

# PLANNING COMMITTEE

## AGENDA



19 June 2024

at 10.00 a.m.

in the Council Chamber,  
Civic Centre, Hartlepool.

### MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Darby, Feeney, 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 confirm the minutes of the meeting held on 17 April 2024

#### 4. ITEMS REQUIRING DECISION

##### 4.1 Planning Applications

1. H/2022/0470 Land Adjacent to Hartmoor Substation (page 1)
2. H/2023/0315 Land and Garages Off Dumfries Road (page 73)

#### 5. ITEMS FOR INFORMATION

- 5.1 Update on Enforcement Actions - *Assistant Director (Neighbourhood Services)*
- 5.2 Planning Appeal at 91 Elwick Road - *Assistant Director (Neighbourhood Services)*
- 5.3 Appeal at Land on South Side of Stockton Road, Greatham - *Assistant Director (Neighbourhood Services)*
- 5.4 Appeal at 38 Clifton Avenue - *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.

5.5 Appeal at 77 Wharton Terrace - *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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 17 July 2024



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

**17<sup>th</sup> April 2024**

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

**Present:**

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Rob Darby, Tom Feeney, Sue Little, Veronica Nicholson, Karen Oliver, Carole Thompson and Mike Young.

Also Present: In accordance with Council Procedure Rule 4.2 Councillor Brian Cowie was in attendance as substitute for Councillor Andrew Martin-Wells.

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Jim Ferguson, Planning and Development Manager  
Daniel James, Planning (DC) Team Leader  
Aidan Dobinson Booth, Principal Planning Officer  
Peter Frost, Highways, Traffic and Transport Team Leader  
Stephanie Bell, Senior Planning Officer  
Kieran Campbell, Senior Planning Officer  
Helen Smith, Planning Policy Team Leader  
Ami Capper Senior Planning Officer  
Graham Megson, Arboriculturalist  
Josh Fraser, Legal Advisor  
Jo Stubbs, Democratic Services Officer  
Emma Watson, Team Leader (Tees Archaeology)  
Rosie Banens, Archaeologist (Tees Archaeology)

### **74. Apologies for Absence**

Apologies were submitted by Councillors Andrew Martin-Wells and Melanie Morley.

### **75. Declarations of interest by members**

None

### **76. Confirmation of the minutes of the meeting held on 13<sup>th</sup> March 2024**

Minutes confirmed.

**77. Planning Applications** (*Assistant Director, Neighbourhood Services*)

**Number:** H/2022/0470

**Applicant:** MS KIRSTY MCGUIGAN TI PROJECTCO 3 LIMITED 88 WOOD STREET LONDON

**Agent:** PLAN A CONSULT MR JAMES WHEATER

**Date received:** 13/02/2023

**Development:** 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.

**Location:** LAND ADJACENT TO HARTMOOR SUBSTATION HARTLEPOOL

Councillor Moss Boddy moved that this item be deferred for a site visit. Councillor Mike Young seconded this. A recorded vote was taken.

Those for – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Brian Cowie, Veronica Nicholson, Carole Thompson and Mike Young.

Those against – None.

Those abstaining – None.

**Decision:** **Deferred for a site visit**

**Number:** H/2023/0315

**Applicant:** MR JOSHUA CHAPMAN LORIMERS CONSULTANCY LTD LORIMERS CLOSE PETERLEE

**Agent:** LORIMERS CONSULTANCY LTD MR JOSHUA CHAPMAN 2 LORIMERS CLOSE PETERLEE

**Date received:** 05/10/2023

**Development:**

Application for the erection of 3.no single storey dwellings with associated communal garden, parking and landscaping (Demolition of existing garages).

**Location:** LAND AND GARAGES OFF DUMFRIES ROAD  
HARTLEPOOL

Councillor Moss Boddy moved that this item be deferred for a site visit.  
Councillor Mike Young seconded this. A recorded vote was taken.

Those for – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Brian Cowie, Veronica Nicholson, Carole Thompson and Mike Young.

Those against – None.

Those abstaining – None.

**Decision:** Deferred for a site visit

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**Number:** H/2023/0285

**Applicant:** CARWOOD HOUSE LTD HAVERSTOCK HILL  
SECOND FLOOR (C/O FKGB) LONDON

**Agent:** MR MICHAEL DRAKE OFFICES AND  
PREMISES AT 2ND FLOOR 201 HAVERSTOCK  
HILL LONDON

**Date received:** 25/10/2023

**Development:** Change of use of dwelling (Use Class C3) to large house in multiple occupation for up to 8no. residents (Sui Generis)

**Location:** 78 GRANGE ROAD HARTLEPOOL

This item had been previously deferred by Members to allow officers to seek additional information with respect to car parking, waste management and HMO Licensing Requirements. The Chair reminded Members that as per the Planning Code of Conduct this meant that Councillors Cowie, Oliver, Thompson and Young could not take part in the discussion or decision making as they had not been present during the previous discussions. The Officer recommendation was to approve.

The Planning Team Leader (DC) highlighted that an email had been tabled sent by the agent for this application giving further information.

Councillor Karen Oliver addressed the Committee as the Ward Councillor. She was concerned at the large number of HMOs in the area, many of which were not licensed due to being below the necessary capacity. Affordable housing was important but not at any cost. There had been a rapid decline in the town centre area due to poorly managed rented accommodation and the character of the area needed to be retained. A message needed to be sent as to the standard expected and Councillors were the voice of the people. Residents tended not to complain as they felt it was a waste of time.

A member was concerned that actions recommended by Cleveland Police as part of this application appeared to have been dismissed as unnecessary or unrealistic. They noted how busy Grange Road was and queried where any residents of the proposed HMO would park. They asked if there was a list of registered HMOs in the Grange Road area as this would demonstrate whether or not the character of the area would be changed by another. They also noted that more residents would generate more waste, however a waste management system did not appear to have been formulated. Allowing this application would change the character of the area, give additional responsibilities to the Council's Waste Management department and degrade the quality of life for current Grange Road residents. The Highways, Traffic and Transport Team Leader advised that guidance was to allow 2 parking spaces for an HMO of this size as they tended to have low car ownership. Previously the property had been classed as a private residence so guidance suggested the current use required 3 parking spaces. Another member noted that it was hoped that this HMO would house young professionals who were more likely to have cars.

A member queried whether the property would be used for students. The Chair felt this was unlikely. A member was sympathetic to the concerns previously raised but felt that any decision needed to be based on national guidance and that change needed to come from Central Government.

A recorded vote to approve this application, as per the officer recommendation, was taken.

Those for – Councillors Tom Feeney and Sue Little.

Those against – Councillors Moss Boddy, Paddy Brown, Rob Darby and Veronica Nicholson.

Those abstaining – None.

The Planning and Development Manager confirmed that members had chosen to go against the officer recommendation due to the perceived impact on the character of the area, parking and waste management. Concerns around the lack of facilities in the house were also raised.

Councillor Moss Boddy moved that this application be refused, against officer recommendation. This was seconded by Councillor Rob Darby. A recorded vote was taken.

Those for – Councillors Moss Boddy, Paddy Brown, Rob Darby and Veronica Nicholson

Those against – Councillors Tom Feeney and Sue Little

Those abstaining – None

**Decision:** **Planning Permission Refused reasons for refusal delegated to Officers**

**Number:** H/2022/0456

**Applicant:** MR MICHAEL PATRICK DALTON PIERCY VILLAGE HALL ASSOCIATION DALTON PIERCY HARTLEPOOL

**Agent:** SJR ARCHITECTURAL & INT. DESIGNERS MR DAVID JOHNSON W2 THE INNOVATION CENTRE VENTURE COURT HARTLEPOOL

**Date received:** 21/08/2023

**Development:** Demolition of existing Village Hall premises and erection of replacement Village Hall premises in amended location, and associated external works.

**Location:** SOUTH OF VILLAGE GREEN BEHIND PRIORY FARM DALTON PIERCY VILLAGE HALL DALTON PIERCY HARTLEPOOL

The Senior Planning Officer highlighted that additional information had been tabled for members relating to this item (Additional condition 20). The officer recommendation was to approve the application.

The Ecologist Arboriculturalist referred to the legislation around the Wildlife and Countryside Act and said he was satisfied with the private ecology report. As part of the conditions he confirmed suggested that the applicant council needed to apply for a low impact licence through Natural England to ensure there was no overall harm to Pipistrelle bats. The bat roost in place at the current premises would be replaced by an artificial roost in another location. A member queried whether a condition could be applied requiring the applicant obtain a bat licence. Officers advised that this was a separate legal process but that an informative would be placed on the decision notice. A member queried whether conditions could also be placed on the retainment of the tree so far as possible and if it had to be removed that it be replaced with

an appropriate species. The Senior Planning Officer confirmed that tree protection measures were required through planning conditions and that there would be planting proposed as part of the conditioned scheme, legislation was available to protect the tree.

The Agent addressed the Committee. He indicated that the new building would significantly reduce the carbon footprint of what was already there as it would be less expensive to heat. Levelling off the access would also be a positive for those less able-bodied and the new build would be a high quality meeting facility which would be more attractive for meeting use. Renewable energy provisions would be made and surface water drainage would be directed. Separation distances were as per statutory requirements and site security would be improved. A construction management plan was also in place.

A member expressed his support for the proposal

Chris Robson, the owner of Priory Farm, spoke against the application citing concerns around the impact it would have on his property. He was not opposed to the development but wanted to prevent long term damage to the limestone wall. The Senior Planning Officer confirmed a condition to manage vehicular access to the site during construction would be included as part of any proposed conditions (condition 20) and this would assist but that essentially this was a civil matter.

Councillor Moss Boddy moved that this application be approved as per the officer recommendation. This was seconded by Councillor Mike Young. A recorded vote was taken.

Those for – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Brian Cowie, Veronica Nicholson, Carole Thompson and Mike Young.

Those against – None.

Those abstaining – None.

**Decision: Planning Permission Approved**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans:  
09 Rev A (Site Location Plan) Received 12.07.2023 by the Local Planning Authority;



04 Rev B (Proposed Floor Plan) and 05 Rev B (Proposed Elevations) Received 19.12.2023 by the Local Planning Authority and; 06 Rev C (Proposed Site Plan) and 08 Rev C (Proposed Block Plan) Received 28.03.2024 by the Local Planning Authority.

To define Planning Permission and for the avoidance of doubt.

3. 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. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of surface water flooding from any sources in accordance with the NPPF.
4. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, the agreed scheme for the protection and retention of the retained trees (as identified in the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan' by All About Trees, dated 20 February 2024, received by the Local Planning Authority on 21 February 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 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 and surrounding area.
5. Notwithstanding the requirements of condition 4, and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, confirmation and final details of the ground protection measures and surfacing finish to be used in the construction phase shall be submitted to and agreed in writing with the Local Planning Authority. Such measures shall be either a No Dig Construction Method or Ground Protection Measures and shall be in general conformity with section 3.4 (Ground Protection Within Tree Root Protection Areas) and section 4 (Construction Methodology) of the Arboricultural Method Statement & Tree Protection Plan' by All About Trees, dated 20 February 2024, received by the Local Planning Authority on 21 February 2024. Thereafter and following the written agreement of the Local Planning Authority, the agreed measures shall be implemented on site (and retained until the completion of the development) and the works carried out in accordance with the requirements of condition 4 of this decision notice. In the interests of establishing the Method of Tree Protection during the Construction Phase of the development in the Interests of the health of the mature trees within the immediate surrounding area.

6. All tree works as detailed in the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan' by All About Trees, dated 20 February 2024, received by the Local Planning Authority on 21 February 2024) shall comply with BS 3998:2010 'Tree work - Recommendations', paying particular regard to section 7 'Pruning and related work'.  
In the interests of the health and appearance of the existing mature site trees.
7. Prior to the commencement of the development hereby approved, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision and footpath connections, shall include the details for permanent implementation of the surface parking associated with the ground protection zone as detailed within Arboricultural Impact Assessment and Arboricultural Method Statement, by All About Trees, dated 20 February 2024, received by the Local Planning Authority on 21 February 2024). Thereafter and following the written approval of the Local Planning Authority, the scheme shall be completed in accordance with the agreed details prior to the first use or completion of the development, whichever is the sooner.  
To enable the local planning authority to control details of the proposed development, in the interests of mature trees in the area and the visual amenity of the surrounding area.
8. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development (including demolition), a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree and hedge planting 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 open space areas, include a programme of the works and timetable to be undertaken. The scheme shall include details of hedge planting as well as other details of soft landscaping and be in general conformity with the landscaping as illustrated on plan reference 06 C (Proposed Site Plan, received 28.03.2024 by the Local Planning Authority). Thereafter all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion or first use (whichever is the sooner) of the development hereby approved and shall be maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season

with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of the residential amenity of neighbouring occupiers, the health, habitat, biodiversity value and the visual amenity and of the surrounding area.

9. Prior to the commencement of works above ground level, details of 4no. integral bat roost bricks to be installed within the south or east facing walls, at a minimum height of 3m above ground level of the proposed building (where possible); details of 4no. integral 'universal' bird nest bricks to be installed within the south or east walls, at a minimum height of 2m above the ground level of the proposed building (where possible); and details of 1no. Starling nest box to be installed within the south or east facing walls, at a minimum height of 2m above ground level of the proposed building (where possible), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 4no. Bat roost bricks, 4no. Integral bird nest bricks and 1no. Starling nest box shall be installed strictly in accordance with the details so approved prior to the completion or first use of the development (whichever is the sooner) and shall be maintained as such thereafter for the lifetime of the development.  
To provide an ecological compensation and enhancement for protected and priority species, in accordance with paragraphs 185 and 186 of the NPPF.
10. 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 proposed building to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.  
To take into account the position of the building and impact on adjacent properties and their associated gardens and in the interests of visual amenity of the surrounding area in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan.  
To take into account the position of the building and impact on adjacent properties and their associated gardens and in the interests of visual amenity of the surrounding area in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan.
11. Prior to the commencement of the development hereby approved, a scheme to effectively control dust emissions from the demolition and construction works shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed measures shall be installed prior to any commencement of development and the development shall be carried out solely in accordance with the agreed scheme during the course of construction/development.  
In the interests of the occupiers of adjacent properties.
12. Notwithstanding the submitted details, prior to above ground construction of the development hereby approved, precise details of

the materials to be used and their colour in the construction of the external walls, windows, doors, railings and roof of the building and ramped access shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity.

13. Prior to the installation of any external lighting and/or floodlights associated with development hereby approved, including during the construction phase, 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. Thereafter, the agreed lighting shall be implemented solely 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 and ecology of the area.
14. Prior to any demolition works of the existing Village Hall building being undertaken in respect to the development hereby approved, a Level 1 Building Recording, consisting of a photographic survey of the internal and external areas of the existing Village Hall, accompanied by a short description/history of the building, shall first be undertaken and shall be submitted to and approved in writing by the Local Planning Authority. In order to provide a visual record of the building which is considered to be of some historical significance in accordance with guidance contained within the National Planning Policy Framework.
15. Notwithstanding the development hereby approved, the existing site access taken between the Village Green (north) and the area of the proposed vehicular parking area within the site (south), as detailed on 08 Rev C (Proposed Block Plan, Received 28.03.2024 by the Local Planning Authority), shall not be altered from the existing grassed surface access or laid to surface in any way without the written permission of the Local Planning Authority.  
For the avoidance of doubt and in the interests of protecting the character of the Village Green and Village setting.
16. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2020 (or any order revoking and re-enacting that order), the development hereby approved shall be used specifically for a Village Hall community facility (Use Class F.2 (b - a hall or meeting place for the principal use of the local community), and for no other use within Class F of the use class order, or any other use within the use class order, without the express written approval of the Local Planning Authority. The building shall not be extended or altered in any way without the prior written approval of the Local Planning Authority. To enable the Local Planning Authority to retain control over the proposed development and to prevent new operators/uses from operating from the facility without the necessary considerations, in the

interests of safeguarding the residential amenity of the surrounding residential occupiers.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Hartlepool Borough Council's standard 'Site Characterisation' condition. Where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of Hartlepool Borough Council's standard 'Submission of a Remediation Scheme' condition. Following completion of measures identified in the approved remediation scheme, a validation report shall be prepared in accordance with Hartlepool Borough Council's standard 'Implementation of Approved Remediation Scheme' condition, which is subject to the approval in writing of the Local Planning Authority. For details of the aforementioned conditions, please contact the Local Planning Authority. Long Term Monitoring and Maintenance and a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same shall be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority. This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.  
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to works, neighbours and other offsite receptors.
18. No construction/demolition/excavation works shall take place at the site or deliveries and collections to and from the site shall be carried out except between the hours of 8:00 and 18:00 Monday to Friday, and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. To ensure the development does not prejudice the amenity of surrounding residential occupiers.
19. 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 the Village Hall building, without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the character and appearance of the wider surrounding area.

20. 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 type and size of vehicle movements associated with the construction phase that would utilise the site access, including any associated mitigation measures to manage the existing site access. 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 limiting the impacts on the existing site access, including managing potential for ground movement during the construction phase of the development.

Members considered representations in respect to this matter.

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<b>Number:</b>	H/2022/0382
<b>Applicant:</b>	WYNYARD HOMES
<b>Agent:</b>	LICHFIELDS MR JOSH WOOLLARD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE
<b>Date received:</b>	07/12/2022
<b>Development:</b>	Erection of 51no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping (Amended Acoustic Bund and Noise Assessment received 27.07.23)
<b>Location:</b>	LAND WEST OF WYNYARD VILLAGE AND SOUTH OF THE A689 WYNYARD BILLINGHAM

The Principal Planning Officer outlined the application which had an officer recommendation to approve subject to the signing of appropriate Section 106 agreements as set out in the report.

The applicant’s agent was present at the meeting but chose not to address the Committee.

Keith Malcolm representing the Wynyard Parish Council and the residents of Wynyard addressed the Committee in opposition to the application. This Committee had previously approved applications at Wynyard in contravention to the Wynyard Master Plan with homes being approved on what had previously been designated as green wedge land. This was leading to a loss of open space for Wynyard residents with some of the recent approvals being of increased density. This development with others already approved would lead to ongoing development in the area for a potential five further years and

would put more traffic on already congested routes. While the applications states these houses will be bungalows, when you examined the proposal they were more like family homes with 3 to 4 bedrooms. Despite all the previous applications approved by both Hartlepool and Stockton Borough Councils Wynyard still only had one small primary school, no NHS dentist or GP Surgery, no sport or recreation facilities and no Parish Hall despite the size of the two parish areas. There was nothing in the S106 monies for Wynyard and the Parish Council asked the Committee to refuse the development and re-designate the land as green wedge.

A Member commented that there were many families with disabled or reduced mobility parents or children that required bungalows. The Member questioned if there had been any further sighting of deer on the ‘deer run’. Mr Malcom stated that due to the level of development going on in the area there had been no wildlife seen for some time.

A Member noted that there had been issues with the traffic controls on the A689 roundabouts around Wynyard in recent weeks. Increased traffic would only exacerbate the problems.

In general debate Members indicated their support for a development of bungalows but commented on the lack of diversity in the design of the houses proposed. There were concerns expressed at the lack of a sustainable community in Wynyard and how more S106 money should be given to protecting and sustaining the ecology of the area.

A Member commented that the application represented what frequently happened in many developments, what was envisaged at the start was seldom what was delivered. Councillor Boddy proposed a site visit as he was concerned at the loss of green wedge highlighted in the Parish Council’s comments. The site visit was seconded by Councillor Oliver.

A recorded vote on the proposal to undertake a site visit was taken.

Those for – Councillors Moss Boddy and Karen Oliver.

Those against – Councillors Paddy Brown, Brian Cowie, Rob Darby, Tom Feeney, Sue Little Veronica Nicholson, Carole Thompson, David Nicholson and Mike Young.

Those abstaining – None.

The vote was therefore against a site visit.

Councillor Young proposed the recommendations as set out in the report. This was seconded.

A recorded vote to approve this application, as per the officer recommendation, was taken.

Those for – Councillors Paddy Brown, Brian Cowie, Rob Darby, Tom Feeney, Sue Little Veronica Nicholson, Carole Thompson, David Nicholson and Mike Young.

Those against – None.

Those abstaining – Councillors Moss Boddy and Karen Oliver.

The application was, therefore, approved.

**Decision:** **Minded to approve subject to signing a Section 106 Agreement to secure the following; (£491,691.45) towards the provision of off-site affordable housing within the borough. (£150,892.35) towards primary school place provision within the borough. (£98,572.98) towards secondary school place provision within the borough. (£24,965) highways contribution towards A689/The Meadows Roundabout (£24,633) towards the provision of future NHS services in vicinity. (£12,750) secured towards new facilities and/or maintenance of existing built sports facilities in the locality or within the borough as a whole. (£2,908.02) secured towards new tennis courts and/or maintenance of existing courts in the locality or within the borough as a whole. (£11,897.79) secured towards new playing pitches and/or maintenance of existing playing pitches in the locality or within the borough as a whole. (£253.47) secured towards new bowling greens and/or maintenance of existing greens in the borough as a whole. (£7,650) towards mitigation to provide for recreational disturbance to European protected Sites. Castle Eden Walkway link with the Robertson’s (H/2022/0299) western SUDs pond. Offsite enhancements to the value of (£12,750) to improve an existing nearby play facility. An Incidental Open Space Management Plan and a Local Employment and Training Plan and the following planning conditions;**

## **CONDITIONS AND REASONS**

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
  - a. 1656-WYN-SD-00.01A OS Location Plan\_23.09.2022



- b. 1656-WYN-SD-10.00A Existing Site Plan\_23.09.2022
- c. 1656-WYN-SD-10.01B Proposed Site Plan\_06.04.2023
- d. 1656-WYN-SD-10.02B Boundary Treatment Plan\_06.04.2023
- e. 1656-WYN-SD-10.03B Surface Treatment Plan\_06.04.2023
- f. 1656-WYN-SD-10.04B Adoption Plan\_06.04.2023
- g. 1656-WYN P40.02 Site-Sections\_07.23
- h. Detailed Planting Plan [Sheet 1 of 4] (ref: N1251-ONE-ZZ-XX-DR-L-0201-P03)
- i. Detailed Planting Plan [Sheet 2 of 4] (ref: N1251-ONE-ZZ-XX-DR-L-0202-P03)
- j. Detailed Planting Plan [Sheet 3 of 4] (ref: N1251-ONE-ZZ-XX-DR-L-0203-P03)
- k. Detailed Planting Plan [Sheet 4 of 4] (ref: N1251-ONE-ZZ-XX-DR-L-0204-P03)
- l. Plot 2 Land adjacent 53 The Stables Proposed Ground Floor Plan (ref: 1804.W.P2.01 E 151018)
- m. Plot 2 Land adjacent 53 The Stables Proposed Front and Side Elevation (ref: 1804.W.P2.02 B 260918)
- n. Plot 2 Land adjacent 53 The Stables Proposed Rear and Side Elevation (ref: 1804.W.P2.03 D 151018)
- o. Dwelling Type A Proposed Ground Floor Plan (ref: 1808.A.W.01 G 180719)
- p. Dwelling Type A Proposed First Floor Plan (ref: 1808.A.W.02 E 131118)
- q. Dwelling Type A Proposed Front and Side Elevation (ref: 1808.A.W.03 D 180719)
- r. Dwelling Type A Proposed Rear and Side Elevation (ref: 1808.A.W.04 C 100618)
- s. Dwelling Type B Proposed Ground Floor Plan (ref: 1808.B.W.01 H 030920)
- t. Dwelling Type B Proposed Front and Side Elevation (ref: 1808.B.W.02 E 180719)
- u. Dwelling Type B Proposed Rear and Side Elevation (ref: 1808.B.W.03 C 100618)
- v. Brignal 2 Proposed Ground Floor Plan (ref: 2222.W.01 310522)
- w. Brignal 2 Proposed First Floor Plan (ref: 2222.W.02 310522)
- x. Brignal 2 Proposed Front and Side Elevation (ref: 2222.W.03 310522)
- y. Brignal 2 Proposed Rear and Side Elevation (ref: 2222.W.04 310522)
- z. ECL Arboricultural Impact Assessment Method Statement and Protection Plan- Wynyard - 31st May 2022
- aa. Ecological Appraisal by OS Ecology dated August 2023.
- bb. Breeding Bird Survey by OS Ecology dated August 2023.
- cc. Flood Risk Assessment and Drainage Strategy by Coast Consulting Engineers dated April 2022.
- dd. Travel Plan by Bryan G Hall dated August 2022
- ee. Air Quality Assessment by NJD Environmental Associates dated July 2022

ff. Noise Assessment by NJD Environmental Associates dated July 2023.

gg. Biodiversity Net Gain Assessment by OS Ecology dated February 2024

For the avoidance of doubt.

2. 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.
3. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter, the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
4. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8am and 6pm on Mondays to Fridays and between 9am and 1pm on Saturdays. There shall be no construction activity including demolition on Sundays, or Bank Holidays.  
To ensure that development does not adversely affect neighbours living conditions.
5. Notwithstanding the submitted information and the measures outlines within the submitted Flood Risk Assessment, no development in relation to surface water drainage shall take place until a scheme for surface water management system including the detailed drainage/SUDS design has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water: detailed proposals for the delivery of surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify the parties responsible for carrying out other arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system through its lifetime. The scheme shall be fully implemented and subsequently management for the lifetime of the development in accordance with the agreed details. This needs to be pre-commencement to prevent increased risk of flooding from any sources in accordance with the NPPF and to ensure future maintenance of the surface water drainage.
6. Prior to works pertaining to foul water drainage a detailed scheme for the disposal of foul water from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter, the development shall take place in accordance with the approved details.

This needs to be pre-commencement to ensure the site is appropriately constructed to prevent the increased risk of flooding in accordance with the advice in NPPF.

7. A Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of the development, to agree the routing of all HGVs movements associated with the construction phase, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control the treatment of stock piles, parking for the use during construction measures to protect existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on the highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The CEMP shall also set out as a minimum site specific measures to control and monitor impacts in relation to constructions traffic, noise, vibration, dust and air pollution, land contamination, disturbance to ecology and ground water. Thereafter, the development shall be carried out in accordance with the approved details.  
This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area.
8. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, programme of the works to be undertaken, and implementation in accordance with the approved details and programme of works.  
In the interests of visual amenity and biodiversity enhancement.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved programme of works for implementation. Any trees plants or shrubs which within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species.  
In the interests of visual amenity and biodiversity enhancement.
10. No part of the residential development shall be occupied until a vehicular and pedestrian access to the proposed development has been constructed to the satisfaction of the Local Planning Authority.  
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
11. Prior to first occupation of the dwellings hereby approved, a compliance report to confirm the energy demand of the development and its CO2 emissions (measured by the Dwelling Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.  
In the interests of promoting sustainable development and in accordance with the provisions of the Local Plan Policies QP7 and CC1.

12. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and must be reported in writing immediately prior to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with the contamination on the site has been carried out in accordance with the 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 has 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 the site is suitable for its intended use.
13. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In the interests of breeding birds.
14. Notwithstanding the submitted details none of the dwellings shall be first occupied until details of the proposed street lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the street lighting shall be provided in accordance with the approved details.  
In the interests of biodiversity.
15. Notwithstanding the submitted information, prior to first occupation of the development hereby approved, details of the boundary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter development shall be implemented in accordance with the approved details prior to the occupation of each dwellings.  
In the interests of a satisfactory form of development and in the interests of the amenities of future occupiers.
16. No part of the development hereby approved shall take place until an Amphibian Method Statement (particularly focussing on Great Crested Newts) has been submitted to and approved in writing by the Local Planning Authority. The submitted details will include a timetable of when the vegetation shall be removed. Thereafter, the development shall take place in accordance with the approve details.  
In the interests of Great Crested Newt.
17. Notwithstanding condition 1, (approved plans condition not these conditions) no part of the development hereby approved shall take

place until full details presented in the Biodiversity Net Gain Plan including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

In the interests of biodiversity.

18. No dwelling hereby permitted shall be first occupied until two integral bird nest bricks for either sparrow or starlings to be more than 3m above ground level to be provided on the house or garage of that dwelling, or two integral bat roost bricks to be more than 3m above ground level on the house or garage of that dwelling. The bricks should be in sunlight for part of the day and therefore must be located on the east or south facing side of dwelling or garage.  
In the interests of biodiversity.
19. None of the dwellings hereby permitted shall be first occupied unless and until the 4m high earth bund shown on Drawing No. 3 of page 10 of the Noise Assessment provided by NJD Environmental Associates dated June 2022 and Drawing No. WYL-ARC-011 A (Bund Sections) has been constructed in accordance with these details. Thereafter the bund shall be retained as such.  
To protect the dwellings from noise generated by traffic from the A689.
20. No dwelling hereby permitted shall be first occupied until the glazing and ventilation specification as identified in Section 8.5.1 of Noise Assessment by NJD Environmental Associates dated July 2023 has been provided. Thereafter, it will be maintained and retained as such.  
To ensure a satisfactory living environment
21. There shall be no open burning permitted on site at any time.  
To protect neighbouring residential occupiers from smoke and fumes.
22. Prior to the first occupation of any of the dwellings hereby permitted a scheme to secure improved pedestrian access including its surfacing onto the Castle Eden Walkway (CEW), together with a timetable for its implementation, shall be submitted and approved in writing by the Local Planning Authority. There scheme shall thereafter be implemented in accordance with the details and timetable so approved.  
To improve access to the countryside.
23. Prior to first occupation of any of the dwellings hereby approved, the off-site highway improvement works at the A19/A689 Wolviston junction, shown indicatively on Drawing No. 276864-ARP-ZZ-XX-DR-CH-0101 & Drawing No. 27684-ARP-ZZ-XX-DR-CH-0102 shall be completed as submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.  
To ensure the safe and efficient operation of the strategic highway.
24. Notwithstanding the submitted details, none of the dwellings hereby permitted shall be first occupied until a detailed specification and schedule of photovoltaic arrays to be provided to ensure that 10% of the energy requirement for each dwelling is provided from renewable sources has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.  
In the interests of sustainability.

