

# PLANNING COMMITTEE AGENDA



Wednesday 18<sup>th</sup> February 2015

at 10.00 am

in the Council Chamber,  
Civic Centre, Hartlepool

## MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Cook, Dawkins, James, Lilley, Martin-Wells, Morris, Payne and Springer.

### 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 21<sup>st</sup> January 2015

### 4. ITEMS REQUIRING DECISION

#### 4.1 Planning Applications – *Assistant Director (Regeneration)*

- |    |             |                                                                     |
|----|-------------|---------------------------------------------------------------------|
| 1. | H/2014/0570 | Land at Worset Lane ( <i>page 1</i> )                               |
| 2. | H/2014/0485 | 90 / 92 Ashgrove Avenue ( <i>page 9</i> )                           |
| 3. | H/2014/0564 | Land at Friarage Manor House, Friarage Street<br>( <i>page 21</i> ) |
| 4. | H/2014/0578 | Depot, Lynn Street ( <i>page 37</i> )                               |
| 5. | H/2014/0582 | Niramax Recycling Ltd, Mainsforth Terrace ( <i>page 59</i> )        |
| 6. | H/2014/0254 | Land at Tofts Road West ( <i>page 69</i> )                          |
| 7. | H/2014/0253 | Land at Brenda Road West Industrial Estate ( <i>page 85</i> )       |
| 8. | H/2014/0252 | Land at Graythorp Industrial Estate ( <i>page 101</i> )             |

#### 4.2 Member Training and Proposed Revisions to the Scheme of Delegations – *Assistant Director (Regeneration)*



- 4.3 Potential Review of the Headland Conservation Area – *Assistant Director (Regeneration)*

**5. ITEMS FOR INFORMATION / DISCUSSION**

- 5.1 Quarterly Update Report for Planning Services October-December 2014 – *Assistant Director (Regeneration)*
- 5.2 Council Spend on Adapting Existing Dwellings to be Wheelchair or Disabled Accessible – *Assistant Director (Regeneration)*
- 5.3 Update on Current Complaints – *Assistant Director (Regeneration)*
- 5.4 Appeal at Benmore Road – *Assistant Director (Hartlepool)*

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

**7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

**EXEMPT ITEMS**

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

**8. ITEMS REQUIRING DECISION**

- 8.1 Complaint Cases to be closed (paras 5 and 6) *Assistant Director (Regeneration)*

**FOR INFORMATION**

The Next Scheduled Meeting will be held on Wednesday 25<sup>th</sup> March 2015 commencing at 10.00 am in the Civic Centre, Hartlepool.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

21<sup>st</sup> January 2015

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Allan Barclay, Rob Cook, Keith Dawkins,  
Marjorie James, Geoff Lilley, Ray Martin-Wells, George Morris,  
Robbie Payne and George Springer

In accordance with Council Procedure Rule 4.2 Councillor Paul Beck was in attendance as substitute for Councillor Stephen Akers-Belcher

Officers: Dave Stubbs, Chief Executive  
Peter Devlin, Chief Solicitor  
Andrew Carter, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Mike Blair, Highways, Traffic and Transportation Manager  
Sarah Fawcett, Head of Property Services  
Jane Tindall, Senior Planning Officer  
Ryan Cowley, Graduate Planning Assistant  
Jo Stubbs, Democratic Services Officer

### **100. Apologies for Absence**

Apologies were submitted by Councillor Stephen Akers-Belcher.

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

None

### **102. Confirmation of the minutes of the meeting held on 17<sup>th</sup> December 2014**

The minutes were approved

### 103. Planning Applications *(Director of Regeneration and Neighbourhoods)*

**Number:** H/2014/0527

**Applicant:** Mr P Green St Marks Court THORNABY Stockton on Tees

**Agent:** Jane Darbyshire And David Kendall Limited Millmount  
Ponteland Road NEWCASTLE UPON TYNE

**Date received:** 02/12/2014

**Development:** Erection of 16 bungalows and associated external works

**Location:** Eskdale Road HARTLEPOOL

A member queried whether the developer contributions would cover the costs of a proposed orchard on Masfield Road. Another member confirmed that the developer contributions would be used to start the orchard while it would be completed using ward member budgets and other external funding. Costs were expected to be minimal.

A member asked whether the comments made by the police in relation to crime prevention and community safety could be included as part of the recommendations. The Planning Team Leader advised that Secured By Design accreditation was only a recommendation and whilst encouraged he would not advise that it should be considered as a reason to refuse an application. The Applicant detailed the reasons the developer had decided not to pursue Secured By Design accreditation, specifically that it would require a gated entrance into the parking courtyard and they felt this was not appropriate as it would require drivers to leave their vehicles in order to open the gate. However all other police recommendations had been taken on board and there had been extensive discussions with planning officers.

A member expressed their disappointment that only 10% of the properties would be adapted for disabled access and asked whether this could be increased. The applicant confirmed that this proportion had been suggested by members of the Council's Strategic Housing Team, comprising both elected members and council officers. However most properties were equipped for disabled occupants from the outset.

Members were broadly in support of the application. They expressed some reservations with regards to the developer's decision not to adhere to all of the police recommendations and a member asked that a report be prepared by the Housing Services Team detailing the housing needs of Hartlepool. The Planning Services Manager confirmed that a new Strategic Housing Market Assessment would be brought to Regeneration Services Committee in March for member approval. This would set out Hartlepool's housing needs for the next 15 years. The member also requested that a report giving details of the

amounts spent on adapting homes be brought to Planning Committee. The Planning Services Manager confirmed he would forward this request to the Housing Services Manager.

Members approved the application unanimously.

**Decision:** **APPROVED** subject to the completion of a legal agreement to secure the following developer contributions £250 per dwelling for green infrastructure (£4,000), £250 per dwelling for built sports (£4,000), £250 per dwelling for play (£4,000) and the following conditions:

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 17 November 2014 3488/10/00 Rev A (site location plan), 3488/90/01 Rev C (Landscape Proposals), 3488/10/03 Rev D (proposed boundary treatments), 3488/20/01 Rev H (proposed house plans and elevations 1), 3488/20/02 (proposed house plans and elevations 2), 3488/10/02 Rev C (proposed roof plan), 3488/10/01 Rev F (proposed site plan). For the avoidance of doubt.
3. No development shall commence until details of the proposed means of disposal of surface water and foul sewage arising from the development have been submitted to and approved in writing by the Local Planning Authority. The approved development shall thereafter proceed in accordance with the details so approved. In order to ensure that surface water is adequately dealt with in the interests of the amenity of the area.
4. The development hereby approved shall be carried out having regard to the following:
  1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must 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 must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions

- of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. 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.
5. No part of the development shall be occupied until pedestrian access, including tactile paving and appropriate level access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority. In the interests of highway safety and to ensure a satisfactory form of development.
  6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way 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 the occupants of the adjacent residential property.
  7. Prior to the commencement of development hereby approved, a scheme highlighting how CO2 emissions for the buildings on site will be reduced by 10% over the maximum CO2 emission rate allowed by the Building Regulations Part L prevailing at the time of development, will be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in line with the approved scheme. To encourage sustainable development.
  8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. 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.
  9. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
  10. Prior to the development hereby approved being brought into use details of the formalisation of the existing car parking area at the rear of the properties on Earn Walk including surface materials and marking of bays shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be

implemented in accordance with the details so approved. In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

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**Councillor Robbie Payne left the meeting.**

**104. Update on Current Complaints** (*Assistant Director (Regeneration)*)

Members' attention was drawn to 9 ongoing issues currently being investigated.

**Decision**

That the report be noted

**Councillor Jim Ainslie left the meeting**

**105. Any other items which the Chairman considers are urgent**

The Chair advised members that applications for wind turbines at Tofts Farm, Brenda Road and Graythorp would be on the agenda for the next Planning Committee meeting and asked if they felt that a site visit would be beneficial. Members were of the opinion that a site visit would not be required but asked that a presentation showing the scope of the proposed turbine from various viewpoints across the town. The Planning Services Manager confirmed that this information would be made available at the meeting.

The meeting concluded at 10:40am

CHAIR



**No:** 1  
**Number:** H/2014/0570  
**Applicant:** Mr Stephen Litherland c/o Bellway Homes North East  
Kings Park Kingsway North GATESHEAD NE11 0JH  
**Agent:** Leebell Developments Ltd Mr Stephen Litherland c/o  
Bellway Homes North East Kings Park Kingsway North  
GATESHEAD NE11 0JH  
**Date valid:** 09/12/2014  
**Development:** Outline planning application with some matters reserved  
for the erection of 7 no self-build residential plots together  
with associated access and landscaping (resubmitted  
application)  
**Location:** Land at Worset Lane HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 The application has been referred to Committee for decision in light of the number of objections.

## PROPOSAL

1.3 Outline permission is sought for residential development with some matters reserved for the erection of 7 self-build plots together with associated access and landscaping. The proposal includes the widening of a section of Worset Lane and the provision of a public footpath.

## SITE CONTEXT

1.4 The site extends to 0.88 hectares and is currently a vacant piece of un-kept key green space. It is located between Worset Lane and Hart Lane. Hart Lane forms the north eastern boundary providing access to the A179 and the A19.

1.5 The surrounding area is residential in character with local services within close proximity. Hedgerows run along the western site boundary up to the northern tip of the site, forming a legible divide between the site and existing dwellings along Worset Lane. The hedgerow sits on top of an old stone wall.

## PUBLICITY

1.6 The application has been advertised by way of press notice, site notice (2) and neighbour letters (33). To date, there have been 28 letters of objection raising the following concerns:

Ancient land should be left alone  
 The area is of historic value  
 Impact on wildlife  
 The site at Worset Lane should be conserved and not developed  
 Impact on privacy  
 Increase in traffic  
 Highway safety issue  
 The school won't have any more capacity  
 Flooding  
 There is no need for more housing  
 Fear of crime and antisocial behaviour  
 Road not wide enough  
 Noise from development  
 Doesn't say what type of dwelling

Copy Letters **B**

1.7 The period for publicity expires after the meeting.

## CONSULTATIONS

1.8 The following consultation replies have been received:

**HBC Engineering Consultancy:** I have reviewed the above application and note that it is proposed to discharge the surface water and foul water flows from the development into the existing public systems within Waterside Way to the west of the site

The surface water flows will be restricted to the pre-development Greenfield rate and storms up to and including the 1 in 100 year, plus a 30% will be contained within through attenuation tanks beneath the proposed highway which will be adopted by Northumbrian Water. While I accept this as an acceptable solution I would ask if through detailed design the developer would consider potentially alternative flow restriction measures including some above ground solutions, making use of the green space. A drainage and contaminated land condition is requested.

**HBC Landscape & Conservation:** Comments Awaited.

**HBC Ecology:** There are unlikely to be any significant ecological issues associated with this site except for the mature hedge that runs along the western boundary. The hedge is sat on top of an old stone wall so provides a valuable landscape feature as well as providing screening to the properties to the west. It is possible that the hedge would meet the criteria for classification as an important hedge under the Hedgerow Regulations. Consequently it should be retained and protected other than

to allow the removal of the minimum length required to allow an access road, ie in line with that shown on drawing number SD-90.01. The Design and Access Statement states in para 2.10 that existing landscape features must be retained however para 7.4 of the same document states : The on-plot soft landscaping for each development will remain largely at the individual developers discretion, however existing trees and hedgerows should be retained where possible, in particular this applies to plots 1, 6 and 7. This introduces an element of doubt as to whether the hedge will be retained in practice therefore details of hedgerow protection measures should be submitted for approval.

The inclusion of a 15m wide landscape strip on the eastern boundary is welcome. A detailed landscaping scheme for that landscape strip should be submitted for approval.

**HBC Public Protection:** No objection to this application subject to adequate boundary treatments to the Eastern boundaries of the properties in order to provide adequate sound insulation from traffic noise.

**HBC Traffic & Transport:** The proposed development is accessed from Worset Lane. The carriageway in this location is approximately 3.5 metres wide and has no footway. The narrow width does not allow 2 way traffic, although traffic is relatively light there are occasions when 2 vehicles meet and are unable to proceed without great difficulty. At times the Lane is used as a local diversion during problems on the A19, although these are rare occurrences the impact on Worset lane is severe.

The narrow carriageway width on Worset Lane would require most Utility Work associated with the new development to be carried out under a full road closure, this may require residents living in Waterside Way to divert from their normal access onto Hart Lane via Worset Lane – Elwick Road – Dunston Road.

The development should incorporate a design to widen Worset Lane to a minimum 4.8 metres along the developments boundary and also provide a 1.8 metre footway in this location. Street lighting should be provided along this section of Worset lane. This work should be carried out prior to the construction of the houses.

The proposed access onto Worset lane would require minimum sight lines of 2.4 x 43 metres and have minimum Kerb Radii of 6 metres.

The carriageway within the development should be constructed under a section 38 agreement with a view to adoption. All carriageways and footways should be constructed in accordance with the HBC Design Guide and Specification.

**Environment Agency:** The proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.

**Northumbrian Water:** In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows

arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above NWL have the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled “*Surface Water and Foul Water Drainage Assessment*” dated September 2014. In this document it states under Section 3.1 that the proposed surface water discharge rate will be 5.5 l/sec to be discharged into the existing sewer to the west of the site in Waterside Way. It is also stated under Section 3.2 that foul flows will be discharged to the existing sewer in Waterside Way.

As the submitted drainage details meet our requirements for foul and surface water discharge from the site, we would request that the *Surface Water and Foul Water Drainage Assessment* forms part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

**Tees Archaeology:** The application now includes the results of an archaeological trial trench evaluation. This has demonstrated well preserved deposits relating to the medieval settlement of High Throston. The remains consist of trackways, pits, ditches and gullies but structural remains such as buildings were not noted. Although the archaeological deposits are of local, or perhaps regional importance, the significance is not sufficient to warrant physical preservation. I would therefore recommend that the site is subject to further archaeological recording in advance of development. This would consist of a topsoil strip across the site followed by the excavation and recording of archaeological features and deposits. The results of the work should be made available as a public record and the site archive deposited with the local museum. This is in accordance with the advice given in the NPPF (para. 141).

I note that the intention is to market the development as 7 self-build plots. I would advise that the archaeological work is secured across the site as a whole rather than carried out on a piecemeal basis by a number of different developers.

The additional archaeological work can be carried forward as a planning condition.

**Police:** No comments at this time, but need to be consulted on a reserved matters application.

**English Heritage:** Comments Awaited

## PLANNING POLICY

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

### Local Policy

1.10 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1 - General Environmental Principles  
 GEP2 - Access for All  
 GEP3 - Crime Prevention by Planning and Design  
 GEP7 - Frontages to Main Approaches  
 GEP12 - Trees, Hedgerows and Development  
 Hsg5 - Management of Housing Land Supply  
 Hsg9 - New Residential Layout  
 GN3e - Protection of Key Green Space Areas  
 RUR1 - Urban Fence

### National Policy

1.11 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are of particular relevance to this application.

Paragraph 02: Application of planning law (development plan and material considerations)

Paragraph 06: Purpose of the planning system – creation of sustainable development

Paragraph 07: Three dimensions to sustainable development

Paragraph 13: The National Planning Policy Framework constitutes guidance

Paragraph 14: Presumption in favour of sustainable development

Paragraph 17: Core planning principles

Paragraph 34: Maximising use of sustainable travel modes

Paragraph 37: Minimise journey lengths

Paragraph 47: To boost significantly the supply of housing

Paragraph 49: Housing and the presumption in favour of sustainable development

Paragraph 50: Deliver a wide choice of homes

Paragraph 56: Design of the built environment and its contribution to sustainable development.

Paragraph 57: High quality inclusive design

Paragraph 58 : Quality of development

Paragraph 60: Innovation and originality of design and promotion and reinforcement of local distinctiveness.

Paragraph 61: The connections between people and places

Paragraph 64: Improving the character and quality of an area

Paragraph 66: Community involvement

Paragraph 93: Reduction in greenhouse gas emissions

Paragraph 96: Minimise energy consumption

Paragraph 196: Determination in accordance with the development plan

Paragraph 197: Presumption in favour of sustainable development

## **PLANNING CONSIDERATIONS**

1.12 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact upon neighbouring residents, character of the surrounding area, highway safety, flooding and drainage, ecology and landscaping and archaeology.

1.13 A comprehensive update report setting out the relevant planning consideration and recommendation to Members will follow.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.14 There is no evidence of equality or diversity implications.

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

1.15 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.

1.16 There are no Section 17 implications.

**RECOMMENDATION – UPDATE** report to follow.

## **BACKGROUND PAPERS**

1.17 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:  
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

## **CONTACT OFFICER**

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## LAND AT WORSET LANE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

COPYRIGHT RESERVED LICENCE 1000233902013

Scale: 1:2000  
 Date : 8/1/15  
 H/2014/0527



**No:** 2  
**Number:** H/2014/0485  
**Applicant:** Sapphire House, IES Centre Horndale Avenue NEWTON  
AYCLIFFE Durham DL5 6DS  
**Agent:** Harrison and Johnson Mr John Harrison 81 Bondgate  
DARLINGTON DL3 7JT  
**Date valid:** 14/11/2014  
**Development:** Change of use from bakery and shop to four residential  
flats with additional communal lounge and kitchen facility  
and external alterations  
**Location:** 90 92 Ashgrove Avenue HARTLEPOOL

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## PURPOSE OF REPORT

2.1 A valid 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 The application has been reported to Committee for decision in light of the number of objections.

## BACKGROUND INFORMATION

2.3 The property is within the ownership of DISC (Development Initiative for Support in the Community) Housing which is a registered social landlord which is also the applicant. DISC has been involved in the provision of housing support for over 25 years. Services focus on providing support to vulnerable people in the community.

2.4 As an RSL they will provide social housing that is affordable the same as any other registered provider and are unable to identify the specifics of the people who will be living in the flats. All housing applications will be assessed in line with DISC allocation policy and applicants will be awarded points similar to other social housing providers in line with the Homes and Communities Agency (HCA) requirements.

2.5 One key aim is to reduce homelessness within Hartlepool and increase the housing options for vulnerable people. These people may or may not come with previous histories and issues however DISC advise all will be receiving support and will have robust tenancy agreements they will have to adhere to.

2.6 DISC Housing will be responsible for all of the housing management of the flats within this development, including other properties they have within Hartlepool. The supporting statement received from the applicant has confirmed that they are in the process of recruiting a Housing Officer who will be responsible for the housing management of a small portfolio of properties within the Hartlepool area. The Housing Officers patch is between 25 to 35 properties which DISC consider will allow them to effectively manage their small portfolio of properties. The Housing Officer will be supported by the Assistant Director of DISC Housing alongside an

Administrator, Business Coordinator, Health and Safety Officer, Handyman and the Tenant Empowerment and Quality Coordinator. An out of hours service for tenants is also available and a security service if and when required.

## **PROPOSAL**

2.7 Planning permission is sought for the change of use of a vacant bakery and shop, which includes an element of residential use at first floor to 4 residential flats. The proposal includes the provision of a mono pitch roof to the side extension, which previously served the shop and will include 3 roof lights and alterations to the existing windows in the side elevation facing onto Windermere Road.

2.8 The proposal includes a communal lounge and kitchen which is to be located within the side extension which is accessed from Windermere Road. This access remains as existing from the previous use as a shop, alterations to the windows are proposed on this elevation. The communal lounge will only be accessible from Windermere Road and will be used when DISC housing staff are on site, it will not operate independently from the flats. The area is to be used for tenant participation and consultation activities, other DISC tenants may be invited to these activities. The kitchen area will be used by staff to deliver practical sessions to help improve independent living skills.

2.9 The flats are to be one bedroom self contained, with living room, kitchen and bathroom. Access to the flats is to be taken from existing accesses on Ashgrove Avenue. Flat 1 is at ground floor and will have its own entrance, flats 2, 3 and 4 share a second access. Flat 2 will be on the ground floor, with flats 3 and 4 at first floor.

2.10 The proposed alterations include the removal of rear windows at ground floor and the provision of an additional 2 access doors into a yard area. The yard area will provide a secure storage area for bins.

## **SITE CONTEXT**

2.11 The site is predominately residential with a mix of terraced properties. The property sits on the corner of Ashgrove Avenue and Windermere Road. Access into Ashgrove Avenue is taken from Stockton Road, which has a one way traffic restriction and Windermere Road which has traffic lights onto Brenda Road, Haswell Avenue is also a one way traffic controlled.

2.12 The site is within close proximity to local shops, public transport and local schools.

## **PUBLICITY**

2.13 The application has been advertised by way of site notice (2) and neighbour letters (32). To date, there have been two petitions totalling 1,673 signatures and 185 letters of objection raising the following concerns:

Proximity to schools/on route to schools

Sets bad example for local children  
 Risk to vulnerable residents i.e. children, the elderly  
 Safety concerns  
 High risk of tenants re-offending  
 Increase in crime/anti-social behaviour and fear of crime  
 Will attract other offenders/drug users to area  
 Increase in noise/nuisance/loitering  
 Risk of people abandoning area and local schools  
 Encouraging parents to drive children to school/discouraging walk  
 Setting a precedent for similar developments in local area  
 General access, highway safety and traffic concerns due to traffic volume, one way system and limited number of parking spaces  
 Detrimental to disabled access for existing residents and support services due to traffic concerns  
 Unsuitable density accommodation for building and area  
 Wrong site/better sites available  
 Detrimental to amenity and character of the area  
 Risk to social/care works, foster carers and prison officers who live in area due to proximity to ex-offenders/work related contacts/vulnerable adults  
 Will decrease property values  
 Vulnerable adults/future tenants should not be left alone/require 24/7 supervision  
 Not enough support provided by applicant for future tenants  
 Not enough support services in local area for future tenants  
 Units are not suitable for the development  
 Similar schemes in the town have been unsuccessful/have detrimental impact on surrounding areas  
 Applicant has poor reputation as landlord  
 Will damage the existing community  
 Sufficient support is already available/no need for additional accommodation (Thirteen Group Care and Support)  
 Risk to bats/application lacking bat survey/risk assessment  
 Poor provision for disabled access within the site itself  
 Concerns over bin storage/rubbish/waste disposal  
 Proximity to pubs/off licence poses risk to future tenants  
 No support for project in local community/strong feelings against by local residents (unsuitable/unsupportive environment for future tenants)  
 Detrimental to quality of life/health of existing residents  
 Overlooking/loss of privacy  
 Increase in street litter  
 Inaccurate/contradictory information in application  
 Works already started  
 Has shared alley with adjoining property, should sign certificate B  
 Security implications due to shared alleyway with adjoining property  
 External alterations will cause overshadowing  
 Out of keeping with housing type/tenure in area  
 Developer primarily interested in profit  
 Development deprives area of a commercial unit/negative economic impact  
 Proposal is damaging to recently redeveloped area  
 Loss of income/capital value  
 Increased congestion and problems with parking

Development of flats out of keeping with the area  
Significant risk of anti-social behaviour/increased crime/

Copy Letters **C**

2.14 The period for publicity has expired.

## CONSULTATIONS

2.15 The following consultation replies have been received:

**HBC Housing Services:** Currently HBC does not offer any direct grant assistance to owners of empty properties to enable owners to return empty properties back into use.

**HBC Community Safety:** There was one recorded ASB in 2014 for Ashgrove Avenue, this turned out to be a neighbour dispute, there were no other reported incidents for Ashgrove Avenue. There was one recorded ASB incident in nearby Windermere Road regarding youths throwing stones.

**HBC Traffic & Transport:** No objections to the proposal. There would be minimal changes in the parking demand generated by this development compare with the existing use.

**HBC Public Protection:** No objection to this application subject to an hours restriction on the use of the communal lounge to no later than 9 pm. Having looked at noise complaint records for Ashgrove Avenue, Haswell Avenue and Windermere Road there are no recorded incidents for any ongoing noise problems in the area.

There were a total of 10 noise complaints in Ashgrove Avenue since 2009, 2 were barking dogs, 2 concerned one off parties and 3 were call outs to the out of hours service for one off parties, 2 were noise from people and 1 was noise from parrots.

In Haswell Avenue there were 8 noise complaints since 2007, 4 were barking dogs, 1 there was no response calls made to complainant, 1 was from house renovations, 1 was an alarm and 1 was people noise.

There was 1 complaint in Windermere Road, this was to the out of hours service in August 2014. The officers attended but found no evidence of any noise.

**HBC Ecology:** The application does not meet the Council's guidelines for requiring a bat survey.

**Police:** These type of premises have the potential to increase crime and disorder along with raising the fear of crime to the nearby community. The level of this risk would depend on the individuals that reside at the facility. It is essential that a strict selection process be in place as to individuals that are to reside at the premises to reduce this risk.

Alongside this good management of the premises is essential ideally it would have been preferred to have permanent staff on such premises which is often the case with similar but larger such accommodation.

If planning permission is granted I would recommend that the following measures are put in place

1 CCTV installed to cover all entrances and communal areas this must provide images of facial recognition that can be used in a court of law

2 Doorsets including Flat entrance doors certified to BS PAS24-2012. Flat doors must be fitted door chain or door limiter and a door viewer which must be fitted between 1200mm and 1500mm. All glazing in and adjacent to doors should be laminated to a minimum thickness of 6.4mm. First floor flats require to be certified DKT key operation from the outside with non-key operation on the inside of the doorset e.g. thumb turn.

3 Windows ground floor windows and those easily accessible above ground floor certified to PAS24-2012.

4 Secure Bin storage and cycle should be provided.

5 Secure Mail Delivery must be provided via a secure external letter box or delivery through the wall into a secure area of the dwelling.

## **PLANNING POLICY**

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

### Local Policy

2.17 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

Hsg9: New Residential Layout – Design and Other Requirements

### National Policy

2.18 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social

and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

2.19 The following paragraphs of the NPPF are of particular relevance:

Paragraph 14 - Presumption in favour of sustainable development

Paragraph 49 - Housing applications and sustainable development

Paragraph 50 – Delivery of wide choice of high quality homes

## **PLANNING CONSIDERATIONS**

2.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular impact upon the amenity of neighbour properties, impact upon the character of the street scene and highway safety.

