

# PLANNING COMMITTEE

## AGENDA



**Wednesday 12 March 2025**

**at 10.00am**

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

### MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy (VC), Darby, Feeney (C), Jorgeson, Little, Martin-Wells, Oliver, Scarborough, Sharp, Thompson and Young.

#### 1. APOLOGIES FOR ABSENCE

#### 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

#### 3. MINUTES

- 3.1 To approve the minutes of the meeting held on 18 December 2024.
- 3.2 To approve the minutes of the meeting held on 5 February 2025

#### 4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Neighbourhood Services)*

- 1. H/2022/0423 Land at Whelly Hill Farm, Worset Lane (page 1)
- 2. H/2023/0368 Land to the East of Hart Lane (Hart Reservoirs) (page 95)
- 3. H/2024/0194 28 Westbourne Road (page 187)
- 4. H/2024/0317 3 The Paddock, Church Street, Seaton Carew (page 215)
- 5. H/2024/0075 Tesco Express, Wiltshire Way (page 237)
- 6. H/2023/0031 Land at Worset Lane (page 251)

#### 5. ITEMS FOR INFORMATION

- 5.1 Update on enforcement actions – *Assistant Director (Neighbourhood Services)*

#### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

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

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

- 5.2 Planning appeal at H. Tones Storage Yard, Oxford Road - *Assistant Director (Neighbourhood Services)*
- 5.3 Planning Appeal at land North of Duchy Homes - *Assistant Director (Neighbourhood Services)*
- 5.4 Planning Appeal at Low Throston House, Netherby Gate - *Assistant Director (Neighbourhood Services)*

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

**7. FOR INFORMATION**

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

**FOR INFORMATION**

Date of next meeting – Wednesday 9 April at 5.00pm in the Civic Centre, Hartlepool



# PLANNING COMMITTEE

## MINUTES AND DECISION RECORD

### 18<sup>th</sup> December 2024

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

#### Present:

Councillor Tom Feeney (In the Chair)

Councillors: Moss Boddy, Michael Jorgeson, Sue Little, Andrew Martin-Wells, Karen Oliver, Martin Scarborough and Carole Thompson

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Jim Ferguson, Planning and Development Manager  
Sarah Scarr, Coast, Countryside and Heritage Manager  
Peter Frost, Highways, Traffic and Transport Team Leader  
Daniel James, Planning (DC) Team Leader  
Helen Smith, Planning Policy Team Leader  
Ami Capper, Senior Planning Officer  
Scott Watson, Arboricultural Officer  
Kieran Campbell, Senior Planning Officer  
Chris Scaife, Countryside Access Officer  
Umi Filby, Legal Advisor  
Jo Stubbs, Democratic Services Officer

#### 52. Apologies for Absence

Apologies were submitted by Councillors Cameron Sharp and Mike Young.

#### 53. Declarations of interest by members

None

#### 54. Planning Applications (Assistant Director, Neighbourhood Services)

**Number:** H/2024/0203

**Applicant:** PERSIMMON HOMES

**Agent:** Persimmon Homes (Teesside) Miss Hall Radcliffe Crescent Thornaby Stockton on Tees

<b>Date received:</b>	09/08/2024
<b>Development:</b>	Approval of all reserved matters for the erection of 316 dwellings with associated infrastructure pursuant of outline planning permission H/2014/0405 (Full planning application for demolition of buildings, construction of 144 dwellings (C3), construction of accesses to Stockton Road and Brierton Lane, roads, bridge with associated structures and associated earthworks, drainage features, public open space, landscaping, ecological works, electrical sub stations, vehicular circulation, pumping stations and infrastructure. Outline planning application for construction of up to 1,116 dwellings (C3), public house/restaurant (Sui Generis/Use Class E) 500sqm, retail units (Use Class E) 1,999 sqm, primary school (Use Class F.1), medical centre (300sqm), public open space, playing fields (including changing facilities), play spaces, drainage features, landscaping and ecological works, earthworks, electrical sub stations, pumping stations, car parking and vehicle and pedestrian circulation).
<b>Location:</b>	LAND BETWEEN A689 AND BRIERTON LANE SOUTH WEST EXTENSION

This application was recommended for approval.

The Legal Advisor referred to a document which had been sent to members by the applicant. She clarified that lobbying was allowed under the planning code of conduct but this did not mean that members had predetermined their decision and they should hear all of the relevant arguments and all relevant information to be in a position to reach their decision.

The Senior Planning Officer reminded members that this was a decision regards the details of the site and hybrid planning approval had already been given. Matters previously agreed could not be revisited. He advised that since the report was written the NPPF had been updated, whilst revised paragraph numbers were referenced, this did not affect the recommendation. A member queried whether the primary roads would be in place prior to the overall development. The Planning and Development Manager confirmed that the main road into the estate had already been approved and a condition was proposed that required all roads to be completed to a standard acceptable to the Highways Department. However the final surface would not be in place until construction of the development had been completed.

A member queried how drivers would be able to turn right out of the estate given the fast moving nature of the A689. The Highways, Traffic and Transport Team Leader advised the turn would be signalised. Information was requested on the connectivity of the estate to Brierton Lane and Owton Manor Lane. The Planning and Development Manager advised this was phase one

and no link was proposed in this or the overall hybrid application (this was though an aspiration for the future) . The hybrid permission included conditions requiring improvements to existing highway infrastructure should certain triggers be met.

A member was concerned that there might be risk of flooding in the area. The Planning and Development Manager advised that the development would incorporate measures to manage surface water including SuDs and with Greatham Beck being given additional capacity through flood shelving.

A member queried what percentage of the properties would be affordable. The Planning Policy Team Leader advised that 12% of the properties on site would be affordable. While developers would ordinarily be asked for 18% in this case the developer had agreed to provide other infrastructure funding including a school site and roundabout improvement. The 12% would equate to 121 properties.

A member queried why only 2 bungalows had been included. The Planning Policy Team Leader acknowledged this was a low number but developments did not have a target number. There were 42 apartments.

The Agent, Alice Hall, was present and addressed the Committee. She urged members to endorse the officer recommendation which would deliver a £2 million investment. This was the first phase of a major strategic allocation which would provide adaptable and accessible high quality homes. Street names would be reflective of local history and information boards would be erected with historical detail. Local people would be employed to assist in the building process. Properties would initially have a boiler but were intended to follow an energy transition, hopefully by December 2027. The management company would be responsible for landscaping maintenance and there would be conditions in place that required this.

A member raised concerns about landscaping maintenance issues on Bishop Cuthbert which Persimmon were involved in. The Assistant Director was aware of these issues on another site and noted there was a plan to address these. He also highlighted that as Persimmon was the only developer on this site it would be easier to address in this case.

A member asked how quickly transport links into the town centre would be in place. The Planning and Development Manager confirmed that there was a legal obligation secured through the hybrid application for a supported bus service to be provided by Persimmon when the 51<sup>st</sup> dwelling was occupied in place. Eventually this was expected to be commercially viable and not requiring support from the developer.

A member requested whether the developers intended to use apprenticeships as part of the building process. The Agent confirmed this was part of the 106 agreement and Persimmon already had an apprentice programme with Newcastle College to facilitate this.

Councillor Michael Jorgeson moved that this application be approved as per the officer recommendation. This was seconded by Councillor Tom Feeney. It was noted that Councillor Moss Boddy had arrived during consideration of this application, he therefore did not participate in the vote. A recorded vote was taken.

Those for – Councillors Tom Feeney, Michael Jorgeson, Sue Little, Andrew Martin-Wells, Karen Oliver, Martin Scarborough and Carole Thompson

Those against – None

Those abstaining – None

This application was therefore approved unanimously.

**Decision: Reserved Matters Approved**

## **CONDITIONS AND REASONS**

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;  
HRT-SWE-PH1-000 Rev A (Location Plan) and CTC- E-SS-0010\_R2-1\_1 of 1 (substation General Arrangement) both received by the Local Planning Authority 24/06/2024;  
HRT-SWE-ENG-250 (Tree/Hedge Clearance) and ARB/AE/2840/TpP (Tree Protection Plan 'Appendix 7') within Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement by Elliott Consultancy Ltd, dated September 2024, received by the Local Planning Authority 26/11/2024;

146805/8002 Rev D (Landscape Softworks: Sheet 1 of 18)

146805/8003 Rev D (Landscape Softworks: Sheet 2 of 18)

146805/8004 Rev D (Landscape Softworks: Sheet 3 of 18)

146805/8005 Rev D (Landscape Softworks: Sheet 4 of 18)

146805/8006 Rev D (Landscape Softworks: Sheet 5 of 18)

146805/8007 Rev D (Landscape Softworks: Sheet 6 of 18)

146805/8008 Rev D (Landscape Softworks: Sheet 7 of 18)

146805/8009 Rev D (Landscape Softworks: Sheet 8 of 18)

146805/8010 Rev D (Landscape Softworks: Sheet 9 of 18)

146805/8011 Rev D (Landscape Softworks: Sheet 10 of 18)

146805/8012 Rev D (Landscape Softworks: Sheet 11 of 18)

146805/8013 Rev D (Landscape Softworks: Sheet 12 of 18)

146805/8014 Rev D (Landscape Softworks: Sheet 13 of 18)

146805/8015 Rev D (Landscape Softworks: Sheet 14 of 18)

146805/8016 Rev D (Landscape Softworks: Sheet 15 of 18)

146805/8017 Rev D (Landscape Softworks: Sheet 16 of 18)

146805/8018 Rev D (Landscape Softworks: Sheet 17 of 18)

146805/8019 Rev D (Landscape Softworks: Sheet 18 of 18)

All received by the Local Planning Authority 05/11/2024;

We\_MA\_End\_R21G\_401 Rev B (Proposed Elevations)  
Wentwood\_MA\_End\_R21G\_201 Rev B (Proposed Floor Plans)

Hd\_MA\_End\_R21G\_401 Rev D (Proposed Elevations)  
Hd\_MA\_End\_R21G\_201 Rev E (Proposed Ground Floor Plan)  
Hd\_MA\_End\_R21G\_210 Rev D (Proposed First Floor Plan)

Hd\_MA\_Mid\_R21G\_401 Rev E (Proposed Elevations)  
Hd\_MA\_Mid\_R21G\_201 Rev E (Proposed Ground Floor Plan)  
Hd\_MA\_Mid\_R21G\_210 Rev D (Proposed First Floor Plan)

Wa\_MA\_End\_R21G\_401 Rev D (Proposed Elevations)  
Wa\_MA\_End\_R21G\_201 Rev D (Proposed Ground Floor Plan)  
Wa\_MA\_End\_R21G\_210 Rev C (Proposed First Floor Plan)

Wa\_MA\_Mid\_R21G\_401 Rev C (Proposed Elevations)  
Wa\_MA\_Mid\_R21G\_201 Rev C (Proposed Ground Floor Plan)  
Wa\_MA\_Mid\_R21G\_210 Rev B (Proposed First Floor Plan)

Ga\_MA\_Sem\_R21G\_401 Rev E (Proposed Elevations)  
Ga\_MA\_Sem\_R21G\_201 Rev C (Proposed Ground Floor Plan)  
Ga\_MA\_Sem\_R21G\_210 Rev B (Proposed First Floor Plan)

Ga\_MA\_Mid\_R21G\_401 Rev D (Proposed Elevations)

Kg\_MA\_Det\_R21G\_401 Rev E (Proposed Elevations)  
Kg\_MA\_Det\_R21G\_201 Rev C (Proposed Ground Floor Plan)  
Kg\_MA\_Det\_R21G\_210 Rev C (Proposed First Floor Plan)

Kg\_MA\_End\_R21G\_401 Rev E (Proposed Elevations)  
Kg\_MA\_End\_R21G\_201 Rev C (Proposed Ground Floor Plan)  
Kg\_MA\_End\_R21G\_210 Rev C (Proposed First Floor Plan)

Kg\_MA\_End\_R21G\_410 Rev E (Kingley Village Elevations)

Sh\_MA\_Det\_R21G\_401 Rev G (Proposed Elevations)  
Sh\_MA\_Det\_R21G\_291 Rev E (Proposed Ground Floor Plan)  
Sh\_MA\_Det\_R21G\_210 Rev D (Proposed First Floor Plan)  
Ba\_MA\_Det\_R21G\_401 Rev A (Proposed Elevations)  
Ba\_MA\_Det\_R21G\_201 (Proposed Ground Floor Plan)  
Ba\_MA\_Det\_R21G\_210 (Proposed First Floor Plan)

Ba\_MA\_Det\_R21G\_402 Rev A (Barndale Render Elevation)

Cd\_MA\_Det\_R21G\_401 (Proposed Elevations)  
Cd\_MA\_Det\_R21G\_201 (Proposed Ground Floor Plan)  
Cd\_MA\_Det\_R21G\_210 (Proposed First Floor Plan)

Br\_MA\_Mid\_R21G\_401 Rev C (Proposed Elevations)

Sa\_MA\_End\_R21G - 401 Rev F (Proposed Elevations)  
Sa\_MA\_End\_R21G - 201 Rev F (Proposed Ground Floor Plan)  
Sa\_MA\_End\_R21G - 210 Rev C (Proposed First Floor Plan)  
Sa\_MA\_End\_R21G - 220 Rev D (Proposed Second Floor)

Bu\_MA\_Det\_R21G - 401 Rev D (Proposed Elevations)  
Bu\_MA\_Det\_R21G - 201 Rev D (Proposed Ground Floor Plan)  
Bu\_MA\_Det\_R21G - 210 Rev C (Proposed First Floor Plan)

Bu\_MA\_Det\_R21G - 410 Rev D (Burnham Village Elevation)

An\_MA\_Mid\_R21G - 401 Rev F (Proposed Elevations)  
An\_MA\_Mid\_R21G - 201 Rev C (Proposed Ground Floor Plan)  
An\_MA\_Mid\_R21G - 210 Rev C (Proposed First Floor Plan)  
An\_MA\_Mid\_R21G - 220 Rev C (Proposed Second Floor Plan)

An\_FG\_MA\_End\_R21G - 201 Rev E (Proposed Ground Floor Plan)  
An\_FG\_MA\_End\_R21G - 210 Rev B (Proposed First Floor Plan)  
An\_FG\_MA\_End\_R21G - 220 Rev B (Proposed Second Floor Plan)

An\_MA\_End\_R21G - 401 Rev G (Proposed Elevations)  
An\_MA\_End\_R21G - 201 Rev E (Proposed Ground Floor Plan)  
An\_MA\_End\_R21G - 210 Rev C (Proposed First Floor Plan)  
An\_MA\_End\_R21G - 220 Rev C (Proposed Second Floor Plan)

Ke\_MA\_End\_R21G - 401 Rev D (Proposed Elevations)  
Ke\_MA\_End\_R21G - 201 Rev F (Proposed Ground Floor Plan)  
Ke\_MA\_End\_R21G - 210 Rev D (Proposed First Floor Plan)  
Ke\_MA\_End\_R21G - 220 Rev D (Proposed Second Floor Plan)

Ke\_MA\_End\_R21G - 402 Rev D (Kennet Render Elevation)

Gw\_MA\_Det\_R21G - 401 Rev D (Proposed Elevations)  
Gw\_MA\_Det\_R21G - 201 Rev G (Proposed Ground Floor Plan)  
Gw\_MA\_Det\_R21G - 210 Rev G (Proposed First Floor Plan)  
Gw\_MA\_Det\_R21G - 220 Rev F (Proposed Second Floor Plan)

Gw\_MA\_Det\_R21G - 430 Rev C (Greenwood Render Elevation)  
Gw\_MA\_Det\_R21G - 402 Rev D (Greenwood Render Elevation)  
Gw\_MA\_Det\_R21G - 410 Rev D (Greenwood Village Elevation)

Ma\_MA\_Det\_R21G - 401 Rev D (Proposed Elevations)  
Ma\_MA\_Det\_R21G - 201 Rev C (Proposed Ground Floor Plan)  
Ma\_MA\_Det\_R21G - 210 Rev E (Proposed First Floor Plan)

Bt\_MA\_Det\_R21G - 401 - Rev F (Proposed Elevations)  
Bt\_MA\_Det\_R21G - 201 Rev G (Proposed Ground Floor Plan)  
Bt\_MA\_Det\_R21G - 210 Rev D (Proposed First Floor Plan)

Bt\_MA\_Det\_R21G - 410 Rev F (Brampton Village Elevation)  
 Bt\_MA\_Det\_R21G - 402 Rev F (Brampton Render Elevation)

Bs\_MA\_Det\_R21G - 401 - Rev G (Proposed Elevations)  
 Bs\_MA\_Det\_R21G - 201 Rev F (Proposed Ground Floor Plan)  
 Bs\_MA\_Det\_R21G - 210 Rev B (Proposed First Floor Plan)  
 Bs\_MA\_Det\_R21G - 220 Rev D (Proposed Second Floor Plan)

APT - GMW - WD - 01 (Apartment Elevations/Floor Plans)

Sf\_Trad\_End\_R21G - 010 (Stapleford Elevations)  
 Sf\_Trad\_End\_R21G - 201 Rev B (Proposed Ground Floor Plan)  
 Sf\_Trad\_End\_R21G - 210 Rev B (Proposed First Floor Plan)  
 Sf\_Trad\_End\_R21G - 220 Rev B (Proposed Second Floor Plan)  
 all received 08/11/2024 by the Local Planning Authority;

HRT-SWE-PH1-001 Rev AN (Planning Layout)  
 HRT-SWE-PH1-003 Rev R (Materials Layout)  
 HRT-SWE-PH1-004 Rev Q (Boundary Layout)  
 Ga\_MA\_Mid\_R21G - 201 Rev B (Proposed Ground Floor Plan)  
 Ga\_MA\_Mid\_R21G - 210 Rev B (Proposed First Floor Plan)  
 An\_FG\_MA\_End\_R21G - 401 Rev G (Proposed Elevations)  
 all received 03/12/2024 by the Local Planning Authority and;

Br\_MA\_Mid\_R21G - 201 Rev E (Proposed Ground Floor Plan)  
 Br\_MA\_Mid\_R21G - 210 Rev D (Proposed First Floor Plan)  
 Br\_MA\_Mid\_R21G - 220 Rev C (Proposed Second Floor Plan)  
 All received 17/12/2024 by the Local Planning Authority.

To define planning permission and for the avoidance of doubt.

2. Prior to the commencement of the development above ground level, a scheme for obscure glazing and restricted opening (max. 30 degrees) of the following proposed side facing windows (plot numbers as identified on plan HRT-SWE-PH1-001 Rev AN (Planning Layout) Received 08/11/2024 by the Local Planning Authority) shall first be first submitted to and approved in writing by the Local Planning Authority:

Haldon plots (first floor bathroom): 204, 205, 206, 207, 257, 258, 259, 269, 270 and 271;

Wareham plots (ground floor secondary lounge): 24, 25, 26, 27, 58, 59, 60, 61, 279, 280, 281, 282, 293, 294, 295 and 296;

Galloway plots (ground floor toilet and first floor bathroom): 5, 6, 7, 8, 202, 203, 208, 209, 238, 240, 245, 247, 253, 254, 260, 261, 304, 305, 306 and 307;

Kingley plots (first floor bathroom): 17, 37, 51, 52, 68, 117, 118, 136, 143, 166, 173, 176, 183, 189, 192, 196, 216, 217, 249 and 286;

Sherwood plots (ground floor hall & utility and first floor bathroom & landing): 12, 33, 43, 44, 50, 72, 75, 78, 81, 135, 144, 145, 175, 184, 185 and 308

Saunton plots (first floor bathroom): 9, 10, 13, 16, 18, 19, 20, 21, 45, 47, 111, 112, 113, 114, 147, 148, 151, 152, 210, 211, 214 and 215;

Burnham plots (first floor bathroom): 34, 39, 42, 49, 64, 67, 119, 123, 126, 133, 137, 142, 146, 156, 163, 167, 172, 182, 188, 195, 241, 244, 248, 255, 268, 277, 285, 292 and 315;

Ashdown plots (ground floor toilet, first and second floor bathroom): 22, 23, 30, 32, 53, 55, 82, 83, 84, 85, 91, 104, 128, 129, 130, 131, 168, 169, 170, 171, 262, 263, 266 and 267;

Kennet plots (ground floor toilet and first floor bathroom): 79, 80, 149, 150, 190, 191, 224, 225, 228, 229, 231, 232, 274, 275, 287, 288, 300, 301, 311 and 312;

Greenwood plots (ground floor hall & utility, first floor bathroom and landing and second floor stairwell): 2, 3, 40, 41, 62, 73, 74, 120, 121, 139, 140, 159, 160, 179, 180, 193, 198, 199, 220, 221, 222, 230, 234, 235, 242, 243, 252, 256, 273, 291, 302, 309, 310 and 314;

Marston plots (first floor bathroom): 35, 38, 65, 66, 110, 122, 127, 132, 138, 141, 157, 162, 178, 181, 187, 194, 278, 283 and 297;

Brampton plots (ground floor toilet and secondary lounge): 4, 28, 29, 36, 56, 57, 63, 109, 115, 158, 161, 164, 197, 212, 213, 218, 226, 227, 233, 236, 250, 251, 276, 284, 299, 313 and 316;

Brightstone plots (ground floor toilet and secondary living room): 70, 77, 201, 264 and 265;

Stapleton plots (east elevation ground floor secondary bedroom, first floor secondary bedroom & hall, and second floor secondary bedroom, bathroom and lounge): 106, 107 and 108.

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

To prevent overlooking in the interests of the privacy of future occupiers.

3. Notwithstanding the approved drawings, prior to the commencement of development, fully detailed drawings of the items listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details;
  - (i) A scheme to manage vehicular traffic over at least one of the crossing points over the north-south green spine, which includes the pedestrian / cycleway route.
  - (ii) Details of crossings over the north-south green spine and on pedestrian desire lines in the wider development. Note: Crossings should be designed with reference to tables 10.1 and 10.2 of LTN1/20 and be provided at regular intervals and on desire lines. Crossing point specification should also comply with the requirements set out in Inclusive Mobility 4.10 - 4.11.
  - (iii) Side road treatments. Note: All side roads should be designed to provide level crossings along the cycleways and footways as shown in figure 10.13 of LTN1/20.

To ensure a high standard of design of active travel infrastructure, reflecting current national guidance, is secured to prioritise pedestrians and cycle movements and address the needs of people with disabilities in accordance with paragraphs 114, 116 and 138 of the National Planning Policy Framework (December 2023).
4. Prior to the development commencing above ground level, details of the cycle provision for the apartment buildings (as shown on plan APT - GMW - WD - 01 Apartment Elevations/Floor Plans received by Local Planning Authority 08/11/2024) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum unless local cycle parking standards are greater. The development or any phase of the development, whichever is the sooner, shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.  
To promote the use of cycles and comply with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum.
5. Notwithstanding the submitted plans, all pedestrian / cycle paths within the development site shall have a hard bound surface, details /specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing above ground level. Thereafter, the development shall be carried out in accordance with the approved details.  
To ensure a high standard of design of active travel infrastructure, reflecting current national guidance, is secured to prioritise pedestrians and cycle movements and address the needs of people with disabilities in accordance with guidance contained within ""Inclusive Mobility"" and paragraphs 114 and 116 of the National Planning Policy Framework (December 2023).

6. Prior to above ground construction of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be carried out in accordance with the approved details and provision made prior to occupation or completion of any individual dwellings hereby approved (whichever is sooner).  
To ensure a satisfactory form of development.
7. Prior to occupation of the first dwelling, details associated with information boards to be located within the open space including location, materials, and associated board design shall be submitted to and approved in writing by the local Planning Authority. Thereafter, the agreed scheme shall be carried out in accordance with the approved details prior to occupation of the 150th dwelling hereby approved. In recognition of local heritage in the interests of education and historical reference.
8. Notwithstanding the submitted information/details, this permission does not approve the site levels or drainage, where the details of which are required to be approved by the relevant conditions on the planning permission (H/2014/0405).  
For the avoidance of doubt.

Members considered representations on this matter.

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<b>Number:</b>	H/2024/0164
<b>Applicant:</b>	MRS LILIANA CARTER CLIFTON AVENUE HARTLEPOOL
<b>Agent:</b>	MRS LILIANA CARTER 40 CLIFTON AVENUE HARTLEPOOL
<b>Date received:</b>	12/06/2024
<b>Development:</b>	Reinstate railings to wall coping stones at front and side, demolish existing east pillar to front boundary, widen vehicle access and rebuild east pillar with new cap stone, installation of cast iron gate to pedestrian access and renewal of copings
<b>Location:</b>	40 CLIFTON AVENUE HARTLEPOOL

The Planning (DC)Team Leader advised that since the report was written the NPPF had been updated, whilst revised paragraph numbers were referenced, this did not affect the recommendation. This application was recommended for refusal. There were concerns that the proposed railings were too high and

the public benefit would not outweigh the harm that would be caused to the character and appearance of the conservation area.

A member queried how many different varieties of frontages there were in the conservation area and what relevance the material used for the fencing had. The Planning Team Leader did not have information regarding the different frontages in the area but felt this was immaterial as members were being asked to consider the application in front of them only. The member disagreed and felt that if a number of properties did not meet these requirements then the nature of the conservation area had already been impacted. The Coast, Countryside and Heritage Manager noted that a number of these properties had been developed prior to the establishment of the conservation area. Restoration to the original detail was always encouraged. The member felt officers were trying to impose rigidity and demolish individual character. The Planning and Development Manager put forward that in this case the key was to preserve and enhance the Victorian character of the conservation area not to fit in with modern alterations .

A member queried whether the height of the proposed railings could be reduced and was informed that the applicant was so far not willing to do this.

The applicant, John Carter, was present and addressed the committee. They had purchased the property at auction in February 2023 but had been unable to properly secure the perimeter due to the lack of fencing. This had resulted in a number of calls to the police. They had researched original and modern replica railings and felt those proposed were acceptable particularly given that the original materials were not available for purchase in the UK. Many properties in the conservation area had higher railings. In terms of the query around reducing the height of the railings the material was quite difficult to handle and not easy to weld. He felt to reduce the height would not look appropriate for the area. He confirmed that they had been aware that the property was in a conservation area when it was purchased and had sought advice regards the railings prior to purchase but this had not been forthcoming. The neighbours were supportive of the application.

Councillor Martin Scarborough became aware that a person connected to the development was a personal friend of his. This was not considered to be an interest that would mean that he was unable to participate in the decision making.

Councillor Moss Boddy moved that this application be approved against the officer recommendation. This was seconded by Councillor Michael Jorgeson.

A member commended Mr Carter for purchasing the property and trying to make improvements. However she also noted that officers were saying this application was not appropriate in terms of its impact on the conservation area. She felt the railings could be made smaller and was concerned that members had been given officer advice but not taken it.

Mr Carter had previously advised that he had not seen a copy of the report prior to the meeting. The Assistant Director indicated that it was standard practice to make papers publicly available 1 week prior to the meeting. Failure to do this appeared to be an administrative error and not deliberate.

A recorded vote was taken.

Those for – Councillors Moss Boddy, Tom Feeney, Michael Jorgeson, Sue Little, Andrew Martin-Wells, Martin Scarborough and Carole Thompson

Those against – Karen Oliver

Those abstaining – None

This application was therefore approved by a majority.

Members clarified that they had departed from the officer recommendation as they felt it would not cause significant harm to the conservation area and might in fact add character as per the response from the Hartlepool Civic Society.

**Decision:** **Planning Permission Approved with planning conditions delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee.**

Members considered representations on this matter.

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## **55. Planning appeal at Storage land, Tones Workshop, Oxford Road, Hartlepool** (Assistant Director (Neighbourhood Services))

Members were advised that an appeal had been submitted against the Council's decision to refuse a planning application for the installation of a roller shutter door and creation of access and dropped kerb in October 2024. An enforcement notice had been issued in November regarding the retrospective works that had been already carried out.

### **Decision**

That the report be noted

The meeting concluded at 11.25am.

**CHAIR**

# PLANNING COMMITTEE

## MINUTES AND DECISION RECORD

### 5<sup>th</sup> February 2025

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

#### Present:

Councillor Tom Feeney (In the Chair)

Councillors: Rob Darby, Michael Jorgeson, Sue Little, Andrew Martin-Wells, Cameron Sharp and Carole Thompson

Also Present: In accordance with Council Procedure Rule 4.2 Councillor Matthew Dodds was in attendance as substitute for Councillor Moss Boddy and Councillor Phil Holbrook was in attendance as substitute for Councillor Karen Oliver

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services  
Sarah Scarr, Coast, Countryside and Heritage Manager  
Peter Frost, Highways, Traffic and Transport Team Leader  
Daniel James, Planning (DC) Team Leader  
Helen Smith, Planning Policy Team Leader  
Chris Scaife, Countryside Access Officer  
Stephanie Bell, Senior Planning Officer

Umi Filby, Principal Property, Planning and Commercial  
Solicitor  
Jo Stubbs, Democratic Services Officer

#### 56. Apologies for Absence

Apologies were submitted by Councillors Moss Boddy, Karen Oliver, Martin Scarborough and Mike Young.

#### 57. Declarations of interest by members

None

#### 58. Minutes of the meeting held on 4 December 2024

Minutes confirmed

## 59. Planning Applications (Assistant Director, Neighbourhood Services)

<b>Number:</b>	H/2022/0423
<b>Applicant:</b>	MS EMMA HARDING GRIDSERVE SUSTAINABLE ENERGY LTD
<b>Agent:</b>	ARUP NIA ROBERTS 4 PIERHEAD STREET CARDIFF
<b>Date received:</b>	10/03/2023
<b>Development:</b>	Erection of a Solar Electric Forecourt with ancillary commercial uses, and associated electrical infrastructure, a solar photo voltaic (PV) farm, energy storage, new access, car parking, landscaping and associated works.
<b>Location:</b>	LAND AT WHELLY HILL FARM WORSET LANE HARTLEPOOL

The Chair proposed that this item be deferred for a site visit due to concerns around traffic and highway safety in terms of the proposed right turn. This was seconded by Councillor Michael Jorgeson. Members approved this unanimously by a show of hands.

<b>Decision:</b>	Deferred for a site visit
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<b>Number:</b>	H/2024/0210
<b>Applicant:</b>	MR MRS JONATHAN NOBLE MIDDLEGATE HEADLAND HARTLEPOOL
<b>Agent:</b>	S J R ARCHITECTURAL & INTERIOR DESIGNERS MR DAVID JOHNSON W2 THE INNOVATION CENTRE VENTURE COURT HARTLEPOOL
<b>Date received:</b>	26/07/2024
<b>Development:</b>	Erection of 1no. detached dwelling house and detached garage/annex
<b>Location:</b>	LAND ADJACENT TO MANOR FARM DENE GARTH DALTON PIERCY HARTLEPOOL

This application was recommended for approval.

Jonathan Noble, the applicant, attended the meeting and addressed members. He explained that this site already has planning permission but this application was intended to move the dwelling half a meter and the garage building has been moved back. This was also shorter than the existing proposal. The planning officers were happy with the amendments and none of the original objectors had made comment. Efforts would be made to retain as much of the original wall as possible and the existing tree would be protected with a protection zone.

Mr Grylls spoke against the application. He indicated that the property in question is located between a Grade 2 listed building and a locally listed building near to the village green and approval would result in the demolition of a large part of the original wall which was in breach of contract. This would result in harm to the local landscape. He had concerns regards the privacy of his property which would be overlooked and overshadowed. There would be issues with accessibility to his property for any repairs and the excavations would impact the gable wall and integrity of the neighbouring properties. While he had no problem with the development he had concerns around the construction process and impact of neighbouring properties. He also felt that the proposed dwelling was dominant and out of context and raised further concerns that the garage might be used as another dwelling in future. He asked that more detailed plans and a proper structural engineer report be provided.

A member asked what protections were in place to prevent the applicant converting the garage to a second dwelling. The Planning Team Leader confirmed that a condition would be put in place to ensure the garage remains incidental to the main dwelling. To change this to a separate dwelling would need planning permission.

A member asked what the materials used would be and if it would be in keeping or if they would be modern. The Senior Planning Officer confirmed the materials used would be secured by a planning condition and it was anticipated that appropriate materials would be used.

A member queried the impact the development would have on wildlife such as bats and birds. The Planning Team Leader advised that the Council's ecologist had raised no objections that the Council's arboriculturist had carried out an assessment and special tree protection measures would be implemented during construction.

Councillor Carole Thompson moved that this application be approved as per the officer recommendation. This was seconded by Councillor Sue Little. A recorded vote was taken.

Those for – Councillors Matthew Dodds, Rob Darby, Tom Feeney, Michael Jorgeson, Sue Little, Andrew Martin-Wells, Phil Holbrook, Cameron Sharp and Carole Thompson

Those against – None

Those abstaining – None

This application was therefore approved unanimously.

**Decision:**

**Planning Permission Approved**

## **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Location Plan (scale 1:1250) received by the Local Planning Authority on 3rd July 2024; Dwg. No. 06 Rev B (Existing & Proposed Block Plans, scale 1:500), Dwg. No. 03 Rev C (Proposed Ground & First Floor Plans), Dwg. No. 08 Rev A (Proposed Garage Floor Plans), Dwg. No. 07 Rev A (Proposed Garage Elevations), received by the Local Planning Authority on 30th September 2024; Dwg. No. 04 Rev D (Proposed Elevations) and Dwg. No. 05 Rev B (Proposed Street Scene) received by the Local Planning Authority on 25th November 2024.  
For the avoidance of doubt.
3. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for protection of the existing stone walls to the southern boundary, as shown on Dwg. No. 05 Rev B (Proposed Street Scene, received by the Local Planning Authority on 25th November 2024) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site and retained for the duration of the construction period.  
In order to ensure that the historic interest of this feature is retained and in the interest of the visual amenity of the area.
4. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures as detailed on Dwg. No. AMS-TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated, received by the Local Planning Authority on 10th September 2024) shall be implemented on site (and thereafter retained until the completion of the development). Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any retained trees that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such size and species as

may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the existing trees and the visual amenity of the area

5. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on visual and neighbour amenity in accordance with Policy QP4 of the Hartlepool Local Plan (2018).

6. Prior to the commencement of development above ground level (excluding any demolition or site clearance), a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. If draining via soakaway, a suitable assessment of ground conditions, including infiltration rates, shall be provided as well as calculations demonstrating appropriate safety factors and half-drain times.

Thereafter the development shall take place in accordance with the approved details.

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

7. 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 it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

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

8. Notwithstanding the submitted information and prior to the commencement of works above ground level, full details of a minimum of 2no. integral bat roosting box bricks (suitable for crevice roosting bats) and 2no. integral bird nesting bricks to be installed in a south or

east facing sides of the buildings hereby approved at a height of a minimum of 3m (including the exact location, specification and design) shall be submitted to and approved in writing by the Local Planning Authority. The bat roost bricks and bird nesting bricks shall be installed prior to the first occupation of the development or completion of the development (whichever is the sooner). The bat roost bricks and bird nesting bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter for the lifetime of the development.

To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.

9. Prior to the above ground construction of development hereby approved, a scheme for the provision, long term maintenance and management of all soft landscaping and a scheme for tree planting within the site shall be first submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the agreed scheme shall be provided in accordance with the approved details and timetable. All planting, seeding or turfing comprised in the approved details of landscaping of the development hereby approved shall be carried out in the first planting season following the first occupation or completion of the development hereby approved (whichever is the sooner). Any trees plants or shrubs which within a period of 5 years from the completion of the development, 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.
10. Prior to the above ground construction of the development hereby approved, final details of the vehicular access track connecting the application site to the public highway shall be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of construction, materials and colours. Thereafter, no part of the development hereby approved shall be occupied until the vehicular access connecting the application site to the public highway has been constructed to the satisfaction of the Local Planning Authority and in accordance with the layout and materials as in the agreed details prior to the completion or occupation (whichever is sooner) of the development hereby approved.  
To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers.
11. Notwithstanding the submitted information and prior to the above ground construction of the development hereby approved, final details of all hard surfaces, including all construction details, confirming materials, colours and finishes, shall be first submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development

shall be carried out in accordance with the agreed details prior to the completion or occupation (whichever is sooner) of the development hereby approved.

To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers.

12. Prior to the above ground construction of the development hereby approved, final details of all external finishing materials, confirming materials, colours and finishes and fixings, shall be first submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details prior to the completion or occupation (whichever is sooner) of the development hereby approved.

To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers.

13. Prior to the above ground construction of the development hereby approved, details of all means of enclosure, confirming materials, colours, finishes and fixings, shall be first submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details prior to the completion or occupation (whichever is sooner) of the development hereby approved.

To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers

14. No construction/building works or deliveries associated with the development hereby approved shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the development hereby approved shall be used solely for C3 use as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended) and for no other purpose or use (including any other use within the C3 Use Class) and the buildings shall not be extended, sub-divided, converted or externally altered in any manner.

To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development and to manage environmental impacts of the development.

16. The use of the ancillary accommodation (annex and garage) hereby approved shall remain incidental to the use of the dwellinghouse hereby approved. It shall not be used as a separate dwellinghouse (C3 Use Class), or for any other use.

For the avoidance of doubt.

17. The 2no. windows to be installed in the first floor western elevation of the off-shoot (serving a landing and a bathroom) of the two storey rear

extension hereby approved and as detailed on Dwg. No. 03 Rev C (Proposed Ground & First Floor Plans, received by the Local Planning Authority on 30th September 2024), shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent and the window openings limited to 30 degrees and once installed shall remain as such for lifetime of the development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.

In the interests of the privacy of neighbouring occupiers.

18. The dwelling hereby approved shall consist exclusively of a dwelling which is self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended). To ensure effective operation of Biodiversity Net Gain (Schedule 7A of the Town and Country Planning Act 1990) and to meet the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended).

Members considered representations in respect to this matter.

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<b>Number:</b>	H/2024/0377
<b>Applicant:</b>	HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD HARTLEPOOL
<b>Agent:</b>	HARTLEPOOL BOROUGH COUNCIL KELLY ARMSTRONG CIVIC CENTRE VICTORIA ROAD HARTLEPOOL
<b>Date received:</b>	06/12/2024
<b>Development:</b>	Section 73 application to vary planning condition 1 of planning permission H/2022/0333 (Provision of a temporary demountable classroom building) to extend temporary permission to 31/07/2026
<b>Location:</b>	KINGSLEY PRIMARY SCHOOL TAYBROOKE AVENUE HARTLEPOOL

This application was recommended for approval.

It was confirmed that Kingsley Primary School was a Council maintained school. The Applicant (HBC Strategic Children Commissioner) confirmed that this extension to the current permission was needed due to delays in the receipt of capital allocation funding following the 2024 change in Government. It was hoped that this would be received by the end of February. Should members refuse the application the children currently using the demountable would need to be relocated to the dining hall in the school building which would have an impact on PE lessons and lunchtimes.

Councillor Sue Little moved that this application be approved as per the officer recommendation. This was seconded by Councillor Andrew Martin-Wells. A recorded vote was taken.

Those for – Councillors Matthew Dodds, Rob Darby, Tom Feeney, Michael Jorgeson, Sue Little, Andrew Martin-Wells, Phil Holbrook, Cameron Sharp and Carole Thompson

Those against – None

Those abstaining – None

This application was therefore approved unanimously.

**Decision: Planning Permission Approved**

## **CONDITIONS AND REASONS**

1. The building hereby approved shall be removed from the site by 31/07/2026 and the land restored to its former condition in accordance with a scheme of work (and timetable) to be submitted to and approved in writing by the Local Planning Authority. The required scheme of work shall be submitted to the Local Planning Authority at least three months prior to the date that the building shall be removed from the site. Thereafter, the scheme of restoring the land shall be carried out in accordance with the agreed details and timetable. The building is not considered suitable for permanent retention on the site.
2. The development hereby approved shall be carried out in accordance with the following plans (and of planning approval H/2022/0333); TM220200849 (Proposed Block Plan at 1:200, including Location Plan at 1:1250) received by the Local Planning Authority on 12/09/2022; HD (Plan and Elevations - Double Classroom Block with toilets and kitchen sinks - 5 x UK093 Ultima Modules) received by the Local Planning Authority on 23/11/2022. For the avoidance of doubt.
3. The building hereby approved shall be carried out in accordance with the external finishing materials and specification as stipulated on plan HD (Plan and Elevations - Double Classroom Block with toilets and kitchen sinks - 5 x UK093 Ultima Modules) received by the Local Planning Authority on 23/11/2022. In the interests of the visual amenity of the surrounding area and for the avoidance of doubt.

Members considered representations in respect to this matter.

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**60. Development Management Performance – first and second quarter 2024-25** (*Assistant Director (Neighbourhood Services)*)

Members were updated on the performance of the Development Management Service for the first and second quarter of 2024/25. In the first quarter all major applications and county matters had been dealt with within the statutory periods or agreed time extensions while 96% of non-major applications had been dealt with within the statutory periods or agreed time extensions.

In the second quarter all major, and non-major applications had been dealt with within the statutory periods or agreed time extensions. There had been no county matters

Six appeals had been dismissed, none allowed. The authority's performance far exceeded current Government performance criteria in terms of the speed and quality of decision making.

**Decision**

That the report be noted

**61 Planning appeal at 117 York Road** (*Assistant Director (Neighbourhood Services)*)

Members were advised that a planning appeal has been submitted against the Council's decision to refuse a full planning application for change of use from a shop to a bar/nightclub, including alterations to a shop front, against officer recommendation at the Planning Committee meeting in November 2024.

**Decision**

That the report be noted

**62. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

Members were informed that an appeal made against the refusal of a decision relating to Tones Garage had been dismissed. Full details will be brought back to a future meeting.

The meeting concluded at 10:30am.

CHAIR

<b>187</b>	1.
<b>No:</b>	
<b>Number:</b>	H/2022/0423
<b>Applicant:</b>	MS EMMA HARDING
<b>Agent:</b>	ARUP EMMELINE BROOKS 4 PIERHEAD STREET CARDIFF
<b>Date valid:</b>	10/03/2023
<b>Development:</b>	Erection of a Solar Electric Forecourt with ancillary commercial uses, and associated electrical infrastructure, a solar photo voltaic (PV) farm, energy storage, new access, car parking, landscaping and associated works.
<b>Location:</b>	LAND AT WHELLY HILL FARM WORSET LANE HARTLEPOOL

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## 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.

1.2 The application was deferred at the planning committee meeting of 5<sup>th</sup> February to allow members to undertake a site visit. A number of planning conditions have also been updated to reflect those that were tabled before members at the previous planning committee meeting.

## BACKGROUND

1.3 The following planning history is relevant to the application site and its immediate surroundings:

HOUT/2001/0260 - Outline application for the erection of a petrol filling station with shop, hotel with public bar and restaurant. This application was not determined.

H/2020/0004 – EIA screening opinion in relation to the proposed development of solar farm and associated development. It was considered not to be development requiring an EIA.

### Current 'pending' applications (to the south of the A179):

1.4 H/2022/0470 - Installation and operation of a Grid Stability Facility consisting of Synchronous Compensators and associated Electrical Infrastructure, underground cabling, access tracks, drainage, temporary construction compounds, ancillary infrastructure and demolition of existing buildings. The application was considered at the planning committee of June 2024 and Members were ' minded to approve' the application subject to the completion of a S106 legal agreement, which has not been completed at the time of writing.

Determined applications (including screening opinions) on the land surrounding and adjacent to the application site, south of the A179:

1.5 H/2017/0287 – planning permission for a gas-powered electricity generator and related infrastructure, approved December 2017.

1.6 H/2018/0330 – planning permission for a Section 73 amendment for the variation of condition no.2 (approved plans) of Planning Permission Ref: H/2017/0287 to amend the approved layout including amendment to size and position of main building, amendment to position of dump radiators, reorientation of transformer, relocation of oil bulk tanks, shortening of access road, omission of 2no. parking bays and additional access details, approved November 2018.

1.7 H/2019/0208 – planning permission for the erection of a gas metering kiosk, 66kv electrical transformer, electricity metering kiosk, security fencing, acoustic fencing, mounding, hard and soft landscaping and associated works was granted in November 2019. This constitutes an eastward extension to the approved site at H/2017/0287.

1.8 H/2019/0386 – Environmental Impact Assessment (EIA) screening opinion in relation to the proposed development of solar farm and associated development, whilst the Council considered that the proposal would be EIA development, the Secretary of State did not consider the proposal is likely to have significant effects on the environment and determined it is not EIA development.

1.9 H/2020/0175 – planning permission was granted for a solar farm and associated development on 63ha of arable land to the south east (east of Worset Lane) in August 2021.

1.10 H/2020/0162 - Screening opinion request in respect of electric vehicle charging facility ('Solar Electric Forecourt'), including erection of a 2-storey 'central hub' building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure. It was considered not to be development requiring an EIA. It was considered not to be development requiring an EIA.

1.11 H/2021/0404 - Scoping opinion request in respect of electric vehicle charging facility (Solar Electric Forecourt), including erection of a 2-storey central hub; building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure, on a parcel of land beyond the A179 to the south of the application site. A scoping opinion (which provides advice on the scope of any Environmental Statement (for EIA development)) was issued in October 2021. This relates to current pending application H/2022/0423.

1.12 H/2022/0198 – EIA screening opinion in relation to the proposed development of a Battery Energy Storage System (BESS facility) to the south east (east of Worset Lane). It was considered not to be development requiring an EIA development.

1.13 H/2022/0263 – the proposed Battery Energy Storage System (BESS facility) to the south east (east of Worset Lane) was approved in January 2023.

1.14 H/2022/0459 – Proposed Construction, Operation and Maintenance of a Battery Energy Storage System (BESS) Facility and Associated Infrastructure was approved in December 2023.

1.15 H/2023/0041 – EIA Screening opinion in relation to the Installation and operation of a Grid Stability Facility consisting of Synchronous Compensators and associated Electrical Infrastructure, underground cabling, access tracks, drainage, temporary construction compounds, ancillary infrastructure and demolition of existing buildings. It was considered not to be development requiring an EIA development.

1.16 H/2024/0134 – Non-material amendment to planning permission H/2020/0175 for the installation of a solar farm. Approved 14/08/2024.

1.17 H/2023/0181 - Construction and operation of a gas powered standby electricity generator and related infrastructure. Approved 07/01/2025.

To the north of the application site (north of the A179):

1.18 H/2022/0302 - Erection of a Synchronous Condenser with ancillary infrastructure, and associated works including access and landscaping. Refused by the LPA in April 2023. The application was allowed at appeal, appeal decision date 12/02/2024.

1.19 H/2021/0311, H/2021/0312 & H/2021/0312 – planning permission was refused by the LPA for three applications for the erection of a substation and cables to the approved solar farm at Hulam and the refused solar farm at Sheraton (both within the DCC boundary), to the north and north west of the current application site on the opposite side of the A179. All three appeals were allowed, appeal decision date 06/12/2023.

## **PROPOSAL**

1.20 This application seeks full planning permission for the proposed erection of a solar electric forecourt with ancillary commercial uses, and associated electrical infrastructure, a solar photo voltaic (PV) farm, energy storage, new access, car parking, landscaping and associated works.

1.21 The proposals have been amended during the course of the application, as set out below, mainly in respect of the removal of solar panels on Whelly Hill and the provision of additional landscaping, primarily to the northern and western boundaries.

1.22 The proposals, in detail, are set out below;

### *Solar Electric Forecourt*

1.23 In detail, the proposed solar electric forecourt would comprise an area situated toward the northern extent of the application site, containing a total of 42no. electric vehicle charging points for cars and 3no. electric vehicle charging points for

HGVs, 15no. non-charging parking spaces of which 5no. are designated for staff, and 12no. cycle parking spaces; a canopy in the central section of the proposed solar electric forecourt, and a part two storey part single storey kiosk building toward the western extent.

1.24 The proposed kiosk building would measure approximately 25.5m in length by approximately 13.5m in width, with a flat roof height of approximately 4.2m. In the central section the proposed kiosk building would feature an additional storey measuring approximately 11.1m in length by approximately 7.6m in width, with a total height of approximately 5.7m. The buiding would comprise a copper and black panelling finish to the elevations at ground floor, with the two storey element of the building finishing in a 'moonstone' panelling to the elevations. The proposed building would feature a glass curtain wall to its east elevation and an area of 'living wall' on the southern elevation. The submitted Planning Statement indicates that the ground floor of the building would comprise a multi-functional commercial space (of approximately 241sqm) whilst the first floor section would be a plant room (of approximately 77sqm).

1.25 The proposed canopy would extend across a length of approximately 37.4m and a width of approximately 3.2m in the centre of the proposed solar electric forecourt. The proposed canopy would have a solar-panelled roof and would have a total height of approximately 5.3m, dropping to a height of approximately 4.5m. The proposed canopy would be set on 7no. steel posts.

1.26 The submitted information indicates that the proposed electric vehicle forecourt and kiosk would be open 24 hours a day.

1.27 The proposal includes the installation of a pedestrian footpath through the central section toward the proposed kiosk. At the eastern extent of the proposed solar forecourt is a proposed external seating area. The proposal includes the installation of lighting columns throughout the proposed solar electric forecourt.

1.28 To the rear of the proposed kiosk building, the proposals include the installation of a storage area, which comprises fenced off areas for storage (with no built structures), refuse storage, retail storage containers and cold storage.

1.29 The proposals include the installation of a close boarded timber fence with a height of approximately 3m between the proposed solar electric forecourt and infrastructure areas within the wider scheme, a metal railing fence with a height of approximately 2m between the proposed solar electric forecourt and the proposed solar farm, the installation of a knee rail with a height of approximately 0.6m within the canopy area of the site, and a timber post and rail fence around the remaining perimeter of the area. The proposals also include the installation of a section of retaining wall.

1.30 The proposals include the installation of a section of woodland planting to the northern boundary, and hedge planting to the eastern, southern and western boundaries. In the western extent the proposal includes a small pond and landscaped area.

### *Proposed Solar Farm*

1.31 In detail, the proposed solar farm would comprise ground mounted solar arrays, comprising up to 72,176 panels set on a metal framework, placed in rows across an area of approximately 82 hectares, with a separation of approximately 5m between rows. The maximum height of the solar array panels would be approximately 3m. Two sections of the proposed solar panel arrays would be located on a ‘gabion solution’, which comprises raised blocks with a height of approximately 0.4m. These sections would be situated toward the western extent of the overall layout and are understood to be required to account for a change in ground levels at that point in the site.

1.32 The submitted information states that the proposals constitute 100% renewable energy. The proposed electric vehicle charging forecourt, including the ancillary kiosk building and associated paraphernalia, would all be powered by solar energy from the proposed solar farm.

1.33 The submitted Cover Letter indicates that the amended solar farm “would generate up to 33,900MWh of power each year, or an output equivalent to the annual electrical requirements of approximately 10,300 average homes, or the ability to fully charge (from empty) 847,500 Electric Vehicles.”

1.34 The submitted Planning Statement explains that each solar panel is 600 watts peak (wp) at standard test conditions. The total output would be 43.3MWp.

1.35 The layout of the solar farm has been amended during the course of consideration of the application at the request of officers, to remove solar arrays on Whelly Hill, to create larger gaps between the sections of solar arrays, and to widen the buffer between the solar arrays and the boundaries with the main trunk roads of the A19 and A179.

### *Energy Storage and Ancillary Buildings*

1.36 The proposals include the siting of a customer substation and DNO (Distribution Network Operators) substation located close to the northern boundary in the north east section of the application site. This area would also include transformers and storage containers. To the east of this area would be a battery storage area.

1.37 The proposals include battery energy storage (BESS), comprising of 24no. containers measuring approximately 12.192m in length, approximately 2.4m in width and approximately 2.896m in height. These would be situated in linear rows of 4no. each in 6no. areas around the centre of the application site, linked by internal access roads. In each of these areas the proposals would include a monitoring box, power conditioning system (PCS), and a pump station. The submitted plans indicate that these buildings and structures would be finished in a green colour ('Holly Bush' in the British Standard Colours, colour 14C39).

1.38 The proposals include the siting of a temporary compound area, situated adjacent to the south of the customer and DNO substations the north east of the application site.

#### *Access and car parking*

1.39 The proposals include the installation of a new access from the A179 to serve the electric vehicle charging forecourt. The area of carriageway construction and associated widening of the road to facilitate the access would be taken from an existing field boundary approximately 400m to the west of the existing access road from the A179 to Whelly Hill Farm. The submitted Proposed Access Works plan indicates that the visibility splays would be approximately 4.5m (from the edge of the carriageway) x 215m.

1.40 The proposed solar farm itself would include an internal access road taking access from Worset Lane (to the east) and providing vehicular access to the proposed infrastructure, including the proposed Monitoring Box, GRP Pump Station, BESS, PCS, temporary site compound area, storage container, customer substation, DNO substation, Transformer, Battery Storage Area.

1.41 The proposals include the installation of a ‘Solar Farm Walk’, which is a circular route from the proposed forecourt extending around the rows of solar panels situated in the north western extent of the site. The submitted information indicates there would be an “opportunity to engage in exercise whilst being able to learn about solar renewable energy through information boards that would be provided along the route”.

1.42 The applicant indicates in the submitted Planning Statement that the proposed filling station has been designed to meet the demands of the electric vehicle market; that it has been conceived from extensive research into the limitations and frustrations with existing charging infrastructure; and that it will offer reliable, predominantly ultra-rapid EV charging supported by a range of ancillary services, designed to maximise the experience of charging and optimise the use of the associated dwell-time.

1.43 The submitted Construction Traffic Management Plan indicates that a temporary construction compound would be created at the northern boundary of the site with access from Worset Lane (to the east).

1.44 The submitted Transport Assessment indicates that the construction phase would be expected to last for 24 months, during which time peak numbers of vehicles are expected to include 48 vehicles per day, which would be expected to arrive at intervals throughout the working day, although the greatest volume of traffic movements would be during the first 18 months. The submitted Planning, Design and Access Statement indicates that once operational, traffic is expected to include, on average, approximately two visits per week.

### *Landscaping*

1.45 The application is accompanied by supporting Landscaping General Arrangement plans (as amended during the course of the application) which details a strategic planting of trees and scrub throughout the application site, to include sections close to the northern boundary of the site, sections along the western boundary of the site (bounding the A19 highway), enhancements to hedgerow planting along the southern boundary of the site, creation of a rough species rich grassland within the south east section of the site, creation of a wide habitat strip running diagonally through the central section of the site, and the partial reinstatement of field boundaries, grassland and hedgerows.

1.46 As noted above, the proposed landscaping has been amended during the course of consideration of the proposals, at the request of officers, to include more hedgerows and trees to be planted on the northern and western boundaries, more wildflower and rough species planting, and the creation of a skylark planting scheme on Whelly Hill.

### *EIA Regulations*

1.47 The proposed development would fall within Schedule 2 (3a Industrial installations for the production of electricity) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The application has been accompanied by an Environmental Statement (ES). In addition, reports submitted with the application include a Landscape and Visual Impact Assessment, a Transport Assessment, a Flood Risk & Drainage Assessment, a Geo Environmental Desk Report, a Planning Statement, a Design & Access Statement, a Statement of Community Involvement, Ecological Reports, Archaeological and Heritage Reports, a Security and Crime Prevention Statement, a Car Share Statement and an Arboricultural Impact Assessment. Addendum reports to the original ES were provided following the reduced scale of the solar farm during the course of the application.

1.48 The Environmental Information contained in the ES and the above information has been taken into account in reaching the recommendation outlined in this report.

1.49 The application has been referred to the Planning Committee as more than three objections have been received and it is considered to be a departure from the Hartlepool Local Plan, in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

1.50 The application site is an area of agricultural field measuring approximately 88.7 hectares. The application site is situated on land in the north-west of the borough, associated with Whelly Hill Farm, although the existing farmhouse is outwith the red line boundary of the application site for the current proposals. The application site is bounded on its northern side by the A179 trunk road, and on its western side by the A19 trunk road, and extends east to Worset Lane. To the southern boundary, the application site bounds further agricultural fields.

1.51 The application site is also situated to the west of the North Hartmoor National Grid substation, and there are other existing, extant permissions and proposed energy related development in the wider vicinity as described in the 'Background' section to this report.

1.52 Whelly Hill Farm is situated approximately 50m from the proposed development (at its closest point). It is of note that an application H/2022/0470 is minded to approve subject to the completion of a S106 legal agreement to demolish the farmstead and for the erection of a synchronous compensator development.

1.53 Hart Moor House is approximately 355m to the north (beyond the A179 trunk road), Tilery Farm is sited approximately 505m to the south east. The village of Hart is situated approximately 1km to the north east, with Nine Acres approximately 650m to the north east. The village of Elwick is located approximately 870m to the south.

1.54 The application site abounds Whelly Hill House Limestone Quarry Local Wildlife Site (LWS), which is adjacent to Whelly Hill Farmstead. Public footpaths run to the south east of the application site, including footpath Elwick No. 1 which runs from Elwick to Claypit Farm, at a distance of approximately 400m to the south east of the southern application site boundary. Public footpaths Elwick Nos. 6 and 8 are present beyond the A19 trunk road to the west.

1.55 The application site features a hill, Whelly Hill, whilst the remainder of the topography of the remainder of the application site is such that it is gently undulating, sloping from south to north and from west to east.

## PUBLICITY

1.56 The application was advertised by way of notification letters to 36 individual neighbouring properties and local ward councillors, site notice and press advert. To date, fifteen objections have been received.

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

- Industrial character of the proposal not suitable within a village or rural area
- Light pollution
- Advertising totems
- The village of Sheraton will be surrounded by solar farms
- Reduce house prices
- Destroying the habitat of local wildlife, for example deer fencing proposed
- Application falls outside development limits ("town planning boundary") and conflicts with a number of policies from the Local Development Framework
- The proposals would be highly visible from the A19, insufficient screening proposed and even if it was, it's doubtful it would successfully screen the proposals
- Only summer views considered

- An objector indicated that they were not consulted as a neighbour;
- Impacts on residential amenity
- Traffic – the A179 is too busy, access to the site is poor, busy Sheraton interchange
- 2 year construction period presents a significant traffic hazard
- Traffic Assessment is misleading and was undertaken during quiet period
- Over developed villages
- Industrial appearance with negative impact on visual amenity
- Cumulative effect – individual proposals just short of NSIP but together the effects are immense
- Brownfield land should be used for such developments
- Loss of prime agricultural land
- Impacts on 61% of food produced in the UK for UK residents
- Impact on historic character of a saxon village
- EV forecourt should be built at existing services on the A19 and charging should be near existing sustainable transport hubs e.g. train stations
- Impacts on tourism, recreation and cultural values
- Impacts from loss of landscape on mental and emotional wellbeing of residents of villages
- Long term economic benefits are questionable.

1.58 In addition, three responses of 'support' have been received. These include comments summarised as follows:

- The net zero future will require such infrastructure
- The proposals will provide sustainability to the area
- The proposals will result in the reduced reliance on fossil fuels
- EV are more environmentally friendly compared to gas powered vehicles
- Reduced air pollution
- Improved accessibility including disabled drivers
- Economic benefits including job creation and business opportunities
- Technology advancements - Innovation in clean energy
- Benefitting the community
- The proposal would position Hartlepool as a leader in sustainable infrastructure

1.59 During the course of consideration of the proposals, the applicant submitted additional site levels details and a photomontage to which bespoke consultation was undertaken with certain technical consultees only. An amended layout and amended landscaping plans were also received during the course of the application and a full re-consultation with neighbours and technical consultees undertaken.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155978>

1.61 The period for publicity has expired.

## CONSULTATIONS

1.62 The following consultation replies have been received:

**HBC Engineering Consultancy:** In response to your consultation on the above application we have no objection in principle in respect of surface water management or contaminated land. Please include our standard unexpected contamination condition and the surface water management 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.*

The applicant is advised that it is likely that the lowest practicable surface water flow restriction will be 3.5l/s achievable by means of vortex control. The attenuation basin design does not appear to accord with accepted dimensions as stated in the Tees Valley SuDS Design Guidance in respect of length to width ratio required to maximise treatment so some thought will be required to ensure suitable surface water treatment can occur. Furthermore, as it is proposed that highway drainage assets are to be utilised to drain the site it will be required that these assets are inspected, any necessary maintenance carried out and a commuted sum provided to fund a reasonable proportion of maintenance for the lifetime of the development.

Within agricultural land it is possible that land drainage assets may be encountered that may be susceptible to damage or need to be diverted, infilled, discontinued, etc. In this respect the applicant's attention is drawn to the Land Drainage Act 1991 section 23 whereby Hartlepool Borough Council's consent is required in its capacity as Lead Local Flood Authority prior to any modification to or interference with any of these drainage assets (Ordinary Watercourses) that may affect flow in those assets.

**HBC Ecology:** I have reviewed the Environmental Statement, Landscape and Ecological Management Plan (LEMP), Biodiversity Net Gain Report and Ecological Appraisal Report (EAR).

The Ecological Appraisal Report is informative and comprehensive and has supported the ‘Scoping-Out’ of ecological issues within the Environmental Statement (ES). Despite ecological issues being scoped-out, the Ecological Appraisal Report does present a range of mitigation issues to manage the impacts associated with the proposal on ecological resources. The document states, a range of ecological mitigation measures are required to be applied to ensure that the proposed development does not result in significant negative impacts on biodiversity. It could be argued that this would conclude that ecology should be ‘scoped-into’ the ES as there are potentially significant effects. However, the submission of the Ecological Appraisal Report does provide mitigation recommendations that can be used to determine the application.

Whilst the EAR is informative and comprehensive, I do have reservations regarding the assessment of some the impacts. The mitigation presented is too general and will require development and further clarity to agree conditions and implementation of the proposal. In addition, at this stage some of the conclusions and assumptions within the BNG Report and recommendations can be questioned. This information will need to be reviewed by the applicant as the detail will need to be conditioned should the application be successful.

HBCs pre-application guidance stated the following should be submitted with the application:

- Breeding Bird Survey (BBS)
- Preliminary Ecological Assessment Report
- Defra Biodiversity Metric 2.0
- Ecological Impact Assessment
- NPPF Biodiversity Enhancement

The pre-application guidance has been followed, with the BBS summarised in the EAR.

My concerns are summarised below.

#### Breeding / Nesting Birds

The EAR states that due to the adverse impact that the proposed development could have on local farmland breeding bird populations, habitat creation or enhancement works are likely to be necessary as an integral part of the proposed development.

The mitigation proposed includes:

- Restricting vegetation clearance to certain times of the year;
- Seeding strips of bird seed mix;
- Suitable mitigation is put in place, either on site or off site, for ground nesting farmland birds including skylark and lapwing, however this is not defined in the EAR.

The mitigation and compensation described in Sections 7.52-7.56 and 7.63 of the EAR is considered to be too general and lacking specific detail that will allow the recommended monitoring to determine that the mitigation has been effective. There is no detail provided specifically with regard to ground nesting farmland birds including skylark and lapwing (section 7.52) which will be excluded from the existing fields following the development. It is likely that this will require off-site mitigation, if

so then this will require agreement prior to determination and will need to be conditioned.

The exact dimensions of the seeding strips are not provided.

There is some inconsistency regarding the number of bird boxes. Figure 3 provides the location of only 4 bird boxes, the EAR states 5 boxes although the text in the Landscape and Ecology Management Plan (LEMP) states that there will be an installation of twenty-five bird boxes (including a mix of sparrow terraces, barn owl boxes, little owl boxes and assorted single-hole and open fronted boxes) to enhance nesting opportunities available to a range of bird species.

I do not accept the general statement that 'the change of habitat from intensive arable use to grassland should provide an overall benefit to wintering birds', the loss of farmland habitat will adversely affect certain species and the grassland is covered with solar panels which will limit how the area may be used by birds.

#### Great Crested Newt

It is understood that there are 2 ponds within 500m that have a confirmed (through eDNA) presence of Great Crested Newt. Only presence and absence surveys have been completed and distance has been used to determine the 'importance' of the ponds. No population size assessments have been completed. Breeding or 'resting' places have been used in the Great Crested Newt assessment, this is more related to a mammal rather than an amphibian and there is limited evidence to support the conclusions. For example the statement 'arable fields being sub-optimal in nature are unlikely to form important terrestrial habitat for GCN, and do not offer resting places' is very questionable. The detail of the assessment used to support this conclusion has not been provided. Has the availability of resting areas been actually measured? I do not accept that 'great crested newts will not be hibernating within the open arable fields'. Arable fields provide a generous supply of beetles and other invertebrates or food and the cracks and plough marks in the fields provide plentiful areas for refuge and over-wintering. This is supported by a range of published literature on the species.

I accept that habitat lost to the development will be limited and no ponds will be damaged or lost, however the impact of installing the solar panels (e.g. vehicle movements during installation and maintenance) has not been adequately considered in the assessment. The assessment assumes as the land was arable, there will be no newts. This is unlikely to be the case without knowledge of the population sizes of the local ponds and an improved assessment of how the newts are likely to utilise the surrounding landscape.

Mitigation covering other amphibians is not referenced (e.g. Common Toad). Salamander is mentioned in para 6.9. This species is not native and its relevance is not clear in the EAR.

The mitigation for Great Crested Newts is provided in Section 7.74 of the EAR. This includes a Non-licensed Method Statement for the southern boundary of the site. It should be noted that this approach would not permit the physical movement of newts

found during construction works and a licensed approach would be required under these circumstances to handle and move the newts.

A Great Crested Newt / Amphibian Mitigation Strategy should be developed and submitted separately to the LPA so that the detail can be agreed and conditioned appropriately. There are some conflicts stated in the bullet points, for example 7.74 states that the onsite habitats will be maintained in sub-optimal condition through regular grazing, cutting etc. to discourage amphibians from the proposed site, however this is likely to conflict with the desire to enhance the grassland (see comments on the BNG report).

### Reptiles

No field surveys have been completed for reptiles. The presence of lizards or snakes is not known and it is recommended that a Reptile Mitigation Strategy is prepared.

### Mammals

Deer fencing is proposed for security around the arrays and the site perimeter. This is stated in the Environmental Statement, but is not detailed in the EAR. The impact of this fencing on directing deer to other locations (including roads) has not been considered and may be detrimental.

The site was also considered to offer potential to support the following protected and/or notable species: badger, brown hare, harvest mouse. Precautionary Working Methods (PWMs) have been recommended to protect these species, but have not been submitted at this time. These shall be prepared and submitted to the LPA for review prior to the start of any works on site. This shall be conditioned.

### Construction Environmental Management Plan

The EAR makes reference to the preparation of a Construction Environmental Management Plan (CEMP). This shall be prepared and submitted to the LPA for review prior to the start of any works on site. This shall be conditioned.

### Biodiversity Net Gain

The proposed hybrid solar farm will occupy a total area of 87.82 ha. It will consist of a series of solar arrays with the modules it supports, optimally placed to maximise solar generation. The farm is presented in Appendix A (Landscape General Arrangement Plan). This plan provides the detail which is described in the Biodiversity Net Gain (BNG) Plan report. The BNG Plan presents a gain of 377.42 habitat (area) units, which equates to 206.76% net gain. This gain is based on the assumption that the existing cropland is developed as rough grassland (considered for the purposes of BNG to be other neutral grassland). This assumes 74.63 ha of the site is converted to other neutral grassland. All the new other neutral grassland is considered as moderate condition.

In addition, a gain of 11.91 hedgerow (linear) units, representing a 43.58% net gain is proposed.

Based on the guidance provided in Natural Capital Best Practice Guidance Increasing biodiversity at all stages of a solar farm's lifecycle (Solar Energy UK), whilst the land between the panels can be classified as other neutral grassland of moderate condition within the metric (where the site is formerly arable or pasture), the land directly under the panels is more variable. I would question whether the land directly below the panels can be managed to encourage a moderate condition e.g. it is not clear mowing can be undertaken with the panels in place and maintain the required floristic quality. In addition, as the land is likely to be nutrient rich, creation of neutral grassland would be challenging and I think a condition assessment of moderate is ambitious.

Further detail could be provided to support these assumptions, especially maintenance and dealing with the nutrient status of the fields. However, I request that the solar panel field is divided to reflect land between the panels, and that directly below the panels. The habitat and condition shall be reclassified accordingly. The BNG matrix should be recalculated to match this division. Justification for the selection of the conditions shall be stated in the BNG Report. I will need to develop specific conditions once the information has been updated. If you require further detail, please do not hesitate to contact me.

Update 4<sup>th</sup> March 2024 following receipt of additional visualisations and landscaping:

I have reviewed the following documents:

- Great Crested Newt Precautionary Non-Licenced Method Statement (Redacted)
- Biodiversity Net Gain Report (Redacted)
- Biodiversity Net Gain Metric Calculation (Redacted)
- Ecological Appraisal Report (Redacted)
- Ecological Appraisal Report - Figures Only
- Great Crested Newt Precautionary Non-Licenced Method Statement (Redacted)

This document is acceptable. There are no recommendations in this report, therefore the following conditions will be requested.

Condition 1

An Ecological Clerk of Works (ECoW) will be appointed by the developer or contractor to provide a watching brief as required during site works. The ECoW will be a suitably experienced ecologist and will hold, or be an Accredited Agent under, a valid Great Crested Newt (GCN) survey licence from Natural England.

The ECoW shall deliver a toolbox talk to the Site Manager and/or Site Supervisor and workers on site prior to commencement of work within the Great Crested Newt Risk Zone (GCNRZ). The toolbox talk will detail protection measures outlined within this Non-Licenced Method Statement required during construction. A record of this meeting and attendees shall be maintained by the ECoW.

Reason: To prevent harm to Great Crested Newts.

**Condition 2**

The GCNRZ will be subject to a walkover inspection by the ECoW prior to works commencing on site. This survey will be within 3 months of the start of any works, including vegetation clearance, on site.

Reason: To prevent harm to Great Crested Newts.

**Condition 3**

In accordance with the information submitted it is required that a minimum of 4 no. hibernacula are created across the site to provide long-term sheltering and hibernating opportunities for Great Crested Newts.

Reason: To enhance the land post-development for Great Crested Newts in line with the National Planning Policy Framework.

**Biodiversity Net Gain Report**

This document is now acceptable. The previous document stated that a gain of 377.42 habitat (area) units, which equates to 206.76% net gain could be achieved through this development, with an additional gain of 11.91 hedgerow (linear) units, representing a 43.58% net gain is proposed. The revised report concludes a net gain of 57.24 habitat (area) units, which equates to 32.13% net gain, and an additional gain of 11.88 hedgerow (linear) units.

This revised figure can be supported by the information provided.

Reason: To achieve the mandatory 10% BNG stated as part of The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 and The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

**Condition 4**

A BNG Management and Monitoring Report shall be submitted to the LPA to state how the Net Gain stated in the BNG Report (dated December 2023) shall be obtained.

**Condition 5**

The EAR makes reference to the preparation of a Construction Environmental Management Plan (CEMP). This shall be prepared and submitted to the LPA for review prior to the start of any works on site.

**Update 22/10/2024 following query regarding planning conditions:**

I did not mention the skylark plots as these were added after the recommendations and therefore it was not necessary to do so. I did state that the information was lacking in the earlier correspondence. However, the final documentation was adequate.

Condition 9 is long and detailed. I would recommend that it is broken into two, and I think this would be easier to discharge (i.e. funding mechanism and practical delivery – see below). I am concerned about (e), this details BNG which is not the same as enhancement / mitigation. Mitigation needs to be separated from the BNG. BNG

needs to be delivered through a separate condition. We should be clear what plan we mean - 'revisions/amendments of the plan'.

*Update 24/10/2024 following further query regarding conditions:*

I think everything is okay. Bar some minor clarifications, the conditions are good.

The next stage is the discharge of the conditions and the quality / comprehensiveness of the documentation. The conditions provide good guidance on how the documents should be prepared and the details to be included. We have stated that a qualified / experienced ecologist shall prepare these documents.

I think this is the best we can do.

*Update 15/01/2025 following discussion on conditions:*

No more comments on these conditions.

These are good.

**HBC Arboricultural Officer:** Although this application is on a large scale the application has a minimal arboricultural impact. The trees and hedges on site seem to have been a key consideration and constraint in the design process as they should be, but rarely are. The AIA provided by Treework Environmental Practice is a very comprehensive document that provides all the relevant information needed in terms of trees, hedges and the site. It is proposed to remove sections of hedging to the north of the site at A179 for access to the forecourt. Although this loss of hedges has an impact, it is deemed a small impact and is more than adequately mitigated through the proposed replanting within '3544-TLP-XX-XX-SP-L-90005 Outline Plant Schedule - Hartlepool Solar Farm' and the associated detailed plans. The trees on site are offered adequate protection through the TPP found within the AIA. Protection is offered with a mix of tree protection fencing and the original boundary fencing being used to create a construction exclusion zone around the RPA, this is deemed acceptable.

*Update 18/01/2024 following additional visualisations and landscaping:*

No additional comments to make from an arboricultural point of view.

**Natural England:** 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.

Natural England's further advice on Soils and Agricultural Land Quality and advice on other natural environment issues is set out below.

Hart Bog Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

#### Soils and Agricultural Land Quality

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan. From the description of the development this application is likely to affect 29.5 ha of BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations.

#### Summary of Natural England's Advice - No Objection

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. Natural England's further advice on Soils and Agricultural Land Quality and advice on other natural environment issues is set out below. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of BMV agricultural land.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that: 'Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. 'Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is

sufficiently large to consult Natural England. Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

In the absence of a soil management plan for the construction and restoration phases of the proposal, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Code of Practice for the Sustainable Use of Soils on Construction Sites. This also provides general guidance for protecting soils, e.g. in relation to handling or trafficking on soils in wet weather.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade). The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed. We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Other advice Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

*Update 25/01/2024 following amended layout to reduce the scale of the proposal:*

Natural England has previously commented on this proposal and made comments to the authority in our response dated 11/04/2023, reference number 427334.

The advice provided in our previous response applies equally to this amendment - although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

**HBC Landscape Architect:** While the VPs shown are acceptable, and as with the other A179 schemes between the A19 and Hart, cumulative impacts with other schemes are important. An assessment of the journey on the A179 as a key approach to the town should be provided.

*Update 25/01/2024 following internal discussion regarding the proposals and landscape and visual assessment details:*

Further to this morning's meeting please find below Landscape and visual Issues with regard to the above scheme:

- Confirmation of proposed site levels required, and clarification of 'Gabion solution',
- The sections appear to show that screening depends to large extent on roadside verge planting that is outside the red line boundary, and over which the applicant has no control. A comprehensive landscape scheme should be provided with the site. As a minimum this should be an appropriate landscape buffer (15m) the site boundaries.
- It would be informative to provide photomontages to VPs 1, 2 & 3 to demonstrate proposed mitigation at 0, 5 and 15 years.
- Details of fencing to be confirmed.

*Update 06/06/2024 following site levels and photomontages provided:*

Following meeting with the applicant, photomontages have been provided at additional viewpoints which are informative. Additional hedgerow planting has been provided as requested.

*Update 01/08/2024 following discussions with case officer:*

I think that any residual impacts (as demonstrated on the photomontages) would reduce over time (year 1-15) and be acceptable given the site context.

