

No: 1
Number: H/2022/0009
Applicant: ELENI ANTONIOU 5 HOWICK PLACE LONDON SW1P 1WG
Agent: LDA DESIGN MR ED SALTER KINGS WHARF THE QUAY EXETER EX2 4AN
Date valid: 27/01/2022
Development: Demolition of existing structure and construction of artificial nesting structures for kittiwakes and associated infrastructure
Location: THE OLD YACHT CLUB FERRY ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The following recent application is considered to be relevant to the current application site:

1.3 H/2021/0405 – Screening Opinion Request in respect of two Kittiwake Artificial Nesting Structures (ANS). The Local Planning Authority issued its decision on 24/09/2021 that the proposed development does not constitute Schedule 1 development or Schedule 2 development, as defined by the EIA Regulations, and therefore the development does not need to be screened in line with the ‘Regulations’, and an Environmental Impact Assessment is not required.

PROPOSAL

1.4 Planning permission is sought for the demolition of the existing yacht club building on site and the construction of two artificial nesting structures (ANS) for kittiwakes. The first of the artificial nesting structure types is designed to appear similar to fishermen’s huts, four of which are proposed to be arranged in a staggered formation along the northeast edge of the site facing towards the existing kittiwake colony at the lifeboat station. The submitted information states that these structures have capacity for 534 nesting spaces on sea-facing nesting shelves. The huts (consisting of 3 larger huts ‘Type A’ and 1 smaller hut ‘Type B’) are adjoined and are timber clad structures on a galvanised steel frame, measuring a cumulative length of approximately 18.2m x approximately 4.4m in width (individually) and an overall height of approximately 4.4m (approximately 8m in height when including the supporting structures to account for the change in levels on the north facing elevation).

1.5 The second artificial nesting structure type is of a ten sided tower design, where multiple external faces provide a variety of nesting aspects with an internal space allowing for a sheltered working conditions for ecologists monitoring the site. The tower is to be located west of the proposed huts in order to provide sea views from six of the ten sides. The submitted information indicates that the tower would have 510 nesting spaces with sea views and 340 without. The tower would be constructed of a galvanised steel frame with timber cladding and would have a height of approximately 12.3m above the ground level and diameter of approximately 8.1m at its widest point.

1.6 The planning application is for structures that are required to compensate the impact of a proposed off-shore windfarm development, Hornsea Three that will be sited in the North Sea off the Humber coast near Flamborough Head. This was granted consent by a Secretary of State issued Development Consent Order (DCO) on 31st December 2020.

1.7 Temporary portable welfare facilities are also proposed to be located with a car park area. In the supporting Planning Statement, the applicant indicates that this would be for an estimated 6 to 12 months from the start of construction for those visiting the site. The indicative building would measure approximately 8.638m in length by approximately 3.4m in width, with a flat roof height of approximately 2m.

1.8 The above mentioned Planning Statement indicates that the overall development of the proposed artificial nesting structures would take approximately 5 months to be completed.

1.9 Following removal of the temporary portable welfare facilities, the submitted Planning Statement indicates that permanent welfare facilities are intended to be provided, however this would be subject to a separate planning application and full consideration.

1.10 The site would be accessed via Ferry Road.

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

SITE CONTEXT

1.12 The application site relates to approximately 0.47ha of land at the Old Hartlepool Yacht Club, off Ferry Road, Hartlepool. The site includes the former clubhouse, which is now vacant. Adjacent to the site are the RNLI Hartlepool Lifeboat Station to the northwest and PD Teesport facility to the west. The walkway to the lifeboat pontoon is currently occupied by an existing kittiwake colony. Victoria Harbour is located approximately 100m north of the site and West Harbour is approximately 320m east of the site. The site is surrounded to the east by the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI), the marine Special Protection Area (SPA) and the Teesmouth and Cleveland Coast Ramsar Site.

PUBLICITY

1.13 The application has been advertised by way of two neighbour letters, two site notices and a press advert. To date, there have been fifteen objections received, including one from PD Teesport.

1.14 The concerns and objections raised can be summarised as follows:

- Proposals could be accommodated elsewhere,
- The proposals could limit port operations on the adjacent site,
- The site is allocated within the Local Plan as an employment site specifically for port related industrial development and renewable energy manufacturing, the proposals would result in the loss of employment land and potentially constrain future port related development,
- Mess from guano
- Concerns the proposals would encourage enthusiasts to visit the site/trespass on private land,
- Existing habitat designations are a constraint to development in the area, the potential further impact of these needs to be taken account of,
- Potential interference with IT infrastructure/Wi-Fi connection,
- Lack of consultation with residents of Town Wall, Headland,
- Noise,
- Not the correct area for these birds, issues of prey,
- “Eyesore”, looks like a gas holder, industrial ‘monolith’,
- The proposals will impact on tourism.
- The site could be used for water based activities instead (e.g. water sports, sea cadets, water training),
- Why should residents accept a proposed that will be of no benefit to them,
- The windfarm site the proposals will offset are a long way from Hartlepool and the proposals will not benefit the local community,
- The existing building should be considered an Asset of Community Value,
- Redeveloping this site for water sports would be a more financially viable option than plans to develop the Jackson’s Landing site,
- Proposals may restrict use of the water and the beach for recreation,
- Will the proposals negatively impact nearby residents?
- Is there a need to create additional nesting spaces for kittiwakes when some already exist in the area,

1.15 In addition, one response of no objection has been received from a local ward councillor.

1.16 Background papers can be viewed via the ‘click to view attachments’ link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=150946>

1.17 The period for publicity (press advert) is outstanding at the time of the committee report being published and it expires on 6th July 2022. The ‘recommendation’ below therefore takes account of this.

CONSULTATIONS

1.18 The following consultation replies have been received:

HBC Ecology –My comments area as follows.

Habitats Regulations Assessment and Sites of Special Scientific Interest

Natural England's SSSI Impact Risk Zones web tool indicate that Natural England is a statutory consultee for any development, except householder development, in this location. The views of Natural England should therefore be sought.

I have also completed a Stage 1 HRA for the proposals, which has concluded no likely significant effect on the Teesmouth and Cleveland Coast SPA. While Natural England are not a statutory consultee as HRA Screening stage (Stage 1) they may wish to comment in this regard.

