and open space within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. The indicative layout shows that Plot 1 can be accommodated on the site with appropriate levels of parking, open space, and access routes through the site.

Scale means the height, width and length of each building proposed within the development in relation to its surroundings. Final details would be provided within a subsequent application for reserved matters approval, but a planning condition restricting the height of the building to no greater than 8.5m could be imposed.

Appearance means the aspects of a building or place within the development which determined the visual impression the buildings or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture. Final details would be provided within a subsequent application for reserved matters approval.

The proposals are considered to be compliant with Policy QP4 of the Local Plan.

Amenity and privacy of occupiers and neighbouring land users

Policy QP4 of the Local Plan seeks to ensure that new developments do not negatively impact upon the relationship between existing and proposed 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.

There are no sensitive receptors in close proximity to the site, with employment buildings located to the north and south. The vacant development cell to the west is also allocated for employment uses. It is therefore not considered that the proposed E(G)/B2/B8 uses would give rise to an unacceptable impact on amenity by virtue of noise or impact on air quality, whilst separation distances between the proposed buildings and existing buildings are considered to be sufficient.

On the basis of the above, the proposals are considered to be acceptable with respect to amenity and would be compliant with policy QP4 of the Hartlepool Local Plan and the NPPF, subject to a planning condition requiring a Construction Management Plan.

Highway Safety and Car Parking

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

Access has not been reserved and is for consideration as part of the outline element of this hybrid application.

Access means the accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

National Highways have been consulted on this application. Following the submission of a Technical Note by the Applicant, National Highways withdrew their holding objection and now have no objection to the proposals.

The Council's Highways team have also been consulted on the application and have no objections to the proposals.

Vehicular access would be provided into the site via an existing private road with one access provided from the north via an existing turning head and one access provided from the west via an existing turning head.

The northern access would provide access to Plot 2 and 12no. parking spaces would be provided, including 1 disabled space.

The western access would provide access to Plots 1 and 3 and 16no. parking spaces would be provided including 2 disabled spaces.

Paragraph 115 of the NPPF 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.

The Applicant has demonstrated that the proposed development could be accommodated on the surrounding road network, whilst the proposed accesses, internal layout, and parking provision would be acceptable from a highway safety perspective. It is considered necessary to impose a planning condition requiring details of cycle parking provision for each building to be submitted prior to occupation of the development. Subject to condition, the application is considered to comply with Policy QP3 of the Local Plan and the NPPF.

Ecology and Biodiversity

Section 40 of the 2006 Natural Environment and Rural Communities Act (The NERC Act) states that “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

Under Section 41 of The NERC Act the government periodically publishes a list of the habitats and species that are of principal importance for the conservation of biodiversity in England. These “Protected Species” and “Protected Habitats” are a material consideration in the planning system.

Policy NE1 of the Local Plan states:

- 6) *Development avoids harm to and, where appropriate, enhances the natural environment... In seeking to avoid harm, development should follow the sequence of avoidance, mitigation, compensation. Where sufficient on-site mitigation and/or compensation are demonstrably not possible, then off-site compensation will be considered. Where significant harm from a development cannot be avoided (through locating on an alternative site), adequately mitigated or, as a last resort compensated for, the Borough Council will refuse planning permission.*

Paragraph 180(d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by: (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 186 of the NPPF requires local planning authorities to apply the following principles including: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Ecological Impact

In assessing the ecological impact of the proposed development, the Applicant has submitted an Ecological Appraisal which has been informed by a desk study, a field survey, a butterfly survey, and a botanical survey.

In terms of the habitat on-site, the site is open mosaic habitat on previously developed land which is a Habitat of Principle Importance. The site was formerly arable land, however it was cleared in 2006/07 following a grant of planning permission on the site under application H/2005/5929. The employment buildings to the north were built but the application site was subsequently not built out.

With regards to bats, the site is considered to be of low suitability for bats.

With regards to birds, two species were recorded during a survey in 2022 and neither was a priority species. In-built mitigation in the form of bird boxes could be secured via condition.

With regards to Great Crested Newts, a review of a pond c.100m from the site was undertaken in 2023 and found it to be largely dry. The Applicant has stated that the most recent and close recorded GCN was in a pond c.250m from the site. The Applicant has utilised Natural England’s Rapid Risk Assessment Tool which has found the likelihood of an offence to be highly unlikely. It is considered necessary to recommend a planning condition requiring the submission of an Amphibian Method Statement.

In terms of butterflies, a survey recorded a total of 10 butterfly species on site and 123 butterflies in total, including the S41 Species of Principle Importance: dingy skipper and small heath. The maximum number of each species recorded was 2 and 7. S41 species are nationally designated species but is not a European Protected Species. The proposed development would result in the loss of habitat which is suitable for Dingy Skippers.

In terms of other protected species such as hedgehog and common toad, the site is considered to be of low value to these species.

With the above in mind, the proposed development would have an adverse impact on S41 Priority Habitat and Species.

Impact on Teesmouth & Cleveland Coast Ramsar and SPA

Direct effects on internationally designated sites may result from direct habitat loss within the designated sites or loss of habitats suitable for use by qualifying species and which have a functional link to the designated sites. There may also be effects through disturbance during construction or changes in hydrology as a result of construction work to land within the designated sites or to land which has a functional link to the designated site.

It is considered that there are only limited "pathways" that could contribute to indirect effects on the internationally designated sites; principally, this is disturbance associated with use of the site and surroundings, primarily increased recreational activity.

The proposals will not result in the loss of any land from within the SPA or Ramsar site. The site is not considered to have any functional link to the SPA or Ramsar site and is not considered to support the bird species cited as part of the SPA. This is supported by surveys carried out by the Applicant and set out in the Ecological Assessment.

The proposed development site is not considered to support the qualifying features of the T&CC SAC, namely pied avocet, sandwich tern, common tern, little tern, ruff, red knot and common redshank. This is supported by surveys carried out by the Applicant and set out in the Ecological Assessment.

The land between the development site and the SPA includes 1.4km of open grassland with small areas of woodland and scrub and interspersed industrial development. Given the location of the development site and the limited scale of the proposed development works which would be contained entirely within the site, no disturbance effects on the qualifying species associated with the SPA during the construction phase are anticipated. Given the nature of the proposed development and distance to the SPA and Ramsar site, no adverse effects through pathways such as nitrogen pollution in the River Tees catchment, dust emission or degradation of air or water quality are anticipated.

The invasive species, Cotoneaster, was recorded on site and it is considered necessary to recommend that a planning condition secure an Invasive Species Method Statement. Given the distance between the application site and the Ramsar and SPA, it is not considered that the removal of Cotoneaster would have a negative impact.

Due to the nature of the proposals, no significant increase in recreational pressure on the qualifying features of the SPA is anticipated.

With the above in mind, the proposed development is considered to be acceptable and would not give rise to any negative impacts on the Teesmouth & Cleveland Coast Ramsar and SPA.

Biodiversity Net Gain

The application was submitted prior to the mandatory 10% net gain coming into force on 12th February 2024. As such, the policy position for this application is no net loss (Policy NE1 of the Local Plan) and minimising impacts and providing measurable net gains in biodiversity (para 180 of the NPPF).

The baseline and post-development value of the site is calculated using the Statutory Biodiversity Metric. The Applicant has identified that high distinctiveness habitat would be lost as a result of the development. There are 4 trading rules for the Metric.