**HBC Traffic and Transport:** While having concerns regarding additional traffic on the A179 at this time, given the relatively small scale of the development we would be unable to sustain an objection to the application. I can therefore confirm that subject to the recommendations in the Safety Audit being followed the application is acceptable in highway terms.

Update 07/08/2024 following receipt of Road Safety Audit:

Thanks for the RSA. The developer should also provide a Stage 2/3 RSA this would need to be conditioned.

We would require the following conditions based on the RSA. Condition 4 does not relate to RSA but the developers aim to promote the use of public transport.

- 1) Detailed plan to be submitted and approved to the highway authority prior to the commencement of works which details all the road markings proposed for the right turn lane including double white lines, 'keep left arrows' and central hatching as detailed in 3.1.1 of the road safety Audit. The approved scheme should be implemented prior to the commencement of works.
- 2) Detailed plan to be submitted and approved to the highway authority prior to the commencement of works which details all the signing and lining required to extend the existing 40mph speed limit including the provision of red surface treatment with 40mph speed roundels as detailed in 3.1.1 of the RSA. The approved scheme should be implemented prior to the commencement of works. The speed limit will require an amendment to the Traffic Regulation Order which Durham County Council implemented. The costs of the amended order should be met by the developer.
- 3) Detailed plan to be submitted and approved to the highway authority prior to the commencement of works which details the refuge islands as detailed in 3.1.1 of the RSA. The refuge islands should be positioned to accommodate pedestrians crossing the A179 to access the bus stop and woodland walk area on the north side of the road. The approved scheme should be implemented prior to the commencement of works.
- 4) Detailed plan to be submitted and approved to the highway authority prior to the commencement of works which details the implementation of a bus stop on the westbound carriageway and improvements to the hard standing and implementation of low floor bus kerbs on the east bound stop. Appropriate pedestrian links should be made to connect the bus stops and the site. The approved scheme should be implemented prior to the commencement of works.
- 5) Detailed plans to be submitted and approved to the highway authority prior to the commencement of works which details the implementation of the street lighting as detailed in 3.1.1 and 3.2.1 of the RSA. The approved scheme should be implemented prior to the commencement of works.

Update 08/08/2024 following discussions regarding dropped kerb and crossing point:

The bus stop and safe crossing point are covered in the conditions. They would be delivered through a section 278 agreement.

*Update 01/10/2024 following query regarding allocation under INF2 for strategic road widening:*

The proposed right turn lane would have an impact on the extent of the A179 could be widened, however there is a significant amount of space available and the most likely provision would be second westbound lane. There would be sufficient width available to provide this.

There are no current plans for road widening in this area.

*Update 03/12/2024 following query regarding substituting conditions previously requested with a single condition requiring a Stage 2 Road Safety Audit:*

The proposed condition would give us sufficient confidence that they will comply with the requirements.

**HBC Countryside Access Officer:** These proposals show no amenities for the customers to use and enjoy, whilst their vehicle is charging. Some if not the majority of the users will want to stretch their legs during this time. To this end; I would like to see a path running from the car park, to the east of the entrance with a crossing point across the A179. A pedestrian safe refuge/island crossing point would allow safe crossing.

The goal and aim would be to give customers the chance to walk around a small but close by community woodland which is accessed from the lay-by north east of the forecourt, on the north side of the A179.

An opportunity to walk and revitalise, whilst the car/vehicle 'revitalises' through a charge, would be beneficial to the customer's health and wellbeing.

Otherwise they would not be given the opportunity for gentle exercise, away from their cars/vehicles.

Research has shown that a person's health, as well as wellbeing, is vastly improved through gentle exercise. Breaking up the monotony of a journey is vital for driver/passenger and for road safety in general. We are always told that long journeys need to be broken via a rest stop and that we need to then stretch our legs to get circulation back.

Simple investment into exercise provision is never a waste of money but positive addition to the overall service provided.

**National Highways:** We have reviewed the Transport Assessment [TA] and the Glint and Glare Study [GGS] submitted in support of this application and would offer the following comments.

**Transport Assessment**

The trip rate and trip generation methodology are unchanged from the previously agreed and it is, therefore, appropriate. However, a revised trip distribution is proposed based on survey data. We support the proposed methodology but would

request that the survey data is submitted to us for review. Subject to our review of the traffic data, the proposed trip distribution is anticipated to be acceptable.

The Applicant's transport consultant predicts that the proposed development will generate 44 two-way trips in the morning peak period and 41 two-way trips in the evening peak period at the A19 Sheraton Interchange.

At the pre-application stage, we suggested that the predicted trips on the A19 slip roads (26 AM / 29 PM two-way trips) was not likely to result in a material impact and consequently, no further assessments would be required. However, due to the higher predicted impact of the additional trips on the A19 Sheraton Interchange slip roads (as a result of the revised trip distribution based on survey data), further assessments are considered to be required.

#### Operational Assessment

The Applicant's consultant has assessed the A19 Sheraton Interchange using the LinSig V3 signalised junction modelling software. We request that the LinSig model is submitted to us for review.

The Applicant's consultant has proposed an opening assessment year of 2027 for the development proposal. We agree that an opening year of 2027 is a robust assumption.

We have reviewed the proposed growth factors in TEMPro and agree that they are robust.

We request that the Applicant confirms whether the committed development scenario has been agreed with Hartlepool Borough Council. In line with Circular 01/2022, the assessment should include all relevant development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years and include the full amount of development to be built.

We would withhold detailed comment on the proposed results until the LinSIG model has been reviewed, we have received confirmation that the committed development scenario has been agreed with you, and the opening assessment year has been confirmed.

We acknowledge that three sensitivity test scenarios are also proposed. We would withhold detailed comment upon the sensitivity testing until the above items have been addressed.

We would, however, note that if the proposed development is reliant on the delivery of the Elwick Bypass improvements, then a suitable planning condition may need to be agreed upon with you.

#### Construction Traffic Management Plan

It is proposed that a Construction Traffic Management Plan will be secured through a planning condition. We support this approach and will formally recommend wording for this condition once the above matters have been agreed upon.

### Glint and Glare Study

In terms of existing planting providing screening; we question the permanency of this acting as mitigation for the potential effects. We would request confirmation of the planting in relation to the periods the effects are identified (i.e. when within the year are the effects apparent, is the planting's foliage permanent and / or apparent during these periods and / or is the depth of planting sufficient to provide a barrier).

In terms of new planting providing screening; clearly this will take a long period of time to mature to provide sufficient mitigation for the potential effects. We would request that appropriate interim fencing be implemented in the period before any proposed planting is sufficiently mature to mitigate the effect.

We would require to see the details of the fencing proposed, to ensure it provides a sufficient barrier.

We further note that the proposed location of the new screening (and the required interim fencing) is near the SRN. Any work proposed near to the SRN must be planned and carried out in a manner that minimises the need for access to/ work on the highway verge, were reasonably practicable. The method will need to be addressed through the Construction Traffic Management Plan.

On the basis of the above, I enclose National Highways' formal NHPR 21-09 response recommending a holding recommendation with a duration of three months be placed on this application.

*Update 18/07/2023 following receipt of data files from applicant:*

Assessment of the above application is ongoing. Bryan G Hall, on behalf of the applicant, provided us with LINSIG files last week. When we have reviewed this information we will respond. However, our current formal response recommending non-determination expires tomorrow. I therefore forward a further similar response extending this for a further three months.

When we receive the necessary information we will send a final response at the earliest opportunity.

Should more than three months a further holding response can be issued.

*Update 20/11/2023 following further discussions with applicant:*

We have reviewed the further evidence and would offer our comments as follows.

### Impact at the SRN

We previously stated that this development's impact on the Strategic Road Network (SRN) would only be acceptable if the queuing traffic is located on the Local Road Network (as is reported in the assessment results). This is because if a change to the signal timings or a mitigation scheme is proposed to resolve the Local Road Network congestion, there is a risk that the safety and/or operation of the SRN is compromised.

As a consequence of the above, we requested that the Applicant obtains written agreement from the Local Highways Authority that the impact on the Local Road Network is acceptable. On 09 October 2023, HBC confirmed that "...the application is acceptable in highway terms". On this basis, the development's impact at the Strategic Road Network is acceptable in terms of highway safety and the residual cumulative impacts on the road network cannot be considered to be severe.

#### Glint and Glare

In line with our previous comments, we request that the following planning condition is attached to any grant of planning permission for this application:

1. Condition: "The solar farm development hereby permitted shall ensure that the modules are pre-programmed at a tilt of 5 degrees and shall not be permitted to go back to flat (0 degrees) at any time of day / night. The programming of the modules shall be maintained for the lifetime of the development unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19)."

Reason: To mitigate any adverse impact from the development on the A19 and to satisfy the reasonable requirements of road safety.

No further evidence is required regarding glint and glare; the combined mitigation which includes landscaping and the control of the tilt is sufficient. We do, however, also request the following planning condition is attached to any grant of planning permission for this application:

2. Condition: "Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19)."

Reason: In the interest of the safe and efficient operation of the Trunk Road and to protect the Trunk Road soft estate.

#### Construction traffic

The development's highway impact at the SRN during the operation phase has been agreed, however, to ensure the impact at the SRN during the construction phase is acceptable, we request the following planning condition is attached to any grant of planning permission for this application:

3. Condition: "No part of the development hereby permitted shall commence until a Construction Traffic Management Plan has been submitted and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). Construction of the development shall then be carried out in accordance with the agreed Construction Traffic Management Plan."

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

#### Recommendation

On the basis of the above, National Highways would offer no objection to this planning application subject to the above planning conditions be attached to any grant of planning permission.

#### Update 30/01/2024 following amended landscaping and layout:

We have reviewed the further evidence and would offer our comments as follows.

### Glint and Glare

Arup previously stated:

“The Planting Schedule confirms that a number of trees are proposed to provide the mitigation and screening necessary to address the impacts of Glint & Glare. The schedule which has been submitted with the planning application confirms a varied number of trees that will be a heavy standard, girth of 12-14cm and an overall minimum height of 300-350cm at year 1. These trees will be managed to ensure that they flourish to provide the landscape/Glint & Glare benefits that are noted within the Paver Power report.”

We previously concluded that, subject to conditions, no further evidence is required regarding glint and glare; the combined mitigation which includes landscaping and the control of the tilt is sufficient.

We requested that the following planning conditions be attached to any grant of planning permission for this application:

1. Condition: “The solar farm development hereby permitted shall ensure that the modules are pre-programmed at a tilt of 5 degrees and shall not be permitted to go back to flat (0 degrees) at any time of day / night. The programming of the modules shall be maintained for the lifetime of the development unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19).”

Reason: To mitigate any adverse impact from the development on the A19 and to satisfy the reasonable requirements of road safety.

2. Condition: “Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19).”

Reason: In the interest of the safe and efficient operation of the Trunk Road and to protect the Trunk Road soft estate.

Additional landscape plans have now been submitted to accompany this planning application. These plans do not change our recommended wording for condition 1. The submitted landscape plan (drawing number: 3341-TLP-XX-XX-D-L-10001, P04) refers to two planting schedules:

- Drawing number: 3544-TLP-XX-XX-SP-L-90005P01
- Drawing number: 3544-TLP-XX-XX-SP-L-90006P01

In order to ensure that condition 2 is specific to this development (in line with NPPF), we would amend our condition wording as follows:

2. Condition: “Planting shall be undertaken in accordance with the agreed plans (as shown in principle on drawings 3544-TLP-XX-XX-SP-L-90005P01 and 3544-TLP-XX-XX-SP-L-90006P01) and maintained as such thereafter unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19).”

Reason: In the interest of the safe and efficient operation of the Trunk Road and to protect the Trunk Road soft estate.

#### Construction traffic

The development's highway impact at the SRN during the operation phase has been agreed, however, to ensure the impact at the SRN during the construction phase is acceptable, we previously requested that the following planning condition is attached to any grant of planning permission for this application:

3. Condition: "No part of the development hereby permitted shall commence until a Construction Traffic Management Plan has been submitted and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). Construction of the development shall then be carried out in accordance with the agreed Construction Traffic Management Plan."

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

The submitted Outline Construction Method Statement relates to Archaeology and not traffic management. Consequently, the need for condition 3 is notwithstanding.

#### Recommendation

On the basis of the above, National Highways would offer no objection to this planning application subject to the above planning conditions be attached to any grant of planning permission.

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

Should diversionary works be required these will be fully chargeable.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's.

Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

*Update 16/01/2024 following amended scale of proposals:*

We do not object to your planning application.

**Tees Archaeology:** Thank you for the consultation on this application. We note the inclusion a desk-based assessment (DBA) and geophysical survey within the appendices of the environmental statement, as well as a written scheme of investigation (WSI) for trial trenching. The geophysical survey has indicated that there are remains of both probable and possible archaeological activity on the study site, while the DBA also concludes that there is archaeological potential across the site. The results of the geophysics and DBA are examined in Environmental Statement Volume I (Section 6), which also states that “no intrusive investigation has been conducted to ground truth and test these results. There is a possibility that additional currently unrecorded archaeological remains may lie within the site” and that “Further investigation of these remains would be able to confirm the presence and potential value of any surviving buried archaeological remains, to ensure that a suitable mitigation strategy can be devised.”

On this basis, further information is required to assess the potential of the buried remains and the impact of the development on them. We would therefore ask for archaeological trial trenching of the site prior to determination of the application in order to obtain sufficient information to advise the planning authority (NPPF para 194). This will allow us to determine the extent, depth, and significance of the archaeological remains. A WSI for trial trenching has been included within the Environmental Statement Volume II; this document should be submitted separately to us for comment and approval prior to any trial trenching.

The results from this work will allow a recommendation as to whether aspects of the scheme might need changing or re-locating and whether further archaeological work might be required. The latter would be secured through a condition should the application be successful.

*Update 02/05/2024 following receipt of archaeological information from applicant:*

I approved a WSI for the site, and archaeological trial trenching was carried out last year. Two areas of complex archaeology dating to the prehistoric period were identified, with an area of less dense but seemingly associated features in between these two concentrations.

With regards to the archaeological remains, there are a few ways in which to proceed – 1) excavate and record the remains prior to construction, 2) preserve the remains in situ through a no-dig construction methodology, or 3) preserve the remains through the exclusion of these areas from development. All of these approaches can be conditioned upon the application.

As the applicant has submitted an outline construction method, it would appear as though they would prefer to follow option 2 with elements of option 1. The submitted methodology states “This will be achieved primarily through the implementation of a no-dig construction methodology for the solar panels and where below ground

impacts cannot be entirely avoided appropriate measures to ensure any archaeological remains are investigated and recorded prior to their damage or loss.”

I have read over the outline construction method and am satisfied with the proposed approach; this will minimise the impact of the development upon the archaeological remains within the ‘zones of archaeological interest’ (ZAI) and where impact is unavoidable, a programme of archaeological monitoring and recording will be undertaken.

I would therefore recommend the following conditions:

Preservation of heritage assets during construction

No development/site restoration shall commence until fencing has been erected around the zones of archaeological interest (ZAI) to a design approved by the Local Planning Authority in writing. No works shall take place within the area inside that fencing unless in accordance with Hartlepool West Solar Electric Forecourt® Land at Whelly Hill Farm Worset Lane Hartlepool: Outline Construction Method Statement (Archaeology) (Report No: CA Project MK0952), submitted by Cotswold Archaeology. This includes works undertaken during restoration of the site.

Reason: To ensure that archaeological assets are protected

Preservation of heritage asset through foundation design

No work shall take place in the zones of archaeological interest (ZAI) unless it is in accordance with Hartlepool West Solar Electric Forecourt® Land at Whelly Hill Farm Worset Lane Hartlepool: Outline Construction Method Statement (Archaeology) (Report No: CA Project MK0952), submitted by Cotswold Archaeology.

Reason: To ensure that archaeological assets are protected

Recording of a heritage asset through a programme of archaeological works

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

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

Written Scheme of Investigation.

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

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

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

Update 20/11/2024 following query regarding conditions:

Their outline construction method statement (archaeology) states “where below ground impacts cannot be entirely avoided appropriate measures to ensure any archaeological remains are investigated and recorded prior to their damage or loss”, and goes into more detail about this in section 4.6. The standard condition is necessary to cover the areas requiring archaeological monitoring which are not being protected through foundation design etc. This includes some groundworks within the Zone of Archaeological Interest (ZAI) as well as groundworks relating to below-ground cable routes between the arrays and the substation (beyond the ZAI). The outline construction method statement does not constitute a WSI, but I would be willing to amend the condition so that it states:

Recording of a heritage asset through a programme of archaeological works

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

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

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A) and/or *Hartlepool West Solar Electric Forecourt® Land at Whelly Hill Farm Worset Lane Hartlepool: Outline Construction Method Statement (Archaeology)* (Report No: CA Project MK0952).

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

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

Hopefully that is amenable to the applicant.

**HBC Head of Service for Heritage and Open Space:** The site of the application is not in a conservation area, and there are no listed or locally listed buildings within close proximity.

The proposal is the erection of a Solar Electric Forecourt with ancillary commercial uses, and associated electrical infrastructure, a solar photo voltaic (PV) farm, energy storage, new access, car parking, landscaping and associated works.

Although the development is extensive it is considered this it will not impact on the significance of any listed or locally listed buildings nor any conservation areas within the borough of Hartlepool.

Update 15/01/2024 following amended scale of proposal:

The amended information is noted however the comments submitted in April 2023 remain relevant in this instance.

**Northumbrian Water:** No comments received.

**Rural Plan Working Group:** Thank you for consulting Hartlepool Rural Neighbourhood Plan Group regarding the above. The Group recognises the push and need for alternative energy sources and electric transport support facilities, but this does not excuse abandoning established and publicly consulted planning policies. The number of applications along the A179 apparently attracted to the long established Hartmoor Substation are a source of extreme concern for the Rural Neighbourhood Plan Group. There is a cumulative effect of a staggering 255 hectares of energy and associated infrastructure proposals transforming the rural area between Hart and the A19 into an industrial landscape. The Group are strongly opposed to further developments of this nature and therefore strongly object to this latest application based on the following policies.

#### POLICY GEN1 – DEVELOPMENT LIMITS

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

In the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

It is clear that the presence of the High Volts Substation is acting as a magnet for new electric plant. This development does not accord with site allocations, designations or other development plan policies. The alarming cumulative effect of

this proposal with other applications in addition to the existing wind turbine and major High Volts Sub-station are: -

a Grid Stability Facility, land adj. Hartmoor Substation, Whalley Hill Farm (H/2022/0470)

a Synchronous Condenser, Hart Moor Farm (H/2022/0302)

a Battery Energy Storage, N.E. corner Whelly Hill Farm (H/2022/0459)

a Substation Hart Moor Farm (H/2022/0311)

a Battery Energy Storage System facility (H/2022/0263)

a 63-hectare solar farm (H/2020/0175),

a gas power generation plant (H/2017/0287)

plus additional facilities H/2017/0540, H/2019/0208

Hulam Farm solar farm (just over the boundary in Durham County)

Sheraton Hall solar farm (just over the boundary in Durham County)

H/2022/0459 Battery Energy Storage, N.E. corner Whelly Hill Farm, Hart

The cumulative effect is of grave concern as the character, appearance and visual amenity of the rural area around Hart and Sheraton is being significantly impacted.

The location of this proposed development is in open countryside outside development limits. The application is not essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. With regard to public infrastructure, a solar charging station might be considered a 'nice to have' but it is not essential at this particular vicinity and could be directed to a more appropriate location.

Likewise, it is not essential for a solar farm(s) of the magnitude proposed and combined with others already approved along the A179 and adjacent areas that will result in such a dramatic change in the character of the area.

The application does not support the rural economy, agricultural diversification, rural tourism and leisure developments. The application is therefore considered contrary to policy GEN1 and cannot be supported.

## POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;

5. how the design preserves and enhances significant views and vistas;

6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;

The application in no way helps create a sense of place or reinforce the character of the rural area by being individual or respecting the local vernacular, quite the contrary.

This application will be particularly highly visible from the A19. No screening is proposed and, unless a substantial belt of tree planting is included, it is doubtful screening would be successful. Unfortunately planning proposals are all too

frequently considered only in daylight and during summer months. The visual intrusion of this application is permanent and will exist and become worse when the trees are bare in winter.

No screening is indicated along the A179 in the vicinity of the proposed customer substation, DNO substation, storage container, transformer and battery storage area. This is unacceptable.

Any lighting will add to light pollution. Although not a dark sky area this site lies in a 'darker' area between the lights of the A19 and the urban area of Hartlepool. Lighting must be kept to an absolute minimum.

#### POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY

The development of the rural economy will be supported through:

1. the retention or expansion of existing agricultural and other businesses;
2. the re-use or replacement of suitable land/buildings for employment generating uses in villages and the countryside;
3. the provision of live-work units and small scale business units within the development limits of the villages;
4. the construction of well-designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;
5. appropriate tourism related initiatives;
6. recreation uses appropriate to a countryside location.

New specialist retail businesses, including farm shops, garden centres and similar outlets selling goods grown or manufactured in the locality, will be supported where such developments would provide support for the rural economy, and could not reasonably be expected to locate within the village envelope or Hartlepool urban area by reason of the products sold, or their links to other uses on the site.

The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure. Improvements to technology and communications infrastructure will be supported to facilitate the development of businesses in the area. All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

The proposed Solar Farm and associated Solar Forecourt does not meet any of the bullet points 1-6 of this policy.

This scale of the solar farm, especially in association to the other solar farms proposed along the A179 is not of an appropriate scale, being so large as to be completely transformative to the rural area. It offers little to the rural economy and is not supportive of existing businesses and offers no support to the rural economy.

The application is not compliant with policy EC1 and therefore cannot be supported.

**POLICY EC4 - SERVICE STATIONS AND TRAVEL RELATED DEVELOPMENT**

Land at the service stations on the A19, as identified on the proposals map, will be safeguarded for the following uses to primarily serve the travelling public:

- Petrol filling station/s with ancillary shop/s
- Premises for the sale of hot and cold food and drinks (A1 or A3)
- Vehicle recovery
- Overnight accommodation
- Parking for cars and heavy goods vehicles.

Improvements to infrastructure may be necessary. Improvements to the environment and landscaping of these areas must be included in any proposals.

The proposed Solar Forecourt is in effect a service station where electric vehicles would recharge. While recharging there are proposed facilities where occupants of the vehicles can find refreshment while their vehicles recharge. The Rural Neighbourhood Plan policy EC4 is aimed at preventing the spread of such facilities while safeguarding those that already exist.

The Forecourt is clearly located to attract traffic from the A19. The current junction of the A19/A179 is not the best design, where a series of traffic lights has been added to address past problems/accidents. These additions can only be considered as a temporary plaster that will become ever more problematic as traffic increases with the present expansion of Hartlepool. The addition of a service area associated with the A19/A179 junction where highway safety is a major concern as it has become an accident black spot in recent years. Major investment in a greatly improved junction would be required. This is why the improvement of this junction is highlighted in Policy T1 of the Rural Neighbourhood Plan.

**POLICY T1 - IMPROVEMENTS TO THE HIGHWAY NETWORK**

Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation:

1. improvement of the A179/A19 junction
2. the dualling of the A179
3. improved village approach roads and junctions to the A179, A689 and A19
4. alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool
5. appropriate measures to discourage traffic related to any new development on the edge of Hartlepool from using minor roads through the villages in the Plan
6. Measures that promote good driver behaviour, such as speed cameras.

The above improvements must be designed, as far as possible, to be in keeping with the rural setting.

**POLICY NE1 - NATURAL ENVIRONMENT**

2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or wetland creation.

3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan.

4. Existing woodland of amenity and nature conservation value and in particular ancient semi natural woodland and veteran trees will be protected. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting must where possible:

- a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing;
- b. Provide screening around any non-agricultural uses;
- c. Use a mix of local native species appropriate to the landscape character area.

As with the other proposals along the A179, deer fencing surrounding the site is included. The effect is a barrier over 1 mile long from the A19 to Hart village. How will this affect wildlife movement in the area? This can only fragment the area's natural habitats. Will wildlife be pushed toward the A19 or the expanding development of the town of Hartlepool? This application is within the priority network as described by Policy NE4 of Hartlepool Local Plan and indicated on Diagram 8 of the plan. Rural Plan Policy NE1 (2) seeks the enhancement of Wildlife corridors and the site of this application is crossed by such a corridor as indicated on the map, appendix 9 of the Rural Neighbourhood Plan. We would expect any new planting proposed will be in line with Policy NE1.

As stated previously the application indicates little screening provided around the edges of the proposed site. This despite the highly visible location. Something much more substantial is expected, 10m wide is suggested for the urban fringe. All planting to be of native species suitable for the local ecology.

A condition would be expected requiring for the removal of the Solar Farm and associated facilities and the restoration of the site to countryside. These conditions to be enforced in the event the site is inoperative for a period of 6 months or longer, the development shall to be removed and the site restored within 18 months.

#### POLICY NE2 - RENEWABLE AND LOW CARBON ENERGY

Renewable and low carbon energy developments assist in meeting the Rural Plan area's commitment to reducing CO<sub>2</sub>. Any medium/large wind turbine proposals should be directed to High Volts or Red Gap.

1/ The development of renewable and low carbon energy schemes, together with any ancillary buildings and infrastructure, will be supported and considered in the context of the wider environmental, economic and social benefits arising from the scheme whilst considering any adverse impacts, individually and cumulatively upon:

- a/ The surrounding landscape including natural, built, heritage (including archaeological) and cultural assets and townscape; including buildings, features, habitats and species of international, national and local importance;

- b/ The flows of groundwater to any water- dependent features within the area, including rivers, ponds, springs and abstraction points.
- c/ Residential amenity including visual intrusion, air, dust, noise, odour, shadow flicker, traffic generation, recreation and access;
- d/ The operation of air traffic operations, radar and air navigational installations and
- e/ Highway safety.

2. Appropriate mitigation measures to address any effects identified and considered will be required prior to any development proceeding.

3. Given the nature of some forms of renewable and low carbon energy schemes and their supporting infrastructure and ancillary buildings, it will be necessary and appropriate in certain instances to secure removal of the scheme and its supporting infrastructure and ancillary buildings and restore the land to an appropriate use once a scheme is ready for decommissioning, through the imposition of planning conditions.

All proposals should accord with all other necessary policies contained within this plan, particularly in relation to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

The proposals for this area are considered to create a cumulatively adverse impact so significant as to outweigh the benefit. As previously stated, there are also serious concerns with regard traffic safety associated with the A19/A179 junction.

A condition is expected for the removal of the Solar Farm and associated facilities and the restoration of the site to countryside. These conditions to be enforced in the event the site is inoperative for a period of 6 months or longer, the development shall be removed and the site restored within 18 months.

As outlined this proposal is considered to fail to accord with other policies. As such the Rural Neighbourhood Plan Group object.

The proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development and village envelopes as defined by Policy GEN1 of the Hartlepool Rural Neighbourhood Plan and Policy RUR1 of the Hartlepool Local Plan.

Due to size, siting and design, the proposal would have a detrimental visual impact on the open countryside, the A19 and A179 main approach into Hartlepool and would have an unacceptable transformational effect on this part of the rural area, contrary to Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan and Policies RUR1 and QP4 of the Hartlepool Local Plan.

Serious safety concerns also exist in a major junction which has become an accident black spot in recent years being associated with a service area.

Hartlepool Rural Neighbourhood Plan Group strongly oppose this application and recommend Hartlepool Borough Council refuse this application.

*Update 29/01/2024 following amended layout and scale of the proposal:*

Thank you for consulting Hartlepool Rural Neighbourhood Plan Group again regarding this application. We can see nothing in this latest amendment that would change our previous comments. We therefore refer you to our earlier responses and objection to this application.

*Update 08/06/2024 following additional landscaping and visualisations:*

Thank you for reconsulting the Rural Neighbourhood Plan Group regarding this application. The very minor tweaks to the hedgerow planting, which continues to have the appearance of an afterthought, in no way addresses the concerns expressed by the Group regarding this proposed solar farm. We refer you to our earlier responses and objection.

**Hart Parish Council:** Following our April meeting we have reviewed the plans and have serious concerns about the construction of this facility at this rural location in the open countryside.

The parish council understand the need for renewable energy and the nations switch to a decarbonised future. However, the village residents are extremely concerned by the sheer scale of developments in this location which has been driven by the presence of the Electrical substation at High Volts, Worset Lane. While some of these have already been granted, other are live planning applications and some are at concept/pre planning stage.

The alarming cumulative effect of this proposal with other applications in addition to the existing wind turbine and major High Volts Sub-station represents a staggering circa 255 ha of energy development in the rural area are: -

a Battery energy storage facility (H/2022/0470)

a Synchronous Condenser (H/2022/0302)

a Substation Hart Moor Farm (H/2022/0311)

a Battery Energy Storage System facility (H/2022/0263)

a 63-hectare solar farm (H/2020/0175),

a gas power generation plant (H/2017/0287)

an energy Storage Facility including 2 sub-stations (H/2017/0540)

a gas metering in kiosk with 66kv electrical transformer (H/2019/0208)

Hulam Farm solar farm (just over the. boundary in Durham County)

Sheraton Hall solar farm (just over the boundary in Durham County)

## H/2022/0459 Battery Energy Storage, N.E. corner Whelly Hill Farm, Hart

Plus, this proposed 85 hectare solar farm and electric vehicle charging station for which screening & scoping applications (H/2020/0162 & H2021/0404)

All the above to include associated works including security fencing.

This application will more than quadruple the visual size and scale of an already large and growing industrial complex located in a rural area. The existing road network here is already an accident blackspot and suffers from serious congestion at peak times. This is causing genuine stress to the people of Hart Village and the wider rural parish.

We have the following objections:

### Planning Specific Objections

#### Local Plan 2018 and Hartlepool Rural Plan 2018

1) The proposed development is outside the limits to development demonstrated in the village envelope of Hart Village and therefore contrary to the following policies:

LS1 Locational Strategy (Village envelope of Hart) (Local Plan)

Rur1 Development in the rural area. (Local Plan)

POLICY GEN1 - DEVELOPMENT LIMITS (Rural Plan)

2) The proposed development is also contrary to the local plan in terms of its effect on the landscape and countryside, design, and future strategic road improvements. Due to its location, scale, design and massing it will have an adverse effect on the landscape by introducing this industrial scale and type of development into the rural area.

This application will be particularly highly visible from the A19. No screening is proposed and, unless a substantial belt of tree planting is included, it is doubtful screening would be successful. Unfortunately planning proposals are all too frequently considered only in daylight and during summer months. The visual intrusion of this application is permanent and will exist and become worse when the trees are bare in winter.

No screening is indicated along the A179 in the vicinity of the proposed customer substation, DNO substation, storage container, transformer and battery storage area. This is unacceptable.

Any lighting will add to light pollution. Although not a dark sky area this site lies in a 'darker' area between the lights of the A19 and the urban area of Hartlepool. Lighting must be kept to an absolute minimum.

Therefore, it is contrary to the following Local plan and Rural Plan policies.

QP4: Layout and Design of Development

Rur1: Development in the Countryside

NE7: Landscaping along main transport corridors

**POLICY GEN1 - DEVELOPMENT LIMITS (Rural Plan)**

**POLICY GEN 2 - DESIGN PRINCIPLES (Rural Plan)**

The cumulative effect is of grave concern as the character, appearance, and visual amenity of the rural area around Hart, Sheraton and along the A19 trunk road is being significantly impacted.

The cumulative effect is of grave concern as the character, appearance and visual amenity of the rural area around Hart is being significantly impacted.

## 2) Policy CC5 Large Scale Solar Photovoltaic Developments

This policy states that large solar developments should make use of previously developed land (brownfield) or non-agricultural land. As detailed in section 4 below the borough has huge amounts of brownfield land that should be used for such developments and no justification has been given on why this land has not even been considered for this development.

## 3) Policy INF1 Sustainable Transport Network (Local Plan) & Policy T1 Improvements to the Highway Network (rural Plan)

This part of the A179 and the Sheraton junction are already an accident blackspot and are the subject of severe tailbacks of traffic at peak times as more development of housing (over 1000+ new homes recently) uses the same road infrastructure. The Forecourt is clearly located to attract traffic from the A19. The current junction of the A19/A179 is not the best design, where a series of traffic lights has been added to address past problems/accidents.

These additions can only be considered as a temporary plaster that will become ever more problematic as traffic increases with the present expansion of Hartlepool. The addition of a service area to this junction is not acceptable without major investment in a greatly improved junction. This is why the improvement of this junction is highlighted in Policy T1 of the Rural Neighbourhood Plan.

The Parish has serious concerns of the impact of the proposal regarding road capacity and more importantly road safety.

## 4) There are more than adequate industrial sites allocated in the Hartlepool local plan which would be more suitable for this kind of development and there are adequate amounts of land available at these sites including

### IND3 Queens Meadow Business Park (local Plan)

### IND5 Industrial Areas - Oakesway, Brenda Road East, South Works, Tofts Farm/Hunter House, Brenda Road west and Graythorpe (local Plan)

The town has 100s of hectares of available employment land located around the borough, many linked to existing energy infrastructure so how can greenfield unallocated land be chosen ahead of these sites.

### 5) Policy NE1 Natural Environment (local Plan) & NE4 Ecological Networks (local Plan)

As with the other proposals along the A179, deer fencing surrounding the site is included. The effect is a barrier over 1 mile long from the A19 to Hart village. How will this affect wildlife movement in the area? This can only fragment the area's natural habitats. Will wildlife be pushed toward the A19 or the expanding development of the town of Hartlepool?

This application is within the priority network as described by Policy NE4 of Hartlepool Local Plan and indicated on Diagram 8 of the plan. Rural Plan Policy NE1 (2) seeks the enhancement of Wildlife corridors and the site of this application is crossed by such a corridor as indicated on the map, appendix 9 of the Rural Neighbourhood Plan. We would expect any new planting proposed will be in line with Policy NE1.

As stated previously the application indicates little screening provided around the edges of the proposed site. This despite the highly visible location. Something much more substantial is expected, 10m wide is suggested for the urban fringe. All planting to be of native species suitable for the local ecology.

### Summary

Overall, the biggest issue for the people of parish of Hart and the other rural communities of Elwick and Sheraton is the massive visual impact on the landscape and cumulative effect linked with the other developments consented and proposed in this area that is effectively becoming an industrial zone.

In the case of this proposal there is also serious concerns for road safety as this development will draw off more cars from the A19 onto an already road safety blackspot that suffers high levels of congestion at peak times.

This has not been planned for in a strategic way through the Local Plan and Rural Plan both of which are only 4 years old and residents views have been ignored at every stage of the previous applications which is causing anger locally.

For the reasons given in detail above and the fact this development is contrary to so many of the councils recently adopted local plan and the communities own Rural Plan we strongly oppose this application and recommend Hartlepool Borough Council refuse this application.

Update 06/02/2024 following amended layout and scale:

Hart Parish Council strongly oppose the application and wish to re-confirm the comments previously submitted on 15th May 2023 still stand.

**Health and Safety Executive:** Your development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

**HBC Building Control:** No comments received.

**Environment Agency:** Whilst we have NO OBJECTIONS to this application as submitted, we would wish to point the applicant to the following comments.

In April 2015 the Development Management Procedure Order (DMPO) Schedule 4 was changed so the Environment Agency is no longer a statutory consultee for non-major development proposing non-mains drainage. This change means it is the local planning authority's responsibility to ensure proposals for non-mains drainage for non-major development comply with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) without Environment Agency advice.

In this instance, the non-mains drainage element of the proposal is under this threshold.

**Environmental Permit – Advice to Applicant**

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at:

Septic tanks and treatment plants: permits and general binding rules

Trade effluent – Advice to Applicant

The application also states that effluent from vehicle wash areas will pass through the treatment plant. This would be classed as a trade effluent and an appropriate Water Quality discharge permit would be required. The applicant should refer to the following information regarding applying for a permit:

Discharges to surface water and groundwater: environmental permits - GOV.UK ([www.gov.uk](http://www.gov.uk))

The applicant needs to consider the potential impact from the vehicle wash effluent on the treatment capability of the plant such as chemicals and sediment. The applicant should refer to the following guidance regarding vehicle washing:

[Withdrawn] Vehicle washing and cleaning, PPG13: prevent pollution - GOV.UK ([www.gov.uk](http://www.gov.uk))

Update 18/01/2024 following amended scale and design of proposal:

Thank you for re-consulting us on the above application, which we received on 12 January 2023. The amendments proposed and additional information does not alter our previous position on this application in our comments dated 5 April 2023. These comments have been repeated below, in addition to further informative comments on battery energy storage systems (BESS).

Battery Energy Storage Systems (BESS) facilities – Advice to Applicant

Energy storage will play a significant role in the future of the UK energy sector.

Effective storage solutions will benefit renewables generation, providing a more stable supply and give operators access to the Grid ancillary services market. The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, DEFRA does not consider the need to regulate the operation of BESS facilities under the Environmental Permitting Regulations regime however this is being reviewed due to the potential for significant environmental pollution in the event of a fire, explosion or flooding.

Although these are a source of energy to the National Grid, information to date suggests they do not result in the direct impact to the environment, during normal operations, provided noise and vibration from the BESS ventilation, heating and cooling systems are minimised. We do not generally object to battery storage proposals, however, the potential to pollute during abnormal and emergency situations should not be overlooked. Applicants should consider the impact of potentially toxic emissions to air during a fire or explosion event and the on-site containment of potentially contaminated firewater run-off and foams to prevent the pollution of soils, surfacewater and groundwater from any entrained metal leachates.

The applicant should therefore ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. In particular, proposals should avoid being situated near to rivers and sensitive drinking water sources.

An important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation.

This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- Take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator;
- keep a record of the amount of tonnes of batteries placed on the market and taken back;
- register as a producer with the Secretary of State;
- report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

Putting aside the take back obligations under the producer responsibility regime, batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.

The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

**Durham County Council:** Thank you for the reconsultation in relation to application H/2022/0423. We have no objections to the proposals but note that there are a number of consented energy infrastructure projects in the local area, both within County Durham and Hartlepool and therefore there is potential for some significant cumulative impacts, particularly in sequential views from the A19/A179/B1280 where this proposal would increase the instances where solar arrays and associated energy infrastructure can be seen in sequential views. Given the visibility of the proposal from some areas, consideration needs to be given to increasing mitigation measure in the form of structural planting around the perimeter to reduce these cumulative impacts.

**HBC Estates:** An area of Council owned land, title CE95245, appears to fall within this development on the northern boundary. The applicant should contact the SAM/ Estates section with a view to agreeing terms to purchase the land if it is to be included within the development

**HBC Parks and Countryside:** No issues from our service areas on this one, thanks.

**Cleveland Fire Brigade:** Cleveland fire Brigade offers no representations regarding the development as proposed. However Access and Water Supplies should meet the requirements as set out in:

Approved Document B Volume 2:2019, Section B5 for buildings other than Dwellings

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2. Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 2 Section B5 Table 15.2.

#### Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

**HBC Economic Development:** No comments received.

**Ramblers Association:** No comments received.

**HBC Public Protection:** I have no objections to this application subject to the following conditions:

The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 14:00 Saturdays and not at all on a Sunday or Public Holidays.

The delivery and despatch of goods to and from the site during construction shall be limited to the hours of 8am and 6pm on Mondays to Fridays, 9am and 2pm on Saturdays, and at no time on Sundays or Public Holidays.

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

There should be provision for a wheel washing facility to the entrance/exit of the site.

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

*Update 09/04/2024 following discussions with case officer:*

The glare is addressed with the proposed landscaping and the units are to be kept at a 5 degree angle. I am happy with this.

Do you wish to condition these aspects or add a note to say that I require the mitigation proposed, with the tilt angle and landscaping to be implemented?

*Update 26/11/2024 following query regarding the applicant's proposed activities on a Sunday:*

I'm happy to agree 8am-2pm Sunday for the specific activities they list and make sure that we put something on about not using any plant or equipment that has the potential to generate excessive/loud noise that could create a disturbance to nearby residential properties.

**Cleveland Police:** Cycle storage should be 'Secured by Design' and ideally benefit from formal and informal surveillance and be provided with secure ground anchors, be covered by CCTV and lit after dark when in use.

The Motorcycle and scooter parking spot should be fitted with 'Solid Secure' approved ground anchors to allow the securing of these vehicles.

Staff and visitors should be reminded when parking, that anything on display, should be removed from the vehicle, this includes coats, as a thief will often smash a vehicle window believing that a coat might contain other items or be covering some other valuables inside the vehicle Windows and doors - I would recommend that external doors and windows conform to at least the police preferred 'minimum' standards:

- PAS 24:2016, or
- PAS 24:2022, or
- STS 201 Issue 12:2020, or
- LPS 1175 Issue 7.2:2014 Security Rating 2+, or
- LPS 1175 Issue 8:2018 Security Rating A3+, or
- STS 202 Issue 10:2021 Burglary Rating 2, or
- LPS 2081 Issue 1.1:2016 Security Rating B, or
- STS 222 Issue 1:2021

Planting - Appropriate defensive planting around the site would be recommended. Proposed planting around the development should not readily grow above 1m high and any trees should have their crown maintained no lower than 2.2 m from the ground. This allows a corridor of natural surveillance between the two.

Careful selection of plant species is critical in order not to impede natural surveillance and to avoid an unnecessarily high maintenance requirement. Some hedging plants, for example, will require trimming twice a year, whereas other species might only need one visit every two years. Trees on appropriate root stocks can provide a more reliable means of reducing the likelihood of impeding natural surveillance. The potential cost savings of a reduced maintenance requirement could be substantial.

Providing regular maintenance for the growth of trees and bushes so that there is good 'natural surveillance' to deprive criminals of any cover/hiding places. Making sure that planting does not obstruct CCTV cameras or sight of doors/window points.

**Lighting** - Good outdoor lighting can support CCTV systems and put off or draw attention to possible offenders. The most appropriate form of lighting to use is high-efficiency, low-energy lighting, controlled by a dusk 'til dawn switching arrangement, so that it comes on only when it is dark. This provides a constant and uniform level of light and can be particularly useful in the winter months to ensure sufficient visibility at entrance and exit points, and highlight unwanted visitors around the perimeter.

Lighting across the car park and around the building should conform to BS5489:2020. Happy to meet with the developer to discuss in further detail.

**Teesside Airport:** I refer to your consultation letter dated 22nd November 2024. The airport safeguarding team has assessed the proposal in accordance with the UK Reg (EU) No 139/2014 (the UK Aerodromes Regulation) and it does not conflict with the safeguarding criteria for the airport. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information provided.

**Civil Aviation Authority:** No comments received.

**CPRE:** No comments received.

**RSPB:** No comments received.

**Tees Valley Wildlife Trust:** No comments received.

**DEFRA:** No comments received.

**Teesmouth Bird Club:** No comments received.

**Northern Power Grid:** Plan provided, no objections raised.

**HBC Emergency Planning Officer:** No comments received.

## **PLANNING POLICY**

1.63 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

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

<b>Policy</b>	<b>Subject</b>
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC3	Renewable and Low Carbon Energy Generation
CC4	Strategic Wind Turbine Developments
CC5	Large Scale Solar Photovoltaic Developments
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
RUR1	Development in the Rural Area
RUR3	Farm Diversification
RUR6	Rural Services
RC1	Retail and Commercial Centre Hierarchy
NE1	Natural Environment
NE4	Ecological Networks
NE7	Landscaping Along Main Transport Corridors

## Hartlepool Rural Neighbourhood Plan (2018)

1.65 The following policies in the adopted Hartlepool Rural Neighbourhood Plan 2018 are relevant to the determination of the application.

<b>Policy</b>	<b>Subject</b>
GEN1	Development Limits
GEN2	Design Principles
EC1	Development of the Rural Economy
EC4	Service Stations and Travel Related Development
NE1	Natural Environment
NE2	Renewable and Low Carbon Energy

1.66 HBC Supplementary Planning Documents

- Transport Assessments / Statements and Travel Plans SPD 2010
- Green Infrastructure SPD and Action Plan 2020
- Public Rights of Way Standards and Guidance SPD 2020
- Planning Obligations SPD 2015

### Tees Valley Minerals and Waste DPD (2011)

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

1.68 The following policies in the TVMW are relevant to this application:

Policy	Subject
MWP1	Waste Audits

### National Planning Policy Framework (NPPF)(2024)

1.69 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 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 NPPF 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 NPPF provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.70 It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

1.71 The following paragraphs are relevant to this application:

Para	Subject
001	Govt's planning policies for England
002	Status of NPPF
007	Meaning of sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	Achieving sustainable development (presumption in favour of sustainable development)
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development does not change statutory status of the development plan as the starting point for decision making
039	Positive and creative decision approach to decision making
048	Applications to be determined in accordance with the development plan,

	unless material considerations indicate otherwise
056	Use of conditions or planning obligations
057	Use of conditions or planning obligations
058	Planning obligations tests
085	Building a strong, competitive economy
087	Building a strong, competitive economy
088	Supporting a prosperous rural economy
090	Ensuring the vitality of town centres
109	Promoting sustainable transport
129	Achieving appropriate densities
131	Achieving well-designed places
135	Achieving well-designed places
161	Meeting the challenge of climate change, flooding and coastal change
166	Determining applications for renewable energy development
167	Determining applications for renewable energy development
168	Renewable energy development
169	Renewable energy development
187	Conserving and enhancing the natural environment

### National Policy Statements for Energy

1.72 The NPPF (2024) notes that National Policy Statements (NPS) form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications. In respect to the current application, the following NPS are relevant to this application;

- EN-1: Overarching National Policy Statement for Energy (last updated January 2024)
- EN-3: National Policy Statement for Renewable Energy Infrastructure (last updated January 2024)

1.73 The NPPF (2024) further notes that other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission;

1.74 Ministerial Statement - Solar and protecting our Food Security and Best and Most Versatile (BMV) Land (made on 15 May 2024).

### **HBC Planning Policy comments:**

#### Principle of development

1.75 The application site is an existing farm on land to the south of the A179 to the east of the junction with the A19. Permission is sought for an electric vehicle charging forecourt with associated solar farm. The site is beyond the development limits of the town and villages but is not located within the strategic gap identified on the Local Plan policies map under policy LS1 or within the Green Gaps shown on the Rural Neighbourhood Plan Proposals Map under policy GEN1. As such, it is

considered that the development would be unlikely to result in coalescence between the urban area of Hartlepool and Hart village. Policy GEN1 further notes that development outside the development limits and outside the green gaps will be supported where it is essential for the purposes of (among others) public infrastructure.

1.76 Policy CC1 of the Hartlepool Local Plan sets out support for opportunities for charging electric and hybrid vehicles and development that utilises renewable energy technologies in order to minimise and adapt to climate change. In principle, the proposed development is considered to be in line with policy CC1.

1.77 Policy CC3 sets out express support for proposals for the generation of energy from renewable and low carbon sources, subject to relevant criteria and notes that in determining applications for energy generation from renewable or low carbon sources, significant weight will be given to the achievement of wider environmental and economic benefits.

1.78 Applications will be supported under policy CC3 where the following criteria are satisfactorily addressed:

- Position of the installation on the land or building,
- Visual appearance, topography and character of the area,
- Impact on the amenity of local residents and nearby occupiers, including visual intrusion, air, dust, noise, odour, traffic generation and access,
- Impact on internationally, nationally or locally important species and habitats,
- Any adverse impacts on air traffic operations, radar and air navigational systems, and,
- Impact on the significance of a heritage asset, including its setting.

1.79 The site is allocated under policy CC4 of the Local Plan for strategic wind turbine developments. While this proposal does not relate to wind turbine development, the policy does not expressly prohibit other uses coming forward, but it should be demonstrated that proposals would not prejudice wind turbine development coming forward alongside the current proposals. In coming to a balanced view on this matter, due regard must be had to the fact that the application site does not occupy the whole area of land allocated under CC4 but that other solar farm developments have already been granted permission within the allocation thereby reducing the land available, as well as the fact that there has not been a formal proposal submitted to the council for wind turbine development in this location since adoption of the Local Plan in 2018. The developer should set out whether it would be feasible for strategic wind turbine development to come forward within the remaining land available under CC4's allocation in order to justify the current proposals.

1.80 Policy CC5 relates to Large Scale Solar Photovoltaic Developments and offers support to proposals for large scale ground based solar developments subject to the following:

- Developments should make use of previously developed or non-agricultural land. If the proposal involves the use of agricultural land, the best and most versatile land should be avoided and poorer quality land should be used; evidence should be provided to demonstrate the extent to which other sites for the development have been considered, particularly previously developed/non-agricultural land.
- Affect on the amenity of occupiers of any nearby properties and/or land,
- Impact of the development on landscape and character and the scope for mitigating any visual impacts through, for example, tree planting and screening with native hedges, applications should be accompanied by a Landscape and Visual Assessment,
- Effect of glint and glare on the landscape, neighbouring uses, highway and aircraft safety and on the passage/flight lines of migratory birds,
- The need for, and impact of, security measures such as lighting and fencing,
- Impact, either individually or cumulatively, on the significance of a heritage asset including its setting,
- Impact either individually or cumulatively, on internationally, nationally or locally important species and habitats,
- An assessment of opportunities provided by the development to enhance biodiversity interest, including for example wildflower planting, and,
- An assessment of flooding and drainage issues.

1.81 With regards to the first criteria of CC5 above, it is acknowledged that the application site is agricultural land rather than previously developed land, however the locational requirements of the proposals in terms of the size of the site needed to allow for a solar farm and vehicle charging forecourt and proximity to the strategic road network are acknowledged, which would make it impractical to locate the proposed development on previously developed land within the urban area. The site is mostly grade 3b agricultural land and therefore of lower quality, however approximately 33% of the site is within grades 2 or 3a, which are Best and Most Versatile (BMV) land and should therefore be avoided. Notwithstanding that, the pockets of BMV agricultural land are interspersed throughout the site, which would make avoiding those areas within the scheme impractical, but would also make utilising such areas for food production in conjunction with a solar development impractical. As such, while the loss of some BMV agricultural land is regrettable, it is considered its avoidance would impinge on the feasibility of the overall scheme. While noting the requirements within the NPPF to recognise the value of BMV agricultural land and the recent Ministerial Statement (Solar and Protecting our Food Security and Best and Most Versatile (BMV) Land, 15/05/24) regarding solar developments and protecting food security, it is considered in this instance the proposals are generally in keeping with the requirements of local and national policy in this regard.

1.82 Policy EC4 of the Hartlepool Rural Neighbourhood Plan relates to existing service stations on the A19 and travel related development, protecting existing sites for such uses to serve the travelling public, however the policy does not preclude new service station developments elsewhere, though it is noted than any extension to existing safeguarded areas (which could be taken to include new sites) will need to be carefully justified to outweigh the loss of countryside.

1.83 Policy NE2 of the Hartlepool Rural Neighbourhood Plan offers support renewable and low carbon energy schemes, whilst considering any adverse impacts on:

- The surrounding landscape,
- The flows of groundwater to any water-dependant features within the area,
- Residential amenity,
- The operation of air traffic operations,
- Highway safety.

1.84 If the decision maker considers the above criteria have been satisfied, the proposals would be in accordance with NE2, in principle.

1.85 Within the application site there is a Local Wildlife Site and therefore policies NE1 of the Local Plan and NE1 of the Rural Neighbourhood Plan are applicable. The views of the Council's Ecologist will be essential in assessing any potential impacts on the Local Wildlife Site.

1.86 In principle, it is considered that there is significant national and local policy weight to be attributed to renewable energy generation and the delivery of infrastructure to support more sustainable transport options. It is also noted that it is to be expected and supported that a small ancillary element of the development of an electric vehicle charging forecourt would include rest facilities for customers – in much the same way as would be expected of a traditional petrol filling station. The opportunity for a small element of retail in the form of a 'food on the go' offer, facilities for a comfort break and the like are deemed appropriate. However, the submitted application sets out the building proposed may be used for a range of purposes without setting out the floor space intended for such uses – i.e. convenience retail, café, children's play facilities, work spaces, electric vehicle test drive facility/showroom. While noting some element of commercial facilities would be appropriate, these are primarily town centre uses and therefore the relevant retail hierarchy set out in Policy RC1 must be considered.

1.87 The application includes consideration of a sequential approach but this is to the development overall – i.e. charging forecourt, facilities and solar farm. It is not surprising an alternative site is not available that meets the requirements for the development overall. However, consideration needs to focus on the commercial elements in themselves to ensure footfall is not taken away from designated retail/town centre sites for the purposes of convenience retail, café, children's play facilities or vehicle showroom. It is difficult to attribute weight to the idea these will all be ancillary and would not attract standalone visits from members of the public who are not in need of charging facilities, as opposed to visiting the town centre or a local centre. While noting that specific end users have not yet been identified, it must be acknowledged that a blanket Class E permission would be inappropriate and therefore further information is required in this regard, as was set out in the pre-application advice provided to the applicant prior to submission.

### Design

1.88 The views of the Council's Landscape Architect should be sought on the potential impact of the proposals on the character and landscape quality of the area

and whether that is appropriate or can be suitably mitigated. In line with policy NE7, the northern and western boundaries of the site abut main transport corridors (A179 and A19 respectively) and therefore it is expected that a particularly high standard of landscaping, tree planting and design are included within the scheme.

### Amenity

1.89 The decision maker will need to be satisfied that the proposals do not negatively impact the amenity of any nearby occupiers/land users.

### Access, highway safety and car parking

1.90 Policy INF1 sets out that the Council will work to deliver an effective, efficient and sustainable transport network, with key priorities including supporting initiatives to reduce carbon emissions from transport, including through the provision of more electric vehicle charging points. Policy INF2 sets out that sustainable transport in Hartlepool will be achieved by, in part, delivering further opportunities for sustainable modes of transport to serve existing communities. In principle, it is considered the proposed development is in line with policies INF1 and INF2, however the views of HBC Highways and National Highways should be sought on the appropriateness of creating a new vehicle access, the level of parking provision proposed and the likely volume of vehicle movements to and from the site related to both those visiting the site for charging purposes and those visiting the site to make use of the intended ancillary commercial element of the forecourt site (e.g. for test driving electric vehicles).

### Climate change / energy supply and consumption

1.91 Local Plan policy QP7 requires that all developments ensure high levels of energy efficiency, taking account of layout, building orientation, scale and form, solar gain, passive heating and cooling, natural light and ventilation, green infrastructure and sustainable construction and drainage methods. Some details in this regard are set out in the submitted application, if the decision maker is satisfied the approach meets the relevant requirements, suitable conditions should be considered to ensure these are secured.

### Planning Obligations

1.92 In the interests of achieving sustainable development and ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 Planning Obligations and the Planning Obligations SPD, the following developer contributions will be required based on the current submission.

1.93 It is noted the Council's Countryside Access Officer has requested the developer provides links between the site and the north of the A179, this is noted and supported in terms of providing links for customers undertaking a rest break, however it is also considered important in order to provide sustainable links to the built up area for staff travelling to the site as well. Details of what needs to be provided are still to be clarified and it is recommended the developer engages with the Countryside Access Officer to agree a suitable scheme.

### Highway infrastructure

1.94 The Planning Obligations SPD requires that the contributions towards highway infrastructure should be determined on a case-by-case basis. The Traffic and Transport Team are to advise on the need for any highway contributions.

#### Update 07/08/2024 following discussions with case officer and applicant:

1.95 In light of the meeting with the applicant and the additional information submitted by them, Planning Policy note that the application site does not occupy the full extent of Local Plan allocation CC4, as shown in drawing number 2222, Rev 01 (Strategic Wind Development Overlay Drawing-A), although it should also be noted that other development has been granted in the vicinity of this site so this drawing is not a true reflection of land that remains available for wind turbine development. Notwithstanding that, it is accepted that a substantial proportion of the CC4 allocation remains undeveloped. It is also appreciated that there has been a change in national policy following the recent general election, notably that wind farm development is no longer reliant on there being a Local Plan allocation in order to come forward. This would potentially open other sites for wind turbine development, subject to the usual range of material considerations being considered. It is further noted that the proposals represent a significant renewable energy development that would more broadly accord with the aspirations of the Climate Change chapter of the Hartlepool Local Plan 2018 in terms of delivering renewable energy sources and providing infrastructure to assist in moving away from reliance on less sustainable means of transport. In light of the current position, there is not a Planning Policy objection in relation to compliance with policy CC4.

1.96 The applicant has put forward a condition they would be willing to accept in relation to the future use of the commercial building associated with the charging forecourt. In general terms, Planning Policy support a condition of this type to restrict use of the building to ancillary uses associated with the charging forecourt rather than an open Class E permission. Subject to appropriate wording being put in place by the decision maker, Planning Policy are satisfied a condition of this nature would overcome concerns raised previously in respect to Local Plan policy RC1.

1.97 With regards to opportunities to travel to work by sustainable means, this is still being investigated by HBC Highways and Planning Policy, as per [Planning Policy's] email to the agent.

#### Update 07/08/2024 following discussions with the applicant regarding sustainable travel:

##### *Highways and sustainable access to the site (for employees)*

1.98 Local plan policy INF1 (Sustainable Transport Network) seeks to: -

*Work with key partners, stakeholders and other local authorities to deliver an effective, efficient and sustainable transport network, within the overall context of aiming to reduce the need to travel.*

*In Hartlepool the key relevant priorities of a sustainable transport network relating to this proposal and the ability to access the site by sustainable modes are:*

*2) improve opportunities for access to employment and training, particularly for those without private transport;*  
*3) provide realistic alternatives to travel by private car;*  
*8) improve the quality and reliability of bus services; (HS note – this relates to the bus service as a whole and includes bus stops and walking links to bus stops).*  
*10) provide a comprehensive, safe and well-managed network of footpaths and cycle routes throughout the Borough linking residential areas with employment sites, shopping and community facilities, and leisure/recreation sites. (HS note – PP note that the applicant is relying on the bus service to provide sustainable links and thus not providing a walking or cycling link towards the urban area and if this is to be the case the PP consider that the bus option should be safe and a real alternative to the car).*

1.99 Where appropriate development will be required to contribute to the delivery of a sustainable transport network and promote sustainable travel.

1.100 Local Plan policy INF2 (Improving Connectivity in Hartlepool) seeks to deliver sustainable transport in Hartlepool through a balanced package of measures that seek to:

- 1) maximise the level of sustainable access to areas of development, particularly through good quality public transport services and safe, attractive and, where appropriate, well lit pedestrian and cycle routes, and
- 2) develop further opportunities for sustainable modes of transport to serve existing communities throughout the Borough.

1.101 Paragraph 108 of the December 2023 NPPF sets out that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued; (This paragraph remains unchanged in the July 2024 draft thus confirming that the current Government are still pursuing the aims of this paragraph).

1.102 Paragraph 114 of the December 2023 NPPF sets out that in assessing specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. (This paragraph has been amended in the July 2024 draft, however the overall aim of this criterion still seeks to promote sustainable transport modes, thus confirming that the current Government are still pursuing the aims of this paragraph).

1.103 Paragraph 116 of the December 2023 NPPF sets out that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; (This paragraph remains unchanged in the July 2024 draft thus confirming that the current Government are still pursuing the aims of this paragraph).

1.104 Planning Policy are not convinced that staff can access the site by sustainable means, there are bus stops along the A179 and there is a bus service however the bus stop location to the south of the A179 is some distance from the site entrance meaning people will have to walk along the grass verge to access the site, this is not an ideal situation. In addition to access the bus stop north of the A179 there is no safe crossing point.

1.105 Hartlepool is a borough with lower than UK average car ownership and the types of jobs likely to occur at the EV station i.e. kiosk operators are likely to be unskilled and potentially minimum wage jobs. It is considered that given the likely low salary and low car ownership that the use of the bus will be the only option for some people to get to work at the EV station and as it stands the bus stop locations and lack of safe crossing over the A179 locations are not conducive of providing a safe and accessible option to travel to work by public transport.

1.106 Highway engineers have been asked to share some solutions to ensure policy compliance.

- The applicant could install a new a new bus stop to the south of the A179, close to the site entrance which is at a possible cost of £3000/£4000
- The applicant could also install a safe crossing point so that the bus stop to the north of the A179 can be accessed, that is at a possible cost of £10,000.

1.107 Planning Policy would welcome consideration of the above points.

*Update 08/09/2024 following further discussions around sustainable travel:*

1.108 This proposal is seeking to locate an employment use within an isolated rural location, no cycle or walking links towards the urban area are proposed and the applicant is relying on the existing public network and the bus stops that are not within close proximity to the site and a car sharing scheme to satisfy local plan policy and NPPF paragraphs associated with ensuring places of employment can be accessed by sustainable modes of transport.

1.109 Planning Policy are of the view that a car sharing scheme should be something that is in place as standard in businesses across the borough.

1.110 Planning Policy note that such schemes are not binding as there is no way of ensuring employees to use them. There are many limitations to car sharing scheme

i.e. what if numerous staff don't own a car and if none car drivers are on similar shift, how can they partake in car sharing. The company could manage the rota to ensure car sharing is always available however this is not enforceable by HBC. What if cars break or if someone becomes unable to drive, that would remove car a from the car share pool and could have a knock on impact, how would non car drivers then access the site other than the bus and a long walk along a grass verge.

1.111 Car sharing schemes are fully supported, however they should not be seen as an alternative to providing the necessary infrastructure to ensure that people have the choice and ability to access employment without the need for a car.

Update 03/10/2024 following query regarding allocation of INF2 for future road widening of the A179:

1.112 We would follow Highways lead on this so given [HBC Traffic and Transport] has no objections, Planning Policy do not object either.

Update 24/01/2025 following discussion regarding amended NPPF:

1.113 Planning Policy have considered this application in accordance with the December 2024 NPPF and Planning Policy are satisfied that the view previously given still remains relevant.

1.114 Changes within the Climate Change chapter (chapter 14) of the NPPF from the 2023 version to the 2024 version are not significant enough to alter Planning Policy's view and the comments given to date are still relevant.

1.115 Planning Policy are satisfied that this proposal has been considered in accordance with the December 2024 NPPF and in particular chapter 14. In autumn 2023 the Conservative government amending chapter 14 of the 2021 NPPF by deleting footnote 53a and 54 to allow wind turbine development to be approved if impacts were "appropriately addressed". Planning Policy are of the view that the December 2024 NPPF is aligned with this autumn 2023 NPPF change and that the previous Planning Policy comments on this matter remain relevant.

1.116 Planning Policy welcome the condition relating to allowing only E(a) and (b) uses, this will ensure that the uses associated with the facility remain appropriate and that if other uses are prosed in the future i.e. a [lay facility or conference area than the council have the opportunity to assess the impact of such a proposal at a later data.

## PLANNING CONSIDERATIONS

1.117 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) (HLP) and Hartlepool Rural Neighbourhood Plan (2018) (HRNP) and the NPPF (2024), and in particular the principle of development, the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, highway and pedestrian safety and public rights of way (PRoW), ecology and nature conservation, flood risk and drainage and archaeology. These and any other planning

and residual matters are considered in detail below.

## PRINCIPLE OF DEVELOPMENT

### *Site allocations*

1.118 Although the application site is located beyond the development limits as defined by Policy LS1 of the Hartlepool Local Plan (HLP, 2018), the HLP Policies Map (2018) identifies the application site as forming part of an extensive wider area which is identified in the HLP (2018) under Policy CC4 as suitable for (limited) strategic wind turbine development, subject to satisfaction of a range of criteria. The application site is located outside the development limits (Policy GEN1) although not within the identified Green Gaps of the Hartlepool Rural Neighbourhood Plan (HRNP, 2018).

1.119 During the course of the application, the applicant provided a plan to demonstrate that a substantial proportion of the HLP Policy CC4 allocation for wind turbine development remains undeveloped. It is acknowledged that there was a proposed change in national policy in autumn 2023 (under the Conservative Government) and that changes have followed through in the December 2024 NPPF, written under the current now Labour Government. Of significance is that the footnote 53a and 54 of the 2021 NPPF, that were deleted in 2023, have not been reinstated and the amendment to paragraph 168 (and the removal of footnote 57) of the NPPF in December 2024 as a whole set out that wind farm development is no longer reliant on there being a Local Plan allocation in order to come forward. This would potentially open other sites for wind turbine development, subject to the usual range of material considerations being considered. It is further acknowledged that the proposals represent a significant renewable energy development that would more broadly accord with the aspirations of the Climate Change chapter of the HLP (2018) in terms of delivering renewable energy sources and providing infrastructure to assist in moving away from reliance on less sustainable means of transport.

1.120 In view of the above, the Council's Planning Policy team have confirmed no objections to the proposals in this respect.

1.121 It is also noted that Policy INF2 of the Hartlepool Local Plan safeguards land alongside the A179 for the potential future duelling of the road. It is noted that the proposals extend northwards up to the edge of the current field boundary, whilst part of the proposals include the A179 trunk road itself to facilitate the proposed entrance into the proposed electric vehicle forecourt. No objections have been received from HBC Planning Policy or HBC Traffic and Transport in this respect as it is considered there is sufficient space to accommodate any widening should this be required in the future. It is understood from HBC Traffic and Transport that there are no proposals at the time of writing to widen the A179 in the short or medium term.

### *Planning policies relating to renewable energy development*

1.122 Local and national planning policy give significant support to the development of renewable energy infrastructure.

1.123 Policy CC1 of the HLP (2018) seeks to minimise, mitigate and adapt to climate change. The principles of this policy, among other things, encourage the reduction, reuse and recycling of materials. Policy CC1 also sets out support for opportunities for charging electric and hybrid vehicles and development that utilises renewable energy technologies in order to minimise and adapt to climate change. It is of note that the proposed development would produce and provide renewable energy (and is understood to have the ability to store produced energy through the proposed BESS infrastructure). In principle, the proposed development is considered to be in line with Policy CC1.

1.124 Policy CC3 (Renewable and Low Carbon Energy Generation) of the HLP (2018) recognises that significant weight should be given to the achievement of wider environmental and economic benefits from low carbon energy infrastructure. This Policy seeks to ensure that proposals satisfactorily address standalone and cumulative impacts that may result from the position of proposals, taking into account the visual appearance, topography and character of the area, impact on the amenity of local residents and any impacts on species, among other criteria. HLP Policy CC3 overall supports the achievement of wider environmental and economic benefits from energy infrastructure and in this context, the proposal is considered to be broadly compliant with the aims of the policy.

1.125 Policy CC5 relates to Large Scale Solar Photovoltaic Developments and offers support to proposals for large scale ground based solar developments subject to the following:

- Developments should make use of previously developed or non-agricultural land. If the proposal involves the use of agricultural land, the best and most versatile land should be avoided and poorer quality land should be used; evidence should be provided to demonstrate the extent to which other sites for the development have been considered, particularly previously developed/non-agricultural land.
- Affect on the amenity of occupiers of any nearby properties and/or land,
- Impact of the development on landscape and character and the scope for mitigating any visual impacts through, for example, tree planting and screening with native hedges, applications should be accompanied by a Landscape and Visual Assessment,
- Effect of glint and glare on the landscape, neighbouring uses, highway and aircraft safety and on the passage/flight lines of migratory birds,
- The need for, and impact of, security measures such as lighting and fencing,
- Impact, either individually or cumulatively, on the significance of a heritage asset including its setting,
- Impact either individually or cumulatively, on internationally, nationally or locally important species and habitats,
- An assessment of opportunities provided by the development to enhance biodiversity interest, including for example wildflower planting, and,
- An assessment of flooding and drainage issues.

1.126 With regards to the criterion 1 of Policy CC5 of the HLP (2018), it is of consideration that the application site is agricultural land rather than previously developed land. Notwithstanding this, it is acknowledged that the size and location with proximity to the strategic road network of a suitable site to allow for a solar farm

and vehicle charging forecourt would make it impractical to locate the proposed development on previously developed land within the urban area.

1.127 The application is supported by an Agricultural Land Classification and Soil Resources report. The application site is mostly grade 3b agricultural land (approximately 66%) and therefore of lower quality, however approximately 33% of the site is within grades 2 or 3a, which are Best and Most Versatile (BMV) land and should therefore be avoided. Notwithstanding this, it is noted that the pockets of BMV agricultural land are interspersed throughout the site, which would make avoiding those areas within the scheme impractical, but would also make utilising such areas for food production in conjunction with a solar development impractical. As such, whilst it is acknowledged that the proposals would result in the loss of some BMV agricultural land, the Council's Planning Policy team consider its avoidance would impinge on the feasibility of the overall scheme and therefore do not raise any objections to the scheme in this respect.

1.128 The submitted Planning Statement outlines that no suitable alternative brownfield sites are available that would accommodate the proposed development.

1.129 Finally, it is noted that the proposed development would not preclude agricultural use entirely, and that sheep grazing would still be feasible on the site alongside the solar panels. As such, the Council's Planning Policy team consider that the development would allow for diversification rather than the entire loss of agricultural land.

1.130 While noting the requirements within the NPPF (2024) to recognise the value of BMV agricultural land and the recent Ministerial Statement (Solar and Protecting our Food Security and Best and Most Versatile (BMV) Land, 15/05/24) regarding solar developments and protecting food security, it is considered in this instance the proposals are generally in keeping with the requirements of local and national policy in this regard. The Council's Planning Policy team support this view for the reasons previously given.

1.131 HRNP Policy NE2 (Renewable and Low Carbon Energy) supports the development of renewable and low carbon energy schemes and associated infrastructure, providing that any adverse impacts on the surrounding landscape are considered. Policy NE1 (Natural Environment) of the HRNP seeks to protect, manage and enhance the area's natural environment.

1.132 At a national level, Paragraph 161 of the NPPF (2024) states that the planning system "should support the transition to a low carbon future", offering general support to renewable and low carbon energy and associated infrastructure.

1.133 Paragraph 164 of the NPPF (2024) recognises the importance of the planning regime in delivering renewable energy. This paragraph sets out that the planning system should support the transition to a low carbon economy and, in particular, support renewable and low carbon energy infrastructure.

1.134 Paragraph 168 of the NPPF (2024) states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) *approve the application if its impacts are (or can be made) acceptable.*  
*Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

1.135 The NPPF (2024) 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.

1.136 The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets. The target for carbon emissions was initially set at 80% of the 1990 baseline figure by 2050. This was amended to 100% ‘net zero’ by section 2 of the Climate Change Act 2008 (2050 Target Amendment) Order SI 1056 in July 2019. This constitutes a legally binding commitment to end the UK’s contribution to climate change. In March 2023, the government published its policy paper ‘Powering Up Britain’, which sets out how the government will enhance the country’s energy security, seize the economic opportunities of the transition, and deliver on the net zero commitments.

1.137 The Government has also recently updated and/or introduced in January 2024 National Planning Statements (NPS) relating to energy production (NPS EN-1 Overarching NPS for Energy, and NPS EN-3 for renewable energy infrastructure). The NPS are primarily aimed at providing planning guidance to developers in respect to nationally significant energy infrastructure projects but can be taken into account as a material consideration when considering all other energy related planning applications (as set out in the NPPF). The Overarching NPS EN-1 emphasises the need to transform the energy system and tackle emissions while continuing to ensure secure and reliable supply. It recognises that to ensure supplies remain reliable and to keep energy affordable there is a need to reduce the amount of energy wasted.

1.138 The applicant has submitted a letter that confirms that the proposal “would be of significant benefit as the Climate Change Response and Net Zero Strategy adopted by Hartlepool Borough Council in November 2023 confirmed that for Hartlepool 18.3% of emissions are from transport”. Officers consider this to be a substantial benefit of the proposals that can be afforded significant weight. This is a view supported in the recently allowed appeal decision for a solar farm development on land at Sheraton Hall Farm in County Durham (appeal decision APP/X1355/W/22/329982, dated 6/12/2023) which is referenced in the Background section to this report.

1.139 In view of the above noted paragraphs and policies outlining that significant weight ought to be given to proposals for renewable energy infrastructure, the proposal is considered to broadly comply with the provisions of the relevant policies of the HLP (RUR1, CC1, CC3 and CC5) and HRNP (GEN1 and NE2) where any impacts arising from the proposal are, on balance, considered to be acceptable for the reasons set out in detail in the sections below.

#### *'Need' and alternative sites*

1.140 Schedule 4 (Part 2), of the Environmental Impact Assessment Regulations requires that the Environmental Statement contains “A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects”.

1.141 The submitted Planning Statement indicates that “Electric vehicle ownership is on an upward trajectory with many forecasters predicting exponential growth over the next two decades. By 2040 Bloomberg New Energy finance predicts that 55% of all vehicles being sold worldwide will be electric, and 33% of all fleet vehicles will be electrified.” The Planning Statement states that the key challenge is the provision adequate fast-charging facilities, and that the borough of Hartlepool provides insufficient infrastructure for the mass adoption of electric vehicles that is forecast and supported by local and national planning policies.

1.142 As noted above, it is acknowledged that there would not be a more suitable site to facilitate the proposed solar farm and electric vehicle forecourt, which comprises an application site scale of 87 hectares.

1.143 Furthermore and in any event, as noted above, the NPPF states that there is no requirement for an applicant to demonstrate overall need for renewable and low carbon energy and Local Planning Authorities are directed to approve such applications if impacts are (or can be made) acceptable.

#### *Other relevant planning policies – development in the rural area*

1.144 The proposals include a solar farm and an electric vehicle charging forecourt which would include the erection of an ancillary ‘kiosk’ building. Given its location, Policy RUR1 (Development in the Rural Area) of the HLP (2018) and Policy GEN1 of the HRNP (2018) are therefore particularly relevant.

1.145 The main aim of Policy RUR1 of the HLP (2018) is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled. Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses including the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a scale and nature that is suitable to a rural location. HLP Policy RUR1 also notes in the pre-amble that other appropriate uses

include those relating to public infrastructure or to meet the social needs of the local community.

1.146 With respect to compliance with the HRNP (2018), it is noted that policy GEN1 stipulates that in the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

1.147 HRNP Policy GEN1 goes on to state that development in the open countryside outside Development Limits will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements. Particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to respect the countryside character and does not impact on visual amenity or the local highway network.

1.148 It is considered that whilst the proposal could be considered to comply in principle with HRNP Policy GEN1 given that it is considered to be appropriate development (public infrastructure) in the rural area, Policy GEN1 of the HRNP, as well as a number of other policies within the HRNP (2018), namely GEN2, NE1 and NE2 require careful consideration be given to a number of other criteria (similar to the above HLP (2018) requirements) and these are considered in greater detail in the sections below.

1.149 When considering the criteria of HLP Policy RUR1, it is acknowledged that the proposal would be in general conformity with the requirements of the HRNP (subject to the consideration in terms of visual amenity); it is not possible to be located within or nearer to a village; it is not possible to re-use existing buildings or materials; it is considered that impacts on neighbour amenity can be mitigated as detailed in the section below; it is acknowledged as detailed in the section below that the design of the scheme is such that it would not, on balance, result in unacceptable visual impacts; it is considered to be similar in character and appearance to existing or approved energy related infrastructure in the surrounding area (south of the A179); the proposal includes appropriate access as detailed in the section below; subject to mitigation the proposal would not have such a detrimental impact on the landscape character or heritage assets as to warrant refusal (as detailed below); that, as noted above, whilst parts of the application site are identifiable as 'best and most versatile' agricultural land (Grades 1-3a), the site is mostly grade 3b agricultural land and the pockets of BMV agricultural land are interspersed throughout the site, which would make avoiding those areas within the scheme impractical, but would also make utilising such areas for food production in conjunction with a solar development impractical.