25. Notwithstanding the submitted details, none of the dwellings hereby permitted shall be first occupied until details of a vehicle charging point for each dwelling has been submitted to and approved in writing by the Local Planning Authority. The vehicle charging points shall be installed and available to use prior to first occupation.  
In the interests of sustainability.
26. No dwelling hereby permitted shall be first occupied until details of refuse and recycling bins to be provided at each property has been submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be provided to each dwelling prior to first occupation.  
To ensure satisfactory refuse and recycling bins are provided for residents.

Members considered representations in respect to this matter.

<b>Number:</b>	H/2024/0011
<b>Applicant:</b>	WYNYARD PARK LTD
<b>Agent:</b>	LICHFIELDS MR JOSH WOOLLARD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF
<b>Date valid:</b>	08/01/2024
<b>Development:</b>	Outline Planning Application for the erection of 3no. residential plots with associated access (all matters except access reserved)
<b>Location:</b>	LAND NORTH DUCHY HOMES WYNYARD BILLINGHAM

The Principal Planning Officer highlighted that an addendum to the report had been tabled for Members consideration. The paper highlighted that the site was a key green infrastructure barrier between the development sites and the Archaeological Exclusion Zone (AEZ). It was highlighted that there had been damage to the AEZ site and the developer seemed not to care and this was the third time they had tried to develop this area having been refused twice already. It was officers' view that nothing had changed. The tabled document added amended the reasons for refusal. There had been discussion on Section 106 monies but as officers deemed the application unacceptable in principle no finalised agreement had been reached. If the applicants went to appeal and were successful S.106 monies may be discussed at that time.

Members questioned the damage to the archaeological site. Officers stated that the extent of the damage couldn't be assessed without archaeological excavation. It was understood there were medieval remnants on the site. Members asked about the S.106 if development was to go ahead. Officers

stated that there had been discussions but in light of their opposition to the development, that agreement had not been pursued to the stage of signing. The reason for refusal reserved the council's position on the S.106 contributions should the matter be taken to appeal.

The applicant's agent Josh Woollard was present at the meeting and addressed the Committee. The land was agricultural land and there were already a number of developments already within this area that had been considered acceptable. The applicant was willing to agree to a condition requiring the land to be stripped back and a cataloguing of any remains being made before appropriate mitigating earthworks were applied. The applicant had engaged two archaeological consultants that supported this approach. The development of the site would also not diminish the green wedge area.

A Member asked if there had been any exploratory trenches dug as part of the archaeological assessments the applicant had undertaken. It was indicated that there had not. The Members suggested that for the sake of three houses, the archaeological site should be protected.

A Member was concerned at the potential damage already done to the archaeological site and asked the developer how this had arisen given the fact the importance of the AEZ site had been highlighted in the past. The applicant's agent stated that a mitigation strategy had been approved as part of previous applications. Vehicle movements had not been controlled and things could have been better managed but it was not clear what damage may or may not have been done to any archaeological remains. The remains on the site were said by English Heritage to be fragmented and of little potential.

Members noted the previous trial trenching on the AEZ site in 2009 when it was deemed that the remains were fragmented but of regional importance.

The representative of Wynyard Parish Council, Keith Malcolm commented that the Parish Council were pleased to see the officers' recommendation to refuse the application as they supported the preservation of the Archaeological Exclusion Zone (AEZ).

The recommendations as set out in the report were moved by Councillor Little and seconded by Councillor Boddy.

A recorded vote to refuse this application, as per the officer recommendation, was taken.

Those for – Councillors Moss Boddy, Brian Cowie, Rob Darby, Tom Feeney, Sue Little Veronica Nicholson, Karen Oliver, Carole Thompson.  
David Nicholson and Mike Young.

Those against – None.

Those abstaining – Councillor Paddy Brown.

The application was, therefore, refused.

**Decision:** **Outline Planning Permission Refused**

**REASONS FOR REFUSAL**

1. The site is within an area of Green Wedge where the siting of new dwelling is contrary to policy NE3 of the Hartlepool Local Plan 2018
2. There is the potential for the development to impact a potential heritage asset with potential archaeological interest. It has not been demonstrated that there would be no unacceptable harm to the potential heritage asset, and as such the development is contrary to policies HE1, HE2 of the Hartlepool Local Plan 2018 and the advice in National Planning Policy Framework (NPPF) (December 2023).
3. The proposed development has not secured the necessary obligations related to primary education, secondary education, playing pitches/sports hub, Castle Eden walkway, east/west cycleway, and off-site affordable housing. Failure to address these obligations would lead to significant impacts that are contrary to policies QP1, INF1, INF2, and HSG6 of the Hartlepool Local Plan 2018, as well as the guidance outlined in the National Planning Policy Framework (NPPF) (December 2023).
4. Insufficient information has been submitted to demonstrate that acceptable drainage would be provided and the development would not cause flooding. As such the proposal is contrary to policies CC1, CC2 and QP6 of the Hartlepool Local Plan 2018 and the advice in National Planning Policy Framework (December 2023).

Members considered representations in respect to this matter.

**Number:** H/2023/0380

**Applicant:** SIGMA CAPITAL PROPERTY LIMITED ALVA STREET EDINBURGH

**Agent:** SIGMA CAPITAL PROPERTY LIMITED MISS CHLOE JURY 18 ALVA STREET EDINBURGH

**Date received:** 29/01/2024

**Development:** Advertisement consent for the installation of 1no. monolith sign and 2no. flags (retrospective)

**Location:** SISKIN PARK THE MEADOWS WYNYARD BILLINGHAM

The Principal Planning Officer presented the report to the Committee recommending that the application be refused on visual amenity grounds.



Councillor Young proposed that the officers’ recommendation be approved. This was seconded by Councillor Veronica Nicholson.

A recorded vote to refuse this application, as per the officer recommendation, was taken.

Those for – Councillors Moss Boddy, Paddy Brown, Brian Cowie, Rob Darby, Tom Feeney, Sue Little Veronica Nicholson, Karen Oliver, Carole Thompson, David Nicholson and Mike Young.

Those against – None.

Those abstaining – None.

The application was, therefore, refused.

**Decision: Advertisement Consent Refused**

**REASON FOR REFUSAL**

1. The advertisements in combination with the existing advertisements result in a visually cluttered appearance, which harms the visual amenity of the area contrary to policy QP8 of the Hartlepool Local Plan (2018), the advice in National Planning Policy Framework (NPPF) (December 2023) and Planning Practice Guidance (PPG) (2024).

**Number:** H/2023/0344

**Applicant:** MISS SUZANNE YORKE CHURCH STREET SEATON CAREW HARTLEPOOL

**Agent:** ASP Service Ltd 26 BOVIS HOUSE 7 to 9 VICTORIA ROAD HARTLEPOOL

**Date received:** 06/09/2023

**Development:** Change of use of an existing residential swimming pool to a swimming pool for public use (F2 Use Class)

**Location:** 3 THE PADDOCK CHURCH STREET SEATON CAREW HARTLEPOOL

The Senior Planning Officer outlined the application to the Committee and the reasons for recommending refusal of the application. Members raised questions around the parking proposals. It was noted that the applicant had said that visitors could use the Church car park, if so that should be available

to all Seaton Carew businesses, which it was not. The issue of parking permits in the area was raised and officers stated that there was a residents parking zone in place, so visitors would not be eligible for a permit. It was clarified that the proposal would not qualify for business parking permits.

The applicant's agent was present at the meeting and addressed the Committee. It was stated that the application was not for a general use pool but it would be targeted at those needed rehabilitation, the elderly who struggled to get to the Mill House leisure centre and teaching babies and toddlers to swim. The pool was only small, 4 metres by 9 metres so each time slot would be limited to 5 people only. The applicant was a professionally qualified swimming teacher.

The applicant had addressed the issue of parking and there would be two parking spaces on the property and they would stagger slots so as not to increase traffic and there would not be increased pressure on parking as alternatives had been identified. The application had been supported at the pre-application stage; without that the applicant would not have pursued the application to this stage.

A Member commented that they had sought further information on the application and expressed concern at the potential number of visitors to the facility and additional traffic it could create. There was also concern expressed by another Member at the lack of specific facilities for the disabled, including parking, and the Member commented that the drawings provided did not indicate there was sufficient changing space for disabled users.

Councillor Little moved that the officers recommendation to refuse be agreed. This was seconded by Councillor Veronica Nicholson.

A recorded vote to refuse this application, as per the officer recommendation, was taken.

Those for – Councillors Moss Boddy, Paddy Brown, Brian Cowie, Rob Darby, Tom Feeney, Sue Little Veronica Nicholson, Karen Oliver, Carole Thompson, David Nicholson and Mike Young.

Those against – None.

Those abstaining – None.

The application was, therefore, refused.

**Decision: Planning Permission Refused**

### **REASON FOR REFUSAL**

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 (2023) which states that new developments should achieve a high standard of amenity for existing and future users.

Members considered representations in respect to this matter.

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## **78. Update on Current Complaints and Enforcement Actions** *(Assistant Director, Neighbourhood Services)*

The Assistant Director, Neighbourhood Services provided an update for the Committee with regard to complaints that had been received, investigations that had been completed and enforcement actions that had been taken by officers.

### **Decision**

That the report be noted.

## **79. Planning Appeal at The Old Mill, Trunk Road ,A19 Hartlepool - Appeal Ref: APP/H0724/W/24/3336578** *(Assistant Director, Neighbourhood Services)*

The Assistant Director, Neighbourhood Services reported that a planning appeal that has been submitted against the Council's decision to refuse a planning application for the erection of a first storey extension and two storey infill extension to rear of The Old Mill (H/2023/0069). The planning application had been refused under delegated powers on 24th January 2024. A copy of the officer's delegated report was submitted.

### **Decision**

That the report be noted.

## **80. Any Other Items which the Chairman Considers are Urgent**

None.

The meeting concluded at 12.30 pm.

CHAIR

**No:** 1.  
**Number:** H/2022/0470  
**Applicant:** MS KIRSTY MCGUIGAN 88 WOOD STREET LONDON EC2V 7DA  
**Agent:** PLAN A CONSULT MR JAMES WHEATER  
**Date valid:** 13/02/2023  
**Development:** 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.  
**Location:** LAND ADJACENT TO HARTMOOR SUBSTATION 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.

### Updates since the previous committee meeting of 17/04/2024

1.2 This application was deferred by members at the last committee meeting of 17.04.2024 to allow members to undertake a site visit.

1.3 The comments of the Environment Agency have been updated to reflect their full comments, as well as their recommended planning conditions (an addition of 6 conditions to the Recommendation of the report). There have also been a number of minor amendments and updates to the recommended planning conditions, since the publication of the previous committee report. These updated comments and planning conditions have not changed the consideration or recommendation detailed in the previous committee report.

1.4 Since the previous committee meeting of 17.04.2024, an additional 112 objections have been received (from 90 separate addresses, with more than one objection received from the same address in some instances). 8 responses of support/no objection have also been received. These comments are summarised in the Publicity section below. Owing to the nature of the additional objections received, further comments have been sought and received from the Council's Traffic and Transport section and Public Protection team, which are set out and considered in the report below.

## BACKGROUND + SITE HISTORY

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

1.6 Current pending applications (all to the south of the A179):

H/2022/0423 - 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 (Land at Whelly Hill Farm, Worset Lane). Pending consideration.

H/2023/0181 - Construction and operation of a gas powered standby electricity generator and related infrastructure (Land to the east of electricity substation). Pending consideration.

1.7 To the east of the application site, south of the A179:

H/2017/0287 – planning permission for a gas-powered electricity generator and related infrastructure was granted in December 2017.

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 was granted in November 2018.

H/2019/0208 – planning permission was granted 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 in November 2019. This constitutes an eastward extension to the approved site at H/2017/0287.

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.

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.

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.

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.

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.

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.

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

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.

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

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

H/2022/0302 - Erection of a Synchronous Condenser with ancillary infrastructure, and associated works including access and landscaping. Allowed on appeal (reference APP/H0724/W/23/3330856, decision date 12/02/2024), following refusal by the Local Planning Authority in April 2023.

H/2021/0311, H/2021/0312 & H/2021/0312 – planning permission was refused 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 south west of the application site. The proposed substation would be to the east of the application site and north of the A179. All (including two linked appeals within the jurisdiction of DCC) were allowed on appeal (references APP/H0724/W/22/3299848, APP/H0724/22/3299842 and APP/H0724/W/22/3299857) on 06/12/2023, following refusal by the Local Planning Authority in March 2022.

## **PROPOSAL**

1.9 This application seeks full planning permission for the proposed 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, on land on and around Whelly Hill Farm, approximately 600m to the west of Hartmoor substation, to the south of the A179 in Hartlepool. The

proposals would also include a temporary construction compound immediately to the east of the existing track road and south of the A179.

1.10 In detail, the proposed Grid Stability Facility would comprise 2no. synchronous compensator buildings, an amenities building and infrastructure including circuit breakers, coolers and transformers, which would be installed on a platform in the main area of the application site (to the south west section). The proposed platform would measure approximately 178.896m in length by approximately 105.490m in depth, to give an area of approximately 17,763sqm.

1.11 Each of the two synchronous compensator buildings would measure approximately 61.09m in length by approximately 22.606m in width, with a pitched roof design with a total height of approximately 9m and which would contain a total of 8no. compensators units, circuit breakers and protection and control. The proposed buildings would be finished in grey ('goosewing grey') coloured cladding to the roof and walls, and would each feature 4 roller shutter doors and 4 access doors in the northern elevation, 2no. access doors on each of the side elevations (east and west facing), and 7no. access doors in the south elevation, all finished in the same grey colour.

1.12 The electrical infrastructure would be sited to the south of the proposed main buildings and would comprise firewalls, transformers and other switchgear infrastructure with approximate heights of 9.5m, 9.3m and 9.6m dropping to 7.9m respectively.

1.13 An amenities building would be sited to the north east corner of the main area of the application site. This would measure approximately 13m in length by approximately 11m in width with a pitched roof design with a total height of approximately 6m. The building would be finished in grey coloured ('goosewing grey') cladding to the roof and walls.

1.14 The proposed platform would be raised to the northern extent where the proposed buildings would be sited, and would slope down to the south toward the siting of the proposed underground cables. Overall the site level would slope down by approximately 1.3m from north to south.

1.15 Underground cables (275kV) would be installed between the proposed platform and the National Grid substation to the east of the site, access off Worset Lane. The submitted Planning, Design and Access Statement indicates that these would comprise trenches within which the cable circuits would be laid, and the trenches would be backfilled using a sand/cement mixture and soils. Following installation, the ground would be restored and the surface re-seeded.

1.16 In addition, the proposals include the erection of galvanised/self-coloured palisade fencing and gates around the substation and overall compound with a height of approximately 2.4m "with an optional electrified top with a height of approximately 0.6m (total height approximately 3m)"; and the installation of an internal access road, fire walls, drainage and landscaping, as well as CCTV around the main building and overall compound.



1.17 The existing farm building and farmhouse would be demolished as part of the proposals.

1.18 The proposed development would be accessed from the existing farm access (to Whelley Hill Farm) from the A179 (to the north). The submitted Design and Access Statement indicates that the proposed access into the site would comprise a permeable layer of gravel topped with bituminous surfacing.

1.19 The proposals include the installation of landscaping throughout the application site, to include native hedgerow planting along the northern and eastern boundaries, native woodland planting to the northern, southern and eastern areas of the application site, wildflower and grass seeding to the northern, eastern and southern boundaries and grass across the proposed development (between plant, building and hardstanding areas). A Sustainable Drainage Solution (SuDS) basin would be installed in the south eastern corner of the application site.

1.20 The proposals include a temporary construction compound, which is to be situated at the northern extent of the site, adjacent to the boundary with the A179 trunk road and to the east of the access track to Whelley Hill farm. The submitted Planning, Design and Access Statement indicates that the temporary compound would contain site cabins, parking and waste facilities, and that this would be fenced off with stockproof fencing or security fencing as required. Following completion of the construction this area would be reinstated to its previous use as agricultural land.

1.21 The application has been amended during the course of consideration, primarily in respect of the proposed installation of additional landscaping, to the southern boundaries, which is discussed in further in the report below.

1.22 The submitted Planning, Design and Access Statement indicates that the Hartmoor Substation (located to the south of the A179) has been identified by National Grid as part of a Pathfinder Project including the proposed application, comprising an energy stability project required for energy generation (as a result of the decline in fossil fuel generation). The Statement confirms that the scheme proposed through this application is the only current proposal that can meet the identified grid stability need at Hartmoor. The Statement confirms that the applicant has been awarded a contract from National Grid for the proposed development.

1.23 The submitted information indicates that Synchronous compensators *“can be utilised to support the transition to renewable sources whilst helping to replace some of the capability which has been lost due to the reduction of large synchronous generators on the network. Synchronous compensators can provide this capability without the need for fossil fuels and requires a relatively small amount of power from the grid to support operation. Synchronous compensators are large rotating machines that are similar to a generator or a motor. Unlike these items, however, the shaft isn’t used to drive nor is it conversely is driven by external equipment.”*

1.24 The submitted information also notes that the proposal is intended to be a permanent installation (as opposed to having a ‘temporary’ lifespan on it), noting *“In terms of the period of time which the proposed development would be operational,*

*there is a permanent need for grid stabilisation, which is constant and long term. On this basis the proposed development is considered to be permanent.”*

1.25 The submitted Transport Statement 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.

1.26 The application has been referred to the Planning Committee due to the number of objections received (more than 3) in line with the Council’s scheme of delegation

## **SITE CONTEXT**

1.27 The application site is an area measuring approximately 7.6 hectares, situated to the south of the A179, and west of Hartmoor substation, and part of which currently comprises Whelly Hill Farm (consisting of a farm house and farm buildings). The application site comprises agricultural land and is primarily surrounded by further agricultural fields. It is bound to the north by the A179 trunk road, to the west by agricultural fields (with the A19 situated approximately 400m to the west beyond), and to the east by further adjacent agricultural fields, with the Hartmoor substation situated approximately 500m east of the proposed Synchronous Compensators and infrastructure.

1.28 As noted above, a planning application is pending consideration for the installation of a solar farm and solar electric forecourt (H/2022/0423) on the surrounding areas around the current application site. A proposed battery energy storage facility (H/2022/0459) benefits from planning permission to the north east of the application site (south of the A179, west of Worset Lane).

1.29 The application site comprises a number of buildings and features non-designated heritage assets, including Whelly Hill Farm, Whelly Hill House, and adjacent/west of the site is Whelly Hill House Limestone Quarry Local Wildlife Site (LWS).

1.30 Within the immediate vicinity of the site, Throston Moor is sited approximately 270m south east, High Volts Farm is approximately 560m to the east of the main section of the application site, Hart Moor House is approximately 420m to the north (beyond the A179 trunk road) of the access and temporary construction area of the application site, Tilery Farm is sited approximately 960m to the south east of the main section, East Grange Farm is sited approximately 500m to the north west (beyond the A179 trunk road) of the temporary construction area of the application site, and Whangden Farm is sited approximately 860m to the west (beyond the A19 trunk road).

1.31 The residential street of Nine Acres is located approximately 1.2km east/north east of the application site. The village of Hart is located approximately

1.7km to the east/north east of the application site, whilst the village of Elwick is located approximately 1.55km south of the application site.

1.32 The northern boundary of the application site is delineated from the A179 by a hedgerow and a row of mature trees.

1.33 Whilst the wider site of Whelly Hill includes a notable hill toward the northern extent (whereby the proposed structures would primarily be sited to the south west of the hill, with the ancillary cabling running west-east to the south to the Hartmoor substation to the south east), the topography of the application site is such that it is gently undulating, sloping from north to south and from west to east.

## **PUBLICITY**

1.34 The application has been advertised by way of site notices, press advert and letters to 25 individual neighbouring properties and local ward councillors.

1.35 A re-consultation was undertaken to technical consultees following the receipt of a Phase 1 Ground Contamination Assessment following an objection from the Environment Agency and amended Biodiversity Metric and Habitat Management Plan following discussions with the Council's Ecologist. It was considered not necessary to issue re-consultation letters to neighbours on receipt of these details given the technical nature of the additional information received.

1.36 A full re-consultation to neighbours and technical consultees was undertaken when the Landscape and Visual Assessment was updated and additional photomontages were provided.

1.37 A re-consultation was undertaken to specific technical consultees (namely the Council's Landscape Architect and Arboricultural Officer, Hart Parish Council and the Rural Neighbourhood Plan Working Group) following additional viewpoints and amended landscaping details.

1.38 To date, and at the time of writing (06.06.2024), there have been 125 objections received from members of the public. This includes objections from 110 members of the public (including 22 responses from members of the same household) received since the committee meeting on 17.04.2024 where the application was deferred for a site visit.

1.39 The main concerns and objections raised can be summarised as follows:

- The proposed infrastructure would replace an existing farmstead in open countryside, not in keeping with the wider setting
- Prominent structures and industrial appearance
- Concerns regarding the cumulative impacts
- Saturation of similar proposals in the surrounding area
- Admired and valued local landscape
- Lack of consultation from applicant during pre-application stages for residents of Hart, Sheraton and outskirts of Hartlepool
- "monumental, disastrous and irreversible" development

- Residents have identified more suitable locations
- Photomontages highlight the shocking visual impact
- Impacts on local village
- Impacts on wildlife, including plant life, insects, bees and animals (including deer)
- Impacts on local footpaths
- Insufficient proposed landscaping
- Construction plan does not align with peak traffic times for the road network
- Increased traffic on the A179 which is a busy road, and road safety has been underestimated in the reports
- No provision of local jobs
- Noise pollution
- Impacts during construction period
- Contravenes local planning policies
- Fire safety
- Loss of agricultural land which impacts on food production
- Visual impact, particularly from “wall to wall” industrialisation
- Spoiling the environment
- Villages are being made into an extension of the town with houses and industrial development
- Environmental impacts including contamination, the site is on a landfill
- Increases risk of flooding

1.40 In addition, 9 responses of ‘neither support nor object’ has been received, although some of the representations appear to refer to different proposal (for battery energy storage and for electric vehicle charging). These representations can be summarised as follows;

- The plans include planting of trees, bushes and green areas
- This new development is needed to keep this area up to date with the rest of the country
- For green energy, these stations need to go somewhere
- Job creation

1.41 Background papers can be viewed via the ‘click to view attachments’ link on the following public access page:  
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156385>

1.42 The period for publicity has expired.

## CONSULTATIONS

1.43 The following consultation replies have been received:

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

and the surface water 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.

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

For information only I note that section 7.4 of the Flood Risk Assessment states "*Proposed works in, over under or within 8m of a watercourse will require a 'Land Drainage Consent' (LDC) application to the LLFA*". This is not the case for Ordinary Watercourse and applies to Main Rivers only, of which there are none near the site. Land Drainage Consent for Ordinary Watercourse is required only for works that affect flow in that watercourse such as diversions, dams, culverting and suchlike. Please see section 23 of the Land Drainage Act 1991.

*Update 29/06/2023 following re-consultation on amended Biodiversity information:*

In response to your consultation on the above amended application we have no further comments to make.

*Update 06/11/2023 following re-consultation on amended Phase 1 Ground Conditions Assessment:*

In response to your consultation on the above amended application we have no further comments to make.

**HBC Ecology:** This is a comprehensive submission supported by a range of ecological survey and biodiversity assessments, which have been reviewed:

- Application Form – December 2022;
- Planning, Design and Access Statement;
- Ecology Assessment Report (BSG, 2022);
- Biodiversity Net Gain Assessment (BSG, 2023)
- Tree Survey and Arboriculture Impact Assessment;
- Suite of detailed planning drawings.

An ecological appraisal has been produced for the development that included an extended habitat survey. The scope of the appraisal includes the results of the extended Phase 1 habitat survey that covered key protected and notable species and bat emergence surveys undertaken (due to the presence of buildings on site which will be demolished and removed). The study also presents an assessment of likely significant impacts based on the available project information, along with mitigation and/or enhancement measures as appropriate in support of a planning application to Hartlepool Borough Council.

The proposal is not located within or likely to impact designated ecological sites, and no significant impacts to ecology have been identified through the ecological appraisal. However, there is a Local Wildlife Site (LWS) Whelly Hill Quarry immediately to the west of the facility. This adjacent LWS is an important consideration in the Biodiversity Net Gain (BNG) requirements (discussed later in this memo).

Within Whelly Hill Farm, two trees from the areas of sycamore-dominated woodland will be lost, as will areas of young broadleaved plantation woodland, semi-improved neutral grassland, and amenity grassland that overlap with the construction of a platform. It is acknowledged that the hedgerow on the southern Site boundary will be lost in order to facilitate the cabling route and the hedgerow to the west of the road access to Whelly Hill Farm may also be lost. I support the statement that any habitat created as part of a biodiversity net gain assessment should give preference to hedgerow, woodland, scrub, and grassland habitats within any accompanying landscape plan (this is stated in the Ecological Assessment Report). Biodiversity Loss is discussed in further detail.

It is stated that the proposals require the demolition of Buildings 1 – 5, which would result in the loss of a bat day-roost in Building 4. The roost is a day-roost observed to support a single common pipistrelle. If the roost is active, the building may not be demolished without a licence from Natural England. The Ecological Assessment Report suggests that the structure may be registered under the low-impact class licence for bats. Licensing requirements are to be confirmed and the licences obtained prior to disturbance and if necessary, demolition of any of the buildings on site. This will be conditioned.

I support the proposed mitigation for bats, to include woodland and scrub habitats within the proposed landscaping plan to support foraging and commuting bats and the recommended that 3 pole mounted bat boxes (woodcrete) are installed on the west side of the site adjacent to the LWS. The location of the poles shall be agreed with the LPA.

Trees affected by the development have been assessed with regard to roost potential. Trees have been determined as negligible or low suitability for roosting bats and may

therefore be removed without further survey work. It is, however, recommended that their removal is also undertaken under a precautionary method statement. I agree that a method statement is prepared, and this shall be conditioned.

Given the scale of the habitats on site, I agree with the conclusions regarding the value of the development site for birds. It is recommended within the Ecological Assessment that 6 pole-mounted bird boxes are installed in suitable locations around the Site boundary. These boxes should include a mix of designs to suit different passerine species, such as sparrow species, tit species, or starling. I agree with this recommendation. The location of the boxes shall be agreed in advance of installation with the LPA.

Accessible waterbodies on Site or within 250 m of the Site were assessed for their suitability for great crested newt *Triturus cristatus* (GCN) in accordance with guidance from Natural England. One waterbody is located within the Site boundary and was identified during the habitat survey. This waterbody was sampled using eDNA analysis (Biggs et al. 2014). The sample was taken by a licenced newt ecologist and sent to SureScreen Scientifics Ltd. for analysis. The sample returned a likely negative result. Two further ponds were identified by the desk study. The first pond lies 248 m from the site, whilst the second is 490 m. Both these ponds are on the opposite side of the A179. The single pond on site is regarded as of negligible ecological importance, due to the lack of egg-laying vegetation and as the pond is artificial and lined with PVC sheeting. The pond is also stocked with ornamental koi. I agree with the view that this pond is of negligible ecological importance, no further mitigation is required with regard to Great Crested Newts (see Pre-construction survey requirements).

No records of reptiles were returned by ERIC NE. Based on the sub-optimal nature of the habitat present and isolated nature of the site, the likelihood of reptiles being present is considered to be low. No further mitigation is required with regard to Reptiles (see Pre-construction survey requirements).

A pre-construction walk-over surveys shall be undertaken in advance of the commencement of works to confirm the details within the Ecological Assessment. Should any variation be recorded (e.g. new badger excavations, nesting birds, reptiles), a report shall be issued to the LPA including the recommended mitigation. This requirement shall be conditioned.

I support the recommendation that pre-construction walk-over surveys shall be recorded as a measure to be included within a Construction Environmental Management Plan (CEMP).

Following the biodiversity net gain assessment in January 2023, it was concluded that the proposed development would result in a deficit of -9.78 BU, or a 31.83 % loss, for area-based habitats and would not satisfy habitat trading rules within the DEFRA Metric 3.1.

Based on the findings of the updated BNG assessment (June 2023), there is an overall net loss of 7.24 BU once the gains from the landscaping proposals are compared to the losses through construction. This still falls below the target of at least 10%. The developer is in discussion with Hartlepool Borough Council to consider

enhancement of Whelly Hill Quarry LWS and are also in discussion with a third party to identify opportunities for obtaining BNG Units. The requirement is enforced by the 2021 Environment Act, which introduced an automatic new condition to every planning permission granted: a biodiversity net gain (BNG) of 10%. This means that, before any development begins, applicants need to measure the existing and proposed biodiversity values of their sites. The target date for all planning permissions is November 2023. We acknowledge the efforts of the developer to make sure that the 10% gain is achieved and request that a BNG Plan is submitted detailing how the 10% will be achieved. This shall be conditioned.

#### Conditions

A Biodiversity Net Gain Plan detailing how the applicant proposes to achieve at least 10% uplift in Units from the baseline as described in the Biodiversity Net Gain Assessment (BSG, 2023) shall be created and submitted for approval to the LPA prior to any development on site.

The Natural England licence requirements for bats shall be confirmed and details shall be submitted to the LPA. If a licence is required this shall be obtained prior to any development on site.

A plan to show where the 6 pole-mounted bird boxes will be installed shall be submitted for approval to the LPA prior to any development on site. These boxes should include a mix of designs to suit different passerine species, such as sparrow species, tit species, or starling.