1. The trading rules of this biodiversity metric must be followed.

2. Biodiversity unit outputs, for each type of unit, must not be summed, traded, or converted between types. The requirement to deliver at least a 10% net gain applies to each type of unit.
3. To accurately apply the biodiversity metric formula, you must use the statutory biodiversity metric calculation tool or small sites biodiversity metric tool (SSM) for small sites. The tools remove the need for a user to manually calculate the change in biodiversity value. The tool will summarise the results of the calculation and inform a user whether the biodiversity net gain objective has been met.
4. In exceptional ecological circumstances, deviation from this biodiversity metric methodology may be permitted by the relevant planning authority.

In accordance with rule 1, a high distinctiveness habitat must be replaced with habitat units of the same type and the Applicant has stated that this is not achievable on-site or off-site due to viability reasons.

Rule 4 outlines exceptional circumstances when you can deviate from the metric. The guidance states:

When to use rule 4

You should not use rule 4 for most projects. It may be used in exceptional ecological circumstances, occurring when:

- *the site has optimal conditions (such as soil condition, hydrology, nutrient status) for restoration of a wildlife-rich or historic natural habitat,*
- *and the project team has the expertise and resource to deliver the habitat with negligible risk of failure.*

It can only be used where one of more of the following applies:

1. *Highly complex landscape scale habitat changes such as creation of heathland or a heathland grassland mosaic*
2. *River re-meandering, or*
3. *Large-scale restoration of natural processes*

Considering the above, the site does not qualify as an exceptional ecological circumstance and therefore the Statutory Metric must be accorded with.

On this basis, there is a net loss of 78% of on-site high distinctiveness habitat with no improvements to be provided.

Avoidance of Impacts, Mitigation and Compensation

The proposed development would result in the loss of a 0.36ha of open mosaic habitat, a S41 Priority Habitat which is also suitable for Dingy Skippers, a S41 Species of Principal Importance, and evidence of 2 Dingy Skippers has been recorded on site.

Officers at HDC have worked with the Applicant to explore measures to avoid harm or disturbance to the habitat on site and officers have suggested whether a one-way access could be utilised to reduce the amount of hardstanding on site and minimise the amount of habitat lost. The Applicant has advised that two separate accesses are required and the hardstanding cannot be reduced any further without giving rise to highway safety concerns.

Moving to mitigation, the Applicant has provided a Landscape Strategy which would provide c.0.075ha of neutral grassland which is of medium distinctiveness. This would be suitable for butterflies but would not meet the trading rules of the BNG Metric as the habitat lost would be of high distinctiveness. This would not be sufficient to mitigate the impact of the proposed development and there would be a net loss of 3.54 biodiversity units, or a negative 78.29% loss.

Moving to compensation, the Applicant has submitted a Letter which considers biodiversity and viability. The Applicant has advised that they have no additional land holdings to provide offsite compensation measures. It is possible for the Applicant to purchase biodiversity credits via the Government or via the private market. This is where the Government or private landowners create or enhance the habitat on their site and sell the equivalent credits that have been created to developers. The Applicant has advised that the cost of a credit for a high distinctiveness open mosaic habitat would be c.£50,000-70,000 per credit with an overall cost ranging from £165,000 to £231,700 to achieve a no net loss position.

The Applicant has stated that “the three companies involved with the development of this site (Acland Homes, SAB Supply, & Eastgate Engineering) are entering into the project to develop their headquarter offices. The project is not a speculative development and each of the companies have stated that the building of an office in this location is for operational reasons and not associated with profit making. The three plots will all show on the respective business balance sheets as loss making, to be offset by the other company operations.”

The Applicant goes on to state “To add further weight to the viability situation the applicant would also like the authority to consider that little if any development has moved forward on the Queens Meadow site for many years. Where development has come forward it has been supported by significant grant assistance. In this case we believe the proposed development to be the first private sector funded site to come on Queens Meadow Business Park forward for a long while.”

On the basis of the above, the proposal would not achieve a no net loss position and is therefore considered to be contrary to Policy NE1 of the Local Plan, and the NPPF.

Nutrient Neutrality

Under the Habitats Regulations, the Competent Authority, the Development Corporation, must assess the environmental impact of planning applications for development which may affect designated sites. The Corporation can only approve a planning application if they are sufficiently certain that it will have no negative effect on the site’s condition.

The Teesmouth and Cleveland Coast SPA and Ramsar Site [SPA] is designated for its bird assemblages and the application site is located within the drainage catchment of the SPA. The SPA is an internationally important site which is protected under the Habitat Regulations.

Natural England has advised HDC that the SPA is in an unfavourable condition due to excess nutrients, in this case nitrates. New developments which are ‘in-scope’ and would generate nutrients must achieve ‘nutrient neutrality’, with appropriate mitigation measures forming part of a Habitat Regulations Assessment which in turn allows the Corporation to appropriately assess the proposed development to ascertain, with no reasonable scientific doubt, that the effects of the proposed development would not adversely affect the integrity of the SPA.

The proposed development would not generate new overnight stays and is therefore not considered to be in-scope development.

The proposed development is therefore considered to be compliant with Policies CC1 and NE1 of the Local Plan, the NPPF, and the legal requirements of the Conservation of Species and Habitats Regulations 2017 in respect of nutrients.

Drainage

The Applicant has submitted a Flood Risk Assessment and Drainage Strategy.

The site is located wholly within Flood Zone 1 and the proposed development would therefore be appropriate in this location.

HBC's Flood Risk officer has reviewed the application and has stated that they have no objection to the development, subject to a condition requiring detailed design and associated management and maintenance plans for surface water.

It is therefore considered that the proposed development is acceptable and complies with Policies CC1, CC2 and QP6 of the Local Plan.

Waste

There is sufficient space on site for the storage and collection of refuse and no concerns have been raised by HBC Highways in relation to refuse vehicle access.

No comments have been received from HBC's Waste Management Service.

It is considered that the proposed development would be acceptable, subject to a condition requiring a waste management strategy to be submitted.

Other Matters

Energy Efficiency

Policy QP7 seeks to ensure high levels of energy efficiency in all development.

Policy CC1 of the Local Plan requires that major developments must secure, where feasible and viable, a minimum of 10% of their energy from decentralised and renewable or low carbon sources.

No information has been provided on the extent to which energy saving measures could be incorporated into the development equivalent to 10% of energy supply. Therefore, to satisfy the requirements of Local Plan Policy CC1, were the application minded to be approved, a condition is recommended to ensure that 10% of the energy is secured from decentralised and renewable or low carbon sources.

Planning Obligations

Paragraph 57 of the NPPF states:

Planning obligations must only be sought where they meet all of the following tests:

- a necessary to make the development acceptable in planning terms;
- b directly related to the development; and
- c fairly and reasonably related in scale and kind to the development.

Policy QP1 of the Local Plan seeks planning obligations where viable and deemed to be required to address the impacts arising from the development.

HBC's Planning Obligations Supplementary Planning Document (SPD) 2015 is a material consideration.

The proposed development comprises E(G), B2 and B8 uses.

The SPD requires a contribution towards Green Infrastructure from new office developments. Based on the proposed floorspace, a contribution of £8,000 would be required to improve users' access and to provide pleasant and attractive spaces while on, often short, work breaks.

This contribution is considered to meet the tests of paragraph 57 of the NPPF and will help make the site sustainable in planning terms.

Conclusion and Planning Balance

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

The development plan is the Hartlepool Local Plan 2018.

The application site is within the development limits and the application proposed employment development on an allocated employment site. The proposals comply with all the relevant local planning policies with the exception of Policy NE1 of the Local Plan and the NPPF in respect of the impact on and delivering a measurable net gain in biodiversity.