1.150 In view of the above, it is considered that overall, the proposal is broadly considered to be appropriate development (supporting public infrastructure) in the

rural area, which would therefore be in general conformity with the requirements of Policy RUR1 of the HLP (2018), and Policy GEN1 of the HRNP (2018).

1.151 Policy RC1 (Retail and Commercial Centre Hierarchy) of the HLP (2018) states that proposals for retail, leisure and office development with a floor area of 200m<sup>2</sup> or above, not located in the Town Centre or a local centre, will be required to provide a robust impact assessment. Policy RC16 (The Local Centres) of the HLP (2018) outlines that the Council will seek to diversify, support and protect local centres in recognition of the service they provide to their local communities.

1.152 Policy EC4 of the HRNP (2018) relates to existing service stations on the A19 and travel related development, protecting existing sites for such uses to serve the travelling public. Whilst this Policy does not preclude new service station developments, it is noted than any extension to existing safeguarded areas (which could be taken to include new sites) will need to be carefully justified to outweigh the loss of countryside.

1.153 In their supporting Planning Statement, the applicant has included a Town Centre Use Assessment which concludes that there is no sequentially preferable site which would have comparable characteristics or be suitable for the proposals. The supporting Planning Statement indicates that “a building of the scale proposed would not be large enough to attract visitors from other locations and adversely impact the Borough’s town centre and local centres.”

1.154 The Council’s Planning Policy team initially raised concerns regarding the scale and function of the proposed ancillary kiosk building (and applicant’s supporting information), based on the submitted details which include a floor plan delineating 241sqm of “commercial space” which does not define the precise uses of this space. The applicant advised that a planning condition could ensure that the proposed kiosk building would remain ancillary to the proposed electric vehicle charging forecourt and that the uses within the building could be limited to E Use Class uses (for example, retail or café uses). The Council’s Planning Policy team have confirmed that this approach is acceptable, and a planning condition is recommended in this respect to limit the use of the kiosk building to E(a – retail) and E(b – a cafe). Subject to this, it is considered that the proposals would not adversely impact upon the vitality and viability of the Borough’s town centre and local centres.

### *Obligations*

1.155 In the interests of achieving sustainable development and ensuring that the proposal is acceptable in planning terms, and in accordance with HLP Policy QP1 Planning Obligations and the Council’s Planning Obligations SPD, a developer contribution of £30,000 towards providing sustainable transport in the vicinity of the application site, which may consist of a safe crossing island allowing access north of the A179 to an existing leisure route and improved access to the existing bus stop on the A179, a new bus stop facility on the southern side of the A179 along with a walking link from the new bus stop to the facility will be required (and has been agreed with the applicant). The financial contribution will need to be secured through a S106 legal agreement.

### *Principle of Development Conclusion + Planning Balance*

1.156 In view of the above considerations, and in weighing up the significant weight of the policies in favour of low carbon and renewable energy against the main policies of restraint (in particular RUR1 of the HLP and GEN1 of the HRNP), it is considered that the benefits (of infrastructure to assist in the delivery of low carbon energy) would significantly and demonstrably outweigh any identifiable harm to the visual amenity of area (which is discussed in further detail below and to which the proposal is, on balance, considered to be acceptable in such respects), and therefore the principle of development would be acceptable in this instance.

1.157 Concerns have been raised by officers with the applicant throughout the application (and pre-application) process as to the scale and design of the proposals being sited within an area which is open in nature and allows for prominent sequential views of the open countryside and coastline when travelling along the main route into the town of Hartlepool along the A179, and along a stretch of the A19. It has been requested by officers that consideration should be given to reducing the scale of the proposals and/or increasing the proposed landscaping around the perimeter of the application site and along key routes into Hartlepool and the surrounding area of the A179 and A19. In response, the applicant has confirmed that they are unable to reduce the scale to any appreciable degree but officers acknowledged that the applicant has amended the layout of the solar panels to omit the placement of panels on Whelly Hill itself, and has amended the submitted planting plan to include the installation of some additional planting throughout the application site particularly along the northern and western boundaries.

1.158 In the above context, the application does have its shortcomings and the consideration of the application requires a balanced judgement of the benefits of the scheme against any identified disbenefits/level of harm (particularly any identified visual harm). This will be considered in further detail in the Visual Amenity section below.

1.159 In conclusion, and when weighing up the balance of the (local and national) policies in favour of the proposed siting of the development, and taking into account the proposed siting, site context and cumulative impact of the other energy related infrastructure in vicinity of the site, it is considered, on balance, that the identified substantial benefits of the proposal to which significant weight must be given, would outweigh any identified adverse impacts (primarily visual impacts and any impacts on ecology) when assessed against the requirements of Policies RUR1, CC1, CC3 and CC5 of the HLP (2018) and Policies GEN1, GEN2 and NE2 of the HRNP (2018), and the relevant paragraphs of the NPPF (2024). It is therefore considered that the principle of the development is acceptable in this instance subject to the scheme satisfying other material planning considerations in the sections below.

### VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF THE SURROUNDING AREA (INCL. LANDSCAPING)

1.160 Policy QP4 of the HLP (2018) seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. This policy requires that developments:

- 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,
- Respect the surrounding buildings, structures and environment,
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development.

1.161 Policy GEN2 of the HRNP (2018) requires that the design of new development should demonstrate, where appropriate:

- 3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;
- 5. how the design preserves and enhances significant views and vistas.

1.162 Paragraph 135 of the NPPF (2024) stipulates that planning policies and decisions should ensure that developments:

- Will function well and add to the overall quality of the area,
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, amongst other requirements.

1.163 Within the Hartlepool Landscape Assessment (2000) the site is within a broad area identified as 'undulating farmland' and considered to be of low amenity value (with higher value to the east), low landscape value and of low visual quality. The Assessment's visual analysis does however indicate the close proximity of the application site to the major ridge line (which is a significant feature in northwest Hartlepool) and also the importance of views from the vicinity of the site towards the north across the A179. The site is likely to be visible from parts of Hart.

1.164 A more recent description of the local landscape is contained in the Strategic Gap Assessment (2017). The Strategic Gap Assessment (2017) classifies the landscape in the area which includes the application site as Undulating Semi-Rural Farmland, which is described (in the Strategic Gap Assessment, 2017) as being of a 'good' landscape condition, with 'high' value, and 'medium-high' sensitivity.

1.165 Concerns have been raised by the Hartlepool Rural Neighbourhood Plan Group and Hart Parish Council in respect to the industrial nature of the proposal and the cumulative impact of this and other proposed energy related developments in the area on the character, appearance and visual amenity of the rural area in the vicinity of Hart and Sheraton. Through the consultation process, Durham County Council (LPA) have also emphasised the need to consider the current proposals (and secure appropriate mitigation) in the context of recent developments and approvals for energy related development within DCC's jurisdiction and in close proximity to the application site.

1.166 It is noted that the proposed solar farm and electric forecourt (and associated development) would be adjacent to and within close proximity of existing (and

approved) energy related development, including a recently approved synchronous condenser building and associated infrastructure (ref H/2022/0470) on the site of Whelly Hill Farm itself (that the current proposals would wrap around), further large solar farm to the south east (beyond Worset Lane), and the wider site context includes additional existing and recently approved energy related infrastructure, including gas powered energy generation plants and a number of substation/transformer structures, as well as a telecommunications mast and electricity pylons. There are also other live planning applications within the vicinity pending consideration, to include a large solar farm to the south west (beyond the A19 trunk road). Within the neighbouring jurisdiction of Durham County Council it is also noted that there are extant planning permissions for a solar farm at Hulam (north of the application site) and Sheraton (north and west of the application site).

1.167 The proposed development would be visible from a number of vantage points, including, when travelling along the A19 in either direction, when travelling along the A179 from Hartlepool toward the west and the A19 or from the A19 toward Hartlepool, when exiting the village of Hart to adjoin the A179 junction. As noted above, there are some public footpaths within the vicinity of the application site, including Elwick No. 9 which runs to the south east, and Elwick Nos. 6 and 8 which are situated to the west of the A19 trunk road (west of the application site). The proposed solar farm would comprise sections of linear rows of solar arrays which would be sited on agricultural land with boundary hedgerows on the perimeter as well as within the main area of land, providing demarcation of individual fields. It is acknowledged that the proposed solar farm would feature gaps between sections of solar arrays, and would include planting throughout the application site to include the above mentioned diagonal corridor of planting.

1.168 It is considered that the installation of an expanse of solar arrays (and associated infrastructure including the BESS structures) would alter the character and appearance of the existing open fields within which the application site sits.

1.169 Given that the proposed kiosk, with a total height of approximately 5.7m, would be situated close to the northern boundary, it is considered that this would be readily visible from the A179 and A19, particularly when travelling westbound along the A179 due to the removal of existing hedgerows along this boundary to facilitate the construction of the proposed entrance into the electric vehicle forecourt. Notwithstanding this, it is acknowledged that the majority of existing trees and hedgerows along the northern boundary would be retained and that the proposal includes the planting of some additional trees and landscaping along this boundary, which would increase the screening towards the proposed kiosk and other elements of the proposals. In terms of the design of the proposed kiosk, it is noted that this would comprise materials, including timber cladding, which are considered to reflect the urban edge setting and would assist in integrating the proposed kiosk into the landscaping, to some extent.

1.170 The proposed DNO substation, customer substation, and battery storage area would be situated toward the north eastern boundary and would also be readily visible on approach along the A179 (in either direction), as well as from the junction with the village of Hart. It is acknowledged that the majority of ancillary buildings (including the proposed BESS) would be situated in the southern sections of the

application site and therefore would be afforded more screening from the existing and proposed landscaping to the northern boundary.

1.171 In view of the above, it is considered inevitable that a development of this scale in the countryside would have some adverse impact on the character and appearance of the open countryside. Nevertheless, it is acknowledged that views of the proposed development would be partially screened by the existing intervening vegetation, landform, built development and by the proposed landscaping proposals. Consideration is also given to the positive thrust adopted by local and national policies (and national policy statements) which indicate that development should be approved where the harm would be outweighed by the benefits of a scheme (which are set out in the Principle of Development section, above).

1.172 The applicant's submitted Landscape and Visual Impact Assessment (LVIA) concludes that the proposed development would result in direct landscape effects that are "Moderate adverse and not significant at a site level" with long term effects also being assessed as being "Moderate adverse and not significant on the site and its immediate environs, once the proposed embedded mitigation planting and green infrastructure matures". The submitted LVIA concludes that the effect on the Undulating Farmland would result in "limited localised changes... assessed as Minor adverse and not significant", whilst the indirect landscape effect on the adjacent County Durham Coastal Limestone Plateau is "assessed as Negligible adverse and not significant, due to the limited interaction this character area has with the site."

1.173 The Council's Landscape Architect has been consulted on the application and has noted the conclusions from the submitted Landscape and Visual Appraisal, advising that that any residual impacts (as demonstrated on the submitted photomontages) would be local, reduce over time (year 1-15) and be considered acceptable given the site context.

1.174 The amended layout of the solar farm omits the installation of any solar panels on Whelly Hill (a substantially raised landform towards the northern boundary of the application site). Landscaping mitigation measures are proposed in the form of the enhancement of existing vegetation along the boundaries of the site particularly along the northern boundary between the application site and the A179 and the western boundary between the application site and the A19, creation of a wide habitat strip running diagonally through the centre of the application site, partial reinstatement of some historic field boundaries, and the creation of rough species rich grassland within the site. During the course of considering the application, the officers requested increased landscaping be included to all boundaries of the application site. In response, the applicant submitted a scheme incorporating some additional landscaping, which, although less than requested/expected, is considered to go some way to providing more meaningful landscaping screening and to assist in reducing any unacceptable identified visual impacts as a result of the proposed development. A planning condition is necessary to secure the implementation and long term maintenance and management of this soft landscaping mitigation (in addition to a condition securing Biodiversity Net Gain on site).

1.175 As noted above, the proposed kiosk building would be finished in grey and timber coloured materials. It is acknowledged that the submitted Landscape and

Visual Assessment indicates that boundary fencing and ancillary structures would be finished in a grey or green colour which are considered to be acceptable in the context of the site location. A planning condition can secure final finishing details of the boundary treatments and structures and is considered necessary accordingly.

1.176 As noted above, the application site is gently undulating with a hill feature (Whelly Hill) situated in the north east corner, adjacent to the main trunk road of the A179. The application is accompanied by a Glint and Glare Assessment, as well as a Topographic Layout and a proposed Site Levels plan of the proposed electric forecourt. The submitted details demonstrates that the proposed development would be relatively level with limited changes to the existing ground levels, with the only exception to this being an area towards the north west of the application site where solar arrays would be raised slightly using a 'gabion solution' to account for a notable change in ground levels. Whilst this is considered acceptable in principle, final details of the proposed site levels (and such retaining structures) can be secured by planning condition, which is recommended accordingly.

1.177 Concerns have been raised in respect of the cumulative impact of existing, approved and current applications within the jurisdictions of both Hartlepool Borough Council and Durham County Council. These concerns are fully acknowledged by officers. Nonetheless and in this instance, it is noted that the proposed development would be relatively contained to an area of land to the east of the A19 and south of the A179, being delineated by these main trunk roads, and situated an appreciable separation distance from the solar farm to the east (under construction), and the proposed solar farm under consideration to the south west of the application site and of the A19, as well as the approved solar farms at Hulam (north of the A179) and Sheraton (to the north west/west of the A19) both of which are within the jurisdiction of Durham County Council.

1.178 Consideration is also given to the proposed existing and proposed screening to the northern and western boundaries which would further serve to delineate and define the site boundaries. As such, it is considered that the proposal would be read as a standalone development and not a contiguous whole with other solar farm developments (mentioned above) and therefore would not result in any harmful cumulative impacts.

1.179 Further consideration is given to the site being allocated for wind turbine development under Policy CC4 of the HLP (2018). Whilst solar development is notably different in appearance to wind turbines, there is a recognition that green energy infrastructure would be appropriate in this location and that is, in part, due to their being a logic to consolidating such features in this location given the existing infrastructure already prevalent, rather than introducing them to more sensitive, higher value locations and landscapes. It is also acknowledged that the proposed solar farm development would be low level in relation to the nature of wind turbines.

1.180 Overall, it is considered that the proposed development, would, on balance, both in isolation and cumulatively, have a limited adverse impact on the visual amenity of the area, the character of the open countryside and the approach into and out of Hartlepool. It is also considered that the proposed development would also be read in the overall context (and in part, backdrop) of the above mentioned existing

adjacent (and approved) energy related developments. It is further considered that the impacts would not be considered as 'significant' in the context of the EIA Regulations.

1.181 The Hartlepool Rural Neighbourhood Plan Group and members of the public have raised concerns in respect to the installation of any lighting would add to light pollution in the 'darker' area between the lights of the A19 and the urban area of Hartlepool. Given that the application includes an electric vehicle forecourt and ancillary kiosk building, it is of note that the application includes the installation of permanent lighting throughout that part of the application site. The submitted plans indicate that this would be in the form column lighting, wall mounted lighting and lighting under proposed canopies which all feature downward facing lighting optics, as well as low level bollards which are not uncommon for such developments. It is also acknowledged that the downward facing proposed lighting would minimise light spillage from the immediate area of the proposed electric vehicle forecourt. In response, no objections or requirements have been received from the HBC Landscape Architect or HBC Public Protection. Final details of the lighting can be controlled by a planning condition, which is recommended accordingly. Again, it is considered that the impacts would not be considered as 'significant' in the context of the EIA Regulations.

1.182 In conclusion, it is acknowledged that the proposed development would alter the character and appearance of the application site and open landscape. However, on balance, it is considered that the design of the proposals together with the landscaping mitigation proposed, would both in isolation and when taken cumulatively be such that there would not be such an unacceptable adverse visual impact on the character and appearance of the open countryside and surrounding area as to warrant a reason to refuse the application in this instance. It is further considered that the identified level of harm would be outweighed by the identified benefits of the scheme when taken into consideration as part of the 'planning balance'.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.183 The application site is to the south of the A179 trunk road and east of Worset Lane. As such, aside from Whelly Hill Farmstead, there are limited sensitive neighbouring land users, such as residential properties, around the vicinity of the application site.

1.184 Whelly Hill Farm is situated within the centre of the application site at a separation distance (at the closest point) of approximately 35m to the boundary and approximately 50m remaining from the proposed solar panels to the north, and approximately 370m to the proposed electric vehicle forecourt to the north west, with intervening hedgerows (and the Local Wildlife Site to the west). As noted above, planning permission is 'minded to approve' for the demolition of the farmstead and the installation of a synchronous compensator (H/2022/0470) which is a commercial structure/development with no associated sensitive land users/occupants and in that context would not be adversely affected by the current proposals.

1.185 Given that Whelly Hill Farm would, in effect, be surrounded by the proposals, with an expanse of solar farm to the north, east and south and beyond the LWS to the west, the case officer requested that the applicant submit a Residential Visual Amenity Assessment. The applicant responded to state that “In terms of visual impact on residents of Whelly Hill farm, the LVIA does not directly assess private residential views as visual receptors, however it does provide a general description of changes identified to private residences. The landowner of Whelly Hill Farm is the landowner of the proposed development site, and therefore is fully aware of the scheme and accepting of any potential changes to outlook”..”

1.186 The submitted Design and Access Statement and Planning Statement indicate that the design of the proposals ensure that there is no adverse impact on the amenity or privacy of neighbouring land users in the vicinity, including Whelly Hill Farm.

1.187 Taking into account the low level nature of solar arrays, the above mentioned separation distances including approximately 50m remaining between windows in the front of Whelly Hill Farmhouse to the closest solar arrays to the north with screening in the form of existing hedgerows in place between and the removal of solar arrays from Whelly Hill, it is considered, on balance, that the installation of the solar farm would not result in such an unacceptable impact on the amenity and privacy of the occupants of Whelly Hill Farm (or the extant permission to redevelop the site for a synchronous condenser, H/2022/0470) in terms of loss of outlook, overbearing impression, overshadowing or overlooking, as to warrant a reason to refuse the application.

1.188 As noted above, the proposed electric vehicle forecourt would be sited approximately 370m to the north west of Whelly Hill Farm, with solar arrays as well as screening in the form of existing and proposed landscaping between. In view of this, it is considered, on balance, that the electric forecourt would not result in any significant adverse impact on the amenity and privacy of the occupants of Whelly Hill Farm in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

1.189 High Volts Farm is also situated to the eastern boundary of the application site (although it is understood that it is not a residential property). Other farmsteads are situated in the wider area, with Tilery Farm sited approximately 134m to the east, Hart Moor House approximately 370m to the north (beyond the A179), and Claypit Farm sited approximately 500m to the south east to the nearest elements of the proposal/red line boundary of the application site.

1.190 The village of Hart is situated approximately 1.1km to the north east, with Nine Acres (the nearest residential properties) located approximately 670m to the north east. The village of Elwick is located approximately 865m to the south.

1.191 It is considered that the substantial separation distances outlined above, in combination with the existing and proposed trees and landscaping around the site boundaries, are such that the proposal would not result in any impacts on the amenity of any neighbouring land user in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

1.192 In terms of noise, dust and odour, as noted above, the application is accompanied by an Environment Statement which has sections on noise and vibration (section 5.5) and air quality (section 5.6), among others. The Environmental Statement concludes that the proposed development (including the solar farm, electric forecourt and ancillary development) would have the potential to result in temporary construction noise as well as some local noise impacts, albeit in the context of the surrounding highways of the A179 and A19 these would not be significant. The Environmental Statement concludes that the proposals would not result in any significant impacts in terms of dust and air quality, and that a Construction Management Plan (CMP) would be submitted, which can be secured by planning condition and this is recommended accordingly.

1.193 The application includes a supporting Glint and Glare Assessment which concludes that there is a moderate impact on “approximately 200m of road and the occupants of one dwelling” (Whelly Hill Farm) as a result of solar reflections, which can be mitigated against by proposed screening in the form of landscaping. The Council’s Public Protection section has been consulted and has raised no objections or requirements to the submission (including the supporting documents). The Council’s Public Protection team have requested planning conditions controlling hours of construction (Monday to Friday 8am – 6pm and Saturdays between 9am-1pm) and dust suppression facilities and wheel washing facilities (which can be secured in the form of a Construction Management Plan (CMP)).

1.194 During the course of the application, the applicant requested that “non-audible working activities” be permitted at certain times on a Sunday (8am-2pm). The Council’s Public Protection team was consulted on this request and confirmed no objections to this. These matters (including the hours of construction) can be secured by appropriate planning conditions, as well as the above mentioned CMP and these are recommended accordingly. Matters of open burning, as requested by HBC Public Protection, can be controlled through separate environmental legislation and this can be relayed to the applicant via an informative.

1.195 In view of this and given the significant separation distances to neighbouring properties, it is considered that the proposal would not result in any undue noise, odour, light pollution or other disturbance to neighbouring land users. In the event such issues were to arise, this would need to be considered through separate environment legislation.

1.196 Overall and on balance, it is considered that the proposal would not have a significant detrimental impact on the living or working conditions, amenity or privacy of neighbouring land users and the application is therefore considered to be acceptable in this respect.

#### HIGHWAY & PEDESTRIAN SAFETY, CAR PARKING & PUBLIC RIGHTS OF WAY

1.197 It is acknowledged that objections from members of the public have been received in respect of highway safety related matters, including access and traffic congestion, and in respect of the submitted Transport Assessment.

1.198 Paragraph 116 of the NPPF (2024) states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

#### *Access and Highway Safety*

1.199 The application site is located immediately to the east of the A19 and south east of the Sheraton Interchange and south of the A179 which runs east-west providing a route into and out of Hartlepool to the A19.

1.200 The Council’s Highways, Traffic & Transport section and National Highways have been consulted on the application and the submitted Transport Statement, Glint and Glare Study and the submitted Stage 1 Road Safety Audit which was requested by HBC Traffic and Transport.

1.201 The submitted plans and supporting information indicate that highway works to facilitate access to the charging forecourt could include the installation of a new vehicular access from the A179 by way of a priority T-junction and right turn ghost island from the A179.

1.202 The Stage 1 Road Safety Audit (RSA) provides a number of recommended potential mitigation measures (along the A179) to address any impacts; this could consist of specific road markings and surface treatments to protect right turning lanes, an extension to the existing 40mph speed limit; road lighting and refuge islands.

1.203 HBC Traffic and Transport initially requested a number of planning conditions to secure the recommended mitigation measures set out in the Stage 1 RSA as well as a condition in respect to a proposed bus stop relocation. Following further discussions with the applicant, HBC Traffic and Transport have agreed that full details of any highway mitigation measures (as outlined in the Stage 1 RSA) shall be first submitted through the completion and submission of a Stage 2 RSA (it is understood that this will confirm the extent of any required mitigation measures). A planning condition is recommended accordingly to secure this requirement and the implementation of any mitigation measures.

1.204 It should be noted that any required highway works/measures including the creation of the right turn lanes and other works to the A179 will require the applicant to enter into a section 278 agreement. This is separate to the planning process, and an informative can relay this to the applicant.

1.205 The submitted Transport Statement (TS) indicates that proposed electric vehicle forecourt would “attract 80-140 vehicles throughout the day from early morning through to early evening, with a maximum hourly trip generation rate of 15-20 vehicles during the busiest hours of the day”. The Transport Statement indicates that the majority of forecast vehicle trips would be classified as “pass by” visitors.

1.206 HBC Traffic and Transport have commented that whilst having concerns regarding additional traffic on the A179 at the times indicated in the TS, they have

confirmed that given the relatively small scale of the development, they would be unable to sustain an objection to the application on highway grounds.

1.207 National Highways have advised that the trip generation data supplied by the applicant is considered to be appropriate, and that a Construction Traffic Management Plan (CTMP) is required (to outline how construction will be undertaken) to be secured by planning condition, in addition to planning conditions in respect of the tilt of the proposed solar panels (to avoid glare to road users) and securing the proposed landscaping (which is required for form part of screening). These planning conditions are recommended accordingly with the requirements for screen planting to be incorporated into the final landscaping scheme.

#### *Car Parking*

1.208 The proposed electric vehicle forecourt would provide a total of 42no. electric vehicle charging points for cars and 3no. electric vehicle charging points for HGVs, 15no. non-charging parking spaces of which 5no. are designated for staff, and 12no. cycle parking spaces. The final details of hardstanding and requirement for the scheme to be laid out and operate in accordance with the approved layout, can be secured by separate planning conditions and these are recommended accordingly.

1.209 The Council's Traffic and Transport team and National Highways have confirmed no objections in this respect.

1.210 Subject to the identified planning conditions, the proposal is considered to be acceptable in respect to highway and pedestrian safety matters.

#### *Sustainable Travel Options & Pedestrian Access*

1.211 Access to the application site by footpath is limited, and the closest westbound bus stop on the A179 is situated at the existing entrance to Whelly Hill Farm whilst there is an eastbound bus stop on the northern side of the A179 within a reasonable vicinity of the proposed electric forecourt and kiosk. The proposals include the provision of 12no. cycle storage spaces. Internally, the proposals include the installation of a footpath route ('Solar Farm Walk') around a section of the proposed solar farm.

1.212 The Council's Traffic and Transport team, the Council's Planning Policy team and the Council's Countryside Access Officer requested the installation of a bus stop on the westbound carriageway and appropriate pedestrian links, to include a crossing refuge to provide access on foot to the northern side of the A179 and in the interests of providing sustainable linkages and infrastructure.

1.213 The applicant raised initial concerns about providing the required bus stop, crossing point and footpath links to allow visitors to the proposed development the opportunity to access the woodland area to the north. The applicant sought to provide further justification for not providing this with details of a 'Car Sharing Scheme'. Following further discussions with HBC Planning Policy, the applicant now agrees to providing a financial contribution of £30,000 towards sustainable transport (which could include the provision of a bus stop, crossing island and footpath links

from the proposed electric vehicle forecourt to the bus stop) to be provided. The Council's Traffic and Transport team and HBC Planning Policy team have confirmed that this approach is acceptable in this instance. The financial contribution would be secured via a S106 legal agreement.

1.214 The applicant has advised that information panels are proposed adjacent a 'Solar Farm Walk', which is a proposed circular route from the proposed forecourt extending around the rows of solar panels situated in the north western extent of the site. Details of the information panels can be secured by way of a planning condition.

1.215 Subject to securing the above mentioned financial contribution by S106 legal agreement and appropriate planning conditions, the proposal is considered to be acceptable in respect of highway and pedestrian safety and the provision of sustainable infrastructure.

## ECOLOGY & NATURE CONSERVATION

### *Biodiversity Net Gain*

1.216 The NPPF (2024) requires development to provide net gains for biodiversity. In particular, paragraph 187 (d) states that 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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs. Net gain should be appropriate to the scale of the development and should be conditioned.

1.217 Paragraph 193 (a) of the NPPF (2024) states that when determining planning applications, local planning authorities should apply the following principles:

1. 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.

1.218 The Environment Act 2021 includes Biodiversity Net Gain (BNG) which came into force on 12th February 2024, with a mandatory requirement for at least 10% BNG post-development. Although 10% BNG is not mandatory for this proposed development (as the application was made valid before mandatory BNG came into force) as a minimum, it has to achieve a requirement for 'no net loss' in line with HLP Policy NE1.

1.219 The Council's Ecologist has had regard to the supporting Environmental Statement, Landscape and Ecological Management Plan (LEMP), Biodiversity Net Gain Report and Ecological Appraisal Report (EAR) and has confirmed that the intended increase of 57.24 habitat (area) units (which equates to an approximate 32.13% net gain), and a gain of 11.88 hedgerow (linear) units (representing an approximate 40.79% net gain) is acceptable.

1.220 In order to secure the BNG, final details of the proposed Biodiversity Net Gain is required to be developed and submitted to the LPA for approval prior to the commencement of works. The condition is required to detail how the landscape proposals will be implemented and how the increase in Biodiversity Units will be achieved, managed and monitoring for a minimum period of 30 years. A planning condition is necessary in this respect and is recommended accordingly. Subject to this, the proposal is considered to be acceptable in terms of biodiversity net gain.

#### *Ecological Mitigation*

1.221 Paragraph 193 of the NPPF (2024) requires that planning permission be refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated or compensated for, whilst development on land near a SSSI should only be permitted where the benefits outweigh its likely impact.

1.222 It is acknowledged that objections have been received from members of the public in respect of ecological impacts. As detailed above, the application has been supported by an Ecological Appraisal Report (EAR), as well as a Great Crested Newt Precautionary Non-Licensed Method Statement, a BNG Report, and BNG Metric Calculations. The EAR in support of the proposals concludes that pre-construction survey work and mitigation is required, in the form of a Skylark Mitigation Area, a Method Statement to mitigate against impacts on Great Crested Newts (GCN), a Reptile Mitigation Strategy, a pre-commencement badger survey and a precautionary works method statement (PWMS) being implemented and adhered to minimise the risks to harvest mouse, brown hare, badger and reptile. These can be secured by way of a planning condition securing a Construction Ecological Management Plan (CEMP) and that works are undertaken in accordance with the LEMP. No objections have been received from the Council's Ecologist, subject to recommended planning conditions to ensure that the above detailed mitigation measures are provided, which are secured accordingly.

1.223 The Council's Arboricultural Officer has had regard to the submitted plans and has confirmed that although there is a proposed section of hedgerow to be removed to facilitate access to the proposed electric forecourt, the proposed planting scheme would sufficiently compensate the loss of hedgerows. A tree protection plan compliant with the appropriate British Standard that covers what protection will need to be put in place for the hedges around the boundary has been submitted, to which the Council's Arboricultural Officer has confirmed is acceptable in this instance. Tree replanting and tree/hedge protection can be secured by planning conditions which are considered necessary in this instance and are recommended accordingly.

1.224 Natural England has been consulted on the application and has confirmed that the proposals would not result in any significant impacts on designated sites, confirming no objections overall to the application. It is considered that the proposal would not result in significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### *Ecological Enhancement*

1.225 Ecological enhancement (as per the provisions of the NPPF) is additional to BNG and is aimed at providing opportunities for protected and priority species, which are not otherwise secured under the purely habitat based BNG approach.

1.226 Policy NE1 of the Hartlepool Local Plan (2018) 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.

1.227 Concerns have been received from the Hartlepool Rural Neighbourhood Plan Group with respect to the potential impact of the proposal on the natural environment, and the restoration of landscaping and vegetation following completion of the development.

1.228 The application includes a supporting LVIA and a supporting Ecological Appraisal Report (EAR), Landscape Environmental Management Plan (LEMP) and Landscape General Arrangement plans, which indicate the planting of native tree and shrub planting to the northern and western boundaries, with some copses of tree planting along these boundaries, hedge planting along the southern boundary to the application site, a wide “wildlife corridor” of planting diagonally through the application site and areas of seeding to provide some additional habitat within the site. The submitted EAR indicates that the landscaping mitigation scheme as proposed would “complement and enhance the existing bat foraging and commuting habitat resources provided by the site and its surroundings” and would include “a range of nectar and fruit-bearing species which will help to maximise the value of this planting as a foraging resource for both breeding and wintering birds”. The submitted EAR and LEMP also includes the installation of five ‘woodcrete’ or similar bird boxes with indicative locations provided on accompanying plans to provide permanent nesting solutions for a range of bird species.

1.229 The Council’s Ecologist has confirmed this is acceptable from an ecological perspective. The Council’s Arboricultural Officer and Landscape Architect have also confirmed that these details are acceptable. Planning conditions are recommended to secure the planting and installation of bird boxes and the application is considered to be acceptable in this respect, subject to this requisite planning condition.

### Ecology Conclusion

1.230 For the reasons set out above, and subject to the required planning conditions in respect of BNG and Ecological Enhancement and Mitigation, the proposal 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 paragraphs 187 and 193 of the NPPF (2024).

### FLOOD RISK & DRAINAGE

1.231 The application site is designated by the government Flood Map for Planning as being in Flood Zone 1 and at low risk of flooding. However, given the scale of the proposed development, a Flood Risk Assessment and Drainage Strategy with

accompanying drainage plans have been submitted to support the application, in addition to a Geoenvironmental Assessment Report and a section within the submitted Environmental Statement. The proposals include a drainage pond situated within the area indicated as the electric vehicle forecourt and granular access tracks throughout the application site to assist in distributing water to the ground.

1.232 The Council's Engineering Consultancy has been consulted on the application and has had regard to the submitted Flood Risk Assessment and Drainage Strategy and has confirmed no objections in respect of surface water management subject to the inclusion of a surface water planning condition to ensure that a satisfactory scheme for surface water management is produced and agreed with the LPA. The Council's Engineering Consultancy have provided further advice in respect to the applicant fully exploring a number of drainage matters including means of infiltration as part of the anticipated detailed design. Ultimately, HBC Engineering Consultancy is satisfied that a scheme can come forward subject to the final details being agreed by way of a pre-commencement planning condition, which is recommended accordingly. Subject to this, the proposal is considered to be acceptable in this respect.

1.233 The Council's Engineering Consultancy has provided additional advice in respect of the Land Drainage Act 1991, and this advice has been relayed to the applicant for further consideration (which is also secured as an informative).

1.234 The Environment Agency and Northumbrian Water have also been consulted on the application and neither have provided any objections on drainage/flood grounds.

1.235 In view of the above, the application is considered to be acceptable with respect to matters of flood risk and drainage.

## ARCHAEOLOGY & OTHER HERITAGE ASSETS

1.236 It is acknowledged that an objection from a member of the public raises concerns regarding the potential impact on heritage assets.

1.237 Policy HE2 'Archaeology' of the HLP requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology has considered the proposals including the submitted Historic Environment Desk-Based Assessment, Geophysical Survey and relevant section of the Environmental Statement which concludes that there is potential for archaeological remains within the application site. As such Tees Archaeology requested further investigation, which was duly undertaken and a subsequent Written Scheme of Investigation (WSI) for trial trenching confirmed that there are two concentrations of complex archaeological remains were present. Tees Archaeology have worked with the applicant to devise a strategy for dealing with the archaeological remains, which includes preserving the remains in situ through a no-dig construction methodology and excavating and recording remains prior to construction. Tees Archaeology have confirmed that the proposed outline construction method is acceptable to minimise the impact of the proposed development upon the archaeological remains within the 'zones of archaeological interest' (ZIA), with a programme of archaeological monitoring and

recording to be undertaken. These measures (including works within the ZIA) is recommended to be secured by three planning conditions, subject to which the proposal is considered to be acceptable in this respect.

1.238 No concerns or objections have been received by the Council's Head of Service for Heritage and Open Space.

1.239 The application is therefore considered to be acceptable with respect to the impact on heritage assets and archaeology subject to the identified planning conditions.

## OTHER PLANNING MATTERS

### *Glint and Glare*

1.240 As referenced in the relevant sections above, a Glint and Glare Study and subsequent Glint and Glare Note have been submitted to accompany the application to consider the potential effects of glint and glare caused by the proposed development on ground-based receptors in the surrounding area. The supporting information concludes that the proposed landscaping together with the pyro meters spread around the application site to direct sunlight and reposition solar modules, in accordance with pre-programmed tracking system to control the tilt/degree of the solar arrays, would be such that there would be no significant adverse impacts on the amenity of residential properties or roads.

1.241 No objections have been received from HBC Traffic and Transport, National Highways or HBC Public Protection in this respect, subject to a planning condition to ensure that solar arrays are pre-programmed at a tilt of 5 degrees and do not go "back to flat" at any time of the day or night. Such a condition is recommended accordingly in the interests of highway safety.

1.242 Both the Civil Aviation Authority (as a statutory consultee) and Teesside Airport were consulted and no objections were received, with the latter consultee confirming that the proposal does not conflict with the safeguarding criteria for the airport.

### *Fire Safety*

1.243 Cleveland Fire Brigade have been consulted by the LPA on the proposals (from the outset of the original consultation) and have provided standard comments in respect of the proposed development which can be relayed back to the applicant by way of an informative.

### *Lifespan of Permission, Export Capacity, Decommissioning and Restoration*

1.244 The Rural Plan Working Plan Group have requested a condition securing the decommissioning and restoration of the site when the development is no longer required. A suitable planning condition (as is standard on such proposals) is recommended to secure the removal of the development (after 40 years) and the suitable restoration of the site when no longer operational.

1.245 A number of planning conditions are also recommended relating to being provided with the date of first export of electricity and to ensure that this is enforceable, and to limit the capacity of the solar farm to 49.9MW because this is the threshold for the case to be considered under the Town and Country Planning Act (TCPA) 1990.

#### *Contaminated land*

1.246 The Council's Engineering Consultancy has confirmed no objections in respect of contaminated land, subject to a planning condition in respect to unexpected contamination. A planning condition is duly recommended in this respect, and the application is considered to be acceptable in this respect.

#### *Safety and Security*

1.247 Policy QP5 (Safety and Security) of the HLP (2018) seeks to ensure that all new development is safe and secure, and designed in a way that minimises crime and the fear of crime in adherence to national safety and security standards. The application is accompanied by a Security and Crime Prevention Statement, which details proposed security measures to be incorporated throughout the proposed development. Cleveland Police have confirmed no objections to the proposals overall, however have provided advice in respect of cycle storage, motorcycle and scooter parking and general parking provisions, external doors and windows, defensive planting and lighting, using Secured By Design principles and other safety advice. This can be relayed to the applicant via an informative. In light of this, the proposal is considered to be acceptable in this respect.

#### *Other Matters*

1.248 The Environment Agency has not provided any objections in respect of this application, however they have provided advice in respect the requirements of the Environmental Permitting Regulations 2016, which can be relayed to the applicant via an informative. The Environment Agency have also provided advice in respect to the BESS structures, which can be relayed to the applicant via an informative.

1.249 The Health and Safety Executive has been consulted via its planning web advice app in the usual way, the advice received is that the site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline and therefore the HSE has no interest in the development from a health and safety perspective. Both Northern Powergrid and the National Grid have been consulted on the application and no concerns or objections have been received. Northern Gas Networks has been consulted and has confirmed that they have no objections to the proposed development.

1.250 In respect to comments received in objections regarding the level of consultation, the application has been advertised in line with the requirements of the EIA Regulations to include notification letters sent out to individual neighbouring properties, site notices and a press advertisement.

1.251 It is acknowledged that objections from members of the public raise concerns that the proposals would impact on tourism, recreation and cultural values and questioning the long term economic benefits of solar energy. As noted above, the principle of development is, on balance, considered to be acceptable when weighing up the relevant material planning considerations.

1.252 It is acknowledged that a neighbour objection raises concerns in respect of any proposed advertisement totem poles. The installation of advertising totems would require separate advertisement consent and an informative reminding the applicant of this is recommended.

## RESIDUAL MATTERS

1.253 The Council's Estates team have been consulted on the application and have confirmed that the application extends across an area of Council owned land. Advice in this respect can be relayed to the applicant via an informative.

1.254 Property devaluation is not a material planning consideration.

## CONCLUSION + PLANNING BALANCE

1.255 The proposals would have considerable benefits in respect of being a form of development that would be able to generate (and store) substantial levels of electricity in a sustainable manner. The development goes some way towards meeting the requirements of the NPPF (2024), NPS EN-1 and NPS EN-3, which seeks to address the causes and impacts of climate change and provide for sustainable sources of renewable energy generation.

1.256 Both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits. While the development would be visible from a number of vantage points along the A179 and A19 and would result in a degree of harm to the character and appearance of the existing open countryside and surrounding landscape, through a combination of existing screening and landscape mitigation, its impact is considered not to be significantly detrimental to landscape quality or enjoyment of the rural area. The benefits of the proposal, particularly the imperative to tackle climate change, as recognised in legislation and energy policy, and the significant benefits of the scheme significantly and demonstrably outweigh the concerns expressed in relation to these identified impacts.

1.257 In conclusion and for the reasons set out in the report, it is considered, on balance, that the proposal would make a material contribution to the objective of achieving the decarbonisation of energy production that to allow the proposed solar farm would not conflict with the objectives of relevant development and national planning policy when read as a whole. Therefore, it is considered that the proposed development is acceptable in principle when assessed against the requirements of Policies RUR1, CC1, CC3 and CC5 of the Hartlepool Local Plan (2018), Policies GEN1 and NE2 of the Hartlepool Rural Neighbourhood Plan (2018) and the relevant paragraphs of the NPPF (2024) as well as NPS EN-1 and EN-3. The proposal is, on

balance, also considered to be acceptable in respect to all other material planning considerations for the reasons detailed above.

1.258 Officers therefore recommend that the application be recommended for approval subject to appropriate planning conditions and financial contributions being secured by way of a S106 legal agreement.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.259 There is no evidence of equality or diversity implications.

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

1.260 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

1.261 There are no Section 17 implications.

## **REASON FOR DECISION**

1.262 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 subject to a S106 legal agreement to secure a £30,000 financial contribution towards the provision, maintenance and management of sustainable transport in vicinity of the site and subject to the planning conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 calendar days of such commencement.  
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 and details:  
Dwg. No. 8503-BOW-A0-ZZ-DR-A-0101 Rev P1 (Site Location Plan & Red Line Application Boundary, scale 1:2500),  
Dwg. No. 8503-BOW-A0-ZZ-DR-A-0106 Rev P2 (Proposed Electric Forecourt Site Plan),  
Dwg. No. 21119-CPA-ZZ-ZZ-DR-C-1200 S2 Rev P01 (Proposed Finished Levels),  
Dwg. No. 8503-BOW-A0-ZZ-DR-A-0200 Rev P2 (Proposed Building GA Plans),  
Dwg. No. 8503-BOW-A0-ZZ-DR-A-0201 Rev P1 (Proposed Building Roof Plan),  
Dwg. No. 8503-BOW-A0-ZZ-DR-A-0300 Rev P1 (Proposed Building Elevations & Sections),

Dwg. No. 8503-BOW-A0-ZZ-DR-A-0301 Rev P1 (Proposed Site Sectional Elevations),  
 Dwg. No. 22/4106/E63/EX01 Rev A (External Lighting Layout For Planning),  
 Dwg. No. 22/4106/E63/EX02 Rev A (External Lighting Plot),  
 Dwg. No. 1205 Rev 00 (PCS and BESS Elevations),  
 Dwg. No. 20/154/39/TR/001 Rev C (Proposed Access Works),  
 Dwg. No. 20/154/39/TR/002 Rev A (Proposed Access Works),  
 Dwg. No. 1212 Rev 00 (Monitoring Box Elevation),  
 Dwg. No. 1218 Rev 00 (CCTV Post Details),  
 Dwg. No. 1301 Rev 00 (Customer Substation Details),  
 Dwg. No. INTERNAL\_C1026318 Rev B (Construction Standards – Equipment Layout and Conduit Layout),  
 Dwg. No. 1308 Rev 00 (Access Gate Details),  
 Dwg. No. 1313 Rev 00 (Storage Details),  
 Dwg. No. 1314 Rev 00 (Mesh Fencing Elevation),  
 Dwg. No. 1316 Rev 00 (Deer Fencing Elevation),  
 Dwg. No. OTT10-0666 Rev 01 (600kVA 33 / 0.4 kV Dimensional Drawing),  
 Dwg. No. PD-O-L-10 (Outline of a Free Standing Feeder Pillar),  
 Dwg. No. 3341-TLP-XX-XX-D-L-10005 (4 of 4) Rev P02 (Landscape General Arrangement Plan Detail Plan 4 of 4) received by the Local Planning Authority on 11<sup>th</sup> November 2022;

Dwg. No. 1084 Rev 00 (DNO Compound) received by the Local Planning Authority on 20<sup>th</sup> January 2023;

Dwg. No. 8503-BOW-ZZ-A)-DR-A-0503 (Proposed Cycle Shelter),  
 Dwg. No. 8503-BOW-ZZ-A)-DR-A-0502 (Proposed Fence Types),  
 Dwg. No. 8503-BOW-ZZ-A)-DR-A-0504 (Proposed Retail Store Coldroom Area) received by the Local Planning Authority on 10<sup>th</sup> March 2023;

Dwg. No. 3341-TLP-XX-XX-D-L-10003\_ Rev P03 (2 of 4) (Landscape General Arrangement Plan Detail Plan 2 of 4),  
 Dwg. No. 3341-TLP-XX-XX-D-L-50001 Rev P01 (Landscape Sections), received by the Local Planning Authority on 21<sup>st</sup> December 2023;

Dwg. No. 2217 Rev 01 (Generic Gabion Solution Arrangement) received by the Local Planning Authority on 12<sup>th</sup> February 2024; and

Dwg. No. 2065 Rev 05 (Proposed Site Plan),  
 Dwg. No. 3341-TLP-XX-XX-D-L-10001 Rev P05 (Landscape General Arrangement),  
 Dwg. No. 3341-TLP-XX-XX-D-L-10002\_ Rev P04 (1 of 4) (Landscape General Arrangement Plan Detail Plan 1 of 4),  
 Dwg. No. 3341-TLP-XX-XX-D-L-10004\_ Rev P03 (3 of 4) (Landscape General Arrangement Plan Detail Plan 3 of 4) received by the Local Planning Authority on 24<sup>th</sup> May 2024.

Dwg. No. 8503-BOW-A1-ZZ-DR-A-0110 (Proposed Masterplan) received by the Local Planning Authority on 18<sup>th</sup> October 2024.  
 For the avoidance of doubt.

3. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. To take into account the position of the buildings and impact on the adjacent landscape in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan (2018).
4. Notwithstanding the submitted information and prior to the erection of the temporary construction compound hereby approved as annotated on Dwg. No. 2065 Rev 05 (Proposed Site Plan, received by the Local Planning Authority on 24<sup>th</sup> May 2024), details of the temporary construction compound and associated structures shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for both the installation and thereafter removal of the temporary construction compound (such removal shall be within 6 months of the first use or completion of the development hereby approved, whichever is sooner). The scheme shall thereafter be completed in accordance with the approved landscaping details and timetable as required by condition 5 of this permission.  
In the interests of visual amenity and to which the permission is based.
5. Notwithstanding the submitted information and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management (for a minimum of 30 years) of all soft landscaping, tree, hedge and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority and National Highways. The scheme shall be in general conformity to the plan Dwg. No. 3341-TLP-XX-XX-D-L-10001 Rev P05 (Landscape General Arrangement, received by the Local Planning Authority on 24<sup>th</sup> May 2024) and shall include species in general conformity with Dwg. No. 3544-TLP-XX-XX-SP-L-90005 P02 (Outline Plant Schedule – Hartlepool Solar Farm) and 3544-TLP-XX-XX-SP-L-90006 P02 (Outline Plant Schedule – Hartlepool Solar Forecourt) (both received by the Local Planning Authority on 11<sup>th</sup> November 2022). The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall also include details of the planting mix for the re-seeding of the backfilled trenches following the installation of the underground cables hereby approved. 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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following completion or first use of the development (whichever is sooner) of the development 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 and National Highways gives written consent to any variation.

In the interests of visual amenity, the safe and efficient operation of the Trunk Road, and to enhance biodiversity in accordance with the provisions of the NPPF.

6. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the protection measures to the hedges and trees identified in Dwg. No. 221011\_2.1-WHP-TPP-JI (Tree Protection Plan, received by the Local Planning Authority on 2<sup>nd</sup> July 2024), shall be retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees or hedges which are seriously damaged or die as a result of site works shall be replaced with trees or hedges of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.  
In the interests of the health and appearance of the existing trees and the visual amenity of the area.
7. No development shall commence unless and until a Biodiversity Net Gain Plan scheme ("the scheme") to ensure that the approved development provides the delivery of the Biodiversity Net Gain (BNG) as stated in the BNG Metric (received by the Local Planning Authority on 21<sup>st</sup> December 2023) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide a minimum of 57.24 habitat (area) units, which equates to a 32.13% net gain, and a gain of 11.88 hedgerow (linear) units, representing a 40.79% net gain (as detailed in paragraph 4.4 of 'Biodiversity Net Gain for Gridserve Sustainable Energy Ltd, dated December 2023' (received by the Local Planning Authority on 21/12/2023) or as otherwise updated and agreed as part of the scheme) and include for the subsequent management of habitats in the condition stated in the BNG Metric has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the compensation, shall be measured in accordance with the biodiversity metric 3.1 (The Biodiversity Metric 3.1- Calculation Tool, received by the Local Planning Authority on 21/12/2023).

The scheme shall include:

- details of habitat retention, creation and enhancement sufficient to provide the delivery of the net gain proposed in the metric;
- the provision of arrangements to secure the delivery of the net gain proposed in the metric (including a timetable for their delivery);
- a management and monitoring plan (to include for the provision and maintenance of the net gain proposed in the metric for a period of at least 30 years or the lifetime of the development (whichever is the longer)).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.

To provide biodiversity management and biodiversity net gain in accordance with The Environment Act 2021, and paragraphs 8, 187 and 193 of the NPPF (2024) and Policy NE1 of the Hartlepool Local Plan (2018).

8. No development authorised by this permission shall take place unless and until a Soils Management Plan ('the SMP') has been submitted to and approved in writing by the local plan authority. The SMP shall include:
  - (a) A method statement to ensure soil is stable and in a condition to promote sufficient aeration drainage, fertility and root growth to sustain the proposed landscape measures including how such materials will be sourced;
  - (b) The scope of any ameliorative work, established via soil testing, in order to identify any incoming soils intended for the landscape measures that require treatment;
  - (c) Presentation of results of laboratory testing of samples of soils to demonstrate their suitability;
  - (d) Standard of topsoil proposed for tree / shrub planting areas, together with details of ripping and other soil amelioration treatments, if required; and
  - (e) Proposals for adhering to relevant guidance set out within the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009' produced by DEFRA.

The SMP as approved shall be carried out in full and complied with at all times.

In the interests of securing biodiversity enhancements.
9. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in:
  - Section 4.0 (General Management Prescriptions), of the Landscape & Ecological Management Plan (LEMP) (Version 05 – Updated Masterplan dated 20/01/2025, date received by the Local Planning Authority 20<sup>th</sup> January 2025). The CEMP (Biodiversity) shall include the following:
    - Vegetation within the developable area to be cleared on a phased approach, initially to a height of 150mm and then maintained at or near ground level,
    - Protective fencing to protect sensitive retained features,
    - Any trenches covered overnight,
    - Sensitive working methods detailed in a Precautionary Working Method Statement (PWMS),
    - Vegetation clearance to be undertaken ideally outside the breeding bird season (March to August inclusive), with works in this season undertaken by a qualified ecologist, and ideally outside the breeding hares season (February to September), with works, where unavoidable, to be sensitively undertaken immediately prior to construction,
    - A suitably qualified ecologist shall brief the Landscape Contractor on commencement,
    - An Ecological Clerk of Works (ECoW) shall be appointed by the developer or contractor to deliver a toolbox talk to the Site Manager and/or Site Supervisor and workers on site prior to commencement of work within the

Great Crested Newt Risk Zone (GCNRZ), provide a watching brief as required during site works which shall be submitted to and approved in writing with the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the protection measures as detailed in the Method Statement, to include a walkover inspection on site within three months of the start of any works, including vegetation clearance, on site;

- A sensitive lighting strategy shall be applied,
- Should any materials require storing on site during the construction phase, materials shall not be within 5m of any boundary hedgerows or trees,
- Pollution prevention methods shall be adhered to,
- A pre-commencement badger survey shall be undertaken six weeks prior to the start of construction works to inform the need for additional badger mitigation/compensation should it be required,
- Works within 500m of ponds 8 and 10 shall be undertaken in line with a Non-Licensed Method Statement for Great Crested Newts.

Thereafter the approved CEMP shall be adhered to and implemented throughout the construction period and strictly in accordance with the approved details.

In the interests of avoiding or mitigating ecological harm.

10. The development hereby approved shall be implemented in accordance with the details and timetable stipulated in the submitted Landscape & Ecological Management Plan (LEMP) (Version 05 – Updated Masterplan dated 20/01/2025, date received by the Local Planning Authority 20<sup>th</sup> January 2025) to include the implementation of the ‘Management Objectives’ as detailed in Table 3 (Summary and timing of management prescriptions) of the aforementioned LEMP to include;
  - provision of targeted ecological enhancements for specific species, to include areas for Skylark (and other ground nesting bids) and a minimum of 4no. artificial hibernacula with minimum dimensions of 2m in length x 1m in width x 1m in height;

Thereafter and following the implementation of the approved ‘Management Objectives’ within the agreed timescales set out within the LEMP, condition assessments shall be collected during the yearly monitoring surveys post construction and every five years thereafter for a minimum of 30 years. Such information shall be made available within 14 days of a written request by the Local Planning Authority.

In the interests of ecological enhancement.

11. 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 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). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

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.

12. Prior to the commencement of development, a Construction Management Plan (CMP) shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall agree the routing of all HGVs movements associated with the construction phase, effectively control dust emissions from the site demolition/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. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out solely in accordance with the approved CMP during the construction phase of the development hereby approved.  
In the interests of the amenities of the area and highway safety.
13. The access (and associated visibility splays) to the development hereby approved shall be completed in accordance with Dwg. No. 20/154/39/TR/001 Revision C (Proposed Access Works, dated 20/09/2022, received by the Local Planning Authority on 11<sup>th</sup> November 2022) prior to the completion or first use (whichever is sooner) of the development hereby approved unless an alternative timescale is otherwise agreed in writing with the Local Planning Authority.  
To ensure a satisfactory form of development and in the interests of highway safety.
14. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A) and/or document entitled 'Hartlepool West Solar Electric Forecourt Land at Whelly Hill Farm Worset Lane Hartlepool: Outline Construction Method Statement (Archaeology)' (Report No: CA Project MK0952, received by the Local Planning Authority on 21/12/2023).

C) No part of the development shall be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

To ensure that archaeological assets are protected.

15. No development (or site restoration) shall commence until a scheme of protective fencing has been erected around the Zones of Archaeological Interest (ZAI) during construction with a scheme to be first submitted and approved in writing by the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the protective fencing shall be erected and works shall solely take place in accordance with the agreed details. For the purposes of this condition, this includes works undertaken during restoration of the site.

To ensure that archaeological assets are protected

16. Notwithstanding the requirements of conditions 14 and 15, no work shall take place in the Zones of Archaeological Interest (ZAI) unless it is in accordance with Hartlepool West Solar Electric Forecourt Land at Whelly Hill Farm Worset Lane Hartlepool: Outline Construction Method Statement (Archaeology) (Report No: CA Project MK0952), Revision 2, document dated 15/12/2023 submitted by Cotswold Archaeology, date received by the Local Planning Authority on 21<sup>st</sup> December 2023.

To ensure that archaeological assets are protected

17. Prior to the commencement of the development hereby approved, full details of any highway mitigation measures, as outlined in the document entitled Stage 1 Road Safety Audit issue 1 dated 17/11/2022 (Section 3.1 Junctions and Section 3.2 Traffic Signs, Carriageway Markings and Lighting, received by the Local Planning Authority on 20/01/2023), shall be first submitted to and approved through the completion and submission of a Stage 2 Road Safety Audit to the Local Planning Authority. Thereafter, the approved scheme of any highway mitigation works shall be implemented prior to the commencement of the development hereby approved.

In the interests of highway safety.

18. No part of the development hereby permitted shall commence until a Construction Traffic Management Plan has been submitted and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). Construction of the development shall then be carried out in accordance with the agreed Construction Traffic Management Plan.

To mitigate any adverse impact from the development on the A19 in accordance.

19. 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 it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.  
To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.
20. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes (including footpaths and car parking) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be implemented prior to the development hereby approved being brought into use or being completed (whichever is sooner) and thereafter retained for the lifetime of the development hereby approved.  
In the interests of visual amenity and to ensure a satisfactory form of development.
21. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, precise details of the external materials (and finishing colours) to the buildings and structures hereby approved shall be submitted to and approved by the Local Planning Authority, colour treatments and samples (or high quality photographs) of the desired materials being provided for this purpose. The finishing materials shall include a dark green finish to the battery storage containers. Thereafter the approved scheme shall be implemented and retained thereafter.  
In the interests of visual amenity and to ensure a satisfactory form of development.
22. The means of enclosure associated with the development hereby approved shall be implemented in accordance with the layout and fence types detailed on Dwg. No. 8503-BOW-ZZ-A0-DR-A-0502 (Proposed Fence Types, received

by the Local Planning Authority on 10<sup>th</sup> March 2024) and shall be in accordance with Dwg. No. 8503-BOW-ZZ-A)-DR-A-0502 (Proposed Fence Types), Dwg. No. 1308 Rev 00 (Access Gate Details), Dwg. No. 1314 Rev 00 (Mesh Fencing Elevation), and Dwg. No. 1316 Rev 00 (Deer Fencing Elevation) (all received by the Local Planning Authority on 11<sup>th</sup> November 2022). The approved scheme shall be implemented prior to the first use or completion (whichever is sooner) of the development hereby approved. No other fences or boundary enclosures shall be erected without the prior approval of the Local Planning Authority.

In the interests of visual amenity.

23. Notwithstanding the submitted details and prior to the installation of any fixed or permanent external lighting to serve the development hereby approved, full details of the method of fixed or external lighting, including siting, angle of alignment, light colour, and luminance of external areas of the site, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the agreed lighting shall be implemented in accordance with the agreed scheme.  
In the interests of visual amenity and to ensure a satisfactory form of development.
24. Prior to the commencement of development above ground level, details of 5no. pole-mounted bird nesting boxes to be installed, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird nesting boxes shall be installed strictly in accordance with the details so approved prior to the completion or first use (whichever is sooner) of the development hereby approved, and shall be maintained for the lifetime of the development.  
To provide an ecological enhancement for protected and priority species, in accordance with paragraph 186 of the NPPF (2024).
25. Prior to the above ground construction of the development hereby approved, details of proposed information panels providing information on the flora and fauna and information on the solar technology utilised in the development, including construction materials and finish, and a timetable for installation, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed information panels/boards shall thereafter be provided in accordance with the approved details and agreed timetable.  
In the interests of visual amenity and ecology.
26. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays between 8.00 and 13.00 on Saturdays with the exception of the activities detailed in document 'Sunday Working Hour Details' received by the Local Planning Authority on 6<sup>th</sup> December 2023 detailing activities that are permitted to be undertaken on Sundays between 8.00 and 14.00 on Sundays. There shall be no construction activity including demolition at any other time including on Bank Holidays.  
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

27. The solar farm development hereby permitted shall ensure that the modules/solar panels are pre-programmed at a tilt of 5 degrees and shall not be permitted to go back to flat (0 degrees) at any time of day / night in accordance with the details submitted in the Solar Photovoltaic Glint and Glare Study, Issue 2 dates October 2022, date received by the Local Planning Authority on 11<sup>th</sup> November 2022. The programming of the modules shall be maintained for the lifetime of the development unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19).  
To mitigate any adverse impact from the development on the A19 and to satisfy the reasonable requirements of road safety.
28. The electric forecourt hereby approved shall be laid out and operate solely in accordance with the approved layout as detailed on Dwg. No. 8503-BOW-A0-ZZ-DR-A-0106 Rev P2 (Proposed Electric Forecourt Site Plan, received by the Local Planning Authority on 11<sup>th</sup> November 2022), including the commercial building, charging points, car parking, storage areas, waste storage, seating areas, servicing areas, and ingress/egress to/from the site.  
To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development.
29. Prior to the completion or first use (whichever is the sooner) of the ancillary electric forecourt building hereby approved (as detailed within the approved plans contained within condition 2 of this permission), details of the internal layout the ancillary forecourt building shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved plans.  
To enable the Local Planning Authority to retain control over the development and in order to safeguard the vitality and viability of the defined town centres in the Borough.
30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the ancillary electric forecourt building hereby approved shall only be used for a use falling within Use Classes E(a) and E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose or use (including within Class E), and the ancillary electric forecourt building hereby approved shall not be extended or altered in any way.  
To enable the Local Planning Authority to retain control over the development and in order to safeguard the vitality and viability of the defined town centres in the Borough.
31. The export capacity of the development shall not exceed 49.9 MW (AC).  
In the interests of a satisfactory form of development.
32. (a) Within 1 month of the date of first commercial export of electricity to the

National Grid (the “date of first export”) confirmation shall be given in writing to the Local Planning Authority of the date of first export. The development hereby permitted shall cease on or before the expiry of a 40 years period from the date of first export. The land shall thereafter be restored to its former condition in accordance with a scheme (including timetable) of decommissioning work and an Ecological Assessment Report detailing site requirements in respect of retaining ecological features detailing site requirements in respect of retaining ecological features.

(b) The scheme (including timetable) of decommissioning work and the Ecological Assessment Report shall be submitted to and approved in writing by the Local Planning Authority no later than 39 years from the date of first export and subsequently implemented as approved.

(c) In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of 12 months at any point after the date of first export (other than for operational reasons outside of the operator’s control), a scheme of early decommissioning works (the Early Decommissioning Scheme) and an Ecological Assessment Report detailing site requirements in respect of retaining ecological features (the early ecological assessment report) shall be submitted no later than 3 months after the end of the 12 months non-electricity generating period to the Local Planning Authority for its approval in writing. The approved Early Decommissioning Scheme and the approved Early Ecological Assessment Report shall be implemented in full in accordance with a timetable that shall be set out in the Early Decommissioning Scheme.  
To ensure that the development is decommissioned, and that the site is returned to a suitable condition.

## **BACKGROUND PAPERS**

1.263 Background papers can be viewed by the ‘attachments’ on the following public access page:

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155978>

1.264 Copies of the applications are available on-line:

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

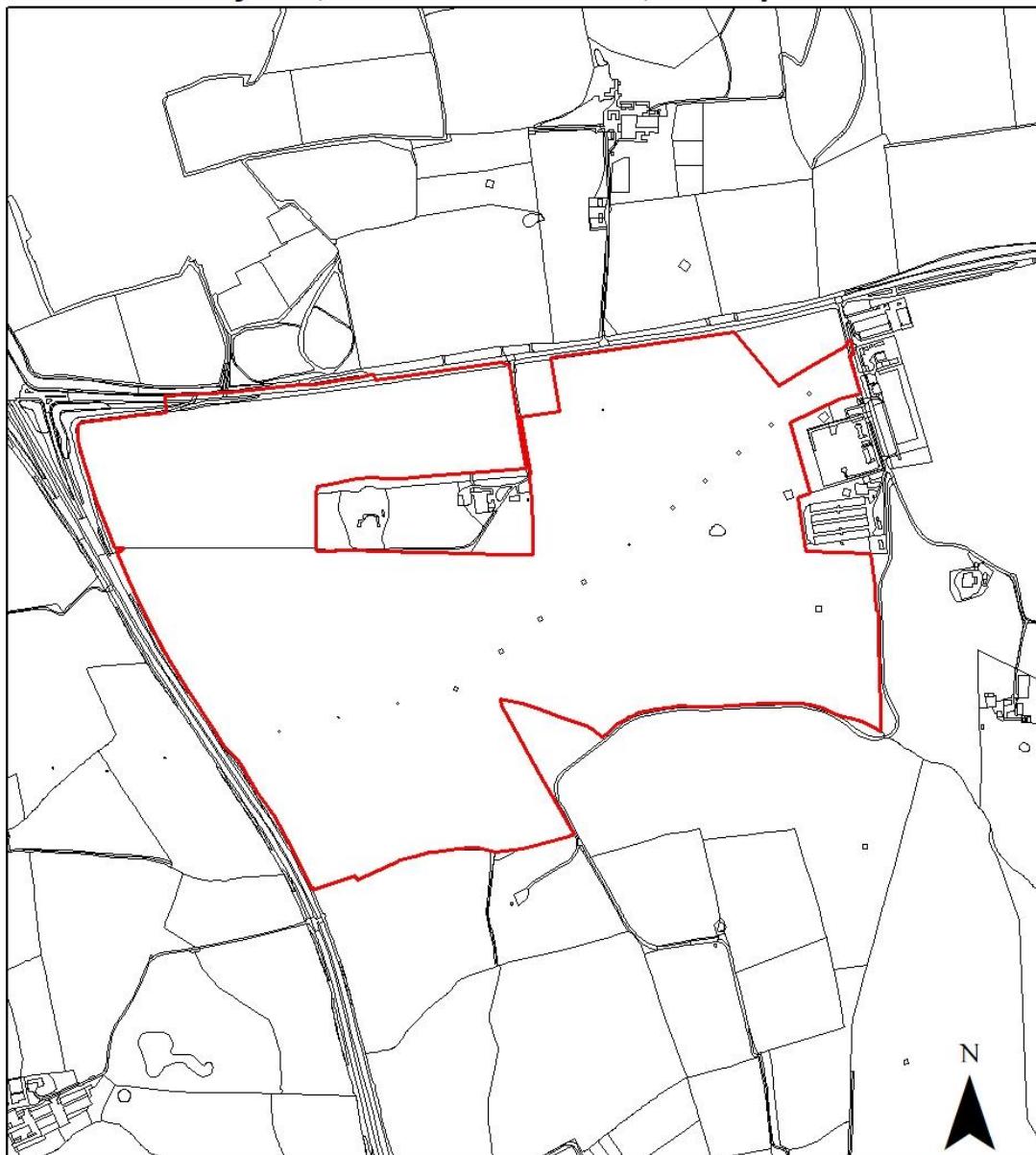
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### Land at Whelly Hill, Farm Worset Lane, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN	JB	DATE
	SCALE	1:10,000	24.06.2024
<b>Dept of - Development, Neighbourhoods and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO	H/2022/0423	REV



<b>No:</b>	2.
<b>Number:</b>	H/2023/0368
<b>Applicant:</b>	PERSIMMON HOMES RADCLIFFE CRESCENT THORNABY STOCKTON ON TEES TS17 6BS
<b>Agent:</b>	PERSIMMON HOMES ALICE HALL RADCLIFFE CRESCENT THORNABY STOCKTON ON TEES TS17 6BS
<b>Date valid:</b>	11/12/2023
<b>Development:</b>	Proposed residential development of 70no. dwellings and associated infrastructure
<b>Location:</b>	LAND TO THE EAST OF HART LANE (HART RESERVOIRS) HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 The following planning applications are considered relevant to the current proposals:

H/2015/0354 – Outline planning application with some matters reserved for residential development (up to 52 dwellings) with associated access and highway works and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas, approved January 2021. This permission was not implemented and has since lapsed.

H/2020/0071 – Proposed discontinuance and infilling of Hart Reservoirs, was refused in March 2021.

H/2023/0028 – Engineering works to infill and level the disused and drained lower reservoir. ‘Minded to approve’ at the planning committee meeting of 13<sup>th</sup> March 2024, subject to the completion of a S106 legal agreement (which is still pending at the time of writing).

## PROPOSAL

2.3 This planning application seeks permission for the proposed residential development of 70 detached dwellings and associated infrastructure. The proposed dwellings comprise detached properties of which 46 contain four bedrooms and 24 contain five bedrooms. The proposed dwellings include in-curtilage car parking and private rear gardens to serve each property.

2.4 Access is to be taken at the existing junction off Hart Lane and would necessitate the widening of the existing junction and the provision of a priority junction with a ghost island right turning facility along Hart Lane. A pedestrian-cycle link (via the installation of a kissing gate within the southern site boundary) would be provided to the connect the site to the adjacent public footpath that runs along the southern boundary of the site, and an additional connection would be provided to the public footpath at the north east corner of the application site. The proposals also make provision for internal footpath routes.

2.5 The proposal includes a sustainable drainage system (SuDS) feature as well as a retained/enhanced watercourse and retained spillway feature, to serve the proposed development. A grasscrete path would extend around the SuDS feature.

2.6 The proposal includes the retention and enhancement of existing landscaping to the proposed open space areas, comprising the planting of native shrubs, wildflower seeding and native trees. The proposed development also includes the planting of tree lined streets, formal hedgerows and ornamental planting throughout the site. In the centre of the application site, the proposals include provision for a children's play area.

2.7 An existing spillway feature and an existing tower, both former reservoir structures, are indicated to be retained to some extent within the site (within the central areas of open space) with the proposed infill works reducing the height of both structures to a certain height above (the infilled) proposed ground level. The retained valve tower (to be sited approximately 1.2m above proposed ground levels) would be position in a small area of open space within the site. Other former reservoir structures within the red line boundary would be retained underground (once the area is infilled). The submitted details indicate that another valve tower would be retained however this falls outside of the application site and therefore the responsibility of its management would rest with the land owner.

2.8 Following the access road which extends from Hart Lane towards the proposed development at its eastern extent, the layout of the proposed dwellings would feature a row along the southern and eastern boundaries of the application site, with an additional road extending to the north, from which proposed dwellings would be laid out along the northern and north east boundaries. Due to these two main sections of internal road layout, proposed dwellings would front on to the retained watercourse feature and proposed play area which run through the centre of the site.

2.9 The materials of the proposed properties include properties with red coloured brick and grey roof tiles, albeit the front of 3 plots (plots 20, 30 and 63) would be finished in white render, and properties with buff coloured brick and terracotta roof tiles. Properties include fenestration, garage doors, canopies and arch features in a grey colour, and fascia boards and drainage pipes in black. The proposed boundary treatments comprise a knee post fences with an approximate height of 0.45m, railings with an approximate height of 1.05m, brick wall topped with timber fence boards with a total height of approximately 1.2m, and close boarded timber fences with an approximate height of 1.8m.

2.10 Internal roads and footpaths would be black bitmac, whilst the links to the public footpath running around the south and east of the application site would be constructed from an informal whinstone dust path. A small substation is proposed on the northern side of the main access road into the site.

2.11 The proposal has been amended during the course of consideration. These changes include: the siting of plots 32 and 33 have been altered to move them back from the main street line; the curtilages (to the east) of plots 64-70 (inclusive) have been revised to allow for additional landscaping between these plots and the existing residential property of Hart Reservoir House; walkways between plots 49 and 52 to their parking and bin storage areas have been amended; there have been the addition of some feature chimneys to some plots; fencing and landscaping has been amended throughout; the re-positioning of the southern access onto the PRoW and the incorporation of a kissing gate; a landscape buffer in the form of a hedge to the southern boundary, additional window added to plot 1 facing the footpath, render incorporated to the façade of properties 20, 30 and 63; and the siting of plots 44, 46, 47, 48, 63, 67, 68 and 70 has been amended to achieve required separation distances. Updated drainage details have also been provided following comments received through the consultation with the Council's Engineering Consultancy.

2.12 The application is supported by a number of supporting documents to include a Heritage Statement, Flood Risk Assessment and Drainage Strategy, Biodiversity Net Gain Assessment, Archaeological Assessment and Building Recording, Noise Assessment, Ecological Appraisal and Arboricultural Impact Assessment.

2.13 The application has been referred to Planning Committee as more than three objections have been received, in line with the Council's scheme of delegation.

## **SITE CONTEXT**

2.14 The application site relates to land at the former Hart Reservoirs, located off Hart Lane, Hartlepool. The total site area is approximately 4.1ha. The wider site primarily consists of the two former water bodies that formed the reservoirs, which are now in private ownership as well as an area of grassland to the north. The application site relates to the smaller disused reservoir, and the larger reservoir to the north is not within the application site boundary. The surrounding land gently undulates, sloping from northwest to southeast.

2.15 The former reservoirs lie in a modest, steep-sided valley. The former reservoirs are separated by an internal road that extends up from the small, gated site access (taken from Hart Lane) which serves the site and a single dwelling, known as Hart Reservoirs House located to the north east of the site (which falls outside of the current application site boundary and in separate, private ownership to the current applicant). There are a number of features within the reservoirs including dams, sluices, overflow and valve structures.

2.16 Beyond the site boundaries to the south and to the east is a public access path (understood to be partially within HBC ownership) with residential properties located beyond; properties within Nightingale Close, Kestrel Close and Swallow

Close are present beyond the southern boundary and mature tree planting to the south with properties in Kingfisher Close present beyond the eastern site boundary.

2.17 The site is accessed from Hart Lane which runs to the west of the site with High Throston Golf Club and Hart Quarry located beyond this highway. The nearest property to the north west (along Hart Lane) is 'Keepers Cottage'.

2.18 As noted above, planning permission for the engineering works to infill and level the disused and drained lower reservoir (H/2023/0028) is "minded to approve", following the planning committee meeting of 13<sup>th</sup> March 2024 and subject to the completion of a S106 legal agreement.

## PUBLICITY

2.19 The application was advertised by way of nineteen neighbour letters, site notices and press notice. Further consultation was undertaken on three occasions on receipt of amended plans.

2.20 To date, nine neighbour objections have been received from members of the public. The objections can be summarised as follows:

- More houses are not required,
- Loss of green space,
- Increased traffic on Hart Lane,
- Dangerous entry/exit point onto Hart Lane,
- Parking issues,
- Poor footpath links between the site and Hart village (overgrown landscaping, state of disrepair and poorly lit),
- Loss of wildlife since the reservoirs were drained and reservoirs should be reinstated,
- Pressure on existing schools,
- Lack of affordable housing proposed on site.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159772>

2.22 The period for publicity has expired.

## CONSULTATIONS

2.23 The following consultation replies have been received:

**HBC Engineering Consultancy;**  
Contaminated Land

Detailed planning application in relation to the proposed residential development consisting of 70 dwellings on land at Hart Reservoirs, Hartlepool.

Comments from JBA Consulting relating to contaminated land risk on behalf of Hartlepool Borough Council: The proposed change in land use is to Residential Housing. Desk studies, ground investigations and geoenvironmental risk assessments have been undertaken with low risk and no remedial measures required as noted. A standard condition concerning unexpected contamination is recommended.

We would note the EA response concerning protection of their groundwater monitoring borehole and would recommend a condition as per their letter.

A linked planning application (H/2023/0028) has been noted concerning the import and infilling of the land. Details of this are covered in the Cundall Design Statement (attached to both applications). This includes a Materials Management Plan for the import and testing of material. It is recommended that conditions be placed that works are undertaken as per this report, and that a Verification Report is produced on completion of the work (also a requirement of the Cundall report).

#### Surface water management

As identified in the Planning Statement, the reservoirs have been drained and there is currently no supply of water to the reservoirs.

We note that further consultation comments will be dependent on the outcome of modelling/assessment to demonstrate interactions, either to the development site or downstream. We cannot pre-empt how flood maps, including the published surface water map will vary following further appraisal.

1. Flood Risk – The site is shown to be within Flood Zone 1; however, this is because it is outside of the extents of the EA Flood Risk Map for Planning. The Environment Agency published surface water flood maps indicate inundation of the two reservoirs.

No assessment of the existing watercourse capacity has been undertaken to confirm suitability to convey flood flows without the storage provided by the reservoir.

Infilling of one or more reservoirs will have an impact on surface water flow routes and the published mapping. Therefore, flood modelling should be undertaken to understand the impacts of the proposals and to confirm the post development flood risk beyond the site boundary. Modelling should include any current interactions with the upper reservoir. Modelling should also include representation of the proposed features crossing the watercourse.