Unless Natural England subsequently raise an objection, it can be concluded that the application can be lawfully approved under the assessment provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

Significant Ecological Harm

The ecological report submitted in support of the application provides adequate survey and assessment information to enable an understanding of the potential for significant ecological harm as a result of the proposals.

Based on the information submitted the site supports, or is considered likely to support, the following important ecological features.

- A locally important population of hedgehog, which is a priority species in the context of NPPF.
- A locally important assemblage of butterflies, which includes the priority species small heath. The loss of habitat piles used by hedgehog is predicted. Harm resulting from this impact can be mitigated through a destructive search of all such habitat piles, and compensation is feasible through introduction of artificial hedgehog shelters in appropriate locations. Both measures can be secured through conditions (see below).

Some loss of grassland habitat used by the butterfly assemblage will occur in order to implement the proposals, which will impact this species population feature. However, the proposals also include a substantial habitat creation and management element, which has the potential to provide compensation for the expected negative effects. This is contingent on the inclusion of appropriate plants within the habitat creation proposals. The species list included within the Softworks Typologies Layout and Reference Plan (Dwg No. 7628_PL_401) includes appropriate species, and its implementation should therefore be secured by condition.

Assuming the above measures are secured the proposals can be considered in compliance with the ecological mitigation hierarchy and therefore in accordance with the relevant parts of policy NE1.

Ecological Enhancement

The enhancement of biodiversity and the natural environment is a key objective of NPPF and of local plan policy NE1. Enhancement is distinct from biodiversity net gain, which is a separate quantified approach that uses habitat types as a proxy for biodiversity value and does not directly consider measures aimed at enhancing the suitability of site for supporting individual species or groups of species.

The supporting information proposes a number of measures aimed at enhancing the post development site for protected and priority species, as well as for biodiversity in general. Whilst only outline detail on these measures has been provided there is sufficient information available to indicate that ecological enhancement is feasible. Providing a suitable condition is applied that secures these measures the proposals can be considered in accordance with the relevant parts of policy NE1 and NPPF. A condition securing production and implementation of a Landscape and Ecological Management Plan has been suggested below for this purpose. This condition will also secure ecological compensation in respect of impacts to hedgehog and the butterfly assemblage.

Suggested Conditions

- 1) Within three calendar months of the date of this permission a landscape and ecological management plan (LEMP) shall be submitted to the local planning authority for approval in writing, the detail of which shall be in general conformity with the Softworks Typologies Layout and Reference Plan (Dwg No. 7628_PL_401), which was submitted to the local planning authority 07/01/2022). The content of the LEMP shall include the following.
 - a) Description and evaluation of features to be managed, including retained habitats and habitats to be created.
 - b) Broad aims of management, to include compensation for loss of hedgehog hibernacula/daytime shelter, compensation for the loss of grassland habitat used by priority butterfly species and enhancement for invertebrates in general.
 - c) Specific actionable objectives of management to achieve above aims, including the type and or design of habitat features to be created/installed.
 - d) Appropriate management options for achieving aims and objectives relating to vegetated habitats.
 - e) Prescribed arrangements for the ongoing management of the development site for biodiversity, including maintenance of the above habitats and features.
 - f) Details an annual work plan and of the body or organisation responsible for implementation of the plan.
 - g) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or

remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 2) Prior to demolition of any structures a method statement for the avoidance of impacts to sheltering hedgehog shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed ecological measures;
 - b) working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant);
 - g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and any features created shall be retained in that manner thereafter.

Further Comments – In addition to this I suggest that a condition is applied that secures ‘all demolition and piling works’ to be undertaken between March and August inclusive.

Further comments received 05/05 following receipt of comments from Natural England:

I support the response from Tom Stephenson (Ecologist) dated 28/02/2022.

Coastal authorities are generally failing to protect important populations of shorebirds and seabirds. The proposed scheme to provide nesting opportunities for kittiwakes is a positive one for this Teesmouth and Cleveland Coast Special Protection Area (T&CC SPA) and Site of Special Scientific Interest (SSSI) species.

The applicant’s responses to several objections are ecologically sound and defensible. It is correct for them to assert that kittiwakes feed entirely at sea (unlike herring gulls), nest colonially, and that the existing Hartlepool colony is expanding. The structure will provide a safe location for the colony to expand to. While it is unlikely to draw nesting kittiwakes away from their ‘traditional’ nesting ledges on buildings, it should prevent new buildings on Hartlepool Headland from being colonised.

Kittiwakes are summer visitors to Great Britain, arriving back in mid-April and departing in late summer. Therefore, their presence in Hartlepool is limited to around five months.

I assess that any colonisation of the proposed structure by nesting kittiwakes will not adversely affect the operations of the port or other businesses in the area.

There has been some public concern voiced regarding noise. It is likely that members of the public are getting mixed up between the raucous 'yowling' of herring gulls and the call of the kittiwake. The latter is named after its call, which is transcribed as 'kitti-waake'. While herring gulls can be heard all year round and all over the town, kittiwakes are only noisy during the summer breeding period and only at the nest sites.

This is a rare example of a development totally focussed on biodiversity, and as biodiversity measures by public bodies are mandated through the Natural Environment and Rural Communities (NERC) Act 2000, the NPPF and the Hartlepool Local Plan, it provides an opportunity for the LPA and Council to support wildlife and to promote kittiwakes as part of the Hartlepool wildlife 'offer'.

HBC Countryside Access Officer – Whilst there are no public rights of way recorded at or close to this site; I am aware that the public do walk along the beach and along the jetty. I would like to see some element of interpretation for the public, so that they are aware of the new site residents (during the breeding season) and the ecological benefit of the site for the Kittiwake population. The public like to have this type of information, then they can understand better the need for such a site.

HBC Landscape Architect – Previous liaison has been undertaken with the landscape section to enable this application and it is considered that sufficient information has been provided.

While there are no landscape and visual issues with the proposed development, full details of enclosure fencing and planting, and a landscape management plan should be provided in due course. This information can be controlled by condition.

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

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

Cleveland Emergency Planning Officer – Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals.

Tees Archaeology – Thank you for the consultation on this application. We note the inclusion of a heritage statement, which discusses the archaeological potential of the site and sets out proposed mitigation. It has been agreed with Tees Archaeology that the ground investigation works will be subject to geoarchaeological/archaeological monitoring. The necessity for any further mitigation will be decided by these works,

the findings of which are proposed to be set out in an addendum report “submitted for consideration during the determination period of the planning application.”