A plan to show where the 3 pole mounted bat boxes (woodcrete) will be installed on the west side of the Site adjacent to the LWS shall be submitted for approval to the LPA prior to any development on site.

Trees have been determined as negligible or low suitability for roosting bats it is, however, it is recommended that their removal is also undertaken under a precautionary method statement. The method statement shall be submitted for approval to the LPA prior to any development on site.

Details of a pre-construction walk-over survey shall be created and submitted for approval to the LPA. The surveys shall be undertaken in advance of the commencement of works to confirm the details within the Ecological Assessment. Any additional mitigation shall be recommended and submitted for approval to the LPA. A Construction Environmental Management Plan (CEMP) detailing all environmental mitigation shall be submitted for approval to the LPA prior to any development on site.

Assuming that agreement can be made over the proposed Conditions, the Ecologist does not object to the proposal in terms of NPPF paragraph 180 and 182, as there will be no significant harm to biodiversity.

#### Update 04/09/2023 following amended landscape plan:

It is noted that the Landscape Plan has been updated, but no reference been made to the location / position of the pole-mounted bird and bat boxes stated in the supporting



documentation. These will be conditioned as pre-commencement conditions, as stated in my consultation response of 30th June 2023.

No further comments from my previous consultation of 30th June 2023.

**HBC Traffic and Transport:** There are no highway or traffic concerns with the proposed site. A construction management plan should be conditioned which details the temporary traffic management on the A179, details for keeping mud of the A179, temporary parking arrangements, and site traffic movements. Site Traffic should be prohibited from turning right into the site, there's been several shunt type accidents on this and nearby A179 junctions in the past few years. Site traffic should travel down to the Hart Roundabout and u Turn back up to the site access.

Update 29/06 following re-consultation on amended Biodiversity information and Phase 1 Ground Conditions Assessment:

I have no further comments with regards to the amended proposal in terms of traffic and transport.

Update 21/05/2024 following additional objections:

The increased traffic levels will mainly impact during the construction phase of the scheme which will last 24 months, it is understood that will result in the worst case an increase in 48 daily HGV trips to the site, this quickly reduces and by the 3rd month of construction this becomes negligible. The developer has agreed to submit a construction management plan prior to the commencement of works which will detail how construction traffic will be mitigated against. These measures could potentially include the restriction of the delivery route and arrival and departure times. I have already required that construction traffic shouldn't be allowed to turn right into the site due to safety concerns.

After the construction period the development will generate minimal traffic movements, generally 2 visits per week.

There have been concerns raised that this will increase traffic levels through Dalton Piercy. Given the location of the site I'm not sure that this would be an issue. Traffic traveling from the south would not be able to access Dalton from the A19 due to the gap closures. Traffic may access from the A689 however given the speed limit and narrow carriageway width it would be much more convenient to use the A19 / A179. There would be no advantage at all for traffic from the site to use the back roads leading to Dalton. Regardless Construction movements would be restricted through the Construction Management Plan.

**HBC Countryside Access Officer:** Whilst 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. I would like to make sure that nearby access routes benefit from this development through s106 contributions.

**HBC Landscape Architect:** A landscape and visual appraisal has been provided, and a landscape strategy developed. Detailed landscape proposals should be provided in due course. Consideration should be given to the provision of a cumulative impacts section within the LVIA, given the current density of proposed infrastructure development within the A179 corridor.

Update 15/06/2023 following re-consultation on amended Biodiversity information and Phase 1 Ground Conditions Assessment:

The provision of montages has been informative regarding landscape and visual impact of the scheme. Viewpoint 1, 2 and 11 highlight the scale and industrial character of the proposed buildings and viewpoints 7 and 12 highlights the impact of the form the SW ( A 19 and PRoWs adjacent ). Mitigation through the provision of screen planting at VP11 would not be effective in the short - medium term. No mitigation has been provide at VP 12. If any development were deemed acceptable, impacts on views from SW would need to be fully mitigated.

Update 24/08/2023 following re-consultation on amended planting plan:

An amended planting plan has been provided. This however fails to address the previous issues raised with regard to mitigation form the SW (VP12).

Update 13/03/2024 following re-consultation on amended landscaping:

Some additional landscape planting has been provided. This is illustrated at on the photomontage provided. While there will be a small increase to effective screening, visual impacts will not be fully mitigated.

**Tees Archaeology:** A recent geophysical survey for application H/2022/0423, has demonstrated that there is archaeological potential on the site, with the survey revealing anomalies of both probable and possible archaeological origin. This information was not available when the heritage statement for H/2022/0470 was being updated; however, my recommendations made during conversations with the archaeological contractor regarding the proposed development remain unchanged.

Archaeological mitigation of the site should consist of a phased programme of archaeological works, including historic building recording on the farmstead (all buildings) and monitoring during groundworks for the cable run and temporary set down area. There is the possibility for archaeological fieldwork to be necessary in the vicinity of the farmstead; this will be determined following the building recording. The requested archaeological mitigation can be secured by condition upon the development. I set out the proposed wording of this condition below:

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a phased 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 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

Update 26/06/2023 following re-consultation on amended Biodiversity information and Phase 1 Ground Conditions Assessment:

Our comments of May 2023 remain unchanged.

Update 05/09/2023 following re-consultation on amended planting plan:

Thank you for the additional consultation. Our comments of May 2023 remain unchanged.

Update 23/11/2023 following receipt of WSI:

Thank you for sending though the amended WSI; this is now satisfactory.

Update 03/04/2024 regarding planning conditions:

While I have approved the WSI for historic building recording, I would still like archaeological monitoring to be carried out during groundworks for the cable run and temporary set down area – the approved WSI does not cover this work.

You could split the archaeological condition into two so that there are separate conditions for the historic building recording and the archaeological monitoring. The archaeological monitoring would have the same condition wording as our usual condition, and the historic building condition could be similar to the amended wording you set out below, reading:

- a) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation as detailed in the document Hartmoor Grid Stabilisation Facility Whelly Hill Farm Hartlepool / Written Scheme of Investigation for Historic Building Recording (Level 1/2) / report prepared for Transmission Investment, document reference CA Project: MK1009 / CA Report: MK1009\_1, dated November 2023, received by the Local Planning Authority on 20th November 2023.
- b) The development shall not be operational or brought into use until the site investigation and post investigation assessment has been completed in accordance

with the programme set out in the Written Scheme of Investigation as detailed above and provision made for analysis, publication and dissemination of results and archive deposition has been secured. The development shall not be operational or brought into use until such matters have been confirmed/agreed in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.

In the interests of protecting archaeological assets.

I hope this makes sense.

**National Highways:** It is noted that the nature of the development means that there will be nominal operational impact of the development.

The Applicant has provided details of the projected construction traffic and the impact upon the SRN (A19 Sheraton junction) is likely to be minimal and transient.

The Applicant has proposed to prepare a Construction Traffic Management Plan and we consider that to be sufficient to allow for further scrutiny of the details to be undertaken at a later date.

We therefore recommend that we do not object to the application provided that a conditional response is made requiring an adequate Construction Transport Management Plan (CTMP). Please refer to our attached formal response for the wording.

I trust this is sufficient to complete our consultation on this application for the moment but look forward to review of the CTMP in due course.

**HBC Arboricultural Officer:** The proposed development will have an impact to the environment from the loss of young woodland on the site, this is however mitigated through proposed replanting of woodland on the site. The felling of the woodland area is likely to be subject to the requirements of a felling licence under control of the Forestry Commission due to the volume of timber to be removed from the site. The AIA is a good document that identifies the trees that will be affected, I am happy that any tree losses are mitigated within the provided planting scheme (Landscape Strategy Plan - West). Tree protection plan east comprises of already existing fencing which is adequate for the proposal. Tree protection plan west shows the temporary protective fencing required for the development and this is also deemed acceptable. The Landscape Strategy Plan - West covers the planting scheme to be put in place and the associated aftercare. To conclude I have no arboricultural concerns with the proposed development.

Update 05/09/2024 following re-consultation on amended planting plan:

I have no additional comments to make from an arboricultural point of view.

Update 02/04/2024 following re-consultation on amended planting strategy:

Following the additional woodland planting to the south of the development and the subsequent moved electrical cable a section of existing hedge to the south and T18

can now be retained to provide further immediate visual protection. The Arboricultural documentation still show there removal and non-protection and so would need to be amended which could be conditioned notwithstanding the submitted documentation. The landscape plan now also shows an additional 5 Scots Pines to be planted along the southern boundary.

Update 04/04/2024 following discussion with agent:

I still wouldn't object if they had to remove the hedge and tree due to the amount of compensatory planting but whatever they could keep would be advantageous.

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

A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree how to effectively control noise/vibration on site, agree the routing of all HGVs movements associated with the construction, effectively control dust emissions from the site, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust monitoring and communication with local residents.

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

Update 09/05/2023 following re-consultation on amended contamination report:

I have no objections to this and no further comment to make and request my original conditions are still attached.

Update 22/05/2024 following additional objections:

I have no further comments to make above and beyond the original on the application. If anyone makes a complaint about noise during construction or when the site is operational it would be looked into in line with our nuisance investigation procedures.

The Environment Agency regulate these installations so they would be best placed to answer any queries on potential contamination/pollution incidents and noise matters.

You may wish to seek advice from HBCs Contaminated Land Officer if you haven't already as well.

**Environment Agency:** We OBJECT to this application as submitted, as it does not satisfactorily demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. We therefore recommend that planning permission is refused until adequate information is submitted.

Reasons

The previous use of part of the development site as a historic landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located:

- within source protection zone 3
- within an area potentially underlain by superficial deposits comprising more permeable granular horizons
- upon a Principal Aquifer comprising the Dolostone Ford Formation

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 174 and 183 of the National Planning Policy Framework.

#### Overcoming our objection

The applicant should submit a preliminary risk assessment which includes a desk study, tabulated and schematic conceptual model and initial risk assessment in accordance with the requirements of Land Contamination Risk Management guidance. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

The risk assessment within the Desk Study should clearly identify sources, pathways and receptors. The risk assessment should take into account the proposed earthworks, and likely foundation solutions and proposed surface water and foul drainage as potential pathways for contamination to migrate to controlled waters. The risk from the proposed foul drainage (cess pool) should also be considered within the risk assessment.

Separate to the above objection, we also have the following advice/comments to offer:

#### Historic Landfill – Advice to LPA and Applicant

The West Plan area of the development is sited on top of historic landfill Whelley Hill Farm. The landfill occupies three distinct areas to the North and West, with the largest being to the West of Whelley Hill and the adjacent Track. The licence for the landfill has expired, having been first issued in 1989. It was licenced as an inert landfill including construction waste.

As the proposal involves disturbance of this area of historic landfill we would suggest that a full risk assessment is undertaken in order to determine any potential environmental impacts of this work.

We would also advise that excavation of a landfill site is not a permitted activity under the Environmental Permitting Regulations. However, if the developer seeks to treat and/or redeposit the excavated waste then an Environmental Permit will be required. We would advise the applicant request pre-application advice in this instance. <https://www.gov.uk/guidance/get-advice-before-you-apply-for-anenvironmental-permit>

Land contamination: risk management and good practice - Advice to Applicant  
We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information.
- Please note that the CL:AIRE Code of Practice will not be appropriate for excavation and reuse / disposal of historic waste soils and that an appropriate Environmental Permit or exemption would be required. We would advise that you seek pre app advice from the Environment Agency.

The Environment Agency's approach to groundwater protection - Advice to Applicant

We would like to refer the applicant to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Drainage

Waste to be taken off-site - Advice to Applicant

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials – Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

National Quality Mark Scheme Advice

We would recommend that any reports to be submitted for approval to the Local Planning Authority are prepared under the National Quality Mark Scheme for Land Contamination Management (NQMS). The NQMS is a system designed by the industry led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental

information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and / or qualifications in their respective disciplines.
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems.
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies.
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations.
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations.

Reports prepared under the National Quality Mark Scheme aims to provide greater confidence to the regulator that land contamination issues have been appropriately identified and suitably investigated. It also demonstrates that all necessary information has been included and reported to a sufficiently high standard for regulatory decisions to be made.

Update 14/07/2023 following re-consultation on receipt of habitat management plan, BNG assessment and planting plan:

We maintain our previous objection to this development because the information submitted with the application does not demonstrate that the risk of pollution to controlled waters is acceptable or can be appropriately managed. We therefore recommend that planning permission is refused until adequate information is submitted.

Update 24/08/2023 following re-consultation on receipt of amended landscaping plan:

Thank you for consulting us on the above application following the submission of amended information. The amended landscaping plan does not change our previous response, which still applies to this application. I have attached our previous response for reference.

Update 05/12/2023 following re-consultation on receipt of Phase 1 Ground Conditions Assessment:

We have reviewed the revised Phase 1 Ground Conditions Assessment and consider that the information provided allows us to remove our previous objection. The proposed development will be acceptable if the following planning conditions are included in the granting of planning permission.



### Condition 1 – Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to manage the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the LPA. This strategy will include the following components:

1. An updated Preliminary Risk Assessment (Phase 1 Ground Conditions Assessment) which has identified:

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources, pathways and receptors, and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on the above component, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

### Reason

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 in line with paragraph 174 of the National Planning Policy Framework. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

### Informative

#### Remediation Strategy and Validation Report

An appropriate remediation strategy which includes information relating, but not limited to; demolition (and removal of asbestos containing materials within buildings and at ground surface), removal of existing services / underground structures including the existing cess pit, unexpected contamination, decommissioning of boreholes, material disposal / reuse including suitability of use testing, and further monitoring as deemed necessary is required. A subsequent validation report is likely to be required.

#### Phase 1 Ground Conditions Assessment

The information presented within the Phase 1 Ground Conditions Assessment demonstrates some understanding of the risks posed to controlled waters and that it will be possible to manage the risks posed by this development through a process of redevelopment and if required, remediation. Further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to

the granting of planning permission, but respect that this is a decision for the local planning authority (LPA).

The following points should be addressed and included within the updated Phase 1 Ground Conditions Assessment to facilitate the discharge of the above planning condition. The current version as submitted would not be sufficient. For clarity, the applicant should seek the approval of the LPA and as a consultee the Environment Agency.

The comments relate to impacts on controlled waters only and the application of CLAIRE Definition of Waste: Code of Practice (DoWCoP);

- Whilst the majority of potential contaminants of concern have been identified within Section 7.3, some are still missing. The desk study report should be updated to include all potential contaminants of concern, including: the full range of heavy metals, inorganics and organics being considered. Rodenticides and Polybrominated diphenyl ethers (PBDE) have not been included within Section 7.3.
- At this stage, whilst we are minded to agree that the poultry farm (a permitted facility) does not present a land contamination risk to the proposed development, this is subject to clarification of the hydrogeological regime prevailing at the site. We would therefore advise the applicant to obtain permit details for this facility in order to confirm what substances (contaminants of concern) could be present as part of permitted and non permitted activities. The contaminants of concern associated with this facility should be included within the relevant section of the Phase 1 Report.
- Section 7.2.1 indicates that the burning of waste materials has occurred. Can further information / records be provided which indicates that this is the only waste exemption applicable to Whelly Hill Farm and why the other waste exemptions as listed in Sections 4.5.8 to 4.5.11 are not applicable.
- We do not agree with the position presented within Section 7.3.7 regarding polychlorinated biphenyls (PCBs) at the existing substation. Given the age of the on-site electrical substation, we consider this to present a potential source of PCBs. Adopting a Risk Assessment and Method Statement (RAMS) during excavation of cable routes in the east is not considered a suitable methodology for assessing risks to controlled waters from PCBs. This section needs to be updated.
- No pathways to groundwater are shown in the eastern section of the site within Figures 11 and 12 (Graphical Conceptual Site Model) despite pathways being identified within Table K.1 in Appendix K. Potential pathways in the eastern section should be added to the figures given that a moderate risk to groundwater has been concluded by the applicant.
- Figure 8 should be updated to show the exploratory hole locations which are considered to have identified landfill deposits and those considered to have identified deep Made Ground. This is unclear from the report text and exploratory hole logs.
- A scaled drawing is required to show the location of all exploratory hole locations (both on site and off site) used to prepare the cross-sections within Figure 10. The update to Figure 8 and a drawing showing the location of all exploratory hole records would allow us to review future plans for proposed ground investigation. We also wish to highlight the following points:
  - Regarding hydrogeology, there is uncertainty over groundwater elevations prevailing at the site, with some evidence suggesting groundwater at shallow depth and alternatively at much deeper depths. We are minded to agree that further ground

investigation will help clarify the hydrogeological conditions prevailing at the site, which in turn will help clarify the risk from land contamination to controlled waters in all three areas of the proposed development.

- Section 7.3.8 of the Phase 1 Report states that the significance of whether the Site is contributing to the identified Water Framework Directive (WFD) 'Fail' classifications should be confirmed once the hydrogeological conditions of the site are refined through an intrusive ground investigation.
- We are minded to agree that there could be a moderate risk to groundwater for the eastern and western areas and that the Phase 1 Report has demonstrated the need for further ground investigation. We strongly advise the applicant liaises with the LPA and EA on the proposed ground investigations.
- We acknowledge the risk assessment for the central area subject to clarification of the hydrogeological regime prevailing at the site. Whilst it is understood that the applicant intends to carry out works under the CL:AIRE CoP, we would require details of site-won and imported soils to be used on-site within an approved remediation strategy. This would be required to satisfy the requirements of the planning regime and demonstrate suitability for use and no adverse risk to the environment.
- It is noted within the report that no credible pathways are considered to be present associated with the off-site poultry farm. At this stage, we would be minded to agree with the risk in principle subject to clarification of the hydrogeological regime prevailing at the site, particularly in the eastern area.

#### Condition 2 - Verification report

Prior to any part of the permitted development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

#### Reasons

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

#### Condition 3 - Long-term monitoring

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the LPA, has been submitted to, and approved in writing by, the LPA. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the LPA.

#### Reason

To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.

#### Condition 4 - Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the LPA. The remediation strategy shall be implemented as approved.

#### Reason

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. This is in line with paragraph 174 of the National Planning Policy Framework.

#### Condition 5 – Sustainable Drainage System (SuDS) Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the LPA. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

#### Reason

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 caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

#### Condition 6 - Piling

Piling using penetrative methods shall not be carried out other than with the written consent of the LPA, where a scheme has been submitted to demonstrate that there is no resultant unacceptable risk to groundwater.

The scheme shall include a) a written piling and penetrative foundation design statement and foundation risk assessment approved prior to the commencement of this element of the works and b) following the completion of the works, a validation report including as built information and a residual foundation risk assessment submitted and approved to the LPA. The development shall be carried out in accordance with the approved details.

#### Reasons

To ensure that the proposed piling does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework. Piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, and risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

#### Condition 7 - Decommissioning of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes, in addition to pre-existing boreholes, shall be submitted to and approved in writing by the LPA. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development for monitoring purposes, will be secured,

protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

#### Reasons

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework.

Boreholes have been and will need to be installed at the development site to determine the groundwater regime as part of site investigation works. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site is within source protection zone 3.

We ask to be consulted on the details submitted for approval to your authority to discharge the above conditions and on any subsequent amendments/alterations.

We also have the following advice to offer:

#### Demolition Activities and Ground Investigation – Advice to LPA and Applicant

It has previously been proposed that additional investigation works and assessments are carried out as part of the contracted demolition works. As stated previously, our preferred approach would be for a phased ground investigation approach with demolition activities included within a remediation strategy.

Demolition activities could include:

- demolition asbestos survey and removal of asbestos containing materials from the existing built development and at existing ground levels
- demolition of existing buildings above ground and removal of below existing ground foundations / structures
- decommissioning of existing services / relic underground structures
- decommissioning the existing cess pit
- importation of materials to replace removed structures.

At this stage, it is unclear whether demolition related materials such as brick or concrete are to be removed from site or potentially reused. All these activities would require validation to demonstrate removal of potential sources of contamination and pollutant pathways.

Based on the above, we therefore advise that at an appropriate stage further information would be required on the exact nature / scope of demolition activities and we would welcome discussion with the LPA and applicant on this particular aspect prior to the commencement of any works.

#### Ground Investigation Works – Advice to LPA and Applicant

As mentioned above, we strongly advise that the applicant liaises with the LPA and Environment Agency, and we look forward to receiving ground investigation proposals for the proposed development area; particularly the areas where a moderate risk has been identified. This is likely to include, but not be limited to, further investigation of the historic landfill, historic ponds / well infill (including compound area), existing cess pit, existing electrical substation and determination of the contribution of the site to WFD failures.

Ground investigation works should also include groundwater monitoring to appropriately characterise the groundwater regime currently prevailing at the site.

Furthermore, these works should include appropriate testing and monitoring whilst considering the potential sources of contamination and their associated potential contaminants of concern identified within the Phase 1 Ground Conditions Assessment which could potentially impact controlled waters.

Following ground investigation, an updated Phase 2 Geo-Environmental Interpretative Report would be required. This should include an appropriate controlled waters risk assessment and inform the requirement for remediation works.

In view of the history of the site, appropriate clean drilling techniques should be employed as part of any future intrusive ground investigative works. Furthermore, we would highlight that as part of an appropriate controlled waters risk assessment, ground investigation should accommodate for sufficient chemical analysis of soils (both total concentrations and soil leachate) and groundwater for all potential contaminants of concern associated with the identified potentially contaminative land uses within an approved Phase 1 Desk Study / Preliminary Risk Assessment. We would normally request a minimum of three rounds of groundwater monitoring or sufficient monitoring to appropriately characterise the groundwater regime as required by BS10175.

Appropriate groundwater level and quality monitoring should be undertaken from appropriately designed, installed, and located standpipes to establish the groundwater regime including any fluctuations or variations in groundwater levels.

Controlled Waters Risk Assessment – Advice to Applicant

With respect to Controlled Waters Risk Assessment, the Generic Assessment Criteria (GAC) hierarchy for assessment of surface waters should be Environmental Quality Standards (EQS) followed by Drinking Water Standards (DWS), then laboratory detection limits if no GAC value is available.

Please can we advise that in accordance with The Water Framework Directive (Standards and Classification) (England and Wales) Directions 2015, that benzo(a)pyrene is considered to be a marker for other Speciated Polycyclic aromatic hydrocarbons (PAH) compounds in the form of benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)-perylene and indeno(1,2,3-cd)-pyrene. Therefore, where benzo(a)pyrene exceeds the EQS, these other compounds should also be considered within the risk assessment. Please can we advise that for all bioavailable metals (e.g. copper and zinc) all necessary testing should be undertaken to allow appropriate bioavailable values to be determined using the UK Technical Advisory Group on the Water Framework Directive (UKTAG) Metal Bioavailability Assessment Tool.

Historic Landfill – Advice to LPA and Applicant

The West Plan area of the development is sited on top of historic landfill Whelley Hill Farm. The landfill occupies three distinct areas to the North and West, with the largest being to the West of Whelley Hill and the adjacent Track. The licence for the landfill has expired, having been first issued in 1989. It was licenced as an inert landfill including construction waste.

We would also advise that excavation of a landfill site is not a permitted activity under the Environmental Permitting Regulations. However, if the developer seeks to treat and/or redeposit the excavated waste then an Environmental Permit will be required. We would advise the applicant request pre-application advice in this instance. Get advice before you apply for an environmental permit - GOV.UK ([www.gov.uk](http://www.gov.uk))

Land contamination: risk management and good practice - Advice to Applicant  
We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on [gov.uk](http://gov.uk) for more information.
- Please note that the CL:AIRE Code of Practice will not be appropriate for excavation and reuse / disposal of historic waste soils and that an appropriate Environmental Permit or exemption would be required. We would advise that you seek pre app advice from the NE Waste Team within the Environment Agency.

The Environment Agency's approach to groundwater protection - Advice to Applicant

We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from [gov.uk](http://gov.uk). This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Drainage

Waste on-site – Advice to Applicant

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any

proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice

- The waste management page on GOV.UK

Waste to be taken off-site - Advice to Applicant

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991

- Hazardous Waste (England and Wales) Regulations 2005

- Environmental Permitting (England and Wales) Regulations 2016

- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials – Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

National Quality Mark Scheme - Advice to Applicant

We would recommend that any reports to be submitted for approval to the LPA are prepared under the National Quality Mark Scheme for Land Contamination Management (NQMS). The NQMS is a system designed by the industry led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and / or qualifications in their respective disciplines.

- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems.

- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies.

- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations.

- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations.



Reports prepared under the National Quality Mark Scheme aims to provide greater confidence to the regulator that land contamination issues have been appropriately identified and suitably investigated. It also demonstrates that all necessary information has been included and reported to a sufficiently high standard for regulatory decisions to be made.

Cess Pits - Advice to Applicant

The Environment Agency does not encourage the use of cesspools or cesspits, other than in exceptional circumstances. A cesspool or cesspit is a sealed unit that is used for the storage of untreated sewage. There must be no discharge to the environment. Poorly managed cesspools and cesspits present a considerable risk of causing pollution, which can be difficult to monitor and correct.

SuDs Drainage - Advice to Applicant

SUDS must be appropriate for their location and not impact the water environment. Infiltration SUDS should not be proposed where infiltration could be via made ground materials which may contain contaminants, where the ground is not capable of taking the water or where the on site activity is highly polluting. We would refer the applicant to government non technical standards for SUDS designs - Sustainable drainage systems: non-statutory technical standards - GOV.UK ([www.gov.uk](http://www.gov.uk)).

It is noted that excess surface water from the SuDs pond is proposed for discharge to ground. We recommended the applicant contacts the Environment Agency's National Permitting Service in order to determine whether an environmental permit is required. This should be undertaken as soon as possible as current timescales for obtaining permits can be lengthy and could impact the development programme.

**Hartlepool Rural Plan Working Group:** The Group is alarmed at the seemingly endless applications for electrical generation infrastructure in this location alongside the A179 at Hart. The cumulative effect of a staggering 200 hectares and rising of electric energy generation and associated infrastructure proposals is transforming the rural area between Hart and the A19 into an industrial landscape. Having consumed the farmland perhaps we shouldn't be surprised at the shocking aspect of the latest application which seeks the demolition of the farmhouse and buildings. 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.

The location of this proposed development is in open countryside outside development limits. There is no designation other than for continued agricultural use. It is becoming clear that the presence of the High Volts Substation is acting as a magnet for new electric plant. The alarming cumulative effect of this proposal with other applications in addition to the existing wind turbine and major High Volts Substation are: -

- 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)
- Plus 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.

The application states “the surrounding area, although rural, also contains significant industrial development in the form of the Hartmoor substation, the radio mast, wind turbines and other built developments which are at odds with the rural nature of the area and have a degrading effect on the local character. This is exacerbated by the pylons and OHL of varying scales”. Adding yet more developments of an industrial nature can only serve to further degrade the local character and the rural location. The supporting documents go on to state that “many of the approved and proposed developments are related to electricity infrastructure and sustainable electricity generation. This is in part due to the existing substation and other developments around Worset Lane and the degraded character in the local area making it more likely for development to be approved than other less degraded areas”. This suggests a downward spiral is to be expected, and indeed the growing number of similar applications confirms, once degraded there can be no reversal or halt to the decline. We can look to a dismal future where Hartlepool’s countryside can only decline to an ultimate industrialised destruction.

The cumulative effect is of grave concern as the character, appearance and visual amenity of the rural area around Hart and along the A179 approach to Hartlepool is being significantly impacted. Abandon hope all who enter here.

#### 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;

Ugly, intrusive and of an industrial character – by their very nature these types of developments are alien to the character of the rural area. No effort is taken to make

a utilitarian design more acceptable or attractive, resorting instead to lean heavily on screening. 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.

The location of this site is close to the highest point of the Borough of Hartlepool, part of the ridge which has at the eastern end the location of Hart Windmill, a navigational landmark visible from many miles. How can all the development along this ridge claim virtual invisibility? The farmhouse which will be demolished if this application is approved is highly visible from the A19 and the site will become visible from the proposed route of the Elwick bypass. These intrusive electrical generating and association plant will become the image that will mark Hartlepool from a main national route.

Unfortunately planning proposals are all too frequently considered as being seen 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 and lights are on at night. While planting screening schemes are always welcome they are only fully effective for half the year.

Any lighting proposed for this 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 needs to be kept to the very minimum.

#### POLICY NE1 - NATURAL ENVIRONMENT

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. Local Plan policy NE4 Ecological Networks states the Borough Council will seek to maintain and enhance ecological networks throughout the Borough. One priority section of the network highlighted in the policy is the Rural West from Wynyard to Thorpe Bulmer and Crimdon Denes. The application site is within this section as indicated on the map, diagram 8. This proposal, if added to those already approved, would create a barrier of development cutting across this wildlife corridor.

Main road and rail corridors are considered 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 the main communication corridors which include the A179 from the A19 to the town centre. The application site is on this main corridor and would add to an increasingly degraded countryside on entering Hartlepool from the north.

We expect any new planting proposed will be in line with Policy NE1 and secured by conditions that ensure the landscaping is implemented on site no later than the first planting season following completion. Also, guarantee the replacement of any tree or shrub which may die, be removed or seriously damaged.

We also expect a condition for the removal of the equipment and buildings proposed by this application and the restoration of the site to countryside. These conditions to be enforced in the event the facility is inoperative for a period of 6 months or longer the development shall be removed, and the site restored within 18 months.

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 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 and A179 main approach into Hartlepool and would have an unacceptable industrialising/urbanising 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.