How have bridges or culverts been designed with suitable capacities for climate change, soft bed and freeboard? Is there a risk that exceedance flows could discharge to the proposed SuDs basin?

2. Whilst infiltration testing has not been undertaken, significant remediation works are being undertaken and there is a watercourse running through the site. Restricted discharge to watercourse is proposed which appears reasonable in this instance.

3. We understand from the Planning Statement that “the infrastructure from the previous reservoir is not proposed to be removed, rather it will be covered and preserved under the material proposed to level the land”. Who is responsible for the retained spillway feature to the west? This is outside of the current site boundary; however, infrastructure could pose a hazard. Has public safety been appropriately considered in this respect? We note the Planning Statement identifies that “the towers and reservoir infrastructure are particularly dangerous in their current form”. We also note the presence of the historic reservoir control structure within the proposed SuDs basin – is this to be retained and if so, what are the implications?

4. What are the gradients of the side slopes on the proposed SuDs basin? How has the basin been designed for safety given its proximity to the playground? What is the residual risk to the basin or playground based on modelling of the watercourse?

5. Based on the Causeway modelling there is only nominal freeboard with the SuDS basin. In the 100 year plus climate change event the maximum water level is 47.893mAOD and the given crest level of the feature is 47.900mAOD.

We would expect to see an appropriate freeboard allowance.

Please also confirm overflow arrangements for the proposed basin to ensure exceedance flows are managed without increasing flood risk elsewhere. Without modelling of the watercourse, the impacts of the proposed basin surcharging cannot be confirmed.

6. We note that storm durations have only been tested up to 360 mins (6 hours). What is the critical storm duration for the site? Do longer storm events need to be considered?

7. FSR rainfall has been used in the drainage calculations, the system should also be tested against FEH rainfall.

8. Provide details of maintenance of the SuDS features, including who will be responsible for the management and maintenance for the lifetime of development.

Updated Comments received 05/07/2024

In response to your consultation on the above amended application:

Contaminated land

The proposed change in land use is to Residential Housing. Desk studies, ground investigations and geoenvironmental risk assessments have been undertaken with low risk and no remedial measures required as noted. A standard condition concerning unexpected contamination is recommended.

We would note the EA response concerning protection of their groundwater monitoring borehole and would recommend a condition as per their letter.

A linked planning application (H/2023/0028) has been noted concerning the import and infilling of the land. Details of this are covered in the Cundall Design Statement (attached to both applications). This includes a Materials Management Plan for the import and testing of material. It is recommended that conditions be placed that works are undertaken as per this report, and that a Verification Report is produced on completion of the work (also a requirement of the Cundall report).

*Update 15/01/2025 following amendments to the Drainage Strategy:*

The revised drainage strategy is suitable for this stage of application, and we have no further comments to make. Whilst basin design has evidently been undertaken, it would be worth requesting the basin cross section detail as well as the management and maintenance plan for completeness so that it is clear what is being consented. This could be via planning condition. This is in line with the compliance summary with Tees Valley Developer's checklist.

**HBC Ecology –**

Summary

Holding objection.

The following should be secured:

- Garden fences, to include hedgehog holes.
- Approved plans to include details of habitat creation and retention of the watercourse.
- Various conditions and informatics (see below).
- The Biodiversity Offset Site (30-years).
- A Biodiversity Gain Plan (30-years).
- A HRA financial contribution of £17,500 to mitigate harm caused by Increased recreational disturbance.

The holding objection will be removed on confirmation that the required measures have been agreed and secured.

Ecology

I have assessed the submitted Ecology docs which have been prepared by OS Ecology and additional documents:

1. Ecological appraisal (October 2022).
2. Breeding bird survey (September 2023).
3. Bat survey (October 2023).
4. Great crested newt eDNA Survey (July 2023)\*
5. Biodiversity Net Gain Assessment, Hart Reservoir Infill (April 2023).
6. Biodiversity Net Gain Assessment, Hart Reservoir (September 2023).
7. Design and Access Statement (December 2023).
8. H/2023/0028 planning application documents

\*The great crested newt report refers to: 'OS Ecology (2023) 22221 eDNA v2', which has not been submitted. However, it was submitted for the planning application (decision pending) for the infilling of the reservoir basin – see H/2023/0028. I am

satisfied that this information is fit for purpose and have assessed it for this application (below).

I have prepared a separate Habitats Regulations Assessment (HRA) stage 1 screening and stage 2 Appropriate Assessment (AA), which are submitted separately. The findings of these are given below.

For reference, the red line boundary, proposed site layout, aerial photograph and UK Habs Habitat Map are shown in Appendix 1.

#### For Information

The following extract from the Persimmon Cover letter (dated 30/11/2023) includes an HBC planning reference (H/2023/0354) which is incorrect and should read H/2023/0028.

A separate planning application was submitted by Persimmon earlier in 2023 for the infill and levelling of the land of the application site (ref. H/2023/0354). This was deemed necessary to facilitate any future development on the site. The application to which this Cover Letter relates intends to deliver high quality executive housing that is in line with current building regulations, meeting current and future housing need in Hartlepool.

Each of the reports are reviewed below:

#### 1. Ecological Appraisal report.

I broadly support the findings and I support the proposed planning mitigation measures (avoidance, mitigation and compensatory) recommendations given in section 6.

For the avoidance of doubt, the required mitigation measures are shown below and should be the subject of conditions and/or informatives.

#### Avoidance Measures.

- Retention of boundary hedges (other than a length needing to be removed for traffic sight lines).
- External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting. The stone tower should not be illuminated, and light spill should be limited as far as practicable on retained habitats such as hedgerows and scrub.
- Works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Retained trees will be protected from damage in line with the recommendations in BS5837:2012.
- A pre-commencement badger checking survey should be undertaken with three months prior to the start of works.

#### Mitigation measures.

- Site clearance should be undertaken in accordance with working method statements for:
- common toad (safe removal off site).
- European hedgehog (safe removal from site).
- Himalayan balsam (prevention of spreading).

Working methods should also be adopted to prevent the killing or injuring of species during the vegetation clearance, demolition and construction phases. These Method Statements should include:

- Any piles of brash, rubble or debris (man-made or natural), either currently existing within the site or created during the construction phase, will be dismantled carefully by hand and checked for the presence of hedgehogs and toads prior to disposal.
- If any hedgehogs or toads are found on site at any time, gloves will be used to carefully move the individual(s) to a suitable area within the vicinity which is to remain unaffected by the development, such as scrub and woodland habitat beyond the site boundary.
- No insecticides will be used on site, and the use of herbicides will be minimised.

The Method statement for Himalayan balsam should adhere to current guidance.

#### Compensation measures.

- Landscape planting should include berry and fruit bearing species to provide foraging opportunities.
- Each property (house or garage) should include one integral bat roost brick or one integral bird nesting brick. This should total 70 'Universal swift bricks', or 35 bespoke bricks for bats and 35 bespoke bricks for birds.

The Impact Assessment (section 5) has identified likely adverse impact (through habitat loss) on European hedgehog, brown hare, common toad and Priority species butterflies (I have regularly found the following species on similar Hartlepool sites: wall butterfly, dingy skipper butterfly and small heath butterfly). No compensatory mitigation measures have been offered; however, I am satisfied that the Biodiversity Net Gain (BNG) habitat creation will benefit these species. I require the following mitigation measure:

Hedgehog holes should be designed into perimeter and internal garden fences to allow the passage of hedgehogs through the housing site. Each should contain suitably sized 'Hedgehog highway' gaps (13cm x 13cm), to allow the continued movement of hedgehogs through the grounds and wider environment. A sign is placed above each gap to prevent accidental blocking up.



2. Breeding Bird Survey report.

The Breeding Bird Survey report notes 53 breeding territories of 21 species, of which 11 are Birds of Conservation Concern (BoCC) – six red-listed and five amber-listed. Five species are NERC Act S41 Priority species. These are a material consideration, and harm must be mitigated. Areas of the site are likely to be within the territories of several pairs of birds, overlapping with off-site areas. The relatively recent draining of the reservoirs has reduced the historic value of the site for birds.

Mitigation measures are largely covered in the Ecological Appraisal report and assessed above.

The measure of 'Trees, scrub and hedgerow will be retained where practicable and buffered to prevent disturbance' needs to be shown in the Landscape plan, which should be secured by condition.

The measure 'Areas of grassland within the habitat creation area will be managed to benefit breeding ground nesting species such as grey partridge and foraging raptors such as kestrel', must be secured via a Biodiversity Gain Plan (see below).

3. Bat Survey report.

The Bat Survey report notes four species of bat identified during surveys and 11,511 bat records obtained remotely over 46 nights. I support the assessment that 'The site is concluded to be of local value to bats, used for foraging and commuting by small numbers of a locally common range of species with activity dominated by common pipistrelle', and that 'The area of grassland, scrub and bare ground to the south of the site appears to be of the greatest value as a foraging resource'.

Planning mitigation measures are covered in the Ecological Appraisal report and assessed above.

4. Great Crested Newt eDNA Survey

The Ecological Appraisal report references a great crested newt (GCN) assessment via a footnote which refers to: 'OS Ecology (2023) 22221 eDNA v2'. This document was previously submitted to support planning application H/2023/0028 and is fit for purpose for this application. I am satisfied that harm to GCN is unlikely.

5. Biodiversity Net Gain Assessment – Hart reservoir Infill

6. Biodiversity Net Gain Assessment – Hart Reservoir

Two Biodiversity Net Gain Assessment reports have been submitted, one covering the

Hart Reservoir Infill (April 2023) and one covering Hart Reservoir (September 2023). The former was also submitted for a planning application for the infilling of the eastern-most of the two reservoir basins.

I support the investigation by OS Ecology as to whether the site has been deliberately de-graded of biodiversity value (Biodiversity Net Gain Assessment, Hart Reservoir Infill, sections 1.3 and 1.4):

*As detailed within Schedule 14 of the Environment Act, which sets out the biodiversity gain condition for development, measures are included that allow planning authorities to recognise any habitat degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain. In order to ascertain the habitats present and their condition on 30th January 2020, a combination of aerial imagery and information from surveys conducted prior to site clearance have been used to calculate the value of reservoir basin. Practically, the change in recent years in terms of habitat classification comprises the reservoir basin containing bare ground as opposed to its current state of artificial unvegetated, unsealed surface.*

And...

*Aerial imagery suggested the reservoir last held water in 2018 and was drained sometime between 2018 and 2020. For this assessment it is assumed the reservoir was drained by the end of January 2020.*

I can confirm that the reservoir was drained just prior to 02/07/2019.

A Biodiversity Net Gain Assessment was initially provided for an application to fill the on-site reservoir basin. OS Ecology has ensured that the Biodiversity Metric habitat type pre-infilling is retained post-infilling, to ensure that the biodiversity change is accurately assessed. This is explained in Biodiversity Net Gain Assessment Hart Reservoir section 3.2:

*At present, the reservoir basin comprises sparsely vegetated land, however it is considered that following the infilling works this habitat will be classified as artificial, unvegetated unsealed surface with the loss of the biodiversity units of sparsely vegetated land already accounted for within the biodiversity net gain assessment for the infilling works<sup>8</sup>. This habitat should be maintained as such following the infilling works to ensure the BNG assessment reflects the current state of the habitats prior to the commencement of the residential development.*

#### Biodiversity Net Gain (BNG) results.

The Biodiversity Net Gain Assessment (using the Biodiversity Metric 4.0) reports No Net Loss of Biodiversity for this project. There will be biodiversity gains in habitats (0.34 Habitat Units), hedgerows (5.19 Units) and watercourse (6.28 Units), as shown by the BM 4.0 table:

FINAL RESULTS		
<b>Total net unit change</b> (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	<b>0.34</b>
	<i>Hedgerow units</i>	<b>5.19</b>
	<i>Watercourse units</i>	<b>6.28</b>
<b>Total net % change</b> (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	<b>2.01%</b>
	<i>Hedgerow units</i>	<b>193.18%</b>
	<i>Watercourse units</i>	<b>304.14%</b>

### Habitat results.

#### On-site baseline (4.3 Ha)

Habitats	17.08 Units (all to be lost)
Hedgerows	2.69 Units (all to be lost)
Watercourse	2.06 Units (all to be retained)

Section 3.10 of the Biodiversity Net Gain Assessment report states:

*Given the nature of the existing site and the current development proposals, the existing habitats on site are anticipated to be lost and no habitat enhancement is proposed.*

To account for this, the following is stated in section 3.11:

*It is proposed to enhance the habitats within the off-site mitigation area, which comprises an area of bare ground, which will be split into enhancement to other neutral grassland and enhancement into native mixed scrub. The small area of woodland within the mitigation area will also be enhanced to improve its condition.*

#### Off-site baseline (1.67 Ha)

Habitats	4.26 Units (all to be lost)
Hedgerows	7.75 Units (all to be retained)
Watercourse	1.35 Units (all to be retained)

#### On-site post development

New habitats	5.35 Units
New hedgerows	1.4 Units
Retained watercourse	2.06 Units.

#### Off-site post development

New habitats	15.96 Units
20 specimen trees	0.36 Units
New & retained hedgerows	14.23 Units.
New watercourse	7.63 Units

A Biodiversity Gain Plan must be secured, to ensure the stated habitats, hedges and watercourses (and their stated areas/lengths/quality) are delivered and then appropriately managed for a minimum 30-year period, with monitoring at 5, 10, 20 and 30 years.

The on-site habitats to be created include:

- Introduced scrub.
- Mixed scrub
- Modified grassland (amenity)
- Other neutral grassland (rough)
- Native species hedge
- Non-native/ ornamental hedge

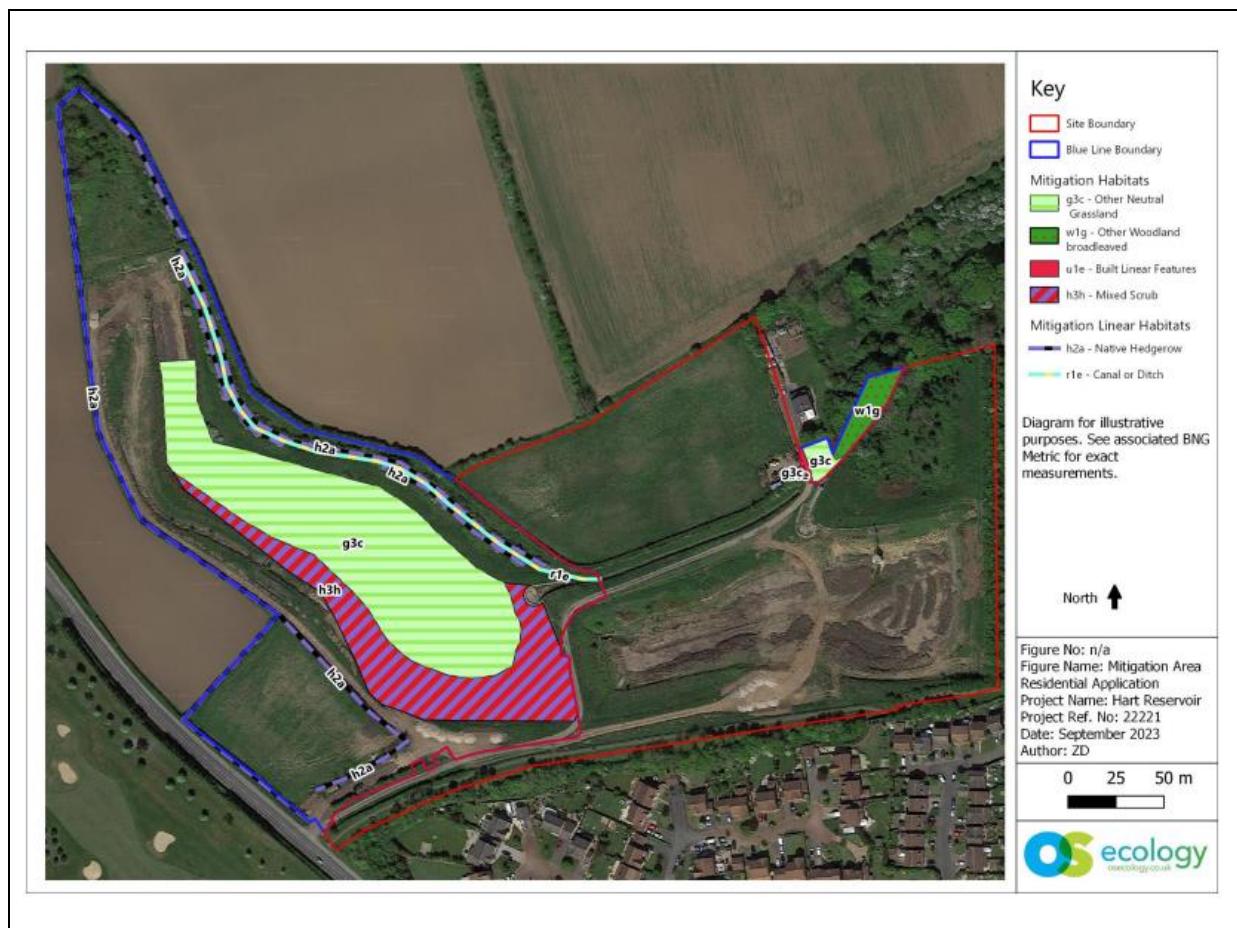
Areas for each are given in table 3.10 of the Biodiversity Net Gain Assessment – Hart Reservoir report. This habitat creation should be reflected in the conditioned Soft Landscape Plan as well as the Biodiversity Gain Plan.

The off-site habitats to be created include:

- Other neutral grassland
- Mixed woodland
- Mixed scrub
- 20 specimen trees

Areas for each are given in table 3.7 of the Biodiversity Net Gain Assessment – Hart Reservoir report. This habitat creation should be reflected in the Biodiversity Gain Plan.

The Biodiversity Offset Site (referred to above as ‘off-site’) is outside of the red line boundary and must be secured for a minimum 30-year period. The area is shown in the Biodiversity Net Gain Assessment – Hart Reservoir report in Appendix 2. A snip is included below:



## 7. Design and Access Statement

I support the retention of the on-site watercourse as described in the Design and Access Statement (examples below). Retention of the watercourse is integral to the Biodiversity offer and must be secured.



## 8. H/2023/0028 planning application.

I note the HBC Ecology response for this pending application includes the following recommended conditions:

*Condition 1 – CEMP. Prior to the start of engineering works to infill the reservoir a detailed Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the LPA for approval, this shall include methods statements for a*

*range of protected species and cover site clearance for Himalayan balsam to prevent its spread, reducing residual impacts on reptiles and amphibians as a consequence of clearance and impacts on disturbance / loss of breeding bird habitat.*

*Condition 2 – Landscape and Ecology Restoration and Management Plan. Prior to the start of engineering works to infill the reservoir, a Landscape and Ecological Restoration and Management Plan (LERMP) shall be prepared and submitted to the LPA for approval. This plan shall illustrate the proposal described in the Biodiversity Net Gain Assessment report and demonstrate how the gains may be achieved. As a minimum, the plan shall show a gain of 1.18% in the habitat units, 2.53% in hedgerow units and 1.29% in watercourse units as presented in the Biodiversity Net Gain Assessment report (OS Ecology, July 2023).*

Proposed Condition 1 would usefully apply to this application. Proposed Condition 2 can be replaced by the requirement (above) to condition a Biodiversity Gain Plan. As described above, the BNG for this application has carried forward the BNG scores for the H/2023/0028 scheme.

Proposed Condition 2 might be re-worded as follows:

Biodiversity Gain Plan. Prior to the start of works, a Biodiversity Gain Plan (BGP) shall be prepared and submitted to the LPA for approval. This plan shall illustrate the proposal described in the Biodiversity Net Gain Assessment report and demonstrate how the gains will be achieved. As a minimum, the Plan shall show a gain of 2.01% in Habitat units, 193.18% in Hedgerow units and 304.14% in Watercourse units, as presented in the Biodiversity Net Gain Assessment – Hart Reservoir report (OS Ecology, September 2023).

### Habitats Regulations Assessment

The HRA screens out any harm linked to ‘Nutrient Neutrality’ and shows how Increased recreational disturbance can be mitigated by a financial contribution of £17,500 to be spent delivering the Hartlepool Coastal Management Scheme. NB: For viability assessment purposes, this financial contribution is linked to the Habitats Regulations and not to planning legislation. The HRA is submitted as a separate document.

### Conclusion

This is an excellent example of a developer using land within their ownership to deliver BNG.

So long as the following measures are secured, the HBC Ecology Section will have no objection.

- Garden fences, to include ‘Hedgehog highway’ holes.
- Approved plans to include details of habitat creation and retention of the watercourse.
- Various conditions and informatives.
- Securing the Biodiversity Offset Site (30-years).
- An approved Biodiversity Gain Plan (30-years).

- An HRA financial contribution of £17,500 to mitigate harm caused by Increased recreational disturbance.

*Update 21/02/2024 following discussions with applicant and amended ecological details:*

Ecology responses (in *italics*) to consultee comments dated 11/02/2024.

The Ecologist has placed a holding objection until such a time that the below bullet points can be confirmed. We have provided a response to each of these points in red.

1. *Garden fences, to include hedgehog holes.*

*We will be happy to incorporate hedgehog holes into the development as a part of the biodiversity enhancement.* NB: Technically it is mitigation for potential harm to hedgehogs rather than NPPF biodiversity enhancement.

*A plan detailing this alongside the inclusion of bat roosting and bird nesting can be conditioned.*

These measures are supported. My concern is that they should be captured on a plan which is to be conditioned.

2. *Approved plans to include details of habitat creation and retention of the watercourse.*

*The landscaping proposals plan illustrates the retention of the watercourse and indicative habitats created. Exact details of this will be provided as part of the detailed landscaping plans.* Supported. My concern is that they should be captured on a plan which is to be conditioned. *A Biodiversity Plan is currently being pulled together to indicate the areas which will contribute to the biodiversity net gain, both on-site and off-site.* Supported – I will be happy to comment when submitted.

3. *Various conditions and informatics.*

4. *The Biodiversity Offset Site (30-years).*

*The location of the off-site Biodiversity has been outlined within the BNG Assessment submitted as part of this application.* I agree that the off-site Biodiversity has been outlined within the BNG Assessment. I raised the issue as it is outside of the red line boundary and therefore needs to be secured. *However, we are producing a separate plan which will outline the area and an indication of the proposed enhancements within the area.* Supported – this document can be secured.

5. *A Biodiversity Gain Plan (30-years).*

*As stated above, an illustrative plan is being produced. Further detail about the plan for the 30 year period can be agreed via condition and/or as part of the Section 106.*

Supported – this can be secured. Presumably it cannot be conditioned as it includes works outside the red line boundary.

6. *A HRA financial contribution of £17,500 to mitigate harm caused by Increased recreational disturbance.*

*The above represents a request for £250 per plot financial contribution recommended for HRA mitigation by the Ecologist. This is £150 in excess of other contributions which have previously been agreed between developers and the Local Planning Authority. We are only aware of a policy requirement to contribute £100 per plot which has been agreed for residential developments, examples of such vary in scale from the previous 52 dwelling scheme on this site up to 1260 units at South West Sector. In light of this, I am therefore asking what is the justification behind the £250 per dwelling contribution request rather than the £100 per dwelling which has been agreed elsewhere within the borough as well as previously on this development site.*

*Following contact with the Planning Policy Team Leader, to enquire about the standard contributions for residential developments, I was directed to the Hartlepool South West Extension application (ref. H/2014/0405) for reference on previously agreed HRA financial contributions (as this was agreed at EIP). It was agreed that £100 per dwelling would be paid as HRA financial contribution for the Hartlepool South West Extension, a 1260 dwelling scheme. Similarly, the previously approved extant planning application on this site (land to the east of Hart Lane) for 52 residential dwellings had an agreed Section 106 contribution of £100 per dwelling for HRA Mitigation.*

*Due to the fact that the previously approved application on this site had an agreed HRA financial contribution of £100 per dwelling it seems reasonable that the same proportionate contribution exists for this application.*

*If you can enquire as to the justification behind the increased sum rather than the £100 per dwelling, as agreed in previous applications, then that would be much appreciated.*

The potential harm caused by Increased recreational disturbance can be mitigated either by a financial contribution to the Hartlepool Coastal Management Scheme or through the provision of Suitable Alternative Natural Green Space (SANGS).

The scheme(s) referred to provided a mix of SANGS and a financial contribution. This scheme does not provide any SANGS and the financial contribution has been calculated accordingly, using the table below.

Parameters	£/house	Notes
<b>Accessibility of the coast</b>		
Walking possible (0-1km)	200	Shortest route
Car required (1.1-6.9km driving route)	100	Actual route
Car required (7-11.9km driving route)	50	Actual route
Car required (12+km driving route)	0	Actual route

Update 07/04/2024 following re-consultation on amended details:

I have no Ecology concerns or requirements regarding 'what has changed'. My earlier response (dated 07/01/2024) remains valid.

Update 04/06/2024 following receipt of amended ecological information:

I support the submitted Ecology layout which includes the note:

I support the submitted amended site layout extract plan which includes areas of habitat creation and retention of the watercourse.

Other outstanding issues in my earlier response (dated 07/01/2024) remain valid.

Update 11/09/2024 on receipt of amended ecological information:

The Ecology Section has assessed the updated Biodiversity Net Gain Assessment (version 4) dated 05/09/2024 (following a request for clarification made in a response dated 02/09/2024 [Appendix 1]). BNG v4 now incorporates the landscaping masterplan to provide better understanding of how the future habitats will be incorporated into the development. This is provided in the snip below (Landscape Proposals Plan/ Landscape Strategy – prepared by Fairhurst), which is difficult to read in the BNG v4 report and appears not to be on the planning portal.

The Ecology Section supports the Landscape Strategy and recommends that it is submitted, placed on the planning portal and conditioned as appropriate.

**Ecology**

The Ecology Section has assessed the Biodiversity Net Gain Assessment (version 3).

The Ecology Section accepts the on-site post development habitat creation (paragraph 3.9, see snip below) and it must be secured by the LPA as referred to in paragraph 3.10 (detailed management plan - normally referred to as a Biodiversity Gain Plan).

22221 BNG Assessment v3.docx  
August 2024

**Post Development – Habitat Creation**

3.9 The following table details the post development habitats proposed to be created on site and the metric category considered to match the proposed habitat types most closely.

**Table 3.4: On-Site Post Development Habitats**

Area Habitats		
Habitat Type	Metric Category	Area (Ha) <sup>1</sup>
Native trees (25no.)/Street trees (63no.)	Urban tree	0.3583
Ornamental planting	Introduced shrub	0.028
Native shrub planting	Mixed scrub	0.0298
Amenity grassland	Modified grassland	0.5342
Wildflower grassland	Other neutral grassland	0.1722
Wet wildflower (SUDS)	Other neutral grassland	0.1493
Built development	Developed land; sealed surface	1.7607
Built development	Developed land; sealed surface	1.6247
		<b>4.30 (exc. 0.36ha of urban tree)</b>
Hedgerow Habitats		
Habitat Type	Metric Category	Length (Km) <sup>1</sup>
Native hedge planting	Native hedgerow	0.19
Formal hedge planting	Non-native and ornamental hedgerow	0.791
		<b>0.981</b>

1. Area and length measurements provided by Persimmon.

3.10 For the purposes of the metric, it is assumed that a detailed management plan will be produced and adhered to, to ensure delivery of the target habitats and conditions.

3.11 A figure illustrating the location of habitat creation proposals is provided within the appendices. The following table details each element of the habitat creation proposed, including the target condition, other criteria assigned by the metric and the associated biodiversity units delivered by each element.

NB: I am unclear where these habitats are to be created. Paragraph 3.11 refers to a figure showing the location of this habitat creation, however, the only habitat figure in the appendix (snip below) is titled 'On-site habitats' and it is unclear whether this is baseline or post-development – clarification is sought.

Any on-site post development habitat creation will need to be detailed in a 30-year Biodiversity Gain Plan, to be conditioned by the LPA.

Following the on-site post development habitat creation there will be a BNG shortfall. It is intended to address this shortfall and provide the required BNG off-site. The report states that this will be delivered in the development area known as the South-West extension (section 5, see snip below). Paragraph 5.2 and table 5.1 detail the types and amounts of habitats to be provided.

The Ecology Section is satisfied that ecologically, this is sound, and recommends that the LPA secures its delivery, which should be guided by a 30-year Biodiversity Gain Plan.

## 5. Off-Site Proposals

- 5.1 To deliver a net gain for biodiversity in relation to the proposed residential development, off-site habitat creation is proposed at the Hartlepool South West Sector site (see appendices for location). This site lies within the same LPA boundary as the proposed residential development.
- 5.2 To satisfy the trading rules of the metric, the following units are required:
  - Medium Distinctiveness Grassland (or a higher distinctiveness habitat): 13.39 units
  - Medium Distinctiveness Heathland and Shrub (or a higher distinctiveness habitat): 0.57 units
  - Hedgerow: 1.29 units
- 5.3 It is proposed to carry out the following habitat creation works within the Hartlepool SWS site, within an area (2.6ha) of arable land. The following table details each element of the habitat creation proposed, including the target condition, other criteria assigned by the metric and the associated biodiversity units delivered by each element.



22221 BNG Assessment v3.docx  
August 2024

Table 5.1: Off-site Post Development Habitats – Biodiversity Units Delivered (Habitat Creation)

Area Habitats							
Habitat Type	Area (ha)	Distinctiveness	Condition	Strategic Significance	Time to target condition/years	Difficulty of Creation	Biodiversity Units Delivered
<b>Habitat Creation</b>							
Other Neutral Grassland	2.3	Medium	Moderate	Low	5	Low	15.40
Mixed Scrub	0.3	Medium	Moderate	Low	5	Low	2.01
							<b>Habitat Units:</b> 17.41
Habitat Type	Length (km)	Distinctiveness	Condition	Strategic Significance	Time to target condition/years	Difficulty of Creation	Biodiversity Units Delivered
<b>Hedgerow Creation</b>							
Species Rich Native Hedgerow with Trees	0.2	High	Good	Low	20	Low	1.77
							<b>Hedgerow Units:</b> 1.77

The final figure in the appendices illustrates the red line boundary of the area known as the South-west extension.

**HBC Heritage & Open Spaces** – The application site has previously been identified as a heritage asset. Information on rational behind this and how it meets the relevant criteria can be found in Appendix 1. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

The National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 209, NPPF).

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

The proposal is the erection of 70 dwellings and associated infrastructure. Previous applications included the retention of both reservoirs and their associated features, albeit with some alterations, and latterly the infilling of the reservoirs. It is accepted that the circumstances have changed and much of the interest has been lost through the draining of the water bodies and the subsequent work on the site. Further to this the site has been assessed and recorded.

In light of the current condition of the sites it is considered that the proposed works are acceptable. It is suggested that where possible opportunities should be considered for interpretation on the site in order to provide information that would offer visitors an understanding of the area. This could include information in close proximity to retained infrastructure, the water way and public space/play area.

Updates received 29/04/2024, 31/05/2024, 12/02/2025 following re-consultation on amended plans (summarised)

No objections to the proposed amendments that have been made. The earlier response, dated 7/2/24 remains valid.

**HBC Traffic & Transport** – The proposed number of dwellings is below the threshold required for a Transport assessment and it is considered that the development would not have a severe impact on the surrounding highway network. The proposed priority junction with segregated right turn lane is acceptable. The 40 mph speed limit is to be extended to cover the proposed access. The legal and physical costs of the relocation should be borne by the developer.

Shared Surface Areas – These should have a minimum 6.0 metre running carriageway with a 0.5m hardened maintenance margin. The plans show that it is proposed to surface the carriageway in red tarmac. Unfortunately this material

causes severe maintenance issues, when potholes / service reinstatements require repair. It is not possible to get hold of small quantities of red tarmac and similar areas have had potholes filled with black tarmac. These areas should therefore be surfaced using a standard black tarmac.

The main carriageways should be a minimum 5.5 metres wide with 2 metre wide footways. The public footway immediately to the south of the site should be upgraded to a footway / cycleway between Hart Lane and Swallow Close. It would be possible to remove the proposed southern footway between Hart Lane and the already proposed footpath link if the PROW is upgraded. The PROW would then form the adopted footway to Hart Lane on the southern side of the site.

We would be looking for the developer to upgrade the existing footway on Hart Lane between the site entrance and the existing cycleway immediately south of Merlin Way to a 3.0m footway /cycleway.

There is a poor history of works vehicles exiting this site and transferring excessive mud on to the highway. In order to tackle this issue a construction management plan is required which details the wheel wash facilities that will be put in place to prevent this occurrence. These should be sited on hard standing. These facilities should be put in place prior to works commencing.

*Update 26/04/204 following receipt of amended plans:*

The amended layout is acceptable.

Previous requirements for off-site PROW works remain.

*Update 06/06/2024 following receipt of amended plans:*

There are no further highway comments to add.

*Update 27/02/2025 in respect to submitted Transport Statement and Travel Plan:*

The applicant as submitted a Transport Statement in support of the application as the number of properties was below the Transport Assessment threshold. This means that the developer as not done any detailed junction modelling as it is generally accepted that the level of housing would have a minimal impact on the surrounding highway network. The Transport Statement outlines the scope of the development, site accessibility and trip generation. I can confirm that the TS is an accurate assessment.

I can also confirm that the Travel Plan is acceptable and appropriate for a development of this size.

*Update 27/02/2025 in respect to 'triggers' for conditions relating to highway works (summary of discussion):*

- Confirmed triggers for details of mitigation measures (extension to speed limit, street lighting and proposed access, to be provided prior to first occupation and implemented within same trigger.
- Reiterated importance of CMP condition.

**HBC Countryside Access Officer** – An existing public access path runs along the outside eastern and southern boundaries. The plans already suggest an access link from the proposed development to this access path, along the southern boundary.

I would like to see, as part of the application, another access route to link to this access path, from the north eastern corner of the development site. This new path would enable residents and visitors to access to and from the new development without having to walk south to the proposed access link, especially if they wish to exit and walk in an eastern or northerly direction.

I would also like to see a s106 contribution towards the surfacing improvement of the access path, along the eastern and southern sections of the access path (as mentioned above).

*Additional comments received 15/05/2024*

I am comfortable with these proposals.

*Update 10/02/2025 following re-consultation on amended plans:*

Further to my comments of 8th January 2024; after good discussions, an agreement has been reached, between Persimmon Homes and the Council, to create an access link path, from the proposed housing site to the existing public access path, located along the eastern boundary of the development site.

Also agreed was the decision for either Persimmon to carry out surface works to the relevant section of the public access path, as shown on their latest site layout plan - DWG NO.HAR-HRE-001 REV Q PROPOSED SITE LAYOUT (redacted), or to provide, via a s106 agreement, a developer contribution, to be used towards the said resurfacing of the above mentioned section of path.

My preference is for Persimmon Homes to carry out the works as, if their application is approved, they will have the relevant machinery and equipment, already on site, to carry out these works. I look forward to formal agreement to these works, as outlined above.

**HBC Public Protection** – 1. Object/Support/Neither

I have no objections subject to the conditions below.

## 2. Comments and background to any licensing position

None

## 3. Suggested Planning Conditions

- Prior to installation of the security lighting to be used during the construction period, details shall be submitted to and approved in writing by, the Local Planning Authority.
- The working hours for all construction activities and deliveries and collections on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.
- There should be adequate dust suppression facilities on site.
- Provision of a wheel washing facility to the entrance/exit of the site shall be provided at all times.

## 4. Informative (advice to applicant re any other requirements such as licensing)

- No open burning at all on site.

**Tees Archaeology** – Thank you for the consultation on this application. The reservoirs have been subject to archaeological recording, and no further archaeological work is necessary in relation to the reservoirs themselves. The wider site has also previously been subject to archaeological evaluation (Event 1148) in 2015, which revealed remains thought to be Iron Age/Romano-British in date in the south-west corner of the field to the north of the eastern reservoir. The evaluation report recommended that a programme of archaeological work be undertaken in order to mitigate the impact of the development on the archaeological resource. We agree with the recommendation set out in the evaluation report.

The recommended archaeological work can be conditioned upon the development; I set out proposed wording for the archaeological condition below:

Recording of a heritage asset through a programme of archaeological works

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

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

- B) No demolition/development shall take place until the site investigation has been carried out in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

*Update 09/04/2024 following query from applicant:*

I have no issues with the submitted WSI.

The requested condition can be amended along the lines of:

- Recording of a heritage asset through a programme of archaeological works
- A) No demolition/development shall take place until the site investigation has been carried out in accordance with the approved Written Scheme of Investigation (relevant details here i.e. doc #, when submitted etc).
- B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

*Update 11/06/2024 following re-consultation on amended plans:*

Our comments of April 2024 remain unchanged.

**Environment Agency – Environment Agency Position**

The proposed development will be acceptable if the following condition is included on the planning permission's decision notice. Without this condition we would object to the proposal due to its potential adverse impact on the environment.

**Condition**

A scheme for managing the Environment Agency borehole located on site, installed for the investigation of groundwater, shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how this borehole that needs to be retained, post-development, for monitoring purposes will be secured and protected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development. Reason

To ensure that boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 180 of the National Planning Policy Framework.

*Amended comments received 08/04/2024, 04/06/2024, 09/07/2024, 12/02/2025 following re-consultation on amended plans:*

We have reviewed the amended information provided and it does not change our previous advice to this application dated 25 January 2024, which still applies. This advice has been repeated below.

**Environment Agency Position**

The proposed development will be acceptable if the following condition is included on the planning permission's decision notice. Without this condition we would object to the proposal due to its potential adverse impact on the environment.

**Condition**

A scheme for managing the Environment Agency borehole located on site, installed for the investigation of groundwater, shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how this borehole that needs to be retained, post-development, for monitoring purposes will be secured and protected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

**Reason**

To ensure that boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 180 of the National Planning Policy Framework.

**Hartlepool Rural Plan Group** – Thank you for consulting the Rural Neighbourhood Plan Group regarding this application. The application is within the area covered by the Rural Neighbourhood Plan and therefore subject to the policies contained in the Neighbourhood Plan. The following policies are most relevant.

**POLICY GEN1 – DEVELOPMENT LIMITS**

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

The site of this application is not a site designated by the Local Plan but is within the development limits of the Local Plan. The site is adjacent to the green gap but not within it. The location is one which is acceptable in terms of policy GEN1.

**POLICY GEN 2 - DESIGN PRINCIPLES**

The design of new development should demonstrate, where appropriate:

1. how relevant village design statements and conservation area appraisals have been taken into account;
2. how the design of new housing scores against the Hartlepool Rural Plan Working Group's Checklist as set out in appendix 4;
3. how the design helps to create a sense of place and reinforces the character of the village or rural area by

being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;

4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas;
6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;
7. how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water into fluvial water and;
8. how the design ensures that homes are flexible to meet the changing needs of future generations.

It would appear from the Character Analysis the source of inspiration for the designs in this application are the adjacent new housing developments built by other major developers. Perhaps one can expect no less than developers insisting on repeating standard generic designs, but it is a new low for one developer to present the work of their competitors to justify their own lack of architectural imagination.

We would suggest this means the applicant's designs fail to address point 3 to create a sense of place and reinforce the character of the village or rural area by being individual and respecting the local vernacular building character ie. local character and distinctiveness.

#### POLICY H2 - AFFORDABLE HOUSING

1. Affordable housing will be required in applications for residential development that consist of a gross addition of six or more dwellings. For schemes of between 6 and 10 units, financial contributions in lieu of on-site provision can be made and any commuted sums received must be used for the provision of affordable housing within or adjacent to the villages in the plan area.
2. Developers will be required to deliver 18% affordable housing in a bid to contribute to the delivery of this. The affordable provision and tenure and mix will be negotiated on a site-by-site basis, having regard to the economic viability of the development and the most up-to-date evidence of housing need, aspiration and the local housing market. The affordable homes provided must be of a tenure, size and type to help meet identified local housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently for longer.
3. Market and affordable homes on sites should be indistinguishable and achieve the same high design quality.
4. It is expected that affordable housing will be delivered through on-site provision and where appropriate, be pepper-potted throughout the development. However, in certain circumstances it will be acceptable for provision to be made off-site, preferably within the same village, where:
  - applicants can provide sound, robust evidence why the affordable housing cannot be incorporated on-site; and/or
  - Hartlepool Borough Council and the Parish Council is satisfied that off site provision will benefit the delivery of affordable housing in the Rural Plan area.
5. Other than in exceptional circumstances all affordable units will be delivered in partnership with a Registered Provider by means of a Legal Agreement, and appropriate provision to secure long term availability.

6. Where the scheme's viability may be affected, such that an adequate amount of affordable housing cannot be provided, developers will be expected to provide viability assessments which will be submitted as an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

The reason for a planning requirement for affordable housing is the urgent need for such housing, not least in the Borough of Hartlepool, yet it seems all too easy for developers to avoid this provision. Does the Borough of Hartlepool really require above all else another 70 'executive' houses. What about bungalows, which with an ageing population, these have also been identified as being required.

It is shocking that the developer is unable to afford to provide any form of affordable housing. With the viability assessment being confidential we rely on the officers able to view it to check the developers claim. Does this qualify as an open book viability assessment as required in point 6? Overage payments should also be secured if justified.

#### POLICY H5 - HOUSING DEVELOPMENT ON THE EDGE OF HARTLEPOOL

New housing development on the edge of Hartlepool, where appropriate, should be designed to:

1. create distinct new communities designed to instill a sense of place, with an attractive community hub, located in the centre of the development, containing a community centre, shops and other local services on a scale that meets the needs of the new community;
2. incorporate a diverse housing mix with a variety of house types, sizes and tenures;
3. provide an open and attractively landscaped development with the gross density of the development of about 25 dwellings per hectare;
4. include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats;
5. include landscaped open spaces, roads and footpaths, incorporating children's play areas, throughout the development linked to the peripheral landscape buffer to provide green routes through the housing areas that enhance the quality of the development and provide wildlife habitats;
6. link new footpath and cycleway routes through the development to routes in the countryside, to existing adjacent communities, to schools, community facilities and the town centre;
7. retain existing farmsteads, trees, hedgerows, ditches, watercourses, and heritage assets within the development;
8. not compromise the Green Gaps between the urban area and villages;
9. address any significant impacts arising from an increase in traffic on the road network between Hartlepool and the A19 as a result of the new development. This should include mitigation measures identified by Transport Assessments which may include improvements to the junctions from the villages to the A19, A179 and A689 as well measures to discourage traffic from the new development using minor roads through the villages in the Plan area and sympathetic traffic calming where necessary. Adequate measures should be discussed as part of the application and

not delegated to a condition and in some instances measures should be put in place prior to the occupation of the first dwelling in the relevant proposal.

10. avoid areas at risk of flooding and incorporate sustainable drainage measures to manage rain water runoff from the development.

11. assist in meeting Hartlepool Borough's housing need for 6000 additional homes within the next 15 years by supporting new developments on the edge of Hartlepool which take into consideration their rural fringe locations and which do not compromise the Green Gaps, subject to design, layout, environmental and traffic impact considerations.

Where a developer deems a scheme's viability may be affected they will be expected to submit an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

As the proposal is for only 70 houses one cannot reasonably expect shops and other local services from this development on its own. Such facilities may be found in the adjacent housing developments but as easily accessible are facilities in Hart village. The provision of a children's play area and adjacent open space is welcome and will provide a communal focus for families especially, this is welcomed. As is the landscaped area to the north east and the watercourse that traverses the development.

There is no diversity in the housing mix. All are large detached executive houses. The development therefore fails to address address point 2.

The northern boundary adjoins the countryside. A strong landscape buffer is required along this boundary to reduce the visual impact. No such provision is indicated, a six foot high solid wooden fence is an unacceptable intrusion into the rural landscape. This is unacceptable and contrary to point 4.

The indication of a 'future access link' on this northern boundary is not welcome as this would access into the protected green gap and strategic gap. Development in this area would be strongly opposed.

A pedestrian route should be provided from the vicinity of the children's play are via the north east corner of the site to the existing open space which continues to the green wedge south of the Bishop Cuthbert estate.

Traffic from this development will put extra pressure on Hart Lane and the A179. Contributions to improvements as indicated in the Rural Neighbourhood Plan Policy T1 should be secured (see following).

#### POLICY NE1 - NATURAL ENVIRONMENT

The rural plan will seek to protect, manage and enhance the areas natural environment.

1. Nature conservation sites of international and national importance, Local Wildlife Sites, Local

Geological Sites and Local Nature Reserves will be protected, managed and actively enhanced. Designated sites are identified on the Proposals Map.

2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or wetland creation. Opportunities to de-culvert parts of Greatham Beck and its tributaries will be encouraged within the Neighbourhood Plan area.
3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. Any development should not result in, or contribute to, a deterioration in the ecological quality of the Greatham Beck waterbody.
4. Existing woodland of amenity and nature conservation value and in particular ancient semi natural woodland and veteran trees will be protected. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting must where possible:
  - a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing;
  - b. Provide screening around any non-agricultural uses;
  - c. Use a mix of local native species appropriate to the landscape character area;
  - d. Ensure that trees are planted at distances from buildings that provide sufficient space for the future growth of the tree to maturity.

Every effort should be made to improve the watercourse that runs through the proposed development for the benefit of biodiversity. New tree and hedgerow planting must be added to reduce the impact of the new buildings in the landscape as set out in Rural Neighbourhood Policy NE1 (4a & b). This is especially important along the Northern boundary of the proposed development where no planting is indicated in the application. If approved this development will become the new western urban fringe and a tree belt of 10 meters is expected.

The Rural Neighbourhood Plan Group is shocked by the extremely limited area covered by the community consultation process, restricted to a few neighbouring streets. The limited questions are limited, none deal with subjects such as local distinctiveness. Hartlepool Civic Society might have been a useful contact. As the location is within the Rural Neighbourhood Plan area one would have hoped the Neighbourhood Plan Group would have been involved and at least Hart Parish Council as the site is within the parish.

The Rural Plan Group accept this site as suitable for development and find some positives in the open spaces included in the application. Unfortunately, the proposal fails to address the design principles addressing local character and distinctiveness that is sought in policy GEN2. This cannot be addressed by taking inspiration from new developments adjacent but outside the Rural Neighbourhood Plan area that may also have failed to address local character – a persistent failure of major developers who seek to repeat generic designs. The lack of any affordable housing is also unacceptable (policy H2) as is the lack of housing mix (policy H5). The failure

to provide a landscape buffer where the development adjoins the countryside is contrary to policies H5 and NE1.

As this application has failed to address several Rural Neighbourhood Plan policies the Group object to this application as presented.

*Update received 11/04/2024 following reconsultation on amended plans:*

Hartlepool Rural Neighbourhood Plan Group welcome the improved pedestrian access to the existing paths/ St. Cuthbert Estate to the east of the proposed development. One questions the use of a kissing gate as this will restrict use by those with pram/pushchair and disabled.

All other comments on our earlier responses remain valid and therefore our objection.

*Update 04/06/2024 following reconsultation on amended plans:*

Thank you for consulting Hartlepool Rural Neighbourhood Plan Group. The Group's earlier comments remain valid.

*Update 10/07/2024 following reconsultation on amended plans:*

Thank you for consulting Hartlepool Rural Neighbourhood Plan Group. The amendments do not alter our initial response and objections which remain.

**Natural England –** No objection – subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- Have an adverse effect on the integrity of Northumbria Coast Special Protection Area and Ramsar site and Durham Coast Special Area of Conservation and the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Contribution to the Coastal Mitigation Scheme as set out in the appropriate assessment.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

**Further advice on mitigation**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions<sup>1</sup>, providing that all mitigation measures are appropriately secured in any planning permission given.

#### Teesmouth and Cleveland Coast Site of Special Scientific Interest

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

#### Updated comments received 18/04/2024, 03/06/2024, 14/02/2025 following re-consultation on amended plans:

Natural England has previously commented on this proposal and made comments to the authority in our response dated 01 February 2024, our reference number 462578 (attached).

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

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

Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the

property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council's waste collection service and vehicle load handing equipment.

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

**HBC Landscape Architect** - There is a previous outline approval for residential development on the site, so the principle of dwellings is established. An Arboricultural Impact Assessment has been provided and I would refer to Arb Officer Comments regarding this. It is noted however that Hedgerow 2 is to be removed at the site entrance. While a new highway access is required the loss of hedgerows will alter the exiting rural character of the lane and appropriate replacement planting should be provided.

There are a number of issues with the layout which need to be addressed should any development proceed.

1. The Northern edge of the development (plots 54-64) requires an appropriate buffer of structural landscaping to fully integrate and assimilate the development into the existing rural / agricultural landscape context and provide an appropriate settlement edge.
2. Street trees are located within gardens of dwellings. These will be difficult to control and maintain and the longer term contribution to the street scene cannot be guaranteed.

Subject to an agreed layout, full details of hard and soft landscape proposals shall be provided prior to any consent being given.

Hard landscape details should include all enclosing elements, street furniture and street lighting locations. Details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings. Soft Landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of any rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. Details of proposed soft landscape management should be provided.

The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years.

*Update 11/04/2024 following receipt of amended plans:*

Previous landscape comments remain.

*Update 29/05/2024 following receipt of amended plans:*

The fundamental issues regarding lack of appropriate structural planting to the northern boundary remain.

It is noted that a high proportion of trees are within private gardens and so will be difficult to control in the long term.

Detailed hard and soft landscape details should be provided in due course.

*Update 14/02/2025 following re-consultation on amended layout, landscaping, materials and boundary treatments:*

There are no landscape issues with the proposed amendment.

**Cleveland Fire Brigade** - Cleveland fire Brigade offers the following representations regarding the development as proposed.

From the plans it is not clear if the surface leading to houses 16,17,41,42,43,54,55 and 56 is adequate and would accommodate the specified weight as detailed below for access to reach all the premises within 45m.

However, Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes.

This is greater than the specified weight in AD B Vol 1Section B5 Table 13.1.

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 1Section B5 Table 13.1.

**Hart Parish Council** - This site is within the development limits of the Local Plan. The site is adjacent to the green gap but not within it.

Hart Parish Council are concerned that the landowner has been allowed to drain the reservoir and destroy a local nature reserve which form a part of this land holding.

The northern boundary adjoins the countryside. A strong landscape buffer is required along this boundary to reduce the visual impact. No such provision is indicated, a six foot high solid wooden fence is an unacceptable intrusion into the rural landscape. Landscaping must be included.

The indication of a 'future access link' on this northern boundary is not welcome as this would access into the protected green gap and strategic gap. Development in this area would be strongly opposed.

A pedestrian route should be provided from the vicinity of the children's play area via the north east corner of the site to the existing open space which continues to the green wedge south of the Bishop Cuthbert estate.

Traffic from this development will put extra pressure on Hart Lane and the A179.

Every effort should be made to improve the watercourse that runs through the proposed development for the benefit of biodiversity.

New tree and hedgerow planting must be added to reduce the impact of the new buildings in the landscape. This is especially important along the Northern boundary of the proposed development where no planting is indicated in the application. If approved this development will become the new western urban fringe and a tree belt of 10 meters is expected.

Finally, if approved HBC and the developer must adequately deal with vehicles moving on and off the site to ensure mud and other debris doesn't affect Hart Lane one of the town's arterial main roads. During the recent years this has been a major problem for the residents of Hart and Hartlepool and appropriate conditions and enforcement action must be taken by HBC to ensure this problem is rectified.

**Cleveland Police** - I've looked at the layout of the estate.

I would ask Persimmon to consider 1.8m gates flush to fronts of properties to deter unauthorised access to the rear.

I recommend a minimum 1.8m fencing at the rear boundary, and between properties at the rear.

I hope that Persimmon will work with us to achieve the Secured by Design 2023 Homes Award, which is available free of charge, and can be used to give confidence to prospective buyers, that security considerations have been addressed.

Here is a link to the guide HOMES\_GUIDE\_2023\_web.pdf

*Updated comments received 02/05/2024, 12/06/2024, 19/07/2024 following re-consultation on amended plans:*

No further comments in relation to this development.

**HBC Arboricultural Officer** - The submitted Arboricultural Survey/ Arboricultural Impact Assessment/ Arboricultural Method Statement and Tree Protection Plan by Elliot Consultancy Ltd dated April 2023 provides all of the necessary information in relation to the current trees and the proposed impacts. There is a loss of 2 sections of native hedging throughout the site but this is minor in its scale and will be mitigated through proposed landscaping.

The development to the east of the site requires the pruning of the hedgerow. To put the fence where it is proposed would require extreme pruning of the hedge, almost back to the stem. This is not good for the long term retention of the hedge and by having fencing so close to it will mean that when the hedge grows back it is likely to

cause future issues and complaints for owners of them properties and hedges and damage to the fence as has happened with previous sites in within Hartlepool. To combat this the fence could be brought forward so it is not up tight against the stem of the hedgerow. Appendix 6, Tree Protection Plan shows the Hedgerow protection fencing to be put in place but nothing is shown in place for Hedgerow 3, I would think this has been accidentally missed but should be altered to include the protective fencing on the plan.

Proposed tree planting is proposed for the front gardens of a number of properties to ensure the streets are tree lined however I feel the rear gardens of plots 21 - 43 could benefit from some additional planting to break up the unobstructed view of people looking into a row of back gardens from the rear windows, columular formed species could break up the space whilst not spreading too widely. The submission of the detailed planting plan and execution of the proposed planting would need to be done prior to the occupation of any development and should be secured by condition to ensure the planting can be carried out as planned rather than facing opposition after residents have already moved in.

*Updated comments received 18/04/2024 following receipt of amended plans:*

Previous comments have not been addressed and still remain.

*Updated comments received 05/06/2024 following receipt of amended landscaping:*

The fence to the east of the site appears to have been moved and fence type changed to accommodate the existing hedgerow to be retained. The submitted Arboricultural Survey/ Arboricultural Impact Assessment/Arboricultural Method Statement and Tree Protection Plan by Elliot Consultancy Ltd dated April 2023 needs to be updated to reflect the change especially Appendix 6, Tree Protection Plan. No protection is shown in place for Hedgerow 3, I would think this has been accidentally missed but should be altered to include the protective fencing on the plan.

Proposed tree planting is proposed for the front gardens of a number of properties to ensure the streets are tree lined however I feel the rear gardens of plots 21 - 43 could benefit from some additional planting to break up the unobstructed view of people looking into a row of back gardens from the rear windows, columular formed species could break up the space whilst not spreading too widely. I echo the concerns of the landscape architect that control of the trees post development would be difficult to manage. The submission of the detailed planting plan and execution of the proposed planting would need to be done prior to the occupation of any development and should be secured by condition to ensure the planting can be carried out as planned rather than facing opposition after residents have already moved in.

*Update 12/02/2025 following re-consultation on amended layout:*

I note from the proposed conditions from the applicant that they have proposed the following condition in terms of landscaping: Notwithstanding the submitted details and prior to commencement of development, a detailed scheme for the provision,

long term maintenance and management of all soft landscaping (primarily in respect to the landscaping and surface finish to the infilled area) within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a timetable and programme of the works to be undertaken, and be implemented in accordance with the approved details and timetable/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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the development hereby approved being completed. Any landscaping/planting 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.

The plans once approved prior to the development should be implemented in my opinion, prior to the first occupation of the site/ or a dwelling and not after the development is completed. Not doing this may lead to a situation where the landscaping cannot be completed adequately and as per the approved plans due to people living in the properties and not wanting landscaping as has happened on previous sites in Hartlepool. Without this tree planting being implemented there would be very little tree cover on this site. If this cannot be agreed it may be expedient to apply a Tree Preservation Order to the trees prior to planting pursuant to The Town and Country Planning Act 1990, Part 8, Chapter 1, 198 to ensure that the planting of the trees are further safeguarded beyond a condition and so the trees remain protected once planted for their lifetime.

**HBC Building Control** - A Building Regulation application will be required for 'residential development of 70 dwellings'.

**National Highways** - Thank you for engaging with National Highways regarding the above planning application. We have reviewed the Transport Statement (TS) and Travel Plan (TP) in support of the application and would provide the following comments in response.

National Highways understand that this planning application seeks to bring forward development comprising of 70 dwellings on a site that had previously been granted planning permission for 52 dwellings (application reference H/2015/0354). For reference, we previously recommended no objection to application reference H/2015/0354.

#### Travel Plan

We support the proposed measures within the TP that provide high speed broadband and space for home working, in addition to internal footways connecting to active travel facilities adjacent to the Site.

Whilst we support the proposed baseline modal splits, we would have expected the modal share targets to have been fully disaggregated into individual modes of travel, so that the modal shift can be reviewed based on the measures that are proposed.

The proposed monitoring strategy is not compliant with the requirements of DfT Circular 01/2022 because the monitoring requirements of the TP should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan, in line with PPG (2014).

We would state that the funding strategy for the TP is appropriate and we support the firm financial commitments that are made regarding TP delivery.

#### Site sustainability

We support the consideration of the site's accessibility but would state the site does not have a high level of public transport accessibility. Ideally, the Applicant should, therefore, engage with HBC and local bus operators to see if there's a possibility of increasing the frequency and / or adding digital timetables and bus shelters at the stops on Merlin Way.

We would note that the TP and TS were not prepared in accordance with Circular 01/2022 or National Planning Policy Framework (2023) (NPPF).

#### Transport Statement

Upon review of the proposed person trip rates, we would state that these are appropriate and represent a robust baseline scenario.

We do not support the approach used to derive the vehicle trip generation of the proposed development as this does not take into consideration the targeted modal shift detailed within the TP. The TP must be considered in the trip generation methodology in order to be considered as 'residual', as per Circular 01/2022.

Despite this, National Highways would agree that the proposed development only generates a marginal number of trips onto the A19 / A179 Sheraton Junction and therefore, no further evidence is required.

National Highways would note that we are disappointed with the policy deficiencies highlighted above and would reiterate that we won't accept this approach for sites that do assign a potentially significant number of trips towards the SRN.

Notwithstanding the deficiencies that have been identified, on the basis of the above, I enclose National Highways' formal NHPR 22-12 response recommending no objection.

#### Update 11/04/2024 following receipt of amended plans:

The changes to this application do not affect our previous response of no objection. Please maintain this as National Highways position on this application.

**Northern Gas Networks** – We do not object to your planning application.

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to

contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

*Update 11/02/2025 following re-consultation on amended plans:*

We do not object to your planning application.

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

**Northern Power Grid** – No objections. Plan attached.

*Update 11/02/2025 following re-consultation on amended plans:*

No objections. Plan attached.

**Northumbrian Water** - Thank you for consulting Northumbrian Water on the above proposed development. In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

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

We do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled “Flood Risk Assessment and Drainage Strategy September 2023”. This document reflects our pre-planning enquiry advice.

We request that the following approval condition be attached to any planning consent granted, so that the development is implemented in accordance with the named document:

**CONDITION:** Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Flood Risk Assessment and Drainage Strategy” dated “September 2023”. The drainage scheme shall ensure that foul flows discharge to the public foul sewer at manhole 5307 and ensure that surface water discharges to the existing watercourse.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

#### For Information Only

Please note that the site lies within drainage area 11-D24. This drainage area discharges to Seaton Carew Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

**Hartlepool Water:** This application amendments are not relevant to Anglian Water – we have no further comments to make since our last response. Please note Anglian Water will only comment on matters relating to drainage/surface water connections to our network.

**HBC Community Safety:** No comments received.

#### PLANNING POLICY

2.24 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

##### HARTLEPOOL LOCAL PLAN (2018)

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

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG9	Affordable Housing
RUR1	Development in the Rural Area
RUR2	New Dwellings outside of development limits

NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green Wedges
HE1	Heritage assets
HE5	Locally Listed Buildings and Structures

### HARTLEPOOL RURAL NEIGHBOURHOOD PLAN (2018)

2.26 The following policies in the adopted Hartlepool Rural Neighbourhood Plan 2018 are relevant to the determination of this application:

Policy	Subject
GEN1	Development Limits
GEN2	Design Principles
H1	Housing Development
H2	Affordable Housing
H5	Housing development on the edge of Hartlepool
T1	Improvements to the Highway Network
T2	Improvement and Extension of the Public and Permissive Rights of Way Network
NE1	Natural Environment
PO1	Planning Obligations – Contributions Towards Meeting Community Infrastructure Priorities
HA1	Protection and Enhancement of Heritage Assets Policy
HA4	Protection and Enhancement of Locally Important Buildings

### ADOPTED TEES VALLEY MINERALS AND WASTE DPD (2011)

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

2.28 The following policies in the TVMW are relevant to this application:

Policy	Subject
MWP1	Waste Audits

### National Planning Policy Framework (NPPF)(2024)

2.29 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021, and the 2023 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 strong 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:

<b>Para</b>	<b>Subject</b>
1	NPPF sets out the governments planning policies
2	Determination in accordance with the development plan
3	The NPPF should be read as a whole
7	Achieving sustainable development
8	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
9	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
10	The presumption in favour of sustainable development
11	The presumption in favour of sustainable development
12	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
39	Decision making in a positive way
48	Determining applications in accordance with the development plan
56	Use of conditions or planning obligations
57	Planning conditions should be kept to a minimum
58	Planning obligation tests
59	Obligations in a plan should be viable
61	Significantly boost supply of homes
64	Delivering a sufficient supply of homes
65	Delivering a sufficient supply of homes (affordable homes)
67	Delivering a sufficient supply of homes
82	Rural housing
83	Rural housing
85	Building a strong, competitive economy
88	Supporting a prosperous rural economy
96	Promoting healthy and safe communities
97	Promoting healthy and safe communities
98	Promoting healthy and safe communities
99	Promoting healthy and safe communities
100	Promoting healthy and safe communities
103	Open space and recreation
105	Open space and recreation
109	Promoting sustainable transport
110	Promoting sustainable transport
112	Promoting sustainable transport
115	Considering development proposals
116	Considering development proposals
117	Considering development proposals
118	Considering development proposals

124	Making effective use of land
125	Making effective use of land
129	Achieving appropriate densities
131	Achieving well-designed places
135	Achieving well-designed places
136	Achieving well-designed places
137	Achieving well-designed places
139	Achieving well-designed places
161	Meeting the challenge of climate change, flooding and coastal change
163	Meeting the challenge of climate change, flooding and coastal change
167	Meeting the challenge of climate change, flooding and coastal change
181	Planning and flood risk
182	Planning and flood risk
187	Conserving and enhancing the natural environment
193	Habitats and biodiversity
195	Habitats and biodiversity
198	Development in appropriate locations
200	Integration of development
202	Heritage assets
207	Describing significance
208	Impact on a heritage asset
209	Neglect or damage to a heritage asset
210	Determining applications
212	Considering impact on heritage assets
213	Justifying harm or loss
216	Non designated heritage asset
217	Loss of a heritage asset
218	Recording and advancing understanding of heritage asset
231	Implementation
232	Implementation

### **HBC Planning Policy Comments:**

#### **HBC SUPPLEMENTARY PLANNING DOCUMENTS**

2.30 The following SPDs should be considered prior to the submission of any planning application.

- Transport Assessments / Statements and Travel Plans SPD 2010

NB this SPD was prepared under the 2006 local plan and prior to the national planning policy framework but it still contains useful guidance for when assessments are likely to be required, content, structure etc.

- Residential Design Guide SPD 2019
- Trees and Development Guidelines SPD 2013
- Green infrastructure SPD and Action Plan 2020
- Public Rights of Way Standards and Guidance SPD 2020
- Planning Obligations SPD 2015

NB this SPD was prepared under the 2006 local plan and superseded national planning policy, however the information within it is still relevant and thresholds and contribution levels are applicable.

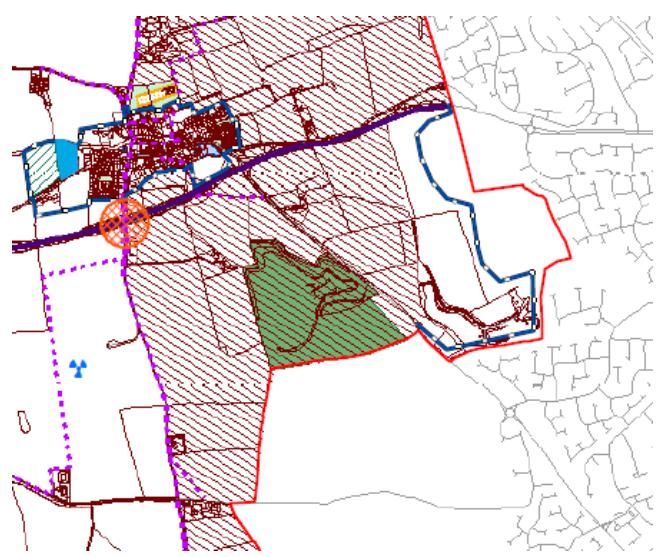
## CONSIDERATION OF PROPOSAL

## Principle of development

2.31 Planning Policy note that an application was approved in this location but the outline approved has since lapsed. Notwithstanding, any previous consents on this site, Planning Policy must consider the application submitted and apply the relevant policy applicable at this point in time.



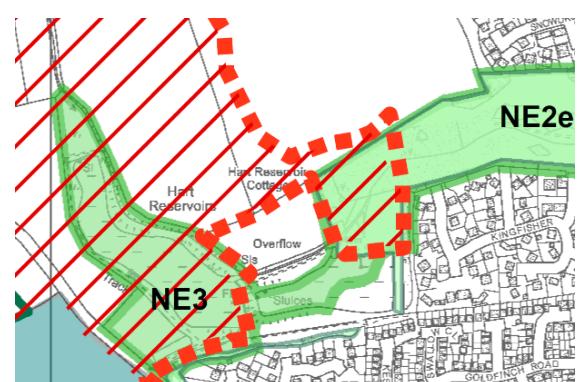
Source: Hartlepool polices map  
map



Source: Hartlepool Rural Plan policies



Source: Persimmon Homes, site location plan



Source: Hartlepool  
Policies map

2.32 With regard to the Hartlepool Local Plan, Planning Policy note that the north eastern area of the site is beyond the limits to development, within the strategic gap and within the How Beck, Middle Warren Green Wedges (NE3 area).

2.33 With regard to the Hartlepool Rural Neighbourhood Plan the site is within the plan area, adjacent to the green gap but not within the green gap.

2.34 Planning Policy note that four units (plot 14, 15, 16 and 17) on the eastern side of the site appear to be beyond the limits to development, in the strategic gap and within the green wedge.

2.35 The principle of development for the area within the limits to development is acceptable.

2.36 A comprehensive assessment of policy RUR1 (Development in the Rural Area), LS1 (Locational Strategy) NE2 (Green Infrastructure) and NE3 (Green Wedge) is necessary to set out the acceptability of the area beyond the limits to development. The assessment and further consideration of the proposal should then be used to assist the decision maker when considering the balancing of the application.

#### Consideration with regard to policy RUR1 (Development in the Rural Area)

2.37 Local plan policy RUR1 sets out that development outside the development limits will be strictly controlled and that proposals in the rural area must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses.

2.38 Policy RUR 1 sets out criteria in which development within the rural area should adhere to, the relevant criteria with regard to this application are criteria 1, 4, 5, 6, 7, 8, 9 and 10 and are summarised below.

- 1) Development in the rural area should, where relevant be in accordance with the Hartlepool Rural Neighbourhood Plan
- 4) Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion;
- 5) Through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes, taking into account relevant design guides and statements;
- 6) Be in keeping with other buildings in terms of siting, size, materials and colour;
- 7) Ensure access is appropriate and there is not a detrimental impact on the highway safety;
- 8) Where possible create and improve sustainable connectivity;
- 9) Not have a detrimental impact on the landscape character or heritage assets; and
- 10) Avoid areas of best and most versatile agricultural land, those areas classed as grades 1, 2 and 3a in the Agricultural Land Classification.

2.39 With regard to criterion 1 Planning Policy consider that the proposal does not fully accord with the Hartlepool Rural Plan. Rural plan polices are discussed further below along with suggestions as to how the proposal could better align with the rural plan.

2.40 With regard to criterion 4 Planning Policy do not wish to comment on this criterion but trust that the decision maker will be satisfied that the proposal does not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion.

2.41 With regard to criterion 5 Planning Policy are not convinced that the design proposed enhances the quality, character and distinctiveness of the immediate area and landscapes. This is a rural edge location yet the design is typical of a generic urban estate, with standard urban house types and boundary treatments. Of particular disappointment is the relationship between the edge of the site and the adjacent rural area to the west.

2.42 With regards to criterion 6 Planning Policy consider that the plot sizes of the proposal are broadly comparable to those dwellings to the south. However the proposed units and the neighbouring houses to the east and south are separated by a green corridor so it is not necessary to reflect those dwellings. The site is relatively self-contained and is separated from existing buildings by green buffers so the site is not likely to be seen in the context of other buildings and so Planning Policy consider that this criterion is not difficult to satisfy but equally it is not essential in this instance.

2.43 With regard to criterion 7 Planning Policy trust that the council's Highways engineers will ensure access is appropriate and there is no detrimental impact on the highway safety.

2.44 With regard to criterion 8 Planning Policy note that the site is linked directly to the Middle Warren Green Wedge and that the green wedge will allow access to a variety of services that exist within Middle Warren. There is currently a footway located to the east of the site, this footway is currently on the urban edge of the borough and provides a link from the Middle Warren Green Wedge to Hart Lane to the west or Swallow Close and Kestrel Close to the south. Consideration should be given to allowing a direct access from the site to the existing footway, potentially by punching through at plot 13 or 14 and chamfering off an access so that it is open onto the existing path and allows for wide visibility splays. Currently the site turns its back on the footway.

2.45 With regard to criterion 9 Planning Policy note that the council's landscape architect has raised concerns with regard to the relationship between the properties along the northern edge of the site and the adjacent rural area. The officer requested a softer approach to this boundary and Planning Policy echo this request. Planning Policy note that the landscape architect also requested that, due to the loss of a hedgerow and the relationship the site has with the adjacent rural area, replacement planting is provide on the site entrance, planning Policy echo this request. Without a softer norther edge and access Planning

Policy are of the view that the proposal will have a detrimental impact on the landscape character.

2.46 With regard to impact upon heritage impact, Planning Policy note that the non-designated asset has been lost and that the applicant seeks to provide interpretation boards, Planning Policy welcome and support the provision of interpretation boards.

2.47 With regard to criterion 10 the site is classed as being grade 3 Good to Moderate on the Natural England Agricultural Land Classification. Planning Policy are satisfied that the site is not located on the highest of land grading areas grade 1 (Excellent) and 2 (Very Good).

2.48 Policy RUR1 sets out that for new dwellings in the rural area, the development must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document and be in accordance with policy RUR2. Planning Policy consider that as the three units beyond the limits to development form part of a wider site it is not necessary to apply the criteria within the SPD and have not considered the SPD when considering this proposal.

2.49 Policy RUR 1 sets out that where developments are likely to have an impact upon existing infrastructure or require new infrastructure, the applicant will be required to provide such infrastructure in accordance with policy QP1, the Planning obligations Supplementary Planning Document and the Local Infrastructure Plan. The infrastructure requirements deemed to be required as part of this application are set out further in these policy comments.

2.50 Overall Planning Policy consider that as a whole the proposal does not comply with policy RUR1 and the applicant should reconsider the number of units and western edge of the site and its relationship with the adjacent rural area.

#### Consideration with regards to policy LS1 (Locational Strategy)

2.51 Local plan policy LS1 sets out that protection will be given to the rural character of the borough avoiding coalescence between the urban areas of Hartlepool and surrounding villages. To maintain the separate character of directly neighbouring rural settlements, the generally open and undeveloped nature strategic gaps are identified on the policies map and these gaps will be expressly protected. The green gap relevant to this application is the Hartlepool and Hart strategic gap.

2.52 Local plan policy LS1 sets out that development within these strategic gaps will only be permitted where criteria a, b and c are adhered to criteria, b and c are set out below.

Development within these strategic gaps will only be permitted where:

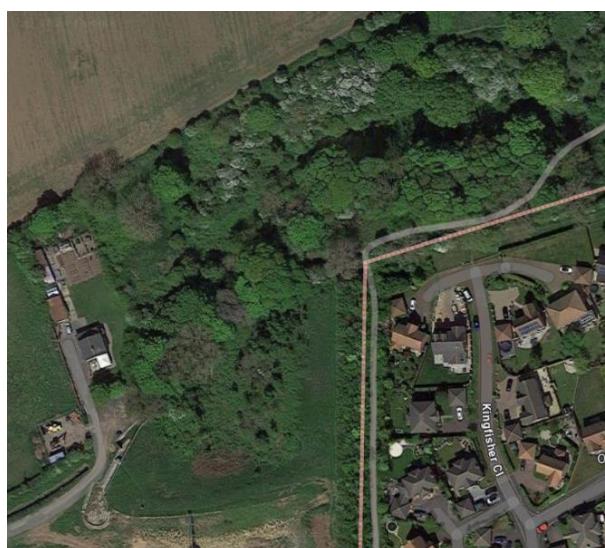
- a) It would not diminish the physical and/or visual separation; and
- b) It would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development; and
- c) The landscape setting of the settlements would not be harmed.

2.53 Planning Policy are satisfied that if the proposal is approved then there will still be a meaningful gap between Hart and the existing urban area and the integrity of the gap would be maintained. Planning Policy trust that the council's Landscape Architect will advise on if the landscape setting in this area is harmed.

2.54 Local plan policy LS1 sets out that a network of new and existing green wedges will be protected from development, managed and enhanced. The green wedge relevant to this application is the How Beck, Middle Warren Green Wedge.



Source: Google earth



Source: Google earth



Persimmon Homes

2.55 This proposal does seek to enhance some of the green wedge by incorporating a play space within it, however it appears that a substantial amount of trees will have to be felled to make way for four units and what appears to be a SUDS area. The SUDS area could be considered to be a positive element of the green wedge, however Planning Policy consider that the trees in this location

override the need for drainage, the SUDS is only required as parts of the housing site and if the homes were not built then the green wedge could maintain its good cover of trees in this location.

2.56 Overall Planning Policy are of the view that the positive additions to the green wedge do not outweigh the harmful effects i.e. loss of trees and built form within the green wedge.

#### Consideration with regards to policy NE2 (Green Infrastructure)

2.57 Local plan policy NE2 sets out that the council will safeguard green infrastructure from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities. The policy sets out in criterion 2 (a) that green wedges are considered to be a type of green infrastructure.

2.58 Local plan policy NE2 sets out that the council will investigate the potential for improving access to open spaces and the countryside and will seek opportunities to expand and improve the Rights of Way network. Planning Policy are aware that surfacing improvements to the walking link to the south and east of the site, a link from the site into the green wedge in the north east corner and a formalised access from the site to the existing footway to the south of the site, have been sought by the Highways department (Countryside Access Officer). Planning Policy support this request and after liaising with the countryside access officer can advise that HBC expects the developer to fully fund the resurfacing of the path rather than HBC seeking a contribution of £250 per dwelling. Surfacing works would include a scrap of the current surface, infilling of the base material and then a dust covering. The eastern link would require some vegetation clearance before work could commence. The countryside access officer would expect a phased approach to delivery and will work with the applicant to achieve this. The eastern link would have to be closed while works are undertaken but the southern link could remain open as there is an embankment that would provide temporary access. The routes are not officially Public Rights of Ways or cycleway but potential users would have to be informed of closures and works, HBC can provide closure and works notices but the developer would be expected to display them and maintain them.