We are unable to comment on the need for any further archaeological works until this report has been submitted and we have viewed the findings.

Updated Comments – Thank you for sending though the watching brief report. This work was undertaken to determine the potential of the proposed groundworks to encounter any deposits associated with the Hartlepool Submerged Forest. The report states that no archaeological deposits or palaeoenvironmental remains were observed during the ground investigation works, and recommends no further schemes of archaeological works. We agree with this; there is no need for any further archaeological work on site.

Cleveland Police – Police have no objection to this application.

Natural England – As submitted, the application could have potential significant effects on the:

- Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site
- Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI)

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Further details regarding the timing of for construction phase activities
- An Habitats Regulations Assessment, including Appropriate Assessment

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Updated Comments – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Updated comments received 11/05 following receipt of Applicant's Statement:

Myself and my colleagues with knowledge of the site have reviewed the response by Orsted regarding PD Port's objection to the construct two artificial nesting structures for kittiwake at the Old Yacht Club site, Hartlepool. In general, we feel they have adequately outlined the likely low level of constraint posed to the port's operations.

In particular, we would like to highlight two points that Orsted have raised. Firstly, kittiwake are relatively tolerant to disturbance from human activities. For example, there is a large colony that is found nesting in central Newcastle. Secondly, the primary restrictions on development would likely only apply to the artificial nesting structures themselves, which given their distance should not impose significant limits on the port's operations.

Environment Agency – We have assessed the submitted application and we do not consider it to have an increased risk of on or off-site flooding, therefore we have no objection to this development.

HBC Economic Regeneration – I have had a look at the application and letter from ELG (*acting on behalf of PD Teesport*) and would comment as follows:

1. There does not seem to be an impact assessment on the siting of this nesting structures to the wider area and in particular the Port and its current users and/or future uses and developments. Hartlepool Port is an important economic asset to Hartlepool and from an Economic Growth perspective we need to protect the Port from any development that could have a detrimental impact on future investment.
2. The site is designated as employment land and as correctly identified any loss of employment land has a detrimental impact on Hartlepool's commitment to meeting Tees Valley employment targets. As such the proposal has no economic benefits.
3. Furthermore the proposal is of no real economic benefit to Hartlepool as it is providing mitigating measures for offshore wind farm development at Hornsea.

Taking into account the above points the proposal has no economic value to Hartlepool and could hinder future development, investment and jobs at Hartlepool Port which is of great importance to the town.

Update 26/05 following receipt of updated supporting statement from applicant and comments from Natural England and the Council's Ecologist:

I have considered the views of Natural England and our Ecologist and accept their professional opinions that the proposal would not have any detrimental impact on operations at Hartlepool Port.

As has been identified, the planning application is for structures that are required to compensate the impact of a proposed off-shore windfarm development, Hornsea Three, that will be sited in the North Sea off the Humber coast near Flamborough Head.

These compensation measures have no connection with any development proposed locally in Hartlepool and more importantly do not provide any direct economic or employment benefits to the local economy or indeed sub-region. Furthermore the offshore wind development itself does not provide any direct or indirect benefits to the local economy and businesses of Hartlepool.

Also the principle of the proposed development is in direct conflict with the Hartlepool Local Plan, as the site is identified for employment use and by allocating this land for alternative use that has no impact on local job creation this would detract from delivering Hartlepool's targets for employment growth, however small.

I am therefore of the view that the proposal for the site does not contribute any economic benefit to Hartlepool.

HBC Public Protection - I am aware a number of town wall residents have objected along with PD Ports. Please see my response below.

I am happy with the information that has been submitted. With this in mind and based on the documentation and detail that has been provided by the applicant and experts on this matter I have no reason to object to this proposal.

I would however like it noted that if for some reason the noise from the Kittiwakes nesting site somehow became an noise issue, they would be very little we could do to limit the noise of wild birds.

PLANNING POLICY

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

Local Policy

1.20 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
EMP4: Specialist Industries
LS1: Locational Strategy
NE1: Natural Environment
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

1.21 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of

doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA038: Decision making

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA110: Considering development proposals

PARA124: Achieving appropriate densities

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

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

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

PARA169: Planning and flood risk

PARA218: Implementation

1.22 HBC Planning Policy comments: Planning Policy note the concerns received by the economic development team and PD Ports (the main landowner at the Port) and note that there is the possibility for conflict between the development of The Port and the Kitty waits structures. Planning Policy seek to ensure that The Port is able to develop without obstacles, in light of the concerns raised, it is considered that the structures could pose an obstacle to further development of The Port. Planning Policy welcome ecological benefits in the borough, but in this instance it is considered that this proposal should not be supported in this location. Planning Policy would welcome engagement with regard to locating the proposal elsewhere in the borough.

Update 09/05/2022:

1.23 Planning Policy fully support enhancing the ecological environment of Hartlepool and fully support protecting and enhancing the ecological assets along the coastline. Planning Policy are of the view that the balance here is weighing up ecological benefits against any possible harm to The Port and the ability of The Port to develop to its full potential. Planning Policy understand that the Kittiwakes will likely only be 'on site' for five months of the year and that in the Ecologists view them being there will not preclude development on The Port.

1.24 We currently have an ecologist view point and the developers view point stating that the Kittiwakes should not be a problem for the development of The Port. Planning Policy hope that this will be the case and Planning Policy are of the view that the ecologist view does hold significant weight in balancing up this proposal.

Equally the view of the economic development team also holds significant weight. Planning Policy would hope that the economic development team can take comfort in the ecologist view and that their concerns are no longer concerns, however if this is not the case and the economic development team are still of the view that the Kittiwakes could prevent The Port developing to its full potential then Planning Policy would not support the proposal. This is because Planning Policy consider the continued use and future development of The Port to be significant in sustaining and enhancing the boroughs economy and way of life. Although Planning Policy support ecological enhancements, in this instance they can only be supported if those enhancements do not negatively on The Port. From a Planning Policy point of view, it is considered that a view from Natural England (could be received by Friday 13th May or Friday 27th May) would also be helpful and if the ecologist and Natural England state there are unlikely to be negative implications for The Port then that would give Planning Policy greater comfort to support the proposal. Planning Policy will give a final view once economic development has shared theirs and hopefully one NE come reply to the application.