As a result, the proposals would lead to the loss of c.0.36ha of high distinctiveness open mosaic habitat on which evidence of a small sized colony of S41 Dingy Skipper, a priority species of butterfly, has been found. The Applicant cannot minimise or avoid the harm to biodiversity on site and on-site mitigation is also not achievable. The Applicant has stated that offsite compensation in the form of habitat creation is not possible due to the lack of additional landholdings and purchasing biodiversity credits would render the development unviable.

It is accepted that the proposed development would be contrary to Policy NE1 of the Local Plan and the objectives of the NPPF in providing measurable net gains in biodiversity. Whilst there would be an adverse impact on biodiversity, the impact is not considered to be significant given the scale of the habitat, 0.36ha of high distinctiveness open mosaic habitat and the presence of 2no. Dingy Skippers.

On a review of relevant planning history, planning permission was granted for the erection of 14 employment buildings in 2006 (ref: H/2005/5929) at Queens Meadow Business Park and one of the buildings was located on the site being considered by this application. The four buildings to the north-west of the site were constructed under this planning permission and this application site was also cleared, although never fully built out. It is considered that this application is still extant by virtue of being a full application and being lawfully implemented. This is considered to be a material consideration and appropriate weight should be afforded to it.

The proposed development would result in the creation of new jobs within the Borough, supporting three local businesses who would relocate to Queens Meadow Business Park. The proposed development would also bring forward an allocated employment site.

Taking into account the benefits that would stem from the development and the extant planning permission, it is considered, in the case of this application, overall and on balance, it is recommended that planning permission be granted, subject to conditions and a S106 agreement.

Human Rights

The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

Reason For Decision

It is considered by Officers that the proposal in the context of the relevant planning policies and material considerations is, overall and on balance, acceptable as set out in this Report.

Recommendation

That subject to the completion of an appropriate s106 agreement to secure the payment of £8,000 towards Green Infrastructure, the Board delegates to the Head of Planning the authority to grant conditional planning permission subject to the following conditions:

For the part of the development hereby approved in full:

1. Time Limit

The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To clarify the period for which the permission is valid.

2. Approved Plans and Reports

The development hereby approved shall be carried out in accordance with the following plans and reports:

- 001 LP & Site Plans
- 002 Full Plans
- Landscape Strategy (ref: D347.L.001 Rev A)
- Proposed Drainage Strategy (ref: MDO1748/0100)
- Drainage Strategy, prepared by RWO (ref: RWO/DS/22159, dated May 2023)
- Ecological Appraisal, prepared by OS Ecology, dated November 2023
- Biodiversity Net Gain Assessment, prepared by OS Ecology, dated November 2023

3. External Materials

Notwithstanding the submitted information, details of all external finishing materials for each plot shall be submitted to and approved in writing by the Local Planning Authority before above ground construction. Thereafter each plot shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

4. Construction Hours

No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 18.00 on Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not adversely affect the amenity of nearby occupants.

5. Surface Water Drainage

Notwithstanding the submitted information and the measures outlined within the submitted Flood Risk Assessment, no development in relation to surface water drainage shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water:

- detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and
- details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system.

With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system through its lifetime. The scheme shall

be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

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

6. Foul Water Drainage

Prior to works pertaining to foul water drainage, 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 in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter, the development shall take place in accordance with the approved details.

7. Construction Environment Management Plan (CEMP)

A Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The CEMP shall also set out as a minimum site-specific measures to control and monitor impacts in relation to construction traffic, noise, vibration, dust and air pollution, land contamination, disturbance to ecology and ground water. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason: To ensure impacts on amenity and biodiversity are minimised

Reason for Pre-Commencement: This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area.

8. Landscape Strategy

Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, programme of the works to be undertaken, and implementation in accordance with the approved details and programme of works.

Reason: In the interests of visual amenity and biodiversity enhancement.

9. Landscape Maintenance

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved programme of works for implementation. 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 other of the same size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and biodiversity enhancement.

10. Access to the Site

No part of the employment development shall be occupied until a vehicular and pedestrian access to the proposed development has been constructed to the satisfaction of the Local Planning Authority and

evidence of its construction has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways and pedestrian safety and in the interest of the visual amenities of the surrounding area.

11. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with the contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objective.

Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

Reason: To ensure that the site is suitable for its intended use.

12. Vegetation Clearance

Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March- August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitable qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

Reason: In the interests of breeding birds.

13. External Lighting

Notwithstanding the submitted details, none of the buildings shall be first occupied until details of the proposed external lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the external lighting shall be provided in accordance with the approved details.

Reason: In the interests of biodiversity.

14. Amphibian Method Statement

No part of the development hereby approved shall commence until an Amphibian Method Statement (particularly focussing on Great Crested Newts) has been submitted to and approved in writing by the Local Planning Authority. The submitted details will include a timetable of when the vegetation shall be removed. Thereafter, the development shall take place in accordance with the approved details.

Reason: In the interests of Great Crested Newt.

Reason for Pre-Commencement: This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of biodiversity.

15. Open Burning

There shall be no open burning permitted on site at any time.

Reason: To protect neighbouring occupiers from smoke and fumes.

16. Renewable Energy

Notwithstanding the submitted details, none of the buildings hereby permitted shall be first occupied until a detailed specification and schedule of a method of ensuring that 10% of the energy requirement for each building is provided from renewable sources has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

In the interests of sustainability.

17. Energy Efficiency

Prior to first occupation of each building hereby approved, a compliance report to confirm that the energy demand of the development and its CO₂ emissions has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policies QP7 and CC1.

18. Waste Management Strategy

Prior to occupation of any part of the development hereby approved a scheme for the storage of both general refuse and recycling refuse shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and retained in accordance with the approved details. No waste storage facilities shall be positioned to the front of the buildings.

Reason: In the interests of a satisfactory form of development.

19. Travel Plan

A Travel Plan relating to the development shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation, timescales for delivery and the provision of a travel plan co-ordinator. The approved plan shall be audited and updated at intervals as approved. The approved plan shall be implemented in accordance with the details as approved.

Reason: To encourage methods of sustainable travel

20. Cycle Parking

Prior to occupation of the buildings hereby approved, final details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of each building and maintained for the lifetime of the development.

Reason: In the interests of a satisfactory form of development.

21. Updated Arboricultural Method Statement and Tree Protection Plan

Notwithstanding the submitted information, no development shall take place until an updated Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The details shall include all measures to be taken during construction to protect the health of the existing trees. The measures contained in the approved Method Statement shall be fully implemented during construction.

Reason: In the interests of visual amenity and biodiversity

Reason for Pre-Commencement: This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area, biodiversity and trees.

22. Restrict Uses

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the buildings to which this permission relates shall be used for the following uses and Use Classes only and for no other purpose (including any other use falling within the specific Class) of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission:

- Any use within Class B2
- Any use within Class B8
- The following uses within Class E:
 - E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class in order to protect Hartlepool town centre and to comply with the NPPF

For the part of the development hereby approved in outline:

1. Reserved Matters

Details of the appearance, landscaping, layout and scale (thereafter called the reserved matters) of the development shall be submitted to and approved in writing by the local planning authority before the development of is carried out.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Time Limit for Submission of Reserved Matters

Application for the approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Reserved Matters

Details of the appearance, landscaping, layout and scale (thereafter called the reserved matters) of the development shall be submitted to and approved in writing by the local planning authority before the development of is carried out.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Commencement of Development

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

5. Approved Plans

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in general accordance with:

- 001 LP & Site Plans
- 002 Full Plans
- Landscape Strategy (ref: D347.L.001 Rev A)

And in accordance with:

- Proposed Drainage Strategy (ref: MDO1748/0100)
- Drainage Strategy, prepared by RWO (ref: RWO/DS/22159, dated May 2023)
- Ecological Appraisal, prepared by OS Ecology, dated November 2023
- Biodiversity Net Gain Assessment, prepared by OS Ecology, dated November 2023

Reason: To ensure that the development as carried out does not vary from the approved plans and to ensure a suitable environment for future occupiers.