The application seeks to justify this industrial intrusion into the countryside by quoting assessments of the landscape character and condition as being of low value and the adjacent existing development, being of industrial character, is at odds with the rural character and lowers the existing value of the landscape. The application also suggests the site is identified as having limited conservation interest though it provides an opportunity for re-establishing field patterns and hedgerows as part of a wider green infrastructure network. As a setting for residents and walking routes the application describes the site as of low cultural value at present. This is the only environment that we have. It seems we are being told that our surroundings and Hartlepool's rural setting is worthless and only deserves to be further degraded. It is time to stop the decline and begin improvement and enhancement.

In Policy RUR1 of Hartlepool Local Plan the Borough Council promises it will seek to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. That development outside the development limits will be strictly controlled. The Borough Council will seek to support the rural economy. Farming is the principal rural economic activity. Yet more agricultural land is lost at a time when national food security is of grave concern. Proposals in the rural area, it is stated, 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 includes 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.

This application does not meet these requirements and is undeniably prejudicial to continued agricultural use.

Hartlepool Rural Neighbourhood Plan Group strongly oppose this application as being contrary to the policies of the Hartlepool Rural Neighbourhood Plan and Hartlepool Local Plan as stated above.

Update 26/03/2024 following re-consultation on amended landscaping, viewpoints and planting plan:

This supplementary letter should be read in conjunction with our earlier submission. The Group are unimpressed and disappointed with the Transmission Investment letter and the attitude toward landscaping which is clearly an afterthought. There have been 10 separate energy generation/related applications for the area alongside the A179 between Hart village and the A19. What was open countryside at the highest and most visible part of the Borough of Hartlepool is being increasingly industrialised and with most applications we have had to request better landscaping/screening.

None of this form of development is anticipated in the development plan for the area. The cumulative effect is appalling, and the rural area is once again paying the price with our concerns too easily dismissed. It is clear landscaping, environmental improvement and screening of unsightly industrial infrastructure such as this is an afterthought. Usually, the thinnest strip in the form of a single hedge or line of trees is expected to suffice. It is time that the developers of this sort of infrastructure put some serious thought into how their facilities actually sit in the landscape and minimise the negative impact as an important part of their schemes.

Once again we particularly draw the applicants' attention to the Rural Neighbourhood Plan Policy POLICY NE1 – NATURAL ENVIRONMENT and the following

4. 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;

The bottom line is that the application, even if as stated in the latest letter "development like this is therefore essential to keep the electricity grid stable, and ultimately the lights on, in the North East". It does not mean that they should be able to ignore local development policies. Surely in their office in London Transmission Investment were able to access these policies.

The best the developers can come up with regarding socio-economic investments is a company with a head office in Hull. Possibly in London, Hull is the same as Hartlepool, how big is the region which is to benefit from the estimated £6-7million? We then get to the operational 'benefit' which is a single person employed on a salary of £20,000 to £50,000 and a 'specialist' company in Peterlee providing

building services. One wonders that a permanent job for one person is sufficient to put up with further degrading of our immediate environment and a half-hearted landscaping scheme.

The Group are pleased that the development if approved will be paying business rates. Of course, not all such rates benefit Hartlepool Borough directly, some go to Central Government to be pooled and shared across the country. Are the operators also intending to provide some funding across the life of the development (if approved) to benefit directly the local villages? Perhaps a grant scheme similar to that provided by the Red Gap Wind Farm can be offered.

The latest letter and supposed improved landscaping scheme is condescending and patronising. The revised landscaping appears to be a line of 5 trees underplanted with a hedge. This remains entirely insufficient in relation to the scale of the development and does not change the position of Hartlepool Rural Neighbourhood Plan Group who continue to strongly oppose this application as being contrary to the policies of the Hartlepool Rural Neighbourhood Plan.

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

We were also extremely concerned that no public engagement was undertaken ahead of the planning application being submitted. This is in sharp contrast to proposals from other energy companies, who consulted the PC and held public events, ahead of submitting a planning application. We were informed that it was a Board decision to not consult ahead of the plans being finalised and this does not follow best practice as set out in HBC's statement of Community involvement, therefore the community's views have been given no consideration in the design of this huge industrial facility.

The parish council understand the need for renewable energy and the nation's 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, others 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 170 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)  
Plus, 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.  
The application states “the surrounding area, although rural, also contains significant industrial development in the form of the Hartmoor substation, the radio mast, wind turbines and other built developments which are at odds with the rural nature of the area and have a degrading effect on the local character. This is exacerbated by the pylons and OHL of varying scales”.

Adding yet more developments of an industrial nature can only serve to further degrade the local character and the rural location.

This application will increase the visual size and scale of an already large and growing industrial complex located in a rural area. The proposal is for the development of 2.6ha of agricultural land and has structures up to 9m tall, built and one of the high points of the Borough and prominent for miles from the main trunk road the A19. 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. The location of this site is close to the highest point of the Borough of Hartlepool, part of the ridge which has at the eastern end the location of Hart Windmill, a navigational landmark visible from many miles. How can all the development along this ridge claim virtual invisibility? The farmhouse which will be demolished if this application is approved is highly visible from the A19 and the site will become visible from the proposed route of the Elwick bypass. These intrusive electrical generating and association plant will become the image that will marks Hartlepool from a main national route.

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 and Sheraton is being significantly impacted. The supporting documents go on to state that “many of the approved and proposed developments are related to electricity infrastructure and sustainable electricity generation. This is in part due to the existing substation and other developments around Worset Lane and the degraded character in the local area making it more likely for development to be approved than other less degraded areas”. This suggests that a downward spiral can be expected - once degraded there can be no reversal or halt to the decline - and we can expect that Hartlepool’s countryside can only expect to see continued decline and destruction.

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

3) 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

IND5 Industrial Areas - Oakesway, Brenda Road East, South Works, Tofts Farm/Hunter House, Brenda Road west and Graythorpe.

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?

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.

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 community’s own Rural Plan, we strongly oppose this it and recommend Hartlepool Borough Council refuse this application.

If the council do choose to approve this development, we ask that all the structures are painted green and that the mitigation planting schemes use semi mature or mature trees to speed up the natural screening of the site. We would also request a generous community fund to be used to support ongoing community projects in the village.



**Elwick Parish Council:** Elwick Parish Council strongly objects to yet more alternative energy infrastructure being built to the south of the A179. The loss of increasing amounts of agricultural land to the south of Hart is extremely worrying and, although EPC is committed to increasing the use of alternative energy, the concentration of the infrastructure around Hart, attracted by the Hartmoor gas-powered sub-station, is to be deplored. The siting of the sub-station at Hartmoor was strongly opposed when it was proposed, as there were many alternative brown field sites within Hartlepool town, but our objections were overruled, now we are facing the consequences of having this in our rural area. None of this industrial development was included in the Local Plan, nor the Rural Neighbourhood Plan. The development of the Synchronous Converters at this site, almost the highest point in the area, will be a blot on the visual landscape. The two buildings, some 30” tall and 40” long cannot be easily disguised and will be easily seen by travellers along the A19, the A179 and Worset Lane. Elwick residents can now only access the A19 north by travelling along the A179 via narrow Worset Lane, so will face even more difficulties, with construction traffic on these roads. We understand that the National Grid has identified the need for expansion of the infrastructure at Hartmoor as being a strategic necessity for the north of England. Should the Borough Council be minded to approve the application, we would expect conditions attached to include the colour of the buildings to be of a shade of green and that large, mature and semi-mature trees are planted around the perimeter to reduce their visual impact.

**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 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.

Existing buildings on site include a farmstead and ancillary properties associated with this. The Heritage Statement notes that there has been a farm on the site from the early 18th century however it also sets out how this has been changed and modified over a number of years up to the 1970s.

There would be no objection in principle to the proposal to demolish the building on the site however it is considered, given the long standing establishment of structures in this area, that they should be recorded, prior to demolition, if the application is approved.

**Health and Safety Executive:** The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

**Durham County Council:** We have no comments to make in relation to Application H/2022/0470.

*Update 07/12/2023 following re-consultation on amended planting plan:*

In response to the re-consultation on H/2022/0470 I can confirm that we have no further comments or objections.

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

**Northern Power Grid:** Plan attached.

**Anglian Water:** This is not relevant to Anglian Water and we have no comment to make.

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

**Northern Gas (summarised):** No objection, but details must be passed to applicant.

**Natural England:** No comments received.

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

**Northumbrian Water:** No comments received.

**HBC Estates:** No comments received.

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

**Ramblers Association:** No comments received.

**CPRE:** No comments received.

**RSPB:** No comments received.

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

**DEFRA:** No comments received.

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

## **PLANNING POLICY**

1.44 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 (2018)

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

CC1: Minimising and Adapting to Climate Change  
CC2: Reducing & Mitigating Flood Risk  
CC3: Renewable and Low Carbon Energy Generation  
HE1: Heritage Assets  
HE2: Archaeology  
LS1: Locational Strategy  
NE1: Natural Environment  
NE2: Green Infrastructure  
NE4: Ecological Networks  
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  
SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan (2018)

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

GEN1: Development Limits  
GEN2: Design Principles  
NE1: Natural Environment  
NE2: Renewable and Local Carbon Energy

Tees Valley Minerals DPD

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

MWP1 – Waste Audits

National Planning Policy Framework (NPPF)(2023)

1.48 In December 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and September 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:

PARA 001: Role of NPPF

PARA 002: Determination of applications in accordance with development plan

PARA 003: Utilisation of NPPF

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision making

PARA 047: Determining applications

PARA 055: Planning conditions and obligations

PARA 056: Planning conditions and obligations

PARA 085: Building a strong, competitive economy

PARA 087: Building a strong, competitive economy

PARA 088: Supporting a prosperous rural economy

PARA 114: Considering development proposals

PARA 115: Considering development proposals

PARA 131: Achieving well-designed places

PARA 135: Achieving well-designed places

PARA 157: Meeting the challenge of climate change, flooding and coastal change

PARA 158: Meeting the challenge of climate change, flooding and coastal change

PARA 180: Conserving and enhancing the natural environment

PARA 185: Habitats and biodiversity

PARA 186: Habitats and biodiversity

PARA 188: Habitats and biodiversity

PARA 195: Conserving and enhancing the historic environment

PARA 200: Conserving and enhancing the historic environment

PARA 201: Conserving and enhancing the historic environment

PARA 203: Conserving and enhancing the historic environment

PARA 205: Considering potential impacts

PARA 206: Considering potential impacts

#### National Policy Statements for Energy

The NPPF (2023) notes that National policy statements 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)

The NPPF (2023) 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;

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

1.49 **HBC Planning Policy comments:** The application site forms part of an extensive wider area which is identified in the Hartlepool Local Plan (HLP) as suitable for (limited) strategic wind turbine development, subject to satisfaction of a range of criteria (Policy CC4). Such is the extent of this wider area however that Planning Policy do not consider that this proposal would compromise further such development coming forward.

1.50 The site is located within the Borough's rural area, as defined by the HLP and Hartlepool Rural Neighbourhood Plan (HRNP). HLP Policy RUR1 seeks to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. Accordingly, development outside the development limits (i.e. within the rural area) 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. RUR1 also notes in the pre-ambule text that other appropriate uses include those relating to public infrastructure or to meet the social needs of the local community. The policy sets a number of criteria that any development should meet, where relevant:

1. Be in accordance with the Hartlepool Rural Neighbourhood Plan;
2. Where possible be located in or near to the villages;
3. Where possible re-use existing buildings and/or materials;
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;
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;
10. Avoid areas of best and most versatile agricultural land, those classified as grades 1, 2 and 3a in the Agricultural Land Classification.

1.51 Similarly, HRNP Policy GEN1 provides that in the countryside outside the Development Limits and outside the Green Gaps (as is the case with the application site), 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. This policy, as well as a number of other policies within the HRNP, namely GEN2, NE1 and NE2 require careful consideration be given to a number of other material planning considerations (similar to the above Local Plan requirements).

1.52 Within the context of the rural area designation, HLP Policy CC3 provides that support and significant weight will 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 such development, 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. HRNP Policy NE2 similarly supports the development of renewable and low carbon energy schemes providing that any adverse impacts are considered and mitigated.

1.53 The development plan policy context is therefore that a balancing exercise is required in respect of this proposal as concerns benefits vs adverse impacts, including the degree to which these impacts can be mitigated.

1.54 Paragraphs 152 and 155 of the National Planning Policy Framework recognise the importance of the planning regime in transitioning to a low carbon future in a changing climate, including by supporting increased use and supply of renewable energy and supporting infrastructure. Paragraph 158 states that when determining such planning applications, 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.

1.55 The site is classified as Grade 3 (good to moderate) on Natural England's Agricultural Land Classification Map – North East Region 1: 250 000. It is noted that a site specific Agricultural Land Classification survey has been undertaken in connection with the application, which classifies the site as a combination of Grade 3b (moderate) and non-agricultural. Planning Policy have no reason to dispute this finding, and therefore on the basis that land is not identifiable as best and most versatile agricultural land (Grades 1-3a), its development would not conflict with HLP Policy NE1(9), which seeks to preserve this resource.

1.56 Given the nature of the proposed development as supporting (public) infrastructure for the grid in connection with the ongoing transition to increased reliance on renewable sources of energy, and its benefits as detailed in the supporting documentation in relation to the imperative of a secure and reliable

supply of electricity as the UK transitions to Net Zero 2050, Planning Policy are open to supporting this type of the development in this rural location south of the A179 where there is considerable existing and consented energy infrastructure. This support is however contingent upon the development, by virtue of its siting, scale, appearance and screening, not giving rise to unacceptable impacts. In this regard, whilst the main site would comprise a redevelopment of Whelly Farm (dwelling and numerous agricultural buildings), having reviewed Pegasus Group's Photomontages, we have significant concerns over the visual and landscape impacts on the proposal in views from the A19 and A179. The Council's Landscape Architect's views on the scheme (together with accompanying proposed mitigation) will be of particular importance when assessing and balancing the degree of overall visual and landscape impacts in this area against the scheme's benefits.

1.57 Whelly Hill Quarry is a Local Wildlife Site adjoining the west boundary of the main site. HLP policy NE1(1c) stipulates how such sites will be protected for nature conservation: development which would adversely affect a locally designated site, which is not also allocated for another use in the Local Plan, will not be permitted unless the reasons for the development clearly outweigh the harm to the conservation interest of the site. Planning Policy trust that the Council's technical specialists (including Ecologist) will advise with respect to this matter and other ecological issues, together with those other technical issues and impacts associated with the proposal.

## **PLANNING CONSIDERATIONS**

1.58 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), Hartlepool Rural Neighbourhood Plan (2018) (HRNP), Tees Valley Minerals DPD and the NPPF (2023), 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 PRoW, ecology and nature conservation, flood risk and drainage, archaeology and loss of agricultural land. These and any other planning and residual matters are considered in detail below.

### **PRINCIPLE OF DEVELOPMENT**

#### *Development in the rural area*

1.59 Although the application site is located beyond the development limits as defined by Policy LS1 of the 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 HRNP (2018).

1.60 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.

1.61 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. 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.

1.62 Policy RUR1 lists a number of criteria which any development should comply with, where relevant:

1. Be in accordance with the Hartlepool Rural Neighbourhood Plan;
2. Where possible be located in or near to the villages;
3. Where possible re-use existing buildings and/or materials;
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;
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;
10. Avoid areas of best and most versatile agricultural land, those classified as grades 1, 2 and 3a in the Agricultural Land Classification.

1.63 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.

1.64 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.



1.65 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 below.

1.66 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 (2018) (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; impacts on neighbour amenity are 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 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); and the application site comprises grade 3b and non-agricultural land (as detailed further in Other Planning Matters section below) and is therefore not identifiable as ‘best and most versatile’ agricultural land (Grades 1-3a).

1.67 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).

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

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

1.69 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.

1.70 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. It is of note that the proposed development would store energy and it is considered that this would assist in reducing energy waste.

1.71 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. Whilst it is acknowledged that HLP Policy CC3 does not specifically account for proposals that seek to regulate the frequency and voltage of the electricity network, this policy supports the achievement of wider environmental and economic benefits from low carbon energy infrastructure.

1.72 It is understood that the proposed development would increase resilience of the existing electricity network, however the proposed development does not in itself constitute a proposal for the generation of energy from renewable and low carbon sources.

1.73 Whilst there are no specific policies of support in the HLP to development constituting supporting infrastructure (for renewable or low carbon infrastructure), the HRNP (2018) Policy NE2 (Renewable and Low Carbon Energy) does support 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.

1.74 At a national level, Paragraph 157 of the NPPF (2023) 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.

1.75 Paragraph 160 of the NPPF (2023) 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.

1.76 Paragraph 163 of the NPPF (2023) 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.*

1.77 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 application (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.

1.78 More recently, a Ministerial Statement was issued in May 2024 regarding ‘solar and protecting our Food Security and Best and Most Versatile (BMV) Land’. This is discussed in further detail below.

1.79 The NPPF (2023) 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.

1.80 As noted above, the proposal is not considered to constitute renewable or low carbon development in its own right, and therefore the ‘tests’ of paragraph 163 of the NPPF are not relevant, however the applicant has set out in their submitted Planning Statement (as referenced in the ‘Proposal’ section of this report) why the proposal is considered necessary, which Officers accept in this instance, particularly given that the proposal is considered to broadly comply with the provisions of the relevant policies of the HLP (RUR1) and HRNP (GEN1 and NE2) where any impacts arising from the proposal are considered to be acceptable as set out in detail in the sections below.

1.81 Notwithstanding this, it is considered that Policies of the HLP (2018) and HRNP (2018), particularly Policy RUR1 and Policy GEN1 respectively, must be given considerable importance and weight.

*Need for the proposed development*

1.82 It is understood that renewable energy is less stable than energy from fossil fuels resulting in greater fluctuations of power supply entering the grid network and potential wasted energy as a result. As noted above, the details included within the applicant’s submitted Planning, Design and Access Statement seek to provide robust justification that the proposal is intended as a response to the National Grid identifying the Hartmoor substation as being a suitable location for grid stabilisation projects as part of its Pathfinder 3 project.

*Principle of Development Conclusion + Planning Balance*

1.83 It is acknowledged that the proposed synchronous compensators would comprise ancillary, supporting infrastructure which would complement the existing electricity substation, and would support the provision of electricity. However, the proposals are not, of themselves, considered to be low carbon or renewable energy infrastructure.

1.84 Notwithstanding this, whilst each application is considered on its own merits, officers are also cognisant that recent allowed appeal decisions (namely APP/H0724/W/23/3330856 (for the erection of a synchronous condenser and supporting infrastructure at land near Hart Moor Farm, north of the A179, decision date 12/02/2024) and APP/H0724/W/22/3299848 (construction of a substation and underground cables at land near Hart Moor Farm, north of the A179, decision date 06/12/2023) give a significant level of support to the benefits of such proposals

relating to the efficient use of energy and the positive contribution the scheme would make to energy resilience and stability during the transition to renewable and low carbon energy are significant.

1.85 In the appeal decision for APP/H0724/W/23/3330856 (also for a synchronous condenser), the Inspector noted that *“the very important contribution the proposed infrastructure would make to the efficient management of energy supply outweigh my findings that the proposal does not constitute an acceptable use outside the limits to development and the limited harm to the character and appearance of the area.”*

1.86 The Inspector continued *“As such, even with the identified conflict with development plan policies, there are particularly important and persuasive material considerations that indicate that this development should be approved.”*

1.87 In view of the above considerations, including the recently allowed appeal decisions outlined above, and in weighing up the significant weight of the policies in favour of low carbon and renewable energy (including supporting infrastructure) against the main policies of restraint (RUR1 of the HLP and GEN1 of the HRNP), it is considered that the benefits (of providing ancillary 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.

1.88 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 or relocating the proposals closer to the existing Hartmoor substation (east). Although the applicant has confirmed that they are unable to do this, it is welcomed that the applicant has amended the submitted planting plan to include the installation of some additional planting along the southern boundary. This will be considered in further detail in the Visual Amenity section below.

1.89 In conclusion, when weighing up the balance of the 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, including the siting of the above referenced allowed appeal decisions, it is considered, on balance, that the identified substantial benefits of the proposal to which significant weight must be given, would outweigh the identified adverse impacts when assessed against the requirements of Policy RUR1 of the HLP (2018) and Policy GEN1 of the HRNP (2018), and the relevant paragraphs of the NPPF (2023). 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.

## IMPACT ON VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF THE SURROUNDING AREA (INCLUDING LANDSCAPING)

1.90 The proposal is outside the limits to development of Policy LS1 of the HLP and Policy GEN1 of the HRNP. Policy RUR1 (Development in the Rural Area) of the HLP seeks 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.

1.91 Criteria 5 and 9 of Policy RUR1 of the HLP (2018) require that proposals “through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes” and that they do “not have a detrimental impact on the landscape character or heritage assets”.

1.92 Policy GEN1 of the HRNP (2018) advises that 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 to ensure that it does not impact on visual amenity.

1.93 Policy CC3 of the HLP (2018) recognises the importance of environmental and economic benefits of renewable and low carbon energy generation, subject to the proposal satisfactorily addressing any identified impacts (including cumulative impacts) arising from the proposal (as above, it is acknowledged that HLP Policy CC3 does not specifically account for proposals for the stabilisation of energy but does support the achievement of wider environmental and economic benefits from low carbon energy infrastructure). Similarly, Policy GEN1 of the HRNP (2018) states that whilst development in the open countryside outside Development Limits 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, 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.

1.94 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.

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

- 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;

- how the design preserves and enhances significant views and vistas;

1.96 Paragraph 135 of the NPPF (2023) 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.

1.97 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 both Hart and Elwick villages.

1.98 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.

1.99 Concerns have been raised by the Hartlepool Rural Neighbourhood Plan Group, both Elwick and Hart Parish Councils, the Council’s Planning Policy team, the Council’s Landscape Architect, and a number of members of the public in respect to the industrial nature of the proposal and the cumulative impact of this and other approved and/or proposed energy related developments in the area on the character, appearance and visual amenity of the rural area.

1.100 It is of note that the main part of the proposed development would be situated approximately 200m to the south of the A179 trunk road, whilst the southern side (south east of the application site) of the proposed development would be visible from the A19 trunk road, particularly when travelling northbound along this route, at an approximate distance of 500m from the proposed structures. Views would also be possible from Worset Lane to the east, at an approximate distance of 700m from the proposed structures. The presence of energy infrastructure to the east is acknowledged however the land immediately to the south of the application site and surrounding it remains as open farm land. It is therefore considered that the proposal represents further non-agricultural development in this location, which is exacerbated by its proposed siting in the centre of the agricultural fields and in a relatively prominent and elevated position.

1.101 It is acknowledged that the development replaces an existing farm house and agricultural buildings (though these are of a form that would be expected to be seen in an agricultural landscape). The proposed development would be visible from a number of vantage points, including, when travelling along the A179 from

Hartlepool toward the west and the A19, when travelling along the A19 and exiting at the A19 junction (from the south) and along the A179 toward the town centre, and when exiting the village of Hart to adjoin the A179 junction. It is also considered that views will be achieved from the access tracks and from permissive pathways within the vicinity of the application site.

1.102 Notwithstanding the above, the applicant's submitted Landscape and Visual Impact Assessment (LVIA) notes that the application site is not subject to any statutory landscape designations, that the application site is a designated area suitable for strategic wind turbine development (by virtue of Policy CC4 of the HLP, 2018) and considers that that power related infrastructure is an established characteristic of the landscape. The LVIA acknowledges that the presence of Hartmoor substation and demand for renewable energy increases the demand for additional energy related development which could increase the urbanised feel of the landscape and reduce the openness of the area.

1.103 The submitted LVIA considers that the existing Whelly Hill Farmstead includes the farmhouse which appears to be well maintained, and derelict farm buildings. The applicant's submitted LVIA concludes that overall the application site and its context are of a low value, with a low susceptibility to the proposed development.

1.104 The Council's Landscape Architect has been consulted on the application and initially commented that in respect of the submitted LVIA and the updated additional photomontages provided by the applicant, viewpoints 1, 2 and 11 highlight the scale and industrial character of the proposed buildings and viewpoints 7 and 12 highlight the incongruous features which would result in a significant adverse visual impact toward the south west (namely from the A19 and PRoWs adjacent to the west). Furthermore, the Council's Landscape Architect considers that any proposed mitigation planting would not be effective in the short to medium term.

1.105 Nevertheless, at the request of officers, the applicant amended the Landscape Strategy Plan to enhance the landscaping screening along the southern boundary.

1.106 The Council's Landscape Architect has been consulted on the amended landscaping plan and other supporting details and has concluded that there would be some increase in effective screening, although visual impacts would not be fully mitigated.

1.107 It is also acknowledged that some landscape mitigation is proposed in the form of hedgerow planting to the northern boundary of the main section of the site, as well as sections along the road in the northern extent of the application site, and native woodland planting, primarily to the northern and eastern sections of the application site. The proposals also include proposed wildflower and grass seed planting throughout the application site area, including over the proposed cables.

1.108 The proposals would necessitate the removal of a section of hedgerow to the southern boundary (approximately 217m in total length) together with other sections of hedgerow (with a removal of approximately 300m of existing hedgerow). In its

place the landscape screening proposed to the southern side of the development includes the retention and enhancement of woodland areas in the south west and south east corners, and the planting of a 50m section of replacement hedgerow in the central section.

1.109 It is acknowledged that owing to the topography of the land, the site is slightly higher than the A179 trunk road to the north. It is considered that the nature, siting and scale of the proposed development, in combination with other existing energy/utility related development in the vicinity (on the south side of the A179), would both in isolation and cumulatively have the potential to result in an adverse impact on the visual amenity of the area, the character of the open countryside and the approach into and out of Hartlepool.

1.110 Notwithstanding this, consideration is given the presence of built development (in the form of the farm house and associated buildings) that are currently present on the site and that some mitigation has been proposed in the form of landscaping (particularly along the southern boundary). The submitted details provide a photomontage of views to the southern section of the proposals which illustrate by year 15, the proposed planting would provide some screening but as noted by the Council's Landscape Architect, the visual impacts would not be fully mitigated.

1.111 In terms of finishing materials, it is acknowledged that Elwick Parish Council have requested that consideration be given to finishing the buildings in a visually recessive green colour. The submitted plans indicate that the main buildings (consisting of the synchronous compensator buildings and amenities building located towards the northern portion of the site, facing towards the A179) would primarily be finished in a 'goosewing grey' (a light grey) colour. It is understood that the main transformers (towards the southern portion of the site) and palisade fencing enclosures would be finished in galvanised steel. Whilst it is considered that the suggested green finish to the buildings (and fences) would further partially assist in reducing the identified visual impacts of the proposals, it is accepted that the proposed light grey colour to the main buildings would also represent a relatively visual recessive colour and assist in reducing any unacceptable impact on the visual amenity of the wider area. In terms of the transformers and palisade fencing, these would in part be read against the backdrop of the compensator buildings as well as the existing and proposed landscaping. Notwithstanding this, final details (and finishing colours) can be secured by an appropriately worded planning condition which is considered to be reasonable in this instance.

1.112 Overall and on balance, it is acknowledged that there would be views to the proposed development from surrounding vantage points and that the proposal has its shortcomings in respect to it not being fully screened or being fully assimilated within the landscape, which would therefore result in some localised harm to the character and appearance of the application site and surrounding rural area by virtue of its scale and design. Nevertheless, it is considered this adverse impact would be partially reduced by the mitigation provided by the proposed landscaping which would soften the identified adverse impact on the character and appearance of the rural area as well as the aforementioned separation distances to the main roads (and vantage points).



1.113 Taking into account the above identified benefits of the proposal, the increased landscaping mitigation proposed particularly along the southern boundary, and the recent appeal decisions (as detailed above) in which such appeals lend support to the benefits of the proposal in relation to energy infrastructure, it is considered in this instance, that there would not be such an unacceptable adverse visual impact on the character and appearance of the open countryside and wider areas as to warrant a reason to refuse the application in this instance.

#### IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.114 The application site is to the south of the A179 trunk road within an area predominately delineated by agricultural fields. As such, there are limited sensitive neighbouring land users, however there are some residential in the vicinity of the site that may be impacted by the proposals, those most likely to experience potential impacts are residents at High Volts Farm (approximately 560m to the east), Hart Moor House (approximately 420m to the north (beyond the A179 trunk road)), Tilery Farm (approximately 960m to the south east), East Grange Farm (approximately 500m to the north west (beyond the A179 trunk road)), and Whangden Farm (approximately 860m to the west (beyond the A19 trunk road)). The residential street of Nine Acres is located approximately 1.2km east/north east of the application site. The village of Hart is located approximately 1.7km to the east/north east of the application site, whilst the village of Elwick is located approximately 1.55km south of the application site.

1.115 Given the aforementioned separation distances and intervening boundary treatments, it is considered that there would not be an adverse loss of amenity and privacy for such neighbouring properties in terms of loss of outlook, any overbearing impact or overlooking to such an extent as to warrant refusal of the application.

1.116 The Council's Public Protection section has been consulted and has not objected subject to the proposal, subject to a conditions securing a Construction Management Plan. This can be secured by planning condition, which is recommended accordingly. Following the additional objections received, further comments were sought and received from the Council's Public Protection team who, in summary, maintain no objections to the proposals. Matters regarding contaminated land are discussed (and satisfactorily addressed) within the sections below.

1.117 In view of this and given the significant separation distance to neighbouring properties, it is considered that the proposal would not result in undue noise, odour, light pollution or other disturbance to neighbouring land users.

1.118 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, and in accordance with Policy QP4 and QP6 of the Hartlepool Local Plan and paragraphs 174, 185 and 186 of the NPPF (2023).