Update 26/05/2022 following receipt of amended Planning Statement and comments from other consultees:

1.25 Planning Policy note the comments from the council's Economic Growth Manager and note that no objection has been raised. Planning Policy also note the ecologist and Natural England view and take comfort in their expert opinion that The Port can develop to its full potential with the kittiwake structures being in place. Planning Policy are of the view that the kittiwake structures will have significant environmental benefits for the borough and thus Planning Policy supports the application.

PLANNING CONSIDERATIONS

1.26 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the character and appearance of the area, impacts to neighbour amenity, ecology and any other relevant planning matters.

PRINCIPLE OF DEVELOPMENT

1.27 Policy LS1 of the Hartlepool Local Plan (2018) supports proposals that contribute to the economic growth of existing businesses. The application site is allocated under Policy EMP4a (Specialist Industries) on the Hartlepool Local Plan Policies Map (2018), in view of the existing Old Yacht Club building at the site.

1.28 Policy SUS1 of the Hartlepool Local Plan (2018) and paragraph 119 of the NPPF (2021) sets out that proposals for new development should be located on previously developed or brownfield land and should be designed in a sustainable way. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

1.29 The Tees Valley Strategic Economic Plan (SEP, 2016) sets a target to create 25,000 net additional jobs between 2016 and 2026. The Hartlepool Local Plan Policies Map (2018) allocates a total of 904.8ha of employment land. Therefore the application site, at approximately 0.47ha, amounts to approximately 0.17% of the total available employment land.

1.30 The Council's Economic Growth Manager has been consulted on the proposal and notes that these compensation measures have no connection with any development proposed locally in Hartlepool, do not provide any direct economic or employment benefits to the local economy or sub-region and that the offshore wind development itself does not provide any direct or indirect benefits to the local economy and businesses of Hartlepool. The Council's Economic Growth Manager therefore considers that the principle of the proposed development is in direct conflict with the Hartlepool Local Plan (2018), as the site is identified for employment use and by allocating this land for alternative use that has no impact on local job creation, that this would detract from delivering Hartlepool's targets for employment growth, however small.

1.31 An objection on behalf of PD Teesport has also been received in respect of the application site being committed for port related industrial development and renewable energy manufacturing, raising additional concerns that the proposal would result in the loss of specifically allocated land for port related industrial development, and concerns over the impact on the wider employment designation at Hartlepool Docks, through the introduction of a new habitat into the allocated employment land, creating a potential 'constraining' effect.

1.32 In view of the above considerations, it is acknowledged that the principle of the proposed development is in conflict with a key policy (EMP4) of the Hartlepool Local Plan (2018). Notwithstanding the above, it is acknowledged that local and national planning policy support the development of proposals that result in ecological and environmental benefits. The Hartlepool Local Plan (2018) Policy NE1 (Natural Environment) supports the development of schemes that would protect, manage and enhance the natural environment providing that proposals are in accordance with Policy LS1, sites designated for nature conservation are protected and where appropriate enhanced, and ecological networks are enhanced, among other criteria.

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

1.34 Paragraph 180 of the NPPF (2021) sets out the principles that LPAs should apply with regard to habitats and biodiversity when determining planning applications. Paragraph 185 of the NPPF (2021) states that planning decisions should ensure that new development is appropriate for its location. The NPPF (2021) also seeks to ensure that adverse impacts upon the landscape and visual amenity are addressed satisfactorily and that any negative impacts can be made acceptable.

1.35 In this respect, the applicant has submitted a Landscape and Visual Impact Assessment, which is given further consideration in the section below.

1.34 It is acknowledged that the current application constitutes a proportionately modest development which would result in a net loss of approximately 0.47ha employment land, which would in effect support the operation of structures that would support breeding birds, therefore resulting in environmental benefit to the area, a view emphasised by the Council's Ecologist.

1.36 Notwithstanding this, it is considered that Policy EMP4 of the Hartlepool Local Plan (2018), must be given considerable importance and weight.

1.37 In weighing up the balance of policies in favour of against the main policies of constraint (Policies NE1 and EMP4 of the Hartlepool Local Plan (2018) respectively), emphasis is placed on balancing any identified potential harms of a proposal against the prospective benefits of development which results in ecological enhancement.

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

Benefits

- This is a rare example of a development totally focussed on biodiversity, and as biodiversity measures by public bodies are mandated through the Natural Environment and Rural Communities (NERC) Act 2000, the NPPF and the Hartlepool Local Plan. It provides an opportunity for the LPA and Council to support wildlife and to promote kittiwakes as part of the Hartlepool wildlife 'offer' (environmental)
- The submitted information indicates the proposed development is intended to support ecological networks (environmental)
- The proposed development would provide additional landscaping (environmental)
- The proposed development would result in a vacant parcel of land being brought back into use (environmental + social)

Adverse impacts

- The proposed development would have a potential 'constraining' effect and detrimental impact on a parcel of land allocated for employment, contrary to Local Planning Policy EMP4 (economic)
- Potential impacts on visual and neighbouring amenity (social and environmental)

1.39 On the particular concern of the proposals potential to 'constrain' existing and future development at the port, the applicant has provided a comprehensive rebuttal to these concerns of which the views of both Natural England and the Council's Ecologist have been sought. In view of the further supporting information from the applicant, Natural England have responded to highlight that kittiwake are relatively

tolerant to disturbance from human activities, and that the primary restrictions on development would likely only apply to the artificial nesting structures themselves, which given their distance should not impose significant limits on the port's operations. Natural England confirm that the structures should also prevent new buildings on Hartlepool Headland from being colonised.

1.40 The Council's Ecologist also responded to the concerns regarding any potential constraining effect and considers that any colonisation of the proposed structures by nesting kittiwakes will not adversely affect the operations of the port or other businesses in the area. The Council's Ecologist considers that the proposal provides an opportunity for the LPA and Council to support wildlife and to promote kittiwakes as part of the Hartlepool wildlife 'offer'.

1.41 The Council's Planning Policy section acknowledge the concerns of the Council's Economic Growth Manager, however in light of the views and expertise of both the Council's Ecologist and the national body for ecology (Natural England) who have both confirmed that they support the proposal (subject to the proposal meeting other ecological requirements as set out in the sections below), it is considered that the proposal would bring about significant environmental benefits for the borough of Hartlepool and that the proposals would not result in a constraining effect on the existing and future economic operation or development of the port.