2.59 Policy NE2 sets out that the loss of green infrastructure components will generally be resisted and that proposals affecting the green wedges will be assessed against policy NE3.

2.60 Policy NE2 sets out that where an area of open space is lost to development, the council will impose planning conditions or a legal agreement as appropriate, to ensure compensatory provision of an alternative site or enhancement of adjoining open space. This requirement is not subject to viability, it is a measure needed to ensure that the loss is weighed against a benefit, without a green infrastructure (GI) benefit the loss is not justified in policy terms.

2.61 Planning Policy note that an area of green wedge will be lost to 3 or 4 dwellings, in this instance the developer can either remove the dwellings from the green wedge or provide compensation. Planning Policy would not seek financial

compensation for the loss of GI, but would look to see improvements brought forward by the developer. Compensation in the form of tree planting, improvements to the exciting walking routes to the east and south and creation of a direct access from the site to the green wedge in the north east corner. Planning Policy is of the view that this is a minimum that is required to ensure Planning Policy are comfortable and can justify the loss of green wedge in this instance.

2.62 Policy NE2 sets out that the council will seek to ensure that the development of a high quality green infrastructure network complements high quality design in the built environment and that sufficient green space is provided as part of development. The overall level of GI across the site is acceptable however consideration should be given to proving a green link through the site and to the existing footway and green wedge to the north east of the site.

#### Consideration with regards to policy NE3 (Green Wedges)

2.63 Local plan policy NE3 sets out that the council will seek to protect, maintain, enhance and, where appropriate, increase the number of green wedges and that development within the green wedges, will be strictly controlled.

2.64 Policy NE3 sets out that approval within the green wedges will only be given for the development of buildings or structures which:

- 7) Comprise extensions to existing premises located within a green wedge, or
- 8) Provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge, or
- 9) Relate to the provision, enhancement or management of areas of biodiversity value, and
- 10) There is no significant adverse effect on the overall integrity of the green wedge.

2.65 With regard to criterion 7, Planning Policy are of the view that the proposal does not comprise of extensions to existing premises in the green wedge.

2.66 With regard to criterion 8, Planning Policy note that the proposal does not seek to provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge in the location where the three or four dwellings are proposed, however Planning Policy do note that that a play park is proposed which is considered to be a facility ancillary to the green wedge.

2.67 With regard to criterion 9, Planning Policy trust that the council's ecologist can better advise if the proposal is on the whole providing, enhancing or managing areas of biodiversity.

2.68 With regard to criterion 10, Planning Policy are not of the view that four units in the green wedge and the loss of trees/hedge does not have a significant adverse effect on the overall integrity of the green wedge, the green wedge is large and this proposal is only on one part of it.

2.69 Where appropriate, interpretation should be provided for natural and historic features within green wedges. Planning Policy note that this has been requested by the Heritage and Open Spaces Manager and Planning Policy and the applicant has set out in their submission that interpretation will be provided.

Summary with regards to the principle of development

2.70 Planning Policy do not object to the principle of residential development in this location, however Planning Policy have concerns that significant criteria in key policies have not been achieved (all started above) and that the applicant should do more to ensure the proposal better aligns with policy.

Consideration of the proposal with regards to house types including bungalows

2.71 Local plan policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock. Rural plan policy H1 (Housing Development) sets out that new housing development should provide a mix of house types and tenures and that the mix should have regard to the latest evidence of housing need applicable at the time. Rural plan policy H5 (Housing Development on the Edge of Hartlepool) sets out in criterion 2 that development should be designed to incorporate a diverse housing mix with a variety of house types, sizes and tenures.

2.72 The 2014 Strategic Housing Market Assessment (SHMA) should be considered when deciding what dwellings to include in the application and attention should be paid to paragraph 63 of the recently updated<sup>1</sup> NPPF which places greater emphasis on having homes delivered that meet identified needs and thus shows the direction of the Government with regards to how it expects decisions to be made. Within the Hart ward table 5.9 on page 76 of the SHMA sets out that the need within the area is for smaller units i.e. 1 and 2 bed properties and a significant need for bungalows and flats. Of significance is that out of the 11 wards within the borough, the Hart ward ranks fourth with regards to the need for bungalows. Planning Policy area aware that the Hard Ward has had limited approvals for bungalows and thus this need is still particularly pressing.

2.73 The proposal seeks permission for 46 four bedroom units and 24 five bedroom units.

2.74 Given the size of the site Planning Policy expect a full range of house types to be provided including the provision of smaller units and bungalows. Based on what has been proposed Planning Policy are of the view that the proposal does not accord with local plan policy HSG2 and rural plan policies H1 and H5.

Consideration of the proposal with regards affordable housing

2.75 Local plan policy HSG9 (Affordable Housing) advises that the council will seek an affordable housing target of 18% on all sites above the 15 dwelling threshold. There is a significant affordable housing need within the borough therefore

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<sup>1</sup> December 2023

in a bid to have a positive impact upon meeting the council's overall affordable housing targets, the development should provide 18% of the 70 dwellings as affordable units. This would equate to 12 dwellings on site and a financial contribution of £32,136.70.

2.76 Local plan policy HSG9 along with rural policy H2 (affordable housing) sets out that the affordable provision and tenure and mix will be negotiated on a site-by-site basis, having regard to the most up-to-date evidence of housing need, aspiration and the local housing market. Table 5.19 of the 2015 Strategic Housing Market Assessment sets out that the greatest need within the borough is for social rented units and not intermediate units. This view is echoed by the council's strategic housing teams, in addition advice from the council Housing Strategy team is that there is a need for one and two bed affordable units and these should be provided on site. Planning Policy advise that that 70% of the affordable units should be for the rental market with 30% made available for the intermediate market.

#### Consideration with regards to layout and design

2.77 With respect to car parking standards, The Tees Valley Design Guide and Specification advises two spaces for one to three bedroom dwellings and three spaces for four bedroom dwellings and above. The design and location of car parking should be considered in line with the council's residential design SPD.

2.78 Planning Policy note that there are a high number of parking bays to the front of the properties and not the side which would be the most appropriate option. The number of front parking bays proposed are likely to dominate the street scene, this is particularly concerning given this rural edge location and the policies that this application should adhere. Consideration should be given to providing parking bays to the side and thus not more hidden from view in addition to that any long stretches of bays should be broken up by planting and/or different surface treatment i.e. sets to delineate bays. The applicant must show that 70 dwellings can fit on the site in an appropriate manner. If the above mentioned parking problems cannot be resolved then one solution may be to reduce the overall number of dwelling on the site.

2.79 Planning Policy note the concerns raised by the rural plan working group with regards to policy GEN 2 (Design Principles) and that the character analysis which is the source of inspiration for the design of in this application are the adjacent new housing areas. The group consider that the proposal seeks to provide standard generic designs with little architectural imagination and that overall the proposal does not create a sense of place and reinforce the character of the village or rural area. Planning Policy have previously stated that due to the landscape buffer between this site and the adjacent housing sites this site is relatively self-contained and thus it is not necessary to ensure this site reflects and respects those surrounding buildings. The site is within the rural area and although it should not mirror the villages, which are unique in themselves, more thought could be given to taking positive design inspiration from elements of the design in the rural area and the layout, landscaping provision, boundary treatments and overall density of the site should better reflect the rural location.

### Consideration with regards to green infrastructure

2.80 Planning Policy have stressed the importance of green infrastructure when assessing this application against policy LS1, RUR1, NE2 and NE5. In addition to local plan policies the Hartlepool Rural Plan also considers the importance of green infrastructure.

2.81 Rural plan policy H5 sets out, in criterion 4, that development should include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats. Planning Policy note and echo the concerns raised by the Hartlepool Rural Plan Working Group that the northern boundary adjoins the countryside and that a strong landscape buffer should be provided to reduce the visual impact of the proposal upon the adjacent rural area.

2.82 In addition to a landscape buffer, the proposed 1.8 metre high close boarded fences should be amended for a more sympathetic design or if there must be a 1.8 metre high fence then it should be screened from view.

2.83 Planning Policy have already discussed many points covered by Rural plan policy NE1 (Natural Environment) and the comments raised by the rural plan working group are noted and have been reflected in comments above. Rural Plan policy NE1 sets out that in the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing and (b) provide screening around any non-agricultural uses.

2.84 Planning Policy are not convinced that this requirement has not been adhered to and therefore request a bespoke plan of the western edge showing the depth of the landscape strip, which appears to intermittent along the western edge. Although the rural plan policy specifies a 10 metre buffer on the western edge, the working plan group have submitted their desire for a 10 metre buffer to the northern boundary of the site. Planning Policy echo the need for a northern buffer.

### Impact upon biodiversity and proximity to the Local Wildlife Site (LWS).

2.85 Planning Policy trust that the council's ecologist will provide advice regarding BNG, recreational disturbance and nutrient neutrality. The sum of money requested for ecological mitigation is not subject to negotiation.

### Summary of matters to be addressed

- Loss of green wedge (compensation)
- Mix of house types
- Bungalows
- 12 on site affordable units and a financial contribution of £32,136.70
- Landscape buffer to north and west
- Replacement planting at the access
- Softer boundary treatments

- Access through the site from east to west into the green wedge

#### Planning obligations/requirements

2.86 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, Local plan policy QP1 (Planning Obligations) sets out that the council will seek planning obligations where viable and deemed to be required to address the impacts arising from a development. The following requirements and developer contributions should be secured.

2.87 Clean energy provision - local plan policy CC1 (Minimising and Adapting to Climate Change) requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. Where it can be demonstrated that this is not feasible, the provision of the equivalent energy saving should be made by improving the building fabric or a combination of energy provision and energy saving measures that equates to the equivalent of 10%. Planning Policy have been unable to identify how the applicant intends to achieve this requirement. Planning Policy would consider solar panels to be the most appropriate solution.

Green infrastructure - Commitment to deliver access and surface improvements to the existing track to the east and south.

Play - Commitment to deliver the play space on site

Built sports - A sum of £250 per dwelling should be sought and directed towards the replacement leisure centre at the Highlight.

Playing pitches - A contribution of £233.29 per dwelling is required and should be directed towards borough wide provision.

Tennis courts - A contribution of £57.02 per dwelling (£27,084.50) is required to be directed towards borough wide provision.

Bowling greens - A contribution of £4.97 per dwelling (£2,360.75) is required to be directed towards the bowling green facilities within the borough.

Primary education - A sum of £207,012.75 should be secured and directed towards primary education. This sum is subject to change if the number of dwellings changes.

Secondary education - A sum of £135,238.18 should be secured and directed towards secondary education. This sum is subject to change if the number of dwellings changes.

Training and employment - To assist in ensuring that Hartlepool's economy grows sustainably, Planning Policy would also seek to ensure that a training and employment charter is signed; this will ensure that some employment is provided to local residents. Further advice can be sought from the Council's Economic Development team.

Affordable housing - 12 on site affordable units and a financial contribution of £32,136.70.

What the applicant is proposing.

- Heritage interpretation
- Play space on site
- Green space running through the site

2.88 Planning Policy note that the applicants considers that due to viability reasons they are unable to provide much of the necessary infrastructure. By not proving the infrastructure the proposal will place extra pressure on existing services which means that residents will either not be able to access facilities that enables them to live an active lifestyle or the council will have to fund the infrastructure gaps.

2.89 Planning Policy considers that the borough has a healthy housing market with a 5 year housing land supply and sufficient land allocated for beyond the plan period. There is no pressing need to approve additional applications in the borough above and beyond the local plan site especially where such proposals are not aligned with local evidence and where they will lead to a burden on existing infrastructure.

2.90 The decision maker must consider the positive elements of the scheme along with the negative elements of the scheme when coming to an overall view on if the application should be approved or refused.

2.91 Planning Policy would like to work with the applicant to address some of the fundamental issues relating to the scheme, addressing some matters is likely to have a knock on financial impact and so Planning Policy would anticipate that a new viability assessment will need to be submitted if amendments to the scheme are made.

Update 12/06/2024 following receipt of amended plans:

2.92 Planning Policy have reviewed the revised plans submitted and in the main the amendments have addressed concerns previously raised.

2.93 The amended boundary treatment plan addresses planning policy's previous comments regarding the impact on the footpath to the south. In regards to including a corner turning unit on plot 1, although it would be preferable to have a level of natural surveillance over the footpath the applicant has indicated that this is not possible from the units proposed on the site and Planning Policy are agreeable.

2.94 Planning policy welcome the amendments to the northern edge (plots 54-58) to move the hedgerow outwith the property gardens and widen the landscape buffer.

2.95 In terms of the introduction of an alternative material the units indicated in the materials plan submitted differ to those discussed in the meeting held on 22/04/24. Could we please clarify that those on the revised materials plan are correct?

2.96 The amendments to plot 17 also address planning policies previous comments.

*Update 19/07/2024 following receipt of amended plans:*

2.97 Planning Policy have reviewed the revised elevation plans submitted, they align with the amended material plan submitted and Planning Policy have no comments relating to this matter.

*Update 19/09/2024 following receipt of viability assessment:*

2.98 Planning Policy have communicated with Persimmon Homes and now have a final view on the viability assessment and the Planning Policy position.

2.99 The discussion is set out below but for the purposes of your report and deliberations it is advise that.

2.100 The scheme for 70 dwellings will be accompanied by:

- Solar panels will be provided on some dwellings.
- Homes will comply with new more efficient building regulations standards.
- Public open space will contain a play park.
- Improvements will be made to the walking links to the south and east of the site.
- £107,012.75 towards primary education; and
- £35,238.18 towards secondary Education.

2.101 I am aware of the remediation costs associated with this proposal and that if those costs did not exist then more obligations could be achieved.

2.102 The profit margin is closer to 20% than 15% and discussions did take place with regard to reducing the profit level in a bid to achieve more planning obligations. The position regarding the level of profit is set out in the viability report and in this instance Persimmon Homes are unable to reduce the profit any further.

2.103 Planning Policy are aware that, despite not being factored into the viability assessment and thus the profit margin, education contributions have been offered, as Persimmon Homes understand the need to educate children, this is welcomed. I note that that sum has not been included in the EVA and I would consider that if it were, the profit would be lower.

2.104 Planning Policy are satisfied that the information provided is an accurate reflection of the scheme and in this instance; if HBC insisted upon the planning obligation sought it would likely render the scheme unviable.

2.105 In light of the above there is no outstanding objection with regard to viability.

## **PLANNING CONSIDERATIONS**

2.106 The main planning considerations with respect to this application are the principle of development (including viability and planning obligations, planning

balance, energy efficiency and renewable energy and house types), design and impact on the visual amenity (including heritage assets), residential amenity, ecology (including biodiversity net gain, biodiversity mitigation measures, biodiversity enhancement, habitats regulation assessments (including recreational impact on designated sites and nutrient neutrality), trees and landscaping, highway safety and parking, flood risk and drainage and contamination. These and any other planning matters (including archaeology, crime, fear of crime and anti-social behaviour) and residual matters are considered in detail below.

## PRINCIPLE OF DEVELOPMENT

2.107 The application site is, for the most part, located within the development limits as defined by Policy LS1 of the Hartlepool Local Plan (HLP) albeit an area (consisting of 4 dwellings, an area of open space and a proposed footpath link) to the north east section of the application site is beyond the development limits of this Policy and is allocated under Policy NE2e (local green corridor), Policy NE3 (Green Wedge) and Policy LS1 (Strategic Gap) on the Hartlepool Local Plan Policies Map (HLPPM) (2018). The western part of the application site is also allocated under HLP Policy NE3 (Green Wedge) on the HLPPM (2018). The site is entirely within the development limits set out in the Hartlepool Rural Neighbourhood Plan (HRNP) (2018).

2.108 As part of the proposals, the application site would include 4 of the proposed dwellings as well as areas of open space being situated beyond the development limits (as identified under Policy LS1 of the HLP) and therefore Policy RUR1 (Development in the Rural Area) of the HLP applies (as well as the criteria of HLP Policies LS1, NE2 and NE3).

2.109 Policy RUR1 of the HLP sets out that development outside the development limits will be strictly controlled and that proposals in the rural area must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses. This Policy sets out criteria in which proposed development in the rural area should adhere to, and the relevant criteria are included in the full comments of the Council's Planning Policy team (above).

2.110 In terms of the criteria of HLP Policy RUR1, the Council's Planning Policy team consider that the proposal does not fully accord with the requirements of the HRNP (criterion 1), that the design of the amended proposals is acceptable in respect of the quality, character and distinctiveness of the immediate area and landscaping (following initial concerns in this respect) (criterion 5), that the plot sizes are broadly comparable with nearby dwellings, and therefore acceptable in this respect (criterion 6), that the site would link to existing local services (criterion 8), that the landscaped boundaries are now acceptable following initial concerns and that interpretation boards would be required (criterion 9) and the site is not located on best and most versatile land (BMV) (criterion 10).

2.111 The initial comments from the Council's Planning Policy team advised that the proposals do not fully accord with the requirements of Policy RUR1 of the HLP. In view of this, the case officer requested the applicant reduce the scale of the

proposals, amongst other amendments. Although the applicant confirmed they were unwilling to reduce the scale of the proposed development, the applicant agreed to provide improvements to the local vicinity by way of retained landscaping and improvements to the adjacent footpaths.

2.112 In respect to the proposals compliance with Policy NE2 (Green Infrastructure) of the Hartlepool Local Plan (2018), the Policy sets out that the council will safeguard green infrastructure from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure. In addition Policy NE2 states that the loss of green infrastructure components will generally be resisted but in exceptional circumstances green infrastructure will only be considered for other uses where:

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

2.113 As noted above, the applicant has committed to making surfacing improvements to the walking link to the south and east of the site, a link from the site into the green wedge in the north east corner and a formalised access from the site to the existing footway to the south of the site, at the request of the Council's Countryside Access Officer. The eastern link would require some vegetation clearance before work could commence. The Council's Countryside Access Officer has confirmed that this would be provided by a phased approach. This would need to be secured through a S106 legal agreement, to which the applicant has agreed.

2.114 In view of the improvements to the local footpaths, it is considered that the proposal is acceptable in respect of Policy NE2 of the HLP.

2.115 Policy NE3 (Green Wedge) of the Hartlepool Local Plan (2018) sets out that the council will seek to protect, maintain, enhance and, where appropriate, increase the number of green wedges and that development within the green wedges, will be strictly controlled.

2.116 Policy NE3 sets out that approval within the green wedges will only be given for the development of buildings or structures which:

- 7) Comprise extensions to existing premises located within a green wedge, or
- 8) Provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge, or
- 9) Relate to the provision, enhancement or management of areas of biodiversity value, and
- 10) There is no significant adverse effect on the overall integrity of the green wedge.

2.117 With regard to criterion 7, it is considered that the proposal does not comprise of extensions to existing premises in the green wedge. With regard to

criterion 8, it is considered that the proposal does not seek to provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge in the location where the three or four dwellings are proposed, albeit it is of consideration that that the proposal includes a children's play which the Council's Planning Policy team consider to be a facility ancillary to the Green Wedge. With regard to criterion 9, the Council's Ecologist has confirmed that the proposal would, on the whole, provide, enhance or manage areas of biodiversity value (discussed in further detail below in the Ecology section). With regard to criterion 10, the Council's Planning Policy team have confirmed that four dwellings in the Green Wedge (as allocated by HLP Policy NE3) and the loss of trees/hedge would not result in a significant adverse effect on the overall integrity of the Green Wedge in this instance, as discussed below.

2.118 In the initial comments from the Council's Planning Policy team, consideration is given to the area of Green Wedge which would be lost to four dwellings. The Council's Planning Policy team confirmed that in order to meet the requirements of Policy NE3 of the HLP, they would expect the proposed development to be amended to omit these four dwellings (from the Green Wedge) or provide compensation. The Council's Planning Policy team confirmed that compensation would take the form of tree planting, improvements to the exciting walking routes to the east and south and creation of a direct access from the site to the green wedge in the north east corner rather than a financial contribution towards Green Infrastructure in the vicinity or the Borough. In response, the applicant submitted amended plans which indicate woodland planting in the north east corner of the application site, as well as links and improvements to the footpaths running adjacent to the south and east of the application site.

2.119 Where appropriate, interpretation should be provided for natural and historic features within green wedges. Such interpretation has been requested by the Council's Head of Service for Heritage and Open Spaces and the Council's Planning Policy team (in respect to the non-designated heritage assets of the former reservoir structures), and the applicant has set out in their submitted Design and Access Statement that interpretation/information panels would be provided. Final details and implementation can be secured by an appropriate planning condition.

2.120 Policy RUR1 sets out that for new dwellings in the rural area, the development must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document and be in accordance with policy RUR2. The Council's Planning Policy team have confirmed that as the four dwellings beyond the limits to development form part of a wider site, it is not necessary to apply the criteria within the SPD.

2.121 Given that the application site is not allocated for residential development, and taking into account that the Hartlepool Local Plan (2018) allocates sufficient land within the limits to development to achieve a five year housing land supply, the current scheme is considered to be a departure from the Local Plan and is therefore a 'windfall (housing) site'.

2.122 Policy LS1 (Locational Strategy) of the Hartlepool Local Plan (HLP) (2018) supports sustainable development based on a strategy of balanced urban growth

with expansion being concentrated in areas adjoining the existing built-up area to ensure that growth occurs in a controlled way and is delivered alongside local and strategic infrastructure improvements.

2.123 Policy SUS1 of the Hartlepool Local Plan (2018) and paragraph 125 of the NPPF (2024) sets out that proposals for new development should be located on previously developed or brownfield land and should be designed in a sustainable way.

2.124 It is acknowledged that the proposal is adjacent to existing residential development to the south and east and is in reasonable proximity to shops and services and public transport links and therefore it is considered that the proposal is, in a locational sense, sustainable.

2.125 The Council's Planning Policy team acknowledges that the retention of an area of green space throughout the site, the inclusion of a play area, footpath links and heritage information panels would bring benefits to the borough's residents (as well as to future occupants of the proposed development).

2.126 Officers consider that significant weight can be attributed to the positive contributions of the scheme to enhancing the open space. Ultimately, the weight afforded to this, will need to be factored into the overall planning balance (which is detailed in full below).

#### *Viability and Planning Obligations*

2.127 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Policies RUR1 and QP1 (Planning Obligations) of the Hartlepool Local Plan (2018) and the Planning Obligations SPD, the Council's Planning Policy section has confirmed that given the size of the proposed residential development and its intended purpose and in the interests of providing sustainable development, a commitment from the developer in terms of the provision of the following should be sought:

- Clean energy provision - local plan policy CC1 (Minimising and Adapting to Climate Change) requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources.
- Green infrastructure - Commitment to deliver access and surface improvements to the existing track to the east and south.
- Play - Commitment to deliver the play space on site
- Built sports - A sum of £250 per dwelling should be sought and directed towards the replacement leisure centre at the Highlight.
- Playing pitches - A contribution of £233.29 per dwelling is required and should be directed towards borough wide provision.
- Tennis courts - A contribution of £57.02 per dwelling (£27,084.50) is required to be directed towards borough wide provision.
- Bowling greens - A contribution of £4.97 per dwelling (£2,360.75) is required to be directed towards the bowling green facilities within the borough.

- Primary education - A sum of £207,012.75 should be secured and directed towards primary education. This sum is subject to change if the number of dwellings changes.
- Secondary education - A sum of £135,238.18 should be secured and directed towards secondary education. This sum is subject to change if the number of dwellings changes.
- Training and employment - To assist in ensuring that Hartlepool's economy grows sustainably, Planning Policy would also seek to ensure that a training and employment charter is signed; this will ensure that some employment is provided to local residents. Further advice can be sought from the Council's Economic Development team.
- Affordable housing - 12 on site affordable units and a financial contribution of £32,136.70.

2.128 Notwithstanding the above, in terms of the Habitat Regulations and preventing and Likely Significant Effects from recreational disturbance on the designated sites, and as considered in further detail in the Ecology section below, the applicant has confirmed their agreement to paying a contribution of £250 per dwelling (£17,500 in total) towards coastal wardening, which will need to be secured through a legal agreement.

2.129 Subsequently, the applicant submitted a Viability Assessment, which has been considered in detail by the Council's Planning Policy team who have confirmed that whilst the development is unable to deliver all of the contributions sought, there is sufficient viability within the scheme to provide solar panels to some dwellings, efficient building regulations standards, an area of public open space containing a play area, improvements to walking links to the south and east of the site, and financial contributions towards primary and secondary education.

2.130 Policy QP1 (Planning obligations) of the HLP has a caveat that "The Borough Council will seek planning obligations where viable". In view of the submitted Viability Assessment, it is considered that insisting on further contributions would render the scheme unviable. In view of the policy context (primarily Policy NE2 which considers meaningful improvements to green open space), the Council's Planning Policy team sought to prioritise meaningful improvements to the green open space above all other planning obligations. It should be noted that the scheme does not secure the 18% requirement for on-site affordable housing as a result of the viability assessment.

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

- the proposal will provide solar panels to some dwellings;
- EV charging to all dwellings;
- improvements will be made to the walking links to the south and east of the site including connections and footpath upgrades;
- Public open space will contain a children's play park;
- £107,012.75 towards primary education;
- £35,238.18 towards secondary Education;
- £17,500 financial contribution towards coastal wardening;

- the provision, maintenance and long term management of landscaping, open space and play areas;
- the provision, maintenance and long term management of Biodiversity Net Gain (both on site and offsite);
- and maintenance and long term management of surface water drainage and SuDS;
- an employment and training charter.

2.132 The applicant has agreed to the above measures which would need to be secured by a s106 legal agreement as well as appropriate planning conditions where applicable.

2.133 In view of the submitted Viability Assessment and the comments from the Council's Planning Policy section, the proposal is, on balance, considered to be acceptable in this respect.

#### *Energy Efficiency and Renewable Energy*

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

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

2.136 The submitted Sustainability Statement indicates that the proposed development would seek to utilise the most cost effective method of improving energy efficiency, reducing demand and as such reducing the long-term carbon emissions for the development. Predominantly this is proposed through utilising a “fabric first approach”, which ensures that thermal performance and sustainability are embedded within the fabric of dwellings for the lifetime of the development. It is noted that the submitted Sustainability Statement indicates that all dwellings would incorporate electric vehicle (EV) charging points.

2.137 Full details of the renewable energy infrastructure including solar panels (to a minimum of 10% of the dwellings) and EV charging points (to all 70 dwellings) can be secured by appropriate planning conditions.

2.138 In respect to energy efficiency, it is of note that Building Regulations have been updated as of 15th June 2022, and any forthcoming Building Regulation application will now be assessed under the new Regulations. In light of the above, given the implementation and requirements of the new Building Regulations, a planning condition is not required in respect of any energy efficiency improvement (previously required to be 10% improvement above the Regulations, prior to 15<sup>th</sup>

June 2022) and such matters will need to be addressed through the new Building Regulations requirements.

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

#### *House Types*

2.140 Policy HSG2 (Overall Housing Mix) of the HLP seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock and that due regard should be given to the latest evidence of housing need. Policy H1 (Housing Development) of the HRNP sets out that new housing development should provide a mix of house types and tenures and that the mix should have regard to the latest evidence of housing need applicable at the time. Policy H5 (Housing Development on the Edge of Hartlepool) of the HRNP sets out in criterion 2 that development should be designed to incorporate a diverse housing mix with a variety of house types, sizes and tenures.

2.141 The proposal is for 70 detached four and five bedroom properties. The most up-to-date Strategic Housing Market Assessment 2015 (SMHA) notes that the greatest need is for bungalows and detached 1-3 bed properties.

2.142 Whilst it is acknowledged that the proposed scheme does not include bungalows, it is of consideration that a mixture of house types are included. Following concerns raised by officers regarding the design of some of the house types in respect to their generic design and nature, and a request to include more corner turning properties along the proposed footpath links, amended plans were received to incorporate the changes to the designs of some of the house types and the layout of plots within the scheme, as detailed in full in the Proposal section of this report.

2.143 Whilst the design and layout is discussed in further detail below, overall, and on balance, it is considered that the range of house types is considered to be acceptable in this instance and the lack of bungalows would not warrant a refusal of the application.

#### *Planning Balance*

2.144 Notwithstanding the consideration of Viability (above), it is considered that Policies RUR1, NE2 and NE3 of the HLP must be given considerable importance and weight.

2.145 In weighing up the balance of policies in favour of against the main policies of constraint (Policies LS1, NE2 and NE3 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.

2.146 The NPPF (2024) 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:

#### 2.147 Benefits

- The main element of the application site is located within the development limits of both the HLP and HRNP and the site is considered to be a relatively sustainable location (social + environmental + economic)
- The proposed development would provide enhancements and improved connectivity to the public footpaths to the east and south of the proposed development, to the benefit of existing and future residents of the Borough (social + environmental)
- The proposed development would provide an area of open space including a children's play area within the development site (social + environmental)
- The proposed development would provide heritage information panels (social)
- The proposal would deliver some biodiversity enhancement in the form of soft landscaping (environmental)
- The proposed development would re-use a site that the applicant indicates is currently a health and safety hazard and a focus for anti-social behaviour (economic + social)
- The proposal would provide a contribution towards the council's 5 year housing supply including a mix of housing types (economic\*)
  - *\*there will also be 'social' benefits delivered by private housing provision however this benefit is reduced by no affordable housing provision in this instance*
- The submitted information indicates the proposed development is intended to support/provide renewable energy in the form of solar panels and EV charging points (social + economic + environmental)

#### 2.148 Adverse impacts

- The proposed development would have a potential detrimental impact on a parcel of land allocated for natural and semi-natural space and a green wedge, contrary to Local Planning Policies NE2 and NE3 (social + environmental)
- The development does not make any provision or contribution towards affordable housing provision and does not secure contributions to all of the planning obligations including play and built sports, tennis, playing pitches and bowling greens (economic + social)
- No bungalows and limited housing mix (economic + social)
- Loss of hedgerows and habitat (environment + social)

2.149 In conclusion, and when weighing up the balance of the benefits of the proposed residential development against the location of which a small element of the scheme is located within land allocated as natural and semi-natural green space (under Policy NE2) within a Green Wedge (under Policy NE3) and Strategic Gap

(LS1), and that the proposal does not provide any affordable housing (in addition to a number of other planning obligations), it is considered that these impacts would, on balance, be outweighed by the identified economic, environmental and social benefits of the proposal in this instance for the reasons set out above.

#### Principle of Development Conclusion (and Planning Balance)

2.150 While the site presents some conflicts with a number of identified policies of the HLP due to a small element of it being within the designation under Policies NE2 and NE3, the majority of the land falls within the Limits to Development as identified under Policy LS1, where housing is generally supported. There are a number of identified impacts that have been weighed in the planning balance against the benefits of the development as set out above.

2.151 However, and in view of the above considerations including the benefits, it is considered that the proposed development would, overall, positively benefit each of the threads of economic, social and environmental sustainability. Despite the identified shortcomings of the application, Officers consider that there are material considerations that allow the proposals to be considered as a sustainable form of development and that the principle of development is therefore considered to be acceptable in this instance, subject to satisfying other material planning considerations as detailed below.

#### DESIGN & IMPACT ON VISUAL AMENITY OF SURROUNDING AREA

2.152 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.

2.153 The NPPF (2024) sets out the Government's commitment to good design. Paragraph 131 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the NPPF (2024) stipulates that planning decisions should ensure development will add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history (whilst not preventing or discouraging appropriate innovation or change), establish a strong sense of place and optimise the potential to accommodate and sustain an appropriate amount and mix of development.

2.154 The application site is bounded to the south and east by residential development, albeit the proposed development would be separated from each of these residential developments, with landscape buffers to the south and east and a difference in site levels, which would remain between the proposed development and the existing residential development at Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east. These residential streets predominantly comprise detached dwellings of a two-storey form with integrated or

detached garages, albeit there are some examples of semi-detached and link terraced two-storey dwellings, in some instances two and a half storey with rooms in the roof space throughout the wider residential estates.

2.155 As noted above, Local Plan Policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock.

2.156 Although it is acknowledged that the proposed scheme does not include bungalows, it is considered that the range of proposed house types is reflective of those within the surrounding residential streets (including Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east) and those within the wider area. On balance, the design of the properties (as amended during the course of the application) is considered to be acceptable in this instance and would not warrant a refusal of the application.

2.157 The palette of materials of surrounding residential developments is varied but generally consists of red, buff and brindle brick and red or grey rooftile with some examples of render. Roofs are pitched, comprising a mix of hipped and gabled designs and there are examples of projecting gable features to the front and canopies over front doors. Each of these features are replicated in the house types proposed as part of this development.

2.158 The design and materials to be used in the proposed houses are generally considered to be in keeping with the character and appearance of the wider area and therefore the development is considered acceptable in this respect subject to final details being secured by a planning condition.

2.159 When considering the existing residential developments to the south and east, in this context, the proposed dwellings would primarily be screened or read alongside the existing properties when viewed from the main highway of Hart Lane to the west or from other vantage points including from Worset Lane to the south west and from Throston golf course to the west. It is understood that existing planting would be protected and retained along part of the southern boundaries which would further assist in softening any adverse impacts on the character and appearance of the wider area. Overall and in the above context, the proposed development is considered not to result in a detrimental impact on the visual amenity, character and appearance of the surrounding areas.

2.160 In terms of layout and form of the proposed development itself, as noted above, amendments to the layout of the proposed development have been made following officer concerns in respect to the design and layout of some of the proposed dwellings. It is considered that the appearance of the site results in an acceptable density of plots with a range of house types including architectural detailing including heads and cills, contemporary fenestration and a mix of finishing brick colours and rooftiles.

2.161 It is considered that the provision of meaningful open space and a proposed children's play area within the application site contributes to the visual amenity and wellbeing of proposed occupants of properties within the site. It is considered that

this results in a positive contribution to the overall layout and to the benefit of future occupiers of the estate.

2.162 The proposed development includes soft landscaping within front and side gardens that would assist in softening the appearance of the street scene within the development. There are some examples within the site where smaller units have limited soft landscaping to the front in order to accommodate hard surfacing for car parking, albeit it is acknowledged that a mixture of car parking provision is included, with some parking being to the side or rear rather than to the front.

2.163 Although it is welcomed that the properties have front gardens, it is the case that such areas can provide visual amenity provided they remain open plan. In this respect, it is considered necessary that the proposed landscaping would be retained in perpetuity, and additional planning conditions are recommended to ensure that the proposed development remains open plan to the front.

2.164 Overall, it is considered that the proposed development would result in an acceptable layout which would not result in any significant adverse impact on the visual amenity of the application site and surrounding area.

2.165 As noted above, the previous function of the application site is as reservoirs, and a separate planning application H/2023/0028 is 'minded to approve' for the infilling of these reservoirs. It is considered that whilst the ability to interpret the site as a former reservoir would be further diminished by the proposals, it is considered it would not have an appreciable impact on the character and appearance of the site in wider views. The lower reservoir is not visible from Hart Lane and only glimpses are possible from the public footpath to the south of the site. Notwithstanding this, the Council's Head of Service for Heritage and Open Spaces has commented that opportunities for interpretation on the site to provide information to visitors regarding the retained infrastructure, the water way and the public open space. The submitted Design and Access Statement indicates that information boards would be positioned within key pedestrian routes and public space to provide readers with a brief local history of the local area. It is considered that these can be secured by planning condition, which is duly recommended in this respect.

2.166 Overall, it is considered that the proposals would not adversely affect the character and appearance of the site or wider area and are acceptable in this respect.

## RESIDENTIAL AMENITY

2.167 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

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

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

2.169 The above requirements are reiterated in the Council's Residential Design SPD (2019).

2.170 Hart Reservoir House is the closest residential property to the application site, being situated approximately 8m from the application site boundary, within the north east extent, with the private access road serving this neighbouring property between. Detached single storey garage and shed buildings serving Hart Reservoir House are sited to the northern side of this neighbouring property, adjacent to the application site boundary. The rear of the plots 67 and 68 are situated at separation distances of approximately 20m to the windows in the front/west elevation of the single storey extension and main two storey front elevation of Hart Reservoir House. A separation distance of approximately 13.5m would remain between the rear of plots 65 and 66 and the garage serving Hart Reservoir House, and a separation distance of approximately 16.7m would remain between the rear of plots 64 and 65 and the shed serving this neighbour, with a boundary fence and a hedge in between. These distances are considered to be acceptable and satisfy the requirements of Policy QP4 and that of the aforementioned SPD.

2.171 As noted above, the proposed development is bounded by residential properties to the south and east, to include properties Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east. The proposed dwellings are in excess of 20m from existing properties and any detached garages throughout these street scenes.

2.172 In turn, the relationships between the properties proposed and the existing dwellings in the area are, on balance, considered sufficient to prevent a loss of light, outlook, overbearing appearance or overlooking for existing or future occupiers.

2.173 The proposed layout of the properties within the proposed scheme complies with the separation distances identified within Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (2019), to include distances in excess of 10m where primary elevations face side elevations and in excess of 20m where primary elevations face each other from the dwellings proposed, and therefore internal relationships between plots are considered to be acceptable and would not result in any adverse impact on the amenity or privacy of future occupiers of these plots in terms of loss of light, outlook, overbearing appearance or overlooking.

2.174 Details of boundary treatments accompanies the application, to include close boarded timber fences with a height of approximately 1.8m between rear gardens, low brick walls and pillars topped with close boarded timber fencing with a total

height of approximately 1.8m to the sides of some corner turning properties, and railings with a height of approximately 1.05m to the sides and fronts of some properties that face onto public areas. Some properties feature kickboard fencing and where hedging is proposed, properties feature lower level close boarded timber fences (with a height of approximately 1.2m).

2.175 The land immediately to the north and along the west of the development site is open fields with substantial separation distances and an intervening landscaping buffer to the existing (and proposed) properties within the Upper Warren development. As such, it is considered that there are no neighbouring properties to the north (or west) that would be affected in terms of any impact on the amenity and privacy by the development proposed.

2.176 The proposed development includes some properties with very modest size gardens. Local Plan policies require adequate amenity space is provided to meet the day to day needs of occupants, though there are no minimum size standards. Although some of the gardens are relatively small, it is considered they would still offer the ability of future occupiers to enjoy private amenity space while also accommodating practical needs, such as bin storage, for example. Overall, the level of space afforded to the properties is considered sufficient to meet the needs of occupiers without unduly affecting amenity, however in order to protect this provision it is considered necessary to limit the permitted development rights of the properties to build extensions or outbuildings to avoid undue impacts on amenity space and the amenity of neighbours in terms of light, privacy or overbearing appearance. Such a condition is duly recommended.

2.177 Taking account of the above considerations regarding overlooking, light, outlook, overbearing appearance and private amenity space, it is considered the proposed development is acceptable in terms of amenity and privacy for all existing and future occupants of nearby and neighbouring properties (including those within the proposed development site, the occupants of Hart Reservoir House and those in Nightingale Close, Kestrel Close and Swallow Close to the south and Kingfisher Close to the east).

2.178 The application has been supported by a Noise Assessment. The Council's Public Protection have assessed the proposals and have raised no objection to the development of the site for residential dwellings (subject to conditions which are detailed in full below). The proposed development is therefore considered to be acceptable with regards to noise impacts.

2.179 It is inevitable that the development of a site of this scale will cause some disruption, however, it is considered appropriate conditions will help to manage this. The Council's Public Protection section has requested a number of planning conditions to include dust control measures during construction, and to control hours of construction and delivery, to seek to minimise disruption. A Construction Management Plan (CMP) condition is recommended to address routing of vehicles and where necessary cleansing measures to address mud on the roads as well as securing details of any temporary security lighting. Such matters can be secured by separate conditions, which are recommended accordingly.

2.180 Subject to the identified planning conditions, it is considered the proposed development would not unduly impact upon the amenity and privacy of occupants of neighbouring properties and would meet the requirements of Policy QP4 of the HLP and the Residential Design Guide SPD (2019) and is therefore acceptable in this respect.

## ECOLOGY

2.181 It is acknowledged that concerns have been raised from members of the public in respect to the impact of the proposals on local wildlife and ecology.

### *Biodiversity Net Gain*

2.182 The Environment Act 2021 includes Biodiversity Net Gain (BNG), with a requirement for at least 10% BNG post-development. Although 10% BNG is not mandatory for this proposed development (as the application was made valid before mandatory BNG came into force) as a minimum, it has to achieve a requirement for 'no net loss'.

2.183 A Biodiversity Net Gain Assessment including a Biodiversity Metric version 4.0 spreadsheet has been prepared to measure biodiversity change between baseline and post-development scenarios, as measured in Habitat Units. The conclusions of the Biodiversity Metric indicate that the post-development biodiversity would result in a Net Loss on site within both the Habitat Units (-68.64%) and Hedgerow Units (-47.94%) of the metric. To deliver a net gain for biodiversity in relation to the proposed residential development, offsite habitat creation is proposed within 2.6ha of the arable land within the red line boundary at the Hartlepool South West Extension (SWE) development, approval ref; H/2014/0405. The applicant has confirmed that there is BNG capacity within this development to avoid any 'double counting' of BNG. With the inclusion of the proposed off-site habitat creation works at the Hartlepool SWE site, the development would result in a measurable net gain for biodiversity with a gain of 0.48 habitat units (a gain of 2.48%) and a gain of 0.48 hedgerow units (a gain of 17.74%). The proposals would deliver a neutral (0%) change in terms of Watercourse Units (2.6 Wu).

2.184 This will need to be secured by way of a planning condition and a S106 legal agreement to ensure the stated habitats, hedges and watercourses are delivered (both on site and off site) and then appropriately managed for a minimum period of 30 years, with monitoring throughout the period.

2.185 In addition to the biodiversity contribution, a planning condition can ensure that details of a full soft landscaping scheme (along with biodiversity enhancement measures) is secured.

### *Biodiversity Compensation and Mitigation Measures*

2.186 As noted above, the application is accompanied by an Ecological Appraisal which sets out a number of mitigation measures that are required namely;

- Clearance of hedges in accordance with Working Method Statements for common toad, hedgehog and avoiding the spread of Himalayan Balsam;

- Covering excavations overnight;
- A process for dealing with any hedgehogs found
- A sensitive lighting scheme
- Provision of a landscaping scheme to be wildlife friendly
- Opportunities for hedgehog holes in fences to allow for passage through gardens

2.187 The Council's Ecologist has recommended that these mitigation measures be secured and a planning condition is recommended accordingly (to require the implementation of the measures set out in the Ecological Appraisal), which would include a Construction Environmental Management Plan (CEMP).

2.188 The Council's Ecologist requested that garden fences include a 'hedgehog highway'; the applicant has confirmed agreement to including hedgehog gaps in the boundary fences and final details are recommended by way of a planning condition.

#### *Ecological Enhancement*

2.189 Ecological enhancement (as per the NPPF) is additional to BNG and is aimed at providing opportunities for protected and priority species, which are not otherwise secured under the purely habitat based BNG approach.

2.190 The NPPF (2024) requires development to provide net gains for biodiversity. In particular, paragraph 187(d) states that 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. Net gain should be appropriate to the scale of the development and should be conditioned.

2.191 Paragraph 193(a) of the NPPF (2024) states that when determining planning applications, local planning authorities should apply the following principles:  
 - 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.

2.192 The site is adjacent to open countryside which supports declining bat and bird populations, which could benefit from the provision of integral bat roost bricks and integral bird nest bricks. In the interests of biodiversity enhancement, the Council's Ecologist has confirmed that each new dwelling should include one integral bat roost brick (35 in total) or one integral bird nest brick (35 in total) or the provision of a universal nest brick to each of the dwellings (70 in total). This can be secured by appropriately worded planning condition, which is recommended in this respect.

#### *Habitats Regulation Assessment*

##### *1) Recreational impacts on designated sites*

2.193 As the site is 1.9km from the European Protected Site, Teesmouth and Cleveland Coast Special Protection Area (SPA) and suitable alternative natural green space (SANGS) is not provided on site, following the completion of a Stage 1 and Stage 2 Habitat Regulations Assessment by the Council's Ecologist (as the competent authority), a financial contribution of £17,500 (£250 per property) is necessary to mitigate the adverse recreational impacts on the SPA. The applicant has confirmed agreement to this. In turn, Natural England have confirmed they have no objection to the application subject a suitable legal agreement to secure the financial contribution. This will be secured in the s106 legal agreement.

## 2) Nutrient Neutrality

2.194 On 16 March 2022 Hartlepool Borough Council, along with neighbouring authorities in the catchment of the Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/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.

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

2.196 Natural England have been consulted on the HRA Stage 1 Screening Assessment and have confirmed no objections, and therefore the application is considered to be acceptable in this respect.

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

## TREES + LANDSCAPING

2.198 It is acknowledged that objections from members of the public raise concerns regarding the impacts of the proposals on open space, trees and wildlife. The application is accompanied by an Arboricultural Impact Assessment (AIA) including an Arboricultural Survey, Tree Protection Plan and Method Statement that identify a loss of two sections of native hedging throughout the application site to facilitate the proposed development, and a number of trees/hedgerows that are to be retained and measures to do so. In response the Council's Arboricultural Officer has raised no objections to the proposals. Protection measures for existing/retained trees can be secured by a planning condition (compliance with the submitted, agreed details), which is recommended accordingly.

2.199 The application proposes a soft landscaping scheme, including street trees, formal hedgerows, ornamental planting and wildflower seeding to be planted within the site as well as the retention and enhancement of some hedges/trees along the

boundaries of the site, particularly the south east corner, along the eastern boundary, the north east boundary with the adjacent neighbour at Hart Reservoir House, and along the northern boundary (as detailed above), which is considered to offer a measure of enhancement to the development proposed (as identified in the sections above). Whilst a general indication of the proposed landscaping within the proposed development has been provided, to which the Council's Landscape Architect, Arboricultural Officer and Ecologist have confirmed no objections in principle, final landscaping details can be secured by a planning condition, which is recommended accordingly.

2.200 Notwithstanding the above, as detailed in the comments from the Council's Arboricultural Officer, it is considered that trees throughout the rear gardens of plots 21-43 (inclusive) would assist in breaking up the rear boundaries for occupants of these properties, as well as the occupants of plots 18 and 19. Notwithstanding this, the matter would not result in a refusal of the application and no objections are raised by the Council's Arboricultural Officer.

2.201 In view of the above, and on balance, the application is considered to be acceptable in respect of trees and landscaping and would not warrant a refusal of the application.

## SURFACE WATER MANAGEMENT & CONTAMINATED LAND

2.202 As noted above, the former reservoirs at the application site have been drained and there is currently no supply of water to the reservoirs. The application site is identified as being in Flood Zone 1, however the Council's Engineering Consultancy indicate this is because it is outside the remit of the Environmental Agency's Flood Map For Planning. As such, the Council's Engineering Consultancy initially raised concerns regarding the application as initially submitted as an assessment of the existing watercourse capacity was not undertaken to confirm suitability to convey flood flows without the storage provided by the reservoir. The Council's Engineering Consultancy also requested details of infiltration testing and the design of bridges and culverts, allowing for predicted increases as a result of climate change.

2.203 Following the submission of updated details, it has subsequently been confirmed by the Council's Engineering Consultancy that there are now no objections to the proposals in terms of surface water management in principle, subject to a planning condition requiring a basin cross section detail. It is also considered prudent that maintenance and management plan for surface water drainage be required by way of a planning obligation, which would be secured via a S106 legal agreement. The applicant has confirmed their agreement to this planning condition and obligation being imposed and therefore subject to that condition and obligation, the proposals are considered to be acceptable in relation to surface water management.

2.204 In respect to contaminated land, the application is supported by desk studies, a ground investigation report and geoenvironmental risk assessment, which conclude that no remedial measures are required. The Council's Engineering Consultancy have since confirmed that the submitted details are satisfactory in

relation to contaminated land subject to the inclusion of the standard planning condition in respect of unexpected contaminated land. Such a planning condition is recommended accordingly. The Council's Engineering Consultancy have also advised that planning conditions appended to the linked application H/2023/0028 in respect to the infill works of the reservoir (particularly in respect to approximate fill levels and materials) be secured on this application, and the inclusion of these conditions are recommended accordingly.

2.205 The Environment Agency have commented in respect to the protection of a groundwater monitoring borehole, and have requested a planning condition be included in this respect. This planning condition is recommended accordingly and the application is considered to be acceptable in respect of contamination.

## HERITAGE

2.206 In assessing the application site during the course of the previous outline application for residential development (H/2015/0354), it was noted that the reservoirs and their features may have merited inclusion upon the Council's Local List of historically important buildings/structures and therefore warranted protection as a heritage asset in line with the requirements of the NPPF. Since that time, the site has been decommissioned and drained and therefore no longer functions as a reservoir. As noted above, an application for the infilling of the reservoirs and removal of the infrastructure associated with its function is 'minded to approve' by virtue of planning application H/2023/0028.

2.207 The current application under consideration includes a Heritage Assessment and an Archaeological Assessment and Building Recording document. The Heritage Assessment considers that the site in its current form, the reservoirs now being drained basins, with landscaping and earth movements having changed the shape and size of the former reservoirs, the site has deteriorated and would not be appreciated and understood as a former reservoir servicing the requirements of Hartlepool's past industry, and therefore the site has lost much of its heritage value. In light of this, the reports conclude that it is unlikely the site would be suitable to be included on the Council's Local List.

2.208 The proposals include the retention of parts of the former infrastructure of the reservoirs as discussed in the Proposal.

2.209 The Council's Head of Service for Heritage and Open Spaces has reviewed this information and accepts that the circumstances have changed and that much of the historic interest in the site has been lost following draining of the water bodies and subsequent works. However, the site has now been assessed, recorded and details submitted for consideration. In light of this, the Council's Head of Service for Heritage and Open Spaces has commented that where possible, opportunities should be considered for interpretation on the site in order to provide information that would offer visitors an understanding of the area.

2.210 As noted above, the supporting Design and Access Statement indicates that information panels be would be positioned within key pedestrian routes and public space to provide readers with a brief local history of the local area. It is considered

that further details of these can be secured by planning condition, which is duly recommended in this respect.

2.211 In summary, no objections have been raised by the Council's Head of Service for Heritage and Open Spaces on heritage grounds, who concludes that the proposed works are acceptable.

2.212 In respect of archaeological matters, Tees Archaeology note that the site has been previously assessed and recorded and whilst no further assessments are required in respect of the reservoirs themselves, the submitted Archaeological Assessment details remains found in the south-west corner of the field to the north of the eastern reservoir, and concludes that a programme of archaeological work is to be undertaken in order to mitigate the impact of the development on the archaeological resource. Tees Archaeology have requested that such works be secured by way of an amended planning condition which is recommended accordingly.

2.213 Overall and on balance, in view of the above, the proposals are considered to be acceptable in relation to heritage assets.

## HIGHWAY SAFETY & PARKING

2.214 It is acknowledged that objections from members of the public have been received in respect of increased traffic on Hart Lane, dangerous entry/exit point onto Hart Lane, and in respect of parking issues.

2.215 Policy QP3 of the Hartlepool Local Plan (2018) seeks to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

2.216 Paragraph 115 of the NPPF (2024) states that it should be ensured that "safe and suitable access to the site can be achieved for all users". Paragraph 116 goes onto state that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

### *Local Road Network*

2.217 The application is accompanied by a Transport Statement as well as detailed layout plans indicating that the proposed development would take access from Hart Lane, with a new access including a priority right turn lane and visibility splays of 2.4m by 120m in each direction. The submitted Transport Statement concludes that the proposed development would have appropriate access arrangements, internal highway layout and parking provision and would not result in any unacceptable impact on highway safety or severe impact on network capacity.

2.218 The Council's Traffic and Transport team have confirmed that the proposed access is acceptable, subject to the extension of the 40mph speed limit being required, at the applicant's expense. It is understood that the mechanism for

undertaking such works to the highway would also need to be undertaken through a separate highway process.

#### *Transport Statement and Travel Plan*

2.219 National Highways have been consulted and have raised a number of queries regarding the applicant's submitted Transport Statement and Travel Plan submission. Notwithstanding the 'deficiencies' that they have identified, National Highways agree that the proposed development only generates a marginal number of trips onto the A19 / A179 Sheraton Junction and therefore, no further evidence is required and overall they have confirmed no objection to the proposals.

HBC Traffic and Transport have advised the applicant has submitted a Transport Statement (TS) in support of the application as the number of properties was below the Transport Assessment threshold which means that the developer has not done any detailed junction modelling as it is generally accepted that the level of housing would have a minimal impact on the surrounding highway network. The Transport Statement outlines the scope of the development, site accessibility and trip generation and HBC Traffic and Transport therefore confirm that the TS is an accurate assessment. They have also confirmed that the Travel Plan is acceptable and appropriate for a development of this size. A planning condition is recommended in respect to the development being carried out in accordance with the measures set out in the Travel Plan.

#### *Internal Roads & Car Parking*

2.220 Each of the proposed dwellings is to be served by three car parking spaces and there are three visitor parking spaces for general use within the development. The Council's Traffic and Transport team commented that the initially proposed red tarmac was not suitable for a shared surface area, and that shared surface areas should have a minimum of 6m running carriageway with a 0.5m hardened maintenance margin. The applicant amended the layout to address these concerns, following which the Council's Traffic and Transport section have confirmed that the proposed layout and car parking provision is acceptable.

#### *Construction Management*

2.221 The Council's Traffic and Transport team have also confirmed the requirement for a Construction Management Plan to address highway related construction matters including wheel wash facilities, which is recommended accordingly.

#### *Highway Impacts Conclusion*

2.222 Overall and for the reasons identified above, including that the Council's Traffic and Transport section do not object to the application, the application is considered to be acceptable in respect of highway safety, access, and car and cycle parking.

## PUBLIC RIGHTS OF WAY (+ FOOTPATH CONNECTIONS)

2.223 It is acknowledged that an objection from a member of the public has been received in respect of the condition of the local footpaths. As noted above, an existing public access path runs along the outside eastern and southern boundaries of the application site. The proposals include the provision of an access from within the proposed development to the southern extent of the existing footpath, and another access route to link to this access path from the north eastern corner of the development site. Both of these accesses from the proposed development to the public footpath would feature a kissing gate. The Council's Countryside Access Officer has confirmed that this new path would enable residents and visitors to access to and from the new development without having to walk south to the proposed access link, especially if they wish to exit and walk in an eastern or northerly direction. The links to the footpath can be secured by an appropriately worded planning condition, which is duly recommended.

2.224 It is noted that within the original comments from HBC Traffic and Transport that they had also requested that the applicant upgrade the existing footway on Hart Lane between the site entrance and the existing cycleway immediately south of Merlin Way to a 3.0m footway /cycleway. Given the agreed position for footpath connections and upgrade works to the existing footpaths immediately to the south and east of the site, it is considered that the proposals would result in a satisfactory improvement to green infrastructure and therefore the suggested upgrade to the footpath on Hart Lane is considered not to be reasonable or necessary in planning terms. Furthermore, the proposals include highway and footpath works within the site that would connect up to the existing footpath along Hart Lane. The proposal is therefore considered to be acceptable in this respect.

2.225 The applicant has also agreed to undertake surfacing improvement of the access path, along the eastern and southern sections of the access path (as mentioned above). These works would require a planning obligation to be included in a S106 legal agreement, which is recommended accordingly.

2.226 Overall and for the reasons identified above, including the comments of the Council's Countryside Access Officer and Planning Policy team, and subject to planning conditions and an obligation to secure the improvements to the adjacent public footpath, the application is considered to be acceptable in respect of public rights of way.

## OTHER PLANNING MATTERS

### *Crime, Fear of Crime and Anti-Social Behaviour*

2.227 The Council's Community Safety team have been consulted on the proposals and have not offered any objections or comments. A consultation response from Cleveland Police has been received which details advice regarding Secured By Design measures including the height of fencing and gates to deter unauthorised access to rear gardens. This advice can be relayed to the applicant by way of an informative and the application is therefore considered acceptable in respect of crime, fear of crime and anti-social behaviour.

### *Safety + Security*

2.228 The submitted Planning Statement notes that “the infrastructure from the previous reservoir is not proposed to be removed, rather it will be covered and preserved under the material proposed to level the land”. It further notes that “the towers and reservoir infrastructure are particularly dangerous in their current form”.

2.229 In response to the original comments received from HBC Engineering Consultancy in respect to health and safety considerations of the retained reservoir structures within the application site and beyond the site boundary, it is understood that a number of the former reservoir structures are to be retained but covered as part of the infill works.

2.230 The exceptions within the application site include a retained spillway and watercourse that will form part of the open space running through the site and a tower. It is understood that such retained structures will sit a modest height above the finished (infill) ground level. Final details of the treatment to such structures and the overall site levels are recommended by planning conditions. Furthermore, it is understood that such works are proposed to address the existing health and safety concerns that the applicant has set out within their supporting information. No objections have been received from a number of consultees in respect to such works which are considered to be acceptable in this respect, subject to the identified planning conditions.

2.231 Lastly and in respect to a retained tower structure that would remain within the former upper reservoir (and outside of the application site), the responsibility for this would rest with the landowner.

### *Waste*

2.232 The Tees Valley Joint Minerals and Waste Development Plan Document (2011) requires all major developments to produce a waste audit. The applicant has duly submitted this which demonstrates that waste would be managed and minimised or reused, in accordance with the statutory requirements. A planning condition is recommended in respect of this.

2.233 A consultation response has been received from the Council’s Waste Management team regarding the provision of necessary waste receptacles and collection requirements throughout the proposed development. No objections have been received from the Council’s Traffic and Transport team in respect of the provision of waste and the applicant has indicated areas within the site for bins to be presented to on collection day. It is also noted that individual properties feature rear garden areas and footpaths from the highway. The proposal is therefore, on balance, considered to be acceptable in this respect.

## **RESIDUAL MATTERS**

2.234 The Environment Agency have drawn the applicant’s attention to matters relating to ownership and maintenance responsibilities as well as other approvals

and permits that would be required in addition to any planning permission to carry out the proposed development. These matters can be highlighted to the applicant via appropriate informative(s) on the decision notice.

2.235 Cleveland Fire Brigade has provided advice for the applicant with respect to fire safety and access. These matters are principally a consideration for the building regulations process, which the Council's Building Control section has confirmed the application is subject to. Notwithstanding this, an informative to make the applicant aware of this advice is recommended accordingly.

## CONCLUSION

2.236 Overall, it is acknowledged that whilst the majority of the application site is situated on unallocated white land within the limits to development, part of the application site is beyond the limits to development in accordance with Policy LS1 of the HLP (2018), and would be sited in an area of green open space in a green wedge, contrary to the allocations of Policies NE2 and NE3 of the HLP (2018).

2.237 Notwithstanding this, in view of the consideration of the economic, environmental and social benefits of the scheme as identified by the Council's Planning Policy team, it is, on balance, considered that the development is acceptable for the reasons detailed above. It is further considered that the scheme would not result in such an unacceptable layout or an adverse impact on the visual amenity as to warrant a refusal of the application in this instance. 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, and the proposal is considered to be acceptable in respect of all other material considerations.

2.238 Subject to the identified conditions and the completion of a section 106 legal agreement to secure the financial contributions (as detailed above), as well long term maintenance and management of a number of identified elements, the proposal is considered to be acceptable and is recommended for approval.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.239 There is no evidence of equality or diversity implications.

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

2.240 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

2.241 There are no Section 17 implications.

## REASON FOR DECISION

2.242 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 completion of s106 Legal Agreement to secure financial contributions toward HRA financial mitigation £17,500) for indirect adverse impacts on SPA feature birds through recreational disturbance, £107,012.75 toward primary education and £35,238.18 toward secondary education; the provision, maintenance and long term management of footpath links to the east and south (and the delivery of surfacing improvements to the existing footpaths to the south and east of the site); the provision, maintenance and long term management of landscaping, open space and play areas; the provision, maintenance and long term management of Biodiversity Net Gain (both on site and offsite); and maintenance and long term management of surface water drainage and SuDS; to secure an employment and training charter, and subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans:  
Dwg. No. Ga2.2\_MA\_R21 001 Rev 01 (Twin Garage Plans, Elevations & Section),  
Dwg. No. 22-139/001 Rev - (Proposed Site Access Arrangements),  
Dwg. No. Ga1.1\_MA\_R21 001 Rev 01 (Single Garage Plans, Elevations & Section),  
Dwg. No. Ga1.1\_MA\_R21 101 Rev A (Single Garage Plans, Elevations & Section – Sub Structure Plan),  
Dwg. No. Ga1.1\_MA\_R21 102 Rev A (Single Garage Plans, Elevations & Section – Floor Plan),  
Dwg. No. Ga1.1\_MA\_R21 103 Rev A (Single Garage Plans, Elevations & Section - Elevations),  
Dwg. No. Ga1.1\_MA\_R21 104 Rev A (Single Garage Plans, Elevations & Section – Section Side Gable),  
Dwg. No. Ga1.2\_MA\_R21 001 Rev - (Garage & Store Plans, Elevations & Section),  
Dwg. No. Ga1.2\_MA\_R21 101 Rev - (Garage & Store Plans, Elevations & Section – Sub Structure Plan AS Handing),  
Dwg. No. Ga1.2\_MA\_R21 102 Rev - (Garage & Store Plans, Elevations & Section – Sub Structure Plan OP Handing),  
Dwg. No. Ga1.2\_MA\_R21 103 Rev - (Garage & Store Plans, Elevations & Section – Floor Plans),  
Dwg. No. Ga1.2\_MA\_R21 104 Rev - (Garage & Store Plans, Elevations & Section – Elevation Side Gable),  
Dwg. No. Ga1.2\_MA\_R21 105 Rev - (Garage & Store Plans, Elevations & Section – Section Side Gable),  
Dwg. No. Ga2.1\_MA\_R21 001 Rev 01 (Double Garage Plans, Elevations & Section),  
Dwg. No. Ga2.1\_MA\_R21 101 Rev A (Double Garage Plans, Elevations & Section – Sub Structure),  
Dwg. No. Ga2.1\_MA\_R21 102 Rev A (Double Garage Plans, Elevations & Section – Floor Plans),

Dwg. No. Ga2.1\_MA\_R21 103 Rev A (Double Garage Plans, Elevations & Section – Elevations Side Gable),  
 Dwg. No. Ga2.1\_MA\_R21 104 Rev A (Double Garage Plans, Elevations & Section – Section Side Gable),

Dwg. No. Ga2.2\_MA\_R21 001 Rev 01 (Twin Garage Plans, Elevations & Section),  
 Dwg. No. Ga2.2\_MA\_R21 101 Rev A (Twin Garage Plans, Elevations & Section – Sub Structure Plan),  
 Dwg. No. Ga2.2\_MA\_R21 102 Rev A (Twin Garage Plans, Elevations & Section – Floor Plans),  
 Dwg. No. Ga2.2\_MA\_R21 103 Rev A (Twin Garage Plans, Elevations & Section – Elevations Side Gable),  
 Dwg. No. Ga2.2\_MA\_R21 104 Rev A (Twin Garage Plans, Elevations & Section – Section Side Gable),  
 Dwg. No. Ga4.22\_MA\_R21 001 Rev - (Quad Garage Plans, Elevations & Section),  
 Dwg. No. Ga4.22\_MA\_R21 101 Rev - (Quad Garage Plans, Elevations & Section – Sub Structure Plan),  
 Dwg. No. Ga4.22\_MA\_R21 102 Rev - (Quad Garage Plans, Elevations & Section – Floor Plans),  
 Dwg. No. Ga4.22\_MA\_R21 103 Rev - (Quad Garage Plans, Elevations & Section - Elevations),  
 Dwg. No. Ga4.22\_MA\_R21 104 Rev - (Quad Garage Plans, Elevations & Section – Section A-A) received by the Local Planning Authority on 26<sup>th</sup> October 2023;

Dwg. No. HAR-HRE-000 Rev F (Location / Existing Layout Plan), received by the Local Planning Authority on 8<sup>th</sup> December 2023;

Dwg. No. BaM\_MA-DET\_R21G-201 Rev B (Bamburgh Ground Floor GA Plan),  
 Dwg. No. BaM\_MA-DET\_R21G-210 Rev C (Bamburgh First Floor GA Plan),  
 Dwg. No. BrH\_MA-DET\_R21G-201 Rev F (Broadhaven Ground Floor GA Plan), Dwg. No. BrH\_MA-DET\_R21G-210 Rev D (Broadhaven First Floor GA Plan),  
 Dwg. No. BrH\_MA-DET\_R21G-410 Rev C (Broadhaven Elevations),  
 Dwg. No. CsW\_MA-DET\_R21G-201 Rev D (Cresswell Ground Floor GA Plan),  
 Dwg. No. CsW\_MA-DET\_R21G-210 Rev C (Cresswell First Floor GA Plan),  
 Dwg. No. CsW\_MA-DET\_R21G-410 Rev C (Cresswell Elevations),  
 Dwg. No. CuL\_MA-DET\_R21G-201 Rev D (Cullen Ground Floor GA Plan),  
 Dwg. No. CuL\_MA-DET\_R21G-210 Rev C (Cullen First Floor GA Plan),  
 Dwg. No. CuL\_MA-DET\_R21G-410 Rev C (Cullen Elevations),  
 Dwg. No. HeY\_MA-DET\_R21G-201 Rev C (Heysham Ground Floor GA Plan),  
 Dwg. No. HeY\_MA-DET\_R21G-210 Rev C (Heysham First Floor GA Plan),  
 Dwg. No. HeY\_MA-DET\_R21G-410 Rev C (Heysham Elevations),  
 Dwg. No. HoC\_MA-DET\_R21G-201 Rev C (Hollicombe Ground Floor GA Plan),

Dwg. No. HoC\_MA-DET\_R21G-210 Rev C (Hollicombe First Floor GA Plan),  
 Dwg. No. HoC\_MA-DET\_R21G-410 Rev C (Hollicombe Elevations),  
 Dwg. No. KgS\_MA-DET\_R21G-201 Rev D (Kingsand Ground Floor GA Plan),  
 Dwg. No. KgS\_MA-DET\_R21G-210 Rev C (Kingsand First Floor GA Plan),  
 Dwg. No. KgS\_MA-DET\_R21G-220 Rev C (Kingsand Second Floor GA Plan),  
 Dwg. No. KgS\_MA-DET\_R21G-410 Rev C (Kingsand Elevations),  
 Dwg. No. LaN\_MA-DET\_R21G-201 Rev D (Lancombe Ground Floor GA Plan),  
 Dwg. No. LaN\_MA-DET\_R21G-210 Rev C (Lancombe First Floor GA Plan),  
 Dwg. No. LaN\_MA-DET\_R21G-410 Rev B (Lancombe Elevations),  
 Dwg. No. NeN\_MA-DET\_R21G-201 Rev C (Newhaven Ground Floor GA Plan),  
 Dwg. No. NeN\_MA-DET\_R21G-210 Rev C (Newhaven First Floor GA Plan),  
 Dwg. No. NeN\_MA-DET\_R21G-410 Rev C (Newhaven Elevations),  
 Dwg. No. SeA\_MA-DET\_R21G-201 Rev D (Seacombe Ground Floor GA Plan),  
 Dwg. No. SeA\_MA-DET\_R21G-210 Rev D (Seacombe First Floor GA Plan),  
 Dwg. No. SeA\_MA-DET\_R21G-410 Rev C (Seacombe Elevations),  
 Dwg. No. WiT\_MA-DET\_R21G-201 Rev D (Walcott Ground Floor GA Plan),  
 Dwg. No. WiT\_MA-DET\_R21G-210 Rev C (Walcott First Floor GA Plan),  
 Dwg. No. WiT\_MA-DET\_R21G-410 Rev C (Walcott Elevations), received by the Local Planning Authority on 20<sup>th</sup> June 2024;

Dwg. No. BaM\_MA-DET\_R21G-410 Rev C (Bamburgh Elevations Plot 48),  
 Dwg. No. BaM\_MA-DET\_R21G-411 Rev C (Bamburgh Elevations Plot 20),  
 Dwg. No. BaM\_MA-DET\_R21G-412 Rev C (Bamburgh Elevations Plot 30 & 63),  
 Dwg. No. CsW\_MA-DET\_R21G-411 Rev C (Cresswell Elevations Plot 58),  
 Dwg. No. KgS\_MA-DET\_R21G-411 Rev C (Kingsand Elevations Plot 54),  
 Dwg. No. NeN\_MA-DET\_R21G-411 Rev C (Newhaven Elevations Plot 52),  
 Dwg. No. WiT\_MA-DET\_R21G-202 Rev D (Walcott Ground Floor GA Plan Plot 17),  
 Dwg. No. WiT\_MA-DET\_R21G-411 Rev C (Walcott Elevations Plot 17), received by the Local Planning Authority on 24<sup>th</sup> June 2024;

Dwg. No. 150587/8001 Rev H (Landscape Proposals Plan) received by the Local Planning Authority on 31<sup>st</sup> January 2025;

Dwg. No. HAR-HRE-001 Rev Q (Site Layout),  
 Dwg. No. HAR-HRE-006 Rev J (Proposed Materials Layout),  
 Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment) received by the Local Planning Authority on 7<sup>th</sup> February 2025.  
 For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the dwellings and buildings to be erected and any proposed mounding and/or earth retention measures shall be submitted to

and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the proposed finished level details for the infill area as shown on plan Approximate Post Fill Reservoir Levels & Temporary Basin (received by the Local Planning Authority 04/02/2024) including the retained existing (former reservoir) features within the site (as required by condition 4 of this permission). 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, QP5 and LS1 of the Hartlepool Local Plan.

4. Notwithstanding the submitted information and prior to the commencement of development, final treatment details to the existing (former reservoir) structures that are to be retained within the site (1no. spillway and 1no. tower as indicated on plan Approximate Post Fill Reservoir Levels & Temporary Basin (received by the Local Planning Authority 04/02/2024)) including above ground levels and any associated remedial works, shall be first 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 ensure a satisfactory form of development, in the interests of visual amenity and public safety, and to take into account the position of the retained structures in relation to adjacent properties, in accordance with Policies QP4, QP5 and LS1 of the Hartlepool Local Plan.
5. Prior to the commencement of development, a Construction Management Plan (CMP) shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall 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 scheme shall also include details of any security lighting to be used during the construction period. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out solely in accordance with the approved CMP for during the construction phase of the development hereby approved.  
In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.
6. 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. 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). The approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the completion of the development. 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.

7. Prior to the commencement of development, detailed cross sectional elevations of the “online attenuation basin” as detailed in the submitted document entitled "Flood Risk Assessment and Drainage Strategy" (document reference 21-016 Revision P5 dated 30.01.2025, received by the Local Planning Authority on 31<sup>st</sup> January 2025) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the completion of the development. 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.
8. Notwithstanding the requirements of conditions 6 and 7, the drainage scheme shall ensure that foul flows discharge to the public foul sewer at manhole 5307 and ensure that surface water discharges to the existing watercourse. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
9. A scheme for managing the Environment Agency borehole located on site, installed for the investigation of groundwater, shall be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall provide details of how this borehole that needs to be retained, post-development, for monitoring purposes will be secured and protected. The scheme as approved shall be implemented prior to the occupation of any part of the development hereby approved. To ensure that boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 187 of the NPPF (2024).
10. No development shall commence unless and until a Biodiversity Net Gain Plan scheme ("the scheme") to ensure that the approved development provides the delivery of the Biodiversity Net Gain (BNG) as stated in the submitted BNG Assessment (document reference 22221 V4, received by the Local Planning Authority on 05/09/2024) consisting of the habitat retention, creation and enhancement and the subsequent management of habitats in the condition stated in the BNG Assessment has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact

of the development, including the compensation, shall be measured in accordance with the Metric as stated in the submitted BNG Assessment (document reference 22221 V4, received by the Local Planning Authority on 05/09/2024). The scheme shall include:

- details of habitat retention, creation and enhancement sufficient to provide the delivery of the net gain proposed in the metric;
- the provision of arrangements to secure the delivery of the net gain proposed in the metric (including a timetable for their delivery);
- a management and monitoring plan (to include for the provision and maintenance of the net gain proposed in the metric for a period of at least 30 years or the lifetime of the development (whichever is the longer).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.

To provide biodiversity management and biodiversity net gain in accordance with The Environment Act 2021, Section 15 of the NPPF (2024) and Policy NE1 of the Hartlepool Local Plan (2018).

11. Notwithstanding the submitted details and prior to the above ground construction of the dwellings hereby approved, a scheme for the provision, long term maintenance and management (for a minimum of 30 years) of all landscaping and tree and shrub planting within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of a buffer of structural landscaping to the northern boundary and details of rabbit protection, and the planting mix shall include berry and fruit bearing species. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a programme of the works to be undertaken, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures. The scheme shall be in general conformity with the plan Dwg. No. 150587/8001 Rev H (Landscape Proposals Plan) received by the Local Planning Authority on 31<sup>st</sup> January 2025. The scheme shall include details of the retained (and buffered) landscaping features as detailed within the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan' document, reference ARB/AE/2933 dated February 2025, and shown on drawing number ARB/AE/2933/TpP (Tree Protection Plan), received by the Local Planning Authority on 3<sup>rd</sup> February 2025. 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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following completion or first occupation of individual dwellings (whichever is sooner) and within the first planting season for all other areas including open spaces and grass verges of the development 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 and National Highways gives written consent to any variation. In the interests of visual amenity, biodiversity enhancement and to ensure a satisfactory form of development.

12. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree and hedge protection measures identified in the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan' document, reference ARB/AE/2933 dated February 2025, and shown on drawing number ARB/AE/2933/TpP (Tree Protection Plan), received by the Local Planning Authority on 3<sup>rd</sup> February 2025 shall be in place and thereafter retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees or hedges which are seriously damaged or die as a result of site works shall be replaced with trees or hedges of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the existing trees and the visual amenity of the area.

13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in:

- section 6 (Recommendations), page 35 of the submitted Ecological Appraisal by OS Ecology, document dated October 2023 and received by the Local Planning Authority 26/10/2023;
- section 6 (Recommendations), page 24 of the Breeding Bird Survey by OS Ecology, document dated September 2023 and received by the Local Planning Authority 26/10/2023);
- section 6 (Recommendations), page 18 of the Watercourse Survey by OS Ecology, document dated October 2023 and received by the Local Planning Authority 26/10/2023.

The CEMP (Biodiversity) shall also include the following:

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

The approved CEMP shall be adhered to and implemented in accordance with the agreed details and timetable and throughout the construction period strictly in accordance with the approved details.

In the interests of avoiding or mitigating ecological harm.