### Principle of Development

2.21 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council can not currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are deemed to be out of date. Where policies are out of date the local authority must approve applications unless in doing so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits.

2.22 In viewing statute, planning policy and the information submitted regard must be had to material considerations and whether in fact the proposal is deemed to be sustainable development. Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Given the sites location and proximity to services it is considered that the principle of development within this area would constitute sustainable development.

2.23 The overall principle of residential development is suitable and welcomed within this area. The overriding objective of the NPPF is to significantly boost the supply of housing and in doing so sustainable development should be approved without delay.

2.24 The proposal would add to the housing supply and is considered to be in a sustainable location. It will also ensure that empty buildings are brought back into use. Therefore subject to the following planning considerations the principle of the proposed development is considered to be acceptable.

#### Impact upon the amenity of neighbour properties and character of the area

2.25 The application site is within a predominately residential area, the area is characterised by terraced dwellings. The proposal includes minor alterations which are in keeping with the residential area.

2.26 It is considered that the physical changes to the property will have a minimal impact upon neighbouring residential properties in terms of dominance, loss of light or overlooking. The windows in the first floor elevation of the property remain as existing, it is therefore considered that the proposal will not create any additional issues of overlooking to those that exist.

2.27 The proposal is to change existing premises to 4 self contained flats, including the provision of a communal area for use by the tenants who will occupy the flats.

2.28 A number of objections have been raised with regard to the type of people that could occupy the proposed flats. The Development Control Practice guide provides guidance on planning matters and offers the following commentary:

“Fears about the behaviour or lifestyle of residents may be a strong underlying factor in the decision making process, even though such considerations may not always be articulated in reasons for refusal. Such objections are often rejected on the basis that they are subjective over-reactions based on ignorance, prejudice, paternalism or other matters, which are not planning considerations – such as a concern for property values. However, cases such as *West Midland Probation Committee v SOS & Another* 7/11/1997 have shown that apprehension of fear is in itself capable of being a material consideration.

In South Somerset 26/03/2007 DCS No 100-048-046 a proposal to create a Homeless hostel from a dwelling was considered. The inspector noted the council's concerns that the use would give rise to levels of activity which would be inconsistent with the established character of the street and disturbing to local residents but decided that it was not uncommon in any residential street to have different levels of activity depending upon the size and type of households and that the proposed number of bedrooms would not be significantly greater than those found in many large family houses.

In the case of Barking & Dagenham 21/12/1987 SCS No 043-273-825 it concluded that the Council had acted unreasonably in refusing a planning application for a hostel for the mentally ill. Circular advice clearly states that the identity of the user or

the type of person to be accommodated by reason of age or other characteristic could not be held to be a material planning consideration.”

2.29 Fears over public safety/crime and concerns relating to the impact of the proposed development on the occupiers of neighbouring land are both capable of being material planning considerations. The leading case on this issue is that of *West Midlands Probation Committee v Secretary of State for the Environment, Transport and the Regions*. This case concerned the refusal of planning permission for the expansion of a bail hostel in a residential area. Evidence was produced of disturbing and intrusive incidents (such as robberies and car thefts) caused by existing bailees.

2.30 The Court accepted that the local residents had a genuine and justified fear of crime as a result of the proposed expansion, and that the use of the development site (as a bail hostel) was one which inevitably would have an impact upon the use of other land in the area. The Court concluded that the weight that should be given to the effect of the activity upon the use of the neighbouring land was a question of planning judgment.

2.31 The Court of Appeal, in the case of *Smith v First Secretary of State*, considered that the *West Midlands Probation Committee* decision provided the following guidance on the issue:

- i. **“The fear and concern must be real, by which I assume to be required that the fear and concern have some reasonable basis:**
- ii. **The object of that fear and concern must be the use, in planning terms, of the land”**

2.32 That such fear of crime must be real, and justified, was highlighted in the case of *Gateshead Metropolitan Borough Council v Secretary of State for the Environment* where it was found that *‘If public concern is not justified, it cannot be conclusive’*.

2.33 The anti-social behaviour team, public protection and the police have been consulted on the application and have not objected to the proposal. The proposal is a residential development which is appropriate to the character of this area though given the nature of the applicant concerns have been raised in relation to the type of tenants which might occupy the property. The same concern however could be applied to any similar residential development some of which may well not have the management arrangements in place offered by a registered social landlord.

2.34 The proposed development has not been implemented and there is no first hand evidence to support the view that the fear and concern raised by objectors has a reasonable basis. It is therefore considered difficult in light of the case law above to sustain an objection on grounds relating to crime and fear of crime to the proposals.



### Highway safety

2.35 Concerns have been raised by local residents with regarding to highway safety with particular regard to the increase in congestion and additional problems with parking.

2.36 The Council's Traffic and Transport were consulted and have concluded that there would be minimal changes in the parking demand generated by this development compared with the previous use as a bakery/shop. Therefore there are no highway or traffic concerns.

### Residual Matters

2.37 Devaluation of properties is raised as a matter of concern by objectors. This is not a material planning consideration and therefore cannot be taken into consideration when assessing this application.

2.38 It is not considered the loss of the commercial unit would have a significant impact in the economy of the area.

2.39 The issue raised with regard to a bat survey not being submitted with the application has been assessed by the Council's Ecologist and it was considered that the proposal did not meet the Council's guidelines for requiring a bat survey.

2.40 The applicant has confirmed that the bins will be stored within a secured yard area at the back of the property, and the premises will have CCTV at the front of the property.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.41 There is no evidence of equality or diversity implications.

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

2.42 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.

2.43 The issues of crime and fear of crime are discussed in the main body of the report where it is concluded that it would be difficult to sustain an objection on grounds relating to crime and fear of crime.

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Project No: P3290 Dwg No: A101 (proposed plans and elevations), Dwg No:A102 (location plan) and details received by the Local Planning Authority at the time the application was made valid on 14 November 2014.  
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, 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. The communal lounge shall only be in operation when housing staff employed by the applicant are on site and shall only be used between 9am and 9pm Monday to Friday and at no other time.  
In the interests of the amenities of the occupants of neighbouring properties.

**BACKGROUND PAPERS**

2.45 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:  
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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## 90-92 ASHGROVE AVENUE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**Scale: 1:1000**  
**Date : 04/02/15**  
**H/2014/0485**

**No:** 3  
**Number:** H/2014/0564  
**Applicant:** Mrs Louise Nicholson Hudson Quay Windward Way  
Middlesbrough TS21QG  
**Agent:** DKS Architects Mr Joe Crinion The Design Studio  
Ellerbeek Court The Design Studio Stokesley TS95PT  
**Date valid:** 17/12/2014  
**Development:** Variation of condition No. 2 of planning application  
H/2014/0003 for residential development comprising  
conversion of Grade II Listed manor house to form 4 no.  
dwellings, erection of 5 houses, 11 bungalows and 18  
apartments and associated works (to raise ground levels)  
**Location:** LAND AT FRIARAGE MANOR HOUSE FRIAR STREET

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 An application to convert Friarage Manor House to form 4 dwelling, for the erection of 5 houses, 11 bungalows and 18 apartments was submitted in January 2014 (H/2014/0003). The application was approved by Members on the 6 August 2014.

3.3 A listed building consent application (H/2014/0004) was also approved by Members on the 6 August 2014.

## PROPOSAL

3.4 The application seeks to vary condition number 2 of planning permission H/2014/0003 which relates to the proposed plans. In particular the proposal includes the raising of ground levels and building levels by between 400mm – 750mm across parts of the site. The levels of the proposed town houses at the western end of the site will not change.

3.5 The layout and design of the properties remain as the previous approval. The raising of ground and building levels is to address archaeological issues within the site in particular to minimise any archaeological disturbance

3.6 Owing to the number of objections received this application is required to be determined by planning Committee.

**SITE CONTEXT**

3.7 The application site currently consists of vacant Brownfield land located within the Headland area of Hartlepool which is predominantly residential in nature. The site is largely open grass land adjacent to residential properties and existing playing fields to the east of the site.

3.8 Towards the middle of the site is The Friarage which is a Grade II listed building in a state of disrepair. This building is the surviving western gable wing of the former Friarage Hospital.

3.9 The surrounding properties consist of various designs including traditional terraced properties to the south which front on to Victoria Place and Moor Terrace with more modern residential dwellings towards the west and north of the site.

**PUBLICITY**

3.10 The application has been advertised by way of site notices (2), press notice and neighbour letters (97). To date, there have been 3 letters of objection raising the following concerns:

Devaluation of properties  
Impact on health and mental wellbeing  
Destroy open space  
Negative impact from construction works  
Should be kept for sports field  
Parking and access will cause problems  
Potential for flooding

Copy Letters **A**

The period for publicity has expired.

**CONSULTATIONS**

3.11 The following consultation replies have been received:

**HBC Landscape & Conservation:** Consent has already been granted on this site (H/2014/0003) therefore the principle of residential development on the land is considered acceptable. The application relates only to work to facilitate that development, namely the raising of the ground level and the construction of a retaining wall. No objection to proposed amendments to this application. They will have a less than substantial harm on the designated heritage assets.

**HBC Public Protection:** No objection to this application.

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

**HBC Engineering Consultancy:** No objection to the proposal but comments from original application still stand.

Previous comments

I would recommend that my standard contaminated land condition is imposed on any approval. In terms of flood risk and drainage, I note that both foul/surface water will be discharged into the main sewer. Providing Northumbrian Water grant permission, I would have no further comments.

Additional comments “I had a meeting with Mick Taylor below regarding this scheme and how this potentially conflicts with our proposed coastal construction works which will commence March 2015. In terms of the MMO and application, the only additional comments I have can only be considered outside of this application.

Please could you pass on my details as I would request full construction details of the new outfall, how this impacts on both the promenade and coastal wall. I see this as an opportunity for the Council to work with/coordinate with the parties involved with the Friarage to ensure both works don't conflict.”

**Tees Archaeology:** The application is similar to the earlier submission but with the developer now intending to raise the ground level in certain parts of the site. This may help to reduce the impact of the scheme on archaeological deposits. However it is still likely that substantial harm will occur to archaeological remains, including the cloister range of the medieval Friary and the western wing of the Elizabethan manor house. I recommend that the previous archaeological planning condition (Condition 9; H/2014/0003) is brought forward to ensure that an appropriate scheme of archaeological work is agreed and implemented in mitigation, including post-excavation assessment and archiving.

**English Heritage:** No comments to offer on this occasion

**Environment Agency:** The Environment Agency has assessed this application as having a low environmental risk. We, therefore, have no comments to make in respect of this proposal.

**Northumbrian Water:** Original comments from H/20014/0003 stand.

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

NWL have provided the developer with a pre-development enquiry response for this proposal dated 27<sup>th</sup> November 2013. In this response, we stated that an estimated foul flow of 1.7 l/sec can discharge into the 300mm diameter combined sewer between manhole 9702 and manhole 9704. No surface water will be able to discharge into our network.

Having assessed the proposed development against the context outlined above we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul water from the development for NWL to be able to assess our

capacity to treat the flows from the development. We would therefore request the following condition:

**CONDITION:** Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

## **PLANNING POLICY**

### **NATIONAL PLANNING POLICY FRAMEWORK**

3.12 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires Local Planning Authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

3.14 The following paragraphs in the NPPF are relevant to this application:

Paragraph 2: Application of planning law

Paragraph 6: Purpose of the planning system

Paragraph 7: Three dimensions to sustainable development

Paragraph 13: The National Planning Policy Framework constitutes guidance

Paragraph 14: Presumption in favour of sustainable development

Paragraph 17: Core Planning Principles

Paragraph 57: High quality inclusive design

Paragraph 60: Promotion or reinforcement of local distinctiveness

Paragraph 61: The connections between people and places



Paragraph 128: Significance of any heritage assets affected  
 Paragraph 131: Determining heritage planning applications  
 Paragraph 132: Impact on the significance of a designated heritage asset  
 Paragraph 134: Less than substantial harm to the significance heritage  
 Paragraph 137: New development within Conservation Areas  
 Paragraph 196: Determination in accordance with the development plan  
 Paragraph 197: Presumption in favour of sustainable development

## **LOCAL PLAN (2006)**

3.15 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

3.16 Within the current Hartlepool Local Plan the site is located on white land in the Headland Conservation Area. The following policies are relevant to this application:

GEP1: General Environmental Principles  
 HE1: Protection and Enhancement of a Conservation Area  
 HE2: Environmental Improvements in Conservation Areas  
 HE8: Works to Listed Buildings (Including partial demolition)

## **PLANNING CONSIDERATIONS**

3.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular impact upon the amenity of surrounding land users, character and appearance of the conservation area and listed building, archaeology of the site, highway safety, and drainage.

### Principle of Development

3.18 The principle of development on this site has been established by virtue of the granting of the previous permission H/2014/0003.

### Amenity of neighbouring land users

3.19 The application site is surrounded by residential properties to the north, south and west. Proposed residential developments must ensure that residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved.

3.20 Supplementary Note 4 of the Hartlepool Local Plan specifies guidance for minimum separation distances between residential properties. A minimum of 20 metres should be achieved where principal elevations face one another or 10 metres where a blank gable wall would face the front or back of a property.

3.21 To the south of the application site there will be a separation distance of approximately 25 metres between the front elevation of the front elevation of the proposed bungalows and the front elevation of neighbouring properties to the south. Given that the proposal includes bungalows to the south and taking into account this

separation distance it is not considered that it will result in a detrimental Impact upon the amenity of the neighbouring properties fronting on to Moor Terrace.

3.22 The proposal includes two storey apartment block adjacent to the south-west corner of the site. The properties to the south and west consist of 3 storey traditional dwellinghouses. The landscaped communal garden and access for maintenance vehicles will be directly adjacent to the shared boundary with these neighbouring properties. The side and rear elevations of properties fronting on to Friar Street and Victoria Place will face towards the application site. The side elevation of the existing properties do not include any windows. Furthermore there will be a separation distance of approximately 30 metres (at the closest point) between the rear elevation of the existing properties and the proposed apartments. These neighbouring properties have existing offshoots to the rear which do not contain any windows facing towards the application site. The rear yards are enclosed by brick and rendered walls which will provide some screening. As the proposed development will be to the north it is not considered that it will result in a significant overshadowing for existing properties. As such it is not considered that the proposed apartments will result in a detrimental impact upon the amenity of these neighbouring residential properties in terms of overlooking or appearing overbearing.

3.23 At the rear of the apartment block the proposed plans show a new boundary to be formed approximately 6 metres further back than the existing properties to aide vehicle turning for vehicles using the rear access serving properties fronting on to Friar Street and Victoria Terrace.

3.24 The neighbouring properties to the west are modern properties with blank gable walls which face towards the application site. There is a highway and a wide grass verge, between the application site and the side elevation of these neighbouring properties. The proposal includes a terrace of townhouses which will front on to Friar Street. However given that the side elevation of the properties opposite do not contain any windows and taking into account the separation distance, it is not considered that the proposal will result in a detrimental impact upon the amenity of neighbouring properties to west in terms of outlook, appearing overbearing or loss of privacy.

3.25 Access to the site is proposed using an existing access adjacent to a blank side elevation of a property fronting on to Friar Street. This currently provides access to car parking adjacent to the application site to the rear of properties fronting on to Jacques Court. These properties are adjacent to the existing car parking area and consist of a mix of two and three storey properties. Access will be retained to the car parking area with a turning head provided from the main access road serving the proposed dwellings which arcs round the Manor House to the side of the proposed properties. The access road will be adjacent to the car park with bungalows located adjacent to the northern boundary further into the site. Given the separation distances associated with these properties it is not considered that the proposed development will result in a detrimental impact upon the amenity of neighbouring properties to the north.

3.26 The rugby playing pitch is to the east of the application site. An Acoustic barrier fence is proposed adjacent to the shared boundary. The Public protection section

have raised no objections however have requested a condition relating to details of the acoustic fence being submitted. Therefore a condition is recommended accordingly.

3.27 Concerns regarding disturbance to residential properties during construction are noted. Owing to proximity to surrounding residential properties a condition is also recommended to restrict hours of construction.

3.28 It is not considered that the proposed development will result in a detrimental impact upon the amenity of neighbouring land users and accords with local and national planning policy in this regard.

3.29 It is acknowledged that the dwellings within the site do not in all cases meet the guideline separation distances identified in Hartlepool Local Plan. In particular between the bungalows and the townhouses and the Friarage Manor. However, the constraints of the site and the fact that the majority of these relationships are between bungalows the proposed relationships are considered acceptable in this instance.

3.30 It is not considered that the increase in levels to the apartment building and bungalows will have a significant impact upon existing residential properties that bound the site.

#### Character of the listed building and conservation area

3.31 Included in proposed development is the refurbishment of The Manor House consisting of internal and external alterations in connection with the conversion of the building into 4No. apartments. The property is Grade II listed and is the last visual remnant of what was once Hartlepool Hospital and before that a large manor house of the 17<sup>th</sup> century. Therefore in its own right it is a heritage asset. It is also located within the Headland Conservation Area which is a designated heritage asset. Therefore guidance within the NPPF held within section 12 which relates to 'conserving and enhancing the historic environment' is considered to be relevant to assessing the proposed development. In particular paragraph 126 states that Local Authorities must "*Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance*".

3.32 Paragraph 128 of the NPPF also requires the setting of the listed building to be considered in assessment of planning applications. A key principle of sustainable development contained within the NPPF is the protection and enhancement of the historic environment. At a local level, policy HE1 is relevant in relation to protecting and enhancing conservation areas and all assets within them.

3.33 English Heritage make no comments on this application, however it is noted that previously English Heritage commented on the original application that the minor loss of the significance of the conservation area and listed building is outweighed by the benefit of conserving a listed building that is highly vulnerable to further decay. In this regard the proposal accords with paragraphs 131 and 134 of the NPPF.

3.34 The Councils Landscape and Conservation team leader raises no objection to the proposal to raise ground levels, it is considered that the development as a whole will have a less than substantial harm on the designated heritage assets.

3.35 In conclusion it is considered that the proposals are acceptable in terms of its impact on the Conservation Area and the Listed Building.

### Archaeology

3.36 The agent has submitted additional detail relating to the archaeology of the site in the Heritage Impact Assessment (HIA).

3.37 The Friarage site has been subject to extensive archaeological excavations in the past. The HIA identifies the impact of different aspects of the development on the archaeological deposits and the upstanding remains of the Friarage Mansion. The highest impacts occur where the areas of piling coincide with archaeological remains of the medieval Franciscan Friary referred to in section 5.1 of the HIA.

3.38 Almost all aspects of the build, including installation of services and car parking are likely to have an impact on archaeological remains. The HIA recognises this and makes a number of mitigation recommendations (Section 5.2 of the HIA). The principal form of mitigation is the archaeological excavation of deposits in the areas where piling is required. The mitigation strategy put forward also recommends archaeological monitoring during installation of services and ground reduction around the Friarage Mansion. The HIA concludes that mitigation for the proposed car parking and access roads will be designed once construction levels are available for these areas. It is however anticipated that these will involve less ground disturbance and will have less of an impact on the more deeply stratified medieval and Anglo-Saxon deposits.

3.39 Tees Archaeology have raised no objection in principle to these mitigation measures but has commented that their implementation will require significant financial investment from the developer, particularly if complex archaeological deposits, including human remains, are discovered.

3.40 As well as below ground archaeology, the application will have an impact on standing buildings of historic interest. This includes the Friary Mansion and the boundary walls to the development site. These structures are of interest in their own right and are also likely to have reused stonework from the demolition of the Friary. Therefore a condition is recommended to ensure further archaeological recording works on any sections of the boundary wall to be demolished and during any new opening up within the Friary Mansion. The recommended condition is multi-part and based on a model prepared by the Association of Local Government Archaeology Officers for the Planning Inspectorate to ensure recording of a heritage asset through a programme of archaeological works to accord with the requirements of paragraph 128 of the NPPF.

3.41 It is considered that the proposed raising of levels may help to reduce the impact of the scheme on archaeological deposits. Notwithstanding this it is recommended that the previous archaeological planning condition is brought forward

to ensure that an appropriate scheme of archaeological work is agreed and implemented in mitigation, including post excavation assessment and archiving.

#### Highway Safety

3.42 The Councils Traffic and Transport section raise no objection or concerns with the proposal. The layout of the site remains as the previous approval and is acceptable in Highway and Traffic terms.

#### Drainage

4.43 The Environment Agency has assessed this application as having a low environmental risk. Therefore raises no objections to the proposals.

3.44 Northumbrian Water have provided the developer with a pre-development enquiry response for this proposal stating that an estimated foul flow of 1.7 l/sec can discharge into the 300mm diameter combined sewer between manhole 9702 and manhole 9704. Northumbrian Water have requested a condition relating to disposal of foul water which is recommended accordingly. Northumbrian Water have however advised that surface water cannot be discharged to their network.

3.45 The applicant submitted a drainage strategy with drawings which details a surface water disposal route, which has been designed in liaison with Northumbrian Water. This requires a discharge to the sea for which a Marine Licence has been approved. HBC Engineering Consultancy have advised that these works will need to take account of coastal defence works and a relevant condition is proposed.

3.46 The excavations pass through a conservation area and are close to listed structures however the Council's Conservation Officer has confirmed that she is content that the below ground nature of the drainage within the highway does not require any further consent other than that granted.

3.47 The original assessment for the drainage for this development stands and the Environment Agency, Northumbrian Water and HBC Engineering Consultancy raise no objections to the amended site levels subject to relevant drainage conditions being applied.

#### Residual Matters

3.48 Devaluation of properties is raised as a matter of concern by objectors. This is not a material planning consideration and therefore cannot be taken into consideration when assessing this application.

#### Conclusion

3.49 It is considered that the proposal will have an acceptable impact upon the amenity of neighbouring land users, the character of the listed building and conservation area, archaeology, ecology, highway safety and drainage. Therefore the proposal accords with policies and guidance within the Local Plan and principles within the NPPF and as such is recommended for approval.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.50 There is no evidence of equality or diversity implications.

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

3.51 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

3.52 There are no Section 17 implications.

## **REASON FOR DECISION**

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

## **RECOMMENDATION – APPROVE** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of the original planning permission H/2014/0003.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Project No: 113.053 Dwg No(s) P101 Rev E (proposed site plan) received 28 November 2014, P101 Rev P6 (proposed site plan) P106 (amended site levels) received 3 December 2014, P01 Rev P1 (location plan), P101 Rev P7 (proposed site plan), P106 (street elevations sheet 1), P107 (street elevations sheet 2), P17 Rev P2 (proposed apartments - elevations sheet 1), P18 Rev P1 (proposed apartments - elevations sheet 2), P15 Rev P3 (proposed apartments ground floor plan), P16 Rev P3 (proposed apartments first floor plan), P26 Rev P2 (plots 10-12 proposed plans & elevations), P27 Rev P2 (plots 13-16 proposed plans & elevations), P28 Rev P2 (plots 15-18 proposed plans & elevations), P21 Rev PO (type 'A' 2B4P house) received by the Local Planning Authority on the 12 December 2014.  
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, 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. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
5. Any works to the Friarage manor house, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August

inclusive unless otherwise advised by the Local Planning Authority. Unless 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.

To protect breeding birds.

6. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details. In the interests of visual amenity.
7. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:50 and cross sections, of the proposed the external extraction, flues and any vents to be used on the Friarage Manor House building shall be submitted to and approved in writing by the Local Planning Authority. The scheme of ventilation shall be installed in accordance with the details so approved. In the interests of visual amenity and the character and appearance of the listed building.
8. Details of all walls, fences and other means of boundary enclosure including details of acoustic fencing to the rugby field shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
9. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
10. Prior to the commencement of development including demolition a programme of archaeological work including a Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority. This should include appropriate recording of archaeological heritage assets of all periods and standing buildings including the Friary Mansion and boundary walls. 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.

No demolition/development shall take place other than in accordance with the agreed Written Scheme of Investigation.

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

11. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. 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.
13. The apartments hereby approved shall only be occupied by persons aged over 55 years.  
In order to restrict the use of the premises in the interests of highway safety.
14. Non of the residential units hereby approved shall be occupied until works to the Friarage Manor House have been completed in accordance with plans and details approved under this application.  
To ensure the works to the listed building which form an intrinsic part of the scheme are not delayed.
15. The development hereby approved shall be carried out having regard to the following:
  1. Site Characterisation  
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is



subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - a. human health,
  - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - c. adjoining land,
  - d. groundwaters and surface waters,
  - e. ecological systems,
  - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

#### 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term

effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must 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 must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. 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.

16. Notwithstanding the submitted details prior to the commencement of development details of proposals for the disposal of surface water, including details of the new outfall, shall be submitted to and approved in writing by the Local Planning Authority. The details shall thereafter be implemented as approved.

In order to ensure these details are acceptable in terms of the impact of the development on heritage assets and coastal defence works.

17. Prior to any works to the existing wall to the south of the proposed bungalows, a full survey of the wall and methodology for the works shall be carried out in accordance with a scheme first agreed in writing with the Local Planning Authority. This shall include details as to how the wall will be reduced, and identify areas where the wall will be repaired. It shall also detail where removed stone will be stored and how opportunities for the inspection of the stone by Tees Archaeology will be afforded. Finally it shall detail how the stone will be re-used. The works to the wall shall be carried out in accordance with the details so approved.

In the interests of preserving and recording the heritage asset.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way 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 the occupants of the adjacent residential property.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that

Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected 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 the occupants of the adjacent residential property.