1.42 In conclusion, and when weighing up the balance of ecological benefits in favour of the proposed siting of the structures against the location being allocated as employment land, whilst the concerns of the Council's Economic Regeneration section are acknowledged, it is considered that this would be outweighed by the significant environmental benefits of the proposal.

1.43 The proposal includes the siting of a welfare building that would serve as an ancillary element during construction to the primary development comprising the kittiwakes structures. Due to the modest scale and siting of the proposed temporary welfare building, it is considered that the principle for this type of use is acceptable subject to consideration of other material considerations including the requirement for this element of the application being limited to a temporary planning permission (as indicated by the applicant, and which can be secured by planning condition).

1.44 In view of the above, the principle of development of the erection of artificial nesting structures and associated infrastructure (including the erection of a temporary building during construction) is acceptable in this instance, subject to the proposal satisfying the main planning considerations of this application.

CHARACTER & APPEARANCE OF THE AREA

1.45 Policy QP4 (Layout and Design of Development) of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, and respects the surrounding buildings, structures and environment. NPPF paragraph 127 stipulates that planning decisions should ensure that developments, amongst other requirements, will

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

1.46 The proposed artificial nesting huts would be sited toward the north east corner of the application site, whilst the artificial nesting tower would be sited more central in the site. The overall site context includes an open area of hardstanding, with boundary treatment in the form of a 2m high railing around the application site. To the east is the jetty, with the harbour extending to the north, and a beach runs along the south, whilst to the west is a hard standing entrance road and car park, with access gates from Ferry Road. Due to the design and overall scale (including height) of the artificial nesting structures, it is noted that the proposed structures would be readily visible when walking along the coastal promenade (to the east), as well as on approach along Middleton Road and from vantage points around the harbour including from the RNLI Lifeboat Station (to the north) and its car park (to the north west), as well as from parts of the Headland (beyond the harbour to the north east).

1.47 Notwithstanding this, consideration is given to the modest overall height of the proposed artificial nesting huts, which, from certain vantage points, would be read in the context of the existing buildings and structures along this elevation, which overall comprise a scale (including height) similar to the proposed structures. It is further noted that until recently a number of huts of a similar scale and design were sited along this section of the application site whilst its peripheral railing boundaries, and other paraphernalia is present in the immediate surrounding area (along this stretch between the application site and the harbour), whilst the existing Old Yacht Club building at the application site is to be demolished. Overall, and on balance, it is considered that the proposed artificial nesting structures (comprising the 4no. huts and the 1no. tower) would not result in any adverse impact on the character and appearance of the application site and surrounding area, so significant as to warrant a reason to refuse the application.

1.48 The proposed temporary building to provide welfare facilities during construction would be sited adjacent to the car park and main entrance along the western side of the application site. As noted above, the applicant indicates that the temporary building would be sited for a period of 6-12 months. In this respect it is considered reasonable to secure final details of such structures and a timetable for installation and removal (albeit this is not anticipated to be longer than 12 months) by way of a planning condition.

1.49 Furthermore, at the point of expiration of the permission for the temporary building, the applicant would need to remove the building and restore the land to its previous condition, or should the intention be for the building to be retained, a further planning application would need to be submitted and duly considered. An appropriate planning condition can secure this.

1.50 It is further considered necessary for details of the final external finishing materials (including colour) to be submitted to and agreed with the Local Planning Authority and a planning condition can secure this requirement.

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

1.52 The application is supported by a Landscape and Visual Impact Assessment (LVIA) to define the existing landscape and visual baseline environments; assess their sensitivity to change; describe the key townscape, landscape and visual related aspects of the proposed development; describe the nature of the anticipated change upon the townscape/ landscape and visual environments; and assess the permanent effects of the Proposed Development.

1.53 The LVIA considers that there are no designated landscapes within the site or within the 1km study area; there are no public rights of way near the site (as confirmed in the comments from the Council's Countryside Access Officer) nor are there National Cycle Network Routes.

1.54 Due to the mitigation measures that would be provided in accordance with the proposed landscaping scheme, the LVIA notes that the effects attributable to the proposed development would represent "Medium Scale change for a Limited Extent on the site fabric, which in the long term would result in a low magnitude of change". This is assessed as resulting in effects that are 'slight, not significant and, on balance, positive'. Overall, the submitted LVIA concludes that the proposed development would result in 'moderate', but 'not significant' effects on the local landscape/townscape character and therefore would comply with Local Plan Policies QP4, HE3, NE1 and the NPPF (2021).

1.55 The Council's Landscape Architect has considered the application and the information contained within the above mentioned LVIA and considers that there are no landscape and visual issues with the proposed development. However, the Council's Landscape Architect has confirmed that full details of enclosure fencing and planting, and a landscape management plan should be provided and a planning condition is recommended to secure this requirement. Subject to this necessary planning conditions, the application is considered to be acceptable in this respect.

1.56 As noted above, the DCO for the Hornsea Three Offshore Windfarm includes a statutory obligation to maintain the nesting structures. It is noted that this also includes a dispute resolution mechanism. Notwithstanding this, given the notable scale of the landscaping area, it is considered prudent that long term maintenance and management of the landscaping and ecology of site be legally secured by a Planning Obligation in a section 106 legal agreement. Subject to this and associated necessary planning conditions, the application is considered to be acceptable in this respect.

Character & Appearance Summary

1.57 In view of the above and subject to necessary planning conditions and planning obligations, it is considered that the proposal is in accordance with the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021) and therefore acceptable with respect to the impact on the visual

amenity of the application site and the character and appearance of the surrounding area and that such impacts would not warrant a refusal of the application.

NEIGHBOUR AMENITY

1.58 The proposed structure would be sited with a separation distance of approximately 3.5m remaining from the harbour to the north, being approximately 7m from the main coast/beach areas and jetty, approximately 100m from the RNLI Lifeboat Station buildings, and approximately 340m from the main highway of Middleton Road (with access from Ferry Road, which also provides access to the RNLI Lifeboat Station) between. The proposed structures would be sited approximately 210m from the closest residential properties of Town Wall (Headland) to the north east, with the harbour between.