6. Materials

The details to be submitted pursuant to condition 1 above shall include a schedule and/or samples of all external materials and surfaces to be used. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance.

7. Construction Hours

No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 18.00 on Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not adversely affect the amenity of nearby occupants.

8. Surface Water Drainage

Notwithstanding the submitted information and the measures outlined within the submitted Flood Risk Assessment, the details to be submitted pursuant to condition 1 above shall include a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water:

- detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and
- details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system.

With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system through its lifetime. The scheme shall

be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

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

9. Foul Water Drainage

The details to be submitted pursuant to condition 1 above shall include 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 in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter, the development shall take place in accordance with the approved details.

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A Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The CEMP shall also set out as a minimum site specific measures to control and monitor impacts in relation to construction traffic, noise, vibration, dust and air pollution, land contamination, disturbance to ecology and ground water. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason: To ensure impacts on amenity and biodiversity are minimised

Reason for Pre-Commencement: This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area.

11. Landscape Strategy

Notwithstanding the proposals detailed in the submitted plans, the details to be submitted pursuant to condition 1 above shall include a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, programme of the works to be undertaken, and implementation in accordance with the approved details and programme of works.

Reason: In the interests of visual amenity and biodiversity enhancement.

12. Landscape Maintenance

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved programme of works for implementation. 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 other of the same size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and biodiversity enhancement.

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In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment

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Reason: To ensure that the site is suitable for its intended use.

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Reason: In the interests of breeding birds.

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Notwithstanding the submitted details, the building shall not be first occupied until details of the proposed external lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the external lighting shall be provided in accordance with the approved details.

Reason: In the interests of biodiversity.

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Reason: In the interests of Great Crested Newt.

Reason for Pre-Commencement: This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of biodiversity.

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There shall be no open burning permitted on site at any time.

Reason: To protect neighbouring occupiers from smoke and fumes.

18. Renewable Energy

Notwithstanding the submitted details, the building hereby permitted shall not be first occupied until a detailed specification and schedule of a method of ensuring that 10% of the energy requirement for the building is provided from renewable sources has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

In the interests of sustainability.

19. Energy Efficiency

Prior to first occupation of the building hereby approved, a compliance report to confirm that the energy demand of the development and its CO₂ emissions has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policies QP7 and CC1.

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Prior to occupation of any part of the development hereby approved a scheme for the storage of both general refuse and recycling refuse shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and retained in accordance with the approved details. No waste storage facilities shall be positioned to the front of the building.

Reason: In the interests of a satisfactory form of development.

21. Travel Plan

A Travel Plan relating to the development shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation, timescales for delivery and the provision of a travel plan co-ordinator. The approved plan shall be audited and updated at intervals as approved. The approved plan shall be implemented in accordance with the details as approved.

Reason: To encourage methods of sustainable travel

22. Cycle Parking

Prior to occupation of the building hereby approved, final details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building and maintained for the lifetime of the development.

Reason: In the interests of a satisfactory form of development.

23. Updated Arboricultural Method Statement and Tree Protection Plan

Notwithstanding the submitted information, no development shall take place until an updated Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The details shall include all measures to be taken during construction to protect the health of the existing trees. The measures contained in the approved Method Statement shall be fully implemented during construction.

Reason: In the interests of visual amenity and biodiversity

Reason for Pre-Commencement: This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area, biodiversity and trees.

24. Restrict Uses

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the buildings to which this permission relates shall be used for the following uses and Use Classes only and for no other purpose (including any other use falling within the specific Class) of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission:

- Any use within Class B2
- Any use within Class B8
- The following uses within Class E:
 - E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class in order to protect Hartlepool town centre and to comply with the NPPF

Case Officer Signed: Josh Woollard.