## BACKGROUND PAPERS

3.54 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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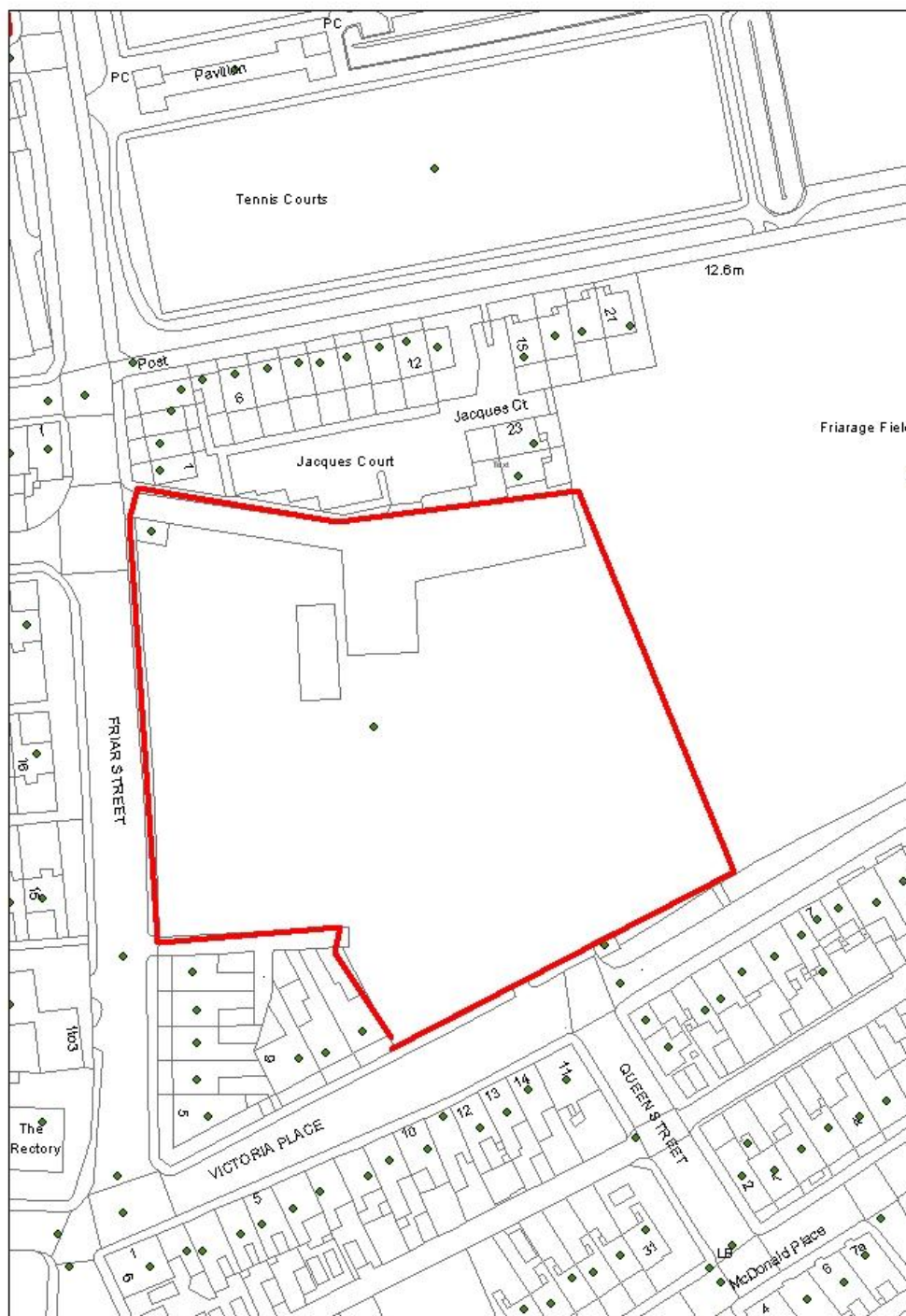
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## LAND AT FRIARAGE MANOR HOUSE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**Scale: 1:1000**  
**Date : 04/02/15**  
**H/2014/0564**

**No:** 4  
**Number:** H/2014/0578  
**Applicant:** CCAD CHURCH SQUARE HARTLEPOOL TS24 7EX  
**Agent:** HOWARTH LITCHFIELD PARTNERSHIP MS ELISA BERRY 4 OLD ELVET DURHAM DH1 3HL  
**Date valid:** 12/12/2014  
**Development:** Demolition of workshops, garages and office buildings, refurbishment of two storey office building, construction of 3 storey building to provide workshop, studio and seminar space, staff and ancillary accommodation together with provision of car parking and external works  
**Location:** DEPOT LYNN STREET HARTLEPOOL

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## PURPOSE OF REPORT

4.1 A valid 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.

## PROPOSAL

4.2 The existing Hartlepool Borough Council Depot is to be relocated and the site is to be re-developed with some of the existing buildings being demolished to accommodate a new development for Cleveland College of Art and Design (CCAD).

4.3 The proposal forms part of a phased development to provide an improved Higher Education Institute for undergraduates. The redevelopment of the 'Lynn Street Depot' will provide office accommodation, external amphitheatre, new workshops and studios and car parking. There are to be improvements to existing boundary treatments and the provision of new fencing, landscaping, paving, bins store and cycle storage.

4.4 The proposal includes refurbishment of the existing 2 storey office accommodation on the northern side of the site with the demolition of the existing workshop buildings to accommodate a new three storey educational facility.

4.5 The existing office accommodation will be remodelled and reclad. The proposed new building will be constructed to the eastern part of the site and will be connected to the existing offices by a glazed corridor. The new building will cover a floorspace of 4,247 sqm over three storeys.

4.6 The predominant material proposed is Rockpanel's 'Chameleon Cladding'. The panel gives an iridescent appearance that varies in colour the length of the elevation according to light conditions and the view point of the observer. The panels are to be broken into random panel sizes which will break up the scale of the elevation. Large areas of glazing are proposed to allow for natural daylight.

4.7 Vehicle access will be taken from Lynn Street directly into a car park with 104 parking spaces, including 5 accessible spaces, and 60 cycle spaces being provided. The main pedestrian access point will be taken from Church Street.

4.8 An external seating area and amphitheatre is proposed in the centre of the development which will be overlooked by the refurbished office block and new buildings. Soft landscaping as part of the communal area will be provided including lawn, planting and trees. A temporary timber close boarded fence to the southern boundary to separate phase 1 of the development from existing garage accommodation which is to remain occupied by HBC.

## **SITE CONTEXT**

4.9 The application site consists of an existing Council Depot which includes a two storey office accommodation building, garage buildings and service depot. The buildings within the depot site are predominantly of an industrial appearance, though the office building is of a brick and tile construction.

4.10 The site is enclosed by an existing 2.4m high boundary wall, with vehicle access to the site taken from Lynn Street, there is a secondary access which is adjacent to John Street which is currently used as an emergency access only. Pedestrian access to the office accommodation is taken from Church Street.

4.11 The site is bound on all sides by public road, Church Street to the north, Surtees Street to the south, Mainsforth Terrace to the east and Lynn Street to the west. The site is within walking distance of the main shopping centre (Middleton Grange), retail and leisure premises within the Church Street area. The site is close to bus and rail services.

4.12 The area is predominantly commercial, with residential properties nearby. The site is adjacent to the Church Street Conservation Area (save for a small area of the site which is within the Conservation Area) with a number of locally listed and Grade II listed buildings.

## **PUBLICITY**

4.13 The application has been advertised by way of press notice, site notices (2) and neighbour letters (134). To date, there have been 2 letters of no objection.

The period for publicity has expired.

## **CONSULTATIONS**

4.14 The following consultation replies have been received:

**English Heritage:** No objection. The construction of a new college building on this site will provide a much needed boost to the Church Street Conservation Area both in terms of creating more footfall and creating a stronger building line to both main frontages. We recommend that, if the LPA is minded to approve the application, the

details of the materials to be used are conditioned and that a quality material is used – one that will weather well and develop a patina with age.

**HBC Landscape and Conservation:**

The National Planning Policy Framework (NPPF) describes designated heritages as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).'

There are a number of heritage assets in close proximity to the application site. The boundary of Church Street Conservation Area, a designated heritage asset as defined, runs around the northern perimeter of this site with a very small part to the rear of 10 – 14 Church Street included within the application site. Immediately adjacent to the western side of the site are 8 – 11 Church Street. These four properties are locally listed and therefore considered to be heritage assets. Within the vicinity of the site are a number of grade II listed buildings, designated heritage assets, namely 16, 72 and 80 Church Street.

Relevant policy can be found in the NPPF. Of note are the following policies,

Para 6, 'The purpose of the planning system is to contribute to the achievement of sustainable development.'

Para 7, 'There are three dimensions to sustainable development...an environmental role – contributing to protecting and enhancing our natural, built and historic environment.'

Para 9, 'Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment...including...replacing poor design with better design.'

Para 17, sets out the core planning principles which include, 'always seek to secure high quality design and a good standard of amenity...conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'.

Para 60, 'Planning...decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'

Para 61, 'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.'

Para 63, 'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'

Para 131, 'In determining planning applications, local planning authorities should take account of...the desirability of new development making a positive contribution to local character and distinctiveness.'

Para 132, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

Para 134, 'Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.'

Para 135, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application...a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset.'

The following saved policies from the 2006 Hartlepool Local Plan are relevant,

HE3, 'The design and materials used in new developments which would affect the setting of conservation areas should take account of the character of those neighbouring conservation areas. Where there are important views into and out of the conservation area these should be preserved or enhanced.'

The main consideration is the impact of the development on the setting of Church Street Conservation Area and the locally listed buildings immediately adjacent to the site.

#### Impact on the Church Street Conservation Area

Church Street Conservation Area comprises the former historic and commercial area of West Hartlepool. The buildings generally are Victorian origin, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front elevations. The buildings are usually three storey, though a handful are more, some buildings having additional attic accommodation with traditional gabled roof dormers for light and ventilation.

The building form and materials consist of pitched Welsh slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given by the traditional sliding sash windows, their lintel and cill details and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows.



For the most part the application site is outside the conservation area however its location at the bottom of Church Street on a major road junction means that the site plays a significant role within this part of the town. The site can be widely viewed from the lower end of Church Street Conservation Area and when entering the area from Mainsforth Terrace and Victoria Terrace.

The streetscape of Church Street follows a traditional grid iron pattern with terraces of buildings tight-up against the back of pavements. The ends of terraces are punctuated by taller buildings providing significant interest to the corners where surrounding streets interconnect.

The scale and massing of the proposal follows this pattern with the applicant making use of the existing building on the site incorporating it into the design, albeit clad in new materials, however this provides a continuation of the existing pattern. The proposed new build rises up to three storeys. The ceiling heights of these storeys are generous and this will provide a significant 'end point' to this terrace.

The materials used echo those found within the conservation area with a mixture of brick and a slate coloured panel. The Chameleon cladding is a modern material which should create interest in a similar way that decorative tiling or stone work has added a depth of detailing on significant buildings elsewhere in the conservation area.

The use of glazed areas and opportunities for users of Church Street to view into the building is welcomed as this will also add a level of interest to the street where the dominance of the night time economy often means that there is little activity to be seen in buildings during the day.

In relation to the design of the landscaping providing the setting for the new buildings at the rear of the site, it appears that there will be opportunities to view this through the glazed link between the old and new buildings. The location of the cycle store would impinge on these views and it is suggested that these could be relocated away from this area to allow more space to the rear exit onto the external seating area. This is something that could be addressed by way of condition.

It is considered that the proposal will not cause harm to the significance of the conservation area.

#### Impact on adjacent locally listed buildings

Four locally listed buildings are sited adjacent to the proposed

8 – 11 Church Street. These four properties are locally listed and therefore considered to be heritage assets.

The significance of the structures lie in the property themselves with the wider setting adding little to this; it is therefore considered that the significance of these properties will not be impacted by the adjacent proposal.

Impact on the setting of listed buildings

There are three listed buildings within the vicinity of the site however it is considered that the proposal will not impact on the significance these buildings for the following reasons,

16 Church Street – the application site skirts the rear of this property. There is an access road to the rear of the terrace which separates the site from the rear space at the back of the building and between the two there are high boundary walls to both the heritage asset and the application site. It is considered that the building is separated from the site by sufficient structures that the proposal will not impact on the significance of the building.

72 Church Street - this is located on the opposite side of Church Street to the application site. It is considered that the building is of sufficient distance from the site that the proposal will not impact on the significance of the building.

80 Church Street - this is located on the opposite side of Church Street to the application site. It is considered that the building is of sufficient distance from the site that the proposal will not impact on the significance of the building.

Whilst there are no objection to the proposals it would be prudent for final details of materials to be requested by condition.

**HBC Landscape:** No objection however there is insufficient details to enable a full assessment of the proposal, therefore landscaping details are requested by condition.

**HBC Engineering Consultancy:** I can confirm that I have reviewed the Cleveland College of Art & Design Flood Risk Assessment (document number 1010250-RPT-006).

As stated within the document the site in question does lie within a Flood Zone 3 according to the Environment Agencies Flood Map however this is based on an undefended situation.

Based on the level of the existing coastal defence extending from South Pier to Seaton Carew for which Hartlepool Borough Council are responsible under the Coast Protection Act 1949 the site in its defended state falls within Flood Zone 1, this is confirmed by modelling work undertaken by Royal Haskoning. On this basis I am happy that the site lies within an area at low risk of flooding i.e. <0.1.

I note that the developer has already undertaken a pre-development enquiry with Northumbrian Water to agree permitted discharge rates. A provisional surface water discharge rate of 90l/s has been advised by Northumbrian Water which the developer acknowledges provides a reduction of 50% in surface water entering the public sewer.

I welcome the developer's intention to incorporate sustainable drainage into this scheme and would encourage the developer to engage the Local Authorities

Engineers through detailed design process (subject to approval) to discuss issues such as future maintenance etc.

On the basis of the evidence provided within the Flood Risk Assessment I am happy with the proposals put forward but I would request that a land drainage condition be attached to this application to ensure surface waters can be managed on site prior to entry into Northumbrian Water's system.

On the contamination element of this scheme, I have reviewed the Desk Study Report provided and agree with the principals of the Stage 1 report. I note that a phase 2 investigation was undertaken during the production of the report and as such no further information could be provided at time of writing. Could I please request that a Contaminated Land condition be attached to this application?

To summarise, I have no objection to the proposals put forward and any outstanding issues I have can be addressed through conditions.

**Northumbrian Water:** In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

An enquiry was received by NWL from the applicant for allowable discharge rates and points of connection into the public sewerage network for the proposed development. I note that our response dated 8<sup>th</sup> December 2014 to this enquiry has not been submitted with the planning application. I have therefore attached a copy for your information.

In this response, we stated that foul flows can discharge into the existing 300mm diameter combined sewer via manhole 3605. Should a sewer be the only option for surface water discharge, a restricted flow of 90 l/sec would be permitted to discharge into the existing 300mm diameter combined sewer via manhole 3605.

We recognise that the applicant has submitted a Flood Risk Assessment and Drainage Plans with the planning application with the proposed restricted surface water discharge rate of 90 l/sec. However, these documents do not show the intended connection points to the public sewerage network for foul or surface water discharge. We therefore request the following condition is applied to any approval of planning permission:

**CONDITION:** Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

Any drainage scheme submitted to the Local Planning Authority should be in line with our comments made in the attached NWL pre-development enquiry response.

**Environment Agency:** We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing conditions relating to ground contamination, surface and foul water discharge, piling and foundation designs are secured by condition.

**Hartlepool Water:** We do not anticipate any diversion work. Hartlepool Water has sufficient capacity in the local network to supply the proposed development. We have no objection to this development.

**HBC Transport:** I have examined the Transport Assessment and Travel Plan submitted by the developer and have the following comments to make:-

**Access:** The proposed site access will utilise the existing depot access onto John Street. This access is currently used for emergency purposes and is not in general use. The access is a simple T junction design and would be sufficient to serve the proposed development. There are however some safety concerns with the use of this access which would need to be addressed. The rear access to Church Street is located adjacent to the proposed access. The back street is used extensively by private vehicles for parking and deliveries. These vehicles often reverse out of the back street causing a potential conflict with vehicles entering and leaving the college site.

John Street is not well served by Street Lighting and would benefit from an improved scheme, particularly as the number of vehicles / pedestrians utilising this access would increase.

In order to address any potential safety conflicts a lining, signing and street lighting scheme should be submitted for approval and implemented prior to the occupation of the site. This should include a pre-formed rubber speed hump at the front of the gates to slow staff vehicles down and increasing time for observations.

**Car parking:** The proposed car park layout is acceptable and sufficient parking spaces have been provided to serve the development. The development is located close to the town Centre car parks and is within a 10 minute walk of public transport links including the train station.

**Traffic Generation:** The existing local highway network has sufficient capacity to accommodate this development.

**Tees Archaeology:** There are no known archaeological sites in the area indicated. The development area was terraced housing in the 19<sup>th</sup> century and this was cleared in the 1970s prior to the construction of the current depot. These two previous

developments mean that the area has a low or very low archaeological potential. Therefore no objection to the proposal.

**HBC Public Protection:** No objection subject to an extract and ventilation condition for the proposed kitchen.

**HBC Economic Development:** The proposal is fully supported. The major expansion of higher education (HE) provision in the town is of high significance in the long term economic growth plans for Hartlepool. The proposals are in fact are a key element within the Master Plan and will be an anchor development to stimulate investment and economic growth activity in the Church Street area. The successful delivery of the proposals is absolutely essential to the future prosperity of the locality.

There are many direct and indirect benefits not least a routeway for local residents into HE, particularly within the creative sector. The fact that the College is expanding and raising its profile is important in raising young peoples' aspirations. The future potential for the development of a creative industries cluster also becomes possible with a greater mass of students. The expansion of CCAD is also predicated on attracting more students from around the UK and from abroad and there are obvious benefits in increased spend in the local economy.

**HBC Building Consultancy:** There are no issues with the proposals on landscape or visual grounds. The proposals are likely to provide a strong impetus for regeneration of the area and are supported.

The glass elevations to the newbuild Church Street frontage will provide a visual contrast with the existing buildings, creating a strong feature for the end of Church Street. It would be beneficial to users and visitors to ensure that the main entrance is clearly identifiable as a destination within the extent of the glass frontage to improve legibility and assist access to the facility.

**HBC Countryside Access Officer:** There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by the proposed development of this site.

**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 of the building regulations.

**Police:** No objection to the proposal.

**Hartlepool Civic Society:** The Society greatly welcomes the proposal to expand Cleveland College of Art and Design in Hartlepool and the accompanying investment. It offers a wonderful opportunity and could herald an exciting new phase in the history of further and higher education in the town.

However the design does cause the Society grave reservations. The application presented is a very anonymous modern design.

## PLANNING POLICY

### NATIONAL PLANNING POLICY FRAMEWORK

4.15 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

4.17 The following paragraphs in the NPPF are relevant to this application:

Paragraph 2: Application of planning law

Paragraph 6: Purpose of the planning system

Paragraph 7: Three dimensions to sustainable development

Paragraph 13: The National Planning Policy Framework constitutes guidance

Paragraph 14: Presumption in favour of sustainable development

Paragraph 17: Core Planning Principles

Paragraph 23: Ensuring the vitality of town centres

Paragraph 34: Maximising use of sustainable travel modes

Paragraph 36: Travel Plan requirements

Paragraph 37: Minimise journey lengths

Paragraph 56: Design of the built environment and its contribution to sustainable development

Paragraph 57: High quality inclusive design

Paragraph 60: Promotion or reinforcement of local distinctiveness

Paragraph 61: The connections between people and places

Paragraph 64: Improving the character and quality of an area

Paragraph 66: Community involvement

Paragraph 72: Sufficient provision of education provision

Paragraph 93: Reduction in greenhouse gas emissions

Paragraph 96: Minimise energy consumption

Paragraph 111: Re-use of brownfield land

Paragraph 128: Significance of any heritage assets affected

Paragraph 129: Assessment of significance of heritage assets affected by development

Paragraph 131: Determining heritage planning applications

Paragraph 134: Less than substantial harm to the significance heritage

Paragraph 137: New development within Conservation Areas

Paragraph 196: Determination in accordance with the development plan

Paragraph 197: Presumption in favour of sustainable development

Paragraphs 203 – 206: Planning Obligations

## **LOCAL PLAN (2006)**

4.18 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

4.19 Within the current Hartlepool Local Plan this site lies within the limits to development. The application site is currently used for Local Authority Offices and depot related activity. Due to the size of the site a number of area based policies apply, Church Street elevation is included within Town Centre (Com1), the majority of the site is Edge of Town Centre Areas (Com4) and a small proportion incorporated within the Church Street Conservation area. The following policies are relevant to this application:

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

GEP7: Frontages to Main Approaches

GEP9: Developer Contributions

GEP10: Provision of Public Art

Ind8: Industrial Improvement Area

Com1: Development of the Town Centre

Com4: Edge of Town Centre Areas

Com6: Commercial Improvement Area

Tra16: Car Parking Standards

Tra20: Travel Plans

HE1: Protection and Enhancement of a Conservation Area

HE2: Environmental Improvements in Conservation Areas

HE3: Developments in Vicinity of Conservation Areas

HE12: Protection of Locally Important Buildings

## **PLANNING CONSIDERATIONS**

4.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact upon the character of the surrounding area, neighbouring properties, character and appearance of the conservation area and heritage assets, Landscaping, highway safety, drainage and land contamination.

### Principle of Development

4.21 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF.

4.22 In viewing statute, planning policy and the information submitted Planning Policy must have regard to all material considerations and consider if in fact the proposal is deemed to be sustainable development.

4.23 The application offers a positive development on a key regeneration site within the town centre / edge of town centre area. The site is highly accessible by a range of transport modes and is considered a sustainable development.

4.24 In policy terms the proposal is considered acceptable in this location and compatible with existing and similar uses in the area. It is considered that the development will positively contribute to the town centre with an appropriate development on this key regeneration site. The new college at this location will increase footfall within the area which will have a positive effect on the economic viability of the area.

### Impact Upon the Character and Appearance of the Area

4.25 The design of the development considers the surrounding area. The massing at the eastern end of Church Street provides a landmark feature at this key pivotal location within the townscape. The massing and design of the building reinstates the grid-iron pattern along Mainsforth Terrace, creating an entrance point into Church Street, which is responsive to the views along the Church Street, Victoria Terrace and Mainsforth Terrace. The development includes the introduction of landscaping and tree planting on this brownfield site, an improvement on the previous use.

4.26 The main access to the development from Church Street encourages the main footfall flow to remain along Church Street between the site and the town centre. The inclusion of an additional pedestrian access through the connecting glass corridor to the building and the landscaped area within the site is welcomed. It is acknowledged that the development is a private space however the inclusion of this entrance offers more flexible use of the space, as further phases of the site area developed.

4.27 The development offers substantial improvements to the main approach to the town centre along Mainsforth Terrace and Church Street. The design and massing of the development takes advantage of the prominent corner location. The development includes a small area of landscaping on the corner of Mainsforth Terrace; it is acknowledged that the development will considerably improve the route along Mainsforth Terrace, particularly for pedestrian users.



### Impact upon the amenity of neighbouring land users

4.28 The application site is surrounded by commercial properties and a number of residential properties within close proximity to the site notably to the north and south. Proposed development must ensure that existing residential amenity are adequately preserved.

4.29 Supplementary Note 4 of the Hartlepool Local Plan specifies guidance for minimum separation distances for residential properties. A minimum of 20 metres should be achieved where principal elevation face one another or 10 metres where a blank gable wall would face the front of back of a property.

4.30 It is considered that the separation between the existing residential properties and the new development is acceptable and there is unlikely to be any significant impact of overlooking, loss of light or the development appearing overbearing.

4.31 Vehicle access into the site is from Lynn Street, this will utilise an existing access, improved to include road marking, street lighting and highway signage. The current access leads to the rear back street which provides parking for existing premises which front onto Church Street, it is considered that there is sufficient space to accommodate the opening up of the access into the site and the existing access into the rear of John Street.

4.32 Notwithstanding the above, owing to the proximity to existing residential properties it is considered relevant to restrict the hours of construction which will be achieved by condition.

### Character of the conservation area and Heritage assets

4.33 The National Planning Policy Framework (NPPF) describes designated heritages as ‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).’

4.34 There are a number of heritage assets in close proximity to the application site. The boundary of Church Street Conservation Area, a designated heritage asset as defined, runs around the northern perimeter of this site with a very small part to the rear of 10 – 14 Church Street included within the application site. Immediately adjacent to the western side of the site are 8 – 11 Church Street. These four properties are locally listed and therefore considered to be heritage assets. Within the vicinity of the site are a number of grade II listed buildings, designated heritage assets, namely 16, 72 and 80 Church Street.

4.35 Church Street Conservation Area comprises the former historic and commercial area of West Hartlepool. The buildings generally are Victorian origin, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front elevations. The buildings are usually three storey, though a handful is more, some buildings having additional attic accommodation with traditional gabled roof dormers for light and ventilation.

4.36 The building form and materials consist of pitched Welsh slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given by the traditional sliding sash windows, their lintel and cill details and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows.

4.37 For the most part the application site is outside the conservation area however its location at the bottom of Church Street on a major road junction means that the site plays a significant role within this part of the town. The site can be widely viewed from the lower end of Church Street Conservation Area and when entering the area from Mainsforth Terrace and Victoria Terrace.

4.38 The streetscape of Church Street follows a traditional grid iron pattern with terraces of buildings tight-up against the back of pavements. The ends of terraces are punctuated by taller buildings providing significant interest to the corners where surrounding streets interconnect.

4.39 The scale and massing of the proposal follows this pattern with the applicant making use of the existing building on the site incorporating it into the design, albeit clad in new materials, however this provides a continuation of the existing pattern. The proposed new build rises up to three storeys. The ceiling heights of these storeys are generous and this will provide a significant 'end point' to this terrace.

4.40 The materials used echo those found within the conservation area with a mixture of brick and a slate coloured panel. The Chameleon cladding is a modern material which should create interest in a similar way that decorative tiling or stone work has added a depth of detailing on significant buildings elsewhere in the conservation area.