1.59 It is also of note that the proposed welfare structure (which would be sited along the western boundary) would be sited for a temporary period.

1.60 Consideration is given to the remaining separation distances to the closest residential neighbouring properties (outlined above). Given the satisfactory separation distances to sensitive users such as residential properties, and intervening harbour and highways/car parks, and taking into account the modest scale and siting of the proposed structures (which would be read in the overall context of the adjacent buildings of a similar scale), it is considered that the siting of the proposed artificial nesting structures and associated infrastructure including the temporary welfare building would not result in any adverse impacts on the amenity or privacy of any neighbouring properties (or users of the adjacent beach, jetty and car parks) in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

Noise

1.61 Policy QP6 of the Hartlepool Local Plan (2018) requires that where appropriate, applicants must investigate and address the effects of a proposal on general disturbance, including noise. Paragraph 185a of the NPPF (2021) states that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”*.

1.62 It is acknowledged that the nature and layout of the proposed siting of stand-alone artificial nesting structures has the potential to introduce an intensification of activity of kittiwakes and other birds than the current approved use as a yacht club. As required by Policy QP6 of the Hartlepool Local Plan (2018), the applicant has submitted a Noise Impact Assessment in support of the application, which concludes that the proposal would not result in any adverse noise disturbance.

1.63 The Council's Public Protection section have had regard to the information contained within the application, including the above mentioned Noise Impact Assessment and have advised that they have no objections to the proposal overall, however they have noted that should the proposal result in impacts in respect of noise and disturbance, there would be little recourse from their perspective.

1.64 In the consultation response (detailed in full above), the Council's Ecologist highlighted the difference between the raucous 'yowling' of herring gulls and the call of the kittiwake. The latter is named after its call, which is transcribed as 'kitti-waake'. While herring gulls can be heard all year round and all over the town, the Ecologist has advised that kittiwakes are only noisy during the summer breeding period and only at the nest sites.

1.65 On balance, taking into account the remaining separation distances to surrounding properties, it is considered that the proposal would not result in an adverse loss of amenity in terms of noise disturbance, and the proposal is considered to accord with policy RC1 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2021).

Guano Accumulation

1.66 It is acknowledged that a number of neighbour objections have raised issues of guano (bird excrement) accumulation. The applicant has submitted a Landscape and Visual Impact Assessment and details of the relevant DCO (mentioned in full above). Notwithstanding this, as noted above, it is considered prudent to obtain details to ensure the long term maintenance and management of the proposed structures would not result in any adverse impact on the amenity of neighbouring occupants (including users of the adjacent promenade footpath), and is considered necessary to secure long term maintenance and management of the site and structures through a section 106 legal agreement. It is therefore considered that subject to the necessary section 106 legal agreement that the proposal is considered to be acceptable in this respect.

Neighbour Amenity Summary

1.67 Overall, in view of the above and given the overall modest scale and design of the proposals and remaining separation distances and relationships to the closest residential properties (including residential neighbours at Town Wall in the Headland), and commercial properties (including the RNL Lifeboat buildings), and taking into account that the existing building is to be demolished, it is considered that the proposed erection of artificial nesting huts and an artificial nesting tower, as well as the erection of a temporary building to provide welfare during the construction period (which would be limited to a temporary permission) would not result in an adverse loss of amenity and privacy for existing and future neighbouring land users, subject to the above identified planning conditions.

1.68 In view of the above and subject to the above conditions, the application is considered, on balance, to be acceptable with respect to the impact on the amenity of neighbouring land users and in accordance with policies LS1 and QP4 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

ECOLOGY

1.69 The proposed artificial nesting structures and associated development are surrounded to the east by the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI), the marine Special Protection Area (SPA) and the Teesmouth and Cleveland Coast Ramsar Site. A Habitats Regulations Assessment (Stage 1) has been undertaken by the Council's Ecologist (as the competent authority) to assess the impacts of the development on the protected site (Teesmouth and Cleveland Coast SPA/RSMAR), which concluded that there was no likely significant effect on these designations, a view supported by Natural England.

1.70 Policy NE1 of the Hartlepool Local Plan (2021) requires that the natural environment be protected, managed and enhanced, whilst Policy NE4 states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough. Paragraph 180 of the NPPF (2021) requires that planning permission is refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated for or compensated for, whilst development on land near a SSSI should only be permitted where the benefits outweigh its likely impact.

1.71 The Council's Ecologist has been consulted on the application and has advised that the ecological report submitted in support of the application provides adequate survey and assessment information to enable an understanding of the potential for significant ecological harm as a result of the proposals. The supporting information proposes a number of measures aimed at enhancing the post development site for protected and priority species, as well as for biodiversity in general. Whilst only outline detail on these measures has been provided, there is sufficient information available to indicate that ecological enhancement is feasible. Providing a suitable planning condition is applied that secures these measures, the proposals can be considered in accordance with the relevant parts of policy NE1 and NPPF. A condition (and obligation in the s106 legal agreement) securing production and implementation of a Landscape and Ecological Management Plan (LEMP) is recommended for this purpose. This condition will also secure ecological compensation in respect of impacts to hedgehog and the butterfly assemblage as requested by the HBC Ecologist.

1.72 In addition to this the Council's Ecologist has advised that a condition is applied that secures 'all demolition and piling works' to be undertaken between March and August inclusive, and this is recommended accordingly.

1.73 Notwithstanding the above conditions, the Council's Ecologist considers that the proposed scheme to provide nesting opportunities for kittiwakes is a positive one for this Teesmouth and Cleveland Coast Special Protection Area (T&CC SPA) and Site of Special Scientific Interest (SSSI) species.

1.74 The Council's Ecologist has confirmed that kittiwakes feed entirely at sea (unlike herring gulls), nest colonially, and that the existing Hartlepool colony is expanding. The structure will provide a safe location for the colony to expand to. While it is unlikely to draw nesting kittiwakes away from their 'traditional' nesting ledges on buildings, it should prevent new buildings on Hartlepool Headland from being colonised. The Council's Ecologist considers that this is a rare example of a

development totally focussed on biodiversity, and as biodiversity measures by public bodies are mandated through the Natural Environment and Rural Communities (NERC) Act 2000, the NPPF and the Hartlepool Local Plan, it provides an opportunity for the LPA and Council to support wildlife and to promote kittiwakes as part of the Hartlepool wildlife 'offer'.