#### HIGHWAY & PEDESTRIAN SAFETY & PUBLIC RIGHTS OF WAY

1.119 The application has been supported by a Transport Statement. The Council's Traffic & Transport section have also been consulted and have confirmed that they have no objections, subject to a planning condition securing the submission of a Construction Traffic Management Plan (CTMP) that would include a requirement for construction traffic to turn left out of the access/egress road. Following the additional objections received, further comments were sought and received from the Council's Traffic and Transport section who, in summary, maintain no objections to the proposals subject to the identified requirement for a CTMP which is secured accordingly.

1.120 National Highways have been consulted and have confirmed no objections subject to a CTMP. A planning condition is therefore recommended to secure the above.

1.121 The Council's Countryside Access Officer has been consulted on the application and has advised that the application site would not directly affect any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to the proposed development of this site.

1.122 The Council's Countryside Access Officer has commented that should there be an opportunity for any possible Green Infrastructure contributions to be considered, then improvements to nearby access routes, would be encouraged. Whilst these comments are noted, the Council's Planning Policy section have confirmed that no planning obligations would be required in this respect in planning policy terms. The proposals are therefore considered acceptable in this respect.

1.123 Overall, subject to the inclusion of appropriate planning conditions as identified above, the proposal is considered acceptable in respect of highway and pedestrian safety.

## ECOLOGY, NATURE CONSERVATION

1.124 Policy NE1 of the Hartlepool Local Plan (2021) requires that the natural environment be protected, managed and enhanced, whilst Policy NE4 states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough. Paragraph 186 of the NPPF (2023) requires that planning permission is 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.

1.125 Concerns have been received from the Hartlepool Rural Neighbourhood Plan Group and both Hart and Elwick Parish Councils, as well as from members of the public, 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.

1.126 The submitted Arboricultural Impact Assessment in support of the proposals concludes that the proposed loss of trees would result in a minor impact, which would be appropriately off-set over the long term when the new trees would be

established. The Council's Arboricultural Officer has confirmed no objections in respect of the proposed loss of trees and replacement planting. In respect to the updated proposed landscaping (to provide additional tree planting along the southern boundary), this indicates that the existing hedge would be removed. In response the Council's Arboricultural Officer has questioned whether the existing hedge could also be retained (in addition to the proposed tree planting). The applicant has indicated that the hedge is still likely to be removed owing to the requirements for the underground cabling route/working corridor. The Council's Arboricultural Officer notes this and overall has no objections to the proposed scheme. The final landscaping scheme can be secured by way of a planning condition.

1.127 The Council's Arboricultural Officer has also offered advice that the felling of the woodland area is likely to be subject to the requirements of a felling licence under control of the Forestry Commission due to the volume of timber to be removed from the site. An informative can relay this to the applicant.

1.128 The submitted Ecological Assessment in support of the proposals concludes that a Construction Environment Management Plan (CEMP) would be required, to include pre-construction investigation and mitigation, in order to protect bats, breeding birds, reptiles, brown hare and badger.

1.129 The Council's Ecologist has been consulted on the application, including the submitted Ecological Appraisal, mitigation and enhancement measures as appropriate, and has advised that the proposal is not located within or likely to impact designated ecological sites. The requisite mitigation measures, forming part of a CEMP, can be secured by a planning condition.

#### *Biodiversity Net Gain*

1.130 The Environment Act 2021 includes Biodiversity Net Gain (BNG) which came into force on 12<sup>th</sup> February 2024 (and not November 2023 which was the initial indicated timescale for implementation of BNG and as was reflected in earlier comments received from the HBC Ecologist), 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) and as a minimum has to achieve a requirement for 'no net loss', the applicant has confirmed their agreement to providing a 10% BNG in this instance. 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.

1.131 The NPPF (2023) requires development to provide net gains for biodiversity. Paragraph 180(d) of the NPPF (2023) states that Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

1.132 Paragraph 186(a) of the NPPF (2023) states that when determining planning applications, local planning authorities should apply the following principles:

- c) 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.

1.133 The Council's Ecologist has confirmed that the adjacent Local Wildlife Site (LWS) Whelly Hill Quarry is an important consideration in the Biodiversity Net Gain (BNG) requirements, and that the submitted Biodiversity Net Gain Assessment concludes a deficit 7.24 Habitat Units (BU) once the gains from the landscaping proposals are compared to the losses through construction. This falls below the target of at least 10% Biodiversity Net Gain. The submitted Biodiversity Net Gain Assessment notes that a 10% BNG would require 10.59 Biodiversity Units. As noted above, the applicant has confirmed that this would not be able to wholly be delivered on-site however off-site BNG contribution could be achieved on the adjacent LWS (Whelly Hill Quarry), to which the applicant has agreed would be progressed with a Habitat Management Plan for the LWS "to help bring it back into positive conservation management via the BNG requirement for the application".

1.134 The Council's Ecologist has confirmed that a Biodiversity Net Gain Plan is required to be developed and submitted to the LPA for approval prior to the commencement of works. This Biodiversity Net Gain Plan is required to detail how the landscape proposals will be implemented and how the increase in Biodiversity Units will be achieved both on site and off site. All proposed management requirements will need to be detailed and presented in the Biodiversity Net Gain Plan. Given that the proposed increase in Biodiversity Units would include works to the adjacent LWS (and outside of the application site red line boundary), this would need to be secured by planning obligation in a legal agreement, to which the applicant has agreed. A planning condition is also necessary to ensure a BNG Plan is secured.

1.135 Subject to this planning obligation and condition, the proposal is considered to be acceptable in terms of biodiversity net gain.

#### *Biodiversity Mitigation Measures and Enhancement*

1.136 The proposal would result in the loss of two trees, areas of plantation woodland, grassland, and hedgerows, including a large section of hedgerow along the southern boundary.

1.137 The proposals would result in the demolition of 5 buildings within the existing farmstead, which would result in the loss of a bat day-roost one of the buildings. The Council's Ecologist has advised that if the roost is active, the building may not be demolished without a licence from Natural England.

1.138 The Council's Ecologist has advised that the proposed mitigation for bats, to include woodland and scrub habitats within the proposed landscaping plan to support foraging and commuting bats and the recommended that 3 pole mounted bat boxes (woodcrete) are secured which can be secured by a planning condition.

1.139 As noted above, the application is accompanied by an Ecological Appraisal which sets out a number of mitigation measures that are required, namely:

- Fencing off the LWS during construction;
- A walk-over survey to assess for signs of badger;
- A precautionary method statement to cover the legal protections of bats;
- Removal of felled trees and scrub to prevent birds nesting;
- Clearance of neutral and calcareous grassland between April and September, and removal of refugia (suitable for newts nesting) by hand;
- Provision of a landscaping scheme to be wildlife friendly

1.140 The Council's Ecologist has recommended that these be secured and a planning condition is recommended accordingly (to require the submission of a CEMP in respect of the measures set out in the Ecological Appraisal).

1.141 The Council's Ecologist has confirmed that, as noted in the submitted Ecological Assessment, 6 pole-mounted bird boxes are installed in suitable locations around the application site boundary and this can be secured by a further condition.

1.142 The Council's Ecologist has confirmed that, in respect of bats, licensing requirements are to be confirmed and the licences obtained prior to disturbance and if necessary, demolition of any of the buildings on site. This can be relayed to the applicant via an informative.

1.143 Natural England has been consulted on the application and have not provided any comment or objections to the proposed development.

### Ecology Conclusion

1.144 For the reasons set out above, and subject to the required planning obligation and 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 paragraph 186 of the NPPF (2023).

### FLOOD RISK & DRAINAGE

1.145 The application is designated by the Environment Agency's Flood Map for Planning as being in Flood Zone 1 at low risk of flooding. Notwithstanding this, a Flood Risk Assessment is required as the area of the proposal exceeds 1 hectare, and has been submitted accordingly in respect of the proposed development.

1.146 The Council's Flood Risk Officer has been consulted on the application and has had regard to the submitted Flood Risk Assessment and has confirmed no objections in respect of surface water management, albeit has highlighted a discrepancy in respect to other consents with the information contained within the submitted Flood Risk Assessment. The Flood Risk Officer has confirmed that subject to a detailed design scheme being secured by a planning condition, the proposal is acceptable in this respect. A planning condition securing detailed design and

maintenance of the surface water and SuDS facility (located within site boundary) can be secured by a planning condition.

1.147 Northumbrian Water has also been consulted on the application and have not offered any comments or objections.

1.148 Subject to the identified planning condition, the proposal is considered to be acceptable in respect to surface water and flooding.

#### CONTAMINATED LAND

1.149 In respect to contaminated land, the Environment Agency initially objected to the proposal stating that it did not satisfactorily demonstrate that the risks of pollution to controlled waters are acceptable or can be appropriately managed. In response, the applicant has submitted a Phase 1 Ground Investigation, to which the Environment Agency has been consulted and have removed their objection, subject to the inclusion of a number of identified planning conditions, including a remediation strategy.

1.150 The Council's Flood Risk Officer has confirmed no objections, subject to the inclusion of a planning condition in respect of any unexpected contaminated land.

1.151 Subject to the identified planning conditions, the proposal is considered to be acceptable in respect to contamination matters.

#### ARCHAEOLOGY & OTHER HERITAGE ASSETS

1.152 Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology has considered the proposals including the submitted Geophysical Survey with application H/2022/0423 and have advised that the above noted Geophysical Survey reveals anomalies of both probable and possible archaeological origin. Tees Archaeology have confirmed that archaeological mitigation of the site should consist of a phased programme of archaeological works, including historic building recording on the farmstead (all buildings) and monitoring during groundworks for the cable run and temporary set down area.

1.153 During the course of consideration, the applicant submitted a Written Scheme of Investigation (WSI), to which Tees Archaeology was consulted upon and confirmed was acceptable in so far as a WSI for building recording however the analysis and submission of such details still needs to be secured by way of a planning condition. A further archaeology condition is required in respect to a WSI for archaeological work, analysis and submission which can be secured by way of a pre-commencement condition.

1.154 The Council's Head of Service for Heritage and Open Space has confirmed that the site of the application is not in a conservation area, and there are no listed or locally listed buildings within close proximity. Whilst the Council's Head of Service for Heritage and Open Space has confirmed no objection in principle to the proposal to demolish the building on the site, given the long standing establishment of structures

in this area, it is recommended that they should be recorded, prior to demolition. This is secured by the above mentioned recommended planning condition in respect of archaeological monitoring.

1.155 The application is therefore considered to be acceptable with respect to the impact on heritage assets and archaeology.

#### OTHER PLANNING MATTERS

1.156 It is acknowledged that an objection has raised from neighbouring occupants and the Rural Neighbourhood Plan Working Group that the proposal would result in a loss of agricultural land and impact upon food security. As noted above, the application is accompanied by an Agricultural Land Classification Report which indicates that the application site (approximate total area of 7.6ha) comprises a combination of Grade 3b (moderate) agricultural land (2.2ha) and non-agricultural land (5.4ha). The Survey also notes that the agricultural land areas that are affected consist of either temporary development (where the temporary compound is to be sited) or the installation of the underground cable routes (where trenches are to be filled and the surface reinstated once the cables are installed). For the reasons identified in the Principle of Development section noted above, this does not contravene the requirements of Criterion 10 of Policy RUR1 of the HLP (2018) in this instance. It is therefore also considered that the proposals would not conflict with the recently published Ministerial Statement on ‘Solar and protecting our Food Security and Best and Most Versatile (BMV) Land’ (and the associated NPS EN-3).

1.157 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. It is noted that the application seeks permission for a permanent development, however a suitable planning condition is recommended to secure the removal and the suitable restoration of the site if and when the development is no longer operational/required.

1.158 The Tees Valley Minerals Development Plan Document requires details with respect to the management of waste from the site once the building is operational. This can be controlled by way of a planning condition, which is recommended accordingly.

1.159 No concerns or objections have been received from Cleveland Police.

1.160 Concerns have been received regarding the safety of the proposed structures. The Health and Safety Executive has been consulted via its 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; therefore they do not need to be consulted further. No concerns have been raised in his respect by HBC Public Protection, Cleveland Fire Brigade or the Emergency Planning Officer in this respect either.

#### OTHER MATTERS

1.161 The Council's Flood Risk Officer confirmed that in respect of demolition of any existing building, section 80 of The Building Act 1984 that requires the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This can be relayed to the applicant via an informative.

1.162 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.

1.163 Cleveland Fire Brigade have provided generic comments in respect of the proposed development. This is a matter for the Building Regulations regime and an informative note can be appended to the decision notice relay this to the applicant.

#### **CONCLUSION + PLANNING BALANCE**

1.164 For the reasons detailed in the report, the proposal is broadly considered to be appropriate development (supporting public infrastructure) in the rural area, which would be in general conformity with the requirements of Policy RUR1 of the HLP (2018), and Policy GEN1 of the HRNP (2018).

1.165 When weighing up the planning balance between the benefits of the proposal and its shortcomings, it is acknowledged that the proposed development would result in some localised harm to the character and appearance of the application site and surrounding rural area by virtue of its scale, design and location within the rural area.

1.166 However, it is acknowledged that the identified adverse impact on the character and appearance of the application site and surrounding rural area would be partially reduced by the mitigation provided by the proposed landscaping.

1.167 It is also of significant weight in the planning balance, that local and national planning policy supports development which seeks to address the causes and impacts of climate change and provide for sustainable sources of renewable energy generation. Officers are cognisant that the recently allowed appeal decisions within close proximity of the current application site. In a similar manner, the proposal would provide benefits relating to the efficient use of energy and the positive contribution the scheme would make to energy resilience and stability during the transition to renewable and low carbon energy are significant.

1.168 Overall and on balance, it is considered that the benefits of the proposal would be so substantial in this instance as to outweigh the identified adverse impacts. Therefore, when considering the requirements of Policy RUR1 (of the Hartlepool Local Plan) and GEN1 of the Rural Plan, it is considered that the proposal is acceptable in this instance.

#### **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.169 There is no evidence of equality or diversity implications.



## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.170 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.

1.171 There are no Section 17 implications.

### REASON FOR DECISION

1.172 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 a S106 legal agreement to secure the delivery of the provision, maintenance and management of Biodiversity Net Gain requirements and subject to the following planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans and details:
  - Dwg. No. BP-HART-1000A Rev R1 (Site Location Plan, scale 1:5000),
  - Dwg. No. PRP-HART-1001C Rev R2 (Proposed Site Plan West),
  - Dwg. No. PRP-HART-1001D Rev R2 (Proposed Site Plan East),
  - Dwg. No. PRP-HART-2000 Rev P07 (Platform Layout),
  - Dwg. No. TTW1143-HART3-00-SPL-S2020-GA-002 Issue A (Planning Drawings Hartmoor TI Compound, Synchronous Compensator Overall Elevations),
  - Dwg. No. PRP-HART-5011 Rev P03 (Hartmoor - Syncon Building Elevations),
  - Dwg. No. PRP-HART-5010 Rev P03 (Hartmoor - Syncon Building Floor Plan),
  - Dwg. No. PRP-HART-2003 Rev P01 (Fencing Details),
  - Dwg. No. PRP-HART-2004 Rev P01 (Typical HV Cable Burial Details),
  - Dwg. No. PRP-LAND-2500 Rev P01 (Road Construction Details),
  - Dwg. No. BA11985TPP-WEST Rev D (Tree Protection Plan),
  - Dwg. No. BA11985TPP-EAST Rev D (Tree Protection Plan),
  - Dwg. No. BA11985TS-EAST Rev B (Tree Survey & Constraints Plan),
  - Dwg. No. BA11985TS-WEST Rev B (Tree Survey & Constraints Plan),
  - received by the Local Planning Authority on 22<sup>nd</sup> December 2022;
  - Dwg. No. PRP-HART-5050 issue no. P01 (Hartmoor – Amenities Building Floor Plan),
  - Dwg. No. PRP-HART-5051 issue no. P01 (Hartmoor – Amenities Building Elevations),
  - Dwg. No. PRP-HART-7001 Rev P03 (Earthworks – Cross Sections),
  - Plan untitled, detailing Surface Level Data, Rev P04, received by the Local Planning Authority on 19<sup>th</sup> January 2023;

Dwg. No. BP-HART-1001F Rev R1 (Proposed Site Plan – Overview), received by the Local Planning Authority on 27<sup>th</sup> January 2023; and

Dwg. No. 34106-LN-LP-07 Rev E (Landscape Strategy Plan), received by the Local Planning Authority on 8<sup>th</sup> March 2024.

For the avoidance of doubt.

3. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping, tree, hedge and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity to the plan Dwg. No. 34106-LN-LP-07 Rev E (Landscape Strategy Plan, received by the Local Planning Authority on 8<sup>th</sup> March 2024) and where possible retain existing hedges along the southern boundary. 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 gives written consent to any variation.

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

4. Notwithstanding the submitted details and prior to the erection of the temporary construction compound hereby approved, as denoted by the hatched area on Dwg. No. BP-HART-1001F Rev R1 (Proposed Site Plan – Overview, received by the Local Planning Authority on 27<sup>th</sup> January 2023), 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 (Grid Stability Facility) hereby approved, whichever is sooner). The scheme shall thereafter be completed in accordance with the approved landscaping details and timetable as required by condition 3 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 site specific Waste Audit which shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use, shall be submitted to and agreed in writing with the Local Planning Authority. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy, and shall include a timetable for implementation. Thereafter, the development shall be carried out in accordance with the agreed details. To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers, and to ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
  
6. Unless otherwise agreed in writing by the Local Planning Authority in consultation with National Highways, construction of the development hereby approved shall not commence unless and until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. Thereafter unless otherwise approved in writing, the development shall be constructed in accordance with the approved Construction Phase Traffic Management Plan. To ensure that the A19 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.
  
7. 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 or first use (whichever is sooner) 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. No development approved by this planning permission shall commence until a remediation strategy to manage the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to,

and approved in writing by, the Local Planning Authority. The Remediation Strategy shall include the following components:

1. An updated Preliminary Risk Assessment (Phase 1 Ground Conditions Assessment) that shall identify:
  - all previous uses,
  - potential contaminants associated with those uses,
  - a conceptual model of the site indicating sources, pathways and receptors, and
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on the above component, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Thereafter the scheme shall be implemented as approved. Any changes to these components shall require the written consent of the Local Planning Authority.

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 in line with paragraph 180 of the National Planning Policy Framework. This should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.

9. Prior to any part of the permitted development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the agreed verification report.

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

10. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the agreed monitoring and maintenance plan. To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 189 of the National Planning Policy Framework.
  
11. Notwithstanding the requirements of condition 7, no drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems shall be supported by an assessment of the risks to controlled waters. Thereafter the development shall be carried out in accordance with the approved details.  
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 caused by mobilised contaminants. This is in line with paragraph 180 of the National Planning Policy Framework.
  
12. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority, where a scheme has been submitted to demonstrate that there is no resultant unacceptable risk to groundwater.  
The scheme shall include a) a written piling and penetrative foundation design statement and foundation risk assessment approved prior to the commencement of this element of the works and b) following the completion of the works, a validation report including as built information and a residual foundation risk assessment submitted and approved to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
To ensure that the proposed piling does not harm groundwater resources in line with paragraph 180 of the National Planning Policy Framework.
  
13. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes, in addition to pre-existing boreholes, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development for monitoring purposes, will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation or first use of any part of the permitted development.  
To ensure that redundant 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.

14. In the event that contamination (not previously identified is found to be present at the site) 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. This is in line with paragraph 189 of the National Planning Policy Framework.

15. 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 (contained within the document entitled Grid Stability Facility – Hartmoor, Biodiversity Net Gain Assessment received by the Local Planning Authority on 13/06/2023). The scheme shall provide a minimum of 10.59 Units of habitat retention, creation and enhancement (as detailed in 'Recommendations and discussion' section of 'The Biodiversity Net Gain Assessment', received by the Local Planning Authority on 13/06/2023 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 13/06/2023).

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, 180 and 186 of the NPPF (2023) and Policy NE1 of the Hartlepool Local Plan (2018).

16. 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 (Potential Impacts and Recommendations), of the Ecological Assessment by BSG Ecology, document dated 06 October 2022 and received by the Local Planning Authority on 22<sup>nd</sup> December 2022 including the requirement for the removal of bats is undertaken under a precautionary method statement. The CEMP (Biodiversity) shall include the following:
    - Details of a pre-construction walk-over survey. The surveys shall be undertaken in advance of the commencement of works to confirm the details within the Ecological Assessment,
    - Risk assessment of potentially damaging construction activities,
    - Identification of "biodiversity protection zones",
    - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),
    - Any excavations left open with escape ladders or planks are installed overnight and that they are inspected the following day prior to the start of work,
    - The location and timing of sensitive works to avoid harm to biodiversity features,
    - The times during construction when specialist ecologists need to be present on site to oversee works,
    - Responsible persons and lines of communication.
    - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person,
    - Use of protective fences, exclusion barriers and warning signs.
- 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.
17. 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 the adjacent landscape in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan (2018).

18. 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.
  
19. 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. BA11985TPP-WEST Rev D (Tree Protection Plan, received by the Local Planning Authority on 22<sup>nd</sup> December 2022) and Dwg. No. BA11985TPP-EAST Rev D (Tree Protection Plan, received by the Local Planning Authority on 22<sup>nd</sup> December 2022), 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.
  
20. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions and;
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).  
 C) The development shall not be operational or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of



Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

21. A) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation as detailed in the document Hartmoor Grid Stabilisation Facility Whelby Hill Farm Hartlepool / Written Scheme of Investigation for Historic Building Recording (Level 1/2) / report prepared for Transmission Investment, document reference CA Project: MK1009 / CA Report: MK1009\_1, dated November 2023, received by the Local Planning Authority on 20th November 2023.  
 B) The development shall not be operational or brought into use until the site investigation and post investigation assessment (for historic building recording) has been completed in accordance with the programme set out in the Written Scheme of Investigation as detailed above and provision made for analysis, publication and dissemination of results and archive deposition has been secured. The development shall not be operational or brought into use until such matters have been confirmed and agreed in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.  
 In the interests of protecting archaeological assets.
  
22. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. 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.  
 In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.
  
23. Notwithstanding the submitted details and prior to the installation of any boundary fences, details (including finishing colours) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed means of enclosure shall be erected 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.
  
24. 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.

25. Prior to above ground construction of the development hereby approved, final details of the external materials (and finishing colours) to the grid stability facility 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. Thereafter the approved scheme shall be implemented and retained thereafter.

In the interests of visual amenity and to ensure a satisfactory form of development.

26. Following the laying and installation of the cables hereby approved and prior to the completion or first use (whichever is sooner) of the development hereby approved, the trenches where the cables are to be laid, shall be backfilled and the surface (and any adjacent affected areas) shall be finished and made good in accordance with the details stipulated on Dwg. No. PRP-HART-2004 Rev P01 (Typical HV Cable Burial Details, received by the Local Planning Authority on 22<sup>nd</sup> December 2022). The surfaces to these areas shall be re-seeded to a suitable planting mix in accordance with the requirements (and a timetable for implementation) of condition 3 of this decision notice

In the interests of visual amenity and to ensure a satisfactory form of development.

27. Prior to the commencement of development above ground level, details of 6no. 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 180 of the NPPF (2023).

28. Prior to the commencement of development above ground level, details of 3no. pole-mounted woodcrete bat 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 bat 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 180 of the NPPF (2023).

29. When the development hereby approved ceases its operational use, all buildings, support structures, means of enclosure and associated

infrastructure shall be removed in their entirety and the land shall be restored to its current use as agricultural land in accordance with a scheme and timetable to be first submitted and agreed in writing by the Local Planning Authority. Thereafter the scheme for restoration shall be carried out in accordance with the agreed details and timetable.

In order to protect the visual amenity and character of the surrounding countryside.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156385>

1.174 Copies of the applications are available on-line:

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

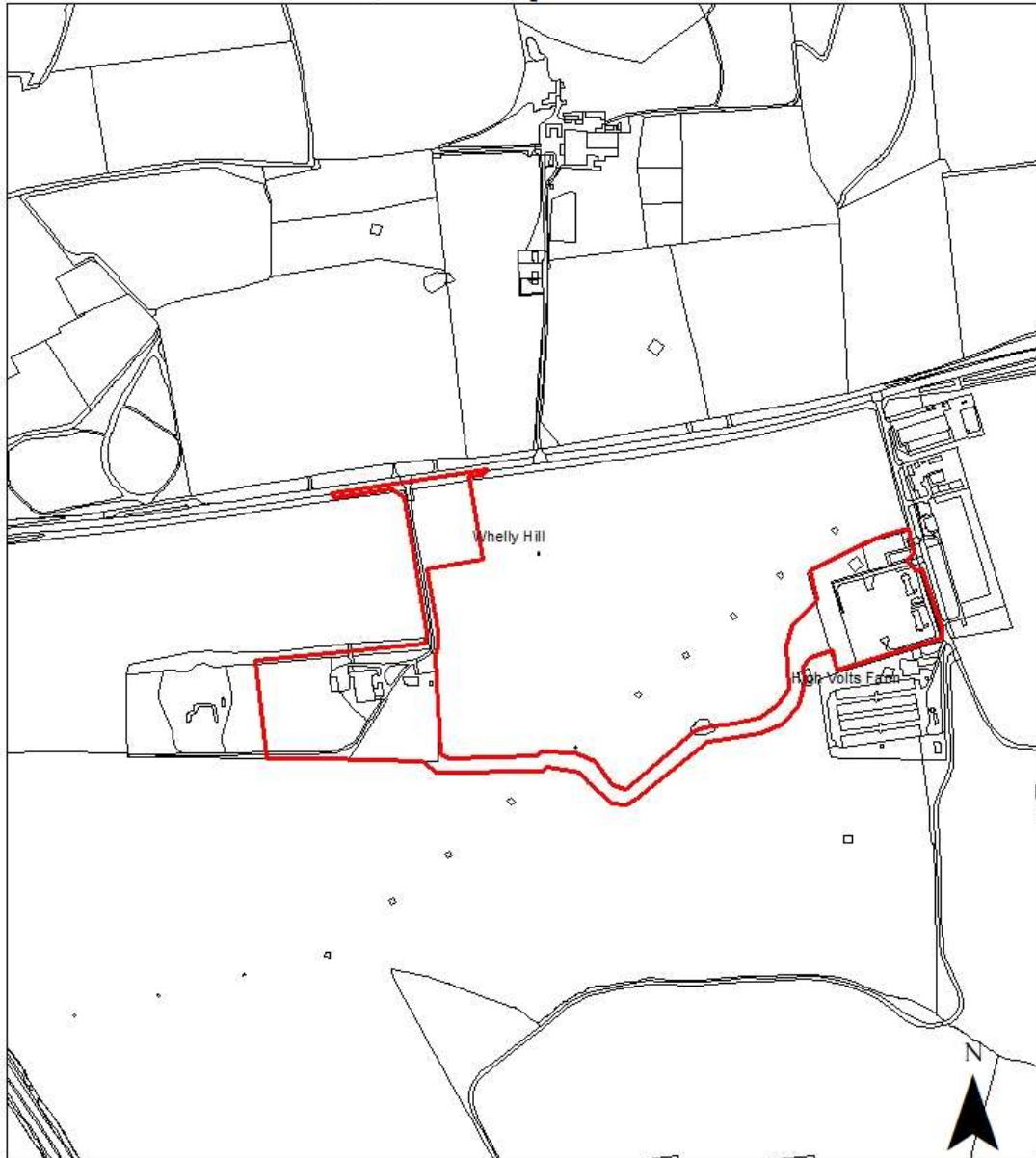
## **CONTACT OFFICER**

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## **AUTHOR**

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## Hart Moor Farm , Hartlepool



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>05.07.2023</b>
	SCALE <b>1:7,000</b>	
Dept of - <b>Development, Neighbourhoods                  and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0470</b>	REV

**No:** 2.  
**Number:** H/2023/0315  
**Applicant:** MR JOSHUA CHAPMAN LORIMERS CLOSE  
 PETERLEE SR8 2NH  
**Agent:** LORIMERS CONSULTANCY LTD MR JOSHUA  
 CHAPMAN 2 LORIMERS CLOSE PETERLEE SR8 2NH  
**Date valid:** 05/10/2023  
**Development:** Application for the erection of 3.no single storey dwellings  
 with associated communal garden, parking and  
 landscaping (Demolition of existing garages).  
**Location:** LAND AND GARAGES OFF DUMFRIES ROAD  
 HARTLEPOOL

## PURPOSE OF REPORT

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

2.2 This application was deferred by members at the last committee meeting of 17.04.2024 to allow members to undertake a site visit. No additional representation comments have been received since previous committee meeting.

2.3 A single change from the previously published Planning Committee Report relates to an amendment to the requirements of the legal agreement section set out in the 'Recommendation' of the report to include reference to a requirement for the provision, long term maintenance and management of surface water drainage infrastructure for the entire site.

2.4 Overall, the additional wording to the Recommendation does not change the consideration of matters throughout the report.

## BACKGROUND

2.5 There is no recent planning background to this planning application.

## PROPOSAL

2.6 The application seeks planning permission for the erection of three detached bungalow properties on land to the rear of Dumfries Road. Each of the three properties would be of a matching design and would feature an asymmetrical dual pitched roof. The bungalows would measure approximately 13.7 metres in width by a depth of approximately 7.5 metres. The properties would feature four windows within the front elevation, with two either side of the entrance door. Four windows would also feature on the rear elevation along with a set of patio doors and a further window within the (west) side elevation of each respective dwellings. The properties

are illustrated as featuring (24) solar panels on the front roof slope and three roof lights within the rear facing roof slope. The proposed dwellings would provide three bedrooms featuring a living room, a dining room, kitchen, bathroom, Master-en-suite and entrance lobby. The properties would feature front and rear garden areas and at the most eastern part of the site is a communal garden area (which includes a 'sensory garden'), designed to serve the three properties. Parking would be provided at each property, with 'property 1' providing two spaces and properties 2 and 3 each providing a single space to the side of the respective properties.