4.41 The use of glazed areas and opportunities for users of Church Street to view into the building is welcomed as this will also add a level of interest to the street where the dominance of the night time economy often means that there is little activity to be seen in buildings during the day.

4.42 It is considered that the proposal will not cause harm to the significance of the conservation area.

4.43 There are a number of listed buildings adjacent or within the vicinity of the site. It is considered that given the relationships and intervening development the proposals will not impact on the significance of those buildings.

4.44 Concerns regarding the design of the proposed buildings have been raised by the Hartlepool Civic Society and are noted however English Heritage have commented that the proposed development will provide a much needed boost to the Church Street Conservation Area both in terms of creating more footfall and creating

a stronger building line to both main frontages. It is considered that the proposals are in accordance with both national and local policy guidance.

### Landscaping

4.45 The proposal involves the removal of several trees from the north-eastern corner of the site in order to facilitate the development. The trees are of poor quality and offer little in terms of public visual amenity.

4.46 Notwithstanding the loss of some trees the redevelopment of this site is considered to be a significant opportunity to enhance the appearance of the area, and the provision of landscaping and tree planting to public spaces can make a major positive contribution to the quality of those spaces. To ensure that adequate landscaping provision is provided, appropriate conditions are proposed.

### Impact upon Highway Safety

4.47 Concerns were raised by the HBC Traffic & Transportation with regard to the use of the existing access onto John Street. This access is currently used for emergency purposes and is not in general use. The access is a simple 'T' junction and would be sufficient to serve the proposed development, however the back street which is adjacent to this entrance serves the properties on Church Street it is used by private vehicles for parking and deliveries.

4.48 There could potentially be conflict from vehicles reversing out of the back street and vehicles leaving the college site. John Street is not well served by street lighting and would benefit from an improved scheme.

4.49 To mitigate these concerns the applicant has agreed to improve the street lighting, provide road markings, highway signage and speed humps, and these measures will be secured by condition.

4.50 The proposed development provides adequate parking provision and it is noted that the development is located close to the town centre car parks and is within a 10 minute walk of public transport links including the train station.

4.51 It is considered that the existing local highway network has sufficient capacity to accommodate this development.

### Drainage

4.52 The latest flood map from the Environment Agency illustrates that the area is located within Flood Zone 3 however this is based on an undefended situation.

4.53 Based on the level of the existing coastal defence extending from South Pier to Seaton Carew for which Hartlepool Borough Council are responsible under the Coast Protection Act 1949 the site in its defended state falls within Flood Zone 1, this is confirmed by modelling work undertaken by Royal Haskoning. On this basis the site lies within an area at low risk of flooding i.e. <0.1.

4.54 The Environment Agency and the Council's engineers have considered the information submitted with the application. No objections are raised subject to a land drainage condition being imposed on any approval. Notwithstanding the drainage strategy and plan submitted, the condition is required to ensure that an appropriate surface water management strategy, through detailed design, is considered and fully agreed with the Local Planning Authority.

4.55 The developer has undertaken a pre-development enquiry with Northumbrian Water to agree permitted discharge rates and points of connection. However information provided did not show the intended connection points to the public sewerage network for foul or surface water discharge. Northumbrian Water raised no objection to the proposal subject to details plans for the discharge of foul and surface water, this can be secured by condition.

#### Land Contamination

4.56 The Environment Agency has raised no objection to the proposed development subject to a condition with regard to land contamination. With regard to this, the Council's Engineering Consultancy Section has also view the ground investigation report submitted with the application. The Councils Engineer has advised that the Council's standard contamination condition is imposed.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.57 There is no evidence of equality or diversity implications.

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

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

### **REASON FOR DECISION**

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

### **RECOMMENDATION – APPROVE** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Project No: 14116 Dwg No(s) 2015 Rev P2, 2002 Rev P5, 2008 Rev P4, 2016 Rev P2, received 5 January 2015, Dwg No(s) 2017 Rev P1 and 1010 Rev P1 received 12 December 2014, Dwg No(s) 1005 Rev P6 and 1011 Rev P3 received 12 January 2015 and details received by the Local Planning Authority on 12 December 2014.  
For the avoidance of doubt.

3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, 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. The development hereby approved shall be carried out having regard to the following:
  1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

    - (i) a survey of the extent, scale and nature of contamination;
    - (ii) an assessment of the potential risks to:
      - a. human health,
      - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
      - c. adjoining land,
      - d. groundwaters and surface waters,
      - e. ecological systems,
      - f. archeological sites and ancient monuments;
    - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
  2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

#### 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must 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 must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

5. Notwithstanding the submitted details on Dwg No: CL00(52)1001 Job No: 1010250 and drainage strategy received 15 January 2015 prior to the commencement of development a detailed scheme for the disposal of foul sewerage and surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the details so approved.

To ensure that waters can be managed and the existing systems can receive the additional flows generated by the proposed development.

6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Piling may introduce pathways that allow contaminants to reach and impact the Magnesian Limestone principal aquifer underlying the proposed development area.
7. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all

open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. 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.
9. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 08:00 to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
10. Notwithstanding the details submitted, prior to the occupation of the development, details of all new fencing, boundary walls, cycle shelter(s), and bin store(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these items shall be provided in accordance with the details so approved prior to the occupation of the building(s).  
In the interests of visual amenity.
11. Notwithstanding the details submitted, details of paving and art work displays shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved prior to the occupation of the buildings.  
To ensure the site is developed in a satisfactory manner.
12. Details of the height, type, position and angle of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the details so approved prior to the occupation of the buildings.  
In the interests of visual amenity.
13. A scheme for the provision of highway road markings, highway signage, lighting and road hump provision shall be submitted to and agreed in writing with the Local Planning Authority prior to the development being brought into use. Thereafter the approved scheme shall be implemented in accordance with the details so approved prior to the development being brought into use.  
In the interests of highway safety.
14. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.  
In the interests of the amenities of the occupants of neighbouring properties.

## **BACKGROUND PAPERS**

4.60 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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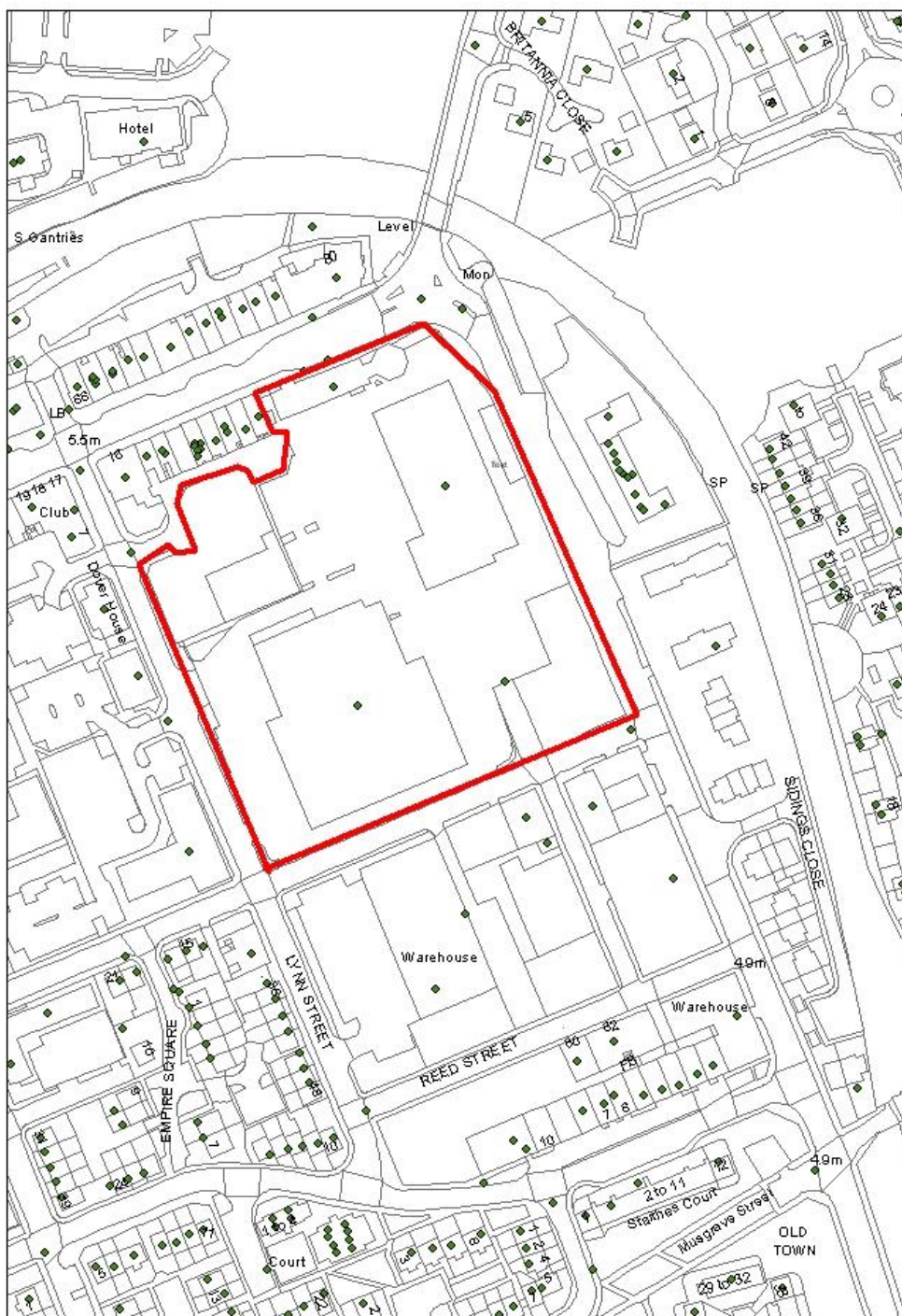
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## DEPOT, LYNN STREET



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**Scale: 1:2000**  
**Date : 04/02/15**  
**H/2014/0578**



**No:** 5  
**Number:** H/2014/0582  
**Applicant:** Mr Neil Elliott John Shadforth House Thomlinson Road  
HARTLEPOOL TS25 1NS  
**Agent:** Patrick Parsons Ltd Mr Nick Beckwith Waterloo House  
Thornton Street NEWCASTLE UPON TYNE NE1 4AP  
**Date valid:** 22/12/2014  
**Development:** Erection of a new waste transfer building to improve  
facilities at existing waste transfer facility  
**Location:** Niramax Recycling Ltd Mainsforth Terrace  
HARTLEPOOL

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## PURPOSE OF REPORT

5.1 A valid 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.

## THE PROPOSAL

5.2 Full planning permission is sought for the erection of a new waste transfer building to improve facilities at an existing waste management facility at Niramax Recycling Ltd. The proposed building will be some 50m x 60m and some 18m high to the ridge and some 11.5m to the eaves. The external materials of the building will predominantly be gray corrugated steel cladding and roof sheets. Four doors at the west and east elevation will allow vehicles to access/egress both sides of the building. Fire escape doors will be provided to the north and south elevation.

5.3 The aim of the development is to reduce the sites environmental impact by enclosing waste handling and storage operations within a building. This follows an audit at the site by the Environment Agency to identify where changes to onsite operations could be made to improve environmental performance and reduce amenity impacts on the local community. The principle area identified for improvement was with regard to the storage arrangements in place for wastes that may give rise to odour. Currently this material is tipped and stored outside in the main yard on the site. The Environment Agency require this type of waste material to be stored inside a building in order to minimise the impact from odour and pests and the building will facilitate this. It is understood that waste will be deposited in the building before being processed on the site. On depositing waste it is understood that vehicles will circulate around the building to the north before leaving the site at the existing site entrance.

5.4 The application is reported to committee for consideration due to the number of objections received.

## SITE CONTEXT

5.5 The application site is located in an industrial area of the town. To the south is an existing landfill which is no longer operational and has reached its final landscaping phases. To the north and west is land also in the applicant's ownership which incorporates a large warehouse building. To the east is Mainsforth Terrace beyond which are commercial premises.

5.6 To the south west is the applicant's existing waste management facility which has a long standing planning permission. The waste transfer element of the site has been in operation since 1981, as approved by planning permission ref: CH/705/81, which allowed for paper and metallic waste processing only. A Certificate of Lawful Existing Use or Development (CLEUD) was granted in 2002 for the use of the waste transfer station for the transferring and processing of non-hazardous commercial, industrial and construction waste including incidental quantities of putrescible waste. In that instance the Local Planning Authority were satisfied on the evidence presented that on the balance of probability the site had handled those waste streams set out above continuously for a period of ten years or more in accordance with the provisions of Section 191 of the Town and Country Planning Act (1990). An additional waste transfer station sited adjacent to the aforementioned was granted permission in 2002 (H/FUL/0412/01), allowing for the same waste types as those agreed in the CLEUD.

5.7 In February 2010 planning permission was granted for the upgrading and extension of existing waste management facilities including upgraded waste classification system and briquette plant (H/2009/0500). The development was proposed in phases the first being an upgrade of the existing waste transfer facilities on the site by installing a conveyer between the reclamation shed and the black sand shed, and installing recycling and sorting plant within the black sand shed. The second phase comprises the proposed installation of a briquette plant which will compress the non-recyclable waste from phase 1 of the proposals. (A third phase to install a pyrolysis and gasification plant including electricity generation element, including flare stacks and exhaust stacks was removed from the proposals). Consent was also for the receipt and process of Municipal Solid Waste (MSW) within the waste transfer station and the proposed waste classification process.

## PUBLICITY

5.8 The application has been advertised by site notice, neighbour notification and in the press. The time period for representations expires on 6<sup>th</sup> February 2015. At the time of writing seven letters of objection, two letters of no objection and two letters of comments had been received.

5.9 Those objecting to the proposal raise the following issues:

- Deliveries
- Traffic
- Damage to Roads
- Noise
- Smell & Pollution

- Hartlepool a rubbish tip
- Enough is enough
- Disruption
- Residents not in favour of tips, council should serve the public not profit making businesses, no one would be happy living next to a tip.
- Council should listen to residents/take views seriously
- Unduly large and too close to houses
- How can they know waste is not contaminated?
- Existing tip not landscaped yet how can they be allowed to apply for planning consent.
- Preferential treatment for applicant.
- Landfill should be closed rather than expanded.
- Pay heavy rates yet have to put up with this.

5.10 Those not objecting raise the following issues

- New building to store inside waste to stop odours as agreed.

5.11 Those raising comments query whether the building will be air tight, how long waste will be stored in the building and whether gas or lechate will arise.

Copy Letters **G**

5.12 The period for publicity has expired.

## CONSULTATIONS

5.13 The following consultation replies have been received:

**Cleveland Fire Brigade** : Cleveland fire Brigade offers no representations regarding the development as proposed. However access and water supplies should meet the requirements as set out in approved document B Volume 2 of the building regulations. Further comments may be made through the building regulation consultation process as required.

**HBC Ecologist** : There are unlikely to be any ecological issues associated with this application.

**Northumbrian Water** : The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request an appropriate condition.

**HBC Economic Development** : We have considered the proposal by Niramax Recycling Ltd to erect a new waste transfer building to improve facilities at their existing waste transfer facility at Mainsforth Terrace and overall welcome the development. From an Economic Regeneration perspective the proposed project will bring a currently vacant site back into economic use, increase the process capacity of the business and hopefully will lead to some element of job creation. Furthermore

the proposal to bring the waste processing 'indoors' will have a positive effect on the immediate environment of the industrial estates from dust, odour and noise pollution.

**HBC Traffic & Transportation :** There are currently highway issues with the operation of this site with the parking of wagons on the highway waiting to offload waste materials. It has been stated that the proposed application will not intensify the current activities on the site, it is therefore unlikely to exacerbate the current highway situation. It may even improve this situation with increased vehicular capacity within the site and greater efficiency in unloading the vehicles. There are therefore no highway or traffic concerns.

**Environment Agency :** No objections to the proposal as submitted, and consider the proposed development will be acceptable subject to conditions relating to contamination and piling.

(Waste Team South) : Last year the Environment Agency conducted an audit at the waste transfer station operated by Niramax Group Ltd in Hartlepool. This aim of this audit was to identify where changes to onsite operations could be made to improve environmental performance and reduce amenity impacts on the local community. The principle area identified for improvement was with regard to the storage arrangements in place for wastes that may give rise to odour. Currently this material is tipped and stored outside in the main yard on the site. The Environment Agency requires the company to store this type of waste material inside a building in order to minimise the impact from odour and pests. Consequently we requested the company to consider and invest in infrastructural or procedural improvements in order to meet this requirement. We support the planning application made by the company and feel that the erection of a building should help to reduce and minimise amenity impacts on the local environment and community.

**HBC Public Protection :** I would have no objections to this application. It will bring the waste storage and processing into a building allowing for control of odours, dust and wind blown waste from the site resulting in improvements to the local environment.

**HBC Engineering Consultancy :** Drainage to be discharged into Mains Sewer so I have no further comments to make

## **PLANNING POLICY**

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

### Local Policy

5.15 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1 : General Environmental Principles

GEP2 : Access for All.

GEP 3 : Crime Prevention by Planning & Design

Ind 5 : Industrial Areas.

Ind 8: Industrial Improvement Areas.

5.16 The following policies in the adopted Minerals & Waste Core Strategy 2011 are relevant to the determination of this application:

MWC6 Waste Strategy

#### National Policy

5.17 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Paragraph 2, 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

### **PLANNING CONSIDERATIONS**

5.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, impact on the amenity of neighbouring properties, impact of the visual amenity of the area, highways, drainage, and contamination.

#### POLICY

5.19 The application site is adjacent to an existing waste management facility. The proposed erection of an additional building to assist in the operation of the site is considered acceptable in principle.

#### IMPACT ON THE AMENITY OF NEIGHBOURS

5.20 The site is located in a commercial area though there are residential properties some 300m to the south east of the site beyond the redundant landfill in the Drakes Park development and some 500m on the west side of Belle Vue Way.

5.21 The day to day regulation of the site in terms of odours, noise, vermin, pests, dust controls and the control of waste streams rests with the Environment Agency (EA) through the permit procedure. The application has been encouraged by the EA following an audit to improve the environmental performance of the site and reduce amenity impacts on the local community. In particular the proposal will allow for waste that may give rise to odours to be stored within a building on site.

5.22 No objections to the proposal have been received from the HBC Public Protection or the Environment Agency.

5.23 It is considered that the proposal which will provide additional internal storage will improve the management of waste on the site to the benefit of the amenity of the area.

#### IMPACT ON THE VISUAL AMENITY OF THE AREA.

5.24 The site is located in an established commercial area of the town characterised by large buildings on an industrial scale. It is considered that the design and appearance of the building is acceptable in this context. The building will allow for additional internal storage capacity of waste and it is considered that the development will have an acceptable impact on the visual amenity of the area.

#### HIGHWAYS

5.25 The proposal essentially relates to an existing operation. HBC Traffic & Transportation have raised no objections to the proposal and in highway terms the proposal is considered acceptable.

#### DRAINAGE

5.26 The applicant has advised that surface water will be to the main sewer. Northumbrian Water have raised no objections to the proposal but have asked that an appropriate condition be placed on the application to ensure that precise details can be agreed.

#### CONTAMINATION

5.27 The information provided with the planning application indicates that the site has been subject to potentially contaminative land uses (eg a substation and storage tanks). The Environmental setting of the site is sensitive as it lies on Sherwood Sandstone a principle aquifer. The Environment Agency have therefore requested conditions to ensure that any risk from contamination is dealt with and that any piling operations are prohibited unless otherwise agreed to ensure that the aquifer is not affected. Appropriate conditions are proposed to ensure that any issues arising in relation to contamination are addressed.

#### CONCLUSION

5.28 The proposal is considered acceptable and is recommended for approval.



## **EQUALITY AND DIVERSITY CONSIDERATIONS**

5.29 There is no evidence of equality or diversity implications.

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

5.30 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

5.31 There are no Section 17 implications.

## **REASON FOR DECISION**

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

## **RECOMMENDATION – APPROVE** subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (001- Location Plan, 003 Revision A - Proposed Site Plan, 004 - Proposed Warehouse Floor Plan & Typical Section, 005 Proposed Warehouse Elevations) and details which had been received by the Local Planning Authority at the time the application was made valid on 22 December 2014.  
For the avoidance of doubt.
3. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority.  
Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
4. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  - 1) A preliminary risk assessment which has identified:
    - a all previous uses;
    - b potential contaminants associated with those uses;
    - c a conceptual model of the site indicating sources, pathways and receptors; and

d potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) 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 detailed risk assessment referred to in (2) 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 in (3) 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 express written consent of the local planning authority. The scheme shall be implemented as approved. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

5. No occupation of any part of the permitted development shall take place until a verification report demonstrating 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

6. 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 local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained

written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Piling may introduce new pathways for contamination to impact the underlying Sherwood Sandstone principal aquifer.
8. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, 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.

## BACKGROUND PAPERS

5.33 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

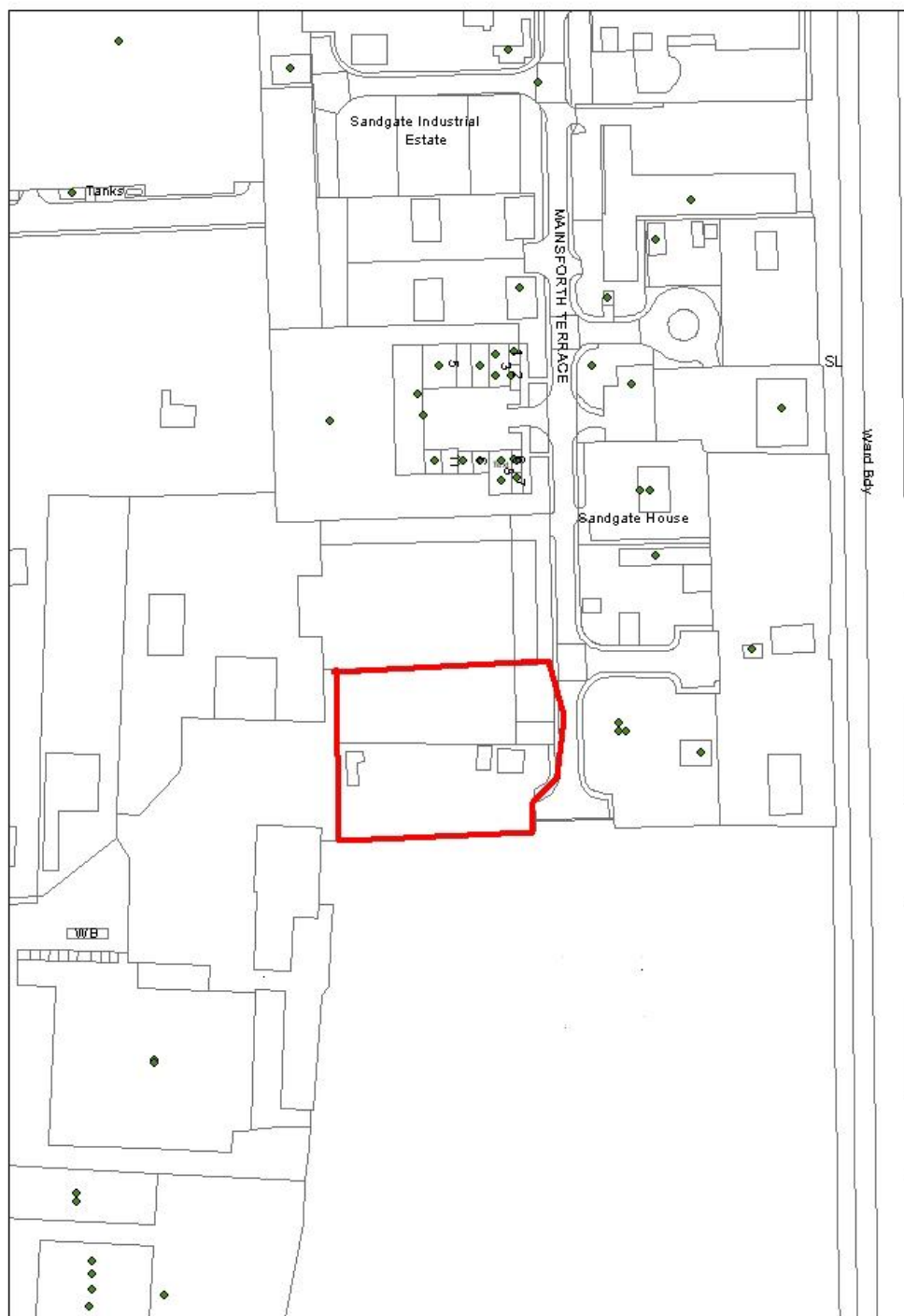
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# NIROMAX RECYCLING CENTRE, MAINSFORTH TERRACE



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**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**Scale: 1:2000**  
**Date : 04/02/15**  
**H/2014/0582**

**No:** 6  
**Number:** H/2014/0254  
**Applicant:** Mr Mark Whitehead Maritime House Harbour Walk  
HARTLEPOOL TS24 0UX  
**Agent:** The Energy Workshop Mr Daniel Grierson The Media  
Centre 7 Northumberland Street HUDDERSFIELD HD1  
1RL  
**Date valid:** 20/06/2014  
**Development:** Erection of a single wind turbine with a maximum tip  
height of 175 metres, an electrical control building, and  
associated infrastructure (Amended Plans and additional  
bird information submitted)  
**Location:** LAND AT TOFTS ROAD WEST

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## PURPOSE OF REPORT

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

## BACKGROUND

6.2 This application is one of three applications for single wind turbines all submitted by the applicant. The other two applications are at land at Graythorp Industrial Estate (ref H/2014/0252) and at Toffts Road West (ref H/2014/0253). All three applications are to be reported to this Committee, so that Members can consider each individual application and their cumulative impact.