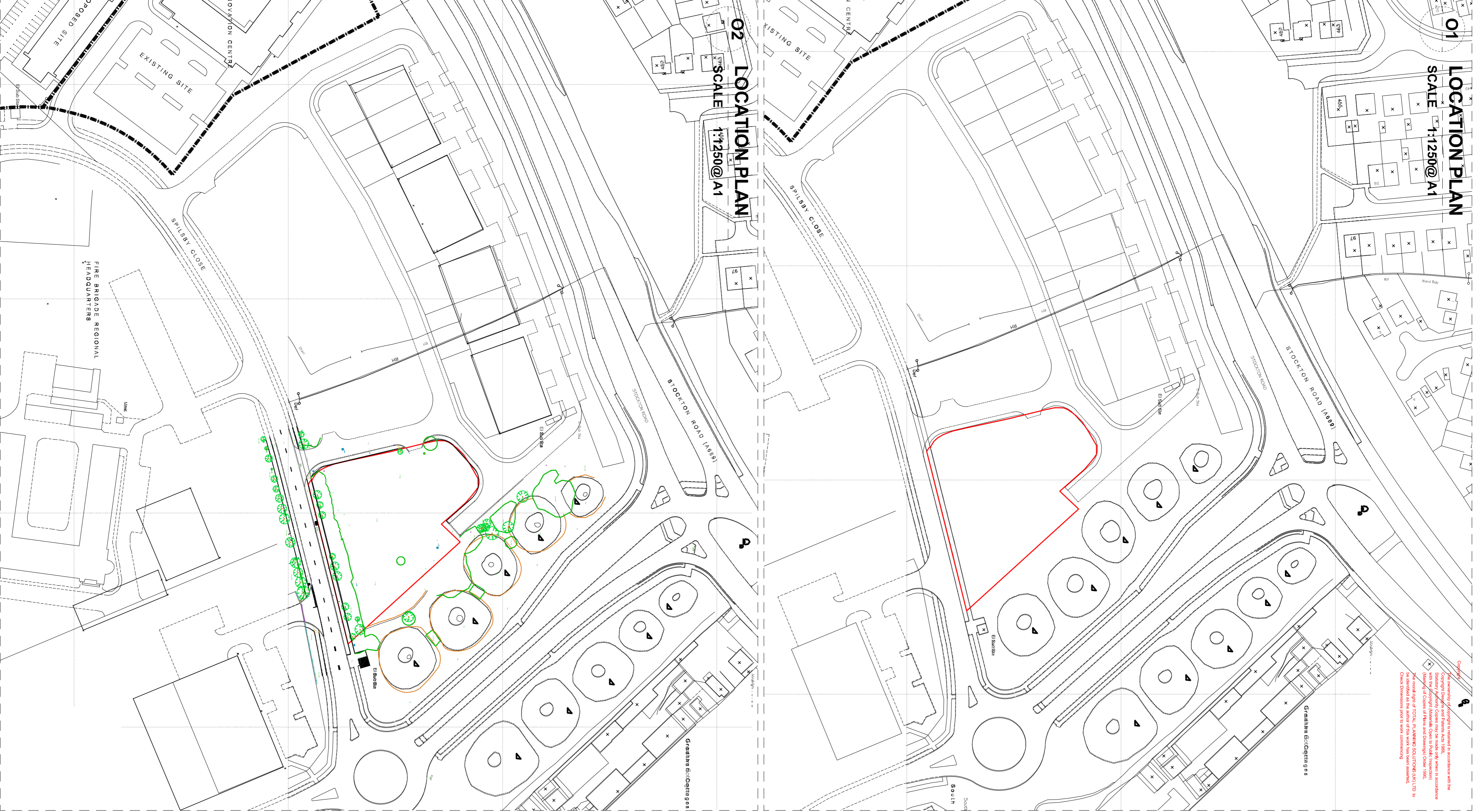
Date: 06/03/2024

Agreed: YES

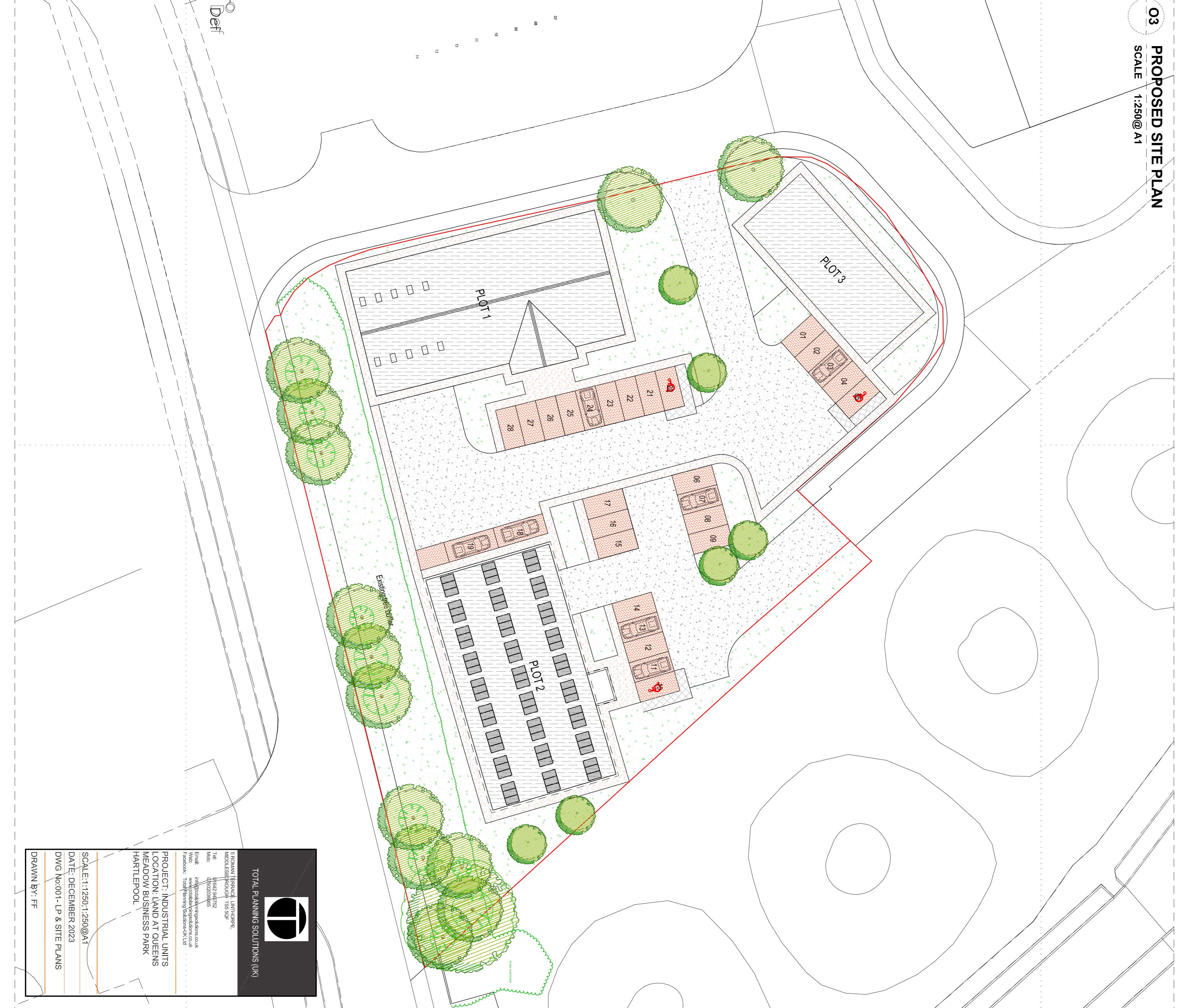
Senior Officer Signed:

Date:

01 LOCATION PLAN
SCALE 1:1250@ A1



03 PROPOSED SITE PLAN
SCALE 1:250@ A1

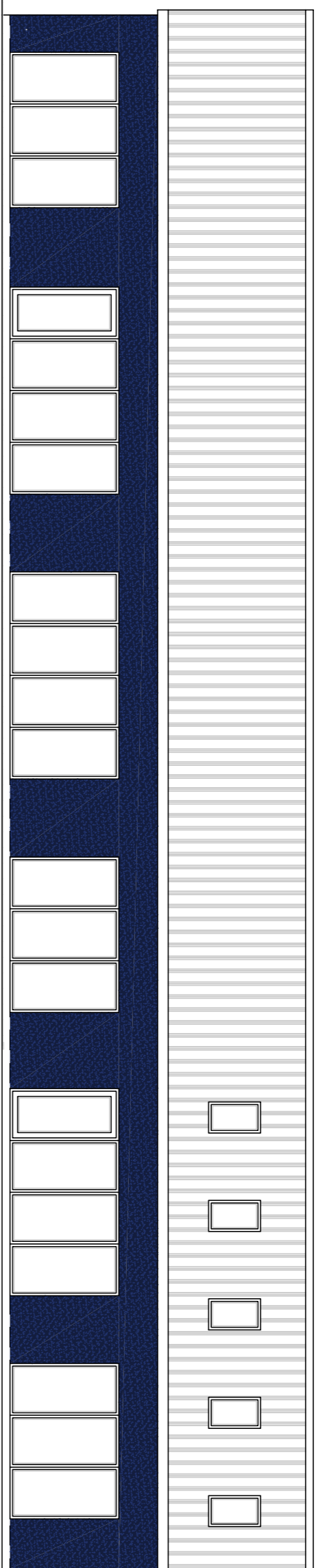


TOTAL PLANNING SOLUTIONS (UK)
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 Email: info@totalplanning.co.uk
 Website: www.totalplanning.co.uk
 Registered in England No. 07202000
 Registered Office: 5 Frodoa Street, Lintorpe, Middlesbrough, Cleveland, TS20 9JF

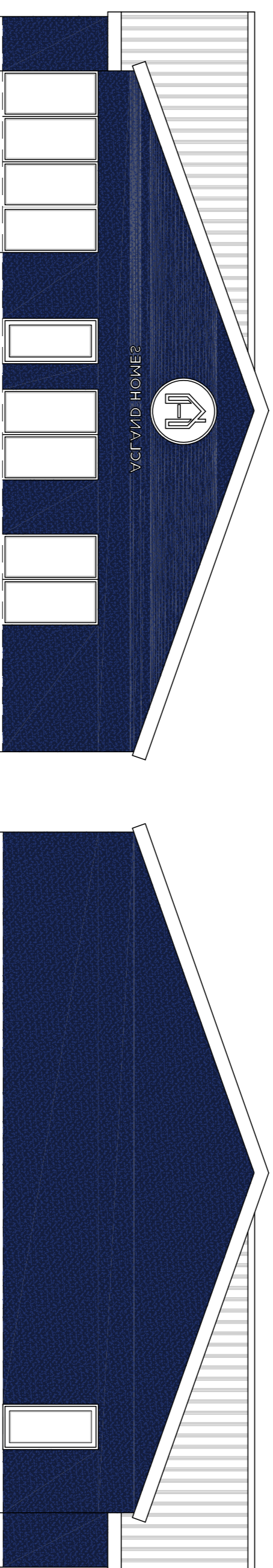
PROJECT: INDUSTRIAL UNITS
LOCATION: LAND AT QUEENS
 MEADOW BUSINESS PARK
 HARTLEPOOL