2.7 The application has been referred to the Planning Committee as a result of the number of objections received (more than 3) in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

2.8 The application site relates to a parcel of land to the north and north-east of Dumfries Road within the Rossmere area of Hartlepool. The site is the location of disused and redundant garages, which benefits from its own site access onto and from Dumfries Road. The application site was formerly owned by the Local Authority, although has since been sold. The application site is bounded to the south by residential properties and their respective rear garden areas. To the south-west are the properties 2 to 8 Dumfries Road (evens); to the south are the residential properties of 20 to 38 Rossmere Way (evens). The site access is bounded either side by the curtilages of residential properties, with 10 Dumfries Road to the west, and 8 Dumfries Road to the south-west and the existing access point faces towards 3 and 5 Dumfries Road (south-west). To the north, the application site bounds allotment gardens.

2.9 At the time of the case officer's site visit, it was noted that some areas of the application site appeared to be enclosed by neighbouring boundary fences and other structures, forming parts of the respective neighbouring garden areas, where there is understood to be a land ownership/civil dispute.

## **PUBLICITY**

2.10 The application has been advertised by way of neighbour letters (62) and a site notice. Following the initial public consultation exercise, letters of objection were received from four separate residential properties. Through the course of the planning application, changes were made to revise the scheme down from four dwellings to three dwellings. Following a further public consultation exercise, including the erection of a further site notice, letters of objection were received by a further four residential properties, as well as objections from some residents who had already objected, taking the total number of objections received from separate residential properties to eight. An objection was also received from a local ward councillor raising concerns regarding the potential impact on bats.

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

- Dispute over land ownership from a number of residential properties backing onto the application site.
- The proposed development would cause disruption and noise during the construction phase.
- The proposal would increase traffic and indiscriminate parking on Dumfries Road and would negatively impact on highway safety.
- The site does not benefit from a public footpath and is a safety concern for pedestrians.
- The neighbouring properties were not consulted pre-application submission, despite the application stating this had been carried out.
- The use of the access would increase likelihood of damage to neighbouring property adjacent to the site access.
- The proposal would attract anti-social behaviour.
- Concerns are raised that the Fire Brigade would be unable to access the site and turn around.
- Concerns are raised with respect to the asbestos roofs of the existing garages if disturbed.
- The impact on bats occupying the site.
- A resident has stated that they have a legal right of access to their rear garden from the site.
- The construction of the storm chamber would cause damage to garden walls.
- The details of the storm chamber are not clear.
- The location of the foul connections are not clear.

2.12 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=159228>

2.13 The period for publicity has expired.

## CONSULTATIONS

2.14 The following consultation replies have been received:

**HBC Traffic & Transport:** - There are no highway objections to this proposal as the site and access would remain private, sufficient parking and turning space has been provided within the site to accommodate domestic sized vehicles.

The Fire Service have raised concerns that the proposed access would restrict entry for their appliances, I would confirm that the proposed access would fall short of their requirements.

*Further Comments received 15/01/2024*

No further comments to add to the amended scheme.

*Further Comments received 21/02/2024*

Further to the chance to comment on this application, I can confirm that there are no highway objections to this proposal as the site and access would remain private, sufficient parking and turning space has been provided within the site to accommodate domestic sized vehicles.

I note that through the public consultation, comments have been received raising concerns that Emergency vehicles would not be able to access the site. Cleveland Fire Brigade have confirmed that the applicant's solution would be suitable and there are no concerns with respect to ambulances accessing the site, therefore the proposed development is considered acceptable in this respect.

**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 Landscape Architect:** - An Arboricultural Impact Assessment has been provided and I would defer to Arb. Officer comments.

Full hard and soft landscape details should be provided in due course. These can be controlled by condition.

There may be scope for additional soft landscaping to the north of the VP bays between plots 2 and 3.

Further Comments received 11/01/2024

A revised layout has been provided. Full hard and soft landscape details should be provided in due course. These can be controlled by condition.

**HBC Arboricultural Officer:** - The submitted arboricultural documentation from AllAboutTrees Ltd provides the relevant detail and information required for the site. There is a loss of tree groups on the site to facilitate the development but this is not excessive and is mainly overgrown, self-seeded scrub. The following documents should be conditioned:

- Arboricultural impact assessment by All About Trees
- Arboricultural Method statement by All About Trees
- Arboricultural Method statement, Tree Protection Plan by All About Trees

Details of a proposed planting scheme will also need to be conditioned which should include stock sizes, types and species, indicate the proposed layout and include a programme of the works to be undertaken.

Further comments received 18/01/2024

The proposed site plan and tree protection plan no longer align with each other and therefore a new updated tree protection plan should be provided to reflect the new



site plan. It cannot be understood now how the protection of T7, a tree of moderate quality in a neighbour's garden is going to be put in place.

Further Comments received 22/02/2024

The documents now reflect accurately to the site since the update from 4 dwelling to 3. The submitted arboricultural documentation from All About Trees Ltd provides the relevant detail and information required for the site. There is a loss of tree groups on the site to facilitate the development but this is not excessive and is mainly overgrown, self-seeded scrub that offer little to no amenity value to the site. The following documents should be conditioned:

- Arboricultural impact assessment by All About Trees
- Arboricultural Method statement by All About Trees
- Arboricultural Method statement, Tree Protection Plan by All About Trees

Details of a proposed planting scheme will also need to be conditioned which should include stock sizes, types and species, indicate the proposed layout and include a programme of the works to be undertaken.

Subject to condition of this information the proposed development provides no arboricultural concerns and is deemed acceptable.

**HBC Ecology:** - Summary

- No further survey is required.
- Biodiversity gain is demonstrated.
- A landscape plan should be conditioned (which includes the habitats and areas listed in the Biodiversity Metric).
- Four integral bird nest bricks should be conditioned.
- The project has been HRA assessed and is compliant with the legislation.
- The HRA Appropriate Assessment must be approved by Natural England.

I have studied the submitted "Preliminary Ecological Appraisal Low Impact Ecological Impact Assessment" report (August 2023), the Biodiversity Net Gain Statement and the Small Sites Biodiversity Metric (all prepared by All About Trees). The proposed site area is 1,475 m<sup>2</sup> (0.147 Ha).

I am satisfied that the Ecology reports are mostly robust, and no further survey effort is required.

In section 5.12 of the Low Impact EclA non-statutory designated sites have been missed. Rossmere Park Island Heronry Local Wildlife Site is within 500m of the proposed site. The development will not impact on this LWS.

The Biodiversity Net Gain Statement shows:

Biodiversity baseline – 0.2710 Habitat Units (HU) – all to be lost.

Post development biodiversity – 0.2898 HU.

Biodiversity change - +0.0188 HU + 0.0746 HU for six new trees.

And

Biodiversity baseline – 0.0125 Hedgerow Units (HrU) – hedge to be lost.  
 Post development biodiversity – 0.0463 HrU.  
 Biodiversity change - +0.0338 HrU.

I note that the BNG Small Metric ‘Metric screen dumps’ in Appendix 2 give a different set of figures, with some errors.

However, I am satisfied that there is enough biodiversity gain to satisfy NPPF and Hartlepool Local Planning Authority (LPA) requirements. This is to achieve ‘no-net loss’ of biodiversity, and to deliver biodiversity gain to satisfy NPPF (2018) paragraph 170 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Mandatory 10% Biodiversity Net Gain (BNG) is not currently legally required, I am satisfied that the scheme fulfills all the current biodiversity requirements, so long as a landscape plan is conditioned which secures the habitats presented in the Biodiversity Net Gain Statement, namely:

- 270m<sup>2</sup> of vegetated gardens
- 31m<sup>2</sup> lawns
- 270m<sup>2</sup> sensory garden
- Six standard trees
- 48m length of hedge.

In addition, each of the four buildings should include 1no integral ‘universal’ nest brick located in east facing walls (where possible) and at a minimum height of 3m above ground level.

See: <https://drive.google.com/file/d/1ljcJ7rIkNMrr4lxd41XcBU3YC6lFKM6z/view>

Habitats Regulations Assessment

A Habitats Regulation Assessment (HRA) is required for Nutrient Neutrality and Increased Recreational Disturbance. The HRA is provided below.

Revision history

Version	Date	Revision	Prepared by
1	17/10/2023	A	Graham Megson (MSc Ecology)

1. Stage 1 findings

Nutrient neutrality

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW?	Yes	The scheme is screened out.
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Evidence from application documents.	<p><b>Foul Sewage</b></p> <p>Please state how foul sewage is to be disposed of:</p> <input checked="" type="checkbox"/> Mains sewer
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Recreational disturbance

Is Recreational disturbance accounted for by the Hartlepool Local Plan Coastal Mitigation Scheme?	No	HRA Appropriate Assessment required (see below).
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The Nutrient Budget Calculator result is zero and the scheme is below the EIA threshold for the consideration of surface water drainage. LSE is ruled out.

Habitats Regulations Assessment stage 2 Appropriate Assessment

Revision history

Version	Date	Revision	Prepared by
1	17/10/2023	A	Graham Megson (MSc Ecology)

1. Introduction

Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

2. HRA Stage 2 - Appropriate Assessment

European Sites and issues requiring Appropriate Assessment

That 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 causes an Adverse Effect on Integrity of the Site (AEOI) and if so if this can be removed through mitigation.

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 catchment 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.

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.

All major, non-allocated housing developments, and all small-scale housing developments (nine or fewer dwellings) [windfall sites] 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.

### 3. Mitigation measures

Measures to avoid and mitigate Adverse Effects on Integrity

This application is Appropriately Assessed below:

The Hartlepool Coastal Mitigation Scheme was designed so that additional recreational visits to the coast created by developments of nine or fewer new dwellings are mitigated by the combined Local Plan 'HSG1 New Housing Provision' allocated developments, which fund it. The Hartlepool Local Plan aspiration is for 6,150 new houses and the value of the Hartlepool Coastal Mitigation Scheme is set at £424,000.

This sum was used to calculate the 'per house' financial contribution formula and includes a contingency portion to cover the housing applications for nine or fewer dwellings.

### 4. Conclusion

The increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site.

Hartlepool Borough Council Local Planning Authority can lawfully permit this development. Natural England must be consulted on the HRA Appropriate Assessment.

Further Comments received 25/01/2024

Ecology

I responded to this application on 17/10/2023, however, I note the proposed changes (the new site plan is included as Appendix 1).

Bats

A concern that buildings on the site may support bats has been raised, however, this was ruled out in the submitted Preliminary Ecological Assessment (PEA) report prepared by All About Trees and dated 31/08/2023, which states:

- Garages on site have negligible potential of supporting roosting bats.
- The site is situated in area with limited potential to support foraging or commuting bats.
- No additional surveys are considered necessary.
- The inclusion of bat boxes and bird boxes are advised on site, to enhance the area. Bat(s) have been reported flying in the area and I assess it likely that these would have roosted elsewhere and be foraging or commuting over the site, rather than them having emerged from the garages on site. The Ecological information submitted provides reasonable assessment that the risk of bats being harmed is low. Further, the following images of the garages (taken from the PEA report) show the unsuitability of these buildings for roosting bats, which require enclosed, draft-free crevices.

However, all species of bat are legally protected species and therefore any individual (e.g. a builder) is lawfully required to stop work immediately if a bat is found and seek professional ecological advice. As this is a legal rather than a planning matter, the Hartlepool Borough Council bat informative should be issued.

Bat Informative

Bats are highly mobile species and individual bats can turn up in any building or any tree which has suitable holes or crevices. All species of bat in the UK are protected by both UK legislation. This legal protection extends to any place that a bat uses for shelter or protection, whether bats are present or not. Should bats or signs of bats (such as droppings, dead bats etc) be discovered in any buildings and/or trees to be demolished or altered, work should stop immediately, and advice sought from the Bat Conservation Trust or Natural England. Failure to do this may result in the law being broken. The National Bat Helpline number is:

Conditions

I am satisfied that there is enough biodiversity gain to satisfy NPPF and Hartlepool Local Planning Authority (LPA) requirements. This is to achieve 'no-net loss' of biodiversity, and to deliver biodiversity gain to satisfy NPPF (2018) paragraph 170 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. I am satisfied that the scheme fulfils all the current biodiversity requirements, so long as a soft landscape plan including is conditioned.

In addition, each of the three buildings should include 1no integral ‘universal’ nest brick located in east facing walls (where possible) and at a minimum height of 3m above ground level (or as high as possible).

For further information see:

<https://drive.google.com/file/d/1ljcJ7rkNMrr4lxd41XcBU3YC6IFKM6z/view>

Habitats Regulations Assessment

The HRA included in my response dated 17/10/2023 does not need to be altered by the change in the number of dwellings from four to three. The HRA remains valid.

Appendix 1. Recent submitted roof plan, showing three rather than four dwellings.

**Natural England:** - Thank you for your consultation on the above dated 10 October 2023 which was received by Natural England on 10 October 2023 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

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 statutorily protected nature conservation sites or landscapes. Natural England’s generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest Impact Risk Zones The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Annex A – Additional advice

Natural England offers the following additional advice: *(summarised with headers given)*

- Landscape
- Best and most versatile agricultural land and soils
- Protected Species
- Local sites and priority habitats and species
- Ancient woodland, ancient and veteran trees

- Biodiversity and wider environmental gains
- Green Infrastructure
- Access and Recreation
- Rights of Way, Access land, Coastal access and National Trails
- Biodiversity duty

Further Comments received 08 February 2024

Thank you for your consultation. Natural England has previously commented on this proposal and made comments to the authority in our response dated 02 November 2023 reference number 453878 (H/2023/0315). 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 Flood Risk Officer:** - In response to your consultation on the above application we have no objection to proposals in respect of surface water management or contaminated land. Please include our standard unexpected contamination condition and the condition below on any permission issued for proposals:

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

*The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).*

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

The applicant is advised to fully explore the need for a “Downstream Defender” interceptor asset on surface water drainage that flows to combined sewer that should operate at self-cleansing velocity. This asset will necessitate additional maintenance.

In respect of demolition of existing buildings, the applicant’s attention is drawn to section 80 of The Building Act 1984 that requires the applicant to give notice to and

receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This requirement is separate and in addition to the planning application and is administered by [jack.stonehouse@hartlepool.gov.uk](mailto:jack.stonehouse@hartlepool.gov.uk)

**Northumbrian Water:** - This site would drain to Seaton Carew STW. The connection would be to the nearest sewer manhole 7901.

**HBC Public Protection:** - I have no objections subject to the following:

The working hours for all construction and demolition activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Any deliveries or collections to the site shall be limited to these hours as well.

No open burning at all on site.

Adequate dust suppression must be available on site during demolition works.

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

**Cleveland Police:** - I note the objection on the portal with regard to ownership of the land. My only concern is for the design of the properties, to build in security at the earliest possible opportunity. The Design and Access statement references Secured by Design in relation to paths and entry points. I would ask the developer to consider incorporating the features contained in the Secured by Design Homes Guidance Document. I've provided a link to it below. The additional cost to incorporate these measures is insignificant in comparison to modern day house prices. For the sake of a couple of hundred pounds per property, the development could win a Secured by Design Award, which could be used to help in marketing the site. Investing now can save crime issues further along the line.

Here is the link – [HOMES\\_GUIDE\\_2023\\_web.pdf \(securedbydesign.com\)](https://www.securedbydesign.com/HOMES_GUIDE_2023_web.pdf)

I can help the applicant at every step in the process of achieving the award.

*Further comments received 30/01/2024*

I note the alteration of the layout and design and reduction of dwellings from 4 to 3. I have no further comments.

**Community Safety & Engagement** - There is nothing from Community Safety in addition to the response provided by Cleveland Police.

**Cleveland Fire Brigade:** - Cleveland Fire Brigade offers the following representations regarding the development as proposed. Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings. The plan (S4125-BDN-XX-XX-PL-A-0003) demonstrates that the farthest point of plot 4 is approx. 77m from Dumfries Road, access will therefore be required for fire appliances onto the newly established access road to achieve the 45m rule as set out in ADB v1 Para 13.1. This access road must meet the requirements of ADB v1 Table 13, including the below Brigade



specific requirements. 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 1 Section 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 1 Section B5 Table 13.1. It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

Further Comments received 21 February 2024

The applicant's updated solution would meet the Fire Brigade's requirements.

**Tees Archaeology:** - Thank you for the consultation. I have checked the Historic Environment Record and there are no archaeological concerns for this application.

Further Comments received 17/01/2024

Thank you for the additional consultation on this application. Our comments of October 2023 remain unchanged.

**HBC Building Control:** - A Building Regulation application will be required for '3.no single storey dwellings - Land and garages off Dumfries Road'

**Northern Gas Networks:** - Northern Gas Networks acknowledges receipt of the planning application at LAND AND GARAGES OFF DUMFRIES, Hartlepool. 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.

Further comments received 11/01/2024 (summarised)

Dear Sir/Madam, Northern Gas Networks acknowledges receipt of the planning application at Dumfries Road, Hartlepool, TS 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.

**Northern Powergrid:** - (summarised with advice appended as informative) Thank you for your enquiry dated 10/10/2023 concerning the above. The enclosed mains records only give the approximate location of known Northern Powergrid apparatus within the area. Great care is therefore needed and all cables and overhead powerlines must be assumed to be live.

Further Comments received 12/01/2024

Thank you for your enquiry dated 11/01/2024 concerning the above. The enclosed mains records only give the approximate location of known Northern Powergrid apparatus within the area. Great care is therefore needed and all cables and overhead powerlines must be assumed to be live.

**National Grid Asset Protection Team:** - Thank you for your email. Regarding planning application H/2023/0315, there are no National Grid Electricity Transmission assets affected in this area. If you would like to view if there are any other affected assets in this area, please raise an enquiry with [www.lsbud.co.uk](http://www.lsbud.co.uk). Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

Further Comments received 18/01/2024

*Re-provided previous advice*

Further Comments received 31/01/2024

*Re-provided previous advice*

**No comments were received from the following consultees;**

HBC Heritage & Open Spaces;  
HBC Waste Management;  
HBC Parks & Countryside;  
HBC Allotments Officer;  
HBC Estates;  
HBC Adult Social Care;  
HBC Housing;  
HBC Housing Management;  
HBC Housing Standards;  
HBC Economic Development; and  
Anglian Water.

## PLANNING POLICY

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

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

### Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change  
HSG1: New Housing Provision  
LS1: Locational Strategy  
NE1: Natural Environment  
NE2: Green Infrastructure  
QP1: Planning Obligations  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and Design of Development  
QP5: Safety and Security  
QP6: Technical Matters  
QP7: Energy Efficiency  
SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF) (2023)

2.17 In December 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and September 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:

PARA002: Determination of applications in accordance with development plan  
PARA003: Utilisation of NPPF  
PARA007: Achieving sustainable development  
PARA008: Achieving sustainable development  
PARA009: Achieving sustainable development  
PARA010: Achieving sustainable development  
PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development  
 PARA038: Decision making  
 PARA047: Determining applications  
 PARA056: Planning conditions and obligations  
 PARA057: Planning conditions and obligations  
 PARA060: Delivering a sufficient supply of homes  
 PARA114: Considering development proposals  
 PARA115: Considering development proposals  
 PARA123: Making effective use of land  
 PARA124: Give substantial weight to the value of using suitable brownfield land.  
 PARA128: Achieving appropriate densities  
 PARA131: Achieving well-designed and beautiful places  
 PARA157: Meeting the challenge of climate change, flooding and coastal change  
 PARA159: Planning for climate change  
 PARA165: Planning and flood risk  
 PARA180: Conserving and enhancing the natural environment  
 PARA185: Habitats and biodiversity  
 PARA224: Implementation  
 PARA225: Implementation  
 PARA226: Implementation

**2.18 HBC Planning Policy Comments:** The site has no policy constraints / designations of note. As a parcel of previously developed land within the Hartlepool town defined development limit, the principle of its redevelopment for residential use is acceptable in accordance with Hartlepool Local Plan policies LS1 and HSG1 (windfall housing within the existing urban area). Clearly however, in order for this to be acceptable, there are a number of further planning considerations which need to be satisfied, not least the requirements of Local Plan policy QP4 as concerns issues including layout, design and amenity impact.

2.19 The back land positioning together with the constrained and awkward size and shape of the site is such that its successful redevelopment for any number of dwellings will inevitably be of a very different layout, form and appearance than that of the existing properties along Dumfries Road. The priority should therefore be to achieve the best layout for the site, rather than have its layout unduly influenced by its (contrasting) surroundings. The rotated arrangement proposed as the optimal layout is therefore currently unconvincing in that the principal and rear elevations of the dwellings would be set at angles to the site's front and rear boundaries. It is unclear why a standard linear arrangement of two south facing pairs (bringing forward/south the footprint slightly such to add more rear garden space – see page 17 of the DAS) would not be suitable. It is requested that the applicant prepares such an alternative layout option (to include parking and landscape details) so that a comparison of their respective merits can be made.

2.20 One problem with the exposure of western facing gables to plots 2 and 4 as associated with the proposed rotated (staggered) arrangement is that it gives rise to an inappropriate overlooking relationship between plots 1&3 front bedroom windows and plots 2&4 side lounge windows.

2.21 With respect to proposed boundary treatments as set out in the DAS, it will not be appropriate to extend 1.8m height close boarded fencing alongside the access (between front corner elevations of nos. 8 and 10 and the highway) both for visual amenity and pedestrian safety reasons.

2.22 With respect to the proposed communal sensory garden, can the applicant set out what the proposed ownership and management arrangements for this would be.

2.23 We trust the Council's highway officers will consider and comment on the appropriateness of the (constrained) access as would serve the proposal.

Further Comments received 21/02/2024

2.24 Planning Policy do not object in principle to residential development in this location. Planning Policy note that on the 5<sup>th</sup> January 2024 amended plans were submitted, and the amended plans show there will be three units in total and an area of open space to the east of the site. Planning Policy welcome the reduction in the number of units and consider that the development pattern would be more aligned with what the surrounding area.

2.25 Providing that all other consultees are satisfied then Planning Policy are satisfied that the scheme can be recommended for approval.

## **PLANNING CONSIDERATIONS**

2.26 The main planning considerations with respect to this application relate to the principle of development, the impact on the character of the surrounding area and the impact on landscaping and trees, the impact on the amenity of the surrounding neighbouring residential properties and future occupiers, highway safety related matters, flood risk and drainage, contamination, ecology and any other material considerations arising through the course of the planning application. These matters are considered below.

### **PRINCIPLE OF DEVELOPMENT**

2.27 The application site is a parcel of land to the north and north-east of Dumfries Road within the Rossmere area of Hartlepool. The site is the location of disused, redundant garages, which benefits from its own site access. There are no planning policy designations associated with the application site, although the area represents previously developed land, within Hartlepool's defined development limits.

2.28 In accordance with Hartlepool Local Plan policies LS1 and HSG1 (windfall housing within the existing urban area), the proposed redevelopment of the site would be for a residential use, within a residential area and the proposed scheme would provide the borough with three bungalow properties, which the Hartlepool Strategic Housing Market Assessment 2015 (SHMA) identifies the borough as having a shortfall of this type of form of residential accommodation. The Council's Planning Policy section have considered the application and have raised no concerns or objections in principle, although the Planning Policy section note that the

application will be subject to further consideration of Local Plan Policy QP4, which is considered as part of other material considerations, as set out within the following sections.

2.29 As part of the proposed scheme, the proposed development would provide a communal garden area to serve the proposed bungalows, which would not raise any issues in principle and is considered further within the following report. Taking account of the above considerations, having regard to the site circumstances and given the scale and nature of the proposed development, the principle of development is considered acceptable in this instance.

#### *Developer Obligations*

2.30 Given the scale and nature of the proposed development, there is no requirement for developer obligations in this instance.

#### *Energy Efficiency*

2.31 Policy QP7 (Energy Efficiency) of the HLP seeks to ensure high levels of energy efficiency in all development, and the development is therefore expected to be energy efficient. It is of note that Building Regulations were updated on 15<sup>th</sup> June 2022, and therefore the proposed development will now be assessed under the new Building Regulations in so far as energy efficiency matters are concerned (the updated Regs are understood to constitute approximately 30% betterment than the previous Building Regulations or the policy requirements of Policy QP7 which required 10% betterment to the previous Building Regulations).

2.32 In addition, it is noteworthy that the proposed bungalows are illustrated as providing PV panels on each respective roof slope. Whilst the proposed scheme is not a requirement, not being a major planning application, the provision of PV panels is welcomed and meets the aims of Policy CC1. Final details can be secured by a planning condition, which is recommended accordingly.

#### **IMPACT ON VISUAL AMENITY/IMPACT ON CHARACTER AND APPEARANCE OF EXISTING DWELLING AND SURROUNDING AREA**

2.33 Policy QP4 (Layout and Design of Development) of the HLP 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.

2.34 The area surrounding the application site is residential in character and is made up from two storey terraced properties. Bounding the application site to the immediate south and south-west (front) are the residential properties located along Rossmere Way and Dumfries Road respectively.

2.35 The application site relates to a parcel of land to the rear of Dumfries Road, to the north and north-east of the surrounding residential properties and is the

location of disused and redundant garages, which benefits from its own site access onto and from Dumfries Road. By their very scale and nature, the three proposed detached dwellings would differ from the immediate surrounding area. The nature of bungalow developments typically occupy a greater amount of land and often feature smaller garden areas than comparable two storey dwellings.

2.36 Through the course of the planning application, revisions were sought to the proposed scheme, where the number of dwellings were reduced from four to three. The orientation of the dwellings were also altered to provide a more linear, rather than a staggered development pattern, which is considered to read in a more similar fashion of development pattern to that of the two storey residential properties immediately to the west (side) of the application site. Notwithstanding this observation, it is fully acknowledged that the scale and nature of the proposed development would differ from the surrounding area.

2.37 With respect to the design of the proposed bungalow dwellings, it is acknowledged that the appearance would be less conventional than a standard house type, largely owing to the asymmetrical roof design, coupled with the window design proposed. The distinctive nature of the proposed bungalow dwellings can be characteristic of small, independent housebuilding schemes. Within the right context, it is considered that such opportunities provide a varied offer and appearance to the borough more widely.

2.38 Whilst acknowledging the distinctive nature of the proposed scheme, it is considered that the application site represents a secluded pocket of space within the built up conurbation that would provide an attractive and spacious form of development to a currently redundant and unkempt area of land.

#### *Landscaping/Trees*

2.39 The submitted proposed site plan illustrates that the proposed development would incorporate significant soft landscaping in the form of open plan frontages made up from of grassed lawns, hedge planting, grassed landscaping strips and a communal garden area to the east of the site that would provide additional tree planting. The proposed development would require the loss of some vegetation with a number of trees to be removed, although the Council's Arboricultural Officer has had regard to the scale and nature of the respective trees and considers the loss not to be excessive and mainly involves overgrown, self-seeded scrub that is considered to offer little amenity value to the site and wider area. The Council's Arboricultural Officer has recommended a number of planning conditions that relate to the submitted impact assessment, Method Statement and Tree Protection measures and subject to the recommended conditions, the proposed development is considered to be acceptable in terms of impact on trees and vegetation.

2.40 With respect to the proposed communal garden, this space would be positioned at the most eastern part of the site, which would be beyond the location of the proposed bungalows. Whilst the communal garden would be open and accessible, the enclosed nature of the cul-de-sac, and its positioning within the site would create a secluded and verdant space, adding to the attraction of the scheme as a whole. The Council's Landscape Architect has considered the proposed

scheme and subject to conditions in relation to soft landscaping, there are no objections to the proposed scheme. A legal agreement is necessary to secure the long term maintenance and management of this area, including habitat creation and drainage, as well as any other areas of landscaping and open spaces out with the residential curtilages of the proposed dwellings. Such controls would ensure long term benefit and attraction of the space.

### *Character Conclusion*

2.41 Overall, the proposed development would repurpose a redundant and untidy parcel of land by providing a bespoke residential development that would provide a positive benefit to the area and would not lead to any unacceptable impacts on the character of the surroundings, subject to recommended conditions in relation to external finishing materials, hard and soft landscaping, trees, boundary treatments and the removal of permitted development rights. Such conditions are recommended accordingly. Furthermore, it is considered that the proposals respect the proportions of the application site and would not adversely affect the visual amenity of the area. The proposal is therefore considered to satisfy the general provisions of Policy QP4 and those of the NPPF (2023).

### IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

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

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

2.43 The above requirements are reiterated in the Council's Residential Design SPD (2019).

### *Properties to the south on Rossmere Way*

2.44 To the south, beyond the proposed dwellings to the front would be the roadway serving the site and beyond is the rear garden areas and properties located on Rossmere Way, with 20 to 38 (evens) located to the south of the application site. The majority of the properties along Rossmere Way feature sizable rear garden areas that are enclosed by close boarded fences, which separates the respective neighbouring properties from the application site.

2.45 Given the presence of extensions located to the rear of a number of the neighbouring properties along Rossmere Way, the separation distances between the neighbouring properties to the south and the proposed development varies, although in all cases it would meet the required separation distance of 20 metres as is set out



in Local Plan Policy QP4 and the Residential Design SPD (2019). In addition, consideration is also given to the single storey scale of the proposed bungalow properties, which would have a limited height of approximately 5.2 metres and would feature only ground floor accommodation. Further consideration is given to the existing boundary treatments along the southern boundary and the requirement for any additional means of enclosure can be secured by way of a planning condition.

2.46 Having regard to the scale and design of the proposed single storey bungalow dwellings and given the distances and relationships involved that comply with planning policy, the proposed development is considered not to lead to any significant loss of privacy and amenity in terms of overbearing, overshadowing, loss of light, significant loss of outlook or overlooking for the neighbouring residents located to the south or future occupiers of the proposed plots in question.