14. Prior to the commencement of development above ground level, full details of a minimum of 70no. integral 'universal' nest bricks or 35no. bat roost bricks and 35no. bird nesting box bricks to be installed integral to each of the dwellings (70no. in total), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the nest bricks shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the individual dwellings, whichever is sooner, and shall be maintained for the lifetime of the development.  
To provide an ecological enhancement for protected and priority species, in accordance with Policy NE1 of the Hartlepool Local Plan (2018) and Section 15 of the NPPF (2024).
15. Notwithstanding the agreed means of enclosure as per condition 27 of this decision notice, details of the provision of hedgehog openings (and suitable associated signage) with boundary enclosures (as indicatively shown on Dwg. No. HAR-HRE-010 Rev A, Ecology Layout, received by the Local Planning Authority on 21<sup>st</sup> May 2024) shall be provided prior to the completion or occupation of the identified dwellings hereby approved (whichever is sooner).  
To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 187 of the NPPF.
16. A) No demolition/development shall take place until the site investigation has been carried out in accordance with the approved Written Scheme of Investigation document by Archaeological Services Durham University received by the Local Planning Authority 25/03/2024.  
B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.  
To ensure that archaeological assets are protected.
17. Prior to the commencement of development hereby approved, details of proposed interpretation panels/boards (providing information in respect to features of the former reservoir) including construction materials and finish 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 prior to the first occupation of any dwellings on the site.  
In the interests of visual amenity and non-designated heritage assets.
18. Notwithstanding the submitted plans and submitted Transport Assessment (received by the Local Planning Authority on 30/10/2023) and prior to first occupation of the dwellings hereby approved, a detailed scheme for the extension of the street lighting system and a scheme to extend the 40mph

speed limit along Hart Lane (in the vicinity of the proposed access) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme. To enable the Local Planning Authority to control details and in the interests of highway safety.

19. The access (and associated visibility splays) to the development hereby approved shall be completed in accordance with Dwg. No. 22-139/001 (Proposed Site Access Arrangements, dated 06/09/2022, received by the Local Planning Authority on 26<sup>th</sup> October 2023) prior to the completion or first occupation (whichever is sooner) of the development hereby approved unless an alternative timescale is otherwise agreed in writing with the Local Planning Authority.  
To ensure a satisfactory form of development and in the interests of highway safety.
20. No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.  
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
21. Prior to the commencement of development above ground level, details of the proposed substation and 'PRI Station' (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7<sup>th</sup> February 2025)) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.  
In the interests of visual amenity.
22. Prior to the commencement of development above damp proof course level of the 70no. residential dwellings hereby approved, full details of the children's play area (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7<sup>th</sup> February 2025)) including the exact location, specification and design of all equipment within it, shall be submitted to and approved in writing by the Local Planning Authority.  
Thereafter, the children's play area shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the dwellings, whichever is the sooner.  
To provide public infrastructure, in accordance with Policy NE2 of the Hartlepool Local Plan (2018).
23. Prior to the commencement of development above damp proof course level of the 70no. residential dwellings hereby approved, full details of the footpath links to be installed (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7<sup>th</sup> February 2025))

including the exact location, specification and design of the 'kissing gate' structures as well as a timetable for the works and their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath links (and any associated gates) shall be installed strictly in accordance with the details so approved including the timetable for implementation.

To provide public infrastructure, in accordance with Policy NE2 of the Hartlepool Local Plan (2018).

24. Prior to the commencement of the development above damp proof course level of the 70no. residential dwellings hereby approved, a scheme for obscure glazing and restricted opening (max. 30 degrees) of the following proposed side facing windows (plot numbers as identified on plan Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7<sup>th</sup> February 2025) shall first be first submitted to and approved in writing by the Local Planning Authority:

- The 2no. windows in the first floor eastern side elevation (serving a bathroom and secondary bedroom window) of plot 52 (Newhaven), facing plot 51;
- The 2no. windows in the first floor southern side elevation (serving a bathroom and secondary bedroom window) of plot 53 (Newhaven), facing plot 51;
- The 1no. windows in the first floor eastern side elevation (serving an en-suite) window) of plot 49 (Newhaven), facing plot 44;
- The 1no. windows in the first floor western side elevation (serving an en-suite) window) of plot 29 (Walcott), facing plot 31;
- The 1no. windows in the first floor eastern side elevation (serving an en-suite) window) of plot 43 (Walcott), facing plot 18.

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

To prevent overlooking in the interests of the privacy of future occupiers.

25. The external finishing materials of the dwellings shall be completed in accordance with Dwg. No. HAR-HRE-006 Rev J (Proposed Materials Layout, received by the Local Planning Authority on 7th February 2025) unless an alternative, similar scheme is submitted to and approved in writing with the Local Planning Authority.

To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area.

26. The hard landscaping (including roads, car parking provision and footpaths within the site) shall be completed in accordance with Dwg. No. HAR-HRE-006 Rev J (Proposed Materials Layout, received by the Local Planning Authority on 7th February 2025) prior to the occupation of the dwellings and/or the site being open to the public or completion of the development hereby

approved (whichever is sooner) unless an alternative, similar scheme is submitted to and approved in writing with the Local Planning Authority. To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area.

27. Notwithstanding the requirements of condition 15, the development shall be carried out in accordance with the boundary treatment details as shown Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment, received by the Local Planning Authority on 7<sup>th</sup> February 2025) prior to first occupation of the dwellings or completion of the development (whichever is the sooner). No other fences or boundary enclosures shall be erected without the prior approval of the Local Planning Authority.  
In the interests of visual amenity and to provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 187 of the NPPF (2024).
28. No part of the residential development hereby approved shall be occupied until full details of solar panels to be installed to a minimum of 10% of the dwellings, including identifying the dwellings/location of the apparatus, has been submitted and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be installed in accordance with the agreed details and prior to the occupation or completion of the identified dwellings, whichever is sooner.  
To ensure a satisfactory form of development, In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.
29. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging apparatus (to all 70no. dwellings), including identifying the dwellings/location of the apparatus has been submitted and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the individual dwellings, the agreed scheme shall be implemented on site.  
In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
30. Prior to the installation of any permanent external lighting associated with development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. Such external lighting shall, where achievable, be limited to low level lighting, avoiding use of high intensity security lighting. The retained former reservoir tower shall not be illuminated, and light spill shall be limited as far as practicable on retained habitats such as hedgerows and scrub. Thereafter, the agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining land users, ecology of the area and highway safety.

31. Soil imported to the site as part of the development hereby approved shall be carried out solely in accordance with section 6.0 (Verification of Scheme) of document 'Hart Reservoir Design Statement' (document reference HRT-CDL-XX-XX-T-60201 Rev P1 by Cundall, (document dated 19/10/2023), received by the Local Planning Authority 30/11/2023 and 'Approximate Post Fill Reservoir Levels & Temporary Basin' plan at scale of 1:200 at A0, received by the Local Planning Authority 04/02/2025 including section 6.0 (Verification of Scheme) of the aforementioned document. Upon completion of the approved infill works, a final Verification Report (as detailed in section 6.3 'Reporting' of the aforementioned document) shall be submitted to the Local Planning Authority.  
To prevent the importing of contaminated soil.
32. The extent of the approved infill works shall be limited to the area defined by the magenta coloured line on plan 'Approximate Post Fill Reservoir Levels & Temporary Basin, received by the Local Planning Authority 04/02/2024.  
To define the permission and for the avoidance of doubt.
33. 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 it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.  
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
34. Prior to the occupation of the dwellings hereby approved, provision shall be made for storage of refuse in accordance with the locations shown on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025).  
To ensure a satisfactory form of development.

35. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

36. The development hereby approved shall be used as C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.  
To allow the Local Planning Authority to retain control of the development.

37. Notwithstanding the provisions of Classes A to F of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwellinghouses hereby approved shall not be extended or altered in any manner (including the installation or re-configuration of windows) or detached outbuildings or other buildings erected or additional areas of hard standing/surfacing created (other than those approved) within the curtilage without the written approval of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area and the amenities of future occupiers.

38. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission and shown on Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment) received by the Local Planning Authority on 7<sup>th</sup> February 2025.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

39. Waste generated during the demolition, construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted submitted Waste Audit – Infill App (document dated July 2023) and Waste Audit – Residential App (document dated November 2023), both date received by the Local Planning Authority on 30<sup>th</sup> November 2023.  
To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

40. The development hereby approved shall be carried out in accordance with the 'Travel Plan Measures' as set out in paragraph 5.27 of the Transport Statement and Travel Plan prepared on behalf of Persimmon Homes (Teesside) by Milestone Transport Planning (document reference 22-139-N, dated September 2023), date received 30/10/2023 by the Local Planning Authority.

In the interests of sustainable development and transport and to ensure a satisfactory form of development.

## **BACKGROUND PAPERS**

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159772>

2.244 Copies of the applications are available on-line:

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

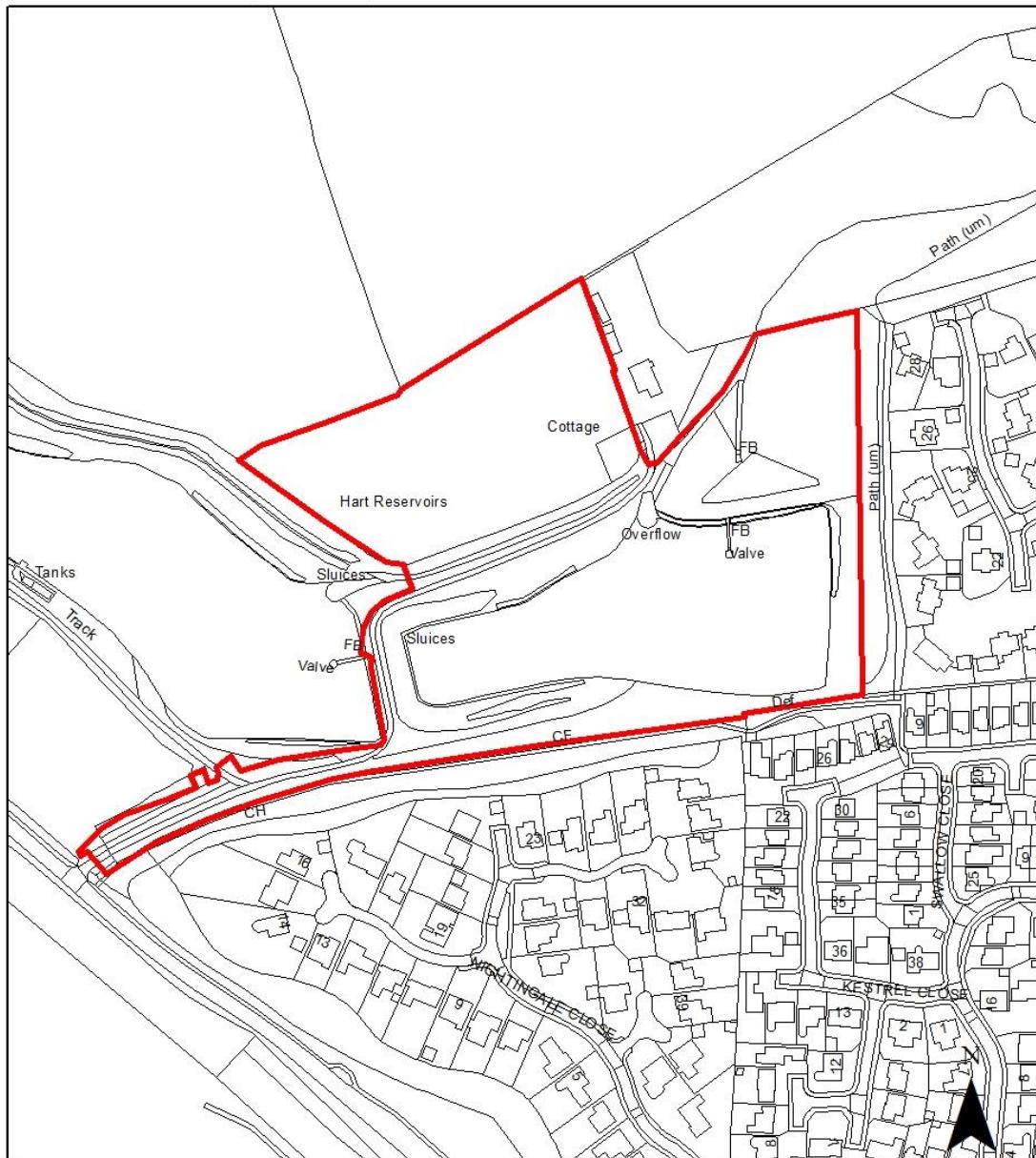
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## Hart Reservoir, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL <b>Dept of - Development, Neighbourhoods and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN	JB	DATE <b>24.02.2025</b>
	SCALE	<b>1:2,500</b>	
	DRG.NO	<b>H/2023/0368</b>	REV

<b>No:</b>	3
<b>Number:</b>	H/2024/0194
<b>Applicant:</b>	ASCEND PROPERTY LIMITED HOMERTON COURT DARLINGTON DL1 2YX
<b>Agent:</b>	SALEEM ARCHITECTS MR SUBHAN SALEEM 64 HEATON STREET PRESTWICH M25 1HH
<b>Date valid:</b>	08/08/2024
<b>Development:</b>	Change of use from a social club to a 12no. bedroom House of Multiple Occupation (HMO). Proposed first floor rear extension and external alterations to existing building.
<b>Location:</b>	28 WESTBOURNE ROAD HARTLEPOOL

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## PURPOSE OF REPORT

3.1 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

3.2 The following application is considered to be relevant to the application site:

H/2009/0534 – Erection of a single storey extension to form snooker room. Approved 24/12/2009.

## PROPOSAL

3.3 The application seeks planning permission for the change of use from a social club to a 12no. bedroom House of Multiple Occupation (HMO). The proposals include a first floor rear extension and external alterations to the existing building.

3.4 The proposed HMO would feature 6 bedrooms, each with en-suite bathrooms, a communal kitchen, communal area room, communal laundry room, cleaners cupboard and lobby at ground floor; 4 en-suite bedrooms, a communal kitchen and living room, communal laundry room, communal study/office, W.C. and cleaners cupboard at first floor; and 2 en-suite bedrooms (one with a study room), and communal study at second floor.

3.5 The proposed first floor extension to the existing off-shoot to the rear would raise this off-shoot by approximately 2.6m to a height of approximately 7.4m at eaves level and would feature a lean to roof bringing the total height of the off-shoot to approximately 8.4m.

3.6 The proposal includes car parking provision for six vehicles which would be accessed from the rear street, as well as cycle storage and bin storage facilities.

3.7 The proposed external alterations to the existing building include the installation of two windows (one each in the ground floor of the east and north elevations), the application of an off-white coloured render finish to all elevations, the removal of the porch entrance feature to the front, the installation of a glazed front door, and the replacement of all windows with anthracite coloured window frames.

3.8 The proposals include the installation of a gate in the fence between the host property and the adjacent neighbour at No. 30.

3.9 The application has been amended a number of times during the course of consideration. The original proposal included alterations to the existing entrance steps to the front. Following comments received through the consultation process, the applicant submitted amended plans to demonstrate the retention of the existing stepped access to the front, as well as the enlargement of windows in the rear and western side elevations, the enlarging of roof windows and the installation of an additional roof window in the eastern facing roof slope and two additional roof windows in the western facing roof slope. Subsequent amendments include the bricking up of a first floor access door, and the installation of rear boundary fences, in the form of mesh railings with sliding gates, at a height of approximately 2.4m. In addition, amended plans were received to address anomalies with the roof lights and windows.

3.10 The application is referred to be determined in the planning committee due to the number of objections received (more than 3), in line with the Council's scheme of delegation.

## **SITE CONTEXT**

3.11 The application site relates to No. 28 Westbourne Road, a semi-detached three storey former social club with residential uses on the upper floors. The ground floor of the building is now vacant. The application property is situated within a predominately residential street in the Foggy Furze ward of Hartlepool. No. 26 Westbourne Road adjoins to the east, whilst No. 30 is bounded to the west of the application site (both of which are residential properties). Beyond the main highway of Westbourne Road to the south is a row of terraced residential properties, the closest being 47-57 (odds). To the rear is a back lane beyond which are residential properties within a residential estate on Redcar Close, the closest being Nos. 5, 8, 9 and 10.

3.12 The application property benefits from a large plot, with gardens to the front and side and a large yard to the rear, with three garages adjoining the rear of the property on the eastern extent. The rear yard is open, and boundary treatments include a high brick wall between the application property and No. 30, a low brick wall topped with hedges to the front, with a scattering of trees throughout the front garden.

## **PUBLICITY**

3.13 The application has been advertised by way of notification letters to 16 neighbouring properties and a site notice. Following amendments to the proposals,

re-consultation letters have been issued on two separate occasions. To date, there have been 16 objections received.

3.14 The concerns raised can be summarised as follows:

- Local community have expressed that a HMO is not a welcome addition for the property in a residential setting;
- Lack of consultation with residents from applicant;
- Lack of consultation from the Council (only 7 houses in Westbourne Road notified by letter);
- Nature of the occupants of the proposed HMO;
- Developer has poor feedback online;
- Predicted lack of care and attention for the application property and street;
- Noise and disturbance;
- Crime and anti-social behaviour;
- Lighting to the rear is required;
- Parking;
- Traffic, particularly as the street includes school run traffic;
- Character of the street scene which is as a 'family street';
- Property depreciation;
- Litter;
- Potential for overlooking;
- Proposals are based on profit for the developer and not the interests of the property or neighbouring residents;
- Overdevelopment of the property;
- Density of occupants of the proposed HMO is significantly higher than that of a traditional family home;
- More suitable vacant buildings elsewhere for the proposed use;
- Request for objections to be forwarded to local ward councillors.

3.15 Additionally, a petition has been received (containing 120 signatures) objecting to the proposed change of use of the existing building to a HMO, however no additional reasons have been given.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=162251>

3.17 The period for publicity has expired.

## **CONSULTATIONS**

3.18 The following consultation replies have been received:

**HBC Housing Standards** – I would advise that the proposed development would be required to be a licensed House of Multiple Occupation (HMO) under part 2 of the Housing Act 2004 and would be subject to a number of conditions relating to the management of the property, fire safety, space and amenity standards.

I would recommend the applicant to contact the private sector housing team directly where we can provide guidance on the required fire safety, space and amenity standards for the appropriate category of HMO. I would advise that a property inspection is required to ensure rooms meet the minimum size requirements excluding space to accommodate an En suite facility, not all room sizes are listed on the plans so they need to be verified. Consideration will be given to the shape and usable living space of any room in determining whether and by how many people it is suitable for occupation by.

**HBC Arboricultural Officer** – The trees have not been shown on the block plan with RPAs visible as per the validation requirements to identify whether or not they are to be impacted by any part of the development. There are some minor alterations to the front entrance located on already existing hardstanding. It is likely that this will not cause an impact to the trees close by however they should be marked on the block plan as per the validation requirements in order for me to confirm.

*Update 22/11/2024 following receipt of amended block plan:*

I can confirm that i no longer have any arboricultural concerns regarding this application due to the nature of the proposal.

*Update 19/12/2024 following receipt of amended plans:*

There are no arboricultural concerns regarding this application following the removal of the entrance way works from the application.

**HBC Building Control** - A Building Regulation application will be required for 'Change of use from a social club to a 12no. bedroom House of Multiple Occupation (HMO). Proposed first floor rear extension and external alterations to existing building – 28 WESTBOURNE ROAD'

**HBC Ecology** – A Nutrient Neutrality statement has been submitted. The dwelling uses the Seaton Carew WwTW, which is an embedded feature, therefore the potential HRA likely significant effect (LSE) of 'nutrient neutrality' is dismissed prior to screening stage. It is assessed that within this urban context, there will be no significant change to the surface water regime.

Habitats Regulations Assessment stage 1 screening and stage 2 Appropriate Assessment

*Stage 1 findings*

The application will result in the creation of one new planning unit/ dwelling.

Recreational disturbance

Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment (AA) has been triggered. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

## HRA Stage 2 - Appropriate Assessment

### European Sites and issues requiring Appropriate Assessment

The HRA stage 1 screening for Likely Significant Effect (LSE), screened in the following European Sites:

- Teesmouth and Cleveland Coast SPA and Ramsar
- Northumberland Coast SPA and Ramsar
- Durham Coast SAC

That HRA stage 1 screening screened in the following LSE:

- Increased recreational disturbance.

This AA assesses whether Increased recreational disturbance cause an Adverse Effect on Integrity of the Site (AEOI) and if so if this can be removed through mitigation.

### Increased recreational disturbance background.

Recreational disturbance is identified as an LSE, potentially harming populations of SPA/ Ramsar birds and SAC vegetation communities. Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of housebuilding. The Hartlepool Local Plan (adopted May 2018) identified an average increase of 2.3 people per new dwelling and 24% of new households owning one or more dogs.

Since the publication of the Hartlepool Local Plan, the Local Planning Authorities (LPA) in the Tees catchment commissioned a joint study which examined the relationship between population growth and the provision of new homes. The report (dated April 2023) concludes that the nationally derived occupancy figure of 2.4 people per dwelling does not reflect local conditions, mainly due to population movement wholly within the Tees Valley area. It advises that a 5-year average of dwelling delivery (based on trends in the last twenty years) provides a reasonable, local, upper estimate. The report states that this is an occupancy figure of 0.56 people per dwelling. Natural England guidance allows for robustly evidenced locally derived figures to be used.

### Mitigation

The Hartlepool Local Plan policy ‘HSG1 New Housing Provision’, provides allocated sites for major residential development (ten or more dwellings). These were collectively HRA assessed as part of the Hartlepool Local Plan HRA, and their mitigation is dealt with by the Hartlepool Coastal Mitigation Scheme (the ‘Scheme’). Additional recreational visits to the coast are mitigated by funding and SANGS elements – the funding being based on a per-house financial allocation. The Hartlepool Local Plan aspiration is for 6,150 new houses and the value of the Hartlepool Coastal Mitigation Scheme is calculated as £424,000. The Scheme is periodically reviewed to ensure it remains robust.

All major, non-allocated housing developments, all small-scale housing developments (nine or fewer dwellings) and all Change of Use (CoU) applications which increase the number of dwellings [collectively referred to as windfall sites] are

not directly covered by the Hartlepool Local Plan HRA/ Hartlepool Coastal Mitigation Scheme and (due to the People Over Wind Ruling) must be Appropriately Assessed in their own right.

However, provision to mitigate windfall housing developments is indirectly built into the Hartlepool Coastal Mitigation Scheme.

The Hartlepool Coastal Mitigation Scheme was designed so that:

- A windfall housing development greater than nine dwellings can use the same funding formula (to provide a financial contribution to the Scheme) to meet its HRA AA mitigation requirements.
- Developments of nine or fewer dwellings (including CoU), are mitigated by the financial contributions made by allocated housing development projects, whose contributions include a built-in contingency measure to cover the housing applications for nine or fewer dwellings.

Increased recreational disturbance conclusion.

The second bullet point (above) applies to this application. This application for the increase of one dwelling is a windfall project which is mitigated by adhering to the Hartlepool Coastal Mitigation Scheme, which ensures no Adverse Effect on Integrity of any European Site.

Overall conclusion.

The project is compliant with the Habitats Regulations. Natural England must be consulted on the HRA AA.

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

**HBC Public Protection** – I would have no objections to the application subject to the following: The installation of a suitable sound insulation scheme to the party walls of the neighbouring residential premises. The scheme shall ensure adequate protection is afforded against the transmission of noise between the neighbouring properties on either side as suggested in the planning statement. I understand that the requirement of adequate sound insulation between the internal individual residential accommodation units will be included in building regulation requirements.

No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

**HBC Housing (HMO Advice)** – I have reviewed the proposed plans and would have no concerns about the room sizes in general as they would all exceed the minimum required by The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 which states that the floor area of any room used for sleeping accommodation by 1 person (aged over 10) must not be less than 6.51m<sup>2</sup> and for 2 people aged over 10, the bedroom space must not be less than 10.22 m<sup>2</sup>.

In addition to this there is a generous amount of communal space including living rooms, kitchens and study rooms.

The caveat to this would be that any part of the floor area where the height of the ceiling is less than 1.5 meters is excluded from the calculation and it is not clear from the plan of the second floor bedrooms whether any part of the ceiling is below this height.

In terms of lighting to the second floor bedrooms, our standard licence conditions require an area of clear glazing equivalent to at least 1/10th of the floor area of the room (i.e. useable floor are of 1.5 m and above). The bathrooms may be lit by artificial lighting.

Hope this helps to clarify our position.

*Update 08/01/2025 following receipt of amended plans:*

I have looked at the re-submitted plans and wouldn't have any further comments to make at this stage. We would need to inspect the property before issuing a licence regardless to confirm room sizes and layouts etc., but all looks acceptable from the revised plans.

**HBC Waste Management** – Provision of Waste and Recycling Collection and Storage Facilities to new properties

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

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

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

There needs to be sufficient secure storage for the secure storage of up to 4 x 360ltr wheeled bins (two for general waste and two for recycling) and a receptacle of no more than 30 litres for food waste. Bins will be serviced at the rear of the property on the scheduled collection day.

**Cleveland Police** – Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I would like to make you aware that Cleveland Police operate the “Secured By Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2024 Guide at [www.securedbydesign.com](http://www.securedbydesign.com)

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

- The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2023, paragraph 130(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.
- Local Plan section Q5: Relating to Safety & Security states, The Borough Council will seek to ensure that all developments are designed to be safe and secure. Developers will be expected to have regard to the following matters, where appropriate: 1) Adhering to national safety and security standards as set out by central government. 2) Be developed in a way that minimises crime and the fear of crime, amongst other things, incorporating Secured by Design principles as appropriate. Proposals relating to residential development should be in accordance with the Residential Design SPD.
- Another material consideration is Section 17 of The Crime and Disorder Act 1998.

Further information on the Secured By design initiative can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

Although not an SBD requirement, Hartlepool along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

In addition to the above references.

HMOs can bring specific issues simply due to concentrating more single adults into a dwelling than an average household.

HMOs that are poorly managed and badly maintained can put an extra burden on local services, including Police and have a negative impact on the area.

A good management plan is essential should permission be granted and often absent landlords can also impact on the effective management and running of the premises.

When located within a predominantly residential dwelling area this should be carefully considered.

The existence of other HMOs in close proximity can exacerbate the likelihood of potential issues.

Again, should permission be granted, I would also add the following.

All communal doors are recommended to be tested and certified LPS1175:A1 rating. This also includes any door entry systems having been tested as part of the scope for the door-set as a whole.

External fire doors should be free of external door furniture.

Individual room doors and ground floor and readily accessible windows should be tested and certified PAS24:2022/2016 standards (or equivalent)

Doors and windows are to be dually certified for fire and security.

Appropriate external dusk dawn lighting around external facades of building are recommended.

CCTV covering perimeter, car parking area and internally covering entrances and communal circulation areas is strongly recommended, indeed I would ask this to be conditioned.

Compartmentalisation of the building should be considered to limit unhindered access by an individual.

The proposed rear parking accessed from the rear service alley is recommended to be secured with 2.4m weldmesh or expanded metal gates and railings to ensure security.

A secure parking area is strongly recommended.

Appropriate column/bulkhead lighting within the parking area to BS5429:2020 standards is also recommended.

The proposed cycle storage is recommended to be amended to have it secure and internally situated. If it must remain outside then a tested and certified Secured By Design recognised cycle storage solution is recommended.

*Update 07/02/2025 following re-consultation on amended plans to include proposed fencing to the rear:*

With regards to this application, my comments previously submitted and dated 2/1/25 are still valid.

I would however note the positive inclusion of the previously recommended secure rear boundary treatment in the updated proposal.

This is supported.

**Cleveland Fire Brigade** – Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 1Section B5 Table 13.1 Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 1Section B5 Table 13.1

#### Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system. Further comments may be made through the building regulation consultation process as required.

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

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

**HBC Economic Growth** - No objections from Economic Growth.

**HBC Estates** – No comments to make.

**HBC Community Safety** – No comments received.

**HBC Engineering Consultancy** – No comments received.

## **PLANNING POLICY**

3.19 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

#### Hartlepool Local Plan

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

LS1: Locational Strategy

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)(2024)

3.21 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 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

PARA039: Decision making

PARA048: Determining applications  
 PARA056: Planning conditions and obligations  
 PARA057: Planning conditions and obligations  
 PARA131: Achieving well-designed places  
 PARA135: Achieving well-designed places  
 PARA169: Energy Efficiency  
 PARA231: Implementation

**HBC Planning Policy comments:** The proposal is for a residential use within a residential area. Planning policy have no objections.

Update 31/01/2025 following amendments including the proposed installation of rear boundary fencing:

Looking at the changes and especially the boundary treatment Planning Policy welcome the addition of the gates and fence as they should assist in ensuring the rear of the property is more secure.

## PLANNING CONSIDERATIONS

3.22 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, amenity of neighbouring and future occupiers, impact on character and appearance of the application site and surrounding area, impact on highway safety and car/cycle parking, ecology, and crime and anti-social behaviour. These and any other planning matters (including impact on trees, consultation and waste storage) and residual matters are set out below.

## PRINCIPLE OF DEVELOPMENT

3.23 Although it is acknowledged that objections have been received from members of the public that raise concerns that the proposed HMO is not a suitable use of a building in Westbourne Road, in planning terms a HMO is considered to constitute a residential use. The application site is located within the development limits, as defined by Policy LS1 of the Hartlepool Local Plan (2018) and would be located in a predominantly residential area of Westbourne Road, which is considered to be a sustainable location for residential development. No objections have been received from the Council's Planning Policy section whilst HBC Housing has commented that the proposed use as a HMO would benefit from sufficiently sized bedrooms and a generous amount of communal space including living rooms, kitchens and study rooms. It is further noted that the property has previously been granted permission to be used for residential purposes other than as a single dwelling – i.e. a social club at ground floor with residential flats above.

3.24 Aside from the first floor extension which would extend above the existing off-shoot to the rear of the property, the associated works to facilitate the proposed change of use would be limited in terms of the external alterations (and would include the installation of windows and roof lights to the rear elevations, the removal

of the existing porch entrance, the replacement of windows, and the application of render), and repair and maintenance works that are required to the existing building.

3.25 It is further acknowledged that the proposals would offer a significant benefit of bringing a large, vacant building back into use.

3.26 Taking account of the nature of the proposed use of the existing building for residential use (as a HMO) within a sustainable location, the principle of development is considered to be acceptable in this instance, subject to the proposal satisfying the main planning considerations of this application as set out in detail in the sections below.

#### AMENITY OF NEIGHBOURING PROPERTIES AND FUTURE OCCUPIERS

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

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

3.28 The above requirements are reiterated in the Council's Residential Design SPD (2019).

#### Impact on No. 26 Westbourne Road, to the east

3.29 No. 26 Westbourne Road is a large residential property which adjoins the application property to the eastern side. As such, the existing flat roof of the single storey extension to the rear of the host property runs along the boundary with No. 26 to the west. It is for this reason that the case officer requested that the applicant amend the proposals to brick up the existing access door from the first floor of the existing building, as it was considered prudent to protect the privacy of the occupants of No. 26 by restricting the potential use of the flat roof in this location as a balcony or external area.

3.30 It was observed by the case officer that the rear of No. 26 features an external staircase leading from the rear yard/garden (north) to the first floor of the main rear elevation of this neighbouring property. In addition, 2 windows in the north facing rear elevation, and 1 window in the west facing side elevation (facing the application property), all at first floor, were observed by the case officer. The occupant of this neighbouring property confirmed to the case officer that these windows serve bathrooms and a wet room, and the access door is a fire escape.

### *First floor extension to the rear*

3.31 The proposed first floor extension to the rear would be sited approximately 8m from the boundary with No. 26, with a separation distance of approximately 15m (oblique) remaining to the above identified windows and access door in the first floor rear and side elevations of this neighbour. Given the layout of the application property whereby existing two storey off-shoots are present between the proposed extension and this neighbour, it is considered that the erection of the first floor extension would not result in any significant adverse impacts on the amenity of occupants of No. 26 in terms of overbearing impression, overshadowing or loss of outlook.

3.32 In terms of privacy, given the satisfactory relationship between the proposed first floor extension and the identified windows in the side and rear of No. 26, as well as the relationship between them whereby there is a flat roof serving the application property adjacent to the boundary with No. 26, it is considered that there would be no unacceptable overlooking achievable from any windows proposed in this proposed extension toward any window in the side and rear (or front) of No. 26, or their private rear garden amenity space.

### *Replacement windows, doors and rooflights*

3.33 The proposed replacement windows to the front, western side and rear off-shoot to the north would be at oblique relationships and/or screened entirely from windows and doors in the front, side and rear of No. 26 by virtue of the established relationship between these adjoining neighbouring properties. The proposal includes the installation of 5no. roof windows in the east facing roof slope (and 5no. in the west facing roof slope) at a separation distance of approximately 8m to the boundary with No. 26. The proposed roof lantern in the eastern flat roof would be sited approximately 2m from the boundary with No. 26. Whilst it may be partially visible from the above identified windows in the side and rear of No. 26 that face the rear of the application site, consideration is given to the modest scale and design which would project approximately 0.2m from the existing roof slope, as well as the oblique relationship between this roof lantern and the above identified windows which would be significantly higher than the level of the proposed roof lantern.

3.34 Overall, and in view of the relationship between the two neighbouring properties, it is considered that the alterations, addition and replacement of windows and doors in the host property (including the installation of roof lights and a roof lantern) would not result in any significant adverse impacts on the amenity and privacy of occupants of No. 26 in terms of overbearing impression, overshadowing, loss of outlook or overlooking.

### *Boundary treatment to the rear*

3.35 The proposed boundary fence and gates to the rear would project up to the boundary with No. 26, being a distance of approximately 17.4m from the projecting off-shoot serving this neighbour and approximately 24.4m from the main rear elevation of No. 26, at their closest point. Given the satisfactory separation distances and modest scale and design of the proposed boundary treatments which would not

exceed the height of existing buildings on the boundary with No. 26, it is considered that these elements of the proposals would not result in any adverse impacts on the amenity and privacy of occupants of No. 26 in terms of overbearing impression, overshadowing, loss of outlook or overlooking.

*Other works (including bin and cycle storage, car parking and render)*

3.36 The proposed bin storage and cycle storage and proposed gate in the fence to the western side would be primarily screened from the occupants of No. 26 by the orientation of the application property itself. The proposed car parking would be sited on the western side of the rear yard space serving the application property, thus partially screened from views from the neighbour at No. 26 by the application property and established relationship between the two adjoining neighbours.

3.37 The alterations to materials, including render and fenestration, would not appreciably extend the application property so as to result in any adverse impacts on the amenity or privacy of the occupants of No. 26.

3.38 In view of the above, it is considered that these elements of the proposals would not result in any significant adverse impacts on the amenity and privacy of occupants of No. 26 in terms of overbearing impression, overshadowing, loss of outlook or overlooking.

Impact on No. 30 Westbourne Road, to the west

3.39 No. 30 Westbourne Road is a large detached residential property, which abounds the application site to the west, at a separation distance of approximately 6.7m from the closest part of the existing application property.

3.40 It was observed by the case officer that the eastern side of No. 30 features two windows and one small window at first floor level, which face the application property. In addition, one large window (6 panes) was observed by the case officer in the first floor of the rear elevation of the two storey off-shoot to the rear and two rooflights in the rear roof slope of this neighbour. The case officer was not able to establish definitively what rooms these identified windows and rooflights serve.

*First floor extension to the rear*

3.41 The proposed first floor extension to the rear would be sited approximately 10.5m from the boundary and eastern side elevation of No. 30, with an oblique relationship remaining toward the two windows identified in the side of this neighbour and the proposed extension. Given the layout of the application property whereby the above identified windows look directly onto the existing two storey side elevation of the application property, it is considered that the erection of the first floor extension would not result in such significant adverse impacts on the amenity of occupants of No. 30 in terms of overbearing impression, overshadowing or loss of outlook as to warrant a reason to refuse the application.

3.42 In terms of privacy, given the satisfactory relationship between the proposed first floor extension and the identified windows in the side and rear of No. 30, as well

as the established relationship between the two neighbours whereby there are windows in the main western side elevation of the application property facing No. 30, it is considered that there would be no unacceptable overlooking achievable from any windows proposed in this proposed extension toward any window in the side and rear (or front) of No. 30, or their private rear garden amenity space.

*Replacement windows, doors and rooflights*

3.43 The proposed addition of windows in the ground floor of the western side and rear off-shoot to the north would be screened from any windows in the ground floor of No. 30 by virtue of the established relationship between these adjoining neighbouring properties which includes a brick wall boundary with a height of approximately 2.2m. The proposed replacement window to the front would result in an oblique relationship between the application property and the closest part of the neighbour at No. 30 to the west.

3.44 The proposal includes the installation of 5 roof windows in the west facing roof slope (and 5 in the east facing roof slope) at a separation distance of approximately 10.5m to the boundary with No. 30. The proposed roof lantern in the eastern flat roof would be screened from No. 30 by the orientation of the application property itself. The replacement front door would also be screened from windows and doors in No. 30 by the relationship, and boundary treatments, of these two neighbouring properties.

3.45 Overall, and in view of the established relationship between the two neighbouring properties, it is considered that the alterations, addition and replacement of windows and doors in the host property would not result in any significant adverse impacts on the amenity and privacy of occupants of No. 30 in terms of overbearing impression, overshadowing, loss of outlook or overlooking.

*Boundary treatment to the rear*

3.46 The proposed boundary fence and gates to the rear would project up to the boundary with No. 30, being a distance of approximately 11.6m from the projecting off-shoot serving this neighbour, at their closest point. Given the satisfactory separation distances and modest scale and design of the proposed boundary treatments which would not exceed the existing buildings on the boundary with No. 30, it is considered that these elements of the proposals would not result in any significant adverse impacts on the amenity and privacy of occupants of No. 30 in terms of overbearing impression, overshadowing, loss of outlook or overlooking.

*Other works (including bin and cycle storage, car parking and render)*

3.47 The proposed bin storage and cycle storage and proposed gate in the fence to the western side would be primarily screened from the occupants of No. 30 by the boundary wall between these neighbouring properties. The proposed car parking would be sited on the western side of the rear yard space serving the application property, however this would also be primarily screened from views from the neighbour at No. 30 by the boundary walls between these neighbours.

3.48 The alterations to materials, including render and fenestration, would not appreciably extend the application property so as to result in any significant adverse impacts on the amenity or privacy of the occupants of No. 30.

3.49 In view of the above, it is considered that these elements of the proposals would not result in any significant adverse impacts on the amenity and privacy of occupants of No. 30 in terms of overbearing impression, overshadowing, loss of outlook or overlooking.

#### Impact on Westbourne Road, including Nos. 47-57 (odds) to the front (south)

3.50 A separation distance of approximately 34m would remain between the closest element of the proposed alterations to the application property to facilitate the proposed change of use of the property to a HMO and the closest neighbouring properties to the front, of 47-57 (odds) Westbourne Road. Given the substantial separation distances which exceed the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (2019), as well as the established relationship and boundary treatment which includes trees in the front garden of the application property, it is considered that the proposals would not result in any significant adverse impacts on the amenity and privacy of occupants of any neighbouring property to the front (including Nos. 47-57 (odds) Westbourne Road, in terms of overbearing impression, overshadowing, loss of outlook or overlooking.

#### Impact on Nos. 5 and 8-10 (inclusive) Redcar Close to the rear (north)

3.51 A separation distance of approximately 6m to the boundary and approximately 10.7m to the rear elevation of Nos 8-10 (inclusive) Redcar Close would remain between the proposed boundary fences at the application site and these neighbours to the rear/north, with the back lane between. Given the modest scale and design of the proposed boundary treatment which would not appreciably exceed adjacent boundaries serving adjacent properties in this street scene, it is considered that this element of the proposals would not result in any significant adverse impacts on the amenity and privacy of occupants of any neighbouring property to the rear (including Nos. 5 and 8-10 (inclusive) Redcar Close, in terms of overbearing impression, overshadowing, loss of outlook or overlooking.

3.52 The closest element of the proposed extension and alterations to the application property would maintain a separation distance of approximately 22.3m to the boundary and approximately 27m to the rear elevations of these neighbours to the rear (north). In view of these satisfactory separation distances which exceed the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (2019), as well as the established relationship and proposed boundary treatment to the rear, it is considered that the proposals would not result in any adverse impacts on the amenity and privacy of occupants of any neighbouring property to the rear (including Nos. 5 and 8-10 (inclusive) Redcar Close, in terms of overbearing impression, overshadowing, loss of outlook or overlooking.

### *Noise and disturbance*

3.53 While it is noted objectors raise concerns with respect to noise nuisance and it is acknowledged that a HMO would have the potential to be a more intensive use than a single dwelling with regular comings and goings in comparison to those that might be associated with a single residential property, consideration is given to the existing permitted use of the building as a social club at ground floor with residential flats above. It is considered, on balance that the proposed conversion would be unlikely to give rise to any significant noise and disturbance issues. Furthermore, the Council's Public Protection team have been consulted on the application and have raised no objections in relation to matters of amenity and noise disturbance, subject to conditions regarding noise attenuation between the applicant property and adjoining neighbouring properties, and limitations on the hours of work during construction/conversion. Such planning conditions are duly recommended.

3.54 Subject to the identified planning conditions, it is considered that the proposal would not result in an significant adverse loss of amenity for existing neighbouring properties or future occupiers of the proposed HMO in terms of noise disturbance.

### Amenity of occupants of proposed HMO

3.55 With regard to the amenity of future occupiers of the property, it is noted that six en-suite bedrooms are to be introduced on the ground floor: three to the front, which would each be served by a large window, and one to the side and two to the rear of the property with views into the rear yard. Although the window serving bedroom 4 as shown on the proposed floor plan would have a partial view of the external raised store, with oblique views of the proposed cycle storage and beyond that, bin storage compound, whilst the view from bedroom 6 would be partially obscured by the position of the proposed two storey extension to the rear, it is considered that this relationship would not result in such an unacceptable impact on the amenity and privacy of future occupiers as to warrant refusal of the application.

3.56 At first floor, two bedrooms would be sited at the front of the host property, with bedrooms 9 and 10 (as shown on the submitted floor plans) featuring smaller windows with an aspect toward the adjacent property to the west (No. 30), which is as per the established relationship of the vacant former social club and residential dwelling above which included bedrooms on this western side (as per the submitted existing floor plans). The second floor would contain bedrooms 11 and 12, which would each be served by 4 roof windows (2 each in each of the east and west facing roof slopes), albeit bedroom 11 would also be served by a window in the front elevation.

3.57 The occupants of the proposed HMO would benefit from shared kitchen facilities with two large kitchens (one at ground floor and one at first floor), shared communal study and living rooms and the bedroom sizes are relatively large. The Council's Housing Standards (HMO) team have confirmed they have no objections to the application or proposed layout, including the proposed room sizes and have provided information on the licensing requirements which the development will also need to meet.

3.58 As such, on balance, it is considered that the proposed HMO would not result in any significant adverse impacts on the amenity or privacy of future occupants of the proposed HMO in terms of overbearing impression, overshadowing, loss of outlook or overlooking.

3.59 The applicant will need to take account of and apply for the requisite HMO licencing requirements from the Housing Standards team in due course, and it is understood this is in process at the time of writing, however this is a separate regulatory approval process and does not prevent the planning application being determined. An informative can relay this to the applicant.

#### Amenity and Privacy Conclusion

3.60 Given the assessment above, the proposals are, on balance, considered to be acceptable in respect to the amenity and privacy of neighbouring properties and future occupiers.

### CHARACTER AND APPEARANCE OF THE EXISTING SITE AND SURROUNDING AREA

3.61 The application property is a large semi-detached building in a residential street of Westbourne Road. Due to the orientation of the property, it is set back from the main street scene of Westbourne Road with a front garden and a boundary treatment including a brick wall topped by a hedge. Trees are also present to the front, which serve to partially obscure the property from the main street scene. Nevertheless, the application property is visible within the street scene.

3.62 It is noted that the proposals (as amended) include the replacement of the existing porch to the front of the application property with a glazed front door, whilst the existing raised access to the front is proposed to be retained. Given the modest scale of the proposed alteration to the existing frontage, and on balance, it is considered that this element of the proposals would not result in any unacceptable impact on the character and appearance of the host property and surrounding area.

3.63 The proposed first floor extension to the rear would be primarily obscured from the front of the application site. Whilst this element of the proposals would be readily visible from the back lane serving Westbourne Road (to the south), consideration is given to the modest scale and design of the proposed first floor extension which would be read in the context of the application site. Overall, it is considered that this element of the proposals would not result in any unacceptable impacts on the character and appearance of the host property and surrounding area.

3.64 The proposals include alterations to existing windows and the installation of two ground floor windows (one in the western side and one in the southern rear elevation), the installation of roof windows in the east and west facing roof slopes, and the bricking up of a first floor door in the eastern side elevation. It is considered that these alterations to the windows and doors at the host property would be modest in scale and design, in proportion with the existing and remaining fenestration in the application property, and therefore it is considered that this

element of the proposals would not result in any unacceptable impacts on the character and appearance of the host property and surrounding area.

3.65 The proposals include the application of a render finish to all elevations of the application property, and other alterations to the external fascias to include replacement window frames and rainwater goods. Although the host property adjoins No. 26 Westbourne Road which is finished in brick, given that the existing building is finished in a pebble dash material, it is considered that the application of a white coloured render would not result in any significant detrimental impact on the character and appearance of the host property. Further consideration is given to the range of finishing materials to other properties in this section of Westbourne Road, which include the adjacent property of No. 30 being finished in a white render, and the terraced properties to the southern side of Westbourne Road which are also predominately finished in coloured render, with some instances of brick frontages. It is also noted that a range of fenestration and detailing (including rainwater goods) are featured to the frontages of properties throughout the street scene of Westbourne Avenue. Overall, it is considered that the proposed alterations to the render, fenestration and other external finishing details of the host property would not result in any unacceptable impacts on the character and appearance of the host property and surrounding area.

3.66 The proposed boundary treatment to the rear would consist of mesh fencing and sliding gates with a height of approximately 2.4m. The case officer observed that boundary treatments along the back lane serving Westbourne Road and Redcar Close predominately feature brick walls with a height ranging between approximately 2m and 2.5m, in some instances featuring garage doors, with close boarded timber fencing with a height of approximately 1.5m along Redcar Close. In view of this, it is considered that the proposed mesh fencing would be an incongruous feature in the street scene, to some extent. However, consideration is given to the range of heights and finishing colours and materials of the boundary treatments along this back lane. Overall, it is considered that the proposed mesh boundary fence and gates would not result in such an incongruous feature in the street scene as to warrant a reason to refuse the application in this instance. Notwithstanding this, it is considered prudent to ensure that the proposed boundary fence is finished in an appropriate colour (black), and a planning condition is recommended to secure this.

3.67 It is recognised that character is not something that is purely physical and the nature of how a use operates can impact on the character of a site and wider surrounding area. It is acknowledged that objections from members of the public have been received that raise concerns as to the suitability of the proposed HMO, particularly when considering other properties in the street scene of Westbourne Road that are not dwellings occupied by single families, such as HMOs and care homes. Notwithstanding this, it is considered that the majority of properties in the immediate surrounding area (including Westbourne Road and Redcar Close to the north) comprise single dwellings.

3.68 Whilst acknowledging the proposed use of the application property as a HMO, it is considered in this instance that the proposed development would not represent such a significant intensification of the existing residential use that it would negatively

impact upon the character of the local area. It also must be acknowledged that its previous use was as a social club with all the likely activity such a use would entail.

3.69 In view of the above, it is considered that there would not be any significant adverse impacts on the character and appearance of the host property or surrounding area that would warrant refusal of the application and the proposal is considered to be acceptable in this respect.

## HIGHWAY SAFETY AND CAR AND CYCLE PARKING

3.70 It is acknowledged that objections have been received from members of the public in respect to traffic and parking concerns. The application property is a semi-detached property which features a large yard to the rear with provision for six vehicular parking spaces, with additional provision for a cycle store at the rear of the host property. Notwithstanding the objections, the Council's Traffic and Transport team have been consulted on the proposals and have confirmed no objections.

3.71 In addition, the site is within a reasonable walking distance of the town centre and associated services and public transport links, and therefore it is considered that any future occupants would not necessarily be reliant on the use of a car.

3.72 Notwithstanding this, details of the proposed cycle storage can be secured by planning condition, which is recommended accordingly.

3.73 Subject to the inclusion of this planning condition, and in view of the above, the proposed development is considered to be acceptable in respect of highway safety and car and cycle parking provision.

## ECOLOGY

3.74 The Council's Ecologist has been consulted on the application and has raised no concerns or objections to the proposed development.

### *Nutrient Neutrality*

3.75 On 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities within the catchment of the River 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. Applications involving residential development have the potential to increase nitrogen pollution within the catchment.

3.76 A Nutrient Neutrality Statement was therefore submitted in support of the application, which identifies that foul and surface water from the existing dwelling discharges to the Seaton Carew Waste Water Treatment Works (which discharges to a long sea outfall outside the area affected by nitrate issues) and that no SuDS are proposed. Having reviewed the proposal, the HBC Ecologist HBC Ecology have advised that any Likely Significant Effects from the application can be screened out at Stage 1 of the Habitats Regulations Assessment.

*Recreational Disturbance*

3.77 Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of proposals for new dwellings or the change of use of existing buildings to residential accommodation. All major, non-allocated housing developments, all small-scale housing developments (nine or fewer dwellings) and all Change of Use applications which increase the number of dwellings are not directly covered by the Hartlepool Local Plan HRA/ Hartlepool Coastal Mitigation Scheme and (due to the People Over Wind Ruling) must be Appropriately Assessed in their own right.

3.78 This application for the increase of one dwelling is a windfall project which is mitigated by adhering to the Hartlepool Coastal Mitigation Scheme, which ensures no Adverse Effect on Integrity of any European Site.

3.79 HBC Ecology have undertaken and HRA Stage 1 and HRA Stage 2 (Appropriate Assessment) to take account of the potential for recreational disturbance and any Likely Significant Effects on the designated sites and have concluded this would be mitigated by the Hartlepool Coastal Mitigation Scheme (as detailed above). Natural England have been consulted on the Appropriate Assessment and have confirmed they concur with this conclusion and raise no objections to the application.

Ecology Conclusion

3.80 The Council's Ecology section have considered the potential impacts arising from the proposed development including the impacts of the proposal on designated European sites, and has concluded that there would be no adverse impacts. Natural England have also confirmed no objections to the Council's approach. Having regard to these considerations, it is therefore considered that the proposed development would not raise any concerns specific to the application site and there would be no Adverse Effect on the Integrity of any European Site.

3.81 Given the above points, the proposed development is considered to be acceptable with regards to ecology matters.

**CRIME, FEAR OF CRIME, AND ANTI-SOCIAL BEHAVIOUR**

3.82 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour. This is reflected in Local Plan Policy QP5 (Safety and Security) and the provisions of the NPPF (2023).

3.83 A number of the objections received refer to concerns that the nature of the use proposed would have the potential to increase anti-social behaviour and crime in the area. While this concern is noted, it must be recognised that this is principally a management and licencing issue. As noted above no objections are raised in relation to the potential for anti-social behaviour from HBC Housing Standards (who deal with

the licensing process), HBC Community Safety, HBC Housing or HBC Public Protection.

3.84 Cleveland Police have made a number of recommendations as to how to achieve secure by design standards but do not object to the principle of development. This would fall within the need for good management, however as noted above, a planning condition requiring details of secure cycle storage is recommended. An informative can relay the advice from Cleveland Police to the applicant.

3.85 With regards to the suggestion that prospective tenants should be vetted, this is considered to be a management issue, which is controlled by Housing Licensing, which the applicant is in the process of applying for. It is understood that the licence will impose conditions relating to management and behaviour.

3.86 Overall, it is considered that the proposals are acceptable in this regard, subject to the noted condition for cycle storage details.

## OTHER PLANNING MATTERS

### *Trees*

3.87 A number of trees are sited to the front of the application property. The Council's Arboricultural Officer has been consulted on the amended plans (after initially requesting that these trees are included on the existing and proposed site plans), and has confirmed no objections. The application is considered to be acceptable in this respect.

### *Consultation*

3.87 It is acknowledged that objections from members of the public raise concerns in respect to the consultation of the application from both the applicant and the Local Planning Authority. In respect to consultation by the applicant, given the minor scale of the proposals, a Statement of Community Involvement is not a formal validation requirement in this instance. In respect of the publicity undertaken by the Local Planning Authority, as stated above, the application was advertised by way of the displaying of a site notice in addition to letters sent to individual neighbouring properties, in line with (and exceeding) the statutory requirements of planning legislation. Given the number of objections received (including a petition), it is clear that members of the public are aware of the application.

### *Waste storage*

3.88 The proposals would allow for secure storage of bins in the rear yard area, to which no objections or comments have been received from appropriate technical consultees including HBC Waste Management. It is considered prudent to secure further details of the proposed bin storage area, and a planning condition is recommended accordingly in this respect. The proposals are therefore considered to be acceptable in this regard.

## OTHER MATTERS

3.89 Some of the objections received raise concerns about the potential reputation of the developer, property depreciation and that there are more suitable vacant buildings elsewhere, however such matters are not material planning considerations.

3.90 Cleveland Fire Brigade has been consulted and has provided advice in respect of the use of sprinklers, the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. An informative note to make the applicant aware of this advice has been recommended accordingly, although these, including any consideration for sprinklers, are principally Building Regulations matters and therefore this would be dealt with through the Building Regulations process.

## CONCLUSION

3.91 The application proposes a change of use from a building comprising a social club at ground floor with residential uses above to a large house in multiple occupation with twelve bedrooms. Given is the location of the application site in what is broadly a residential area, it is considered that the principle of development is acceptable in this instance.

3.92 It is considered there would not be a significant negative impact on neighbour amenity, parking, highway safety, crime and anti-social behaviour or the character and appearance of the area as a result of the proposed development, as such the officer recommendation is to approve the application subject to the conditions identified below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.93 There is no evidence of equality or diversity implications.

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

3.94 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

3.95 There are no Section 17 implications.

## REASON FOR DECISION

3.96 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 conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Dwg. No. Sheet 1 (Location Plan, at a scale of 1:1250), Dwg. No. Sheet 5 (Proposed Plans, including Proposed Ground Floor Plan and Proposed First Floor Plan), Dwg. No. Sheet 6 (Proposed Plans, including Proposed Second Floor Plan and Proposed Roof Plan), Dwg. No. Sheet 7 (Proposed Elevations), Dwg. No. Sheet 8 (Proposed Sections), Dwg. No. Sheet 9 (Proposed Boundary Treatment), Dwg. No. Sheet 10 (Proposed Site Plan, scale 1:100) received by the Local Planning Authority on 24<sup>th</sup> January 2025.  
For the avoidance of doubt.
3. Prior to the first use or completion (whichever is sooner) of the development hereby approved, a scheme demonstrating appropriate noise insulation between the application site and the adjoining properties shall be submitted in writing by the Local Planning Authority. The scheme shall include a detailed acoustic report (that looks at both noise and vibration) prepared by a qualified professional and provide details of noise mitigation measures where required. Thereafter, the agreed scheme (and any required noise mitigation measures) shall be implemented in full prior to first use or completion of the development (whichever is sooner) and thereafter retained for the life of the development.  
In the interests of the amenities of the occupants of nearby properties.
4. Prior to the first use or completion (whichever is sooner) of the development hereby approved, final details of the cycle storage to be positioned within the rear yard as illustrated on Dwg. No. Sheet 10 (Proposed Site Plan, received by the Local Planning Authority on 24<sup>th</sup> January 2025), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained thereafter for the lifetime of the development.  
In the interests of the amenity of future occupiers of the development and sustainable development.
5. Prior to the first use or completion (whichever is sooner) of the development hereby approved, final details of the bin storage to be positioned within the rear yard as illustrated on Dwg. No. Sheet 10 (Proposed Site Plan, received by the Local Planning Authority on 24<sup>th</sup> January 2025), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained thereafter for the lifetime of the development.  
In the interests of the amenity of future occupiers of the development and sustainable development.

6. Prior to the first use or completion (whichever is sooner) of the development hereby approved, final details (including colour) of the proposed mesh fence and gates, as shown on Dwg. No. Sheet 9 (Proposed Boundary Treatment, received by the Local Planning Authority on 24<sup>th</sup> January 2025), shall be submitted to and approved in writing by the Local Planning Authority. The proposed mesh fence shall be finished in a black colour. Thereafter and following the written agreement of the Local Planning Authority, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained thereafter for the lifetime of the development.  
In the interests of the amenity of future occupiers of the development and sustainable development.
7. Notwithstanding the requirements of condition 6, the materials to be used in the construction of the external surfaces of this development hereby approved shall be in accordance with the materials and finishing colours stipulated in Dwg. No. Sheet 7 (Proposed Elevations, received by the Local Planning Authority on 24<sup>th</sup> January 2025).  
In the interests of visual amenity
8. The first floor door in the east facing elevation, as shown on Dwg. No. Sheet 7 (Proposed Elevations, received by the Local Planning Authority on 24<sup>th</sup> January 2025) shall be bricked up prior to first occupation of the development hereby approved and retained bricked up thereafter for the lifetime of the development.  
In the interests of visual amenity and the amenities of the occupants of neighbouring properties.
9. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.
10. The two flat roof sections (as shown on Dwg. No. Sheet 5, Proposed First Floor Plan, received by the Local Planning Authority on 24/01/2025) of the House in Multiple Occupation hereby approved shall not be used as any balcony, sitting out area or any similar external amenity area at any time.  
In the interests of the amenities of the occupants of neighbouring properties.

## BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=162251>

Copies of the applications are available on-line:

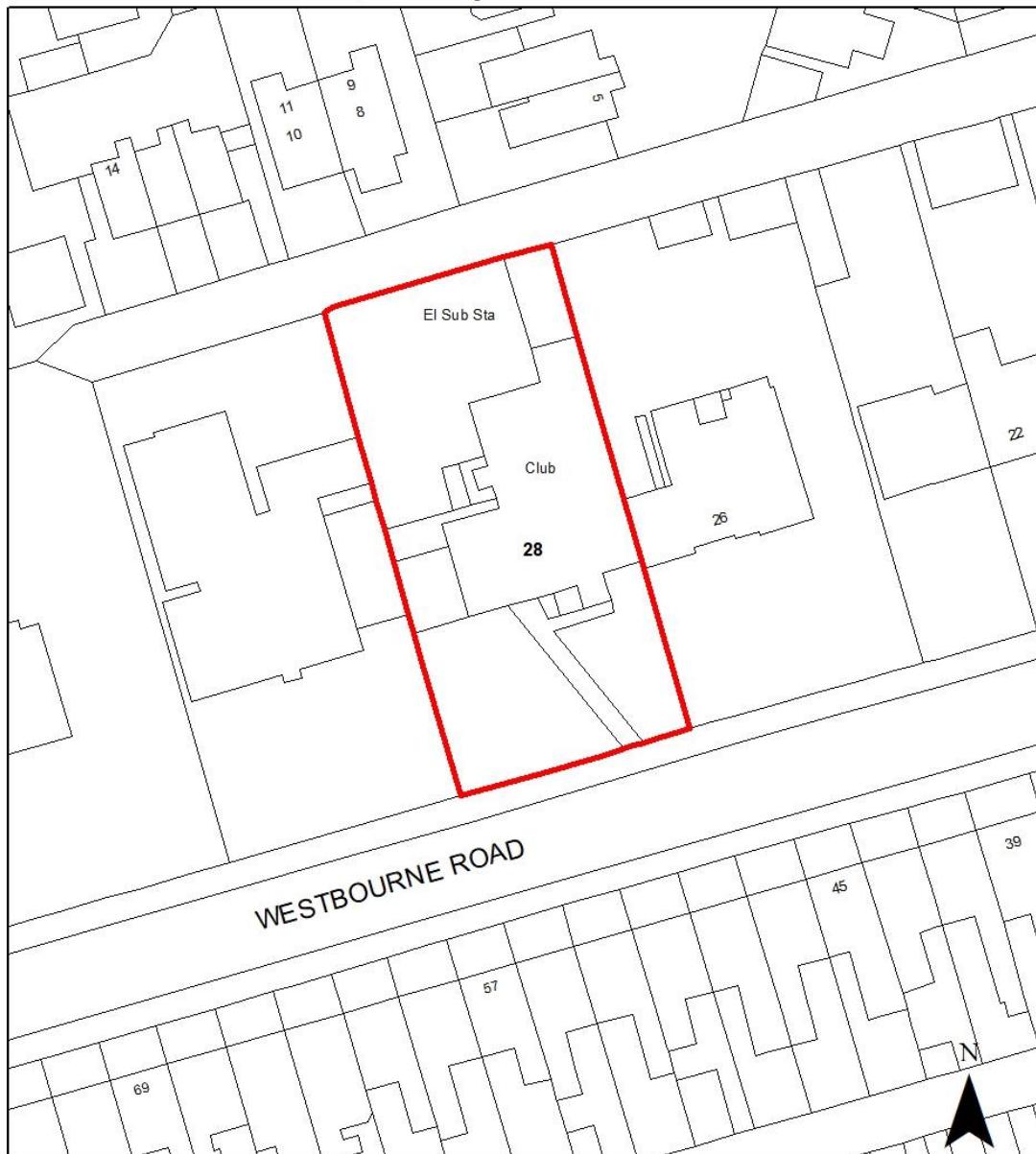
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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**28 Westbourne Road, Hartlepool**

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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL BOROUGH COUNCIL</b>	DRAWN	JB	DATE
	SCALE	1:500	24.02.2025
<b>Dept of - Development, Neighbourhoods and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO		REV
<b>H/2024/0194</b>			

**No:** 4.  
**Number:** H/2024/0317  
**Applicant:** MISS SUZANNE YORKE CHURCH STREET SEATON  
 CAREW HARTLEPOOL TS25 1BY  
**Agent:** ASP SERVICES LTD JONATHAN LOUGHREY OFFICE  
 5 33 CHURCH STREET HARTLEPOOL TS24 7DG  
**Date valid:** 20/11/2024  
**Development:** Change of use of an existing residential swimming pool  
 for private hire use (F2)  
**Location:** 3 THE PADDOCK CHURCH STREET SEATON CAREW  
 HARTLEPOOL

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## PURPOSE OF REPORT

4.1 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

4.2 The following planning applications are considered relevant to the application site:

HFUL/2002/0753 - Erection of boundary walls (retrospective application). Approved 23/01/2003.

H/2007/0869 - Erection of a conservatory. Approved 16/01/2008.

H/2015/0159 - Change of use of land to garden curtilage and erection of a single storey extension. Approved 07/09/2015.

H/2023/0344 - Change of use of an existing residential swimming pool to a swimming pool for public use (F2 Use Class) – Decision date 17/04/2024

### Reason for refusal:

*In the opinion of the Local Planning Authority, the application site is not considered to be an appropriate or compatible location for the proposed use (as a public swimming pool) as the proposal would have the potential to result in a significant detrimental impact on both the character of the surrounding area and neighbour amenity as a result of the increase in activity and associated noise disturbance, in conflict with Policies LS1, Policy RC20 (criteria 2 and 4) and Policy RC21 (criteria 1 and 2) of the Hartlepool Local Plan (2018) and paragraph 135(f) of the NPPF (2023) which states that new developments should achieve a high standard of amenity for existing and future users.*

4.3 It is noted that this application is following the refusal of application H/2023/0344 (decision date 17/04/2024). Parking provision is the previous

application was located to the front of the site, and was accessed via Church Street. In the current application, there are 3no. spaces located to the rear of the property where access is via the shared alleyway, from Crawford Street. The proposed opening hours have been amended and reduced from 07:30-20:30 under application H/2023/0344, to 07:30-18:30, with no booking slots available between 08:30-09:30 and 14:30-15:30 during school term times. Further, the maximum number of people using the pool at one time would be 5 people with intervals of 90 minutes per each 60 minute swimming session to allow for a 30 minute grace period. The amendments are considered in the sections below.

## **PROPOSAL**

4.4 The application seeks planning permission for the change of use of an existing residential swimming pool for private hire use (F2).

4.5 The existing swimming pool is situated within a room to the rear of the garage serving the application property. The only external alterations would be the installation of a ramp access and a new access door to the northern side of the host property. The proposed internal alterations would comprise the conversion of part of the garage to an accessible changing cubicle, secure storage area and shower facilities, and the conversion of an existing W.C. to an accessible W.C.

4.6 The submitted Design and Access and Planning Statement indicates that the proposed hours of use of the swimming pool would be between 07.30 and 18.30, seven days a week, with the exception of during 08.30 to 09.30 and 14.30 to 15.30 Monday to Friday during school term times. Bookings would be via a smart/on-line access system. It is indicated that it is expected that a maximum of five people would use the facility at any one time. During operational hours the swimming pool would be staffed by qualified lifeguards (the applicant/occupants on the main dwelling) “during times of low occupancy.”

4.7 In terms of security, the submitted details indicate that a CCTV system would be incorporated throughout the application property.

4.8 In terms of parking, the submitted Design and Access and Planning Statement indicates that there would be 3no. parking spaces to the rear of the property, which would be accessed via the shared alleyway from Crawford Street.

4.9 The submitted Design and Access and Planning Statement indicates that the main aim of the proposals are to provide fitness and leisure benefits which would include swimming classes or baby classes.

4.10 The application has been referred to be determined in the Planning Committee as 3 letters of objection have been received, and the application is a resubmission for the previous application which was refused at Committee, in line with the Council’s Scheme of Delegation.

## SITE CONTEXT

4.11 The application site comprises a detached dwelling at 3 The Paddock, Church Street, in the Seaton Carew area of Hartlepool. The proposals would be set within the existing garage and off-shoot to the rear of the host property which houses a swimming pool (both extending across the northern extent). 3no. spaces located to the rear of the property would be accessed via the shared alleyway, from Crawford Street.

4.12 The host property abounds No. 2 The Paddock to the north. To the south is the main highway of Crawford Street, with residential properties beyond. To the east is an access road providing access to properties along The Front (beyond to the east), with No. 16 Crawford Street being the closest residential property situated to the east. To the west the main highway of The Paddock separates the host property from the grounds of the Holy Trinity Church (north west) and a small area of open space (west).

4.13 The application site is adjacent to (but out with) the Seaton Carew Conservation Area, and access to the application property is taken from Church Street.

## PUBLICITY

4.14 The application has been advertised by way of a press advert, site notice and neighbour letters (11). To date, there have been 10 responses received, 4 in the form of objections (including 1 response of 'do not object' but which raises concerns, and 6 in the form of support.

4.15 The objections/concerns raised can be summarised below:

- Parking scheme isn't enforceable as they have no legal backing,
- The proposed control by booking T&Cs is inadequate and will result in parking and access issues for those residents on Crawford Street,
- Parking issue from the original application is not resolved,
- No indication as to what public holiday's exceptions may be,
- The proposal to keep doors closed to pool area during evening hours to reduce levels of noise takes no account of noise levels disturbing neighbours during the day,
- There have been ongoing issues with traffic and parking in Crawford Street, the proposed access will exacerbate these issues,
- The access to the proposed parking spaces is also used by clients, staff and delivery drivers to and from Trinity House and regularly have to reverse onto the street, this reduces ability to see traffic,
- Access to the school, and several commercial units are from Crawford Street so there is existing traffic congestion,
- Only attending the site by one car is not enforceable,
- Crawford Street is a resident only permit parking zone and already suffers from members disregarding the signs, and additional visitors would park on nearby streets.

4.16 The responses in the form of support can be summarised below:

- The aim of the proposal would help people learn a skill and become fitter,
- Offers inclusivity and opportunity for those who find it difficult to go to larger public facilities,
- The proposal addresses and meets the need to support people with varying vulnerability aspects and needs.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=163189>

4.18 The period for publicity has expired.

## CONSULTATIONS

4.19 The following consultation replies have been received:

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

**HBC Heritage and Open Spaces:** The site lies in close proximity to the boundary of Seaton Carew Conservation Area which is recognised as a designated heritage asset.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 196 & 203, NPPF).

Policy HE3 of the Local Plan has regard for the setting of conservation areas.

The proposal is the change of use of an existing residential swimming pool for private hire use (F2).

It is considered that the proposal will not impact on the significance of Seaton Carew Conservation Area, no objections.

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

**HBC Public Protection:** No objections.

Comments and background to any licensing position

Public Protection's Commercial Services team would not have any objections in principle to this application as there are no swimming pool specific health and safety laws. However, swimming pool operators must comply with their general duties under the Health and Safety at Work etc Act 1974 and the associated regulations. Operators must make a suitable and sufficient assessment of the health and safety risks to workers and users to help decide what they must do to make their pool safe. This is known as risk assessment.

We would recommend that if the application is granted that the operator contacts the Council's Commercial Services team for advice on effectively managing the pool, which will include signposting the operator to industry guidance,

[HBC.CommercialServicesTeam@hartlepool.gov.uk](mailto:HBC.CommercialServicesTeam@hartlepool.gov.uk)

Suggested Planning Conditions: None.

**HBC Traffic and Transport:** The traffic impact from these proposals would not have a severe impact on the surrounding highway. There is limited parking on site and it would be expected that the majority of customers would be local with a proportion walking or cycling to the site. The surrounding highway either has parking restrictions or residents parking in place, therefore any vehicles that cannot be accommodated within the off street parking would have to park in the nearby public carparks. There are therefore no highway objections to this proposal.

To mitigate against any parking the applicants have provided 3 extra parking spaces at the rear of the property. The proposed layout would require the existing side boundary to be removed between the property and the B&B to allow access for pedestrians and for a vehicle to access the end bay. Consideration should be given to allow all clients to use the parking bays rather than restricting spaces to blue badge holders. Maybe a booking system could be employed to fully utilise all available parking.

**Tees Archaeology:** We have no comments to make on this application

**Cleveland Police:** • The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...

- The National Planning Policy Framework 2023, paragraph 130(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.
- Local Plan section Q5: Relating to Safety & Security states, The Borough Council will seek to ensure that all developments are designed to be safe and secure. Developers will be expected to have regard to the following matters, where

appropriate: 1) Adhering to national safety and security standards as set out by central government. 2) Be developed in a way that minimises crime and the fear of crime, amongst other things, incorporating Secured by Design principles as appropriate. Proposals relating to residential development should be in accordance with the Residential Design SPD.

- Another material consideration is Section 17 of The Crime and Disorder Act 1998. In addition, with specific relevance to this application, all relevant safeguarding checks must be conducted in relation to persons from premises with access to the facility when in use.

**HBC Ecology:** I have no Ecology concerns or requirements.

The HBC Validation flowchart used to assess Nutrient Neutrality (NN) includes the following footnote:

In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). It also includes agriculture and industrial development that has the potential to release additional nitrogen into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.

Despite the use of the building by additional people and the addition of one toilet and two shower units I have assessed this application as not being in-scope for NN.

**HBC Estates:** No comments received.

**HBC Building Control:** No comments received.

## PLANNING POLICY

4.20 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

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

HE1: Heritage Assets

HE3: Conservation Areas

LS1: Locational Strategy

LT1: Leisure and Tourism

LT3: Development of Seaton Carew

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

RC20: Business Uses in the Home

RC21: Commercial Uses in Residential Areas

SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF)(2024)

4.22 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 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 strong 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

PARA039: Decision making

PARA048: Determining applications

PARA056: Planning conditions and obligations

PARA058: Planning conditions and obligations

PARA090: Ensuring viability of town centres

PARA091: Applying sequential test

PARA094: Applying impact assessment to applications for leisure developments outside town centres

PARA109: Promoting sustainable transport

PARA115: Promoting sustainable transport – considering development proposals

PARA116: Promoting sustainable transport – considering development proposals

PARA135: Achieving well-designed places

PARA196: Ground conditions and pollution

PARA203: Considering heritage assets

PARA210: Considering heritage assets

PARA231: Implementation

## **HBC Planning Policy: Retail and commercial hierarchy**

4.23 The proposed use is considered to be a main town centre use, as defined by the glossary in the National Planning Policy Framework (NPPF). Local plan policy RC1 (Retail and Commercial Centre Hierarchy) sets out that the defined hierarchy and sequential preference of the centres, for main town centre uses in the borough are identified in table 14 and on the Policies Map and are detailed below:

- The Town Centre, then;
- Edge of Town Centre Areas and Retail and Leisure Parks then;
- Local Centres.

4.24 Proposals for main town centre uses, not located within a designated centre will be required to provide a robust sequential test. The test must consider all of the borough's designated centres and follow the sequential hierarchy. Where it is established that no suitable sites are available within the designated centres, an alternative acceptable location may be a location accessible by a choice of means of transport and/or which offers significant regeneration benefits.

4.25 The proposal is not located in a designated commercial area and therefore a sequential assessment should have been submitted with this application. Planning Policy note that an assessment was not requested at informal stage or in the early weeks of this application. Planning Policy mistakenly took the view that the site was within the leisure and tourism area of Seaton Carew and considered that the policy LT3 held significant weight with regard to allowing commercial uses in Seaton and that there was a level of discretion that could be applied with regards to when a sequential assessment is required. Planning Policy note that this site is not within a leisure and tourism area and therefore policy RC1 should take precedent over LT3.

4.26 Notwithstanding the above, Planning Policy have in this instance considered it acceptable that a sequential test has not been submitted. Planning Policy have undertaken their own assessment and there have been no significant changes since the last application. Planning Policy are satisfied that based on the statistics that they hold and information available with regard to the commercial properties to rent, that no other such facilities exist within any of the designated areas. Planning Policy are of the view that there are no other suitable units available for this use without a significant outgoing that is likely to render the scheme unviable.

4.27 The proposal is 93m<sup>2</sup> in nature and is not subject to the requirements of an impact assessment as set out in Policy RC1

### Consideration of proposal

4.28 In accordance with a plan-led system the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore, the policies within the Hartlepool Local Plan will be used as a basis to determine this application.

### Principle of development

4.29 The proposal sits within an existing residential area of The Paddock. The site is located outside of the allocated Leisure and Tourism area of policy LT1 and LT3. The proposed leisure use will therefore be considered against policy RC20 (business uses within the home) and RC21 (Commercial uses within Residential Areas).

4.30 Policy RC20 seeks to ensure many flexible options for employment are delivered across the borough. RC20 sets out criteria which should be met when determining an application, the relevant criteria are set out below:

- I. The council will support residents who wish to run businesses from home providing that:
- II. The residential appearance of the property is not significantly altered.
- III. There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties.
- IV. There is no significant detrimental impact upon highway and car parking provision.
- V. There is no significant detrimental effect on the character of the property or surrounding area.
- VI. Under policy RC20 businesses will not be permitted to operate between the hours of 6pm and 8am.

4.31 The proposal is located outwith the defined leisure and tourism area of Seaton Carew and is therefore subject to Policy RC21 of the local plan which seeks to protect the vitality and viability of the designated retail and commercial centres within the borough and the amenity of residents.

4.32 Policy RC21 sets out criteria which should be met when determining applications, which are set out below:

- I. Proposals for leisure development, will not be permitted in predominantly residential areas outside the defined retail and commercial centres unless:
- II. There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation, and
- III. The design, scale and impact is compatible with the character and amenity of the site and the surrounding area, and
- IV. Appropriate servicing and parking provision can be made.