SCALE: 1:1250@1:250@A1
DATE: DECEMBER 2023
DWG: No:001 - LP & SITE PLANS
DRAWN BY: FF

04 PROPOSED PLANS - ACLAND HOMES - PLOT 1
SCALE 1:100@A1

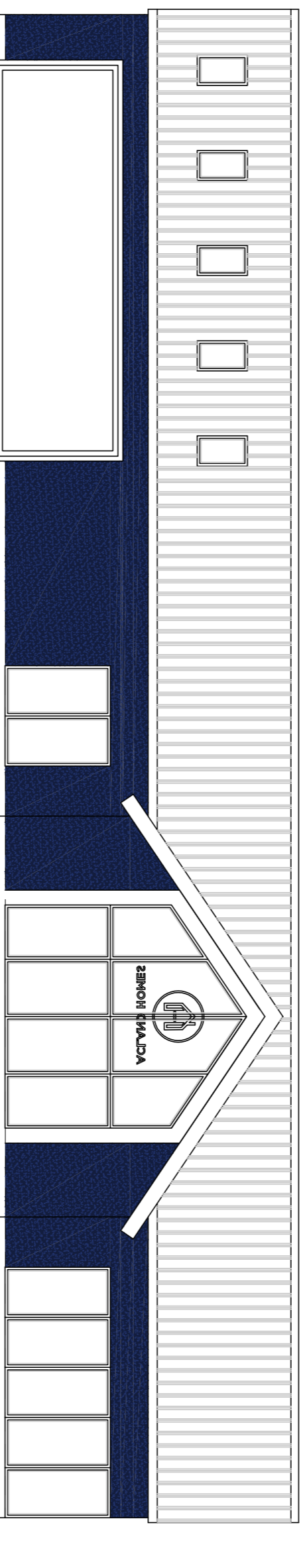


Proposed Rear Elevation

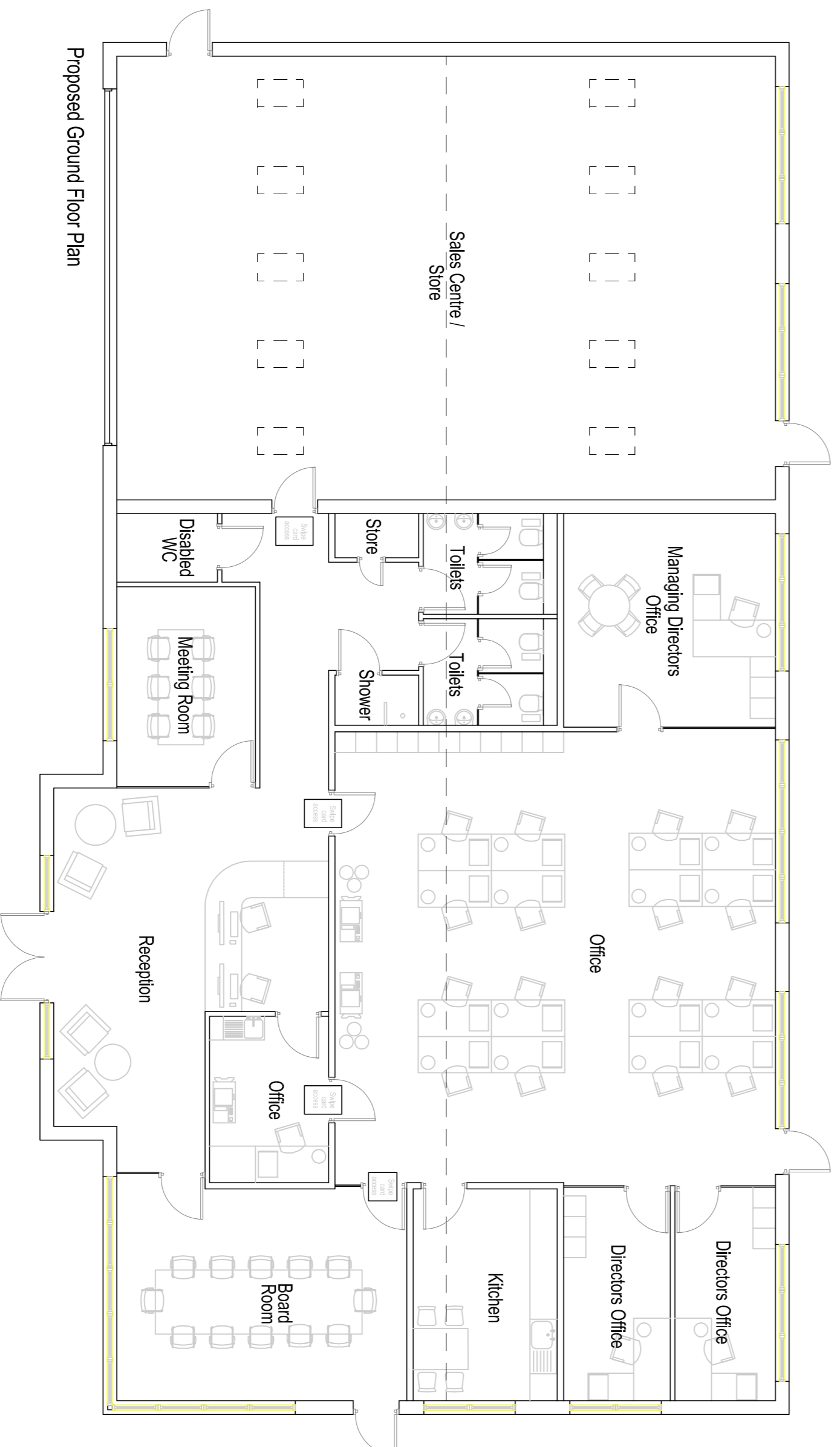