#### *Properties to the south-west on Dumfries Road*

2.47 To the south-west, beyond the proposed dwellings to the front would be the access serving the site and beyond are the properties and rear garden areas of 2 to 8 (evens) Dumfries Road, which are situated at an oblique orientation to the proposed dwellings. The side elevation of the nearest property of 8 Dumfries Road is a two storey dwelling that features an attached single storey garage building that splays along the shared boundary with the site access to the application site. The separation distance between the two storey aspect of the nearest dwelling of 8 Dumfries Road and the front of the nearest proposed bungalow would be approximately 15 metres, which would meet the required separation distance of 10 metres for front to side relationships as is the planning policy requirement as set out within Local Plan Policy QP4 and the Residential Design SPD (2019).

2.48 With respect to the separation distance between the neighbouring attached single storey garage element and the nearest bungalow, there would be an approximate 7 metre separation distance between the respective single storey aspects of both buildings. The single storey garage does not feature any windows along the shared boundary with the application site. The relationship between the nearest proposed bungalow and the neighbouring garage would only exist for a limited extent of the front elevation of the proposed bungalow, at the entrance to the site, where the remaining aspect of the proposed bungalow adjacent to the proposed boundary enclosure.

2.49 Having regard to the single storey relationships between the proposed nearest bungalow ('Property 1') at the west of the site and the single storey garage to the side of the entrance, the proposed development is considered not to lead to any significant loss of privacy and amenity in terms of overbearing, overshadowing, loss of light, significant loss of outlook or overlooking for the neighbouring residents located to the south or occupiers of the proposed plot in question.

2.50 With respect to overlooking/privacy considerations, as detailed above, the properties of 2-8 (evens) Dumfries Road to the south-west of the application site would have an oblique relationship, although some splayed views between the neighbouring dwellings and the proposed bungalows would be achievable. The nearest property of 8 Dumfries Road features a first floor window within the side

elevation gable, although this and the windows of the rear of this neighbouring property would be oblique to the nearest first bungalow labelled 'property 1', where no significant views could be achieved between the respective properties. Beyond this, whilst mutual views between the rear of the existing two storey dwellings along Dumfries Road and the proposed bungalows would be possible, they would be at separation distances in excess of 24 metres, which taking account of the planning policy requirement as set out within Local Plan Policy QP4 and the Residential Design SPD (2019) for direct relationships of 20 metres, and given the indirect relationships, the proposed development is therefore considered not to lead to any significant loss of privacy or overlooking impact.

2.51 Taking account of the relationships between the proposed bungalow properties and the existing neighbouring two storey dwellings to the south-west of the application site, the proposed development is considered not to lead to any significant loss of privacy and amenity in terms of overbearing, overshadowing, loss of light, significant loss of outlook or overlooking for the neighbouring residents along Dumfries Road or for the proposed plots in question.

#### *10 Dumfries Road and Properties to the West*

2.52 The nearest property to the west of the application site, located on Dumfries Road is that of the end terrace dwelling of 10 Dumfries Road. The neighbouring property benefits from space between the side of the property and the shared boundary to the side and also features a spacious rear garden area. The nearest proposed bungalow of 'Property 1' would be set further to the rear than the building line of 10 Dumfries Road by approximately 5.5 metres, although the proposed bungalow would be set approximately 5.4 metres away from the shared boundary (east), with the associated parking between the respective dwellings. Other proposed bungalows would be at greater distances where the impacts are considered to be reduced further.

2.53 Consideration is also given to the single storey height of the proposed bungalow, with a maximum height of approximately 5.2 metres. Taking account of the proposed distances involved, the scale of the proposed development and the orientation, the proposed relationship is considered not to lead to a significant loss of amenity in terms of overbearing, overshadowing, loss of light or significant loss of outlook and no significant concerns are raised in this respect.

2.54 With respect to loss of privacy considerations, the neighbouring dwelling features a first floor window within the side gable elevation. Given the set-back location of the proposed bungalows compared to the neighbouring property of 10 Dumfries Road, the first floor window is considered not to lead to any significant loss of privacy between the neighbouring dwelling and the application site from this window.

2.55 With respect to any possible views achievable between the rear aspect of 10 Dumfries Road and front of 'property 1' of the proposed bungalows, the proposed relationship is considered to be oblique, where no significant overlooking and mutual overlooking is considered to be achievable. It is noted that the proposed bungalows feature an elongated window within the western, side elevation and the relationship

with 'property 1' and 10 Dumfries Road would result in a secondary window serving the proposed lounge benefiting from some views towards the extended rear garden area of 10 Dumfries Road. With respect to this specific relationship, it is considered appropriate to condition this window to be obscurely glazed and non-opening in order to remove any perception of overlooking. A planning condition is recommended accordingly. There are no concerns with respect to other proposed plots and the property to the west. Consequently, having regard to the above mentioned considerations, the proposed development is considered to be acceptable in terms of impact on privacy/ overlooking, subject to the recommended condition in relation to obscure and fixed glazing.

2.56 Taking account of the relationships between the proposed bungalow properties and the existing neighbouring two storey dwellings to the west of the application site, the proposed development is considered not to lead to any significant loss of privacy and amenity in terms of overbearing, overshadowing, loss of light, significant loss of outlook or overlooking for the neighbouring residents to the side, located on Dumfries Road or for the proposed plots in question, subject to the recommended planning condition.

#### *Impact from the Use of Access*

2.57 It is recognised that the proposed dwellings would generate a degree of activity from associated comings and goings, with vehicles utilising the existing vehicular access between the respective properties of 8 and 10 Dumfries Road, where the existing access is bounded either side by a low boundary wall. Opposite the site access are the properties of 3 and 5 Dumfries Road.

2.58 Whilst it is acknowledged that the properties either side and to the front would have views onto vehicles and their headlights entering and existing the site and would experience a degree of noise and light from vehicular movements, it is considered that given the limited number of dwellings that the site would serve, the associated activity is considered to be limited and infrequent. In addition, the former use of the site was for a garaged area for vehicular parking, where similar levels of activity could take place. Finally, it is of note that no objections have been received from HBC Public Protection in this respect. Having regard to these considerations, the proposed development is considered not to lead to any significant issues in terms of loss of residential amenity for the surrounding neighbouring residents to warrant the refusal of the planning application on such grounds.

#### *Impact on land users to rear (allotments)*

2.59 Whilst the proposed dwellings would be in close proximity to the allotments located to the north of the application site, the dwellings would be set off from the boundary. In addition, given the scale and nature of the proposed bungalows, the relationship with the allotments is considered not be an unusual one. The Council's Allotment's officer was consulted, although no comments were received. Overall, the relationship between the proposed development and the allotments is considered not to lead to any significant adverse impacts and the proposed development is considered to be acceptable.

*Impact on Future Occupiers*

2.60 The proposed dwellings would provide three adequately sized bedrooms with a large kitchen dining room. The properties would each benefit from proportionately sized private rear garden areas and would also benefit from the use of a communal garden area located to the east of 'property 3'.

2.61 All properties would benefit from separation distances in excess of 20 metres to the front (south), which meets the planning policy requirements as set out in Policy QP4 of the Hartlepool Local Plan and to the rear (north), there are no immediate residential properties with the allotments located adjacent to the application site, which is considered not to lead to any significant loss of amenity as a result of the proposed relationship. The end two properties (P01 and P03) would feature a secondary lounge window within the respective side (west) elevation. Aside from Property 1 (P01), as detailed within the above section, the impacts from the side windows would face onto the blank neighbouring side wall of the proposed dwellings and this relationship is considered not to give rise to any significant loss of privacy for any of the future occupiers.

2.62 Having regard to the above considerations, it is considered that the proposed development would provide sufficient and acceptable levels of amenity for the future occupiers and the proposed development is considered acceptable in this respect.

Other Amenity Considerations

*Communal Garden*

2.63 Consideration is given to the proposed use of the space to the east of the respective dwellings for use as a communal garden and any potential adverse impacts that may arise. Residential properties bound this aspect of the application site, where the residential gardens and properties of 20 to 26 Rossmere Way (evens) bound the proposed communal garden area. Potential impacts from the proposed communal garden include the nature of how a use of the space could/would function and also with respect to the impact from any buildings, structures and land formations that may be developed/built over time.

2.64 Whilst it is acknowledged that the communal garden area could be used for occasional outdoor use by groups of people, particularly during the warmer and lighter months of the year, which could give rise to a degree of noise and disturbance, it is considered that any activity within this space is likely to be restricted to what would be expected within a domestic scale residential setting that would be utilised in the main by the occupiers of the respective proposed bungalow properties.

2.65 Through the course of the planning application, the Council's Public Protection section have considered the application and have raised no concerns or objections to the proposed development. Having regard to these considerations, it is considered that the proposed communal garden use would not in itself result in any significant concerns in respect to significant noise and disturbance issues. Notwithstanding these considerations, in the event of the occurrence of any noise

and disturbance related matters were to arise in this respect, the Council's Public Protection section can investigate such neighbourly relationships, which can be managed outside of the planning regime. In addition, both Cleveland Police and the Council's Community Safety section were consulted and no objections or concerns have been received with respect to the proposed communal garden area.

2.66 With respect to relationships between the physical aspects of the communal garden area with the neighbouring properties to the south, the communal garden area would act as a buffer separation between the respective neighbouring dwellings bounding the application site and the proposed bungalow dwellings. No final details of the landscaping have been submitted with the scheme at the time of writing, and as detailed within the above section, these details would have to be firstly submitted and approved by the Local planning Authority. Between the existing properties bounding the application site and the proposed communal garden area, an approximately 1.8 metre high fence enclosure would be expected, which, with the associated landscaping, provides adequate separation between the existing properties and the application site. No details have been provided of any additional boundary enclosures, although a condition is recommended to control and agree boundary treatment details accordingly.

2.67 A condition is also recommended to remove permitted development rights for any potential buildings within the communal garden area, without first obtaining planning permission, in order to exercise necessary controls over the space in the interest of the amenity of the nearby surrounding residential properties. A condition is also recommended to control any use of external lighting, which as a result would be require any details to be first submitted and approved by the Local Planning Authority.

2.68 On balance, taking account of the nature of the proposed space, subject to recommended conditions, it is considered that the proposed communal garden would not raise any significant issues in terms of loss of privacy and amenity to warrant the refusal of the planning application.

#### *Existing and Proposed Levels*

2.69 From the case officer's site visit, the application site appeared relatively level. Notwithstanding this, a condition is recommended to secure the levels details and a condition is recommended to secure these details accordingly.

#### *The Construction Phase*

2.70 Comments have been received through the consultation exercise that the proposed development would cause disruption and noise during the construction phase and the need for deliveries and materials to be deposited at the site.

2.71 It is acknowledged that a degree of disruption is an inevitable reality of the construction phase of any development. Consideration of the impacts of the proposed development, including the construction phase have been considered by the Council's Public Protection section. The Council's Public Protection section have raised no objections or concerns to the proposed development, although a number

of planning conditions are recommended. Conditions are recommended in respect to the times and days of construction activity and deliveries to the site. A condition is recommended in respect to capture requirements to address both dust suppression and for wheel washing at the entrance/exit of the proposed site. The control of matters such as dust suppression and wheel washing, as well as the management of associated construction activity and the storage of materials can be controlled through an all-encompassing Construction Management Plan condition, which is recommended accordingly.

2.72 The Council's Public Protection Officer recommends no open burning should take place on the site and an informative is recommended accordingly, explaining that such activity should not take place during the construction phase of the proposed development.

2.73 Subject to the recommended conditions and informative, the construction phase of the proposed development is considered not to raise any significant issues in terms of impacts on the amenity of the surrounding neighbouring residential occupiers.

#### Amenity Conclusion

2.74 In view of the above considerations, taking account of the scale, design and layout of the proposed development, having regard to the relationships with the surrounding neighbouring properties and plots, subject to the recommended conditions, the proposed development is considered not to lead to any significant loss of privacy and amenity for neighbouring properties and future occupiers, and would be in accordance with Policy QP4 of the adopted Hartlepool Local Plan and paragraph 135 of the NPPF and the proposed development is considered acceptable in this respect.

#### HIGHWAY SAFETY AND CAR PARKING

2.75 The proposed development would provide three bungalow properties that would be accessed via a private access road from the site onto Dumfries Road. Comments have been received through the public consultation exercise, which raise concerns in respect of vehicular parking available to serve the site, highway safety issues and the ability for emergency services to suitably access the site. Comments also note the lack of pedestrian access entering the site. Neighbouring comments suggest that as a result of the limited parking, the proposal would lead to indiscriminate parking along Dumfries Road that would cause highway safety concerns within the area.

2.76 The proposed development dwellings would include associated vehicular parking with 'Property 1' providing two vehicular parking spaces and properties 2 and 3 would each provide a single vehicular space to the side of the respective properties. A visitor parking space would also be provided at the south of the site, opposite property 3.

2.77 The Council's Traffic & Transport section have considered the application and have raised no concerns or objections to the application in terms of vehicular

parking and highway safety related matters. The Council's Traffic & Transport comments also note that the proposals would not impact upon the ability of emergency services being able to suitably service the site.

2.78 With reference to Cleveland Fire Brigade, through the course of the planning application, correspondence with the Fire Service established an acceptable solution, where a sprinkler system could be installed within the property at the greatest distance from where a fire truck could access ('Property 3') and the applicant has agreed to this solution. As a result, the proposal raises no issues in respect to access for such emergency vehicles that would impact on the determination of the planning application. This matter would be managed through the appropriate Building Regulations legislation, outside of the planning process.

2.79 With respect to the lack of a pedestrian access into the site, whilst this is noted, given the small scale nature of the access road, serving a limited number of properties, vehicles are not expected to be traveling at speeds that would result in significant conflict with pedestrians and the Council's Traffic and Transport section have raised no objections in this respect.

2.80 Having regard to these considerations, the proposed development is considered to be acceptable in terms of vehicular and pedestrian highway safety and vehicular parking provision.

#### FLOOD RISK & DRAINAGE

2.81 The application site is located within Flood Zone 1 and there are no known current drainage or flood risk issues at the site. The application form indicates that drainage would be connected to the existing main sewers and the application has also been accompanied by a Drainage Strategy and an associated Drainage Plan. Through the public consultation exercise, a neighbouring resident has queried the details of the proposed storm chamber and raised concerns that its installation may damage the neighbouring garden walls.

2.82 The Council's Flood Risk Officer has reviewed the proposals and has raised no objections, although recommends a planning condition requesting a detailed design for surface water drainage and maintenance. It is also considered appropriate for the aforementioned legal agreement (to secure the provision and long term maintenance of the communal garden area) to include measures to address management of drainage of the communal garden area.

2.83 The Council's Flood Risk Officer also advises that the applicant should explore the need for an interceptor asset as part of the detailed drainage solution, which can be relayed to the applicant as part of an informative.

2.84 The Council's Building Control section have confirmed that Building Regulations would be required, which would manage the disposal of foul water. Northumbrian Water have been consulted and have confirmed that the site is capable of connecting into a nearby sewer and no objections are raised. Having regard to these comments and considerations, subject to the recommended planning condition and informative, the proposed development raises no significant issues in

respect to flood risk and drainage related matters and the proposed development is considered to be acceptable in this respect.

2.85 With respect to matters relating to potential damage, as a result of the proposed storm chamber, the infrastructure appears to be located at a distance from the neighbouring walls, although should an incident arise, this would be a civil consideration to be managed between the applicant and the affected party and would not be a reason to warrant the refusal of the planning application on such grounds.

2.86 It is therefore considered that subject to the recommended planning condition the proposed development is therefore considered acceptable in terms of flood risk and drainage related matters.

## CONTAMINATION

2.87 The Council's Flood Risk & Contaminated Land Officer has reviewed the submitted information and is satisfied that subject to the appropriate unexpected contaminated land condition being imposed, the proposed development raises no significant concerns in respect to contamination related matters. A condition is therefore recommended accordingly.

2.88 A comment received through the public consultation exercise has raised concerns that the demolition of the proposed garages would lead to disturbance of the asbestos roofs and would lead to dangerous contamination of the air and surrounding area. Work involving asbestos materials (including removal and demolition) requires a licence issued by the Health and Safety Executive (HSE). An informative is recommended to advise the applicant of this responsibility.

2.89 Furthermore, with respect of the demolition of the existing garage buildings, the Council's Flood Risk & Contaminated Land Officer has drawn attention to section 80 of The Building Act 1984 and the requirement for the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition. An informative is therefore recommended in this respect.

2.90 Subject to the recommended condition and informative, the proposed development raises no significant issues in respect to contamination matters.

## ECOLOGY

2.91 The Council's Ecologist has provided a response to the planning application having regard a number of potential impacts from the proposed development including the bio-diversity value of the site and loss of habitat considerations; the consideration of the potential bio-diversity enhancement; the potential for increased nitrogen pollution, as a result of increased overnight accommodation being provided; and the assessment of recreational disturbance, as a result of increased populations utilising public amenity areas, where protected birds and vegetation communities co-habit these spaces. These matters are duly considered below.

### 1) *Bio-diversity Value and Loss of Habitat*



2.92 As a result of the public consultation exercise, neighbouring residents have raised concerns that bats were present at the application site, within the redundant garage buildings. In addition, a number of videos were submitted to the Local Planning Authority showing the presence of bats flying within neighbouring garden areas.

2.93 The application was submitted with a ‘Preliminary Ecological Appraisal Low Impact Ecological Impact Assessment’ report, a Biodiversity Net Gain Statement and the Small Sites Biodiversity Metric. The submitted Ecological Appraisal found the site to have little potential for impact upon biodiversity value and no important habitats were found to be present within the area of the application site, which is considered to have limited potential to support protected species.

2.94 With respect to the concerns received regarding the presence of bats, this information was shared with the Council’s Ecologist, who is satisfied with the findings of the Preliminary Ecological Assessment, where it determined that the garages on site only have a negligible potential of supporting roosting bats on site and the site is situated within an area with limited potential to support foraging or commuting bats. The Council’s Ecologist has stated that *‘I assess it likely that these (bats) would have roosted elsewhere and be foraging or commuting over the site, rather than them having emerged from the garages on site.’*

2.95 The Council’s Ecologist is satisfied with the findings and has commented that no further survey works are required. The Council’s Ecologist notes however that should bats be discovered on-site, the applicant is lawfully required to stop work immediately and seek professional ecological advice. An informative is recommended accordingly to relay this information to the applicant with respect to these legal requirements. In addition, to provide enhancement of the presence of bats, a condition to provide a bat box within each of the residential properties can be secured. A condition is recommended accordingly. The Council’s Ecologist has also confirmed that the proposed development would not impact on any Local Wildlife Sites.

2.96 The Council’s Ecologist considers that the loss of any habitat would be compensated by the communal garden area, which is proposed at the eastern part of the site. Consequently, the proposed development is considered not to lead to any significant impacts on loss of bio-diversity value and loss of habitat within the area, subject to a condition in relation to the details of the landscaping for the communal garden area being secured.

2.97 In addition, given the location of the application site in proximity to other greenspaces, where declining bird populations exist, the proposed scheme is an opportunity to provide habitat for such declining bird populations and a condition is recommended that each dwelling should provide a universal nest brick within the highest point within either the south or eastern elevation of the respective dwellings. A condition is recommended accordingly.

2.98 Subject to the recommended conditions, it is considered that there would be no significant loss of bio-diversity value and loss of habitat at the site and the proposed development would provide opportunities through the communal garden

area and through the incorporation of nest bricks to provide bio-diversity enhancement.

### 2) Nitrate Pollution

2.99 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. Given the application would involve residential development, it is considered the proposals are 'in scope' for further assessment.

2.100 A Nutrient Neutrality Statement has been submitted, 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. The discharge location has also been confirmed by the utility operator, 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 in terms of nitrate pollution in this respect. The proposed development therefore raises no concerns in respect to this matter.

### 3) Recreational impacts on designated sites

2.101 Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the competent Authority, Hartlepool Borough Council has a legal duty to safeguard European Sites. Increased recreational disturbance (including dog walking) is linked to an increase in new residents, which is a consequence of new and increased forms of residential development.

2.102 The Hartlepool Coastal Mitigation Scheme was designed so that additional recreational visits to the coast created by developments could be suitably mitigated. Those developments below 10 dwellings would be captured and covered by the wider mitigation scheme, which has factored such minor developments into the overall consideration.

2.103 As the number of new residential units to be created by this scheme would be limited to the below threshold amount of 9 units, the Council's Ecologist has appropriately assessed the application and considers that in this instance the increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site. Natural England have been consulted and are satisfied with the Local Planning Authority's strategic solution is reliable and effective in preventing adverse harmful effects from increased recreational pressure on the protected sites.

2.104 Consequently, the proposed development is considered to be acceptable in this respect. Natural England have provided additional advice for the applicant and this has been relayed to the applicant by way of informative accordingly.

### Ecology Conclusion

2.105 The proposed development is considered not to result in any significant loss of bio-diversity value or habitat and provides opportunity to enhance value and habitat through the use of the communal garden and bird nest bricks and bat boxes within the construction of the proposed dwellings, and can be controlled by way of planning conditions.

2.106 Owing to the drainage solution proposed, there are no considered Likely Significant Effects on the designated sites in terms of nitrogen pollution and given the number of dwellings proposed would be below 10, any increased recreational disturbance is mitigated by the wider Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site. This view is confirmed by Natural England.

2.107 Having regard to these considerations, the proposed development is considered acceptable in terms of ecology matters, subject to the recommended planning conditions.

### OTHER PLANNING MATTERS

#### *Waste Management*

2.108 The Council's Waste Management section were consulted and no comments were received in this respect (nor were any such objections received from HBC Traffic and Transport). Notwithstanding this, a condition is recommended requesting details of the storage of refuse, which shall be submitted to and agreed with the Local Planning Authority. Subject to the recommended condition, the proposed development raises no concerns or issues in relation to waste management related issues.

#### *Crime and Safety*

2.109 A comment received during the consultation exercise has raised concerns that the proposed development would attract anti-social behaviour.

2.110 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour. Comments have been received from Cleveland Police who have advised that the applicant should consider integrating secure by design principles into the proposed development and a link has been provided to the Secured by Design Homes Guidance Document (2023), which can be relayed to the applicant in the event of a planning approval.

2.111 In addition, the Council's Community Safety & Engagement team were also consulted, who acknowledge the comments of Cleveland Police and add no further comments.

2.112 It is noteworthy that the application includes the provision of a communal garden area. Given the location of the communal garden area at the end of the cul-

de-sac, the use of the site would benefit from natural surveillance, where any individual accessing the space would have to pass each of the proposed bungalow properties. It is also noteworthy that the communal garden area would be enclosed, requiring individuals using it to pass back through the site to the west. These site circumstances of natural surveillance and the enclosure of the space are considered to assist the security of the arrangement.

2.113 Having regard to these considerations, including the comments and considerations of both Cleveland Police and the Council's Community Safety & Engagement team, the proposed development is considered to be acceptable in respect to crime and safety related matters.

#### *Archaeology*

2.114 Tees Archaeology have been consulted and have advised that upon checking the HER, there are no known archaeological artefacts within this area and it is considered that there is a low potential to encounter archaeological remains on site and no objections and no requirement for any associated conditions to be recommended in respect to Archaeological works. Having regard to the comments and considerations of Tees Archaeology, the proposed development is considered acceptable in this respect.

#### *Public Rights of Way*

2.115 The Council's Countryside Access officer has confirmed that no public rights of way would be affected by the proposed development and the application is therefore considered acceptable in this respect.

#### *Building Regulations*

2.116 The Council's Building Control section have advised that the appropriate Building Regulations process would be required, should planning permission be granted. An informative is recommended accordingly.

#### *Utilities*

2.117 Northern Powergrid has been consulted and has not raised any concerns or objections in respect of the proposals, however has provided a Mains Record for the applicant's information and has provided advice in respect of any works in proximity to Northern Powergrid apparatus. An informative note is recommended accordingly.

2.118 Northern Gas Networks have been consulted and whilst they offer no objections to the proposals, they have advised that there may be apparatus in the area that may be at risk during construction works and therefore they we require the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail. An informative note is recommended accordingly.

2.119 National Grid have also confirmed that they have no assets or any infrastructure within the location of the application site and there are no objections to the proposed development.

2.120 Having regard to the consultation responses in relation to the abovementioned utilities, no associated infrastructure would be affected that would impact on the proposed development. In the event of a planning approval, the respective informatives would be passed on to the applicant accordingly.

## OTHER MATTERS

2.121 As a result of the public consultation exercise, a number of neighbouring residents backing onto the application site have disputed the land ownership of parts of the site. Comments have suggested that the proposed development should not be determined until the land dispute is resolved. In response, the applicant has confirmed that at the time of the application submission, the correct ownership certificates were signed and that the site is wholly within their ownership the applicant. The applicant has more recently confirmed that this remains the case (that the land is within their ownership and the ownership certificates remain correct). Any dispute beyond this is considered to represent a civil matter, to be dealt with outside of the planning regime that would not impact on the determination of the planning application. A further comment received has stated that a resident has a legal right of access from the rear of their respective garden area, through the application site. Again, this is considered to be a civil issue that would not impact on the determination of the planning application.

2.122 Comments received during the public consultation exercise have stated that residents' were not consulted as part of any pre-application consultation carried out by the applicant, which the application suggests has taken place. These comments are noted, although this matter is outside the gift of the Local Planning Authority given the scale of development where this is no formal requirement. Furthermore, the case officer is satisfied that as part of the Planning Application process, all necessary publicity has been undertaken by the LPA.

2.123 A comment received has suggested that the increased use of the site access would increase the likelihood of damage to the neighbouring property, adjacent to the site access. Whilst noting the comments, the site access is existing, where the movement of vehicles has historically utilised the site access. There is no evidence to suggest that the proposed development would result in damage to the neighbouring property and as detailed within the highways section, the Traffic and Transport section raise no issues in respect to the use of the access. In the event that an accident did occur, this would be a civil matter between the vehicle operator and the respective resident and would not form a reason to warrant the refusal of the planning application on such grounds.

## CONCLUSION

2.124 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. The application is recommended for approval subject to the planning conditions and Section 106 or other appropriate legal agreement (with respect to the

provision, long term maintenance and management of the communal garden area and associated landscaping and habitat creation) as set out below.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.125 There is no evidence of equality or diversity implications.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

2.126 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.

2.127 There are no Section 17 implications.

### **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE**, subject to the completion of a Legal Agreement securing the an obligation for the provision, long term maintenance and management of the communal garden area (including its landscaping, habitat creation and drainage); the provision, long term maintenance and management in respect to any open spaces and landscaping within the site (out with the residential curtilages); and the provision, long term maintenance and management of surface water drainage infrastructure for the site, subject to the following planning conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans:  
S4125-BDN-XX-XX-PL-A-0001 Rev P2 (Location Plan) received 28.09.2023 by the Local Planning Authority;  
  
S4125-BDN-02-XX-DR-A-0001 Rev P1 (HT2 Plans and Elevs), S4125-BDN-XX-XX-PL-A-0003 Rev P3 (Proposed Site Layout - Floor Plans) and S4125-BDN-XX-XX-PL-A-0004 Rev P3 (Proposed Site Layout - Roof Plan) all received 05.01.2024 by the Local Planning Authority.  
To define planning permission and for the avoidance of doubt.
3. Notwithstanding the submitted information, no development shall take place (including any demolition) until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water

drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control).

The 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 or first occupation (whichever is sooner) 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.

4. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved (including for any demolition), the submitted scheme for the protection and retention of the trees, as identified in the 'Arboricultural Impact Assessment, Arboricultural Method Statement - Revision A and Arboricultural Impact Assessment Tree Protection Plan (TPP Rev A), all dated 24.01.2024, received by the Local Planning Authority on 24 January 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. Should any trees be found to be dead, dying, severely damaged or diseased as a result of site works, it shall be replaced with a tree 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 tree to be retained and the visual amenity of the area and surrounding area.
5. Notwithstanding the proposals detailed in the submitted plans and prior to the above ground construction of development hereby approved, a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree and hedge planting within the site, including the communal garden area (as shown on plan S4125-BDN-02-XX-DR-A-0001 Rev P1 (HT2 Plans and Elevs), S4125-BDN-XX-XX-PL-A-0003 Rev P3 (Proposed Site Layout - Floor Plans) and S4125-BDN-XX-XX-PL-A-0004 Rev P3 (Proposed Site Layout - Roof Plan) all date received 05.01.2024 by the Local Planning Authority, 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 open space areas, include a programme of the works and timetable to be undertaken. The scheme shall include a minimum of
  - 270m<sup>2</sup> of vegetated gardens;
  - 31m<sup>2</sup> lawns;
  - 270m<sup>2</sup> sensory garden;

- Six standard trees;
- 48m length of hedge

in accordance with the recommendations of the submitted details as set out within the 'Biodiversity Net Gain Statement by All About Trees' dated October 2023, received by the Local Planning Authority on 05 October 2023.

Thereafter all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the first occupation or completion (whichever is the sooner) of the dwellinghouses hereby approved and shall be maintained in accordance with the agreed scheme, for the lifetime 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 gives written consent to any variation.

In the interests of the visual amenity, biodiversity, habitat value of the area.

6. Notwithstanding the submitted plans, prior to their implementation on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, steps, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This shall be in general conformity with submitted and approved plans S4125-BDN-XX-XX-PL-A-0003 Rev P3 (Proposed Site Layout - Floor Plans) and S4125-BDN-XX-XX-PL-A-0004 Rev P3 (Proposed Site Layout - Roof Plan), and shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. Thereafter and following the written agreement of the Local Planning Authority, the scheme shall be completed in accordance with the agreed details prior to the occupation or completion (whichever is the sooner) of the dwellinghouses hereby approved.