6.3 The application is being reported to committee as a total of 139 objections have been received.

## PROPOSAL

6.4 Planning permission is sought for the installation of a single wind turbine with a capacity of approximately 3.3 Megawatts (MW). The proposal has been amended and the proposed turbine reduced in height from 206.5m to tip. The proposal consists of the following elements;

- A single wind turbine, with a maximum tip height of 175 metres;
- An external transformer housing adjacent to the turbine
- A crane hardstanding adjacent to the turbine;
- A permanent access track to gain access to the site and the turbine;
- A combined substation, control building, site office and store;
- Buried electrical and fibre-optic cabling.

6.5 The construction of the project is anticipated to take six to nine months. The turbine tower would be made of steel and/or pre-fabricated concrete and would have three blades attached to a nacelle in which are housed the generator gearbox and

other operating equipment. The finish of the turbine would be semi-matt and non-reflective pale grey.

6.6 The turbine would generate electricity at wind speeds between 2.5 and 30 metres per second (m/s). At wind speeds greater than around 30 m/s (67mph), the turbines would automatically shut down to prevent damage as well as for safety reasons. In general, such high wind conditions usually only occur for three to four days a year.

6.7 The proposed wind turbine would be connected to the local electricity network on-site via an on-site electrical control building, which would be a newly constructed building.

6.8 The project would be decommissioned at the end of its 30 year life and the site re-instated.

## **SITE CONTEXT**

6.9 The application site is an area of vacant industrial land within the Tofts Farm West Industrial Estate. The site is an area of rough grassland with some scrub. The total site area is 1.3 hectares (Ha). The total area of land which would be occupied by structures and hard surfaces within this area will be approximately 0.53ha.

6.10 The surroundings are industrial in character with Tofts Farm East Industrial Estate to the East, Seaton Snook Railway Junction to the north beyond which is the TATA steelworks and Graythorp Industrial Estate to the south.

## **PUBLICITY**

6.11 The application has been advertised by way of neighbour letters (724) a site notice and a press notice. To date, there has been 243 letters of support, 139 letters of objection and 24 letters neither supporting or objecting to the proposed development.

6.12 A petition with 33 signatures objecting to the application has been received raising the following issues;

- Height.
- The affects on wildlife (namely Saltholme and Teesmouth Field Centre)
- The effects on aviation. There could be problems due to police aircraft not being able to be in certain vicinity of wind turbines.
- There have recently been a number of turbines erected in the sea why do we need more.

6.13 The concerns raised by objectors are:

- 4.10 These turbines are the largest in Europe and will have severe detriment on the enjoyment and health of residents of Seaton Carew and destroy the landscape views of thousands of people in surrounding towns and in County Durham.

- The proposed wind turbines will detract from the intended beauty of the resort and Seaton will not reap the full benefits of the new seafront development.
- Seaton Carew should be regarded as the jewel in the crown of Hartlepool, if these applications are approved it is like the self destruction of the Hartlepool Development Plan and will damage the local economy.
- The effects cannot be properly measured until the turbine is constructed.
- The RSPB site at Saltholme will have full view of the turbine blighting the said view.
- Too near Seaton Carew.
- Seaton Carew has become an area for unwanted schemes.
- The revised photomontages are inadequate. The latest ones show significant impacts on the skyline. One view from Middleton Pier shows the power station in the background and would be dwarfed by these turbines.
- The view from North York Moors escarpment shows that the huge power station building would be dwarfed by the proposal.
- Only one view from near Newburn Bridge show the turbines breaking the skyline over the old landfill.
- These turbines should be offshore.
- Too large given their proximity to residential housing.
- Detrimental impact in terms of the views of the town.
- Visual impact
- Noise pollution which will be continuous and unsettling.
- Detrimental to health
- Detrimental to tourism
- Vibration
- Shadow flicker
- Inadequate separation distance
- The shadow flicker assessment does not include the recent Dunes development.
- Overshadowing
- Detrimental to birds and local wildlife.
- Will create a no fly zone for Police helicopters which will only assist criminal activity.
- Danger to aircraft as it is on the flight path to Durham Tees Valley Airport.
- Do not need anymore wind turbines in this area.
- Other places in Hartlepool that could be used.
- Not necessary, ineffective and inefficient.
- Detrimental to outlook
- Effect on radio, tv and telephone signals will be an issue.
- Cumulative impact of this and other industrial development in the vicinity.
- Wind turbine should not be erected near residential areas due to visual impact and noise concerns.
- Impact on the community
- Out of scale
- Aviation hazard and policing.
- Would set an undesirable precedent.
- Too close to factories with resultant electro interference has been seen in other areas.

- Increased traffic.

6.14 Those supporting the application have commented;

- Green energy technology should be encouraged, especially if they can be located within industrial sites.
- There remains a need for both the UK as a whole to continue to extend the production of energy from renewable sources.
- The proposed sites would minimise local inconvenience whilst at the same time providing further investment in Hartlepool and reducing the dependency on fossil fuels.
- The proposed scale of the developments would seem to be proportionate to the area and location of the sites
- There will be some economic development benefits derived from the construction and maintenance of the 3 proposed wind turbines.
- This is a positive thing for the town and the area.
- I live in Seaton and the turbines have never proved to be a problem for me.
- We need to increase the amount of renewable energy generated in the region.
- A limited number of large turbines would be more beneficial than a larger number of smaller turbines.
- The scheme would also create job opportunities and allow the region to benefit from a community fund.
- The project is better for the environment and making good use of the brownfield.
- As the closest resident (Graythorp Farm) to the turbines I am all for the application. I have looked at the information and that it is better to have them up here than in a field in the country.
- We regularly go to New Marske Woods and love the view of the wind turbines off the Redcar coast.
- The applicant should be applauded for listening to public opinion and reducing the proposed maximum height of the turbines, also the siting of the turbines on brownfield/industrial estates as this will not impact on any residential areas
- Wind turbines are visually pleasing.

6.15 Copy Letters F

6.16 The period for publicity has expires on 17<sup>th</sup> February 2015.

## CONSULTATIONS

6.17 The following consultation replies have been received:

**HBC Traffic and Transportation:** No objections. The developer will need to liaise with Hartlepool's Highways Section prior to starting on site to ensure that suitable traffic management is in place during the construction phase.

**HBC Public Protection:** No objections subject to conditions.



**HBC Countryside Access Officer:** There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by the proposed development of this site.

**HBC Ecology Officer:** The proposal would result in the loss of around 0.5ha of species-rich grassland. Judging by the description and photo in Table 4 of the preliminary ecology appraisal it is likely that this habitat will also have some invertebrate interest in particular supporting Dingy Skipper butterfly. In line with NPPF would want to see an overall enhancement for biodiversity as part of this development therefore details of compensatory/enhancement measures should be agreed with the LPA.

#### Great Crested Newts

The preliminary ecological appraisal claims that the site is relatively isolated from the breeding population of Great Crested Newts (GCN). That is not the case as the connectivity between the sites is good, however the proposal would be on a relatively small footprint and would be around 250m from the breeding ponds, it is likely that the harm to GCN could be avoided by a suitable method statement. Therefore this should be a condition for the submission of a method statement to avoid harm to GCN to be submitted for approval before works commence.

#### Nesting Birds

The Council's standard condition on breeding birds would apply.

#### Bats

Relatively low levels of bat activity were recorded therefore the proposal is unlikely to impact on bat populations.

#### Teesmouth and Cleveland Coast SPA

Bird surveys carried out to date have recorded flocks of Lapwing occasionally fly though the site at turbine height. Studies are to continue through January and February in order to establish whether this is a typical pattern of bird use. A report describing the full suite of bird surveys including further details of the methodologies should be submitted prior to determination. The report should consider the risk of collisions by birds and assess any potential effect on the bird populations for which the Teesmouth and Cleveland Coast SPA is designated. This assessment should consider potential in-combination effects with other proposed wind turbines.

#### Other Ecological Receptors

There are unlikely to be any other significant ecological receptors that might be affected by this proposal.

**HBC Economic Regeneration Manager:** I have no objections to the proposals.

**HBC Landscape Officer:** Following site visits to the proposed wind turbine sites and review of the Landscape and Visual Impact information, concerns remain over the visual impact of these turbines despite the reduction in height from 206.5m to 175m to turbine tip.

Although the industrial nature of the proposed sites clearly offer a better context for the proposals than an agricultural backdrop in terms of landscape and visual impacts, it is evident that the impact of the proposed turbines (which are effectively a wind farm cluster) will extend well beyond the boundaries of the industrial area.

The main long-term impacts relating to the loss of landscape cover will be as a result of the construction of turbine footings and crane hardstanding, the access tracks and the control room construction. However, given the industrial nature of the site, the turbine and associated works are unlikely to affect the character of the immediate location. The associated access track, hardstanding and building are also unlikely to present a visual impact within or without of the immediate industrial context. The main long-term impacts relate to the visual impact of the turbine itself, with each turbine a maximum of 175m in height from the base of the tower to the top of the blade tip. To put this into perspective, the existing turbines within the Durham/Tees Valley area are between 110m to 126m to blade tip, with 136m high turbine proposed at Middlesbrough FC. The Seneca Cluster turbines will be at least 65m higher than the next largest existing turbines.

It is noted that a 35mm digital SLR camera with a 50mm lens has been used (set at 1.5m above ground level) which is generally agreed to offer the best compromise for photomontage assessment. However, in line with the findings of the University of Newcastle report (2002) Visual Assessment of Windfarms Best Practice, (Scottish Natural Heritage Commissioned Report F01AA303A) the limitations of photomontages should be recognised with particular emphasis of the 'tendency for photomontage to consistently underestimate the actual appearance of windfarm in the landscape.

Although the LVIA argues that the industrial character of the wider area ensures that the turbines do not extend the existing industrial visual envelope, it is more likely the case that the scale of the Seneca turbines will extend the visual impact of the existing industrial elements and create an impact of their own well beyond the industrial context of the site.

The LVIA also includes information on the cumulative impact of the proposed cluster in relation to other existing, consented and proposed wind turbine schemes. The majority of viewpoints identified do not appear to offer much in the way of such direct cumulative impacts, however, it is evident that sequential cumulative impact by receptors travelling through the wider area will be an issue. It is therefore, apparent that the scale of the Seneca Cluster proposals would represent a adverse impact on the visual amenity of the wider Hartlepool area, particularly through the potential for a perceived wind farm landscape to be created or perceived from many viewpoints into an out of the borough. This includes views of existing and approved sites along the A19 corridor area and the impact of the Teesside Offshore wind farm whereby the scale of the proposed turbines would provide a visual linkage between these sites. Rather than existing wind farms 'contextualising' the proposed turbine cluster it is more likely the case that the proposals will further increase the visual impact of turbines in the Hartlepool landscape towards that of a windfarm landscape. Receptor perceptions of Hartlepool as an area ringed by turbines are, therefore, likely to increase. As such, in the interest of protecting the visual amenity value of

urban Hartlepool and restricting the development of a perceived wind farm landscape, concerns regarding these applications are raised.

**HBC Engineering Consultancy:** I note that the surface water drainage for this proposal will be via a SUDS system yet I have been unable to locate any details. I am happy for this to be conditioned.

**Tees Archaeology:** No objections subject to conditions. The Environmental Impact Assessment includes a Heritage Assessment. This set out the nature of known heritage assets within the vicinity of the proposed turbine and within its Zone of Theoretical Visibility.

In terms of direct impact on heritage assets there are no known archaeological features within the footprint of the development. The Heritage Assessment recognises that there is some potential for as yet unknown deposits to exist and proposed mitigation in the form of an archaeological watching brief during the construction. For a standard turbine with a 3m square foundation, I would not be really concerned in this area, but the proposal involves a major foundation with a diameter of 26, and a depth of 3.9m. I support the proposal for a watching brief given the extent of the ground disturbance from the turbine foundation alone, particularly as there is anecdotal evidence of human remains in the Tofts Farm area.

To secure the implementation of the watching brief the local authority could impose a planning condition.

**Arqiva:** No objections.

**Civil Aviation Authority:** The CAA has no responsibilities for safeguarding sites other than its own property

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or above to be charted on aeronautical charts.

Any structure of 150 metres or more must be lit in accordance with the Air Navigation Order and should be appropriately marked.

Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas. Site operators remain responsible for providing expert testimony as to any impact on their operations and the lack of a statement of objection or support from the CAA should not be taken to mean that there are no aviation issues, or that comment from an operator lacks weight.

**Campaign to Protect Rural England:** Objection. It is acknowledged that these sites are in a large industrial complex covering both sides of the Tees as well as certain areas south of the Tees. The area is predominantly neither rural or tranquil. Notwithstanding that, CPRE is extremely concerned about these applications in view of;

- a) The proposed height of the turbines at 206 metres. We are not aware of any other onshore application in the country where turbines of anything like this height are proposed.

- b) The potential impact of these turbines if approved on the surrounding more rural aspects of Hartlepool and County Durham, in particular the eastern part of the county.
- c) The potential impact on coastal areas of Hartlepool
- d) The proximity of the sites to residential areas and the impacts this may have on residential amenity.
- e) The potential loss of employment land which could lead to pressure on Greenfield sites in the future.

**Cleveland Fire Brigade:** No comment.

**Durham Tees Valley Airport:** No objection subject to condition. Further to our response to each of these applications dated 17 July 2014, the Airport has been in dialogue with the applicant and their consultants. They accept that these turbines will have an impact on the Airport's radar and associated operations and are seeking to gain the benefit of work that is currently underway with a number of developers to implement a technical mitigation solution.

The Airport is currently engaged with a number of wind farm developments to introduce technical mitigation (at the developer's cost and risk) for the effect of their consented wind turbines on the Airport's radar and associated operations. The Airport anticipates that this solution could be extended to mitigate schemes such as these. The Airport's Safety Case for the use of technology's currently being progressed will need to be expanded and approved by the CAA to incorporate the use of technology for these developments. Subject to the imposition of a condition set out by the Airport, the Airport would have no objection.

**Durham County Council:** No objections. With regard to landscape impact it is expected that turbines of this size to be visually dominant within around 3 to 3.5km and to be visually prominent within around 8km. They would be around the latter distance from the boundary of County Durham. At distances in excess of that we would not expect them to have significant landscape or visual effects in themselves on receptors in County Durham in the relatively shallow views typical of the settled landscape of the Tees Plain and the southern part of the Limestone Plateau.

The turbines would have cumulative landscape and visual effects in views taking in existing and approved wind farms in County Durham. The nearest would be Betterwick/Walkway complex. In closer views the proposed turbines would be likely to be screened by intervening woodland and topography. There would be some combined visibility in localised views from the high ground on the escarpment to the west which looks at the Tees plain as whole. The cumulative effect would be low to moderate in these views.

There would clearly be the potential for more significant cumulative effects with High Volts and the approved red Gap Moor in views within Hartlepool and Stockton Borough and in sequential views taking in those sites in County Durham. Consideration should be given to the potential effects of the coalescence or extension of the existing and merging tracts of wind farm landscape on the landscape of the Tees Plain as a whole in this area.

There would also be potential for cumulative effects with proposed developments in County Durham and particularly Sheraton Moor and Wingate Grange. I would expect those effects to be generally of a low or moderate order of magnitude and therefore not likely to be decisive to the planning merits of either of those schemes other than in respect of the wider effects on the landscape of the Tees Plain.

#### Heritage Impacts

It is also noted that the Heritage Coast was not identified on the supplied Heritage Map 10km with ZTV that shows the proposed turbine will be visible from substantial areas of the defined Heritage Coast at Blackhall and Crimdon and that the impacts on the Heritage Coast should be fully considered.

The applicant has submitted an environmental statement including a section on cultural heritage. The most relevant photomontage images are from viewpoints 10 and 12 which demonstrate the likely visibility of the structures.

The environmental statement does identify some visibility from Castle Eden historic park and garden 13km to the northwest, which is also a designated conservation area and contains listed buildings and also scheduled monument at Sheraton 10km north, both of which are in County Durham. However, as the turbine would be some considerable distance from these assets, it is unlikely to impact upon the way in which these assets are experienced, despite its presence on the distant skyline.

There are a number of designated and non-designated heritage assets within the former Sedgefield Borough area, which could potentially be affected by the presence of three large turbines in the distance, but intervening woodland screening to the west and the distance involved would mitigate such impacts significantly. Based on the information that has been provided we believe that it is unlikely that the proposed wind turbines would have any identifiable adverse impact on the setting of the heritage assets within County Durham.

#### Ecological Impacts

The Durham County Ecologist indicated that the proposed turbines are unlikely to affect any habitats or wildlife within County Durham.

#### Highways

It would appear that delivery of the turbines would be via routes that do not enter county Durham and therefore there is not likely to be an impact upon the County's highway network.

Full consideration should be given to the matters of landscape impact and impact upon heritage assets, potentially beyond the boundary of Hartlepool Borough Council.

**Environment Agency:** No objections.

**Hartlepool Water:** No objection to this development.

**Highways Agency:** No objections.

**National Planning Casework Unit:** No comments.

**Natural England:** Further information required. The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (The Habitats Regulations). The application site is in close proximity to the Teesmouth and Cleveland Coast Ramsar site and also notified at a national level as Seaton Dunes & Common, South Gare, & Coatham Sands, Seal Sands, Tees & Hartlepool Foreshore & Wetlands and Cowpen Marsh Sites of Special Scientific Interest (SSSI's).

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

Results of the survey undertaken between October 2014 and early January 2015 have been provided. Whilst some use/flights through the sites have been recorded, the information to date indicates that the application sites are not located on important flightlines and the sites are not a significant functional importance for the interest features of the SPA/SSSI's. However, as the information provided to date does not cover the full wintering period, Natural England require sight of the further January and February/March surveys to be able to advise the Council on the likely significant effect. We would require full details of the adopted survey methodologies e.g. details of the transect routes/vantage point locations; full details of the timing/duration of the surveys; full (as well as summary) survey results together with a detailed assessment of impacts and proposed avoidance/mitigation measures (if necessary). If the assessments conclude that there is no likely significant effects (LSE) alone, then the Council will need to consider whether there is any LSE in combination with other relevant plans and projects

The application is in close proximity to Seaton Dunes & Common, South Gare & Coatham Sands, Seal Sands, Tees & Hartlepool Foreshore & Wetlands and Cowpen March SSSI's. Natural England objects to the development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which the above sites have been notified. Our concerns mirror those in relation to Teesmouth and Cleveland Coast SPA and Ramsar sites.

**Network Rail:** No objections.

**Northumbria Water:** No comments.

**Northern Gas Networks:** No objections.

**Middlesbrough Council:** No objections.

**Ministry of Defence:** No objections.

**Ramblers Association:** The fall over distance of the proposed turbine is 227m. We note that works south of Tofts Road West, the adjacent railway and works to the

west of the railway lie within the fall over zone. No doubt the Council will take this into consideration when coming to determining the application.

No rights of way are affected by the development.

**Stockton on Tees Borough Council:** Due to the site's location and access route to the site, it is considered that there would be no undue impacts from the turbine of noise for residents within Stockton or in respect to construction traffic access.

With regards to matters of landscape & Visual impacts, the construction of new wind turbines increase the influence of wind farms on the landscape surrounding Stockton Borough and as a cluster of 3 particularly tall turbines, this has the potential to create cumulative impact when combined with other planned or constructed wind farms, notably Red Gap Moor. For this reason, it is considered that Hartlepool Borough Council should, as part of their determination, consider the potential of cumulative impact on landscape character of the surrounding Boroughs as well as on Hartlepool, taking into account relevant view points from outside Hartlepool administrative area.

Over the last 8 years Stockton Borough Council has worked collaboratively with neighbouring authorities to ensure a strategic approach to the determination of planning applications for renewable energy and used the North East Regional Assembly's 'Wind Farm Development and Landscape Capacity Studies: East Durham and Tees Plain' report prepared by Arup when appraising planning application for Wind Farm developments.

From a number of viewpoints within our area the Seneca Cluster would be viewed in isolation within the industrial fringe of Hartlepool due to intervening screening. Their position amongst existing tall structures such as Pylons and industrial chimneys would assist in assimilating the turbines into the existing landscape. The selection of Viewpoint 4 at RSPB Salthome, a major attraction within the Borough appears to give a fair assessment of the likely views from this key location, however we question the selection of Viewpoint 10 at Wynyard as being representative of 'views from the local road network.'

Stockton Borough Council do not object to the scheme but would ask that a detailed assessment of views from the wider area are taken into account in reaching a decision.

**West Yorkshire Police:** West Yorkshire Police: Air support have been consulted and state that the turbine will not affect their operations.

**Durham Bird Club: Objection.** The sites notwithstanding their proximity to important designated mature conservation sites are unlikely to be significant for feeding, roosting or nesting purposes for wintering waders and wildfowl as well as Reed Warbler and Water Rail and Cetti's Warbler. However, there must be concerns about flight paths.

The surveys in July and September do not appear to take account of winter migration.

**Teesmouth Bird Club: Objection.** The bird movement data for the ecologist is probably representative given the study time period, the season of the year and the time of day. However, such “snapshots” fail completely to take into account night time flights, coastal passage and inwards migration. It is completely unacceptable to have an array of these huge turbines in an estuary with numerous areas of designated conservation status. This and the other two applications should be refused.

## PLANNING POLICY

6.18 In relation to the specific policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application.

GEP1: General Environmental Principles  
GEP7: Frontage of main approaches  
GEP3: Crime Prevention by Planning and Design  
GEP 9: Developer's Contributions  
PU7: Renewable Energy Developments  
WL2: Nationally Important Nature Conservation Sites  
IND5g: Industrial Areas – Brenda Road West

### National Policy

6.19 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning Policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approved all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings –economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage the re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and well-being.

6.20 The following paragraphs are particularly relevant to the consideration of this application.

Paragraph 14 – Presumption in favour of sustainable development  
Paragraph 93 – Supporting the delivery of renewable energy  
Paragraph 97 – Increase the use and supply of renewable and local carbon energy.  
Paragraph 98 – Determining applications for energy development



Paragraph 118 – Aim to conserve and enhance development

Paragraph 128 – Considering heritage assets

Paragraph 134 – Heritage assets and public benefits

Paragraph 196 – Primacy of the development plan

Paragraph 197 – Presumption in favour of sustainable development

## **PLANNING CONSIDERATIONS**

6.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, visual impact on the landscape, impact upon neighbouring properties, impacts on historic heritage, Public Rights of Way, ecology, highways and other matters.

6.22 These issues are currently under consideration and an updated report will follow.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

6.23 There is no evidence of equality or diversity implications.

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

6.24 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.

6.25 There are no Section 17 implications.

## **REASON FOR DECISION**

6.26 The issues are currently under consideration and a recommendation will follow in due course.

**RECOMMENDATION – UPDATE** report to follow.

## **BACKGROUND PAPERS**

6.27 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

## **CONTACT OFFICER**

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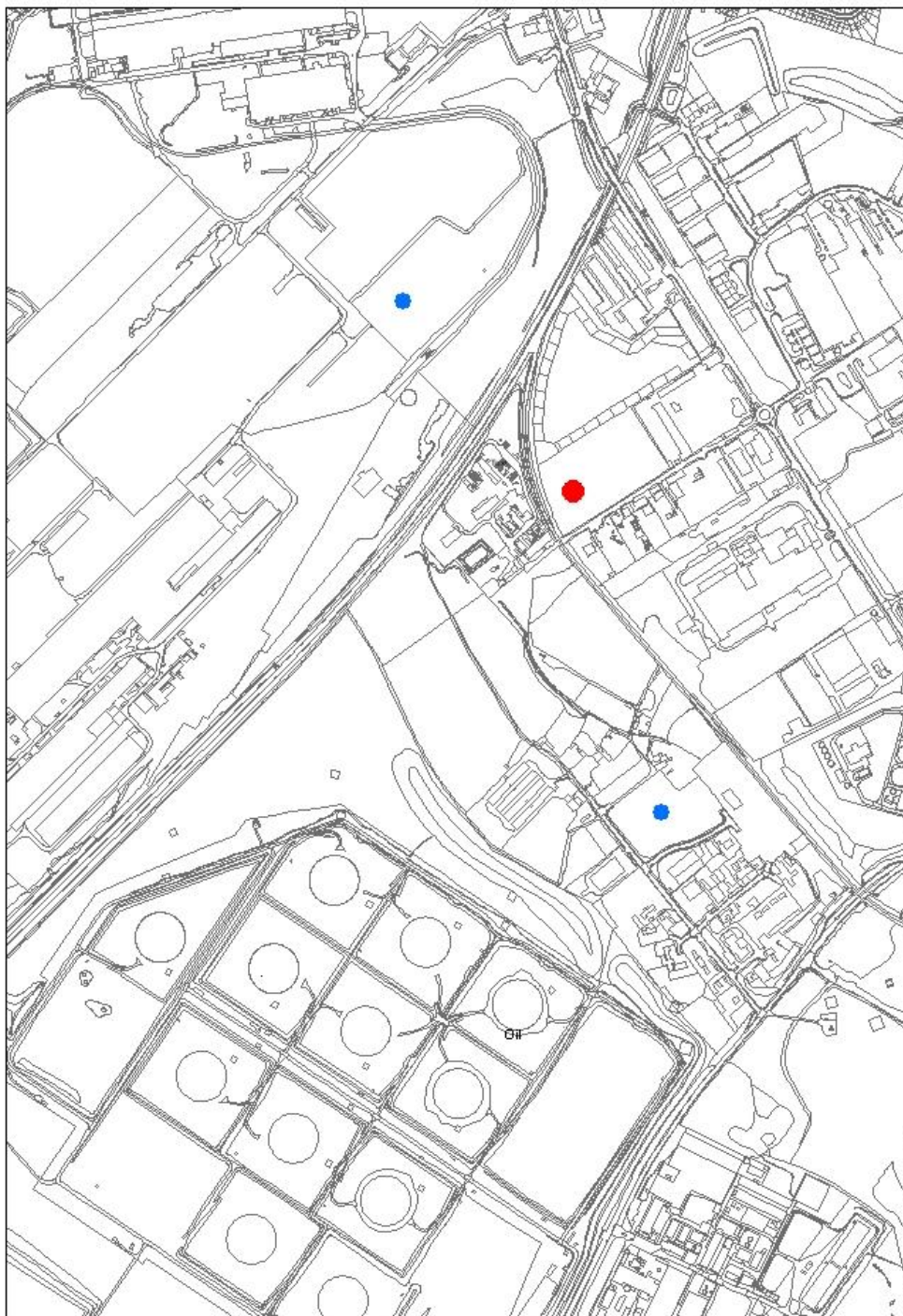
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## LAND AT TOFTS FARM



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
Level 1, Civic Centre, Hartlepool TS24 8AY  
Department of Regeneration and Planning

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**Scale: 1:10000**  
**Date : 06/02/15**  
**H/2014/0254**



**No:** 7  
**Number:** H/2014/0253  
**Applicant:** Mr Mark Whitehead Maritime House Harbour Walk  
HARTLEPOOL TS24 0UX  
**Agent:** The Energy Workshop Mr Daniel Grierson The Media  
Centre 7 Northumberland Street HUDDERSFIELD HD1  
1RL  
**Date valid:** 20/06/2014  
**Development:** Erection of a single wind turbine with a maximum tip  
height of 175 metres, an electrical control building and  
associated infrastructure (Amended Plans and additional  
bird information submitted)  
**Location:** Land at Brenda Road West Industrial Estate  
HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

7.2 This application is one of three applications for single wind turbines all submitted by the applicant. The other two applications are at land at Graythorp Industrial Estate (ref H/2014/0252) and at Brenda Road (ref H/2014/0254). All three applications are to be reported to this Committee, so that Members can consider each individual application and their cumulative impact.