Proposed Side Elevation

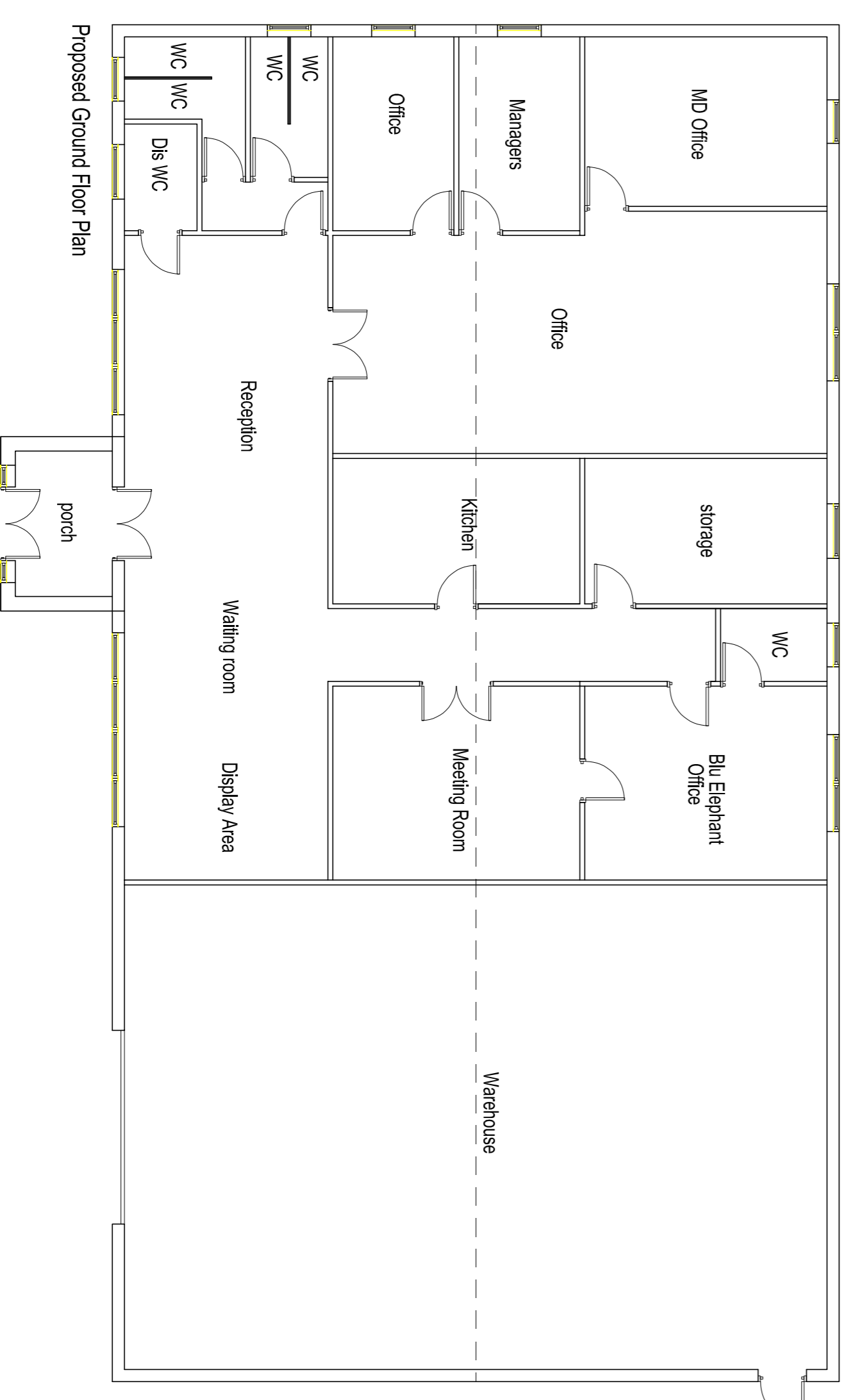
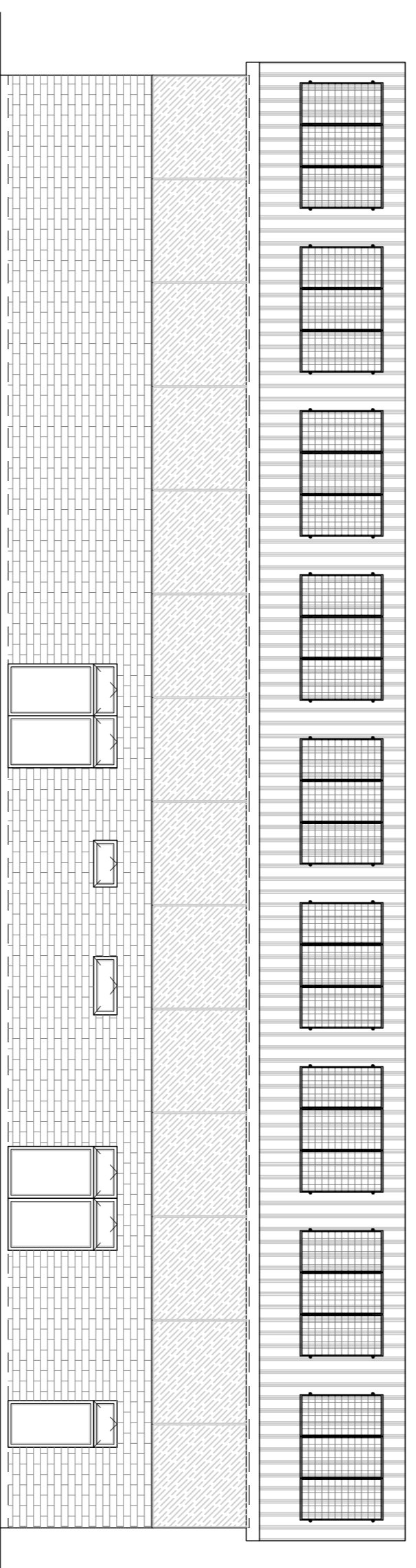
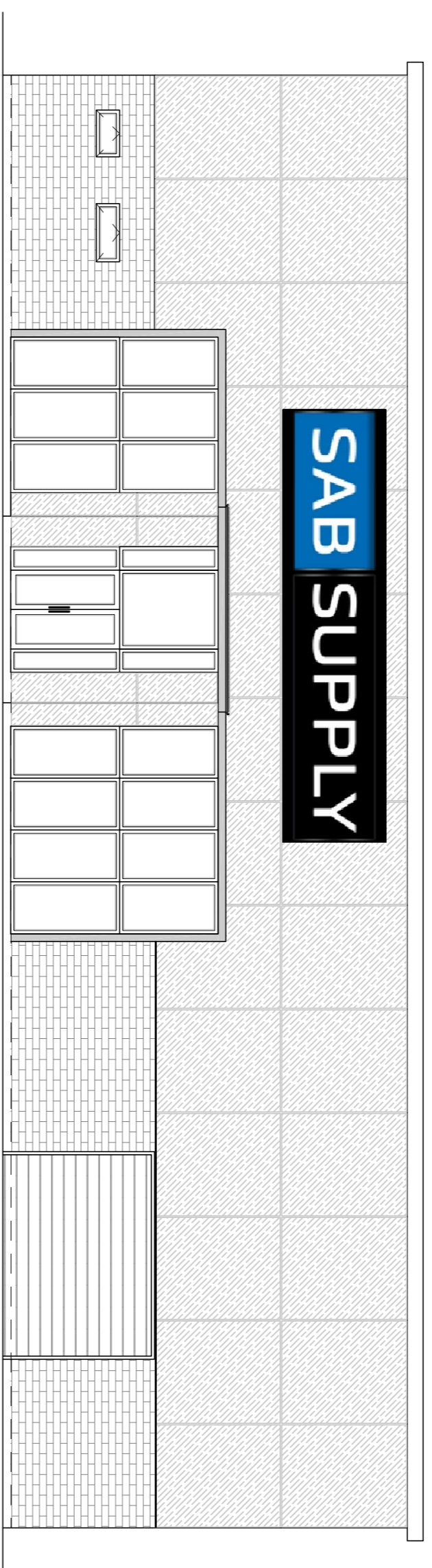
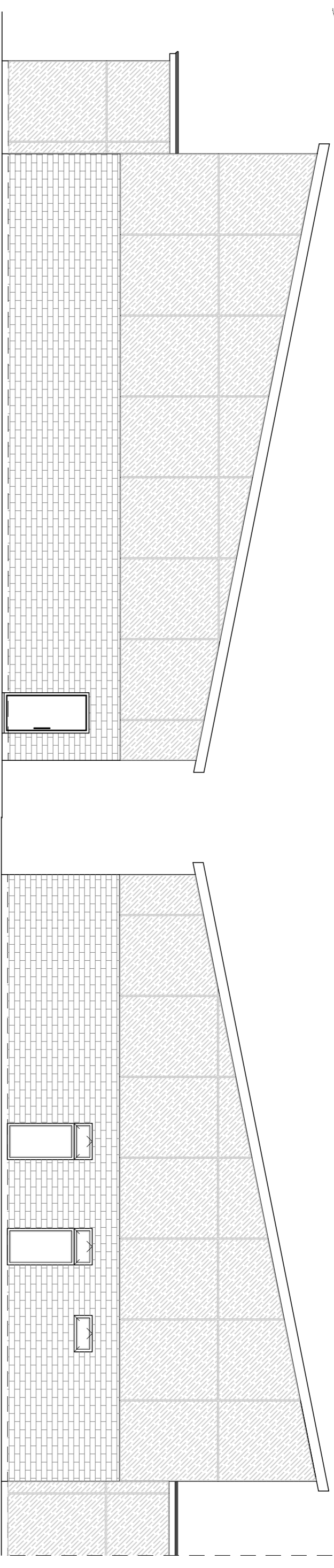
Proposed Side Elevation