In the interests of visual amenity of the surrounding area.

7. Notwithstanding the submitted plans, prior to above ground construction, precise details of the materials to be used in the construction of the external walls, windows and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character and appearance of the area.

8. Prior to above ground construction of the dwellings hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details (including the provision of hedgehog openings where achievable) prior to first occupation or completion of the dwellinghouses (whichever is the sooner).

In the interests of visual amenity and to enhance biodiversity.



9. Prior to the commencement of development above ground level, details of universal bird nesting bricks (3no. in total) to be installed integral to each of the completed dwellings (1 per dwelling) and details of integral bat roost boxes (3no in total) to be installed integral to each of the completed dwellings (1 per dwelling) including the exact location within either the east or south elevation of the dwellings and shall include the specification, design and height and shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird nesting bricks and bat roost boxes shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the dwellings, whichever is the sooner, and shall be maintained for the lifetime of the development.  
To provide an ecological enhancement for protected and priority species, in accordance with paragraphs 185 and 186 of the NPPF.
  
10. Prior to the above ground construction of the development hereby approved, details the proposed solar/photovoltaic panels proposed to be installed on the roof of the proposed dwellings, as illustrated on submitted and approved plans S4125-BDN-XX-XX-PL-A-0004 Rev P3 (Proposed Site Layout - Roof Plan and S4125-BDN-02-XX-DR-A-0001 Rev P1 (HT2 Plans and Elevs), both received 05.01.2024 by the Local Planning Authority, shall be submitted in writing to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be installed in accordance with approved details prior to the first occupation or completion of the dwellings (whichever is the 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.
  
11. Prior to the commencement of development (including any demolition), details of the existing and proposed levels of the site including the finished floor levels of the proposed building to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details. To take into account the position of the building and impact on adjacent properties and their associated gardens and in the interests of visual amenity in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan.
  
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. 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.
  
14. No construction/building works or deliveries shall be carried out except between the hours of 08:00 and 18:00 on Mondays to Fridays and between 09:00 and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Public/Bank Holidays.  
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties during the construction period.
  
15. 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 prior to occupation or completion of the dwellings hereby approved (whichever is sooner).  
To ensure a satisfactory form of development.
  
16. 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 of the dwellings (or the communal garden area as shown on plans S4125-BDN-XX-XX-PL-A-0003 Rev P3 (Proposed Site Layout - Floor Plans) and S4125-BDN-XX-XX-PL-A-0004 Rev P3 (Proposed Site Layout - Roof Plan) both

received 05.01.2024 by the Local Planning Authority) 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 and in the interests of managing ground gas within the area.

17. 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 (other than those approved), shall be erected on site without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of future occupiers and to safeguard the visual amenity of the development and the character of the surrounding area.

18. Prior to the installation of any 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. 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.

19. The development hereby approved shall be used as a 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.

20. Notwithstanding the submitted information, the 1 no. window to be installed within the ground floor side (west) elevation of proposed dwelling P01 (serving a lounge) of the bungalows hereby approved, as detailed on drawing number 2099-23-101, Revision D (Proposed Details, received by the Planning Authority 31/01/2024), shall be fixed and shall be obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent at the time of installation and shall remain as such for lifetime of the development hereby approved. The application of translucent film to the window would not satisfy the requirements of this planning condition.

In the interests of the privacy of neighbouring occupiers.

## **BACKGROUND PAPERS**

2.129 Background papers can be viewed by the ‘attachments’ on the following public access page:

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159228>

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

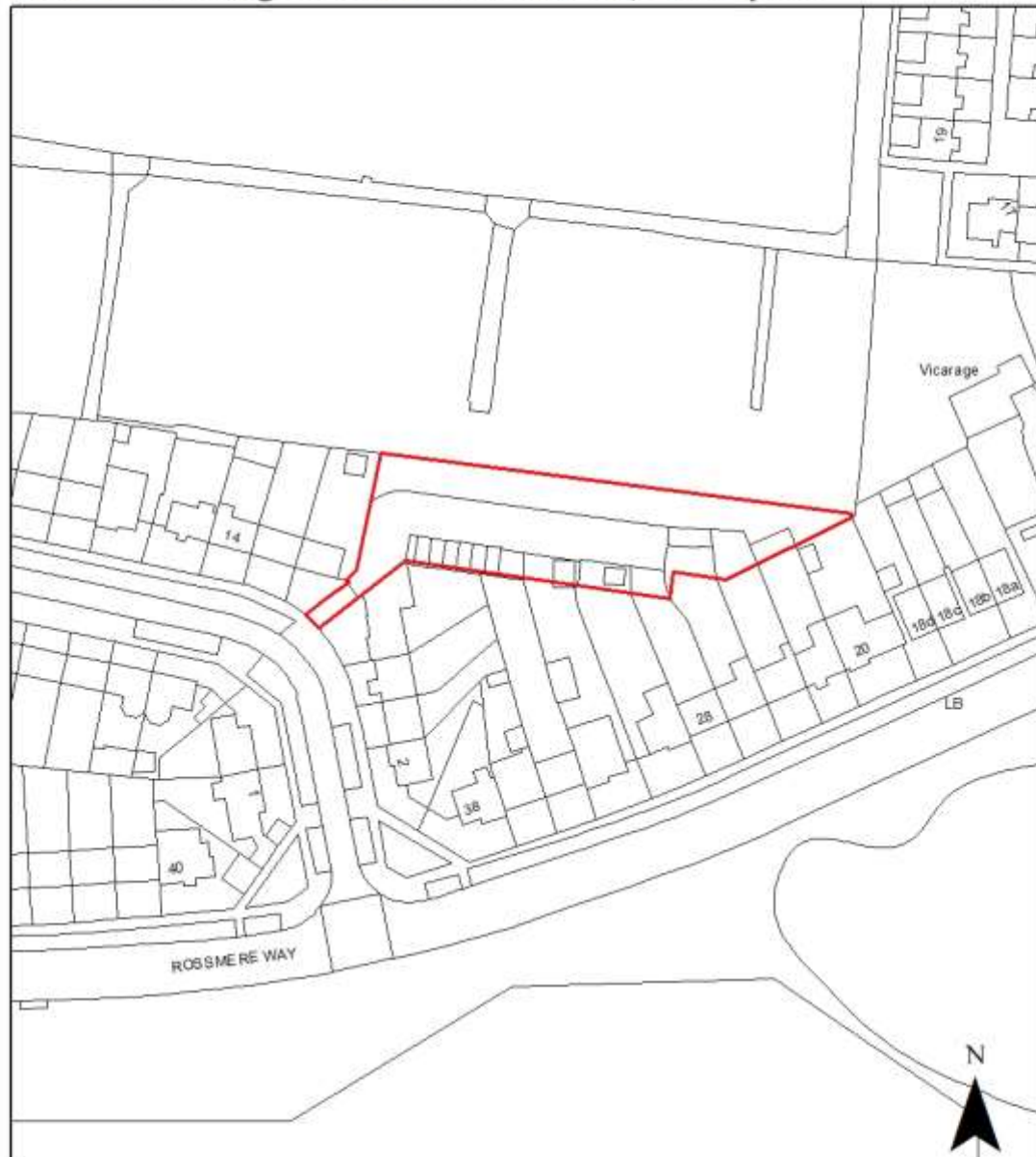
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**Land and Garages off Dumfries Road, Hartlepool**



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>21.02.2024</b>
	SCALE <b>1:1000</b>	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2023/0315</b>	REV

## **POLICY NOTE**

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

### **HARTLEPOOL LOCAL PLAN POLICIES**

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

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp\\_2016-2031 -  
\\_made version - december 2018](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/NP  
PF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NP<br/>PF_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> </ul>	<ul style="list-style-type: none"> <li>• Political opinion or moral issues</li> </ul>
<ul style="list-style-type: none"> <li>• Visual impact</li> </ul>	<ul style="list-style-type: none"> <li>• Impact on property value</li> </ul>
<ul style="list-style-type: none"> <li>• Loss of privacy</li> </ul>	<ul style="list-style-type: none"> <li>• Hypothetical alternative proposals/sites</li> </ul>
<ul style="list-style-type: none"> <li>• Loss of daylight / sunlight</li> </ul>	<ul style="list-style-type: none"> <li>• Building Regs (fire safety, etc.)</li> </ul>
<ul style="list-style-type: none"> <li>• Noise, dust, smells, vibrations</li> </ul>	<ul style="list-style-type: none"> <li>• Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>• Pollution and contaminated land</li> </ul>	<ul style="list-style-type: none"> <li>• Private access disputes</li> </ul>
<ul style="list-style-type: none"> <li>• Highway safety, access, traffic and parking</li> </ul>	<ul style="list-style-type: none"> <li>• Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>• Flood risk (coastal and fluvial)</li> </ul>	<ul style="list-style-type: none"> <li>• Private issues between neighbours</li> </ul>
<ul style="list-style-type: none"> <li>• Health and Safety</li> </ul>	<ul style="list-style-type: none"> <li>• Applicants personal circumstances (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>• Heritage and Archaeology</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of trade / business competition (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>• Biodiversity and Geodiversity</li> </ul>	<ul style="list-style-type: none"> <li>• Applicants personal circumstances (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>• Crime and the fear of crime</li> </ul>	
<ul style="list-style-type: none"> <li>• Planning history or previous decisions made</li> </ul>	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

# PLANNING COMMITTEE

19 June 2024



**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. An Enforcement Notice has been served in respect of the erection of a high timber fence to enclose an area of additional land at the front of a residential property in Netherby Gate.
  2. An Enforcement Notice has been served in respect of the erection of a high timber fence to enclose an additional area of land at the side, and the erection of a timber outbuilding at the side of a residential property in Nightingale Close.
  3. A Temporary Stop Notice has been served in respect of non-compliance with a working hours condition at a residential development site at land west of Wynyard Village and south of A689.
  4. 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 west of Wynyard Village and south of A689.

## 2. RECOMMENDATION

- 2.1 Members note this report.

## 3. CONTACT OFFICER

- 3.1 Kieran Bostock  
Assistant Director (Neighbourhood Services)



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## PLANNING COMMITTEE

19<sup>th</sup> June 2024



**Report of:** Assistant Director – Neighbourhood Services

**Subject:** PLANNING APPEAL AT 91 ELWICK ROAD  
HARTLEPOOL  
APPEAL REF: APP/H0724/W/24/3343622.  
Change of use from a vacant beauty salon (E Use Class) to hot food takeaway (Sui Generis Use Class) (H/2023/0314).

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### 1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a planning application for the change of use from a vacant beauty salon (E Use Class) to hot food takeaway (Sui Generis Use Class), reference H/2023/0314.

1.2 The planning application was refused at the planning committee meeting of 13<sup>th</sup> March 2024 for the following reasons:

*1. The application site is not located within a suitable location for the proposed use, whereby Policies RC18 and RC21 of the Hartlepool Local Plan (2018) expressly prohibit hot food takeaway uses outside of designated retail centres in order to protect the vitality and viability of local centres and ensure that residential amenity is not negatively affected by such commercial uses.*

*2. In the opinion of the Local Planning Authority, the proposed hot food takeaway would be in conflict with Policy RC18 (Hot Food Takeaway Policy) of the Hartlepool Local Plan (2018) and paragraph 96(c) of the National Planning Policy Framework (2023) as the proposal would undermine efforts to promote healthy lifestyles and would have a potential negative impact on public health (and the health of local residents).*

*3. In the opinion of the Local Planning Authority, the proposed external flue would constitute an inappropriate form of development in a residential location by virtue of its size and location, resulting in an unacceptable harm to the character and appearance of the host building and surrounding area, contrary to the requirements of Policy QP4 and RC21 of the Hartlepool Local Plan (2018).*

**2. RECOMMENDATIONS**

2.1 That Members note this report.

**3. CONTACT OFFICER**

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## PLANNING COMMITTEE

19<sup>th</sup> June 2024



**Report of:** Assistant Director – Neighbourhood Services

**Subject:** APPEAL AT LAND ON SOUTH SIDE OF STOCKTON ROAD, GREATHAM, HARTLEPOOL, TS25 2RJ  
APPEAL REF: APP/H0724/H/23/3334532  
Advertisement consent for the installation of 1no. digital advertising screen (D-Poster). (H/2023/0336).

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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 an application for planning permission for advertisement consent for the installation of 1no. digital advertising screen (D-Poster) at Land on South Side of Stockton Road, Hartlepool (H/2023/0336).
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. (**Appendix 1**)

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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## Appendix 1



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## Appeal Decision

Site visit made on 13 February 2024 by Ifeanyi Chukwujekwu BSc MSc MRTPI  
MIEMA CEnv

**Decision by Chris Forrett BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10 May 2024**

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**Appeal Ref: APP/H0724/H/23/3334532**

**Land South Side of Stockton Road, Greatham, TS25 2RJ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
  - The appeal is made by Wildstone Estates Limited against Hartlepool Borough Council.
  - The application Ref H/2023/0336 is dated 29 August 2023.
  - The advertisement proposed is installation of 1 x digital advertising screens (D-Posters).
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### Decision

1. The appeal is dismissed and planning permission for installation of 1 x digital advertising screens (D-Posters) at Land South Side of Stockton Road, Greatham, TS25 2RJ is refused.

### Procedural Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

### Main Issues

4. The main issues are the effect of the advertisement on the visual amenity of the area, and on public safety.

### Reasons for the Recommendation

#### *Visual Amenity*

5. Amenity is not defined within the Regulations nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the neighbourhood. For

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example, whether the proposed advertisement would be in scale and keeping with important features.

6. The advertisement subject to this appeal would be located on the grass verge at the junction of Stockton Road and High Street in Greatham. The surrounding area is dominated by mature vegetation and sprawling open fields on the southern side of Stockton Road. The appeal site is at the entrance into Greatham village and whilst there are some buildings nearby there is a rural feel to the site despite the main road and adjacent warehouse premises.
7. As I understand it, the Gresham Conservation Area and several Grade II Listed Buildings (St Francis Cottage, Coach House Stables and Boundary Wall; and Briarstead Stables Block and Boundary Wall) are located approximately 90 metres away from the appeal site. I note that the Council has not raised any concerns over the impact of the proposal on the Conservation Area or these Listed Buildings. Quite simply, I agree with this assessment. As such I find no conflict with the Framework or the Development Plan in this respect.
8. The proposed digital advertising screen would be positioned around 2 metres above the ground and viewed against the backdrop of a car park and a gable wall of a warehouse where there are two existing signs. From my site visit, I saw that illuminated advertisements are not an established feature in the area and as such do not form part of its character. Also, the existence of a lone warehouse within a sparsely developed location does not present a commercial character for the surrounding area.
9. With the above factors in mind, the proposal would stand out as being visually intrusive to the extent that it would be overly prominent and would detract from the amenity of the area. This is particularly the case given that there is very little landscaping in the immediate vicinity to the site which could soften its appearance. I am also conscious that the advertisement would be visible from long distances on the westwards approach along Stockton Road.
10. This harm is exacerbated by the illuminated nature of the digital display which would increase the prominence of the advertisements. This is particularly the case as the illumination would draw the eye and would result in a much more commercial feel than currently exists. This would appear incongruous in the context of the rural area, which is devoid of digital advertisement displays, particularly on large billboards. The sequential format, with changing images every 10 seconds or so, would also make it more prominent and accentuate its impact on the surrounding area.
11. In coming to the above view, I acknowledge that the area has some illumination from streetlights, and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements<sup>1</sup>. However, the illumination would be particularly prominent during the hours of darkness despite the night-time illumination not exceeding 300 candela per square metre as suggested in the appellants conditions.
12. Consequently, I find that the proposal would have a harmful effect on the visual amenity of the area and the suggested conditions put forward by the appellant would not overcome this harm.

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<sup>1</sup> PLG 05: The Brightness of Illuminated Advertisements (Institute of Lighting Professionals 2015)

13. For the above reasons the digital poster display would harm the amenity of the area. It would also be inconsistent with the objectives of the Framework and policies LS1, RUR1 and QP8 of the Hartlepool Local Planning Framework: Hartlepool Local Plan (2018) (the LPF) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (Dec 2018). These, among other matters seek to ensure that advertisements are appropriately located and are of an appropriate scale and size having regard for the impact of the advertisement either individually or by a resultant cumulative effect upon the surrounding area.

*Public safety*

14. The Town and Country Planning (Control of Advertisements) (England) Regulations state in section 3(2)(b) that factors relevant to public safety include the safety of persons using any highway.
15. The display would be located on the grass verge at the junction of Stockton Road and High Street and would be visible to drivers on approach from the east along Stockton Road and at the traffic junction on High Street. On the approach to the display, drivers have to negotiate this priority junction on where there is a signalised controlled pedestrian crossing within 10 metres of the proposed display. Although my site visit was a snapshot of time, I observed pedestrians at this crossing point.
16. The digital display of the proposed advertising is by its very nature designed to grab the attention of passers-by whether they be drivers or pedestrians. Despite the appellants submission that drivers would be able to glance at advertisements without being distracted from road or traffic movements, the intermittent changing of the advert display, albeit with little transition time, has the potential to distract motorists and create visual confusion. It would also pose a risk to pedestrians and road users as they approach this busy section of road particularly given the speed limit of 50 miles per hour on the approach to the appeal signage.
17. In coming to that view, I acknowledge that the 10 second timing is an industry standard and is considered acceptable for urban locations. However, the appeal site is not in an urban location and a car travelling at 50 miles per hour is likely to cause serious injury or death to any pedestrian in the event of a collision.
18. The appellant has provided a Highways Technical Note which presents a record of road traffic accidents in the vicinity of the proposed advertisement over a three-year period. Whilst this does not indicate a high level of incident, this does not demonstrate that there would not be an increased likelihood for road accidents as a result of the proposed digital advertisement.
19. In addition to the above, various case studies have been presented which suggest that such advertisements do not lead to a decrease in public safety. Regardless of this, the sites advanced in these case studies are not reflective of the appeal site. The appellant has also provided some details of other advertisement consents which they suggest are either located within proximity of the Appeal Site, or in a similar context, and they consider these to be of relevance in consideration of the proposed advertisement. However, these examples are in different localities and have been approved by different authorities than the Council who are party to this appeal. Moreover, each proposal must be considered on its individual merits.



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20. Taking all of the above into account, the risk to public safety would be likely to increase as a result of the proposed advertisement. In coming to that view, I have considered the conditions set out by the appellant to mitigate against the levels of illumination and the frequency/method of change of the display. Notwithstanding these conditions, the proposal has the ability to distract road users at a time when they should be paying due care and attention to the road.
21. In conclusion, the advertisement would have a harmful effect on public safety. Whilst not decisive, the proposal would not meet with the objectives of the Framework and would also conflict with Policies QP3, QP8 and RUR1 of the LPF which seek amongst other matters to ensure that advertisements are appropriately located and are of an appropriate scale and size having regard for the impact upon public safety in particular whether the advertisement itself, or the location proposed, is likely to be so distracting or impacts upon site lines that it creates a hazard.

#### **Other matters**

22. I have also considered the environmental, social and economic benefits of digital advertisements as outlined by the appellant. Whilst these could be considered to be factors in favour of the proposal, I consider that these do not outweigh the harms that I have identified. Moreover, the Regulations require that I exercise my powers only with regard to Amenity and Public Safety albeit these benefits may be considered as other relevant factors.

#### **Conclusion and Recommendation**

23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

#### **Inspector's Decision**

24. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

*Chris Forrett*

INSPECTOR



## PLANNING COMMITTEE

19<sup>th</sup> June 2024



**Report of:** Assistant Director – Neighbourhood Services

**Subject:** APPEAL AT 38 CLIFTON AVENUE, HARTLEPOOL, TS26 9QN  
APPEAL REF: APP/H0724/D/24/3341915  
Retrospective planning application for the replacement of single glazed sliding sash timber windows to the front elevation and the bay window to side/east elevation with uPVC double glazed mock sash casement windows and replacement of 3no. velux windows to the front elevation.

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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 Retrospective planning application for the replacement of single glazed sliding sash timber windows to the front elevation and the bay window to side/east elevation with uPVC double glazed mock sash casement windows and replacement of 3no. velux windows to the front elevation at 38 Clifton Avenue.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision (dated 14/05/2024) is attached. (**Appendix 1**).

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of these appeals.

### 3. CONTACT OFFICER

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## Appendix 1.



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## Appeal Decision

Site visit made on 8 May 2024

**by Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 22 May 2024**

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**Appeal Ref: APP/H0724/D/24/3341915**

**38 Clifton Avenue, Hartlepool TS26 9QN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Adeel Hussain against the decision of Hartlepool Borough Council.
  - The application Ref is H/2023/0338.
  - The development is described as: 'replacement of single glazed sliding sash timber windows to the front elevation and the bay window to side/east elevation with uPVC double glazed mock sash casement windows and replacement of 3no. velux windows to the front elevation'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal is retrospective in that the windows have already been installed. I have nevertheless determined the appeal on the basis of the submitted plans. I have taken the description of development in the banner heading above from the appeal form in the interests of accuracy. In doing so I have removed the word 'retrospective' as this is not an act of development.
3. The appeal site lies within Grange Conservation Area (the CA). I have therefore had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Since the refusal of the application, an Enforcement Notice has been served requiring the removal of the installed UPVC windows to the side and front; removal of the rooflights to the front; and restoration of the windows and roof to their previous condition. I have not been provided with any confirmation that the Notice has been complied with or appealed to date. Nonetheless, my focus is on the acceptability of the development and the appeal before me.

### Main Issue

5. The main issue is whether the development preserves or enhances the character and appearance of the CA.

### Reasons

6. The CA extends over a predominantly residential area to the west of the town centre. The CA is characterised, in part, by substantial, predominantly semi-detached, Victorian villas set back behind small front gardens. The villas feature ground and first floor bay windows, brick and terracotta detailing, and

slate roofs. Whilst each pair of semis is different to the next in terms of architectural detailing; their consistency in materials, form and their regular pattern of bay windows provides an attractive and coherent pattern to the streetscene.

7. The significance of the CA insofar as it relates to this appeal includes the prevalence of Victorian development and their architectural composition with dominant bay windows, their architectural detailing and the consistency in fenestration. Given the prevalence of second floors in the substantial dwellings here, rooflights are reasonably common. Typically, these are modestly sized and limited to one or two rooflights per roofslope. Historically, windows here are painted timber sliding sash windows, although some of these have been replaced with UPVC sliding sash and UPVC casement windows. The UPVC casement windows, with their thicker frames and lacking the depth of sliding sash windows have a negative effect on the character and appearance.
8. As set out in the Grange Conservation Area Character Appraisal, *'windows are key features in the architecture of the area used to enliven elevations.'* The prominence of the bay windows in the streetscene, in particular, provides an emphasis to the windows as features of the buildings here. As I saw on the site visit, the area is characterised by traditional Victorian, double-hung vertical sliding timber sashes, without glazing bar subdivisions.
9. The appeal property is a brick-built semi-detached villa that, with its prominent bay windows to the front and side is reflective of the Victorian villa development that contributes to the character of the CA. The pre-existing timber windows have already been removed as part of the works to install the UPVC casement windows. No justification has been provided for their total removal and there is no evidence before me that some or all were not capable of being repaired. The loss of historic fabric without justification has clearly resulted in harm to the character and appearance of the existing building and has diminished its contribution to the CA, to the detriment of its significance.
10. The windows that have been installed are casement windows with no glazing bars and 'horns' which are an attempt to replicate the design of the previously existing sliding sash windows. However, through their material, the thicknesses of the frames and the general proportions, these fail to come close to reproducing the design or the character and craftsmanship present in timber windows such as those present in the adjoining dwelling. They also appear distinctly 'flat', lacking the depth and the intricacies of the framing of the windows in the neighbouring dwelling and in the CA more generally. Whilst I am unaware of the type of glass that was present in the windows prior to their removal, modern glass cannot replicate the varied appearance of historic glass.
11. Seen alongside the remaining historic windows present within other properties along the street, the harm arising from the replacement windows is highly evident. The prominence and importance of the bay windows to the architectural composition of the dwelling emphasises the incongruity of the windows here. Moreover, whilst I accept that the replacement of windows is a relatively small alteration in the context of the CA, it is these incremental changes to key features which contribute to and positively reinforce the character and appearance of a conservation area, that have potential to dilute and undermine an area's special interest. In turn this is harmful to a conservation area as a whole and its significance as a designated heritage

asset. I also note that the CA is protected by an Article 4 direction which has been imposed to protect architectural elements such as windows from incremental change.

12. As referred to above, on the site visit I saw numerous properties with UPVC replacement windows. Some of these were similar to those that are the subject of the appeal before me. Whilst I sympathise with the appellant in this regard, it is not clear whether these have been installed with planning permission, which limits the weight I can give to their presence. Nevertheless, when seen alongside the historic windows, the contrast between them is clear and this reinforces my above assessment. In that regard I would note that evidence of existing harm to a conservation area is rarely justification for additional harm.
13. The appeal property previously had a single rooflight. Three large rooflights have been installed to the front roofslope. Whilst these do not project significantly above the plane of the roof, they occupy a large area of the roofslope and are dominant features of the roofscape here. The extent and scale of the rooflights are not reflective of the prevailing character of the CA and are therefore harmful to its special interest and significance.
14. For the above reasons, I therefore conclude that the development fails to preserve or enhance the character or appearance of the CA. This is contrary to the requirements of section 72(1) of the Act. As such the development is harmful to the significance of this designated heritage asset.
15. With reference to Paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the development, I find that the harm in this instance is 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the development, including, where appropriate, securing the asset's optimum viable use.
16. I have not been directed to any public benefits arising from the appeal scheme. The appellant may be of the view that the development provides improved insulation, however it is not clear if more simple thermal upgrading options, such as draught-proofing or secondary glazing, have been considered. Moreover, any public benefits arising from improved thermal efficiency from double glazing in the dwelling are inherently limited by the small-scale nature of the development. Overall, these limited public benefits do not outweigh the harm I have identified above.
17. The development fails to preserve or enhance the character or appearance of the CA and is harmful to its significance. This is contrary to the requirements of section 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. The harmful impact is also contrary to Policies HE1, HE3 and HE5 of the Hartlepool Local Plan (2018) and the provisions of the Framework which together seek to conserve and enhance heritage assets through high quality design and reinforcing local distinctiveness.

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**Conclusion**

18. For the reasons given, having considered the development plan as a whole, the requirements of the Act and the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

*Paul Martinson*

INSPECTOR



## PLANNING COMMITTEE

19<sup>th</sup> June 2024



**Report of:** Assistant Director – Neighbourhood Services

**Subject:** APPEAL AT 77 WHARTON TERRACE,  
HARTLEPOOL, TS24 8PB  
APPEAL REF: APP/H0724/D/24/3340386  
Proposed garage extension to the side of existing dwelling.

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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 Proposed garage extension to the side of existing dwelling at 77 Wharton Terrace.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision (dated 14/05/2024) is attached. (**Appendix 1**).

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of these appeals.

### 3. CONTACT OFFICER

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## Appendix 1.



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## Appeal Decision

Site visit made on 8 May 2024

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

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**Appeal Ref: APP/H0724/D/24/3340386**

**77 Wharton Terrace, Hartlepool TS24 8PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by David Bromley against the decision of Hartlepool Borough Council.
  - The application Ref is H/2023/0393.
  - The development proposed is described as: 'proposed garage extension to the side of existing dwelling'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. The appeal site is an end of terraced dwelling located within a terrace of four properties located adjacent to the entrance to Brecongill Close, a suburban cul-de-sac. Brecongill Close comprises of predominantly terraced and semi-detached dwellings located on modest sized plots with open front gardens. Dwellings here are typically a mix of brick and render with pitched, tiled roofs. Where present, outbuildings are small scale. Both attached and detached garages are present but these are typically modest in scale and subservient in width and height to the host dwelling.
4. Whilst fronting Wharton Terrace, the design, scale, form and materials of the dwellings comprising the appeal property and its terraced neighbours are consistent with those along Brecongill Close. In that regard, the garage at the opposing end of the terrace to the appeal site, attached to 83 Wharton Terrace, is modest in scale and subservient in width to its attached dwelling. Its roof is pitched, albeit with a hip, and tiled.
5. It is proposed to construct a new double garage that would adjoin the gable end of the appeal property. The garage would have significant width, exceeding the width of the host dwelling, in conflict with the prevailing character of modest sized garages and outbuildings. The flat roof would also fail to reflect the local character and, alongside the wide roller shutter door would give the building a somewhat industrial character that would appear out of place in a residential area such as this. The provision of such a wide flat roofed structure in a prominent position at the end of the terrace would also have the effect of

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unbalancing the appearance of the terrace as a whole. Overall, the proposed garage would represent an incongruous form of development that would be at odds with the prevailing character of the area.

6. In that regard, I am mindful of the emphasis on good design set out in the National Planning Policy Framework (the Framework) as a key aspect of sustainable development. It sets out that new development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and sympathetic to local character. For the above reasons, the proposal would not constitute good design.
7. I acknowledge that a garage of the width proposed would ensure the appellant can store his vehicles, however this is a personal benefit as opposed to the public harm to the character and appearance of the area that would ensue from the proposed development. Whilst I note the appellant's willingness to 'compromise' on the size, and to provide a 'more conventional roof', I am required to make a decision on the scheme before me having regard to the proposed plans.
8. For the above reasons, the proposed development would be harmful to the character and appearance of the area. It would conflict with Policies HSG11 and QP4 of the Hartlepool Local Plan (2023) which together seek to ensure new domestic extensions are of a size, design and use materials that are sympathetic to the host dwelling and reflective of the character of the area. The proposal would also fail to accord with the provisions of the Framework, which sets out that development that is not well designed should be refused.

#### **Conclusion**

9. The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*Paul Martinson*

INSPECTOR