1.75 Natural England has been consulted on the application has confirmed that the proposed development would not result in any significant adverse impacts on statutorily protected nature conservation sites or landscapes.

1.76 Subject to the abovementioned conditions, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the Policies NE1 and NE4 of the Hartlepool Local Plan (2018), Policies NE1 and NE2 of the Rural Neighbourhood Plan (2018) and paragraph 180 of the NPPF (2021).

OTHER PLANNING MATTERS

Highway & Pedestrian Safety

1.77 It is acknowledged that PD Teesport have raised concerns that part of Ferry Road is owned by PD Teesport Limited, which is therefore private land. They state that access to the Old Yacht Club over PD Teesport's private land is not permitted. This has been highlighted to the applicant who in response dispute this and contend that they have a right of access. Ultimately, the submitted red line boundary runs up to the adopted highway and therefore, the ownership is a civil matter and not a material planning consideration and is therefore beyond the remit of this application to consider.

1.78 It is noted that the temporary facilities would be served by a car parking area. The Council's Highways, Traffic and Transport section have been consulted on the application and have not raised any objection to the application. The proposal is therefore considered to be acceptable in this regard.

1.79 In terms of public footpaths, the Council's Countryside Access Officer has been consulted in respect of the application and has confirmed that there is no impact upon any public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. Notwithstanding this, the Council's Countryside Access Officer has confirmed that members of the public walk along the beach and along the jetty. In view of this, it would be a benefit if the applicant could include an interpretation for the public, to make them aware of the new site residents (during the breeding season) and the ecological benefit of the site for the Kittiwake population. In this instance and given the land ownership and that there are no recorded rights of way at or near to the site, it is considered appropriate to secure such a requirement to be provided within the site, for example at the site boundary and details of this can be secured by a planning condition.

1.80 In view of the above, it is considered that the proposal would not result in an adverse impact on car parking, highway and pedestrian safety.

Flood Risk & Surface Water Drainage, and Contaminated Land

1.81 The proposed development would be situated in an area identified by the Environment Agency's Flood Map for Planning as being in Flood Zone 1 (low risk of flooding). The Council's Flood Risk Officer has been consulted on the proposals and has confirmed no objection to proposals in respect of surface water management or contaminated land. The Environment Agency has been consulted on the application and have confirmed no objection in respect of flooding. The proposal is considered to be acceptable in regard to flood risk and surface water drainage, and contaminated land.

Heritage Assets

1.82 The application site is situated to the west/south west of the Headland Conservation Area and listed buildings along the Town Wall (beyond the harbour). Views from this area were taken into account as part of the aforementioned LVIA. Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. The applicant has submitted a Heritage Statement as well as a geoarchaeological/archaeological watching brief in support of the application. The Council's Heritage and Countryside Manager and the Tees Archaeology have been consulted on the proposals and have had regard to the submitted supplementary information and have confirmed that the proposal would not give rise to any adverse impacts on any heritage assets or require any further archaeological monitoring. The proposal is considered to be acceptable in these respects.

Nutrient Neutrality

1.83 On 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities in the catchment of the Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area. Given this application would not involve any development comprising overnight accommodation, it is not considered the proposals are not considered to be in scope for further assessment.

Safety and Security

1.84 Cleveland Police and the Council's Community Safety section have both been consulted on the proposal and no comments or objections have been received from either consultee. The proposal is considered to be acceptable in this respect.

Emergency Planning

1.85 Cleveland Emergency Planning Unit have been consulted on the application and have confirmed they have no objections to the proposals.

Consultation

1.86 With reference to the objection that the LPA has not consulted neighbouring properties (particularly on the Headland, to which the closest residential properties are situated approximately 200m from the application site with the harbour in between), this is not a formal requirement of the applicant for this type of planning application. As stated above, the application has been advertised by the LPA in line with (if not exceeding) the minimum requirements of planning legislation including neighbour letters and by way of a site notice and a press advert. The Headland Parish Council have also been consulted. Notwithstanding the above, the responses have been considered and it is clear that based on the number of responses, people in this location are aware of the current planning application under consideration.

1.87 The applicant, in their supporting Planning Statement, indicates that a neighbour consultation exercise (including briefing letters to HBC councillors for the Headland and Harbour wards, Headland Parish Council, the RNLI and PD Ports; meetings with PD Ports; and a leaflet distributed to residents of Town Wall, surrounding streets and displayed at local community hubs) was carried out but it should be emphasised that this is not a formal requirement for this application.

RESIDUAL MATTERS

1.88 A number of objections make reference to potential alternative development at the application site, the need for the development or alternative schemes for the existing building. The current application can only consider matters as submitted and these matters are therefore not a material planning consideration. With respect to concerns over the proposals potential effect on/interference with IT/Wifi communication, the structures are relatively modest in scale and height and there is no evidence to suggest that the development would have such an effect.

1.89 An objection makes reference to Community Assets. It is of note that the existing building is not a Community Asset and this would be subject to a separate process in any event.

1.90 Cleveland Fire Brigade have offered no objections to the proposals but have recommended the use of sprinklers as means of fire suppression (albeit the advice appears to be generic and in respect of residential development). Ultimately this would need to be considered and addressed through separate legislation (if appropriate) and is not a material planning consideration.

CONCLUSION

1.91 Overall, it is acknowledged that the application site is allocated as employment land in accordance with Policies LS1 and EMP4 of the Hartlepool Local Plan (2018), and concerns have been raised by the Council's Economic Regeneration section (and originally by HBC Planning Policy) in this respect. In view of this, it is acknowledged that the application is in conflict with Policy EMP4 of the Hartlepool Local Plan (2018).

1.92 Notwithstanding this, in view of the consideration of the environmental benefits of the scheme as identified by the Council's Planning Policy section, the Council's Ecologist, and Natural England, and the relatively marginal amount of employment

land lost as a result (as well the comfort/responses provided to concerns regarding any 'constraining' effect on the port), it is, on balance, considered that the development is acceptable in relation to Policies NE1, QP5 and QP6 of the Hartlepool Local Plan (2018) for the reasons detailed above.