Proposed Front Elevation

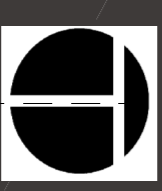


05 PROPOSED PLANS - SABA - PLOT 2
SCALE 1:100@A1



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Website: www.totalplanning.co.uk
VAT No: 254 859 924
Company No: 10447674 (England)

PROJECT: INDUSTRIAL UNITS
LOCATION: LAND AT QUEENS
MADON BUSINESS PARK
HARTLEPOOL

SCALE: 1:100 @A1
DATE: DECEMBER 2023
DWG No: 002 FULL PLANS
DRAWN BY: FF

REPORT OF BUSINESS SOLUTIONS DIRECTOR & HEAD OF PLANNING

PLANNING UPDATE

SUMMARY

Responsibility for the determination of planning applications within the Hartlepool Mayoral Development Corporation boundary lies with the Hartlepool Development Corporation [HDC].

In accordance with the approved Scheme of Delegation, one planning application is reported to Board for their consideration on 18th March 2024. A further two applications will be reported to Board in due course.

RECOMMENDATIONS

It is recommended that the Hartlepool Development Corporation Board note the updated position of planning service delivery and the status of planning applications submitted for consideration.

DETAIL

1. Delivery of planning service functions relating to town and country planning and development control within the Hartlepool Mayoral Development Corporation area is now overseen by the Head of Planning with operational services delivered through Lichfields.
2. Since the Board meeting of 19th February, 1 new planning application has been submitted. There are 6 planning applications currently being considered by HDC. A further 4 applications are currently invalid. 1 application has been determined since the last Board meeting. A summary of all applications is provided in **appendix A**.
3. It is anticipated that the 2 applications at Queens Meadows Business Park will need to be reported to Board for determination, as required by the approved Scheme of Delegation, by virtue of their scale and strategic importance. One application proposes the erection of up to 210 dwellings and the second proposes the erection of 14no. employment buildings and up to a further 451,000sqft of employment

floorspace. The Applicant has provided further information to seek to address objections received from consultees. A period of re-consultation is now underway.

4. Local planning authorities in England are required to submit quarterly returns to central government to provide summary information relating to the number and status of planning and related applications in each quarter. Access to complete this process for the Hartlepool Mayoral Development Corporation was provided in October 2023 and future quarterly returns will be submitted as required.
5. The Head of Planning has received two communications relating to planning enforcement. In one case the matter was investigated but it was not considered expedient or in the public interest to enforce. In the other case an enforcement notice has been issued to regularise the breach of planning control. HDC are awaiting the submission of details by the occupier of the building and, once approved, the works will be carried out to regularise the breach.
6. Comments were previously provided to the Planning Inspectorate relating to an appeal lodged against a refusal of a planning application. The application sought retrospective consent for the removal of a timber dormer window on a property within the Conservation Area. Whilst the planning application was determined by Hartlepool Borough Council prior to HDC becoming the planning authority, the matter is within the HDC boundary. We have received confirmation that the Planning Inspectorate has now dismissed the appeal and officers are taking enforcement action to secure the reinstatement of the dormer.

FINANCIAL IMPLICATIONS

7. There are no financial implications.

LEGAL IMPLICATIONS

8. Planning Powers were conferred on to the Hartlepool Mayoral Development Corporation on 1 June 2023 giving HDC the power to determine planning applications within the redline boundary.

RISK ASSESSMENT

9. This subject matter of this report is categorised as low risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

CONSULTATION & COMMUNICATION

10. The subject of this report is a matter for HDC Board information only therefore no additional consultation and communication has been undertaken.

EQUALITY & DIVERSITY

11. This report does not impact on groups of people with protected characteristics.

Name of Contact Officer: Helen Kemp
Post Title: Business Solutions Director & Head of Planning
Telephone Number: 01325 792600
Email Address: helen.kemp@teesvalley-ca.gov.uk

Hartlepool Development Corporation

Delegated Planning Decisions since last Board Meeting on 19th February 2024

Application Number	Address	Summary of Development	Delegated Decision
HMDC/2023/0018	24 Church Street, Hartlepool, TS24 7DH	Change of use of basement (part), ground (part), first and second floors from Class E to 6 bed HMO (Class C4) including internal and external alterations (amended description).	Approved 6 th March 2024

Current Applications

Application Number	Address	Summary of Development	Status
HMDC/2023/0015	Wesley Chapel, Hartlepool	LBC for change of use to events venue	Received 7 th August 2023 Under consideration
HMDC/2023/0019	Queens Meadow	Erection of 3 commercial units with associated parking area	Received 6 th October 2023 To be considered by Board on 18 th March 2024
HMDC/2023/0027	Wesley Chapel, Hartlepool	Discharge of conditions 3; 4; 8 and 9 on LBC Ref H/2019/0003	Received 13 th November 2023 Under consideration
HMDC/2023/0028	Wesley Chapel, Hartlepool	Change of use to events venue	Received 14 th November 2023 Invalid (awaiting info from applicant)
HMDC/2023/0031	Land east of Queens Meadow Business Park, Hartlepool	Outline planning application (with all matters reserved apart from access) for the erection of up to 210 dwellings (Use Class C3) with associated infrastructure, access and landscaping	Received 5 th December 2023 Under consideration and will come to Board SITE VISIT NEEDED

Application Number	Address	Summary of Development	Status
HMDC/2023/0032	Land at Queens Meadow Business Park	Hybrid application for 1) Outline planning permission (with all matters reserved) for the erection of up to 451,000sqft of employment floorspace (Use Class B2/B8) with associated infrastructure, access and landscaping; and 2) full planning permission for the erection of 14no. employment buildings (Use Class B2/B8) with associated infrastructure, access and landscaping	Received 5 th December 2023 Under consideration and will come to Board SITE VISIT NEEDED
HMDC/2023/0033	Billingham and Hartlepool Storage, Unit 2 Queens Meadow Business Park	Change of use to B8 (storage and distribution) (Retrospective)	Received 12 th January 2024 Invalid (awaiting info from applicant)
HMDC/2023/0036	Saica Pack, Oakesway Business Park, Hartlepool	New storage warehouse for cardboard packaging, with ancillary office space, parking and loading bays. All to facilitate the existing manufacturing plant.	Received 9 th February 2024 Invalid (awaiting info from applicant)
HMDC/2023/0037	McDonalds, Marina Way	Replacement drive thru booth, extended freezers, new cladding, alterations to hard-standings and replacement patio furniture.	Received 12 th February 2024. Under consideration
HMDC/2024/0002	Transport Training Centre, Exeter Street, Hartlepool, TS24 7DA	New substation enclosure, new rear wall with access gate.	Received 5 th March 2024 Invalid (awaiting info from applicant)

Enforcement Register

Address	Unauthorised Works	Requirement of Enforcement Notice
37 Church Street	Installation of white UPVC window frames	Remove and replace with timber frames
9 Upper Church Street	Removal of front dormer window	Reinstate timber dormer