4.33 Under Policy RC21 businesses will not be permitted to operate between the hours of 6pm and 8am.

4.34 The proposal will entail minimal external alterations to the existing residential property, primarily consisting of the construction of an accessibility ramp. Criterion 1 of Policy RC20 is therefore satisfied.

4.35 The submitted planning statement (Rev A) indicates that the proposal is for the use of facility as 'private hire' with the intention for the facility to only to be for 'disabled users or baby classes' and will not be available for private celebratory parties.

4.36 The Planning Statement sets out that the facilities proposed open hours will be between 7.30 -18.30 seven days a week, exception will be given upon the decision of the owners such as public holidays etc. Booking slots will not be made available between 8.30-9.30 and 2.30-3.30 Monday – Friday during term time.

4.37 Access to the facility will be controlled through an app with a total of 5 users at any given time. Booking slots may be spaced at 90 minute intervals per 60 minute swimming session. The proposal will therefore enable up-to 6 sessions per Monday - Friday in term time and 7 sessions per non-school day. This would enable between 30-35 users per day to the site.

4.38 Taking into consideration that the operation will be bookable through an on-line system the facility will not be limited to users within a walkable distance a presumption can be made that up to 30-35 vehicles could access the residential street per day.

4.39 Concerns are raised over the impacts the operation will have on the amenities to neighbouring properties, in particular, the general disturbance from the level of visitors to the leisure facility in terms of noise and traffic generation. Planning Policy therefore consider that the proposal is not in accordance with criterion 2 of policy RC20 and criterion 1 of policy RC21.

4.40 Parking on-site is proposed at three visitor parking bays to the rear of the property and accessed via Crawford Street. There will be up to 5 visitors per session, leaving potentially 2 visitors to find alternative provision. The views of HBC traffic and transport team should be sought on the proposed parking.

4.41 The property is located on the junction of The Paddocks and Crawford Street, the area has an established suburban residential character, consisting of detached family dwellings with landscaped front gardens and on plot parking. The neighbouring cemetery and incremental green space also provide a level of openness to the area. Although the property is within close proximity to the commercial area of Seaton Carew there is a distinct change in character to residential when entering Crawford Street and The Paddock.

4.42 The proposal to change the use of the swimming pool to a commercial operation is likely to have a detrimental impact on the residential character of the area through the intensification of visitors to area. Planning Policy therefore do not consider the proposal to meet criterion 4 of policy RC20 and criterion 2 of policy RC21.

4.43 Policy LS1 of the Local Plan states that smaller scale proposals for leisure and tourism outside of the identified areas will only be approved where the developments benefit the local areas and there is no conflict with existing uses by way of use, amenity, noise or disturbance. As discussed above Planning Policy

consider there to be a conflict with the existing residential uses of the area which would result in general disturbance to the existing residents from the increase in the number of visitors to the area.

4.44 The proposed open hours of 7.30am to 18.30pm are outside of the acceptable operating hours established in policy RC20 and RC21.

### Seaton Carew Conservation Area

4.45 The site is located outside of the Seaton Carew Conservation Area, the minimal external alterations to enable the proposal would also have no impact on the setting of the Conservation Area.

4.46 As a whole Planning Policy are of the view that the proposal does not accord with local plan policy LS1, RC20 and RC21 due to the impact upon residential amenity and the existing character of the area and are therefore not in a position to support the application.

## PLANNING OBLIGATIONS

4.47 In the interests of achieving sustainable development and ensuring that the proposal is acceptable in planning terms, and in accordance with local plan policy QP1 (Planning Obligations) and the Planning Obligations SPD. Developer contributions will not be required based on the current submission.

## PLANNING CONSIDERATIONS

4.48 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and the NPPF (2024) including the principle of development, the impact on the character and appearance of the site and surrounding area (including the impact on the adjacent designated heritage asset), the impact on the amenity and privacy of neighbouring properties, and the impact on traffic and transport. These and any other planning and non-planning matters are detailed below.

### PRINCIPLE OF DEVELOPMENT & IMPACT UPON VISUAL AMENITY AND CHARACTER OF SURROUNDING AREA (INCLUDING ADJACENT CONSERVATION AREA)

4.49 As noted above, the application site is situated within an established residential area of The Paddock (with its southern boundary facing Crawford Street). The site is located outside of the allocated Leisure and Tourism area identified by Policies LT1 and LT3 of the Hartlepool Local Plan Policies Map (2018).

#### *Planning Policy context*

4.50 Policy RC1 of the Hartlepool Local Plan (2018) seeks to ensure that town centres remain at the heart of communities and therefore supports a town centre first approach to main town centre use development. Within Hartlepool there is a Retail

and Commercial Centre Hierarchy, which sets out that the Town Centre, followed by edge of centres, retail and leisure parks and local centres are sequentially the most suitable locations for proposals deemed to be a town centre use, such as commercial premises. Given that the host property is not situated within any of the above centres, a Sequential Test would typically be required to support the application, whereby the applicant could justify that there was no other suitable premises in any of the above centres with which to locate the proposed commercial business. Notwithstanding this, the Council's Planning Policy section consider that sufficient information has been provided in this instance and based on the statistics that Planning Policy hold and information available with regard to the commercial properties to rent, HBC Planning Policy are aware that no other such facilities such as this exist within any of the designated areas and have therefore confirmed that a Sequential Test is not required in this instance.

4.51 The proposal will therefore be considered against Policies RC20 (Business Uses within the Home) and RC21 (Commercial uses within Residential Areas) of the Hartlepool Local Plan (2018).

4.52 The Council's Local Plan policy RC20 (Business Uses in the Home) is relevant in the determination of this application, to ensure that the design of proposals would not detrimentally affect the character and appearance of the area or result in adverse impacts on neighbour amenity and privacy.

4.53 Within the pre-amble to Policy RC20, it notes that "*if the business proposal would alter the character of the area, possibly dominating an area or becoming intrusive, for example by increasing the traffic level due to customers visiting the property leading to an increase of activity and possible congestion and/or parking issues and no appropriate solution can be found such as increasing the level of incurtilage car parking or limiting the operational hours then permission may be refused*".

4.54 Policy RC20 states that proposals should ensure:

- 1) *The residential appearance of the property is not significantly altered.*
- 2) *There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties.*
- 3) *There is no significant detrimental impact upon highway and car parking provision.*
- 4) *There is no significant detrimental effect on the character of the property or surrounding area.*

4.55 In respect to criterion 1 of the Policy RC20, it is acknowledged that the proposal is for the use of an existing private/domestic swimming pool for use by members of the public, and comprises minimal external alterations, save for the installation of a ramp access (and hand rails) and the installation of an access door in the northern side that are considered to be modest in scale and appearance. In view of the established footprint of the host dwelling (which accommodates the existing swimming pool) within a residential property that would not be significantly altered externally by the proposals, it is considered that the residential appearance of the host property would not be significantly altered.

4.56 Notwithstanding the above, in respect of criteria 2-4 of Policy RC20, the applicant's submitted updated Planning Statement indicates that access to the swimming pool would be controlled through an phone 'app' with a maximum of 5 users at any given time, with booking slots spaced at timed intervals of 90 minute for each 60-minute swimming session to allow for a 30 minute grace period for users to change and vacate the site. It is considered that these arrangements would have the potential to enable up to 30-35 users per day to access the host property. It is noted that the applicant has intended to offer breaks to avoid traffic congestion, however, this would be difficult to enforce through a planning condition. Further, given that the application property comprises a dwelling situated within a quiet, residential cul-de-sac (relative to the nearby and main commercial area of Seaton Carew), the Council's Planning Policy team have raised concerns in respect of the potential impacts the proposed operation may have on the amenities to neighbouring properties, in particular, in respect of the general disturbance from the level of visitors to the proposed leisure facility in terms of both general disturbance and noise, and traffic generation. The Council's Planning Policy team therefore consider that the proposal is not in accordance with criterion 2 of Policy RC20.

4.57 In respect to criterion 3, and whilst further consideration of highway and pedestrian safety related matters is detailed further in the section below, it is of note that on-site parking would be provided in the form of the three proposed spaces to the rear of the site (via back lane with access via Crawford Street). Therefore it is of consideration that up to two visitors per slot would potentially be required to park off-site. Whilst it is acknowledged that public parking is available on the A178 and Seaview Car Park, there are limited controls to address any inconsiderate parking within the vicinity of the property and the surrounding residential streets. Therefore, it is considered that the proposed level of usage of the facility could have a potential detrimental impact upon car parking provision and is not in-accordance with criterion 3 of policy RC20.

4.58 In respect of criterion 4, the application site is located on the junction of The Paddock and Crawford Street, an area with an established suburban residential character, consisting of detached family dwellings with landscaped front gardens and on plot parking. The neighbouring cemetery and incremental green space also provide a level of openness to the area. Although the property is within close proximity to the commercial area of Seaton Carew, it is considered that there is a distinct change in character to residential when entering Crawford Street and The Paddock. In view of this, it is considered that such a potentially intensive use (including up to 5 members of the public at any one time over an extended period of the day (from 7.30am to 18.30pm) along with associated car parking would have the potential to result in an adverse impact on the residential character of the area. In view of this, and in this instance, it is considered that the amendments to the proposals to include the reduction in hours of opening and amended parking provision would not alter the previous consideration (through H/2023/0344) that the proposal is contrary to the provisions of Policy RC20 of the Hartlepool Local Plan (2018).

4.59 The proposal is located out with the defined leisure and tourism area of Seaton Carew and therefore Policy RC21 of the Hartlepool Local Plan (2018) is also

relevant. This Policy seeks to protect the vitality and viability of the designated retail and commercial centres within the borough and the amenity of residents.

4.60 This Policy sets out criteria which should be met when determining applications, which are set out below:

4.61 Proposals for leisure development, will not be permitted in predominantly residential areas outside the defined retail and commercial centres unless:

- 1) *There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation, and*
- 2) *The design, scale and impact is compatible with the character and amenity of the site and the surrounding area, and*
- 3) *Appropriate servicing and parking provision can be made.*

4.62 In respect of criterion 1, and for the reasons outlined above, it is considered that the proposal to change the use of the swimming pool to a commercial operation is likely to have a detrimental impact on the amenities of the occupiers of adjoining or nearby premises by reason of noise and general disturbance through the potential intensification of visitors (and associated car parking/comings and goings) to the application property.

4.63 In respect of criterion 2, given the scale and extent of the proposals which would result in a limited built development (only the proposed ramp and hand rails) and the established relationship/separation distances to surrounding land uses (which is detailed in full below), it is considered that the proposed change of use of the swimming pool to allow public use (F2 Use Class) would not result in an unacceptable form and layout within the site context, and therefore the requirements of criterion 2 would be met in this instance.

4.64 Finally, in respect to criterion 3, and as noted above and detailed further in the highway and pedestrian safety section below, it is considered that insufficient justification has been made that there would be appropriate servicing and parking provision in respect of the potential intensification of visitors to the application property. Notwithstanding this, as noted in the report below, HBC Traffic and Transport do not object to the proposal on such grounds.

4.65 In addition to the above, the Council's Planning Policy team consider that the proposed hours of operation (7.30am to 18.30pm daily) are outside of the acceptable operating hours established in both Policies RC20 and RC21 of the Hartlepool Local Plan, which preclude the operation of businesses outside the hours of 8am and 6pm.

4.66 In view of the above, whilst the amendments to the proposals to include the reduction in hours of opening and amended parking provision are acknowledged, it is considered in this instance that these would not alter the previous consideration (through H/2023/0344) that the proposal is contrary to the provisions of Policy RC21 of the Hartlepool Local Plan (2018).

4.67 Policy LS1 of the Hartlepool Local Plan (2018) states that smaller scale proposals for leisure and tourism outside of the identified areas would only be

approved where the developments benefit the local areas and there is no conflict with existing uses by way of use, amenity, noise or disturbance. As detailed in the consideration above, the Council's Planning Policy team consider there to be a conflict with the existing residential uses of the area which would result in general disturbance to the existing residents from the increase in the number of visitors to the area as result of the proposed change of use of the private swimming pool to a public swimming pool.

4.68 Overall, it is considered that the proposal is in conflict with Policies LS1, RC20 and RC21 of the Hartlepool Local Plan (2018) and are therefore it is considered that the principle of development is not acceptable in this instance.

#### IMPACT ON VISUAL AMENITY (INCLUDING ADJACENT CONSERVATION AREA)

4.69 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

4.70 The application site comprises a residential property in the Seaton Carew area of Hartlepool. The application site is adjacent to, but outside of, the Seaton Carew Conservation Area, and therefore Policy HE3 (Conservation Areas) is of relevance in the consideration of the proposals. In addition, the application site is immediately outside the commercial and tourist area of Seaton Carew, and therefore Policy LT3 (Development of Seaton Carew) is relevant along with the relevant provisions of the NPPF (2024).

4.71 The Council's Head of Service for Heritage and Open Spaces has been consulted on the proposals and has confirmed that the proposed use by members of the public of the existing swimming pool would not give rise to any adverse impacts on the setting of the nearby conservation area, and has therefore confirmed no objections to the proposals. The proposal is therefore considered to be acceptable in this respect.

4.72 As per the requirement of criterion 4 of Policy RC20 and criterion 2 of RC21, it is appreciated that proposals can have an adverse impact on the character of the area. Whilst the proposed external alterations are considered to be acceptable in this instance, it is recognised however, that character is not something that is purely physical and the nature of how a use operates can impact on the character of a site and the wider surrounding area for example through an increase in activity/comings and goings. The application site is located within the corner of the cul de sac served by Church Street with the immediate properties being residential in nature.

4.73 It is acknowledged the applicant has sought to provide additional parking for the use. Access would be taken via the rear alleyway, which is accessed through Crawford Street. The street primarily serves a residential estate and a primary school. The rationale for providing this will still facilitate from a predominantly residential street. Therefore it is considered that introducing a commercial use within a residential property and area is deemed to be out of character. Whilst the amendments to the proposed parking are acknowledged, it is considered that this

would not address or overcome the identified impacts or reason for the refusal of the previous application at the application site (H/2023/0344).

4.74 In this context, it is considered that whilst the design and scale of the development is generally in keeping with the existing application property and street scene of The Paddock and Crawford Street, given the potential intensification of the use of the application property, the proposal has the potential to result in a detrimental impact on the character of the residential area, contrary to the aims of Policies RC20 and RC21 of the Hartlepool Local Plan.

## IMPACT ON AMENITY OF NEIGHBOURING LAND USERS

4.75 Paragraph 135(f) of the NPPF (2024) requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

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

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

4.77 The above requirements are reiterated in the Council's Residential Design SPD (2019).

4.78 In addition and as noted above, criterion 2 of Policy RC20 of the Hartlepool Local Plan (2018) requires that proposals do not result in adverse impacts on neighbour amenity and privacy. The preamble to the policy notes that:

*"Residential areas should be areas where residents can expect peace and quiet especially during certain times of the day i.e. early evening through to morning. If the business proposals are likely to have a negative impact upon the amenity of adjoining residents and give rise to issues such as noise and disturbance along with dust, smell, vibration or fumes and if no solution can be found to rectifying such impacts, then permission may be refused."*

4.79 Policy QP6 of the Hartlepool Local Plan (2018) requires that proposals must be satisfactory in terms of the effects on or impact of general disturbance including noise.

4.80 It is noted that the only external alterations to the building in which the swimming pool is located comprises the installation of an access door and a relatively modest scale access ramp and handrails to the northern side of the garage/swimming pool building. A separation distance of approximately 1.2m to the boundary and approximately 2.7m to the side of No. 2 The Paddock would remain

from the proposed ramp at the existing off-shoot in which the proposed swimming pool would be sited and this neighbour. It was noted by the case officer during the site visit that this neighbour features a single storey garage attached to the southern side, which does not feature windows in the southern side elevation. Given the modest scale and design of the proposed ramp access (with its modest height of approximately 0.15m) and the boundary treatment in place between the two neighbouring properties, it is considered that this element of the proposal would not result in any adverse impacts on the amenity of No. 2 in terms of overshadowing, loss of outlook or overbearing impression.

4.81 A separation distance of approximately 9.1m to the boundary and approximately 18.2m to the side of No. 16 Crawford Street (the nearest property to the east), with an access road and several boundaries between would remain from the existing off-shoot in which the proposed swimming pool would be sited and this neighbour.

4.82 In terms of the proposed use of the existing swimming pool for public use, and the associated internal alterations to form a changing room area and W.C., consideration is given to the siting and scale of the existing building which remains of a single storey scale (with a total height under 4m), that is an established building housing the swimming pool and garage at the application site, with established separation distances remaining to neighbouring properties. In view of this, it is considered that the proposal would not result in any adverse impacts on the amenity of any neighbouring property in terms of loss of outlook, overshadowing or overbearing impression.

4.83 In terms of privacy, the building to which the swimming pool and changing rooms would be located is accessed via a door to the northern side of the host property, and there are additional patio doors and full length glazed windows in the south facing side elevation (facing the private rear garden amenity area of the host property itself). In view of the existing boundary fence between the application property and No. 2 to the north and modest height of the proposed ramp (approx. 0.15m), it is considered that the installation of an access door and ramp access would not allow for any unacceptable overlooking to be achieved towards the neighbour at No. 2 or their private rear garden amenity space.

4.84 It is considered that there would be the potential for overlooking to be achieved from the swimming pool toward the conservatory to the rear of the application property. Notwithstanding this, given the nature of the proposal and that the occupiers of the application property would operate the proposed swimming pool, it is considered that there would be no adverse impact on the privacy of the occupiers of the host property in this instance.

4.85 To the front, the proposed changing rooms would be separated from the remaining section of the existing garage, which is accessed via the accessible ramp to the side (north) elevation of the host property. No other windows are present in the garage/swimming pool off-shoot building. Had the application been considered acceptable in all respects, this could have been secured by planning condition to safeguard the privacy of the occupiers of the application property.

4.86 The boundaries within the site include a close boarded timber fence with a height of approximately 1.8m along the northern side boundary, chamfering across the north east section, and defining the curtilage of the host property to its eastern and southern sides. Additional landscaping is in place along the south east and southern boundaries. In view of the above (including the screening to the southern boundary whereby Nos. 2-6 Crawford Street beyond the highway to the south), it is considered that the proposal would not result in any adverse impact on the privacy of any neighbouring property in terms of overlooking.

4.87 In terms of the proposed installation of the access door, ramp and handrails to the side of the garage/swimming pool, taking into account the modest design, scale and siting of the proposed ramp and handrails which would be sited to the northern side, and the established relationship between the swimming pool and adjacent and nearby neighbouring properties (including No. 2 The Paddock to the north, Nos. 2-6 (inclusive) Crawford Street (beyond the main highway) to the south and No. 16 The Paddock to the east), it is considered that there would be no adverse impacts on the amenity or privacy of any neighbouring property in terms of loss of outlook, overbearing impression, overshadowing or overlooking as a result of the installation of this access ramp.

4.88 It is acknowledged that neighbour objections have been received raising concerns that the proposed use as a public swimming pool is not suitable for a residential area, and that it would impact on neighbour amenity.

4.89 As noted above, it is considered that the proposed use of the swimming pool for members of the public is likely to result in a significant potential increase of comings and goings to the host property, which is considered to be in conflict with the provisions of Policies RC20 and RC21 of the Hartlepool Local Plan (2018).

4.90 In terms of hours of operation, the submitted Planning Statement indicates that the proposed swimming pool would be open between 07.30 and 18.30, seven days a week, and bookings would be via a smart access system. Council's Public Protection team have been consulted on the proposal and have confirmed no objections to the use of the swimming pool.

4.91 Notwithstanding the comments from the Council's Public Protection team, in view of the potential scale of the proposed use including comings and goings across times of the day when residents can be reasonably expected to enjoy the peace and quiet of their properties, it is considered that the proposed hours of operation (and scale of the proposal) is likely to have a negative impact upon the amenity of adjacent residents in terms of noise and disturbance, which remain as per the concerns regarding such impacts of H/2023/0344, and contrary to the requirements of Policies RC20(2) and RC21(1) of the Local Plan.

4.92 In view of the above, whilst it is considered that the proposal would not result in any significant adverse impacts on the amenity or privacy of any neighbouring property (or users of the adjacent footpaths and roads) in terms of loss of outlook, overbearing impression, overshadowing or overlooking, it is considered that there would be the potential for the proposal to result in an unacceptable adverse impact on the amenity of surrounding properties in terms of noise and disturbance. The

proposal is therefore considered to be contrary to the requirements of Policies RC20 and RC21 of the Hartlepool Local Plan (2018) and paragraph 135(f) of the NPPF (2024) which states that “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…”.

## HIGHWAY & PEDESTRIAN SAFETY & TRAFFIC

4.93 It is acknowledged that a number of objections have been received raising concerns in relation to increased traffic and car parking (including the residential parking permit area), with a number of these raising concerns that the amended proposed parking provisions do not resolve the issues raised with the previous application H/2023/0344, and that the proposed parking would result in increased parking issues in respect of commercial properties located near to Crawford Street.

4.94 It is acknowledged that the applicant has sought to provide additional parking for the proposed use, where access would be taken through the rear alleyway via Crawford Street. The road primarily relates to a residential estate and primary school.

4.95 The Council’s Traffic and Transport section has been consulted on the proposal and whilst acknowledging that there is limited on-site car parking, with parking restrictions in nearby streets, has confirmed that additional vehicles would have to park in the nearby public car parks, and commented that consideration should be given to allow all clients to use the parking bays rather than restricting spaces to blue badge holders, by way of a parking system. Notwithstanding these comments, the Council’s Traffic and Transport team concluded that the traffic impact from the proposal would not have a severe impact on the surrounding highway.

4.96 The Council’s Traffic and Transport also confirmed that the proposed layout would require the existing side boundary to be removed between the property and the B&B to allow access for pedestrians and for a vehicle to access the end bay. Had the application been considered acceptable overall then this would have been a civil matter and an informative could have relayed this advice to the applicant.

4.97 Notwithstanding the above concerns regarding the impact of the proposal on the character and amenities of the area, it is considered that the proposal would not result in an adverse impact on highway safety and car parking.

4.98 The Council’s Countryside Access Officer has been consulted in respect of the proposal and has confirmed that the proposal would not impact upon any PRoW. The application is considered to be acceptable in this respect.

## ECOLOGY

4.99 The Council’s Ecologist has been consulted on the proposal and has confirmed that there are no ecological requirements and no objections to the proposal.

4.100 In terms of nutrient neutrality, the Council's Ecologist has assessed the application as not being in-scope, and therefore a Habitat Regulations Assessment is not required to be undertaken in this instance. The proposal is considered to be acceptable in this respect.

## OTHER PLANNING MATTERS

4.101 Cleveland Police have been consulted on the proposal and has confirmed no objections, but has advised that all relevant safeguarding checks must be conducted in relation to persons from premises with access to the facility when in use.

## CONCLUSION

4.102 On balance, having regard to the above planning considerations including the requirements set out in policies LS1, RC20 and RC21 of the Hartlepool Local Plan (2018) and paragraphs the relevant paragraphs of the NPPF (2024), whilst the amendments to the proposed parking and hours of operation are acknowledged, it is considered that these amendments would not address or overcome the identified impacts or reason for the refusal of the previous application (H/2023/0344). In view of this, it is considered that the principle of development would remain unacceptable in this instance, and that the proposed use would have the potential to result in an adverse impact on and the character of the area and neighbour amenity. It is therefore recommended that the application is refused.

## EQUALITY AND DIVERSITY CONSIDERATIONS

4.103 There is no evidence of equality or diversity implications.

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

4.104 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.

4.105 There are no Section 17 implications.

## REASON FOR DECISION

4.106 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

## RECOMMENDATION – REFUSE for the reason below:

1. In the opinion of the Local Planning Authority, the application site is not considered to be an appropriate or compatible location for the proposed use (as a public swimming pool) as the proposal would have the potential to result in a significant detrimental impact on both the character of the surrounding area and neighbour amenity as a result of the increase in activity and associated noise disturbance, in conflict with Policies LS1, Policy RC20 (criteria 2 and 4) and Policy

RC21 (criteria 1 and 2) of the Hartlepool Local Plan (2018) and paragraph 135(f) of the NPPF (2024) which states that new developments should achieve a high standard of amenity for existing and future users.

## **BACKGROUND PAPERS**

4.107 Background papers can be viewed by the ‘attachments’ on the following public access page:

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=163189>

4.108 Copies of the applications are available on-line:

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

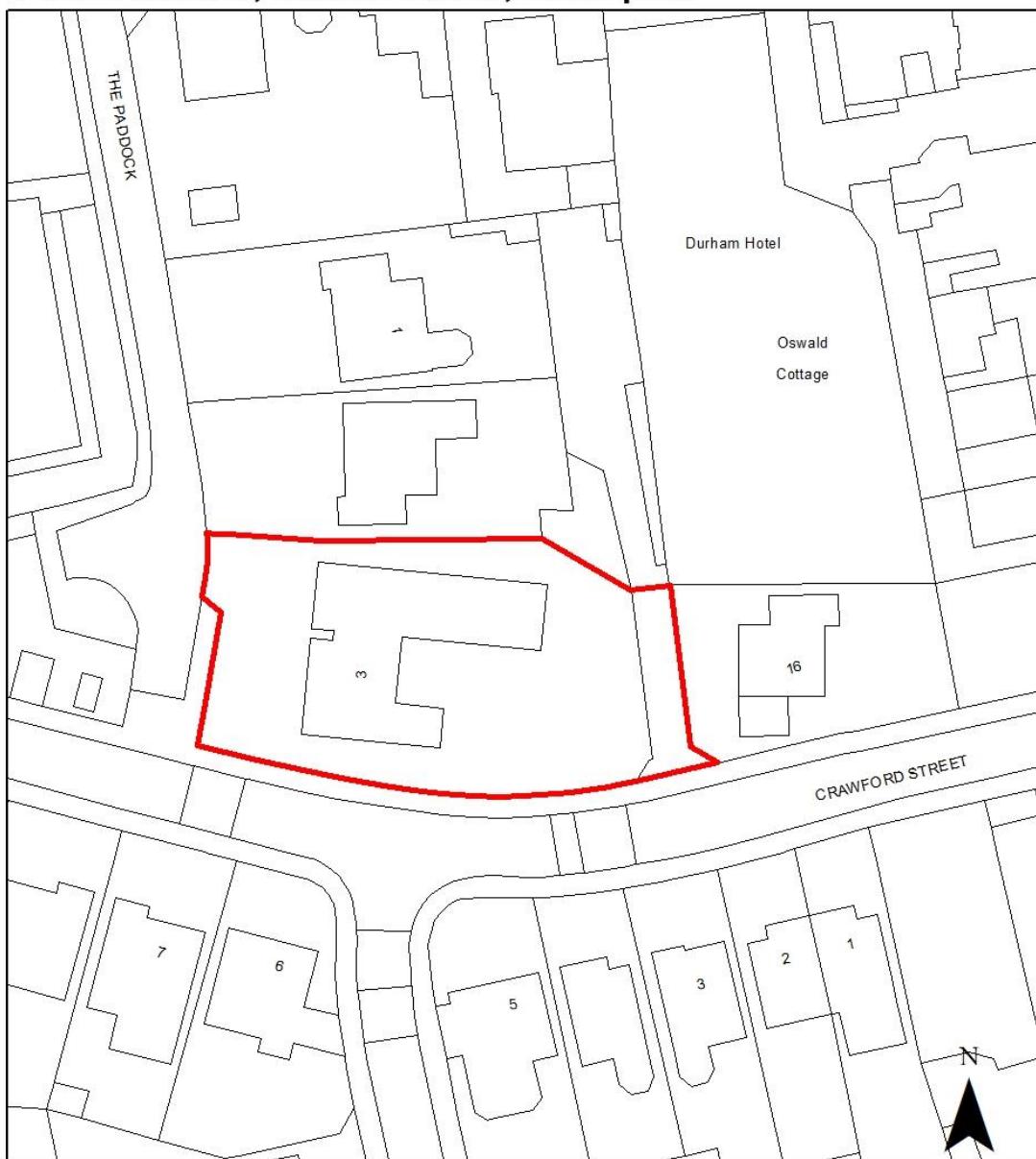
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### 3 The Paddock, Seaton Carew, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN	JB	DATE
	SCALE	1:500	24.02.2025
<b>Dept of - Development, Neighbourhoods and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO	H/2024/0317	REV

<b>No:</b>	5.
<b>Number:</b>	H/2024/0075
<b>Applicant:</b>	TESCO KESTREL WAY WELWYN GARDEN CITY AL7 1GB
<b>Agent:</b>	TESCO MR ANDY HORWOOD KESTREL WAY WELWYN GARDEN CITY AL7 1GB
<b>Date valid:</b>	20/11/2024
<b>Development:</b>	Installation of new modular extension with 2no. doors, insulated prefabricated panel walls and roof deck and relocation of AC units within Service Yard
<b>Location:</b>	TESCO EXPRESS WILTSHIRE WAY HARTLEPOOL

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## PURPOSE OF REPORT

5.1 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

5.2 None.

## PROPOSAL

5.3 The application seeks planning permission for the installation of new modular extension to the rear and relocation of existing air conditioning (AC) units within the rear service yard.

5.4 The proposed extension would measure approximately 5.3 metres in depth, and would extend approximately 7 metres in width. The roof of the proposed extension would slope down towards the rear boundary (south) and would have a maximum height of approximately 2.8 metres where it would adjoin the main rear elevation of the existing building, and a maximum height of approximately 2.6 metres to the rear (south) elevation. The proposed eaves height would be approximately 2.2 metres.

5.5 The proposed extension would facilitate a warehouse extension. As existing, the site benefits from a canopy covering to part of the rear service yard (which extends to the rear boundary) which features a corrugated roof, and the space is utilised to store stock and this would be removed as part of the proposals.

5.6 The proposed extension would have 2 steel doors, 1 sited to the rear side (east) elevation, which would have a new ramp, and the other sited to the rear side

(west) elevation. Both doors would have a width of approximately 1.3 metres and approximately 2.1 metres in height. The walls of the proposed extension would be constructed of insulated prefabricated panel walls and the roof deck would be finished in white.

5.7 As part of the proposal, the existing AC units within the service yard would be relocated from directly on the rear elevation (south) of the existing building towards the rear boundary (south) and would be ground mounted with associated low level protection rail.

5.8 The AC units as existing measure approximately 1.2 metres in width x approximately 0.35 metres in depth and would have a gap between each unit of approximately 0.3 metres. The units measure approximately 0.95 metres above ground level. The application is accompanied by a noise assessment (which was amended during the course of the application as discussed in the report below).

5.9 The application has been referred to the Planning Committee at the request of a Local Ward Councillor, in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

5.10 The application site relates to the Tesco unit which sits within a parade of shops, on Wiltshire Way, in Hartlepool. The site benefits from a canopy covering to part of the rear service yard which is understood to provide storage for the stock, and trolleys.

5.11 To the front of the site (north west) is associated parking. To the rear (south east), the site is bounded by 6-9 (inclusive) Hartside Gardens. Adjoining the site to the side (north east), is Unit 1 Wiltshire Way, a commercial unit, with commercial properties beyond. To the side (south west) is the highway of Hart Lane with properties no. 36-40 Mountson Close, and no. 32 and 33 Saddleston Close beyond.

## **PUBLICITY**

5.12 The application has been advertised by way of a site notice and neighbour letters (24). To date, there have been 2 responses received, one in the form of an objection from a neighbouring residential property and one in the form of support from a neighbouring business unit.

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

- The positioning of the relocated air conditioning units would be sited closer to residential properties and concerns are raised about noise and disturbance for nearby properties.
- Concerns regarding the validity of the Noise Impact Assessment, there are errors with regards to the distance and the identified neighbouring properties.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161307>

5.15 The period for publicity has expired.

## CONSULTATIONS

5.16 The following consultation replies have been received:

**HBC Building Control:** No comments received.

**HBC Engineering Consultancy:** This application is for a proposed installation of new modular extension with 2no. doors, insulated prefabricated panel walls and roof deck and relocation of AC units within Service Yard. Given that the application does not meet criteria for the LLFA to comment, we have no comments to make on this application. Based on the provided plans there is no increase in impermeable area, and we assume that there will be no change in surface water discharge location.

**HBC Estates:** No comments received.

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

**HBC Public Protection:** No objections subject to the conditions below.

### Suggested Planning Conditions

- The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Deliveries and Collections associated with the work are to be limited to these hours as well.
- Prior to the operation of the AC Units they must be mounted and installed correctly to minimise any noise and vibration that could impact nearby residential properties. These shall be retained, and apparatus maintained in accordance with manufacturer's instructions throughout the period where machinery or plant is operated on site.

### Updated comments received 06/01/2025:

The noise report submitted by KR Associates mentions that the assessment positions for noise measurements were taken at the rear of No.11 Hartside Gardens. However, I believe this might be an error. The properties that back onto the rear of Tesco's yard appear to be 7, 8, and 9 Hartside Gardens, not No. 11, which is on the other side of the road. Could you please confirm the correct monitoring points? Was the noise assessment conducted by KR Associates was a desk-based exercise. Section 7.5 of the report mentions that the source sound power levels were provided by the client and were likely established in accordance with BS EN 13487:2003. The client supplied the noise levels for the proposed plant, and the background position is described as being in the corner of the shared service yard, which doesn't seem to match the position of No. 11 Hartside Gardens.

It also appears that the AC unit is just being relocated and not replaced. As the new location will be closer to residential properties, could we confirm whether the unit is fitted with a swing or scroll compressor?

AC unit appears to be both a cooling and heating unit are we able to confirm this. Just this could be relevant to the timing of the monitoring, as the season during which the assessment was conducted may affect the results.

*Updated comments received 29/01/2025:*

Having looked over the updated information I am happy with what has been provided and being proposed.

**HBC Traffic and Transport:** There are no highway or traffic concerns

**Chief Fire Officer:** Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in:

Approved Document B Volume 2 :2019, Section B5 for buildings other than Dwellings

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in B Vol 2 Section B5 Table 15.2.

**Recommendations**

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

Further comments may be made through the building regulation consultation process as required. Please assist us to improve the service we provide in completing our Fire Safety Survey by visiting the following site

<https://forms.office.com/e/SZLMRQwiY2>

**Cleveland Police:** Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I would like to make you aware that Cleveland Police operate the “Secured By Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Commercial 2023 Guide at [www.securedbydesign.com](http://www.securedbydesign.com)

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

- The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2023, paragraph 130(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.
- Local Plan section Q5: Relating to Safety & Security states, The Borough Council will seek to ensure that all developments are designed to be safe and secure. Developers will be expected to have regard to the following matters, where appropriate: 1) Adhering to national safety and security standards as set out by central government. 2) Be developed in a way that minimises crime and the fear of crime, amongst other things, incorporating Secured by Design principles as appropriate. Proposals relating to residential development should be in accordance with the Residential Design SPD.
- Another material consideration is Section 17 of The Crime and Disorder Act 1998. Further information on the Secured By design initiative can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

**HBC Community Safety and Engagement:** No comments received.

**HBC Waste Management:** No comments received.

**HBC Economic Development:** No objections from Economic Growth.

**HBC Ecology:** I have checked the submitted location plan (red line boundary shown below) and a Google maps aerial photograph and am satisfied that there are no Ecology or BNG issues.

## PLANNING POLICY

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

### Hartlepool Local Plan

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

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

RC1: Retail and Commercial Centre Hierarchy

RC16: Local Centre

SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF)(2024)

5.19 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 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 strong 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

PARA039: Decision making

PARA048: Determining applications

PARA056: Planning conditions and obligations  
PARA057: Planning conditions and obligations  
PARA131: Achieving well-designed places  
PARA135: Achieving well-designed places  
PARA187: Conserving and enhancing the natural environment  
PARA198: Ground conditions and pollution  
PARA231: Implementation

**5.20 HBC Planning Policy:** Planning policy have no objection to this proposal. Planning policy consider that the case officer will assess the merits of the application with regards to design and layout however in principle this use is acceptable.

## PLANNING CONSIDERATIONS

5.21 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 impact on the neighbouring residential amenity and the impact on the visual amenity. These and all other planning matters are set out in detail below.

### PRINCIPLE OF DEVELOPMENT

5.22 The application site is situated within an established local centre, as defined within the adopted policies map and through Hartlepool Local Plan (HLP) Policy RC16 (Local Centres). HLP Policy RC16 identifies suitable locations to diversify, support and protect local communities. The policy works in accordance with HLP Policy RC1 which recognises local centres as preferable locations for shops (former A1 Use Class, now E(a) Use Class). In the context of Policy RC16, the proposals would facilitate the expansion of the existing business within its established curtilage and would not be classed as a change of use of the land.

5.23 The Council's Planning Policy section has considered the information contained within the application and have no objections with regards to the appropriateness of the proposals in this location (subject to the design and layout considerations). Furthermore, no objections have been received from HBC Economic Growth.

5.24 Subject to the application satisfying the requirements of other material planning considerations (set out in the sections below), the principle of development is considered to be acceptable in this instance.

### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

5.25 Policy QP4 (Layout and Design of Development) of the HLP requires, amongst other provisions, that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook.

5.26 Policy QP4 sets out minimum separation distances that must be adhered to and whilst this primarily relates to dwellings, the above requirements are reiterated in the Council's Residential Design SPD (2019) whereby it states that such distances should also be applied to commercial units;

*The principal elevations of a commercial unit are to be treated the same as the principal elevations of a dwelling i.e. the principal elevation of a dwelling should be located at least 20m from the principal elevation of a commercial unit.*

#### Impact on No. 5, 6, 7, 8 and 9 Hartside Gardens (rear/south east)

5.27 No. 5, 6, 7, 8 and 9 Hartside Gardens are south-east facing residential properties to the rear of which the rear garden boundaries of No's 7 and 8 in particular abut the application site and would be located directly to the rear of the proposals. All of the residential properties were observed to feature windows at ground floor and first floor level, serving both habitable and non-habitable rooms.

#### *Proposed single storey rear extension*

5.28 The proposed rear extension would be sited on the shared boundary and would have a minimum separation distance of approximately 6 metres to the rear elevation of the conservatory to no. 7 Hartside Gardens (the nearest property/most directly to the rear of this element of the proposals). The proposed extension would also have an oblique separation distance of approximately 9 metres to the rear elevation of no. 6 which is sited further to the east of No 7. The proposal would be located at an oblique separation distance of approximately 8 metres to the rear elevation of No 8. Oblique separation distances of approximately 10 metres would remain from the proposal to the rear elevations of 5 and no. 9 Hartside Gardens.

5.29 It is acknowledged that the proposed extension is likely to result in a degree of impact in the form of overbearing and overshadowing for the residential properties directly to the rear, particularly on the identified ground floor habitable room windows in the conservatory and immediate rear garden area of No 7 as a result of the proposal's proximity and projection.

5.30 Notwithstanding this, the proposed extension is considered to be of a relatively modest scale and would feature a roof design whereby the roof would slope down towards the rear boundary and would have a maximum height on the boundary of approximately 2.6 metres (and an eaves height of approximately 2.2 metres). It is considered that this would assist in reducing its massing. Further, the rear boundary measures approximately 2.3 metres in height from ground level, meaning the proposed extension would protrude above the intervening boundary treatment by approximately 0.3 metres. Given this context including the presence of the existing canopy that is to be removed, and the remaining separation distances, it is considered the proposal would not, on balance, result in an unacceptable impact on the amenity of existing and future occupiers of No 5, 6, 7, 8 and 9 Hartside Gardens in terms of loss of outlook, overbearing and overshadowing for the identified windows and immediate rear garden areas as to warrant a refusal of the application.

5.31 With regards to privacy, no windows are proposed, and it is considered that no direct views would be achievable towards windows in the rear elevation of No. 5, 6, 7, 8 and 9 taking into account the existing boundary treatment, the nature of the proposal and the established relationship between the commercial property and the adjacent residential properties. On this basis, it is considered that the proposed development would not have an unacceptable impact on the privacy of No. 5, 6, 7, 8 and 9 in terms of overlooking or a perception of overlooking towards habitable room windows or their immediate rear garden area.

#### *Relocation of air conditioning units*

5.32 It is acknowledged that an objection and concerns have been received in relation to the proposed relocation of the existing air conditioning units and the potential impact from noise and disturbance.

5.33 The air conditioning units are existing and would relocate to the rear (south) boundary of the established commercial host site. It is acknowledged that the established unit currently operates with the air conditioning units and would continue to operate with the existing units.

5.34 It is understood that the nearest residential properties, most directly to the rear of the proposal are no. 7 and 8 Hartside Gardens, and there would be a minimum separation distance of approximately 7.5 metres between the air conditioning units to the rear elevation of no. 8, and approximately 7.7 metres to the rear elevation of no. 7.

5.35 Following the review of a Noise Impact Assessment (which was updated to address some anomalies identified by both HBC Public Protection and the neighbouring objector), HBC Public Protection section have raised no objections to the proposals including the relocation of the air conditioning units, subject to planning conditions that the units would be retained, and operate in accordance with the noise levels detailed within the submitted Noise Impact Assessment (as well as a condition in respect to hours of construction etc) which are recommended accordingly. As such, it is considered that the proposals would not result in an adverse loss of amenity in terms of noise and disturbance.

5.36 Given the relocated units would operate with the commercial unit which has set opening hours, it would be unreasonable (and unenforceable) to limit the hours of operation of the units and were any issues to arise regarding future noise disturbance, this would need to be considered through separate nuisance legislation.

5.37 Subject to the above recommended planning conditions and taking into account the established use of the air conditioning units and warehouse storage and remaining separation distances to surrounding properties, on balance, it is considered that the proposals would not result in a significant adverse loss of amenity or privacy when considered against the provisions of Policies QP4 (and the aforementioned SPD), and RC16 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2024).

### Impact on No. 1, 2, 3 and 4 Hartside Gardens (side-rear/southeast)

5.38 No 1, 2, 3 and 4 Hartside Gardens are residential properties sited to the east of the application site and do not share a boundary in this context. There would be an oblique separation distance of approximately 20.4 metres to the rear of no. 1 Hartside Gardens (the nearest/most direct property), with the separation distance exceeding this to no. 2, 3 and 4 Hartside Gardens. This separation distance exceeds the requirements of Policy QP4 and the aforementioned SPD. Given the modest scale of the proposals, remaining separation distances and existing boundary treatments, as well as the above considerations in respect to noise and disturbance from the relocated AC Units, it is considered that the proposal would not result in an adverse loss of amenity and privacy for these neighbouring properties including noise and disturbance.

### Impact on Unit 1, Wiltshire Way (side/east)

5.39 The neighbouring site to the side (east) is a commercial property which sits within the parade of shops. The site does not benefit from an external yard, and shares the alleyway/rear access sited to the rear of the parade of shops. There were no windows observed to the rear elevation of the neighbouring property.

5.40 Given the above context and the modest scale of the proposals as well as the above considerations in respect to the relocated AC units, it is considered that the proposal would not result in an adverse loss of amenity and privacy for the commercial neighbouring properties to the east and the wider parade of properties including noise and disturbance.

### Impact on No. 36-40 Mountson Close, and No. 32 and 33 Saddleston Close (side/west)

5.41 To the west (side) of the site, are properties no. 36-40 Mountson Close and No. 32 and 33 Saddleston Close. There would be a separation distance of approximately 70 metres to no. 40 Mounston Close (the nearest property to the side/west), with the presence of a highway between. Given this context, it is considered that the proposal would not result in an adverse loss of amenity and privacy for these neighbouring properties to the west including noise and disturbance.

## IMPACT ON CHARACTER AND APPEARANCE OF EXISTING BUILDING AND SURROUNDING AREA

5.42 The proposed rear extension would be sited to the rear (south) of the commercial property. Whilst views towards the proposed extension from the front would be primarily screened by the host property, it is considered that that the proposed extension would be partly visible from the rear of residential properties on Hartside Gardens, and from the main highway of Hart Lane from the west. However, it is noted that the proposed extension would be located approximately 24 metres from the highway of Hart Lane (west).

5.43 It is acknowledged that the proposed extension would take up a considerable area of the yard space, however consideration is given to the commercial nature of the property and that there is an existing canopy and established use within the yard. Therefore, the proposed extension is not considered to be an overdevelopment of the application site, in this instance.

5.44 Furthermore, the proposed use would facilitate an area to store stock and trolleys used to stack the shelves of the shop. In this context, the proposal would not introduce an incongruous and inappropriate feature and is therefore considered not to have an adverse impact on the character and appearance of the host property and or the surrounding area.

5.45 The walls of the proposed extension would be constructed of insulated prefabricated panel walls and the roof deck would be finished in white. The property is of a commercial nature of the site and is of a limited architectural merit and is not located within a sensitive designation (i.e. a conservation area). As such, it is considered that the proposed materials would not adversely affect the character and appearance of the host property or the surrounding area. Notwithstanding this, final details of the external finishing materials can be secured by way of a planning condition. Finally, it is noted that the Council's Landscape Architect has raised no visual or landscape objections to the proposal.

5.46 Therefore, the scheme is, considered to be in general accordance with the provisions of Policy QP4 and those of the aforementioned SPD and, on balance, would not adversely affect the character and appearance of the host property or the street scene as to warrant a refusal of the application.

## OTHER PLANNING MATTERS

### *Other Technical Consultee responses*

5.47 No objections have been received from the relevant technical consultees in respect to highway safety and car parking, ecology and surface water drainage. The proposal is therefore considered to be acceptable in respect to such matters.

### *Secured By Design*

5.48 Cleveland Police have been consulted and provided advice in respect to Secured By Design principles. This advice has been relayed to the applicant and an informative is duly recommended. No objections or comments have been received from HBC Community Safety. The proposal is therefore acceptable in this respect.

## OTHER MATTERS

5.49 Cleveland Fire Brigade have provided comments and advice regarding access and supplies and recommend a sprinkler system and that further comments would be provided through the separate Building Regulations process. This is ultimately a separate matter to the planning process and advice can be relayed to the applicant by way of an informative.

## CONCLUSION

5.50 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in general accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and provisions of the NPPF (2024). The application is recommended for approval subject to the planning conditions, as set out below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

5.51 There is no evidence of equality or diversity implications.

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

5.52 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.

5.53 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION - APPROVE, subject to the following 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 permitted shall be carried out in accordance with the plans and details on Drawing Number 02\_3303\_02F\_R2 (Proposed Plan At Roof Level\_Arch), received by the Local Planning Authority 20/06/2024; Site Location Plan (Scale 1:1250), Drawing Number 02\_3303\_02C (Proposed Plan\_Arch), Drawing Number 03\_3303\_03B\_R1 (Proposed Elevation-01\_Arch) and Drawing Number 03\_3303\_03C\_R2 (Proposed Elevation-02\_Arch), received by the Local Planning Authority 06/09/2024.  
For the avoidance of doubt.
3. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, details of all external proposed finishing materials shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.  
In the interests of visual amenity.

4. Following the relocation of the 2no. AC Units hereby approved as shown on Drawing number 02\_3303\_02C (Proposed Plan\_Arch), received by the Local Planning Authority 06/09/2024, the 2no. AC Units shall be retained, operate and maintained in accordance with the noise levels as set out in Noise Impact Assessment, Version 1.1 (Document dated 08/12/2024), date received by Local Planning Authority 03/01/2025.  
In the interests of neighbour amenity of the surrounding area and to ensure a satisfactory form of development.
5. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.

## **BACKGROUND PAPERS**

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161307>

5.56 Copies of the applications are available on-line:

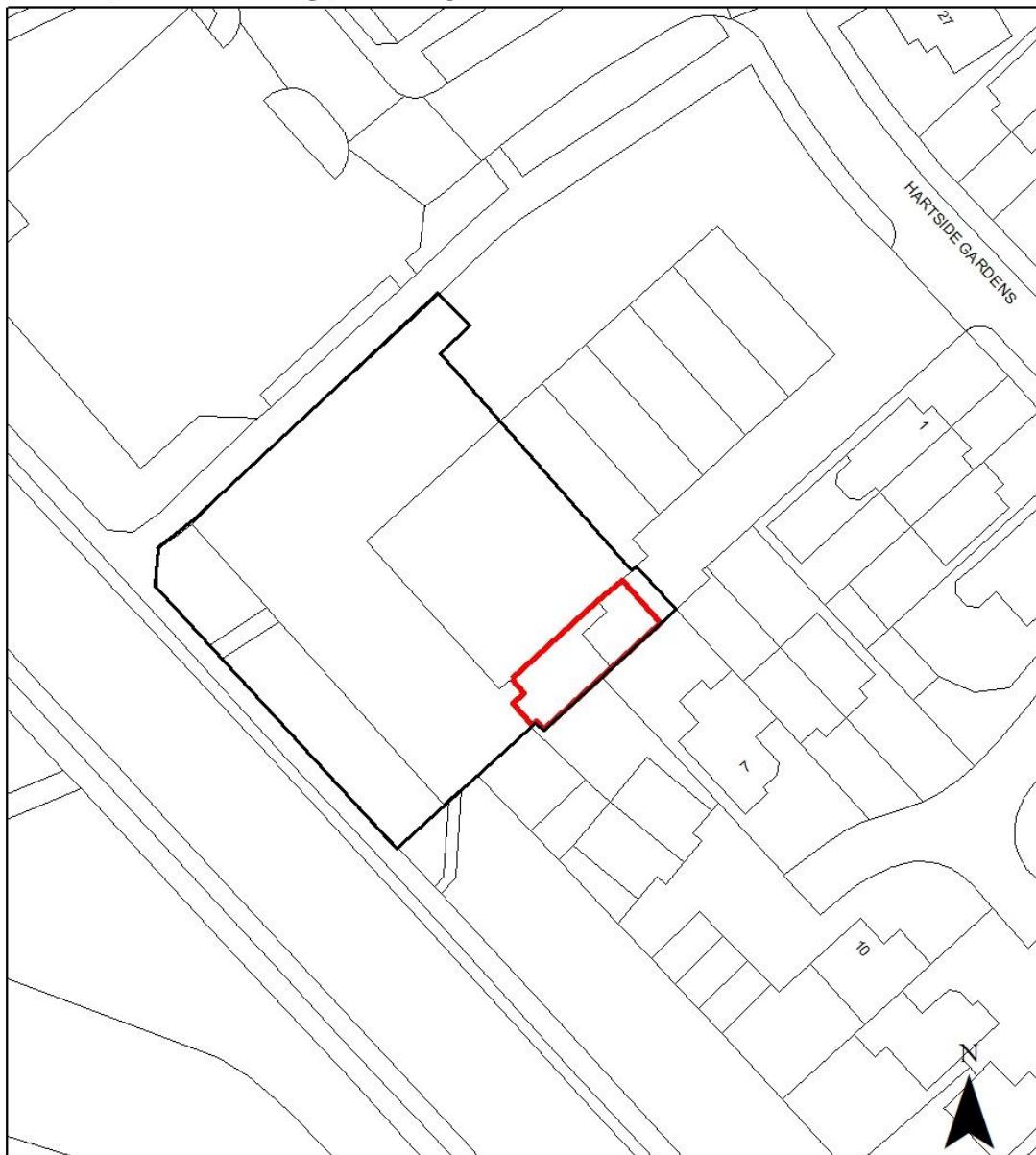
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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**Tesco, Wiltshire Way, Hartlepool**

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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL BOROUGH COUNCIL</b>	DRAWN	JB	DATE
	SCALE	1:500	24.02.2025
<b>Dept of - Development, Neighbourhoods and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO	H/2024/0075	REV

<b>No:</b>	6.
<b>Number:</b>	H/2023/0331
<b>Applicant:</b>	MR GRAEME MCKENSIE STILLINGTON STOCKTON ON TEES TS21 1NL
<b>Agent:</b>	EMILY ANDREWS, ORIGIN PLANNING SERVICES LTD, UNIT 408, HUB 2, HARTLEPOOL INNOVATION CENTRE, QUEENS MEADOW BUSINESS PARK, HARTLEPOOL, TS25 5TG
<b>Date valid:</b>	23/05/2024
<b>Development:</b>	Erection of a 4no. bedroom dormer bungalow and associated works
<b>Location:</b>	LAND AT WORSET LANE HARTLEPOOL

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## PURPOSE OF REPORT

6.1 An application has been submitted for the development highlighted within this report accordingly. The applicant has submitted an appeal to the Planning Inspectorate (PINS) in respect of the application on the grounds of non-determination. Hartlepool Borough Council will therefore no longer be able to make a formal decision on this application, with the decision resting with PINS. However for the purposes of the appeal it is required that the Local Planning Authority indicate what its decision would have been had it been free to determine the application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

## BACKGROUND

6.2 There are no other relevant planning applications associated with this site.

6.3 It has been necessary to refer this application to Planning Committee for a decision, in line with the Council's scheme of delegation, due to the number of objections received meaning a decision under officer delegation has not been possible. The agent was asked to confirm an extension of time to allow them to address a number of outstanding matters and to allow the application to proceed to the next available committee meeting date, however they have not responded to those requests. Instead, they have chosen to submit an appeal (as discussed in paragraph 6.1). The matter is being reported to Committee so that its position on the application can be included in the Council's appeal Statement of Case in due course.

## PROPOSAL

6.4 The application proposes the construction of 4-bedroom dormer bungalow and associated works.

6.5 It would be located centrally within the application site, with a private garden adjacent to its southern elevation and a parking / turning area in the north of the site, accessed off Worset Lane to the west.

6.6 The proposed dwelling would be L-shaped, with its principal elevation fronting westwards and northwards.

6.7 It would feature two dual-pitched roofs, one with their ridge lines respectively orientated from east to west and from north to south. The dwelling would have an eaves height of approximately 3.4 metres, with the east to west section having a ridge height of approximately 5.7 metres and the north to south section having a ridge height of approximately 5.3 metres.

6.8 The west-facing aspect of the principal elevation would feature a front door (with canopy above) alongside a ground-floor window. There would be two west-facing, dual-pitched, dormer windows and a roof light in the west-facing roof slope.

6.9 The north-facing aspect of the principal elevation would feature a bay window at ground floor level alongside a vertically proportioned window between ground floor and first floor level. There would be three skylights in the north-facing roof slope.

6.10 The main rear elevation of the dwelling would face south onto the private rear garden and towards 1 Conroy Close. It would feature two windows at ground floor level, along with a set of full-height, glazed, bi-folding doors. There would be two, dual-pitched, dormer windows and one skylight in the south-facing roof slope.

6.11 The east facing-elevation would feature two windows and a partially-glazed door at ground floor level. It would also feature a window at first-floor level in the gable. The north-facing gable would feature one ground-floor window, while the west-facing gable would not feature any windows.

6.12 The external walls of the dwelling would be finished in a mixture of red bricks and white render, whilst the roof would be finished in grey concrete tiles. Window and door frames would be dark grey uPVC.

6.13 The private rear garden would be enclosed by a close-boarded timber fence (approximately 1.5 metres in height) atop a low brick wall (approximately 0.45 metres in height), resulting in a boundary treatment with an overall height of approximately 2 metres.

6.14 Boundaries to the north of the private rear garden would be enclosed by a close-boarded timber fence (approximately 1.1 metres in height) atop a low brick wall (approximately 0.45 metres in height), resulting in a boundary treatment with an overall height of approximately 1.6 metres.

6.15 In order to facilitate the proposed development, levels within the application site would need to be reduced by approximately 1.5 metres and 2 metres. Smaller bunds would be retained to the east and north of the application site.

## **SITE CONTEXT**

6.16 The application site is part of the landscape buffer associated with application ref. H/2018/0488, which granted permission for up to 8 no. self-build residential plots

with associated access and landscaping works. The landscape buffer was secured by planning condition and Section 106 legal agreement.

6.17 A subsequent application (H/2019/0463) sought to vary Condition 18 of H/2018/0488, allowing the construction of a noise bund within the landscape buffer rather than an acoustic fence. This application was supported by an acoustic assessment to demonstrate that the bund would achieve comparable levels of mitigation. The variation was approved, with the Officer report noting that the proposal is designed to mitigate the impact of vehicle noise from Hart Lane. The approved acoustic mound overlaps with the application site.

6.18 The reserved matters for individual dwellings were discharged under a series of applications. The self-build development has since been completed, with the application site taking the form of a bund that has been planted with wildflowers and saplings.

6.19 The application site is located at the northern tip of the landscape buffer, within a triangular area of land that is bounded by Worset Lane to the west and by Hart Lane to the east. The development permitted by application ref. H/2018/0488 has been completed, with 1 Conroy Close bounding the application site to the south.

6.20 The application site features prominently in views from both Hart Lane and Worset Lane, particularly when entering the town from the north along Hart Lane. It takes the form of a bund that has been planted with wildflowers, shrubs and saplings. At the time of a site visit in June, the application site was in bloom, with buttercups and ox-eye daisies particularly common.

## **PUBLICITY**

6.21 The application was advertised by way of 13 neighbour notification letters and a site notice. 9 Responses were received, including 4 objections, 2 expressions of no objection, and 3 expressions of support.

6.22 Concerns raised by objectors include:

- Impacts of the proposed dwelling on residential amenity;
- Highway safety; and
- The impact of the construction phase on residential amenity.

6.23 Supporters cited:

- Difficulties maintaining the existing landscaped area;
- The visual appearance of the proposal; and
- Support for the principle of self-build plots.

6.24 The period for publicity has expired, save for the awaited comments from Natural England (consultation expires 20<sup>th</sup> March 2025) and this is reflected in the officer recommendation within the report.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159347>

## CONSULTATIONS

6.26 The following consultation replies have been received.

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

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

Please see our Developer Guidance Waste and Recycling for new properties document which can be found at [www.hartlepool.gov.uk/usingyourbins](http://www.hartlepool.gov.uk/usingyourbins) for further information.

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

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated.

No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

If you have any questions, our Before You Dig Team will be able to help on 0800 040 7766 (option 3) or [beforeyoudig@northerngas.co.uk](mailto:beforeyoudig@northerngas.co.uk)

**Northern Powergrid:** Thank you for your recent enquiry regarding the above location. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed, and all cables and overhead lines must be assumed to be live.

**HBC Landscape Architect:** The proposed development is located on narrow site between Hart Land and Worset Lane. There will be visibility from adjacent highway and associated footpaths.

Detailed landscape proposals have been provided that would be acceptable if the principle of development is acceptable.

**HBC Building Control:** A Building Regulation application will be required for 'Erection of a 4no. bedroom dormer bungalow – LAND AT WORSET LANE'

**Cleveland Police:** With regards to your recent planning application H/2023/0331 for a Dorma Bungalow at Worset Lane, Hartlepool Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I would like to make you aware that Cleveland Police operate the "Secured By Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2024 Guide at [www.securedbydesign.com](http://www.securedbydesign.com)

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

1. The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
2. The National Planning Policy Framework 2023, paragraph 130(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".
3. Another material consideration is Section 17 of The Crime and Disorder Act 1998.

Further information on the Secured By design initiative can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

Although not an SBD requirement, Hartlepool along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

### **HBC Ecology:**

*Initial comments received 04/04/2024 (pre-validation)*

#### Revision history

Version	Date	Revision	Prepared by
1	04/04/2024	A	Graham Megson (MSc Ecology)

Habitats Regulations Assessment stage 1 screening and stage 2 Appropriate Assessment

#### Stage 1 findings

##### Nutrient neutrality

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW?	Yes	The use of Seaton Carew WwTW is embedded in the design to mitigate foul water and surface water issues and therefore adverse impacts are dealt with and dismissed as LSE.
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##### Recreational disturbance

Is Recreational disturbance accounted for by the Hartlepool Local Plan Coastal Mitigation Scheme?	No	HRA Appropriate Assessment required. Provided below.
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Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment (AA) has been triggered. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

#### HRA Stage 2 - Appropriate Assessment

##### European Sites and issues requiring Appropriate Assessment

The HRA stage 1 screening for Likely Significant Effect (LSE), screened in the following European Sites:

- Teesmouth and Cleveland Coast SPA and Ramsar
- Northumberland Coast SPA and Ramsar
- Durham Coast SAC

That HRA stage 1 screening screened in the following LSE:

- Increased recreational disturbance.

This AA assesses whether Increased recreational disturbance cause an Adverse Effect on Integrity of the Site (AEOI) and if so if this can be removed through mitigation.

Increased recreational disturbance background.

Recreational disturbance is identified as an LSE, potentially harming populations of SPA/ Ramsar birds and SAC vegetation communities. Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of housebuilding. The Hartlepool Local Plan (adopted May 2018) identified an average increase of 2.3 people per new dwelling and 24% of new households owning one or more dogs.

Since the publication of the Hartlepool Local Plan, the Local Planning Authorities (LPA) in the Tees catchment commissioned a joint study which examined the relationship between population growth and the provision of new homes. The report (dated April 2023) concludes that the nationally derived occupancy figure of 2.4 people per dwelling does not reflect local conditions, mainly due to population movement wholly within the Tees Valley area. It advises that a 5-year average of dwelling delivery (based on trends in the last twenty years) provides a reasonable, local, upper estimate. The report states that this is an occupancy figure of 0.56 people per dwelling. Natural England guidance allows for robustly evidenced locally derived figures to be used.

#### Mitigation

The Hartlepool Local Plan policy 'HSG1 New Housing Provision', provides allocated sites for major residential development (ten or more dwellings). These were collectively HRA assessed as part of the Hartlepool Local Plan HRA, and their mitigation is dealt with by the Hartlepool Coastal Mitigation Scheme (the 'Scheme'). Additional recreational visits to the coast are mitigated by funding and SANGS elements – the funding being based on a per-house financial allocation. The Hartlepool Local Plan aspiration is for 6,150 new houses and the value of the Hartlepool Coastal Mitigation Scheme is calculated as £424,000. The Scheme is periodically reviewed to ensure it remains robust.

All major, non-allocated housing developments, all small-scale housing developments (nine or fewer dwellings) and all Change of Use (CoU) applications which increase the number of dwellings [collectively referred to as windfall sites] are not directly covered by the Hartlepool Local Plan HRA/ Hartlepool Coastal Mitigation Scheme and (due to the *People Over Wind Ruling*) must be Appropriately Assessed in their own right.

However, provision to mitigate windfall housing developments is indirectly built into the Hartlepool Coastal Mitigation Scheme.

The Hartlepool Coastal Mitigation Scheme was designed so that:

- A windfall housing development greater than nine dwellings can use the same funding formula (to provide a financial contribution to the Scheme) to meet its HRA AA mitigation requirements.
- Developments of nine or fewer dwellings (including CoU), are mitigated by the financial contributions made by allocated housing development projects, whose contributions include a built-in contingency measure to cover the housing applications for nine or fewer dwellings.

Increased recreational disturbance conclusion.

The second bullet point (above) applies to this application. This application for the increase of one dwelling is a windfall project which is mitigated by adhering to the Hartlepool Coastal Mitigation Scheme, which ensures no Adverse Effect on Integrity of any European Site.

Overall conclusion.

The project is compliant with the Habitats Regulations. Natural England must be consulted on the HRA AA.

*Additional comments received 30/05/2024:*

#### Ecology and Biodiversity

A Planning Statement has been submitted to support the application. The Ecology and Biodiversity section comprises descriptions of the policy elements relevant to the proposal. No ecological survey information has been submitted to support the application.

From 2 April, biodiversity net gain is mandatory for small developments. For residential development, it means a development with 9 houses or fewer, on less than 1 hectare of land. However, certain developments are considered to be exempt. I agree that given the proposed development comprises a self-build dwelling and the scale of the development (<0.5ha) the statutory biodiversity net gain does not apply to the proposed development.

#### Nutrient Neutrality

The application is supported by a 'shadow' Habitats Regulations Assessment. The site lies within the Tees Catchment, it has been identified that an increase in residential dwellings within this area could lead to likely significant effects on the integrity of the Natura 2000 site, through potentially adverse impacts associated with increased nutrient loading on the SPA habitats. A Nutrient Neutrality calculation has been completed. The shadow HRA document predicts the change in land use will result in an increase of 0.47kg/TN/yr to the catchment. Including the precautionary buffer this amounts to a total annual nitrogen load of 0.56kg to mitigate for in the Teesmouth Nitrogen Budget Calculator.

Foul waste from the development is directed through the Seaton Carew Surface Treatment Works. Natural England has confirmed that a significant effect on the Teesmouth & Cleveland Coast SPA and Ramsar site from discharges of nitrates (from foul or surface water) from new development to the Seaton Carew Waste

Water Treatment Works (WWTW), or Billingham Waste Water Treatment Works (WWTW) can be excluded, as the discharges are via the long sea outfall to the North Sea.

It is stated in the HRA states that the surface water will increase the amount of nitrogen released into the catchment area given the land would be changed from existing greenspace to residential urban land. The HRA states that the additional nitrogen will be offset through either the Natural England Nutrient Mitigation Scheme or through the acquisition and conversion of land use in the catchment. In order to address this impact, it is recommended that the client could apply to purchase credits through Natural England's Nutrient Mitigation Scheme or through a third party.

The Drainage Risk Assessment states that Surface Water is currently not connected to the mains sewer. As part of this application, the development will be connected to the existing sewer.

Clarification is required as to the treatment of surface water (i.e. through land management mitigation or via sewer).

Additional comments received 25/02/2025;

HBC Ecology previously undertook a Habitats Regulations Assessment for this application in relation to nitrogen pollution and recreational disturbance. The findings of the HRA are still considered valid.

The proposal would be exempt from Biodiversity Net Gain requirements provided that it is delivered as a self-build dwelling. Nonetheless, Local Plan Policy NE1 and Section 15 of the NPPF remain relevant.

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

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

**HBC Arboricultural Officer:** There are 3 standard size trees which currently occupy the site that will have to be removed to facilitate the proposal. As the trees are newly planted it is not necessary for arboricultural information to be submitted. The Landscaping plan proposes 6 new trees and hedge which is appropriate for the site and should be conditioned as per the Detailed Landscape Proposal.

**HBC Public Protection:**

Initial comments received 06/06/2024;

1. Object/Support/Neither

No objections subject to the conditions below.

2. Comments and background to any licensing position

None

3. Suggested Planning Conditions

The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Deliveries and collections to site during construction shall be limited to these hours as well.

4. Informative (advice to applicant re any other requirements such as licensing)

No open burning at all on site.

*Additional comments received 21/02/2025*

;

1. Object/Support/Neither

No objections subject to the conditions below.

2. Comments and background to any licensing position

None

3. Suggested Planning Conditions

Prior to the commencement, a noise assessment shall be first submitted to and agreed in writing with the Local Planning Authority. The assessment shall include a scheme of noise insulation and ventilation measures to any habitable rooms and garden areas closest to the local road network (to meet the internal noise levels in accordance with Table 4 of BS 8233:2014). This shall include details of any necessary amendments to the existing landscape/acoustic bund and provision of any acoustic fencing to the appropriate height. Thereafter, the agreed scheme shall be implemented as approved and verification that any of the necessary measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of the dwelling. Thereafter the agreed measures shall remain for the lifetime of the development hereby approved.

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

4. Informative (advice to applicant re any other requirements such as licensing)

No open burning at all on site.

## **HBC Engineering Consultancy (Flood Risk & Drainage): Summary**

Erection of a 4-bedroom dormer bungalow. This application does not meet the criteria for LLFA comment.

The criteria for the LLFA to comment on applications are as follows:

- The application contains 10+ dwellings;
- The application is equal to or more than 1 Hectare;
- The application has equal or more than 1000 sqm floor space;
- A watercourse is within 8 metres or adjacent to the development.

### Conclusions/Observations

This application is for a proposed 4-bedroom dormer bungalow in Flood Zone 1. Given that the application does not meet criteria for the LLFA to comment, we have no comments to make on this application. Proposals are for a new surface water connection to sewer – Northumbrian Water to determine acceptability.

## **HBC Engineering Consultancy (Contaminated Land):**

The proposed change in land use is to Residential Housing. Due to the increase in risk (sensitive land use) as a result, it is recommended that the site be subjected to a minimum of a Phase 1 Desk study, with additional ground investigations and geoenvironmental assessment conditioned should any risks be identified.

**HBC Archaeology:** An archaeological evaluation and subsequent excavation, investigating the remains of the medieval settlement of High Throston, were carried out as part of H/2018/0488 prior to groundworks taking place on site. These works did not cover the proposed development area; however the wider site has since been landscaped and any archaeological remains which may have been present within the proposed development area are likely to have been removed.

**Natural England:** Comments awaited as per publicity section.

## **PLANNING POLICY**

6.27 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

#### Hartlepool Local Plan

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

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

CC1: Minimising and adapting to Climate Change

CC2: Reducing and Mitigating Flood Risk

QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 QP7: Energy Efficiency  
 HSG1: New Housing Provision  
 HSG2: Overall Housing Mix  
 NE1: Natural Environment  
 NE2: Green Infrastructure  
 NE6: Protection of Incidental Open Space  
 NE7: Landscaping Along Main Transport Corridors

National Planning Policy Framework (NPPF)(2024)

6.29 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 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 strong 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:

001: Govt's planning policies for England  
 002: Status of NPPF  
 007: Meaning of sustainable development  
 008: Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)  
 009: Achieving sustainable development  
 010: Presumption in favour of sustainable development  
 011: Presumption in favour of sustainable development  
 012: Statutory status of the development plan  
 039: Positive and creative decision approach to decision making  
 048: Applications to be determined in accordance with the development plan  
 056: Use of conditions or planning obligations  
 058: Planning obligations tests  
 061: Delivering a sufficient supply of homes  
 073: Small and medium sized sites  
 096: Promoting healthy and safe communities  
 116: Refusing applications on highways grounds;  
 131: High quality buildings and places;  
 135: Decisions ensuring good design;

- 139: Refusing applications on design grounds;
- 170: Development in areas at risk of flooding;
- 176: Exemptions from sequential flood risk test;
- 181: Assessing flood risk during a planning application.
- 187: Conserving and enhancing the natural environment

### 6.30 HBC Planning Policy Comments:

#### Principle of development

6.31 The application site is not allocated for a specific purpose within the Local Plan, it is 'white land' and within the development limits of the borough. However, as noted in the submission, the site was part of a landscape buffer and secured as such by condition on a previous application to develop land to the south of the application site for dwellings. The landscape buffer was required as a response to the strongly established green buffer that is characteristic of the built form in the Hart Lane area. Policy NE7 of the Local Plan sets out that main road ... corridors are considered to be an integral part of the green infrastructure network, and a particularly high standard of landscaping, tree planting and design will be required from developments adjoining main communication corridors, which include Hart Lane in north west Hartlepool – i.e. in this location.

6.32 The submitted Planning Statement identifies the site as only comprising of a small number of small trees; it is considered that the fact landscaping secured as part of a previous application has not yet had time to mature is not justification for their loss. By removing landscaping in this area and introducing built form by way of a dwelling, the proposals would intrude upon the openness of this area and be detrimental to the landscaped character of Hart Lane. While noting the proposals include new trees within the garden area of the property, these are unlikely to address the harm noted, they are also unlikely to screen the dwelling which would be very visible from Hart Lane. It is also considered it would be difficult to protect/retain such trees within the private garden area in perpetuity.

6.33 Policy NE6 of the Local Plan, Protection of Incidental Open Space, identifies that the loss of incidental open space will be resisted except where it does not contribute significantly to visual or recreational amenity. As set out above, it is considered this landscaped area contributes to the existing character of the area and will continue to increase its function in this regard as existing planting matures. It is considered that a reasoned justification for the loss of open space proposed by this development has not been made and therefore the proposals would be in conflict with the requirements of policies NE6 and NE7. Planning Policy therefore object to the principle of development.

#### Design

6.34 There are no concerns from Planning Policy in relation to the appearance of the dwelling proposed, however this does not overcome the concerns highlighted above in relation to the principle of development on the application site concerned.

## Amenity

6.35 The decision maker should satisfy themselves that the proposals would not adversely impact on the amenity of neighbouring occupiers by way of general disturbance, overlooking, and loss of privacy, overshadowing and visual intrusion, as required by policy QP4.

## Access, highway safety and car parking

6.36 The views of HBC Traffic and Transport should be sought on the appropriateness of the access and parking arrangements proposed.

## PLANNING CONSIDERATIONS

6.37 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 impact on character and appearance; the impact on amenity; highways and car parking; ecology; public protection; flood risk and drainage; contaminated land; arboriculture; archaeology and heritage; and crime and the fear of crime.

## PRINCIPLE OF DEVELOPMENT (LOSS OF OPEN SPACE)

### Context

6.38 The A179 (Hart Lane) is a major thoroughfare which functions as one of the main routes into Hartlepool. As such, it is considered to play an important role in the character and appearance of the town. This function is recognised by Local Plan Policies NE2 (Green Infrastructure) and NE7 (Landscaping Along Main Transport Corridors).

6.39 The application site features particularly prominently in the Hart Lane street scene (particularly when approaching the town from the north) and is part of an existing landscape buffer which helps to screen development on Worset Lane and Conroy Close in views from Hart Lane. It is therefore considered to make a significant positive contribution to the character of the local area.

6.40 The existing landscape buffer (of which the application site is part) is associated with application ref. H/2018/0488, which granted permission for up to 8 no. self-build residential plots with associated access and landscaping works (now Conroy Close).

6.41 Condition 9 of the planning permission ref. H/2018/0488 (and subsequent variation ref. H/2019/0463) requires '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... unless the Local Planning Authority gives written consent to any variation'. Building Control records indicate that the last dwelling on this development was completed in February 2023. Accordingly, condition 9 is considered to remain enforceable at this time.

6.42 The landscape buffer was further secured by Section 106 legal agreement. A deed of variation to the Section 106 Agreement would need to be in place if the buffer were to subsequently be varied.

6.43 The development post-dates the Hartlepool Local Plan (2018) and as such, the landscape buffer is not allocated in the Local Plan. Nonetheless, the Conroy Close planning application was considered under the current Local Plan.

### Consideration

6.44 Hart Lane is generally open in character, with development being set back significantly from the public highway and screened from it by landscaped areas. This is recognised by Local Plan Policy NE2, which identifies Sections of Hart Lane as a Local Green Corridor. Policy NE7 further sets out that '*main road... corridors are considered to be an integral part of the green infrastructure network, and a particularly high standard of landscaping, tree planting and design will be required from developments adjoining main communication corridors, which include... Hart Lane in north west Hartlepool.*'

6.45 The existing landscape buffer of which the application site is part was secured in response to this policy context, with the Officer report for application ref. H/2018/0488 stating that the outline proposal was acceptable 'subject to the provision of the landscape buffer to the east of the site which will act as green infrastructure on the site (which is secured by a planning condition and planning obligation) and will aid in ensuring energy efficiency.'

6.46 The report further identified that '*The eastern boundary which abuts Hart Lane has significant landscape structure planting along the carriageway edge. This area of land is to have a mix of planting including native species which will provide a woodland edge structure, this will also provide a buffer and screening from the carriageway. These landscape works are to be secured by appropriate condition (and planning obligation) and such works are supported by the HBC Landscape Architect and would offset the loss of the hedge to western boundary (discussed further below).*'

6.47 Officers therefore consider that the Conroy Close development may not have been approved without the landscape buffer of which the application site forms part.

6.48 The buffer is now in the process of becoming established, featuring shrubs, saplings, and wildflowers. At the time of a site visit in June, the application site was in bloom, with buttercups and ox-eye daisies particularly common.