1.93 It is further considered that the that the proposal would not result in significant adverse impacts on the amenity or privacy of neighbouring land users or adverse visual impacts, and the proposal is considered to be acceptable in respect of all other material considerations. Subject to the identified conditions and the completion of a section 106 legal agreement to secure the long term maintenance and management of landscaping and ecological mitigation at the application site, the proposal is considered to accord with relevant identified policies of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

EQUALITY AND DIVERSITY CONSIDERATIONS

1.94 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.95 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the consideration of any comments received in respect of consultations (press advert) outstanding at the time of writing, the following planning obligations being secured in a section 106 legal agreement consisting of a Landscape and Ecological Management Plan to include long term maintenance and management of on-site open spaces, landscaping and the associated nesting structures (including ecological mitigation/enhancement areas), and subject to the following planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans:
drawing number HOW3-LDA-0700 Rev P06 (Elevations),
drawing number HOW3-LDA-0701 Rev P06 (Elevations),
drawing number HOW3-LDA-0101 Rev P05 (Existing Site Plan),
drawing number HOW3-LDA-0200 Rev P06 (Ground Floor Plan),
drawing number HOW3-LDA-0180 Rev P06 (Proposed Site Sections),

drawing number 7628_PL_401 (Softworks Typologies Layout and Reference Plan),
drawing number 7628_PL_201 (Hardworks Layout and Reference Plan),
received by the Local Planning Authority 06/01/22,
drawing number HOW3-LDA-0100 Rev P05 (Site Location Plan),
drawing number 7628_PL_1-1 Rev P02 (Illustrative Landscape Masterplan),
drawing number HOW3-LDA-0204 Rev P07 (Roof Plan),
drawing number HOW3-LDA-0203 Rev P07 (Third Floor Plan),
drawing number HOW3-LDA-0202 Rev P07 (Second Floor Plan),
drawing number HOW3-LDA-0201 Rev P07 (First Floor Plan),
drawing number HOW3-LDA-0130 Rev P05 (Demolition Plan),
drawing number HOW3-LDA-0102 Rev P07 (Site Layout Plan),
received by the Local Planning Authority 27/01/22.
For the avoidance of doubt.

3. Prior to the commencement of development (including demolition), a Landscape and Ecological Management Plan (LEMP) and timetable for implementation shall be submitted to the Local Planning Authority for approval in writing, the detail of which shall be in general conformity with the Softworks Typologies Layout and Reference Plan (Dwg No. 7628_PL_401 date received by the Local Planning Authority 07/01/2022). The content of the LEMP shall include the following;
- a) Description and evaluation of features to be managed, including retained habitats and habitats to be created;
 - b) Broad aims of management, to include compensation for loss of hedgehog hibernacula/daytime shelter, compensation for the loss of grassland habitat used by priority butterfly species and enhancement for invertebrates in general;
 - c) Specific actionable objectives of management to achieve above aims, including the type and or design of habitat features to be created/installed.
 - d) Appropriate management options for achieving aims and objectives relating to vegetated habitats;
 - e) Prescribed arrangements for the ongoing management of the development site for biodiversity, including maintenance of the above habitats and features;
 - f) Details an annual work plan and of the body or organisation responsible for implementation of the plan;
 - g) Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer.
- The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- The approved LEMP shall be implemented in accordance with the approved LEMP and timetable.
- In the interests of ecological enhancement.

4. Prior to commencement of development (including any demolition), a method statement for the avoidance of impacts to sheltering hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:
- a) purpose and objectives for the proposed ecological measures;
 - b) working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant);
 - g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and timetable, and any features created shall be retained in that manner thereafter.

To secure ecological compensation in respect of impacts to hedgehog.

5. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development (including demolition), a detailed scheme for the provision, long term maintenance and management of all soft landscaping and planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works and timetable to be undertaken, and be implemented in accordance with the approved details, timetable and programme of works. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the erection of the structures hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.

6. Notwithstanding the submitted information and prior to the commencement of development (including any demolition works), details of the existing and proposed levels of the site including the finished floor levels of the buildings to be demolished and erected (within and out with the site) and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan.

7. Prior to the commencement of development, a low-level lighting scheme to be adopted during and post development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details prior to the commencement of development. Such a scheme shall include details of the position, angle and type and height of lighting.
In the interests of the amenities and ecology of the area.
8. Prior to the above ground construction of the development hereby approved, details of a proposed interpretation panel(s)/board(s) providing information on the proposed nesting structures including construction materials and finish, and a timetable for installation, shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details and agreed timetable.
In the interests of visual amenity and ecology.
9. Notwithstanding the submitted details and prior to the erection of the temporary welfare facilities/building and installation of the associated car parking/hard standing (as annotated on drawing number HOW3-LDA-0102 Rev P07 (Site Layout Plan, received by the Local Planning Authority 27/01/22), details of such structures along with a timetable for the erection and thereafter removal of the temporary welfare buildings and associated hard standing (which shall be removed within 12 months of the agreed installation date) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and timetable including the removal of the temporary welfare facilities/building.
In the interests of visual amenity and to which the permission is based.
10. Notwithstanding the submitted details and prior to above ground construction of the development hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to first use of the development.
In the interests of visual amenity.
11. Notwithstanding the submitted details and prior to above ground construction, details of all external finishing materials for the proposed development shall be first submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter, the development shall be carried out in accordance with the approved details.
In the interests of visual amenity and character and appearance of the surrounding area.

12. All demolition and piling works associated with the development hereby approved shall be undertaken between March and August inclusive only. In the interests of ecological protection.
13. Hard landscaping of the site shall be carried out in accordance with drawing number drawing number HOW3-LDA-0102 Rev P07 (Site Layout Plan), received by the Local Planning Authority 27/01/22 unless an alternative scheme is agreed in writing by the Local Planning Authority.
In the interests of visual amenity of the area and highway safety
14. When the nesting structures hereby approved cease their operational use, all structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its former condition with a scheme and timetable to be first submitted to and agreed in writing with the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details and timetable to the satisfaction of the Local Planning Authority.
In the interests of visual amenity and character and appearance of the surrounding area.

BACKGROUND PAPERS

1.97 Background papers can be viewed by the 'attachments' on the following public access page: [Hartlepool Borough Council | Regeneration and Planning](#)

1.98 Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

1.99 The Hornsea Three Offshore Wind Farm Order 2020 can be viewed:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003266-EN010080%20Hornsea%20Three%20-%20Development%20Consent%20Order.pdf>

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