7.3 The application is being reported to committee as a total of 144 objections have been received.

## PROPOSAL

7.4 Planning permission is sought for the installation of a single wind turbine with a capacity of approximately 3.3 Megawatts (MW). The proposal has been amended and the proposed turbine reduced in height from 206.5m to tip and consists of the following elements;

- A single wind turbine, with a maximum tip height of 175 metres;
- An external transformer housing adjacent to the turbine
- A crane hardstanding adjacent to the turbine;
- A permanent access track to gain access to the site and the turbine;
- A combined substation, control building, site office and store;
- Buried electrical and fibre-optic cabling.

7.5 The construction of the project is anticipated to take six to nine months. The turbine tower would be made of steel and/or pre-fabricated concrete and would have

three blades attached to a nacelle in which are housed the generator gearbox and other operating equipment. The finish of the turbine would be semi-matt and non-reflective pale grey.

7.6 The turbine would generate electricity at wind speeds between 2.5 and 30 metres per second (m/s). At wind speeds greater than around 30 m/s (67mph), the turbines would automatically shut down to prevent damage as well as for safety reasons. In general, such high wind conditions usually only occur for three to four days a year.

7.7 The proposed wind turbine would be connected to the local electricity network on-site via an on-site electrical control building, which would be a newly constructed building.

7.8 The project would be decommissioned at the end of its 30 year life and the site re-instated.

## **SITE CONTEXT**

7.10 The application site is an area of vacant industrial land to the west of Brenda Road on land within the large TATA steel works. The site is an area of rough grassland with some scrub. The total site area is 1.94 hectares (Ha). The total area of land, which will be occupied by structures and hard surfaces within this area, will be approximately 0.65 ha.

7.11 The surroundings are industrial in character with Tofts Farm East Industrial Estate to the east and Tofts Farm West to the south east of the application site, and Graythorp Industrial Estate to the South. There is also a railway sidings and a cutting to the south of the site.

## **PUBLICITY**

7.12 The application has been advertised by way of neighbour letters (808) a site notice and a press notice. To date, there have been 245 letters of support, 144 letters of objection and 26 letters neither supporting nor objecting to the proposed development.

7.13 A petition with 33 signatures objecting to the application has been received raising the following issues;

- Height.
- The affects on wildlife (namely Salholme and Teesmouth Field Centre).
- The effects on aviation. There could be problems of police aircraft not being able to be in certain vicinity of wind turbines.
- There have recently been a number of turbines erected in the sea, why do we need more.

7.14 The concerns raised by objectors are:

- These turbines are the largest in Europe and will have severe detriment on the enjoyment and health of residents of Seaton Carew and destroy the

landscape views of thousands of people in surrounding towns and in County Durham.

- The proposed wind turbines will detract from the intended beauty of the resort and Seaton will not reap the full benefits of the new seafront development.
- Seaton Carew should be regarded as the jewel in the crown of Hartlepool, if these applications are approved it is like the self destruction of the Hartlepool Development Plan and will damage the local economy
- Too near Seaton Carew.
- Seaton Carew has become an area for unwanted schemes.
- The revised photomontages are inadequate. The latest ones show significant impacts on the skyline. One view from Middleton Pier shows the power station in the background and would be dwarfed by these turbines.
- The view from North York Moors escarpment shows that the huge power station building would be dwarfed by the proposal.
- Only one view from near Newburn Bridge shows the turbines breaking the skyline over the old landfill.
- These turbines should be offshore.
- Too large given their proximity to residential housing.
- Detrimental impact in terms of the views of the town.
- Visual impact
- Out of scale with the surroundings. The turbine will be 25m higher than Blackpool Tower
- Noise pollution which will be continuous and unsettling.
- Detrimental to health
- Vibration
- Shadow flicker
- Inadequate separation distance
- Overshadowing
- Detrimental to birds and local wildlife.
- The location is in close proximity to Saltholme Nature reserve with the blades causing increased risk of collision injuries to flying birds and disruption to other wildlife from noise.
- Will create a no fly zone for Police helicopters which will only assist criminal activity.
- Danger to aircraft as it is on the flight path to Durham Tees Valley Airport.
- Do not need anymore wind turbines in this area.
- Other places in Hartlepool that could be used.
- Not necessary, ineffective and inefficient.
- Detrimental to outlook
- Out of character
- Effect on radio, tv and telephone signals will be an issue.
- Cumulative impact of this and other industrial development in the vicinity.
- Wind turbine should not be erected near residential areas due to visual impact and noise concerns.
- Impact on the community
- Out of scale
- Aviation hazard and policing.
- Would set an undesirable precedent.

- Too close to factories with resultant electro interference has been seen in other areas.
- Fire risk – risk to surrounding businesses, properties and railway.
- Unacceptable impact that the proposed turbine will have on the ability of Ed Murray & Sons ability to operate a corporate helicopter from their Southgate Service Station premises. The proposal will prevent the use of the current flightpath and that turbulence will be a significant factor. The loss of the Brenda Road site would likely spell the end of the Casebourne Road site with regard to helicopter operations.
- The introduction of heavy lorries must pose a danger in terms of highway safety.
- We already have a large mast erected on Brenda Road.

7.15 Those supporting the application have commented;

- Green energy technology should be encouraged, especially if they can be located in industrial sites.
- There remains a need for both the UK as a whole to continue to extend the production of energy from renewable sources.
- The proposed sites would minimise local inconvenience whilst at the same time providing further investment in Hartlepool and reducing the dependency on fossil fuels.
- The proposed scale of the developments would seem to be proportionate to the area and location of sites.
- There will be some economic development benefits derived from the construction and maintenance of the 3 proposed wind turbines.
- This is a positive thing for the town and the area.
- I live in Seaton and the turbines have never proved to be a problem for me.
- We need to increase the amount of renewable energy generated in the region.
- A limited number of large turbine would be beneficial than a larger number of smaller turbines.
- The scheme would also create job opportunities and allow the region to benefit from a community fund.
- The project is better for the environment and making good use of the brownfield.
- As the closest resident (Graythorp Farm) to the turbines I am all for the application. I have looked at the information and it is better to have them up here than in a field in the country.
- The applicant should be applauded for listening to public opinion and reducing the proposed maximum height of the turbines, also the siting of the turbines on brownfield/industrial estates as this will not impact on any residential areas
- Wind turbines are visually pleasing.

7.16 Copy Letters **E**.

7.17 The period for publicity expires on 17 February 2015.

## CONSULTATIONS



7.18 The following consultation replies have been received:

**HBC Countryside Access Officer:** There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by the proposed development of this site.

**HBC Public Protection:** No objections subject to conditions.

**HBC Traffic & Transportation:** Comments awaited.

**HBC Ecology:** The proposal would result in the loss of around 0.5ha of species-rich grassland. In line with the NPPF we would want to see an overall enhancement for biodiversity as part of the development therefore details of compensatory/enhancement measures should be agree with the LPA.

#### Great Crested Newt (GCN)

The site would be around 240m from the nearest GCN breeding pond. However, the works would have a relatively small footprint and it is likely that harm to GCN could be avoided by adherence to a suitable method statement. Therefore a condition for a method statement to avoid harm to GCN should be submitted prior to works commencing.

#### Nesting Birds

The Council's standard condition on breeding birds would apply.

#### Bats

Relatively low levels of bat activity were recorded therefore the proposal is unlikely to impact on bat populations.

#### Teesmouth and Cleveland Coast SPA/Ramsar

Bird surveys carried out to date have recorded single individuals of each of Lapwing and Curlew flying through the sweep zone of the rotor. This is a very low level for activity by birds associated with the SPA/Ramsar. The surveys also found a number of flights of Curlew across the site, but at lower heights than the sweep zone. This is in line with the bird surveys that the Borough Council carried out in the winter of 2012/13 which noted that Curlew used the site regularly for foraging and exited the site towards the coast of a much lower height than the sweep zone. Studies are to continue through January and February in order to establish whether this is the typical pattern of bird use. A report describing the full suite of bird surveys including further details of the methodologies should be submitted prior to determination. The report should consider the risk of collisions by birds and assess any potential effect on bird populations for which the Teesmouth and Cleveland Coast SPA is designated. This assessment should consider potential in-combination effects with other proposed wind turbines.

#### Other ecological receptors

There are unlikely to be any other significant ecological receptors that might be affected by this proposal.

**HBC Engineering Consultancy:** I note that the surface water drainage for this proposal will be via a SUDS system yet I have been unable to locate any details. I am happy for this to be conditioned.

**HBC Landscape Officer:** Following site visits to the proposed wind turbine sites and review of the Landscape and Visual Impact information, concerns remain over the visual impact of these turbines despite the reduction in height from 206.5m to 175m to turbine tip.

Although the industrial nature of the proposed sites clearly offer a better context for the proposals than an agricultural backdrop in terms of landscape and visual impacts, it is evident that the impact of the proposed turbines (which are effectively a wind farm cluster) will extend well beyond the boundaries of the industrial area.

The main long-term impacts relating to the loss of landscape cover will be as a result of the construction of turbine footings and crane hardstanding, the access tracks and the control room construction. However, given the industrial nature of the site, the turbine and associated works are unlikely to affect the character of the immediate location. The associated access track, hardstanding and building are also unlikely to present a visual impact within or without of the immediate industrial context. The main long-term impacts relate to the visual impact of the turbine itself, with each turbine a maximum of 175m in height from the base of the tower to the top of the blade tip. To put this into perspective, the existing turbines within the Durham/Tees Valley area are between 110m to 126m to blade tip, with 136m high turbine proposed at Middlesbrough FC. The Seneca Cluster turbines will be at least 65m higher than the next largest existing turbines.

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Although the LVIA argues that the industrial character of the wider area ensures that the turbines do not extend the existing industrial visual envelope, it is more likely the case that the scale of the Seneca turbines will extend the visual impact of the existing industrial elements and create an impact of their own well beyond the industrial context of the site.

The LVIA also includes information on the cumulative impact of the proposed cluster in relation to other existing, consented and proposed wind turbine schemes. The majority of viewpoints identified do not appear to offer much in the way of such direct cumulative impacts, however, it is evident that sequential cumulative impact by receptors travelling through the wider area will be an issue. It is therefore, apparent that the scale of the Seneca Cluster proposals would represent a adverse impact on the visual amenity of the wider Hartlepool area, particularly through the potential for a perceived wind farm landscape to be created or perceived from many viewpoints

into an out of the borough. This includes views of existing and approved sites along the A19 corridor area and the impact of the Teesside Offshore wind farm whereby the scale of the proposed turbines would provide a visual linkage between these sites. Rather than existing wind farms 'contextualising' the proposed turbine cluster it is more likely the case that the proposals will further increase the visual impact of turbines in the Hartlepool landscape towards that of a windfarm landscape. Receptor perceptions of Hartlepool as an area ringed by turbines are, therefore, likely to increase. As such, in the interest of protecting the visual amenity value of urban Hartlepool and restricting the development of a perceived wind farm landscape, concerns regarding these applications are raised.

**Tees Archaeology:** No objections subject to conditions.

The Environmental Impact Assessment includes a Heritage Assessment. This sets out the nature of the known heritage assets within the vicinity of the proposed turbine and within its Zone of Theoretical Visibility.

In terms of direct impact on heritage assets there are no known archaeological features within the footprint of the development. The Heritage Assessment recognises that there is some potential for as yet unknown deposits to exist and proposed mitigation in the form of an archaeological watching brief during the construction. For a standard turbine with a 3m square foundation I would not really be concerned in this area but the proposal involves a major foundation with a diameter of 26m and a depth of 3.9m. I support the proposal for a watching brief given the extent of ground disturbance from the turbine foundation alone, particularly as there is anecdotal evidence of human remains in the Tofts Farm area.

To secure the implementation of the watching brief, the local authority could impose a planning condition.

**Durham Tees Valley Airport:** No objection subject to condition. Further to our response to each of these applications dated 17<sup>th</sup> July 2014, the Airport has been in dialogue with the applicant and their consultants. They accept these turbines will have an impact on the Airport's radar and associated operations and are seeking to gain the benefit of work that is currently underway with a number of developers to implement a technical mitigation solution.

The Airport is currently engaged with a number of wind farm developers to introduce technical mitigation (at the developer's cost and risk) for the effect of their consented wind turbines on the Airport's radar and associated operations. The Airport anticipates that this solution could be extended to mitigate scheme such as these. The Airport's Safety Case for the use of technology's currently being progressed will need to be expanded and approved by the CAA to incorporate the use of technology for these developments. Subject to the imposition of a condition set out by the Airport, the Airport would have no objection.

**Hartlepool Water:** No comment.

**Highways Agency:** No objections.

**National Planning Casework Unit:** No comments to make.

**National Grid:** No objection.

**Natural England:** Further information required. The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (The Habitats Regulations). The application site is in close proximity to the Teesmouth and Cleveland Coast Ramsar site and also notified at a national level as Seaton Dunes & Common, South Gare, & Coatham Sands, Seal Sands, Tees & Hartlepool Foreshore & Wetlands and Cowpen Marsh Sites of Special Scientific Interest (SSSI's).

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

Results of the survey undertaken between October 2014 and early January 2015 have been provided. Whilst some use/flights through the sites have been recorded, the information to date indicates that the application sites are not located on important flightlines and the sites are not a significant functional importance for the interest features of the SPA/SSSI's. However, as the information provided to date does not cover the full wintering period, Natural England require sight of the further January and February/March surveys to be able to advise the Council on the likely significant effect. We would require full details of the adopted survey methodologies e.g. details of the transect routes/vantage point locations; full details of the timing/duration of the surveys; full (as well as summary) survey results together with a detailed assessment of impacts and proposed avoidance/mitigation measures (if necessary). If the assessments conclude that there is no likely significant effects (LSE) alone, then the Council will need to consider whether there is any LSE in-combination with other relevant plans and projects

The application is in close proximity to Seaton Dunes & Common, South Gare & Coatham Sands, Seal Sands, Tees & Hartlepool Foreshore & Wetlands and Cowpen March SSSI's. Natural England objects to the development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which the above sites have been notified. Our concerns mirror those in relation to Teesmouth and Cleveland Coast SPA and Ramsar sites.

**Northumbrian Water:** No comments.

**Arqiva:** No objection.

**Civil Aviation Authority:** The CAA has no responsibilities for safeguarding sites other than its own property

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or above to be charted on aeronautical charts.

Any structure of 150 metres or more must be lit in accordance with the Air Navigation Order and should be appropriately marked.

Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas. Site operators remain responsible for providing expert testimony as to any impact on their operations and the lack of a statement of objection or support from the CAA should not be taken to mean that there are no aviation issues, or that comment from an operator lacks weight.

**Cleveland Fire Brigade:** No comments.

**Durham County Council:** No objections. With regards to landscape impacts it is expected that turbines of this size to be visually dominant within around 3 to 3.5km and be visually prominent within around 8km. They would be around the later distance from the boundary of County Durham. At distances in excess of that we would not expect them to have significant landscape or visual effects in themselves on receptors on receptors in County Durham in the relatively shallow views typical of the settled landscape of the Tees Plain and the southern part of the Limestone Plateau.

The turbines would have cumulative landscape and visual effects in views taking in existing and approved wind farms in County Durham. The nearest would be Betterwick/Walkway complex. In closer views the proposed turbines would be likely to be screened by intervening woodland and topography. There would be some combined visibility in localised views from high ground on the escarpment to the west which looks across the Tees plan as a whole. The cumulative effect would be low to moderate in these views.

There would clearly be the potential for more significant cumulative effects with High Volts and the approved Red Gap Moor in views within Hartlepool and Stockton Borough and in sequential views taking in those sites in County Durham. Consideration should be given to the potential effects of the coalescence or extension of existing and emerging tracts of wind farm landscape on the landscape of the Tees Plan as a whole in this area.

There would also be potential for cumulative effects with proposed developments in County Durham and particularly Sheraton Moor and Wingate Grange. I would expect those effects to be generally of low or moderate order of magnitude and therefore not likely to be decisive to the planning permits of either of those scheme other than in respect of the wider effects on the landscape of the Tees Plain.

#### Heritage Impacts

It is also noted that the Heritage Coast was not identified on the supplied Heritage Map 10km with ZTV that shows the proposed turbine will be visible from substantial areas of the defined Heritage Coast and Blackhall and Crimdon and that impacts on the Heritage Coast should be fully considered.

The application has submitted an environmental statement including a section on cultural heritage. The most relevant photomontage imaged are from viewpoints 10 and 12 which demonstrate the likely visibility of the structures.

The environmental statement does identify some visibility from Castle Eden historic park and garden 13km to the northwest, which is also a designated conservation area and contains listed buildings and also scheduled monument at Sheraton 10km north, both of which are in County Durham. However, as the turbine would be some considerable distance from these assets, it is unlikely to impact upon the way in which these assets are experienced, despite its presence on the distant skyline.

There are a number of designated and non-designated heritage assets within the former Sedgefield Borough area, which could potentially be affected by the presence of three large turbines in the distance, but the intervening woodland screening to the west and the distance involved would mitigate such impact significantly. Based on the information that has been provided we believe that it is unlikely that the proposed wind turbines would have any identifiable adverse impact on the setting of heritage assets within County Durham.

#### Ecological Impacts

The Durham County Ecologist indicates that the proposed turbines are unlikely to affect any habitat or wildlife within County Durham.

#### Highways

It would appear that the delivery of the turbines would be via routes that do not enter county Durham and therefore it is not likely to be an impact upon the County's highway network.

Full consideration should be given to matters of landscape impact and impact upon heritage assets, potentially beyond the boundary of Hartlepool Borough Council.

**Environment Agency:** No objections.

**Hartlepool Water:** No objections.

**Ministry of Defence:** No objection to the proposal.

**National Planning Casework Unit:** No comments.

**Network Rail:** No objection.

**Northern Gas Networks:** No objections.

**Stockton Borough Council:** Due to the sites location and the access route to the site, it is considered that there would be no undue impacts from the turbine of noise for the residents within Stockton or in respect of construction traffic access

With regards to matters of landscape and visual impacts, the construction of new wind turbines increases the influence of wind farms on the landscape surrounding Stockton Borough and as a cluster of 3 particularly tall turbines, this has the potential to create a cumulative impact when combined with other planned or constructed wind farms, notably Red Gap Moor. For this reason, it is considered that Hartlepool Borough Council should as part of their determination consider the potential of cumulative impact on the landscape character of the surrounding Boroughs as well

as on Hartlepool, taking into account relevant view points from outside of Hartlepool's administrative area.

Over the last 8 years Stockton Borough Council have worked collaboratively with neighbouring authorities to ensure a strategic approach to the determination of planning applications for renewable energy and used the North East Regional Assembly's 'Wind Farm Development and Landscape Capacity Studies: East Durham and Tees Plain' report prepared by Arup when appraising planning applications for Wind Farm developments.

From a number of viewpoints within our area, the Seneca Cluster would be viewed in isolation within the industrial fringes of Hartlepool, due to intervening screening. Their position amongst existing tall structures such as Pylons and industrial chimneys would assist in assimilating the turbines into the existing landscape. The selection of Viewpoint 4 at RSPB Saltholme, a major attraction within the Borough, appears to give a fair assessment of the likely views from this key location, however we question the selection of Viewpoint 10 at Wynyard as being representative of 'views from the local road network.'

Stockton Borough Council do not object to the scheme but would ask that a detailed assessment of views from the wider area are taken into account in reaching a decision.

**West Yorkshire Police:** The proposed turbines will not affect the operation of air support.

**Campaign to Protect Rural England:** Objection. It is acknowledged that these sites are in a large industrial complex covering both sides of the Tees. The area is predominantly neither rural or tranquil. Notwithstanding that, CPRE is extremely concerned about these applications in view of;

- a) The proposed height of the turbines at 206 metres. We are not aware of any other onshore application in the country where turbines of anything like this height are proposed.
- b) The potential impacts of these turbines if approved on the surrounding more rural aspects of Hartlepool and County Durham, in particular the eastern part of the county.
- c) The potential impact on coastal areas of Hartlepool.
- d) The proximity of the sites to residential areas and the impacts this may have on residential amenity.
- e) The potential loss of employment land which could lead to pressure on Greenfield sites in the future.

**Durham Bird Club:** Objection. The sites notwithstanding their proximity to important designated nature conservation site are unlikely to be significant for feeding, roosting or nesting purposes for wintering waders and wildfowl as well as Reed Warbler and Water Rail, and in recent times Cetti's Warbler. However there must be concerns about flight paths.

The surveys in July and September do not appear to take account of winter migration.

**Ramblers Association:** We consider that the proposal should be rejected as the lower fall over distance does not mitigate the effects we noted in our objection message to the Council (dated 11 July 2014).

The development will, if the Council is minded to grant approval, adversely affect the use of the area for recreation and will not help to improve the physical environment of the key green spaces in the borough through tree planting.

We have a recollection that the Council had the creation of a multiuser route from Brenda Road to Thorntree Lane, Greatham, alongside the railway Chris Scaife will be able to say if this is still a live proposition.

**Teesmouth Bird Club: Objection.** Objection. The ecologist's recently performed flight path studies are probably representative of the avian activity given the duration of study, season of the year and time of day. What they can never taken into account is night time movements, migration, and general coastal passage. It is unacceptable to have an array of such elevated turbines in an estuary with numerous areas of designated conservation significance. The application should be refused.

## PLANNING POLICY

7.19 In relation to the specific policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application.

GEP1: General Environmental Principles  
GEP3: Crime Prevention by Planning and Design  
IND9: Potentially Pollution or Hazardous Developments  
PU7: Renewable Energy Developments

### National Policy

7.20 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning Policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approved all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings –economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage the re-use of previously developed land, promote mixed use developments, conserve heritage



assets, manage future patterns of growth and take account of and support local strategies relating to health, social and well-being.

7.21 The following paragraphs are particularly relevant to the consideration of this application.

Paragraph 93 – Supporting the delivery of renewable energy

Paragraph 97 – Increase the use and supply of renewable and local carbon energy.

Paragraph 98 – Determining applications for energy development

Paragraph 128 – Considering heritage assets

Paragraph 134 – Heritage assets and public benefits

Paragraph 196 – Primacy of the development plan

Paragraph 197 – Presumption in favour of sustainable development

## **PLANNING CONSIDERATIONS**

7.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, visual impact on the landscape, impact upon neighbouring properties, impacts on historic heritage, Public Rights of Way, ecology, highways and other matters.

7.23 These issues are currently under consideration and an updated report will follow.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

7.24 There is no evidence of equality or diversity implications.

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

7.25 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.