6.49 The application site features prominently in views from both Hart Lane and Worset Lane, particularly when entering the town from the north along Hart Lane. Along with the rest of the existing landscape buffer, it is therefore considered to add significantly to the visual amenity of the area.

6.50 Were the Local Plan being drafted today, it is considered highly likely that the Open Space Assessment would identify the landscape buffer, including the application site, as part of the Hart Lane Local Green Corridor.

6.51 Therefore, and whilst acknowledging that the application site is not currently allocated, Officers consider that it amounts to incidental open space. Such areas of open space are afforded protection by Local Plan Policies NE2 (Green Infrastructure) and NE6 (Protection of Incidental Open Space).

6.52 Policy NE2 states that the Council will seek to protect green infrastructure, including areas of public open space not identified by the Local Plan, from inappropriate development. Only in exceptional circumstances other green infrastructure will only be considered for other uses where:

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

6.53 Policy NE6 of the Local Plan, Protection of Incidental Open Space, identifies that the loss of incidental open space will be resisted except where it does not contribute significantly to visual or recreational amenity.

6.54 As outlined previously, Officers consider that the application site to be valuable in terms of its visual amenity, making a significant contribution to the open and green character of the local area (which forms part of a principal route into the Borough).

6.55 It is noted that the applicant and some members of the public have variously posited that the application site has limited visual amenity value, is difficult to maintain, and is prone to fly tipping. Having visited the site and reviewed its history, Officers consider that the landscape buffer is intended to function as a semi-natural space, requiring little to no active maintenance (as confirmed by Acland Homes in e-mail correspondence dated 24/08/2023). No evidence of fly tipping was observed at that time, though it is acknowledged that such activities would be sporadic in nature were they to occur.

6.56 The applicant has further implied that the existing trees are worthy of protection given that they are saplings. Officers consider that the fact that the trees have not yet had time to mature cannot serve as a justification for their loss. It is considered that their amenity value (and that of the buffer as a whole) will continue to increase over time. They are currently protected by condition 9 of H/2018/0488, which protects plants within the buffer for 5 years following completion of the development, the intention being to allow the landscape buffer time to mature.

6.57 It is considered that no supporting information has been submitted in support of the application that would justify a departure from the Local Plan in relation to Policies NE2 and NE6.

6.58 It is acknowledged that the proposal would retain an area of landscaping between the built form and Hart Lane (albeit greatly reduced). On balance, the

proposal is not there considered to conflict with Local Plan Policy NE7 when considered in isolation (as reflected in comments from the HBC Landscape Architect and Arboricultural Officer).

### Summary & Conclusion

6.59 The A179 (Hart Lane) is a major thoroughfare which functions as one of the main routes into Hartlepool. As such, it is considered to play an important role in the character and appearance of the town. This function is recognised by Local Plan Policies NE2 (Green Infrastructure) and NE7 (Landscaping Along Main Transport Corridors).

6.60 The application site features particularly prominently in the Hart Lane street scene (particularly when approaching the town from the north) and is part of an existing landscape buffer which helps to screen development on Worset Lane and Conroy Close in views from Hart Lane. It is therefore considered to make a significant positive contribution to the character of the local area.

6.61 The Conroy Close development post-dates the Local Plan. Were the Local Plan being drafted today, it is considered highly likely that the Open Space Assessment would identify the landscape buffer, including the application site, as part of the Hart Lane Local Green Corridor.

6.62 Therefore, and whilst acknowledging that the application site is not currently allocated, Officers consider that it amounts to incidental open space. Such areas of open space are afforded protection by Local Plan Policies NE2 (Green Infrastructure) and NE6 (Protection of Incidental Open Space).

6.63 No supporting information has been submitted in support of the application that would justify a departure from the Local Plan in relation to Policies NE2 and NE6.

6.64 On this basis, it is considered that the loss of incidental open space cannot be justified in line with Local Plan Policy NE6. It is further considered that the proposal is contrary to Local Plan Policy NE2, which states that the Council will seek to protect green infrastructure, including areas of public open space not identified by the Local Plan, from inappropriate development.

6.65 The principle of development is therefore considered to be unacceptable. Officers consider this sufficient to warrant a refusal of the application.

6.66 It is acknowledged that Local Plan Policy HSG2 is broadly supportive of detached dwellings and self-build dwellings. This is not considered to outweigh the identified issues regarding the principle of development.

### IMPACT ON CHARACTER AND APPEARANCE

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

negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

6.68 Policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses and sets out minimum separation distances. These requirements are reiterated in the Council's adopted Residential Design SPD (2019). The following minimum separation distances must therefore be adhered to:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

### Loss of Open Space

6.69 The application site is part of an existing landscape buffer and is considered to be incidental open space (though it would likely be allocated as green space if the development to which it relates had pre-dated the Local Plan).

6.70 The buffer is now in the process of becoming established, featuring shrubs, saplings, and wildflowers. At the time of a site visit in June, the application site was in bloom, with buttercups and ox-eye daisies particularly common.

6.71 The application site is situated at the northern tip of the buffer and features prominently in views from both Hart Lane and Worset Lane, particularly when entering the town from the north along Hart Lane. Along with the rest of the existing landscape buffer, it is therefore considered to make a positive contribution to the visual amenity of the local area, reinforcing the open and green character of Hart Lane.

6.72 As outline previously, its loss is considered contrary to Local Policies NE2 (Green Infrastructure) and NE6 (Protection of Incidental Open Space).

6.73 It is further considered that its loss would have an unacceptable, detrimental impact on the character and appearance of the local area by bringing the line of development significantly closer to the junction of Hart Lane and Worset Lane, thereby reducing the open and green character of the street scene. This is considered contrary to Local Plan Policy QP4, which requires developments to respond positively to the existing character of the local area.

6.74 This impact is considered sufficient to warrant a refusal of the planning application.

### Design of Proposed Dwelling

6.75 It is acknowledged that Conroy Close, by virtue of being a self-build development, contains contemporary dwellings of varying styles and sizes. Materials palettes also vary, with Nos. 1 & 1A appearing particularly modern due to their use of dark bricks and white render. Dwellings on Worset Lane are more uniform in character, being constructed from red bricks and finished with concrete roof tiles.

6.76 Nonetheless, Officers consider that the current proposal is not well designed. The proposed dwelling appears to have no obvious visual frontage with features on the west-facing and north-facing elevations conflicting with each other. For example, the proposed front door canopy would protrude across a window on the north-facing elevation, whilst a bay window on the north-facing elevation would protrude in front of the front door and canopy. It is further considered that both of these elevations feature too many openings relative to their scale, giving the north-western façade a congested and disorderly appearance overall.

6.77 Meanwhile, the main rear (south) elevation presents a strong façade which, were it not to be enclosed by a 2-metre-high boundary treatment, would challenge the predominance of the north-western façade.

6.78 The proposed dormer windows are considered too large relative to the scale of the dwelling, causing them to appear bulky and to disrupt the eaves of the proposed dwelling. This is particularly true of the western elevation, where two single dormers are proposed side-by-side in close proximity.

6.79 It is further considered that the proposed layout appears somewhat contrived, with the parking and turning area being crammed into a tight corner of the proposed curtilage between the proposed dwelling and the two public highways. As such, the application site can only accommodate two

6.80 The application proposes an in-curtilage parking and turning area which would be accessed off Worset Lane to the west. The dwelling would incorporate four bedrooms and the proposed plans show two parking spaces.

6.81 The Residential Design Guide SPD requires dwellings containing 4 or more bedrooms to provide 3 in-curtilage parking spaces. This may only be reduced in areas that are served by sustainable transport or where car ownership is anticipated to be low. The proposal does not satisfy this requirement.

6.82 Nonetheless, it was noted during a site visit that the application site is situated within a cul-de-sac development where dwellings generally benefit from a generous amount of in-curtilage car parking. As such, so significant issues were observed in relation to on-street car parking.

6.83 Taking all of this into account, and whilst acknowledging that the proposed car parking provision does not comply with the Residential Design Guide SPD, the impact of this shortcoming is not considered to warrant a refusal on highways grounds in line with NPPF Paragraph 115 (which stipulates that development should

only be refused on highways grounds where the impact on highway safety would be severe)

6.84 It is nonetheless considered to add weight to a refusal of the application on design grounds.

6.85 Whilst it is considered that the proposed materials palette would not have an unacceptable impact when viewed in the context of existing dwellings on Conroy Close, it would nonetheless appear prominent in views from Worset Lane where it would jar with the prevailing character. It is further considered that the proposal would bring the built form much closer to Hart Lane and with less screening than existing dwellings on Conroy Close. Accordingly, the proposed materials palette may also have a detrimental impact on the character of Hart Lane.

6.86 Overall, Officers consider the proposal to be poorly designed and contrary to Local Plan Policy QP4. This impact is considered sufficient to warrant a refusal of the application.

6.87 Officers raised design concerns with the agent during the course of the application, and whilst amended plans were subsequently submitted, only minor design changes were proposed.

### Conclusion

6.88 Overall, it is considered that the proposed development, through the loss of existing open space adjacent to Hart Lane and by virtue of its design, scale, siting, would have an unacceptable impact on the character and appearance of the local area contrary to the provisions of Hartlepool Local Plan Policy QP4, the Council's Residential Design Guide SPD (2019) and paragraph 139 of the NPPF (2024) which states that development which is not well designed should be refused.

### AMENITY + PRIVACY OF NEIGHBOURING LAND USERS

#### Impact on 1 Conroy Close (adjacent to the south) with Nos. 1A, 2, 4, 5 beyond

##### Noise from the A179 (Hart Lane)

6.89 Condition 18 of application ref. H/2018/0488 required the construction of a 2-metre-high acoustic fence on the eastern edge of the development. The officer report noted that HBC Public Protection's expression of no objection was subject to a condition securing a 2-metre acoustic fence on the eastern boundary of the development.

6.90 A subsequent application (H/2019/0463) sought to vary this condition to allow for the construction of a noise bund with a landscape buffer rather than an acoustic fence. This application was supported by an acoustic assessment to demonstrate that the bund would achieve comparable levels of mitigation. The variation was approved, with the Officer report noting that the proposal is designed to mitigate the impact of vehicle noise from Hart Lane. The approved acoustic mound overlaps with the application site.

6.91 The landscape buffer takes the form of a mound, indicating that this aspect of the Conroy Close development was implemented in line with the variation approved under permission ref. H/2019/0463.

6.92 The applicant has not provided any supporting information to demonstrate that the acoustic mound could be altered without having an unacceptable impact on the amenity of existing dwellings on Conroy Close.

6.93 Had the proposal been deemed acceptable in all other respects, the Local Planning Authority could have either sought additional information from the applicant or attached a pre-commencement planning condition to any permission requiring the submission of additional information.

#### Impact of the Proposed Dwelling

6.94 Dwellings on Conroy Close were constructed under permission ref. H/2018/0488 and subsequent reserved matters applications. The application site is part of a landscape buffer which was secured as part of the Conroy Close development.

6.95 As such, the application site is bounded to the south by 1 Conroy Close, which is a south-facing dormer bungalow. Its rear (north) elevation faces towards the application site, and its private rear garden would share a common boundary with that of the proposed dwelling. Owing to its proximity and orientation, it is considered that this dwelling would be most impacted by the proposal (though it is acknowledged that the occupiers of other dwellings on Conroy Close also objected to the application).

6.96 Local Plan Policy QP4 requires that new development be designed to ensure a minimum separation distance of 20 metres between habitable room windows. It is noted that the occupier of 1 Conroy Close has raised concerns regarding overlooking and loss of privacy.

6.97 Following amendments, the rear elevation of the proposed dwelling would be set off from the rear elevation of 1 Conroy Close by approximately 18.5 metres at its nearest point. The application proposes a 2-metre-high boundary treatment on the boundary with 1 Conroy Close (close-boarded timber fence atop a brick wall).

6.98 Whilst the proposed boundary treatment is considered sufficient to screen views towards 1 Conroy Close from south-facing ground floor windows, the largest of the two proposed south-facing dormer windows would serve a habitable room (bedroom). It is considered that this window achieves direct views towards a dining room window in the northern elevation of 1 Conroy Close at a separation distance of approximately 19 metres (which is below the minimum required by Local Plan Policy QP4 and the residential design SPD) as well as its immediate private garden area.

6.99 The other proposed south-facing dormer (which would serve as a bathroom) is proposed to be obscure glazed. It is considered that this would have provided

sufficient mitigation in relation to overlooking from this window and that it could have been secured by planning conditions in the event that the application was approved.

6.100 This aside, it is further considered that the presence of two south-facing dormer windows in proximity to both 1 Conroy Close and its immediate private garden area would create a perception of overlooking, regardless of whether the proposed bathroom window was to be obscure glazed.

6.101 Officers therefore consider that this arrangement would have an unacceptable impact on the amenity and privacy of 1 Conroy Close (and particularly its immediate, private rear garden) through overlooking and the perception of overlooking sufficient to warrant a refusal of the planning application.

### Summary

6.102 Overall, it is considered that the proposed development, by virtue of the scale, design, and siting would have an unacceptable impact on the amenity and privacy of 1 Conroy Close through overlooking and the perception of overlooking sufficient to warrant a refusal of the application.

6.103 Had the development been considered acceptable in all other regards, planning conditions would have been recommended requiring the submission of additional noise information and requiring the proposed south-facing bathroom window to be obscure glazed and restricted opening.

### Impact on 8 Worset Lane (west) with Nos. 6 & 7 beyond

6.104 8 Worset Lane is a north-facing, two-and-a-half-storey dwelling approximately 12.4 metres west of the application site. West-facing habitable room windows were observed at first-floor level and second-floor level during a site visit.

6.105 Nos. 6 and 7 are located to the west of No. 8, at offset distances in excess of 30 metres with views towards the application site being oblique and largely partially screened by No. 8. This assessment therefore focuses on No. 8.

6.106 Owing to the scale of the proposed dwelling relative to 8 Worset Lane, the oblique relationship between the dwellings, the offset distances involved, and the intervening presence of Worset Lane and an adjacent hedge, it is considered that the proposal would not have an unacceptable impact on No. 8 through overbearing, overshadowing, or loss of outlook.

6.107 The western gable of the proposed dwelling would be set off from the eastern side elevation of No. 8 by approximately 14.4 metres but would not feature any openings. The west-facing elevation to the front of the property would be set off from the eastern side elevation of No. 8 by approximately 20.3 metres (which complies with the minimum required by Policy QP4 and the residential design SPD). It is considered that any views towards windows at 8 Worset Lane from the proposed north and south facing windows would be oblique.

6.108 Taking these factors into consideration, it is considered that the proposal would not have an unacceptable impact on No. 8 through overlooking or the perception of overlooking.

6.109 Overall, it is considered that the proposal would not have an unacceptable impact on No. 8 through overbearing, overshadowing, loss of outlook, overlooking, or the perception of overlooking.

#### Impact on 9 Worset Lane (west / north-west) with Nos. 1 & 10 beyond

6.110 9 Worset Lane is a south-facing, single-storey dwelling approximately 18 metres west / north-west of the application site. Views towards the application site from south-facing windows are partly screened by a detached garage in the south-east corner of its curtilage.

6.111 Nos. 1 and 10 are located to the west of No. 9, at offset distances in excess of approximately 40 metres with views towards the application site being oblique and partially screened by intervening development.

6.112 The proposed dwelling would be set off from the front (south) elevation of No. 9 by approximately 31 metres at its nearest point.

6.113 Owing to the scale of the proposal, the offset distances involved (which would in all cases exceed the minimum of 20 metres required by Local Plan Policy QP4 and the Residential Design SPD) and the intervening presence of Worset Lane with adjacent screening provided by adjacent development, it is considered that the proposed development would not have an unacceptable impact on Sea View House and Hazelbank through overbearing, overshadowing, loss of outlook, overlooking, or the perception of overlooking sufficient to warrant a refusal of the application.

#### Impact on Sea View House (east) with Hazelbank beyond

6.114 Sea View House is a two-storey, detached, north-facing dwelling approximately 32 metres east of the application site, on the opposite side of Hart Lane. Hazelbank is a two-storey dwelling adjacent to the north of Sea View House. Views towards these dwellings from the application site are partly screened by vegetation.

6.115 Owing to the scale of the proposal, the offset distances involved (which would in all cases exceed the minimum of 20 metres required by Local Plan Policy QP4 and the Residential Design SPD) and the intervening presence of Hart Lane with screening provided by adjacent vegetation, it is considered that the proposed development would not have an unacceptable impact on Sea View House and Hazelbank through overbearing, overshadowing, loss of outlook, overlooking, or the perception of overlooking sufficient to warrant a refusal of the application.

#### Other Amenity Considerations

6.116 It is noted that several objectors raised concerns regarding the impact of the construction phase on residential amenity.

6.117 Whilst it is acknowledged that the proposed development would result in a degree of disturbance during the construction phase, it is generally considered that a development of this scale would not generate such levels of disturbance as to warrant a planning condition requiring a formal construction phase management plan.

6.118 HBC Public Protection commented on the application, raising no objections subject to a condition restricting deliveries and construction activities to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.

6.119 This is considered reasonable in this instance and a condition would have been recommended had the application been deemed acceptable in all other respects.

## HIGHWAYS & CAR PARKING

6.120 The application proposes an in-curtilage parking and turning area which would be accessed off Worset Lane to the west. The dwelling would incorporate four bedrooms and the proposed plans show two parking spaces.

6.121 The Residential Design Guide SPD requires dwellings containing 4 or more bedrooms to provide 3 in-curtilage parking spaces. This may only be reduced in areas that are served by sustainable transport or where car ownership is anticipated to be low. The proposal does not satisfy this requirement.

6.122 Nonetheless, it was noted during a site visit that the application site is situated within a cul-de-sac development where dwellings generally benefit from a generous amount of in-curtilage car parking. As such, no significant issues were observed in relation to on-street car parking. Furthermore, HBC Traffic & Transport did not object to the proposal.

6.123 Taking all of this into account, and whilst acknowledging that the proposed car parking provision does not comply with the Residential Design Guide SPD, the impact of this shortcoming is not considered to warrant a refusal on highways grounds in line with NPPF Paragraph 116 (which stipulates that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety).

## ECOLOGY

### Biodiversity Net Gain

6.124 The proposed development would be subject to a biodiversity net gain exemption due to being a self-build proposal, as confirmed in comments from HBC Ecology.

6.125 Had the proposal been considered acceptable in all other regards, a condition would have been necessary to ensure that the proposed dwelling qualifies as self-

build / custom-build housing, thereby ensuring that the proposal would benefit from a BNG exemption.

### Nitrate Pollution

6.126 On 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities within the catchment of the River 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. Applications involving residential development have the potential to increase nitrogen pollution within the catchment.

6.127 A Nutrient Neutrality Statement and calculator were submitted in support of the application, identifying a need for mitigation credits in relation to the proposed land use.

6.128 Officers have reviewed this information, and consider that mitigation credits would be superfluous in this instance given that the accompanying drainage information identifies that foul and surface water from the proposed dwelling would discharge to public sewers which eventually lead to the Seaton Carew Waste Water Treatment Works. No SuDS are proposed.

6.129 Having reviewed the proposal on this basis at the validation stage, the HBC Ecologist dismissed the requirement for a Habitats Regulations Assessment (HRA) at the screening stage. It is therefore concluded that the proposed development would not have an unacceptable impact on designated sites through increased nitrogen pollution.

### Recreational impacts on designated sites

6.130 All major, non-allocated housing developments, and all small-scale housing developments (nine or fewer dwellings) [windfall sites] which are not covered by the Hartlepool Local Plan HRA/ Hartlepool Coastal Mitigation Scheme and (due to the People Over Wind Ruling) must be Appropriately Assessed in their own right. Provision to mitigate small-scale housing developments is built into the Hartlepool Coastal Mitigation Scheme and this can be referenced in the individual HRA Appropriate Assessments for windfall sites.

6.131 The HBC Ecologist undertook a Stage 1 HRA at the validation stage and concluded that the proposed development warrants a Stage 2 HRA in relation to recreational impacts on protected sites. The Stage 2 HRA concludes that because the proposed development comprises fewer than 10 new dwellings, the increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme. Natural England have been consulted on the Appropriate Assessment and their comments are awaited at the time of writing.

6.132 Natural England has been consulted and the committee will be updated accordingly in the event that comments are received prior to the application being considered.

6.133 Notwithstanding that Natural England have not yet responded, the proposal is similar to others of a similar nature in the area with the same conclusions having been drawn by HBC Ecology, as such, officers consider the proposals to be acceptable in this respect, subject to formal confirmation from Natural England. This is reflected in the officer recommendation.

#### Ecology Conclusion

6.134 The Council's Ecology section has considered the potential impacts arising from the proposed development, including the impacts of the proposal on designated European sites, and has concluded that there would be no adverse impacts.

6.135 Had the proposal been considered acceptable in all other regards, a condition would have been necessary to ensure that the proposed dwelling qualifies as self-build / custom-build housing, thereby ensuring that the proposal would benefit from a BNG exemption.

6.136 A further condition would have been recommended to ensure that development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National Planning Policy Framework.

#### FLOOD RISK & DRAINAGE

6.137 Local Plan Policy QP6 requires that developments should address any matters regarding flood risk. Policy CC2 (Reducing and Mitigating Flood Risk) requires developments to minimise flood risk from all potential sources.

6.138 The application site is located in Flood Zone 1 and is not shown by Environment Agency mapping to be at risk from other forms of flooding. As such, it is considered that its development would not be contrary to Policies LP6 and CC2.

6.139 It is acknowledged that the proposal would increase surface water discharge to the public sewer. Nonetheless, superficial geology in Hartlepool is generally considered to preclude the use of soakaways, and there appears to be no realistic prospect of discharging to a surface water body. On this basis, the proposed means of surface water proposal is considered acceptable in this instance.

6.140 HBC Engineering Consultancy did not offer detailed comments in relation to flood risk. Neither Northumbrian Water nor Anglian Water submitted comments.

6.141 Had the proposal been considered acceptable in all other regards, a condition would have been recommended requiring the submission of a detailed drainage design.

#### CONTAMINATED LAND

6.142 Local Plan Policy QP6 (Technical Matters) requires that developments should take account of contaminated land.

6.143 The application site is part of a man-made bund and is therefore considered likely to be underlain by made ground (constituents unknown) and HBC Engineering Consultancy advised Officers to seek a Phase I Contaminated Land Assessment.

6.144 A Phase I Contaminated Land Assessment was therefore requested but was not forthcoming. Had the application been deemed acceptable in all other respects, it is considered that this item could have been addressed via a suitably worded planning condition.

## ARBORICULTURE

6.145 The application proposes to remove three existing, juvenile trees and to incorporate 6 juvenile trees into the proposed development. The HBC Arboricultural Officer indicated that this would be acceptable in relation the impact of the development on trees and hedges.

6.146 It is considered that the proposed landscaping could have been secured by planning conditions had the application been deemed acceptable in all other respects.

## ARCHAEOLOGY & HERITAGE

6.147 The original planning permission (ref. H/2018/0488) was supported by An archaeological trial trench evaluation which demonstrated well-preserved deposits relating to the medieval settlement of High Throston. The officer report commented that '*Whilst the archaeological deposits are of local or perhaps regional importance, the significance is not sufficient to warrant physical preservation. However, it is considered that the site be subject to further archaeological recording in advance of development*'.

6.148 Condition 19 of the planning permission therefore required the submission of an archaeological scheme of works for investigating and recording archaeological remains at the site.

6.149 HBC Archaeology commented on the current application, advising that it is unlikely that any archaeological remains remain in this location following previous developments. It is further noted that most excavations would be for the purposes of removing a recently made bund (though some shallow excavations would be required into the underlying ground level).

6.150 The site is not subject to any heritage designations, and no concerns have been raised by the HBC Head of Heritage and Open Spaces.

6.151 Had the current application been deemed acceptable in all other respects, no conditions would have been recommended in relation to archaeology and heritage.

## CRIME & FEAR OF CRIME

6.152 Local Plan Policy QP5 (Safety and Security) requires that developments should be designed to be safe and secure. It is considered that the proposal

incorporates some positive elements in this regard, including overlooking of parking spaces and securing clearly defined ownership boundaries.

6.153 Both Cleveland Police and HBC Community Safety were consulted on the proposal. Cleveland Police responded, providing advice to the applicant regarding crime reduction and secured by design accreditation.

6.154 Had the application been deemed acceptable in all other respects an informative would have been recommended regarding Secured by Design accreditation.

## LEGAL CONSIDERATIONS

6.155 The application site is part of the landscape buffer associated with application ref. H/2018/0488, which granted permission for up to 8 no. self-build residential plots with associated access and landscaping works. The landscape buffer was secured by planning a condition and a Section 106 legal agreement. It is considered that a deed of variation would be required to amend the Section 106 Agreement in the event that the application was approved.

## CONCLUSION

6.156 It is considered that the proposed development would result in a loss of incidental open space contrary to the provisions of Local Plan Policies NE2 (Green Infrastructure). The principle of development cannot be justified and there are no material considerations to indicate otherwise.

6.157 It is further considered that the proposed development, through the loss of existing incidental open space (landscaping buffer) adjacent to Hart Lane and by virtue of its design and siting, would have an unacceptable impact on the character and appearance of the local area contrary to the provisions of Hartlepool Local Plan Policies NE6, NE7 and QP4, the Council's Residential Design Guide SPD (2019) and paragraphs 131,135,139 of the NPPF (2024) which states that development which is not well designed should be refused.

6.158 Finally, it is considered that the proposed development would have an unacceptable impact on the amenity of current and future occupiers of the adjacent neighbouring dwelling (1 Conroy Close) through overlooking and the perception of overlooking. This impact is considered sufficient to warrant a refusal of the application in line with the provisions of Hartlepool Local Plan Policy QP4, the Council's Residential Design Guide SPD (2019) and paragraph 135(f) of the NPPF (2024) which states that all new developments should ensure a high standard of amenity for existing and future users.

6.159 The application is therefore recommended for refusal.

## EQUALITY AND DIVERSITY CONSIDERATIONS

6.160 There is no evidence of equality or diversity implications.

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

6.161 There are no Section 17 implications.

## REASON FOR DECISION

6.162 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

**RECOMMENDATION** – subject to the consideration of any comments received from Natural England in respect of a consultation outstanding at the time of writing, Members be minded to **REFUSE** and defend any subsequent appeal accordingly for the following reasons:

1. In the opinion of the Local Planning Authority the proposed development would result in an unjustified loss of Green Infrastructure contrary to Hartlepool Local Plan Policy NE2 (Green Infrastructure).
2. In the opinion of the Local Planning Authority the proposed development would result in a loss of Incidental Open Space (an existing landscape buffer) that contributes significantly to the visual amenity of the area and would therefore lead to an unacceptable impact on the character and appearance of Hart Lane, contrary to Local Plan Policies NE6 (Protection of Incidental Open Space), NE7 (Landscaping Along Main Transport Corridors), Policy QP4 (Layout and Design of Development), the Council's Residential Design Guide SPD (2019), and paragraphs 131, 135 and 139 of the NPPF (2024).
3. In the opinion of the Local Planning Authority the proposed development, by virtue of its poor design and siting, would have an unacceptable impact on the character and appearance of the local area contrary to Local Plan Policy QP4, the Council's Residential Design Guide SPD (2019), and paragraphs 131, 135 and 139 of the NPPF (2024) which states development that is not well designed should be refused.
4. In the opinion of the Local Planning Authority, the proposed development by virtue of the proposed south-facing dormer windows would have an unacceptable impact on the amenity (overlooking and perception of) of the adjacent dwelling (1 Conroy Close) contrary to the provisions of Hartlepool Local Plan Policies QP4, Council's Residential Design Guide SPD (2019), and paragraph 135(f) of the NPPF (2024) which states that all new developments should ensure a high standard of amenity for existing and future users.

## BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159347>

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

### **CONTACT OFFICER**

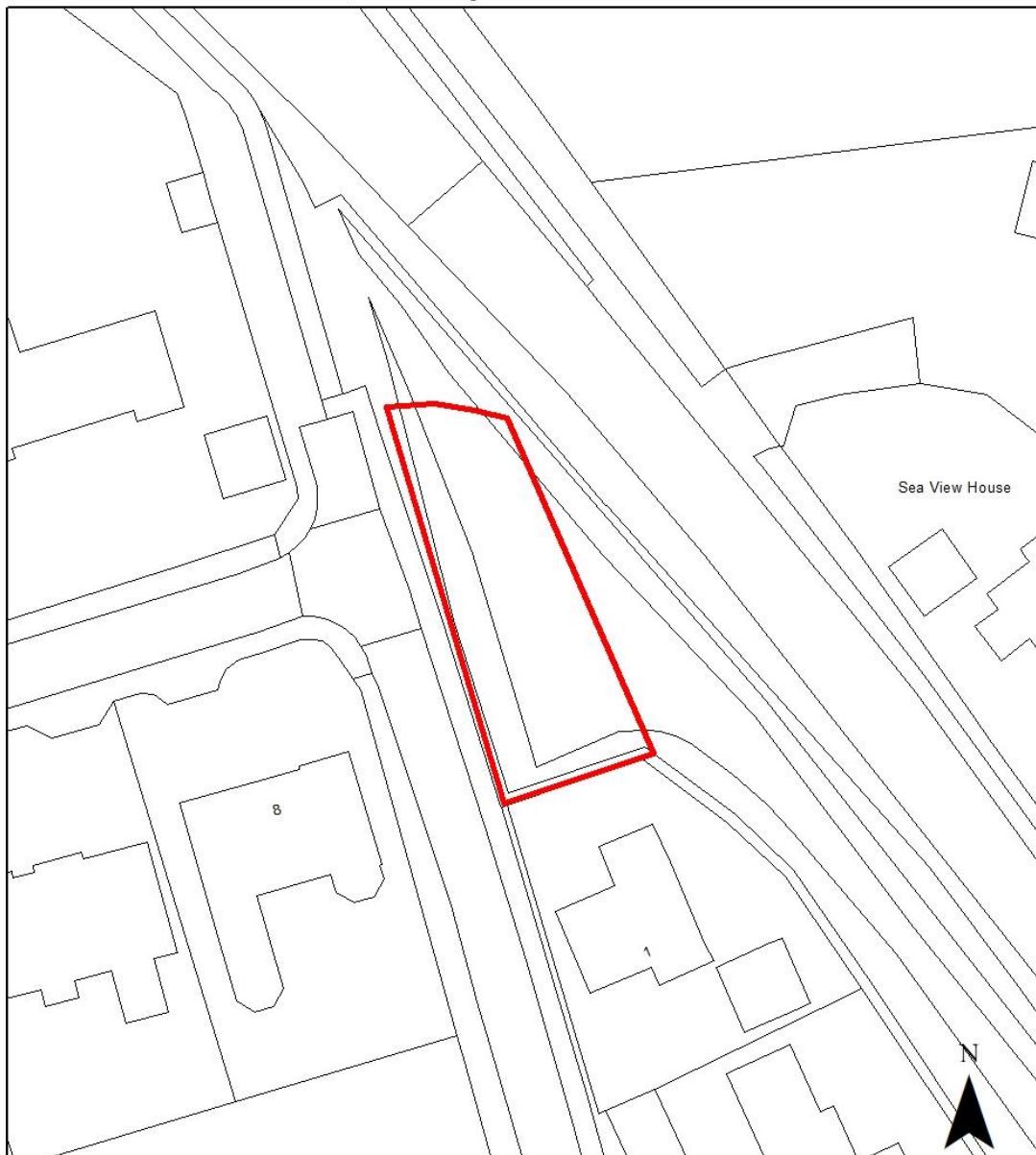
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### Land at Worset Lane, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN	JB	DATE
	SCALE	1:500	24.02.2025
<b>Dept of - Development, Neighbourhoods and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO		REV
		H/2023/0331	

## **POLICY NOTE**

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

### **HARTLEPOOL LOCAL PLAN POLICIES**

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

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp\\_2016-2031\\_-made\\_version\\_-\\_december\\_2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-made_version_-_december_2018)

### **MINERALS & WASTE DPD 2011**

[https://www.hartlepool.gov.uk/info/20209/local\\_plan/317/tees\\_valley\\_minerals\\_and\\_waste\\_development\\_plan\\_documents\\_for\\_the\\_tees\\_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

### **REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2023**

[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

## ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

Material Planning Considerations	Non Material Considerations
<i>Can be taken into account in making a planning decision</i>	<i>To be ignored when making a decision on a planning application.</i>
<ul style="list-style-type: none"> <li>• Local and National planning policy</li> <li>• Visual impact</li> <li>• Loss of privacy</li> <li>• Loss of daylight / sunlight</li> <li>• Noise, dust, smells, vibrations</li> <li>• Pollution and contaminated land</li> <li>• Highway safety, access, traffic and parking</li> <li>• Flood risk (coastal and fluvial)</li> <li>• Health and Safety</li> <li>• Heritage and Archaeology</li> <li>• Biodiversity and Geodiversity</li> <li>• Crime and the fear of crime</li> <li>• Planning history or previous decisions made</li> </ul>	<ul style="list-style-type: none"> <li>• Political opinion or moral issues</li> <li>• Impact on property value</li> <li>• Hypothetical alternative proposals/sites</li> <li>• Building Regs (fire safety, etc.)</li> <li>• Land ownership / restrictive covenants</li> <li>• Private access disputes</li> <li>• Land ownership / restrictive covenants</li> <li>• Private issues between neighbours</li> <li>• Applicants personal circumstances (unless exceptional case)</li> <li>• Loss of trade / business competition (unless exceptional case)</li> <li>• Applicants personal circumstances (unless exceptional case)</li> </ul>

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

# PLANNING COMMITTEE

12 March 2025



**Report of:** Assistant Director (Neighbourhood Services)

**Subject:** UPDATE ON ENFORCEMENT ACTIONS

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## 1. PURPOSE OF REPORT

- 1.1 To update members with regard to enforcement actions that have been taken.
- 1.2 The following enforcement actions have been taken within this reporting period:
  1. A Temporary Stop Notice has been served in respect of non-compliance with a working hours condition at a residential development site at land south of High Tunstall.
  2. A Breach of Condition Notice has been served in respect of non-compliance with a working hours condition at a residential development site at land south of High Tunstall.

## 2. RECOMMENDATION

- 2.1 Members note this report.

## 3. CONTACT OFFICER

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## PLANNING COMMITTEE

12<sup>th</sup> March 2025



**Report of:** Assistant Director (Neighbourhood Services)

**Subject:** PLANNING APPEAL AT H TONES STORAGE YARD,  
OXFORD ROAD  
APPEAL REF: APP/H0724/W/24/3356155  
Installation of a roller shutter door (retrospective) and  
creation of access and dropped kerb on to Spring  
Garden Road (H/2024/0196).

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the installation of a roller shutter door (retrospective) and creation of access and dropped kerb on to Spring Garden Road, reference H/2024/0196
- 1.2 The appeal was dismissed. A copy of the Inspector's decision (dated 31/01/2025) is attached (**Appendix 1**).

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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**Appendix 1.****Planning Inspectorate**

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## Appeal Decision

Site visit made on 21 January 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

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**Appeal Ref: APP/H0724/W/24/3356155**

**H Tones storage yard, Oxford Road, Hartlepool TS25 5SS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
- The appeal is made by Mr Henry Tones (H.Tones Oxford Garage Ltd) against the decision of Hartlepool Borough Council.
- The application Ref is H/2024/0196.
- The development proposed is installation of roller shutter door (retrospective) and creation of access and dropped kerb on to Spring Garden Road.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The works as described above has already taken place at the appeal site although the dropped kerb was not in situ at the time of my site visit. The scheme has therefore been assessed on a part retrospective basis.
3. An update to the National Planning Policy Framework (the Framework) has been published dated 12 December 2024 but there are no material changes relevant to the substance of the appeal.

### Main Issue

4. The main issue is the effect of the proposed development on highway safety.

### Reasons

5. The appeal site is a storage yard which is understood to operate in connection with H. Tones Oxford Garage (car dealership). The garage itself is located adjacent to the junctions of Stockton Road with Oxford Road, and Stockton Road with Spring Garden Road. The storage yard subject to this appeal is located further west of the main business site with Oxford Road adjacent to the north and Spring Garden Road adjacent to the south. It is bound to the east by a coach operator and to the west by commercial units. Residential properties are located to the south of the site and the site boundary is defined by a tall brick wall.
6. The established vehicular access to the appeal site is off Oxford Road to the north and although a number of businesses along Spring Garden Road do benefit from access to the south onto this road, the road itself is a predominantly residential street. It is claimed that commercial businesses have operated here well before the construction of residential properties, but this would not alter the current

context of the site and surrounding area whereby there are many residential properties.

7. The proposed development seeks retrospective planning permission for the installation of a roller shutter door within the southern boundary of the appeal site adjacent to Spring Garden Road. The roller shutter door is intended to provide vehicular access onto Spring Garden Road. A dropped-kerb would also be installed and overall, the development would move the operations of the commercial premises closer to the residential section of the street.
8. I understand that revisions have been made to the scheme which would allow the site to operate a one-way system. Vehicles would enter the storage yard off Oxford Road to the north and exit via Spring Garden Road to the south.
9. The Council's Traffic & Transport department has received past complaints regarding highway safety and car parking on Spring Garden Road, primarily arising from the businesses in the area. The Council's Traffic & Transport has therefore considered it necessary to implement parking restrictions in an attempt to mitigate some of these impacts. This has impacted the amount of space residents have to park with restrictions applying at certain times of the day/week.
10. The proposed development would create a new access onto Spring Garden Road resulting in the loss of parking to the front where parking could otherwise take place. It would exacerbate traffic flows and parking issues in an area already experiencing problems which would be particularly felt by nearby residents who already struggle to park. In turn, this would be detrimental to road safety.
11. The use of the one-way system would not sufficiently mitigate against this as it would still result in increased traffic flows over and above the existing situation where there is no access from this site onto Spring Garden Road. The one-way system would also mean that all vehicles would need to turn out onto Spring Garden Road and despite claims made regarding low activity, it would not be possible to impose restrictions on the numbers of vehicles using a road or access as this would not be reasonable nor enforceable and would fail the tests as set out at paragraph 57 of the Framework.
12. A condition restricting the access onto Spring Garden Road as an egress only would be difficult to control and would also raise concerns over the enforceability of such a planning condition and thus would also not meet the tests. I am aware of the suggestion regarding restricted opening hours, but this would not be sufficient to alter my findings as the proposed development would still increase traffic flows and parking issues in the area.
13. The parking restrictions may align with the garages business hours, but I cannot agree that the proposed development would not interfere with residents parking. This is because it would still result in the loss of the space to the front where residents would be reluctant to park across such an access even outside of the parking restrictions/operational hours due to it presenting an obstruction. This space would not therefore be available for residential parking. Whilst the loss of parking is modest, the road is clearly one which already experiences problems and this would further compound traffic/parking difficulties which should be avoided.
14. I am aware of other accesses along this road and the well-established businesses in the area, but this would not be a sufficient reason to justify the scheme or mean

that the development would not be harmful as it would further exacerbate the current situation where it is evident that problems exist.

15. For the above reasons, the proposed development would unacceptably harm highway safety. It would therefore be contrary to Policies QP3 and RC21 (1) of the Hartlepool Local Plan, 2018 which together, amongst other matters, explains that proposals for industrial, business, leisure, retail and other commercial development, or for their expansion, will not be permitted in predominantly residential areas outside the defined retail and commercial centres unless: 1. there is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation. For the same reasons, the proposed development would also be contrary to paragraph 116 of the Framework which explains 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, following mitigation, would be severe, taking into account all reasonable future scenarios.
16. I appreciate that there is support shown locally and nationally for economic development in sustainable locations, but development would still need to comply with the above policies which this scheme does not.

#### Other Matters

17. I note the appellant's frustrations regarding the conduct of the Council during the application process. I have also had regard to matters relating to character and appearance, residential amenity, flood risk matters etc but such factors would not alter my findings in relation to the above main issue.
18. I am mindful of the operational requirements of the business and matters relating to viability and in turn the economy, but this would not be a sufficient enough reason to justify harmful development nor outweigh the identified harm. The congestion issues caused by the bus stop on Oxford Road would also not outweigh the identified harm.

#### Conclusion

19. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

*N Teasdale*

INSPECTOR

## PLANNING COMMITTEE

12<sup>th</sup> March 2025



**Report of:** Assistant Director (Neighbourhood Services)

**Subject:** PLANNING APPEAL AT LAND NORTH OF DUCHY HOMES, EASTING 442879 / NORTHING 528028  
APPEAL REF: APP/H0724/W/24/3351264  
Erection of 3no. residential plots with associated access (all matters reserved except for access) (H/2024/0011).

### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the erection of 3no. residential plots with associated access (all matters reserved except for access), reference H/2024/0011.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision (dated 14/02/2025 is attached (**Appendix 1**).

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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## Appendix 1.



Planning Inspectorate

**Appeal Decision**

Hearing held on 3 December 2024

Site visit made on 3 December 2024

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

**Appeal Ref: APP/H0724/W/24/3351264****Land North of Duchy Homes, Easting 442879 / Northing 528028**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Wynyard Park Ltd against the decision of Hartlepool Borough Council.
- The application Ref is H/2024/0011.
- The development proposed is erection of 3no. residential plots with associated access (all matters reserved except for access).

**Decision**

1. The appeal is dismissed.

**Preliminary Matters**

2. The planning application was submitted in outline with all matters reserved except for access<sup>1</sup>. A site location plan, Ref: 1912/201 Rev D and a proposed site plan, Ref: 1921/200 were submitted with the application. I have regarded all elements of these plans as indicative apart from the details of the access.
3. The proposed development was refused for four reasons. During the course of the appeal, the Council confirmed that it no longer contests the third and fourth reasons for refusal relating to (3) securing necessary obligations<sup>2</sup> and (4) provision of information concerning drainage/flood risk<sup>3</sup>. From the submitted evidence and discussion at the Hearing, I have no reason to take a different view. Therefore, the main issues of the appeal are confined to the Council's first and second reasons for refusal.
4. With regard to the above and the third reason for refusal, a 'Planning Obligation by way of Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990' (UU) dated 15 July 2024, was submitted as part of the appeal. The detail of the UU was discussed at the Hearing in relation to some omissions and inconsistencies. An amended UU dated 9 December 2024, was submitted after the close of the Hearing.
5. I am satisfied that the requirement for contributions is in line with the approach as set out in the Council's Planning Obligations Supplementary Planning Document (2015), and that the amended UU meets the provisions of the Community Infrastructure Levy Regulations 2010 and the tests in the National Planning Policy

<sup>1</sup> Access would be provided via a private road currently under construction as part of a previous permission Ref: H/2021/0282.

<sup>2</sup> A Unilateral Undertaking was submitted as part of the appeal.

<sup>3</sup> The main parties agreed that this matter could be satisfactorily addressed via a detailed pre-commencement condition.

Appeal Decision APP/H0724/W/24/3351264

Framework (the Framework)<sup>4</sup>. Consequently, I have had regard to the amended UU and the agreed contributions in my determination of the appeal.

6. A revised version of the Framework was published on 12 December 2024, upon which the main parties were given the opportunity to comment. In determining the appeal, I have had regard to the revised Framework and the comments received.
7. The main parties agreed at the Hearing that the Archaeological Exclusion Zone (AEZ) within which the majority of the appeal site (site) lies, is a non-designated heritage asset (NDHA) of archaeological interest, to which footnote 75 of the Framework does not apply<sup>5</sup>. I have no reason to disagree. I have therefore determined the appeal on this basis and, with the agreement of the main parties, amended the second main issue as stated in the Hearing agenda to reflect this.

### Main Issues

8. The main issues are: whether the site would be a suitable location for the proposed development having regard to the development plan; and the effect of the proposed development on the significance of the AEZ, a NDHA of archaeological interest.

### Reasons

#### *Background*

9. The site is located within Wynyard Park North, one of three areas allocated for significant development within the Hartlepool Local Plan (2018) (Local Plan). It forms part of land, which is allocated as a green wedge and defined as an AEZ.
10. It is an irregular shaped parcel of rough ground, of approximately 0.3 hectares (3000 square metres) in size, which is currently bound by a combination of hedging and heras fencing.
11. To the north, west and south is approved residential development under construction, with that to the north and west being self-build<sup>6</sup> (hereafter referred to as the Cavendish Site), and that to the south being constructed by Duchy Homes. The land to the north-east is an arable field, and the land to the east includes the site of a 19th century farmhouse and outbuildings that were demolished in 2013. Also to the east is land which has been safeguarded to be delivered as a Green Corridor, comprising an area of public open space and a Multi-use Games Area<sup>7</sup>.

#### *Suitable location*

12. The green wedge, within which the majority of the site sits, is allocated within the Local Plan, as shown on the Policies Map, and also included in the Wynyard Masterplan (2019) as part of a 'green network' within the area to be delivered by developments as they come forward. As such, Local Plan Policies NE3: Green Wedges and HSG6: Wynyard Housing Developments, are relevant.

<sup>4</sup> Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the Framework.

<sup>5</sup> Footnote (75) of the Framework - Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

<sup>6</sup> Application Ref: H/2021/0282. Outline planning application with all matters reserved except for access for the erection of 25no. residential plots (use class C3) with associated access (Amended site location plan and reduction in the number of proposed dwellings from 29no. to 25no) Approved 18 January 2022.

<sup>7</sup> Through a S106 Agreement pertaining to Application Ref. H/2019/0365 Residential development of 67 dwellings Permitted 18/03/2020 Approved 18 January 2022.

13. Policy NE3 aims to protect, maintain, enhance and, where appropriate, increase the number of green wedges to provide a wide range of benefits for the town. It sets out that development within the green wedges as stated in the Policy, which includes (6) Wynyard, will be 'strictly controlled' and that approval will only be given for the development of buildings or structures which meet specific criteria, namely 7) comprise extensions to existing premises located within a green wedge, or 8) provide facilities ancillary to existing or proposed recreation, leisure, sporting or other uses compatible with the open nature of the green wedge, or 9) relate to the provision, enhancement or management of areas of biodiversity value, and 10) there is no significant adverse effect on the overall integrity of the green wedge.
14. Supporting text to the policy outlines the multi-functional role of the green wedge at Wynyard, including protecting areas of valuable green space, providing good opportunities for enhancing footpath and cycle way links, helping to improve wildlife habitats, providing more opportunities for leisure and recreation, and providing a high quality environment to encourage new investment.
15. The proposed development would not accord with any of the criteria set out in 7), 8) or 9) above and, as such, requirement 10) is not applicable. In these regards, there would be clear and direct conflict of the proposal with Policy NE3.
16. Policy HSG6 includes, b) Wynyard Park North, comprising 25.8ha being allocated for approximately 400 dwellings, and sets out the criteria against which planning applications will be determined. Pertinent to this appeal are: 2) At Wynyard Park North...the development will incorporate a minimum of 5.6ha of green infrastructure, informal open space and recreational and leisure land; 5) A multifunctional strategic green wedge is allocated, as defined on the Policies Map. Planning Permission will only be given for developments which relate to the use of land within the green wedge as parkland or other amenity, recreational or landscaped open space, or for allotments or wildlife purposes; and 9) Development to accord with the key principles set out in concept diagram contained in the Plan; development to accord with an approved masterplan.
17. I acknowledge that, as advanced by the appellant, 5.6ha of what could reasonably be described as 'green infrastructure'<sup>8</sup>, informal open space and recreational and leisure land' would be provided by existing and future developments within Wynyard Park North, meeting the requirement of criterion 2) above. Nonetheless, the proposal for residential development on the site would not comply with criteria 5) and 9) above. Consequently, in these respects, there would be clear and direct conflict of the proposal with Policy HSG6.
18. Accordingly, I conclude that the site would not be a suitable location for the proposed development having regard to the development plan, and there would be conflict with Policies NE3 and HSG6 of the Local Plan referred to above.
19. The appellant concedes this policy conflict in their written and oral evidence. However, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, they submit that material considerations indicate the decision should be made other than in accordance with the development plan. I deal with these under 'Other Matters' below.

<sup>8</sup> As defined in Appendix 1, Glossary of Key Terms – Hartlepool Borough Council, Green Infrastructure Supplementary Planning Document, dated 2020.

*NDHA of archaeological interest*

20. The majority of the site is located within the AEZ (western side). The AEZ is referenced in the Wynyard Masterplan (2019)<sup>9</sup> and also in the Wynyard Garden Village Visioning Document (2022). The parties' evidence sets out that the AEZ was established to protect and preserve in situ and free from impact, earthworks and buried archaeological features, relating to the medieval settlement at Low Newton Hanzard. The Zone and its physical extent were established by the Council / Tees Archaeology in conjunction with the developer<sup>10</sup> in 2009 following an Archaeological Evaluation and Earthwork Survey of the land (the 2009 survey)<sup>11</sup>.
21. As set out above, the main parties agree that the AEZ is a NDHA. As such, Local Plan Policies HE1: Heritage Assets and HE2: Archaeology, and Paragraph 216 of the Framework<sup>12</sup> are relevant.
22. Significance (for heritage policy) is defined in the Framework as 'The value of a heritage asset to this and future generations because of its heritage interest', which includes 'archaeological interest'. A heritage asset possesses archaeological interest if it 'holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.'
23. The parties disagree as to the scale of 'archaeological interest' and thus significance of the AEZ, including the site. Any identification and assessment of interest and significance are determined by the available evidence at that time.
24. Following the 2009 survey, the views of English Heritage (EH)<sup>13</sup> were sought as to the 'potential significance of the site'. EH concluded that the medieval settlement at Low Newton Hanzard was 'clearly of at least regional importance' but that, from the information available, a clear case for national importance could not be made, with it comparing unfavourably to the nearby scheduled medieval farmstead at High Burntoft<sup>14</sup>. On this basis, EH declared that the proposal to allocate the land as an AEZ allowing 'the in situ preservation of the core of the remains' was 'considered an appropriate and satisfactory outcome.'
25. Since that time, the permitted demolition of the 19th century farmstead in 2013 has resulted in damage to known archaeological remains within the AEZ, and additional evaluations/surveys have been undertaken on land within and adjacent to the Zone. The latter provide assessments on the extent of the damage and additional information as to the archaeological interest and thus significance of the asset. Of particular relevance to the appeal are the Historic Environment Mitigation Proposal by Northern Archaeological Associates (NAA) (March 2022); an Earthwork Survey Report by Pre-Construct Archaeology (PCA) (June 2022); a watching brief for the SUDs pond and associated drainage in the Cavendish Site; and a Strip, Map and Record of land within the Cavendish Site<sup>15</sup>.
26. The 2022 evaluations/surveys concluded that the 2009 survey misinterpreted some of the archaeological features; and that the movement of heavy machinery along

<sup>9</sup> Section 2.6 Historic Environment (Area of Archaeological Importance).

<sup>10</sup> Wynyard Park.

<sup>11</sup> Headland Archaeology UK Ltd, dated June 2009.

<sup>12</sup> Paragraph 216 of the Framework: In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

<sup>13</sup> Now Historic England.

<sup>14</sup> National Heritage List Entry Number: 1015207.

<sup>15</sup> Interim Statement prepared by PCA, Appendix 1 of appellant's Appendix 6g.

with the deposition and removal of spoil within the AEZ as part of the demolition of the farmstead, had seriously compromised the earthworks and severely reduced the potential for below-ground features to survive in some parts of the Zone. On this basis, the appellant submits that the archaeological site is 'neither largely complete nor clearly recognisable' to warrant its designation as an AEZ.

27. With regard to the 'damage' within the AEZ, whilst I note the comments of the Council and interested parties on this matter, from the evidence before me I cannot be certain that it was 'deliberate'. As a result, Paragraph 209 does not apply in this instance.
28. Nonetheless, whilst some features within the AEZ may have been misinterpreted, this does not completely undermine the Zone's heritage interest, value and designation as a whole. Moreover, the damage, although extensive, concerns only part of the Zone, and importantly, does not include the majority of the site. In any event, the reassessment of the extent and designation of the AEZ is not within the scope of this appeal.
29. I am also mindful that the evaluation within the site as part of the 2009 study was confined to two trenches, and although additional evaluations/surveys have been carried out within and adjacent to the AEZ, knowledge regarding the survival and potential of any archaeology within the site is still limited, being described by the appellant as 'an unknown quantity'. Also, importantly, more recent evaluations/surveys on the Cavendish Site have found archaeology 'of a greater quantity and quality' than expected, including six phases of medieval settlement and agricultural activity, 'contemporary with and a continuation of the adjacent medieval estate centre'.
30. Bearing the above in mind, it is reasonable to conclude that there is potential for the site to hold further archaeological remains that contribute to the archaeological interest and thus significance of the AEZ as a whole. Although, given the uncertainty of the resource present, this is difficult to gauge.
31. The proposed development of three units, involving groundworks and construction activities would affect most or all of the site to some degree. Having regard to the NAA survey in 2022, this would result in severe or total loss of the known archaeological features<sup>18</sup>, and potential partial or total loss of any unknown archaeological remains within the site. Of itself, this loss would cause harm to the archaeological interest and thus significance of the NDHA. However, similar to above, the uncertainty of the resource present, limits an appraisal of the scale of this loss and harm.
32. I recognise that the damage to or loss of archaeological remains within and adjacent to the AEZ as a result of previous planning permissions have compromised the completeness of the medieval settlement. I also acknowledge that any loss and harm as a result of the proposed development would relate to a small part of the AEZ. Nonetheless, these factors do not justify further harm to the significance of the asset and the intent of the AEZ as a designation. Indeed, the damage to/loss of archaeological remains located either side of the site (albeit that to the west being outside of the AEZ) provide additional support to the AEZ's objective of the land remaining undeveloped.

<sup>18</sup> Summary, NAA 2022 Survey.

33. A mitigation strategy of strip, map and record of the site is advanced by the appellant<sup>17</sup>, which would be controlled by condition, the wording of which was agreed by the main parties as part of the Hearing. They highlight that this process is considered acceptable by two separate archaeological consultants; and assert that it would address any archaeology that may be encountered, establish the nature, survival and value of any archaeological remains present and 'better reveal' the significance of the asset.
34. However, I note the conclusions of the archaeological consultants were prior to the recent evaluations/surveys on the Cavendish Site. Given the investigative work to date and the 'unknown quantity' of the archaeological resource within the site, I am not persuaded that this would be an appropriate response. Whilst it would 'preserve' this part of the asset, it would do so only by record, undermining the fundamental intent of the AEZ's designation. Moreover, as it would only involve the site, there would be limitations as to how far it would 'better reveal' the significance of the 'medieval settlement'. In any event, Paragraph 218 of the Framework sets out that the ability to record evidence of our past should not be a factor in deciding whether the loss of a heritage asset (wholly or in part) should be permitted.
35. The appellant is willing to provide interpretation boards to be controlled by condition, the wording of which was agreed by the main parties as part of the Hearing. This would be in accordance with Policies HE1, HE2 and NE3 of the Local Plan. However, whilst I acknowledge the benefits of these, I am conscious that their provision would only be as a result of the loss of any archaeological remains within the site as part of the AEZ.
36. That the archaeological interest and significance of the medieval settlement at Low Newton Hanzard is not as great as the scheduled site at High Burntoft nearby, does not, of itself, justify the loss of any archaeological remains within the site as part of the AEZ.
37. In conclusion, as set out above, the available evidence and particularly the uncertainty of the archaeological resource present in the site, impede the undertaking of a balanced judgement, in relation to the scale of any harm or loss and the significance of the asset. In these circumstances, I cannot be certain that the proposed development would not have an unacceptably harmful effect on the significance of the AEZ, a NDHA of archaeological interest. As such, the proposal would conflict with Policies HE1 and HE2 of the Local Plan, in so far as they seek to preserve, protect and positively enhance all heritage assets; and protect and enhance Hartlepool's archaeological heritage. It would also not comply with the provisions within the Framework which seek to conserve and enhance the historic environment.

#### Other Matters

38. Supporting text to Policy NE3 confirms that green wedges 'provide convenient and often extensive amenity open space'<sup>18</sup>. Moreover, it is reasonable to conclude that they display aspects of the 'description' and 'purpose' of 'amenity greenspace' as referred to in the Hartlepool Borough Council, Open Space, Sport and Recreation

<sup>17</sup> Written Scheme of Investigation: Strip Map and Record Land North of Duchy Homes, Plots 1-3, Wynyard Park Estate, Hartlepool dated July 2024.

<sup>18</sup> Local Plan Paragraph 16.54.

Assessment (2015)<sup>19</sup>. However, it remains that the green wedge including the site, was allocated as part of the examination and adoption of the Local Plan and is as defined on the Policies Map, to which the requirements of the relevant policies apply. It is not for me as part of this appeal to re-examine that allocation.

39. The appellant submits that the green wedge including the site is 'former agricultural land' and not 'valuable green space'. I have not been directed to any definition of what constitutes 'valuable green space' to assess this green wedge against it. Even if I accept the appellant's view on this matter, as above, it remains that the land is allocated as a green wedge. Moreover, as more developments in Wynyard North are delivered, it has the potential to positively support the social and environmental objectives of both Policy NE3 and the Framework, generating 'value' in those regards.
40. Green wedges have a multi-functional role. The green wedge including the site may not meet all of the functions set out in supporting text to Policy NE3, or be comparable to others in the Borough in this respect. Nonetheless, its value and/or potential value is not diminished because of this. It still has the potential to offer good opportunities for enhancing links to the countryside and adjacent urban areas, and more opportunities for leisure and recreation, both of benefit to nearby residents.
41. Green wedges have no standard form or size, and the proposed development would leave the majority of the wedge intact. It is on this basis that the appellant asserts that it would still be able to fulfil its purpose and any harm would be 'negligible'. However, whilst I acknowledge the need for flexibility, as and when schemes come forward, the green wedge including the site, was never intended to be a 'development opportunity'. The further erosion of the green wedge by development, which is not compatible with its designation as such, would fundamentally undermine its integrity as a whole and the intent of its allocation.
42. As set out above, evidence provided by the appellant demonstrates that the requirement of part 2) of Policy HSG6, in relation to the provision of green infrastructure, informal open space and recreational and leisure land, will be met. Nonetheless, this requirement is a 'minimum' not a ceiling and does not offset the direct conflict with parts 5) and 9) of this policy.
43. The evidence indicates that the earlier delineation of the land as an AEZ and the intent that archaeological remains within it would be preserved in situ, provided an opportunity for it to be a 'no built development area' and part of the green infrastructure network within Wynyard. As such, although having different functions, the green wedge is not secondary to the AEZ, rather, the dual delineation and allocation are equal and compatible.
44. The appellant has drawn my attention to recent applications where the loss of parts of the green wedge has been approved by the Council. However, the loss of part of the green wedge within the Cavendish Site differs to that before me, in that it involved land located outside of the AEZ. Moreover, the decision had regard to the retention of the green wedge to the east, which includes the site, and the further loss of green wedge land as a result of the appeal proposal would undermine part

<sup>19</sup> Table 1.4 Typology of Open Spaces. Amenity Greenspace: Landscaped areas with no designated specific use, but which provide visual amenity or separate different buildings or land uses for environmental, visual or safety reasons particularly in and around housing areas are generically described as amenity greenspace.

of that decision's rationale. Additionally, the loss of part of the green wedge arising from the provision of basic infrastructure in the form of a spine road to the south is not comparable to the type of development before me.

45. I am not persuaded that the Cavendish Site would appear incomplete if the proposed development does not go ahead. Unlike the very regular pattern of development apparent in other areas of Wynyard Park North, the Cavendish Site comprises self-build units which, whilst adhering to a high-level design code, means that they are not of uniform footprint, orientation, size, scale, design and/or materials. On this basis, the omission of development within the site would not appear as a discordant gap.
46. The potential for future damage to archaeological remains within the AEZ by tree roots, and public safety concerns of potentially contaminated land arising from the demolition of the farmhouse are raised by the appellant. However, no details in support of these claims have been provided.
47. None of the considerations advanced by the appellant, individually or cumulatively, outweigh or alter my overall conclusions on the main issues.
48. Natural England (NE) has confirmed that designated European habitats sites, which are located within the Council's boundary, are in an unfavourable conservation status due to nutrient enrichment that is polluting the protected area, and which may be worsened by certain types of development, including residential.
49. With regard to regulation 63 of the Conservation of Habitats and Species Regulations 2017, I am the 'Competent Authority' in determining this appeal. The main parties and NE consider that the proposed development would not have significant effects/adverse impacts on the protected sites which, from the submitted evidence, I have no reason to disagree with. Consequently, there is no need for me to consider this matter further.

#### Planning Balance

50. The proposed development would provide three self-build residential units which would contribute to the overall supply and mix of housing in the Borough, and would have the potential to make a positive contribution to local character and distinctiveness. The development would also generate economic and social benefits through the creation of employment and occupation of the properties, including support towards local services and facilities.
51. The contribution to off-site affordable housing within the Borough is also a benefit along with the other contributions<sup>20</sup> which are required across the Wynyard area to create a sustainable community. These contributions and securing them through the UU provide additional support to the appeal.
52. The strip, map and record of any archaeological remains within the site is largely mitigation of the proposal's harmful effects, which weighs neutrally. Although, I acknowledge the benefits of the process in facilitating improved knowledge of the archaeological resource within the site and the medieval settlement; and the provision of interpretation boards.

<sup>20</sup> Walkway; cycle link; ecology; primary education; secondary education; tennis; bowls; and sports hub and pitch.

53. The weight that these benefits and contributions attract is moderated by the modest quantum of development proposed but, nevertheless, carry weight in favour of the appeal.
54. Against this, I have found that the site would not be a suitable location for the proposed development. Moreover, I cannot be certain that the proposed development would not have an unacceptably harmful effect on the significance of the AEZ, a NDHA of archaeological interest. In these regards, there would be conflict with the relevant policies of the Local Plan. Together, these matters attract significant weight against the appeal.
55. At the Hearing the Council confirmed that it could demonstrate a five-year housing land supply. In response to the revised Framework, the appellant highlights the changes to the Standard Method for assessing housing needs and the implications for Hartlepool Borough Council arising from this. Namely that, as alleged by the appellant, the Council will urgently need to plan for the current/new Standard Method Figure, which exceeds the old Standard Method figure, the current Local Plan figure and the average annual delivery figure<sup>21</sup>.
56. Whilst I acknowledge the additional support this gives to the proposal in relation to its provision of three residential units, I am mindful that the appellant has not challenged the Council's ability to demonstrate a five-year housing land supply on this basis. There is nothing before me which demonstrates that this alters the Council's housing land supply position and that Paragraph 11(d) of the Framework is engaged.
57. I am aware of the Government's objective of significantly boosting the supply of homes and growing the economy, which are reflected in the recent changes to the Framework. However, the Framework also sets out the need to plan positively for the provision and use of community facilities, such as open space; and confirms the value of heritage assets, that they are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
58. Whilst there are considerations that weigh in favour of the proposed development, in my judgement, they are not sufficient to outweigh the harm I have found. The proposed development would therefore conflict with the development plan when taken as a whole, and material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan.
59. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*F Cullen*

INSPECTOR

**PLANNING COMMITTEE****12<sup>th</sup> March 2025****Report of:** Assistant Director (Neighbourhood Services)**Subject:** PLANNING APPEAL AT LOW THROSTON HOUSE,  
NETHERBY GATE, HARTLEPOOL, TS26 0LF  
APPEAL REF: APP/H0724/X/24/3356466.  
A Lawful Use application for the fence line around  
the new bungalow. (H/2024/0098)**1. PURPOSE OF REPORT**

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a lawful use application for the fence line around the new bungalow (H/2024/0098).
- 1.2 The application was refused under delegated powers on 29<sup>th</sup> May 2024 for the following reason:

*It is considered by the Local Planning Authority that insufficient and conflicting evidence has been submitted by the applicant, which does not demonstrate that the unauthorised erected boundary enclosure lawfully represents the residential curtilage of the associated dwelling, and where no such planning permission exists, it is considered by the Local Planning Authority that a certificate of lawfulness could not reasonably be granted.*

- 1.3 A copy of the officer's delegated report is appended at **Appendix 1**.

**2. RECOMMENDATIONS**

- 2.1 That Members note this report.

**3. CONTACT OFFICER**

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## Appendix 1 – Officer Report

## DELEGATED REPORT

<b>Application No</b>	H/2024/0098
<b>Proposal</b>	A Lawful Use application for the fence line around the new bungalow.
<b>Location</b>	LOW THROSTON HOUSE NETHERBY GATE HARTLEPOOL
<b>PS Code:</b>	26

<b>DELEGATION ISSUES</b>	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	N/A N/A N/A 26/05/2024 29/05/2024 N/A
<b>2) Publicity/Consultations</b>		
<b>PUBLICITY</b>		
	As this submission relates to a certificate of lawful development (existing) under section 191 of the Town and Country Planning Act 1990 (as amended), it has not been necessary to carry out neighbour/landowner notification as part of the LPA's consideration.	
<b>3) Neighbour letters needed</b>	N	
<b>4) Parish letter needed</b>	N	
<b>5) Legislative Provisions</b>		
	Section 191 of the Town and Country Planning Act 1990 as amended (“the Act”) provides that:	
	(1) <i>If any person wishes to ascertain whether—</i> (a) <i>any existing use of buildings or other land is lawful;</i> (b) <i>any operations which have been carried out in, on, over or under land are lawful;</i> or (c) <i>any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.</i>	
	(2) <i>For the purposes of this Act uses and operations are lawful at any time if—</i>	

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and  
 (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

## Government Guidance

Government Guidance on Certificates of Lawfulness is provided in Para.005 of the Planning Practice Guidance (PPG). The PPG advises that the burden of proof is “on the balance of probabilities”. Moreover the Courts have held that the applicant’s own evidence does not need to be corroborated by “independent” evidence in order to be accepted – *FW Gabbitas v Secretary of State for the Environment and Newham London Borough Council* [1985] JPL 630. Thus if the Local Planning Authority have no evidence of their own, or from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application, provided the applicant’s own evidence is sufficiently precise and unambiguous to justify the grant of a certificate on the basis that neither the identity of the applicant nor the planning merits of the operation, use or activity are relevant to the consideration of the purely legal issues which are involved in determining the application.

In respect of the content of a lawful development certificate, Para.005 of the PPG advises that an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.

By virtue of section 191(5)(b) of the Act, a certificate must include a description of the use, operations or other matter for which it is granted regardless of whether the matters fall within a “use class” of the Town and Country Planning (Use Classes) Order 1987 (as amended), (“the UCO”). However, where the use falls within a use class, the certificate must also specify the relevant class.

## 6) Planning Consideration

### RELEVANT PLANNING HISTORY

The application site has a complex and lengthy planning history. The most relevant, recent planning history is set out in chronological order below:

On 20.12.2020 an application for Outline Planning Permission with some matters reserved for the erection of dwellinghouse was approved (H/2020/0062).

On 02.08.2021 an application for Reserved Matters relating to appearance, landscaping, layout and scale for the erection of a single residential dwelling pursuant to outline planning permission H/2020/0062 was approved (H/2021/0215).

On 16.03.2023 Planning Permission was refused for an application to regularise a change of use of land to extend the residential curtilage of the approved dwelling approved under H/2021/0215 and to enclose the land. The reason for refusal is set out below (H/2022/0378):

*'In the opinion of the Local Planning Authority, it is considered that the extension of the garden curtilage and erection of a timber closed boarded fence fails to preserve and/or enhance the special character and setting of the Schedule Monument (known as Low Throston deserted medieval village) due to the design, scale and siting of the development. It is further considered that the development results in an unsympathetic and visually intrusive form of development that significantly diminishes the character and appearance of the area and that there is no evidence or identified public benefits that would outweigh this harm. The application is therefore contrary to Policies HE1 and QP4 of the Hartlepool Local Plan (2018) and the relevant provisions of the NPPF (2021).'*

The applicant appealed the decision of the Local Planning Authority and on 08.12.2024 the planning appeal was subsequently (ref APP/H0724/W/23/3323428). Within the appeal decision, the Inspector made a particular reference to the boundary matter and its encroachment into the SAM;

*I have had regard to the appellants' maps and evidence put to me which show their depiction of where they consider the boundaries of the SAM lie. However, it is clear from the evidence provided by Historic England that the site clearly encroaches within the SAM, and that the appellant's evidence is not precise. Moreover, as Plan PL1 and PL3 are a statement of interpretation with the boundary and are hand drawn with no scale from an overlay, it cannot be considered that it forms part of an official listing entry or part of the official NHLE3. Even if I considered that the fence to the north was along the boundary of the SAM, there is no substantive evidence to suggest that this has not resulted in harm to the SAM by its erection and construction being fixed within the ground.*

Following the dismissed appeal decision, the application site is subject to an Enforcement Notice to remove the unauthorised enclosure and restore the boundary of the approved residential curtilage. On 13 May 2024, the Local Planning Authority were notified that a valid appeal against the Enforcement Notice was made and the matter is now awaiting a start date under the consideration of the Planning Inspectorate.

## SITE AND SURROUNDINGS

The application site relates to the property and curtilage known as The Bungalow, Low Throston House. The site is located at the end of a small un-adopted cul-de-sac currently serving four properties. Within the grounds of the main dwelling of Low Throston House, there is a two-storey building comprising garages and a self-contained annexe at first floor, currently occupied by family members of the

occupants of Low Throston House. To the south of the property is an area of land currently occupied by stables, paddock, residential accommodation consisting of a detached bungalow and a caravan/chalet. The site as a whole including the residential, stable and paddock are set back from and slightly elevated in relation to Hart Lane to the south. The site is surrounded to the north and west by the medieval village of Low Throston, which is a Scheduled Ancient Monument, beyond which are residential properties.

## PROPOSAL

The application form accompanying the submission describes the application to establish '*A Lawful Use to be confirmed for the fence line around the new bungalow as determined by the Expert Witness Chartered Surveyor's report dated 16th January 2024 and the application Statement of Case.*'

Whilst a fence line itself would not constitute a lawful use, the Local Planning Authority interprets the description to mean that the erected fence line to establish the residential curtilage of the bungalow property and the submitted information is assessed on this basis.

## SUBMITTED INFORMATION

The application is accompanied by the following:

- An Expert Witness Report;
- The Applicant's Statement of Case;
- A Site Location Plan.

## ASSESSMENT OF EVIDENCE

As detailed within the recent planning background section of this report, the certificate of lawfulness application has been submitted following a dismissed planning appeal decision for the retrospective extension to the residential curtilage through the unauthorised erected boundary enclosure to the respective bungalow dwelling house.

The application is accompanied by an Expert Witness report, the Applicant's Statement of Case and a Site Location Plan. The Applicant's Statement of Case provides associated commentary on the Expert Witness report. The Applicant's Expert Witness report details that the author is a Chartered Surveyor, who is experienced in a number of related areas including boundary disputes and the Party Wall Act. The Expert Witness report states that a boundary assessment was carried out between the application site (Low Throston House and associated buildings) and the adjacent Ancient Scheduled Monument (SAM).

It is detailed that the Expert Witness report includes the assessment a scheduling plan from 1976, which delineates the SAM, a Historic England Schedule map and a HM Registry title of 3 Netherby Gate. The Expert Witness report has also involved a site visit and undertaken a measured survey with associated tools/machinery. A

drawing sheet has been produced, illustrating comparative respective mapping boundaries, with a plan superimposing the respective plans over each other.

The report appears to be making an assessment in the main in the relation to the boundary of the SAM, as well as referencing the application site and any interaction between the respective sites. The Expert Witness report argues that boundaries of the SAM are 'rough' and should be assessed as Land Registry plans are considered, through 'the general boundary principle,' which means that they are not exact and that discretion is exercised when considering the designation of the boundary of the SAM.

The Expert witness report appears to acknowledge that there are anomalies between the erected fence line and the submitted OS plan to the north and west, although suggests that any encroachment into the SAM by the applicant is 'not significant' and notes that other parties have also encroached into the SAM.

The expert witness recommends that a new plan be drawn up, which details definitive boundaries and should be entered into by all parties to avoid any future confusion/disputes at a later date, accepting that no issues exist with the site arrangement as carried out.

Having considered the submitted information, it is noted that the argument made largely focuses on the boundary of the SAM. As detailed within the proposal section of this report, the Certificate of Lawfulness process is to establish the residential curtilage of the bungalow property and therefore any arguments made relation to the designation of the SAM are considered not appropriate to be determined through this certificate of lawfulness process.

Nonetheless, the Expert Witness acknowledges discrepancies between the OS plan and the built fence line, although considers that any encroachment of land is not significant, which in itself appears to be an admission. In addition, whilst arguments are made alluding to the encroachment of other third parties into the SAM, it is considered that this does not provide any such legal entitlement to the applicant to establish curtilage on this basis.

It is acknowledged that the Expert Witness is a surveyor who has experience in party wall and boundary disputes, although the submission does not consider the key planning matter that the unauthorised boundary enclosure extends beyond the red line residential curtilage to the north and west, contrary to the residential curtilage as approved under outline planning permission H/2020/0062 (through the approved red line boundary and agreed under condition 15 of this permission and subsequently discharged D/2021/0068 on 26<sup>th</sup> July 2021), and as submitted and approved under the following Reserved Matters approval H/2021/0215.

The location plan submitted with this certificate of lawfulness application (outlined in red received 03/04/2024), also appears to be in conflict with the site plans submitted within the expert witness statement and do not relate to the aforementioned red line (curtilage) plans of the planning approvals. The conflict between red line boundary plans are considered to create a further degree of confusion to the submitted information and with respect to the history of the site as a whole.

**CONCLUSION**

The burden of proof in an application for a certificate of lawfulness lies with the applicant. No information has been provided to indicate that the unauthorised erected boundary enclosure, lawfully represents the residential curtilage of the associated dwelling. As such, on the balance of probability, the Local Planning Authority consider that the erected boundary enclosure does not constitute the lawful residential curtilage of the residential property and a certificate of lawfulness could not therefore be granted, and accordingly the application is recommended for refusal.

**7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

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

There are no Section 17 implications.

**9) Alternative Options Considered**

No.

**10) Any Declared Register of Interest**

No.

**11) Chair's Consultation Necessary**

Yes.

**12) Recommendation**

**REFUSE** for the following reason:

**REASON:**

1. It is considered by the Local Planning Authority that insufficient and conflicting evidence has been submitted by the applicant, which does not demonstrate that the unauthorised erected boundary enclosure lawfully represents the residential curtilage of the associated dwelling, and where no such planning permission exists, it is considered by the Local Planning Authority that a certificate of lawfulness could not reasonably be granted.

**INFORMATIVE****1.0 Statement of Proactive Engagement**

**The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant**

in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance it has not been possible to demonstrate on the balance of probability that a certificate of lawfulness should be granted.

## **Author of Report: Kieran Campbell**

**Signed:** K. Campbell **Dated:** 28/05/2024

**Signed: DJAMES** **Dated: 28/05/2024**  
Planning Team Leader DC

**Signed:** \_\_\_\_\_ **Dated:** \_\_\_\_\_  
Chair of the Planning Committee