7.26 There are no Section 17 implications.

## **REASON FOR DECISION**

7.27 The issues are currently under consideration and a recommendation will follow in due course.

**RECOMMENDATION – UPDATE** report to follow.

## **BACKGROUND PAPERS**

7.28 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:  
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

## **CONTACT OFFICER**

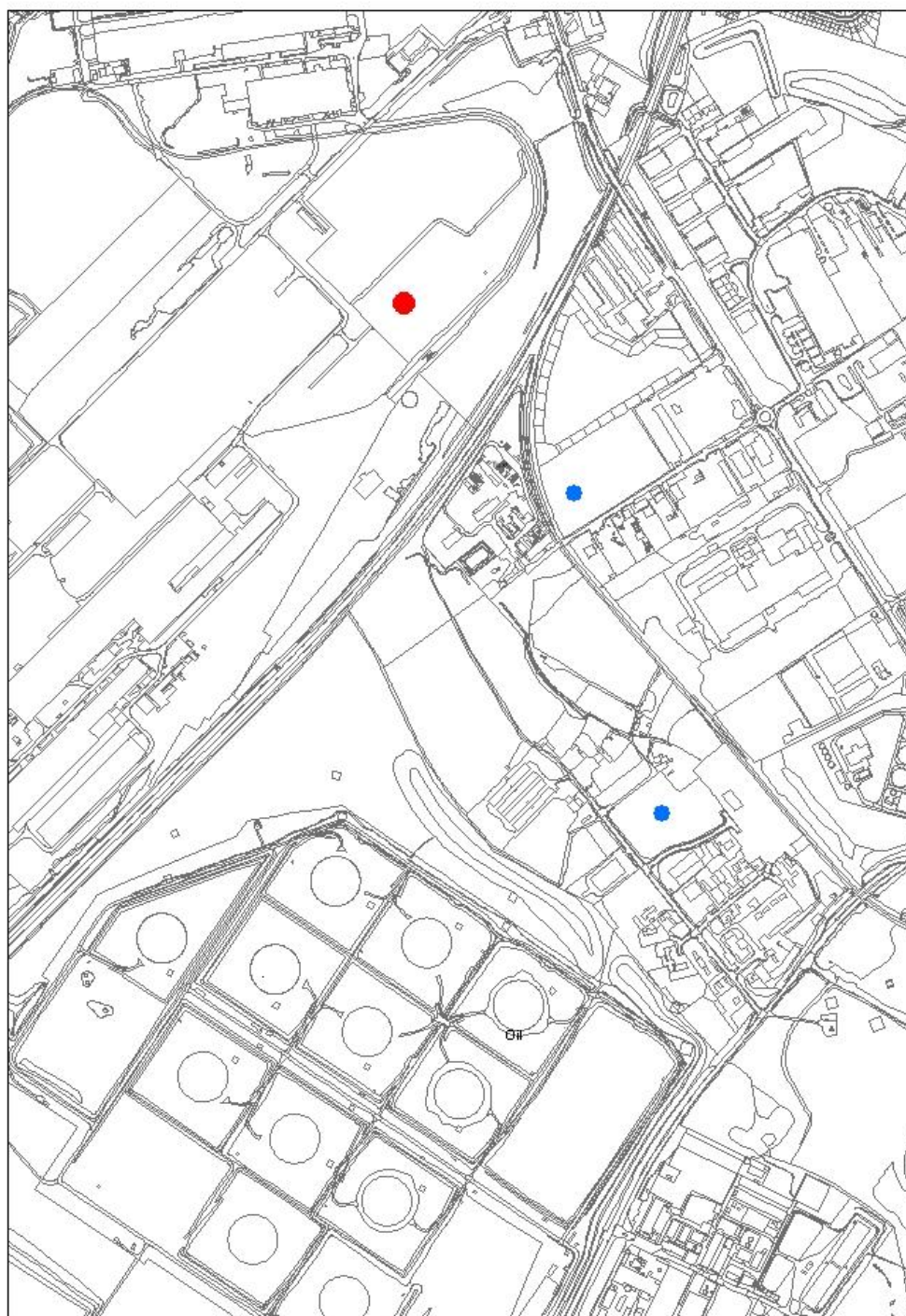
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## LAND AT BRENDA ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
Level 1, Civic Centre, Hartlepool TS24 8AY  
Department of Regeneration and Planning

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**Scale: 1:10000**  
**Date : 06/02/15**  
**H/2014/0253**



**No:** 8  
**Number:** H/2014/0252  
**Applicant:** Mr Mark Whitehead Maritime House Harbour Walk  
HARTLEPOOL TS24 0UX  
**Agent:** The Energy Workshop Mr Daniel Grierson The Media  
Centre 7 Northumberland Street HUDDERSFIELD HD1  
1RL  
**Date valid:** 23/06/2014  
**Development:** Erection of a single wind turbine with a maximum tip  
height of 175 metres, an electrical control building and  
associated infrastructure (Amended Plans and additional  
bird information submitted)  
**Location:** Land at Graythorp Industrial Estate

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## PURPOSE OF REPORT

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

## BACKGROUND

8.2 This application is one of three applications for single wind turbines all submitted by the applicant. The other two applications are at Brenda Road West Industrial Estate (ref H/2014/0253) and at Tofts Road West (ref H/2014/0254). All three applications are to be reported to this Committee, so that Members can consider each individual application and their cumulative impact.

8.3 The application is being reported to committee as a total of 156 objections have been received.

## PROPOSAL

8.4 Planning permission is sought for the installation of a single wind turbine with a capacity of approximately 3.3 Megawatts (MW). The proposal has been amended and the proposed turbine reduced in height from 206.5m to tip and consists of the following elements;

- A single wind turbine, with a maximum tip height of 175 metres;
- An external transformer housing adjacent to the turbine
- A crane hardstanding adjacent to the turbine;
- A permanent access track to gain access to the site and the turbine;
- A combined substation, control building, site office and store;
- Buried electrical and fibre-optic cabling.

8.5 The construction of the project is anticipated to take six to nine months. The turbine tower would be made of steel and/or pre-fabricated concrete and would have three blades attached to a nacelle in which are housed the generator gearbox and

other operating equipment. The finish of the turbine would be semi-matt and non-reflective pale grey.

8.6 The turbine would generate electricity at wind speeds between 2.5 and 30 metres per second (m/s). At wind speeds greater than around 30 m/s (67mph), the turbines would automatically shut down to prevent damage as well as for safety reasons. In general, such high wind conditions usually only occur for three to four days a year.

8.7 The proposed wind turbine would be connected to the local electricity network on-site via an on-site electrical control building, which would be a newly constructed building.

8.8 The project would be decommissioned at the end of its 30 year life and the site re-instated.

## **SITE CONTEXT**

8.9 The application site is vacant industrial land within Graythorp Industrial Estate. The location of the turbine is an area of rough grassland within the industrial estate, which has not been previously developed. The total site area is 1.44 hectares (Ha). The total area of land, which will be permanently occupied by structures and hard surfaces within this area, will be approximately 0.6ha. The site is enclosed by a 2m high grey metal palisade fence. The application site is mainly level and there are not significant changes in land level within the immediate surroundings

8.10 The surroundings are mainly industrial in character, this area is part of a much larger industrial area, although Graythorp Farm, which rears poultry is located to the north west of the site.

8.11 The application site is within an area designated by policy Ind9b of the Hartlepool Local Plan as being for potentially polluting or hazardous developments.

## **PUBLICITY**

8.12 The application has been advertised by way of neighbour letters (698) a site notice and a press notice. To date, there has been 241 letters of support, 156 letters of objection and 20 letters neither supporting nor objecting to the proposed development.

8.13 A petition with 33 signatures objecting to the application has been received raising the following issues;

- Height
- The affects on wildlife (namely Saltholme and Teesmouth Field Centre).
- The effects on aviation. There could be problems due to police aircraft not being able to be in certain vicinity of wind turbines.
- There have recently been a number of turbines erected in the sea why do we need more.

8.14 The concerns raised by objectors are:

- These turbines are the largest in Europe and will have severe detriment on the enjoyment and health of residents of Seaton Carew and destroy the landscape views of thousands of people in surrounding towns and in County Durham.
- The proposed wind turbines will detract from the intended beauty of the resort and Seaton will not reap the full benefits of the new seafront development.
- Seaton Carew should be regarded as the jewel in the crown of Hartlepool, if these applications are approved it is like the self destruction of the Hartlepool Development Plan and will damage the local economy.
- The effects cannot be properly measured until the turbine is constructed.
- The RSPB site at Saltholme will have full view of the turbine blighting the said view.
- Too near Seaton Carew.
- Seaton Carew has become an area for unwanted schemes.
- The revised photomontages are inadequate. The latest ones show significant impacts on the skyline. One view from Middleton Pier shows the power station in the background and would be dwarfed by these turbines.
- The view from North York Moors escarpment shows that the huge power station building would be dwarfed by the proposal.
- Only one view from near Newburn Bridge shows the turbines breaking the skyline over the old landfill.
- These turbines should be offshore.
- Inadequate separation distance.
- Too large given their proximity to residential housing.
- Detrimental impact in terms of the views of the town.
- Visual impact
- Noise pollution which will be continuous and unsettling.
- Detrimental to health
- Vibration
- Shadow flicker
- Overshadowing
- Detrimental to birds and local wildlife.
- Will create a no fly zone for Police helicopters which will only assist criminal activity.
- Danger to aircraft as it is on the flight path to Durham Tees Valley Airport.
- Do not need anymore wind turbines in this area.
- Other places in Hartlepool that could be used.
- Not necessary, ineffective and inefficient.
- Detrimental to outlook
- Effect on radio, tv and telephone signals will be an issue.
- Cumulative impact of this and other industrial development in the vicinity.
- Wind turbine should not be erected near residential areas due to visual impact and noise concerns.
- Impact on the community
- Out of scale
- Aviation hazard and policing.
- Would set an undesirable precedent.

- Too close to factories with resultant electro interference has been seen in other areas.

Those supporting the application have commented;

- Green energy technology should be encouraged, especially if they can be located within industrial sites.
- There remains a need for both the UK as a whole to continue to extend the production of energy from renewable sources.
- The proposed sites would minimise local inconvenience whilst at the same time providing further investment in Hartlepool and reducing the dependency on fossil fuels.
- The proposed scale of the developments would seem to be proportionate to the area and location of the sites
- There will be some economic development benefits derived from the construction and maintenance of the 3 proposed wind turbines.
- This is a positive thing for the town and the area.
- I live in Seaton and the turbines have never proved to be a problem for me.
- We need to increase the amount of renewable energy generated in the region.
- A limited number of large turbines would be more beneficial than a larger number of smaller turbines.
- The scheme would also create job opportunities and allow the region to benefit from a community fund.
- The project is better for the environment and making good use of the brownfield.
- As the closest resident (Graythorp Farm) to the turbines I am all for the application. I have looked at the information and that it is better to have them up here than in a field in the country.
- The applicant should be applauded for listening to public opinion and reducing the proposed maximum height of the turbines, also the siting of the turbines on brownfield/industrial estates as this will not impact on any residential areas
- Wind turbines are visually pleasing.

#### 8.15 Copy Letters D

8.16 The period for publicity expires on 17 February 2015.

### CONSULTATIONS

8.17 The following consultation replies have been received:

**HBC Traffic and Transportation:** The developer will need to liaise with Hartlepool Highways Section prior to starting on site to ensure that suitable traffic management is in place during the construction phase.

**HBC Public Protection:** No objections subject to conditions.



**HBC Countryside Access Officer:** I support conditions to take into account improved maintenance and inspection visits as well as ice detection systems that prevent the turbine from operating if it is detected on the blades.

**HBC Economic Regeneration Manager:** No objections to the proposals.

**HBC Ecology Officer:** The proposal would result in the loss of around 0.5ha of land which currently is of very low ecological value. However in line with NPPF we would want to see an overall enhancement for biodiversity as part of this development therefore details of compensatory/enhancement measures should be agreed with the LPA.

#### Great Crested Newt (GCN)

The site would be around 500m from the nearest known GCN breeding pond and there are no water bodies that would be suitable for GCN.

#### Nesting Birds

The Council's standard conditions in breeding birds would apply.

#### Bats

Overall the survey found low levels of activity of Noctule bats and moderate levels of activity of Common Pipistrelles. The Noctule activity was almost entirely confined to a single night in July, indicating that bats do not regularly fly through this area. The Pipistrelle activity was for the most part confined to the off-site surrounding areas such as the railway line. The site itself would be of very low value for foraging bats, as it is largely devoid of any vegetation currently and the surrounding area is likewise generally of low value for foraging bats with few areas such as the railway line of moderate value. There are also unlikely to have a significant adverse effect on the local bat population.

#### Teesmouth and Cleveland Coast SPA/Ramsar

Bird surveys. Studies are to continue through January and February in order to establish whether this is a typical pattern of bird use. A report describing full suite of bird surveys including further details of the methodologies should be submitted prior to determination. The report should consider the risk of collision by birds and assess any potential effect on bird populations for which the Teesmouth and Cleveland Coast SPA is designated. This assessment should consider potential in-combination effects with other proposed wind turbines.

#### Other ecological receptors

There are unlikely to be any other significant ecological receptors that might be affected by this proposal.

**HBC Engineering Consultancy:** I note that the surface water drainage for these proposals will be via a SUDS system yet I have been unable to locate any of the details. I am happy for this to be conditioned.

**HBC Landscape Officer:** Following site visits to the proposed wind turbine sites and review of the Landscape and Visual Impact information, concerns remain over

the visual impact of these turbines despite the reduction in height from 206.5m to 175m to turbine tip.

Although the industrial nature of the proposed sites clearly offer a better context for the proposals than an agricultural backdrop in terms of landscape and visual impacts, it is evident that the impact of the proposed turbines (which are effectively a wind farm cluster) will extend well beyond the boundaries of the industrial area.

The main long-term impacts relating to the loss of landscape cover will be as a result of the construction of turbine footings and crane hardstanding, the access tracks and the control room construction. However, given the industrial nature of the site, the turbine and associated works are unlikely to affect the character of the immediate location. The associated access track, hardstanding and building are also unlikely to present a visual impact within or without of the immediate industrial context. The main long-term impacts relate to the visual impact of the turbine itself, with each turbine a maximum of 175m in height from the base of the tower to the top of the blade tip. To put this into perspective, the existing turbines within the Durham/Tees Valley area are between 110m to 126m to blade tip, with 136m high turbine proposed at Middlesbrough FC. The Seneca Cluster turbines will be at least 65m higher than the next largest existing turbines.

It is noted that a 35mm digital SLR camera with a 50m lens has been used (set at 1.5m above ground level) which is generally agreed to offer the best compromise for photomontage assessment. However, in line with the findings of the University of Newcastle report (2002) Visual Assessment of Windfarms Best Practice, (Scottish Natural Heritage Commissioned Report F01AA303A) the limitations of photomontages should be recognised with particular emphasis of the 'tendency for photomontage to consistently underestimate the actual appearance of windfarm in the landscape.

Although the LVIA argues that the industrial character of the wider area ensures that the turbines do not extend the existing industrial visual envelope, it is more likely the case that the scale of the Seneca turbines will extend the visual impact of the existing industrial elements and create an impact of their own well beyond the industrial context of the site.

The LVIA also includes information on the cumulative impact of the proposed cluster in relation to other existing, consented and proposed wind turbine schemes. The majority of viewpoints identified do not appear to offer much in the way of such direct cumulative impacts, however, it is evident that sequential cumulative impact by receptors travelling through the wider area will be an issue. It is therefore, apparent that the scale of the Seneca Cluster proposals would represent a adverse impact on the visual amenity of the wider Hartlepool area, particularly through the potential for a perceived wind farm landscape to be created or perceived from many viewpoints into an out of the borough. This includes views of existing and approved sites along the A19 corridor area and the impact of the Teesside Offshore wind farm whereby the scale of the proposed turbines would provide a visual linkage between these sites. Rather than existing wind farms 'contextualising' the proposed turbine cluster it is more likely the case that the proposals will further increase the visual impact of turbines in the Hartlepool landscape towards that of a windfarm landscape.

Receptor perceptions of Hartlepool as an area ringed by turbines are, therefore, likely to increase. As such, in the interest of protecting the visual amenity value of urban Hartlepool and restricting the development of a perceived wind farm landscape, concerns regarding these applications are raised.

**Tees Archaeology:** No objections subject to conditions. The Environmental Impact Assessment includes a Heritage Assessment. This sets out the nature of known heritage assets within the vicinity of the proposed turbine and within its Zone of Theoretical Visibility.

The Heritage Assessment seems to have missed the fact that the proposed turbine is on the site of the former Graythorp Worker's Village. This was a short-lived early 20<sup>th</sup> century settlement established to house workers from the local shipyard. As far as I am aware very little research has taken place into the village, its layout. Living conditions and causes of abandonment. I recommend that the remains of the worker's village, although relatively recent are of local historic interest and can be considered a heritage asset (NPPF Annexe 2). The Heritage Assessment does point out that the site has archaeological potential for earlier remains, particularly of the Romano-British periods.

The Heritage Assessment recommends an archaeological watching brief during development to record any as yet unrecorded archaeological deposits. In this case it would be more appropriate to carry out some detailed desk based research on the formers worker's village and devise a strategy to sample excavate parts of it to expose the actual living accommodation of the population.

My recommendation is that the developer implements a scheme of works to explore the lost settlement of Graythorp using desk based research, oral history and archaeological fieldwork. This is in line with the advice given in the NPPF (para.141). I recommend a planning condition to secure this work.

**Arqiva:** No objection.

**Civil Aviation Authority:** The CAA has no responsibilities for safeguarding sites other than its own property

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or above to be charted on aeronautical charts.

Any structure of 150 metres or more must be lit in accordance with the Air Navigation Order and should be appropriately marked.

Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas. Site operators remain responsible for providing expert testimony as to any impact on their operations and the lack of a statement of objection or support from the CAA should not be taken to mean that there are no aviation issues, or that comment from an operator lacks weight.

**Campaign to Protect Rural England:** Objection. It is acknowledged that these sites are in large industrial complex covering both sites of the Tees. The area is

predominantly neither rural or tranquil. Notwithstanding that CPRE is extremely concerned about these applications in view of

- a) The proposed height of the turbines at 206 metres. We are not aware of any other onshore application in the country where turbines of anything like this height are proposed.
- b) The potential impact of these turbines if approved on the surrounding more rural aspects of Hartlepool and County Durham, in particular the eastern part of the county.
- c) The potential impact on coastal areas of Hartlepool
- d) The proximity of the sites to residential areas and the impacts this may have on residential amenity
- e) The potential loss of employment land which could lead to pressure on Greenfield sites in the future.

**Cleveland Fire Brigade:** No comments.

**Durham Tees Valley Airport:** No objection subject to condition. Further to our responses to each of these applications dated 17<sup>th</sup> July 2014, the Airport has been in dialogue with the applicant and their consultants. They accept these turbines will have an impact on the Airport's radar and associated operations and are seeking to gain the benefit of work that is currently underway with a number of developers to implement a technical mitigation solution.

The Airport is currently engaged with a number of wind farm developers to introduce technical mitigation (at the developer's cost and risk) for the effect of their consented wind turbines on the Airport's radar and associated operations. The Airport anticipates that this solution could be extended to mitigate scheme such as these. The Airport's Safety Case for the use of technology's currently being progressed and will need to be expanded and approved by the CAA to incorporate use of technology for these developments.

Subject to the imposition of the condition set out by the Airport, the Airport would have no objection.

**Environment Agency:** No objections.

**Hartlepool Water:** No comment.

**Highways Agency:** No objections.

**National Grid:** No objection.

**Natural England:** Further information required. The application site is within or close proximity to a European designated site (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (The Habitats Regulations). The application site is in close proximity to the Teesmouth and Cleveland Coast Ramsar site and also notified at a national level as Seaton Dunes & Common, South Gare, & Coatham Sands,

Seal Sands, Tees & Hartlepool Foreshore & Wetlands and Cowpen March Sites of Special Scientific Interest (SSSI's).

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

Results of the survey undertaken between October 2014 and early January 2015 have been provided. Whilst some use/flights through the sites have been recorded, the information to date indicates that the application sites are not located on important flightlines and the sites are not a significant functional importance for the interest features of the SPA/SSSI's. However, as the information provided to date does not cover the full wintering period, Natural England require sight of the further January and February/March surveys to be able to advise the Council on the likely significant effect. We would require full details of the adopted survey methodologies e.g. details of the transect routes/vantage point locations; full details of the timing/duration of the surveys; full (as well as summary) survey results together with a detailed assessment of impacts and proposed avoidance/mitigation measures (if necessary). If the assessments conclude that there is no likely significant (LSE) alone, then the Council will need to consider whether there is any LSE in-combination with other relevant plans and projects

The application is in close proximity to Seaton Dunes & Common, South Gare & Coatham Sands, Seal Sands, Tees & Hartlepool Foreshore & Wetlands and Cowpen March SSSI's. Natural England objects to the development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which the above sites have been notified. Our concerns mirror those in relation to Teesmouth and Cleveland Coast SPA and Ramsar sites.

**Northumbria Water:** No comments.

**Northern Powergrid:** No objections.

**Durham County Council:** No objections. With regards to landscape impact it is expected that turbines of this size to be visually dominant within around 3 to 3.5km and to be visually prominent within around 8km. They would be around the latter distance from the boundary of County Durham. At distances in excess of that we would not expect them to have significant landscape or visual effects in themselves on receptors in County Durham in the relatively shallow views typical of the settled landscape of the Tees Plain and the southern part of the Limestone Plateau.

The turbines would have cumulative landscape and visual effects in views taking in existing and approved wind farms in County Durham. The nearest would be Betterwick/Walkway complex. In closer views the proposed turbines would be likely to be screened by intervening woodland and topography. There would be some combined visibility in localised views from the high ground on the escarpment to the west which looks across the Tees plain as a whole. The cumulative effect would be low to moderate in these views.

There would clearly be the potential for more significant cumulative effects with High Volts and the approved Red Gap Moor in views within Hartlepool and Stockton

Borough and in sequential views taking in those site and sites in County Durham. Consideration should be given to the potential effects of the coalescence or extension of existing and emerging tracts of wind farm landscape on the landscape of the Tees Plan as a whole in this area.

There would also be potential for cumulative effects with proposed developments in County Durham and particularly Sheraton Moor and Wingate Grange. I would expect those effects to be generally of a low or moderate order of magnitude and therefore not likely to be decisive to the planning merits of either of those schemes other than in respect of the wider effects on the landscape of the Tees plain.

#### Heritage Impacts

It is also noted that the Heritage Coast was not identified on the supplied Heritage Map 10km with ZTV that shows the proposed turbine will be visible from substantial areas of the defined Heritage Coast at Blackhall and Crimdon and that impacts on the Heritage Coast should be fully considered.

The applicant has submitted an environmental statement including a section on cultural heritage. The most relevant photomontage images are from viewpoints 10 and 12 which demonstrate the likely visibility of the structures.

The environmental statement does identify some visibility from Castle Eden historic park and garden 13km to the northwest, which is also a designated conservation area and contains listed buildings and also the scheduled monument at Sheraton 10km north, both of which are in County Durham. However as the turbine would be some considerable distance from these assets, it is unlikely to impact upon the way in which these assets are experienced, despite its presence on the distant skyline. There are a number of designated and non designated heritage assets within the former Sedgefield Borough area, which could potentially be affected by the presence of three large turbines in the distance, but the intervening woodland screening to the west and the distance involved would mitigate such impact significantly. Based on the information that has been provided we believe that it is unlikely that the proposed wind turbines would have any identifiable adverse impact on the setting of heritage assets within County Durham.

#### Ecological Impacts

The Durham County Ecologist indicates that the proposed turbines are unlikely to affect any habitats or wildlife within County Durham.

#### Highways

It would appear that delivery of the turbines would be via routes that do not enter county Durham and therefore there is not likely to be an impact upon the County's highway network.

Full consideration should be given to the matters of landscape impact and impact upon heritage assets, potentially beyond the boundary of Hartlepool Borough Council.

**Ministry of Defence:** No objection to the proposal.

**Middlesbrough Council:** No objection.

**National Planning Casework Unit:** No comment.

**Network Rail:** No objection.

**Northern Gas Networks:** No objections

**Stockton on Tees Borough Council:** No objection. Due to the site's location and the access route to the site, it is considered that there would be no undue impacts on Stockton Borough.

With regards to landscape and visual impacts, the construction of new wind turbines increased the influence of wind farms on the landscape surrounding Stockton Borough and as a cluster of 3 particularly tall turbines this has the potential to create a cumulative impact when combined with other planned or constructed wind farms notably Red Gap Moor. For this reason, it is considered that Hartlepool Borough Council should, as part of their determination, consider the potential of cumulative impact on the landscape character of the surrounding Borough as well as on Hartlepool.

Over the last 8 years Stockton Borough Council have worked collaboratively with neighbouring authorities to ensure a strategic approach to the determination of planning applications for renewable energy and used the North East Regional Assembly's 'Wind Farms Development and Landscape Capacity Studies: East Durham and Tees Plain' report prepared by Arup when appraising planning applications for Wind Farm Developments.

From a number of viewpoints within our area the Seneca Cluster would be viewed in isolation within the industrial fringe of Hartlepool, due to intervening screening. Their position amongst existing tall structures, such as pylons and industrial chimneys would assist in assimilating the turbines into the existing landscape. The selection of viewpoint 4 at RSPB Saltholme, a major attraction within the borough appears to give a fair assessment of the likely views from this key location, however we question the selection of Viewpoint 10 at Wynyard as being representative of 'views from the local road network'.

Stockton Borough Council do not object to the scheme but would ask that a detailed assessment of views from the wider area taken into account in reaching a decision.

**West Yorkshire Police:** Air support have been consulted and state that the turbine will not affect their operations, but will need to know their exact location and ask that the turbines be illuminated.

**Durham Bird Club: Objection.** This site notwithstanding their proximity to important designated nature conservation sites are unlikely to be significant for feeding, roosting or nesting purposes for wintering waders and wildfowl as well as Reed Warbler and Water Rail and Cetti's Warbler. However there must be concerns about flight paths.

The surveys in July and September do not appear to take account of winter migration.

**Ramblers Association:** FP Seaton 10 and other estate highways are still within the fall over zone and our objection is sustained.

The Ramblers support renewable energy proposals when they are suitable sited. This proposal on the face of it would appear to be in that category.

The Government's Planning Policy Guidance lists safety as an issue when wind turbines are considered.

The Highways Agency and Network Rail consider that wind turbines should be set back at least the fall over distances from roads and railways.

We consider that the users of Seaton 10, and the approach along Graythorp Road area merit protection in the same way from the admittedly unlikely structural failure of the turbine.

**Teesmouth Bird Club: Objection.** The ecologist's recently performed bird movement studies at all 3 application sites are probably representative of the bird activity given the duration of study periods, time of day and season of year. However they cannot be representative of night time flights, periodic flock movements and coastal migrations. To have such an array of huge structures in an estuary with its numerous conservation designations is quite unacceptable.

## PLANNING POLICY

8.18 In relation to the specific policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application.

GEP1: General Environmental Principles  
GEP3: Crime Prevention by Planning and Design  
IND9: Potentially Pollution or Hazardous Developments  
PU7: Renewable Energy Developments

### National Policy

8.19 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning Policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approved all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings –economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being empowering



local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage the re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and well-being.

8.20 The following paragraphs are particularly relevant to the consideration of this application.

Paragraph 93 – Supporting the delivery of renewable energy

Paragraph 97 – Increase the use and supply of renewable and local carbon energy.

Paragraph 98 – Determining applications for energy development

Paragraph 128 – Considering heritage assets

Paragraph 134 – Heritage assets and public benefits

Paragraph 196 – Primacy of the development plan

Paragraph 197 – Presumption in favour of sustainable development

## **PLANNING CONSIDERATIONS**

8.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, visual impact on the landscape, impact upon neighbouring properties, impacts on historic heritage, Public Rights of Way, ecology, highways and other matters.

8.22 These issues are currently under consideration and an updated report will follow.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

8.23 There is no evidence of equality or diversity implications.

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

8.24 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.

8.25 There are no Section 17 implications.

## **REASON FOR DECISION**

8.26 The issues raised by the application are currently under consideration and a recommendation will follow in due course.

**RECOMMENDATION – UPDATE** report to follow

## **BACKGROUND PAPERS**

8.27 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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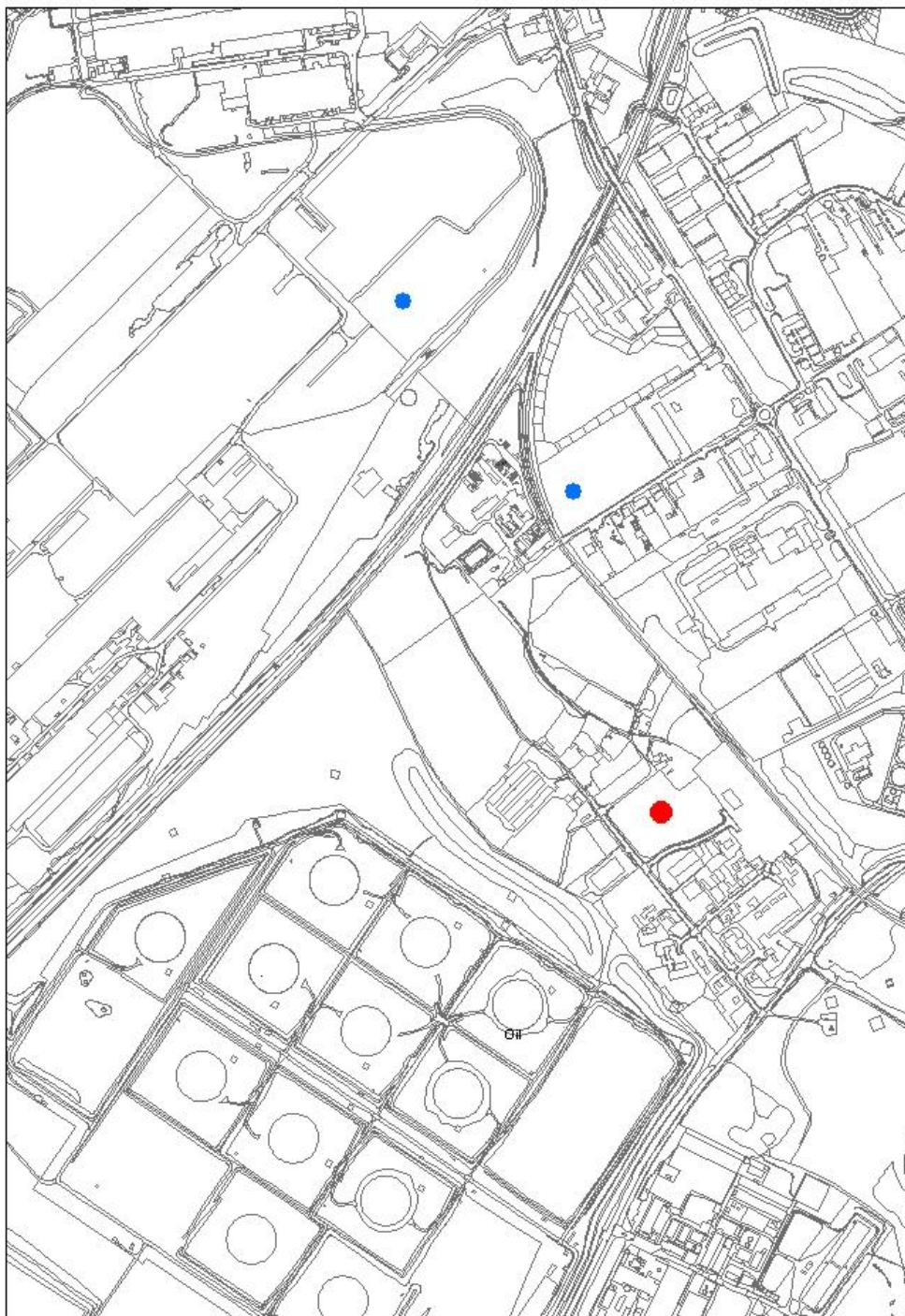
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## LAND AT GRAYTHORP



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
Level 1, Civic Centre, Hartlepool TS24 8AY  
Department of Regeneration and Planning

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**Scale: 1:10000**  
**Date : 06/02/15**  
**H/2014/0252**

## **POLICY NOTE**

The following details a precis of the policies referred to in the main agenda. For the full policies please refer to the relevant document.

### **ADOPTED HARTLEPOOL LOCAL PLAN 2006**

**GEP1** (General Environmental Principles) - States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

**GEP2** (Access for All) - States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

**GEP3** (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

**GEP7** (Frontages of Main Approaches) - States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

**GEP9** (Developer Contribution's) States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

**GEP10** (Provision of Public Art) Encourages the provision of public art and craftwork as an integral feature of new development.

**GEP12** (Trees, Hedgerows and Development) States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough

Council may prosecute if there is damage or destruction of such protected trees.

**Ind5** (Industrial Areas) - States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

**Ind8** (Industrial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

**Ind9** (Potentially Polluting or Hazardous Developments) - Reserves land in this area for developments which are potentially polluting or hazardous. These will be permitted where there is no significant detrimental effect on the environment or on designated nature conservation sites, on amenity or on the development of neighbouring land. In these respects special regard will be had to advice received from the Health and safety Executive, HM Inspector of Pollution, the Environment Agency and English Nature as appropriate.

**Com1** (Development of the Town Centre) - States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

**Com4** (Edge of Town Centre Areas) - Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

**Com6** (Commercial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

**Hsg5** (Management of Housing Land Supply) - A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range

and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

**Hsg9** (New Residential Layout – Design and Other Requirements) - Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

**Tra16** (Car Parking Standards) - The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

**Tra20** (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

**PU7** (Renewable Energy Developments) - States that renewable energy projects will generally be supported to facilitate the achievement of national targets for electricity generating capacity. In determining applications significant weight will be given to achieving wider environmental and economic benefits. Account will also be taken of the impact on the character of the area, amenity of residents, ecology and radar and telecommunications. A restoration scheme should be submitted.

**GN3** (Protection of Key Green Space Areas) - Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

**WL2** (Protection of Nationally Important Nature Conservation Sites) - States that developments likely to have a significant adverse effect on SSSIs will be subject to special scrutiny and may be refused unless the reasons for development clearly outweigh the harm to the special nature conservation interest of the site. Where development is approved, planning obligations or conditions will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.

**HE1** (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of

the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

**HE2** (Environmental Improvements in Conservation Areas) - Encourages environmental improvements to enhance conservation areas.

**HE3** (Developments in the Vicinity of Conservation Areas) - States the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these areas.

**HE8** (Works to Listed Buildings (Including Partial Demolition))

States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

**HE12** (Protection of Locally Important Buildings) - The policy sets out the factors to be considered in determining planning applications affecting a listed locally important building. The Council will only support the demolition or alteration of locally important buildings where it is demonstrated that this would preserve or enhance the character of the site and the setting of other buildings nearby.

**Rur1** (Urban Fence) - States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

## **MINERALS & WASTE DPD 2011**

### **Policy MWC6: Waste Strategy**

The sustainable management of waste arisings in the Tees Valley will be delivered through:

- a) making provision for sufficient annual waste management capacity to allow:
  - i) 40% of household waste from the Tees Valley to be recycled or composted from 2010, rising to 46% from 2016;
  - ii) to recover value from 53% of municipal solid waste from the Tees Valley from 2010, rising to 72% from 2016; and
  - iii) to increase the recovery of value from commercial and industrial waste from the Tees Valley to 73% from 2016;
- b) promoting facilities and development that drives waste management up the

- waste hierarchy;
- c) the distribution of waste management sites across the Tees Valley
  - d) safeguarding the necessary infrastructure to enable the sustainable transport of waste,
  - e) developing the regional and national role of the Tees Valley for the management of specialist waste streams.

Proposals should have no adverse impact on the integrity of the SPA, Ramsar and other European sites, either alone or in combination with other plans or programmes. All waste developments must be compatible with their setting and not result in unacceptable impacts on public amenity, environmental, historic or cultural assets from their design, operations, management and, if relevant, restoration.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012**

**2.** Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

**6.** The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

**7.** There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

**13.** The National Planning Policy Framework is a material consideration in determining applications.



**14:** At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

**17:** within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);

- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

**23.** Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

**34.** Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use

of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

**36.** All developments which generate significant amounts of movement should be required to provide a Travel Plan.

**37.** Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

**47.** To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable<sup>12</sup> sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

**49:** Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

**50:** To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

**56:** The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

**57:** It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

**58.** Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Planning Policies and decisions should aim to ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

**60.** Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

**61:** Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**64:** Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

**66:** Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

**72.** The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

**93.** Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

**96:** In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

**97.** To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

**98.** When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- 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 also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

**111.** Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

**118.** When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm 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;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
  - potential Special Protection Areas and possible Special Areas of Conservation;
  - listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

**128.** In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been

consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

**129.** Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

**131:** In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

**132:** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

**134.** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**137.** LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals to preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

**196:** The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the

development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

**197:** In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

**203.** Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

**204.** Planning obligations should only be sought where they meet all of the following tests:

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

**205.** Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

**206.** Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.



## UPDATE

**No:** 1  
**Number:** H/2014/0570  
**Applicant:** Mr Stephen Litherland c/o Bellway Homes North East  
Kings Park Kingsway North GATESHEAD NE11 0JH  
**Agent:** Leebell Developments Ltd Mr Stephen Litherland c/o  
Bellway Homes North East Kings Park Kingsway North  
GATESHEAD NE11 0JH  
**Date valid:** 09/12/2014  
**Development:** Outline planning application with some matters reserved  
for the erection of 7 no self-build residential plots together  
with associated access and landscaping (resubmitted  
application)  
**Location:** Land at Worset Lane HARTLEPOOL

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### UPDATE

1.1 This application appears on the main agenda at item 1. The report was left open to allow for receipt of outstanding consultation responses and representations on an amended plan and information received.

1.2 The following outstanding consultation has been received:

**HBC Landscape & Conservation:** A landscaping scheme has been submitted in support of the application which shows the retention of four existing trees at the south western boundary of the site as well as an informal arrangement of new tree and hedgerow planting providing enclosure and filtered screening of the development along the Hart Lane boundary. Two small landscaped areas adjacent to the proposed entrance to the development from Worset Lane are also shown. I would consider the submitted details generally acceptable, however given that amended plans have subsequently been submitted that include a proposal for a public footway along the Hart Lane boundary I would recommend that the landscaping scheme be revisited and amended taking account of the proposed footway. A revised landscaping scheme should be required by condition.

Additional amendments to the originally submitted details involve the removal of approximately 130m of mature hedgerow in order to accommodate widening of Worset Lane at this point. The loss of the hedgerow is considered regrettable, however is unavoidable given the need to carry out road widening. Replacement hedgerow planting should be provided and should form part of the revised landscaping scheme.

I would also recommend that details for the protection of the retained trees adjacent to plots 6 and 7 be required as part reserved matters submissions for the development of these plots.

**HBC Public Protection:** Previous comments stand

## UPDATE

**HBC Traffic & Transportation:** The developer is proposing to widen Worsett Lane to a minimum 4.8 metres along the developments boundary and also provide a 1.8 metre footway in this location. This work should be carried out prior to the construction of the houses.

The proposed access onto Worsett Lane would require minimum sight lines of 2.4 x 43 metres and have minimum Kerb Radii of 6 metres. The plan provided does not show these requirements, however there is scope for these requirements to be carried out.

The carriageway within the development should be constructed under a section 38 agreement with a view to adoption. All carriageways and footways should be constructed in accordance with the HBC Design Guide and Specification.

**HBC Ecologist:** The amended proposal would now require the removal of most of the mature hedge along Worsett Lane and consequently an assessment of the hedge has been submitted as part of the supporting information. The assessment doesn't specifically address the issue of whether the hedge would meet the definition of 'important' under the Hedgerow Regulations 1997 but as they have noted that it is predominantly a hawthorn hedge with just occasional specimens of two other species then we can conclude that it doesn't qualify as an important hedge under those Regulations.

Nevertheless I don't agree with the conclusion that its removal would not be significantly detrimental. It is clearly an old boundary feature, possibly very old and associated with an old boundary wall and is mature and intact. I think its removal would be significant. However I would concede that its loss could be compensated for by a substantial landscaping scheme.

In addition to the proposed landscaping shown on drawing no SD-10.04, the landscaping scheme associated with this amended proposal would need to compensate for the loss of the mature hedge. In order to provide some of the screening benefits of the mature hedge this should include the provision of additional standard trees to that shown in the above drawing. A replacement hedge should also be included along the entire length of the rear of the properties from plot 1 to plot 6 and another along the widened road boundary, where possible.

### PUBLICITY

1.3 Twenty two objections have been received in relation to the amended plans and information received, the concerns raised are:

The widening of road cannot be achieved because of the protected ancient hedgerow

The hedgerow incorporates an archaeological feature

Insufficient reasons to support removal of hedgerow

# UPDATE

## PLANNING CONSIDERATIONS

1.4 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact upon character of the surrounding area, neighbouring residents, highway safety, flooding and drainage, ecology and landscaping and archaeology.

### Principle of Development

1.5 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the National Planning Policy Framework (NPPF) particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council can not currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are deemed, currently, to be out of date. Where policies are out of date the local authority must approve applications unless in doing so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits.

1.6 In viewing statute, planning policy and the information submitted one must have regard to all material considerations and consider if in fact the proposal is deemed to be sustainable development.

1.7 Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Given the sites location and proximity to services and public transport, particularly at Wiltshire Way, it is considered that the principle of development within this area would constitute sustainable development.

1.8 The site is protected by policy GN3e, which aims to strictly control development on key green space areas, in this instance in terms of verges of highways. The development is contrary to this policy of the 2006 Local Plan, however it is considered that the proposed landscaping of the site outside the development which will remain protected by the policy will improve the quality of the verge and compensate against the loss of the area of green space.

### Impact Upon the Character and Appearance of the Area

1.9 There have been some public objections to the development relating to the impact upon the area and existing properties. The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

## UPDATE

1.10 The Hartlepool Local Plan 2006 advise that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

1.11 It is considered that the density of the site is acceptable and is reflective of the surrounding area. The separation distances proposed between dwellings within the site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. It is considered that a development can be brought forward that would not have a detrimental impact on the character and appearance of the area. However it is noted that this application is in outline to establish the principle of development full details regarding design and layout are to be submitted at a later date with a reserved matters application when they will be fully assessed.

### Effect of the Proposals on Neighbouring Properties and Surrounding Area

1.12 The indicative layout has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it.

1.13 The closest neighbouring properties are to the north and west of the application site. The proposal is in outline and therefore no detailed layouts have been provided, however the Indicative Site Layout Plan shows that some hedging will in part be retained and additional planting provided. The separation distances indicated between the proposed dwellings and neighbouring dwellings to the north and west significantly exceed the guideline separation distances in the Local Plan. The properties to the west for example are some 25 metres distant. The applicant will have to demonstrate at the reserved matters stage that satisfactory relationships can be achieved. However, given the relative low density of the development, and the indicative layout plan submitted to accompany the application, it is anticipated that satisfactory relationships can be achieved.

1.14 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from the Head of Public Protection. Owing to the scale of the development and proximity to residential properties, it is considered necessary to impose a condition relating to construction hours. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

### Impact Upon Highway Safety

1.15 The Council's Traffic and Transportation Team have been consulted on the application and raised initial concerns with regard to the road width and lack of footpath. Following discussions with the applicant an amended plan was submitted

## UPDATE

which provided a footpath and an increase in width to the existing road. Traffic and Transport raised no objection to the amended proposal.

1.16 The proposed access onto to Worset Lane would require minimum sight lines of 2.4 x 43metres and have a minimum Kerb Radii of 6 metres, whilst the plans submitted do not show this, it is considered that this can be secured by planning condition.

1.17 In terms of increased traffic generation the Traffic and Transportation Team do not consider that the traffic movements associated with an additional 7 plots will compromise the efficiency or the safety of the transport network for the area.

### Flooding and Drainage

1.18 The latest flood map from the Environment Agencies website illustrates that the area is located within flood zone one and is a low risk area in terms of flooding.

1.19 Information provided indicates that it is proposed to discharge the surface water and foul water flows from the development into the existing public systems within Waterside Way to the west of the site.

1.20 The surface water flows will be restricted to the pre-development Greenfield rate and storms up to and including the 1 in 100 year, plus a 30% will be contained within through attenuation tanks beneath the proposed highway which will be adopted by Northumbrian Water. Whilst it is accepted that this as an acceptable solution, it is considered that through detailed design an alternative flow restriction measures including some above ground solutions, making use of the green space could be achieve. This can be achieved through condition requesting full drainage details at the reserved matters application. A contaminated land condition should also be included.

### Ecology

1.21 The Council's Ecologist has commented that there are unlikely to be any significant ecological issues associated with this site, except for the mature hedge that runs along the western boundary. The hedge sits on top of an old stone wall which provides a valuable landscape feature as well as providing screening to the properties to the west. The hedgerow is predominantly 'Hawthorn' with occasional specimens of two other species.

1.22 It is considered that although the removal would have a significant impact upon the visual impact upon the area, the benefit of widening part of Worset Lane and a substantial landscaping scheme would outweigh the loss of the hedgerow and wall.

### Landscaping

1.23 A landscaping scheme has been submitted in support of the application which shows the retention of four existing trees at the south western boundary of the site including informal arrangement of new tree and hedgerow planting providing

## UPDATE

enclosure and filtered screening of the development along the Hart Lane boundary. There are also areas of planting along Worset Lane elevation.

1.24 An amended plan has been submitted which show the inclusion of a footway on the eastern side of the development along Hart Lane, the widening of Worset Lane road on the western side of the development including the provision of a footpath.

1.25 The widening of the road on Worset Lane requires the removal of approximately 130m of mature hedgerow to accommodate these works. It is considered that the loss of this hedgerow is regrettable, however it is unavoidable given the need to carry out road widening. Replacement hedgerow planting would be provided including a full landscaping scheme and this can be secured by planning conditions.

### Archaeology

1.26 An archaeological trial trench evaluation report has been submitted. This has demonstrated well preserved deposits relating to the medieval settlement of High Throston. Whilst the archaeological deposits are of local, or perhaps regional importance, the significance is not sufficient to warrant physical preservation. However, it is considered that the site be subject to further archaeological recording in advance of development this would be in accordance the paragraph 141 of the NPPF.

1.27 The recommended condition is multi-part and based on a model prepared by the Association of Local Government Archaeology Officers for the Planning Inspectorate to ensure recording of a heritage asset through a programme of archaeological works to accord with the requirements of paragraph 128 of the NPPF.

### Residual Matters

1.28 Concerns raised with regard to the type of dwelling proposed and that no details have been provided, this is an outline application to establish the principle of the development, full details will be provided at reserved matters stage.

1.29 Concerns have been raised with regard to the status of the existing hedgerow and wall on the western side of the development (Worset Lane). Having regard to the Hedgerow regulations it is considered that the hedge would meet the criteria of 'important'. The removal of this hedgerow is part of the planning application and can therefore be addressed through the application process.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.30 There is no evidence of equality or diversity implications.

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

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

## UPDATE

### REASON FOR DECISION

1.32 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 conditions below and the completion of a legal agreement securing adoption of the landscape area and highway area. The decision is subject to the consideration by the Planning Services Manager of any additional representation being received prior to the expiry of the consultation period, with the final decision should any additional responses be received being delegated to the Planning Services Manager.

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the means of access within the site and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
In order to ensure these details are satisfactory.
3. Development shall not commence until a detailed scheme for the disposal of foul water from the development including the provision of a new sewage pumping station, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF
4. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.  
To prevent the increased risk of flooding, both on and off site.

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5. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - a. human health,
  - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - c. adjoining land,
  - d. groundwaters and surface waters,
  - e. ecological systems,
  - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1



## UPDATE

(Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

### 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must 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 must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### 6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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.

6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. 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.

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- In the interests of visual amenity.
8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.  
In the interests of the health and appearance of the preserved tree(s).
  9. The clearance of any vegetation including trees and hedgerows 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. Unless 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.
  10. Prior to the commencement of development details of existing and proposed levels of the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the Local Planning Authority.  
In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.
  11. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, 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.
  12. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
  13. The development hereby permitted shall be carried out in accordance with the site layout plan Project No: 521-BEL Dwg No: SD-10.03 received by the Local Planning Authority on 22 January 2015, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
  14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

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To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

16. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 08:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.

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

17. Recording of a heritage asset through a programme of archaeological works
  - A) No development shall take place 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 development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

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

To ensure proper recording of a heritage asset through a programme of archaeological works.

18. No development shall be commenced until a scheme for the provision of visibility splays of 2.4 metres x 43 metres at the entrance to the site from Worset Lane has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved.  
In the interests of highway safety.
19. Notwithstanding the details submitted prior to the commencement of development final details of the road widening works and footpath provision to Worset Lane shall be submitted to and agreed in writing by the Local

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Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved.

In the interests of the amenities of the occupants of neighbouring properties and highway safety.

20. Notwithstanding the details submitted details of the proposed footway on the eastern side of the development (Hart Lane) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved.

In the interests of visual amenity.

21. The total quantum of development hereby approved shall not exceed 7 dwellinghouses (C3 Use Class).

To ensure a satisfactory form of development.

### BACKGROUND PAPERS

1.33 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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## UPDATE

**No:** 6  
**Number:** H/2014/0254  
**Applicant:** Mr Mark Whitehead Maritime House Harbour Walk  
HARTLEPOOL TS24 0UX  
**Agent:** The Energy Workshop Mr Daniel Grierson The Media  
Centre 7 Northumberland Street HUDDERSFIELD HD1  
1RL  
**Date valid:** 20/06/2014  
**Development:** Erection of a single wind turbine with a maximum tip  
height of 175 metres, an electrical control building, and  
associated infrastructure.  
**Location:** LAND AT TOFTS ROAD WEST

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### PURPOSE OF REPORT

6.1 This application appears on the main agenda at item 6. This update report outlines the material considerations in relation to the proposal and presents a recommendation.

### CONSULTATION RESPONSES

6.2 The following additional consultation responses have been received.

**HBC Public Protection:** No objections subject to conditions.

**HBC Landscape & Conservation Team Leader:** I would confirm that in relation to the above applications the sites are a considerable distance away from the heritage assets located within the town and therefore will not directly impact on any heritage assets or their setting.

### PLANNING CONSIDERATIONS

6.3 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact upon neighbouring properties (noise, shadow flicker), impacts on historic heritage, highways, ecology, safety, aircraft safety and interference.

#### Principle of the Development

6.4 National planning policy contained within the National Planning Policy Framework (NPPF) supports the development of renewable energy. Paragraph 93 of NPPF recognises the importance of planning in delivering renewable energy. Renewable energy is considered central to the economic, social and environmental dimensions of sustainable development.

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6.5 Paragraph 3 of NPPF states that national policy statements are a material consideration in decisions on planning applications. Footnote 17 to paragraph 97 of NPPF states that in assessing the likely impacts of potential wind energy development in determining such planning applications the approach in the National Policy Statement for Renewable Energy Infrastructure (EN-3) read with the relevant sections of the Overarching National Policy Statement for Energy (EN-1) should be followed.

6.6 Paragraph 97 states that to help the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation.

6.7 Paragraph 98 of the NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. In addition Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable.

6.8 The Secretary of State issued a Written Ministerial Statement by the Secretary of State for Communities and Local Government on Renewable Energy Developments on 10 October 2013. This states that NPPF includes a strong protection for the natural and historic environment. It goes on to state that some local communities have genuine concerns that when it comes to developments such as wind turbines insufficient weight is being given to local environmental considerations like landscape, heritage and local amenity. The new guidance makes it clear that the need for renewable energy does not automatically override environmental protections and the views of local communities should be listened to.

6.9 A further Written Ministerial Statement by Secretary of State for Energy and Climate Change: 'Onshore Wind' provides that appropriately sited onshore wind, as one of the most cost effective and proven renewable energy technologies, has an important part to play in a responsible and balanced UK energy policy as it reduces reliance on imported fossil-fuels and helps keep the lights on and our energy bills down. The statement adds that the UK has some of the best wind resources in Europe, and that the Government is determined that the UK will retain its reputation as one of the best places to invest in wind energy.

6.10 The Planning Practice Guidance (PPG) published on 6 March 2014 states that increasing the amount of energy from renewable and low carbon technologies will help make sure that the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The PPG also sets out the particular planning considerations that relate to wind turbines.

6.11 At a local level Policy PU7 of the Hartlepool Local Plan 2006 supports renewable energy projects in order to facilitate the achievement of national targets for new electricity generating capacity.

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6.12 It states in Policy PU7 that in determining applications for such projects significant weight will be given to the achievement of wider environmental and economic benefits account will also be taken of the potential effects upon;

- The visual appearance and character of the area;
- The amenity of local residents;
- Ecology;
- Airport and radar telecommunications,

6.13 Policy Ind5g states that proposals for business uses and warehousing will be permitted in the Breda Road West area. This proposal would not be for a business use or warehousing, but it would utilise a vacant industrial site and therefore it is considered that it would not adversely affect the supply of employment land.

6.14 The impact of the development on visual amenity, residential amenity, ecology and impact on radar and telecommunications are discussed in detail below.

6.15 The applicant states approximately 20 people will be employed at any one time on site during the construction of this development. This is a material consideration which weighs in favour of the proposal.

6.16 Both national and local planning policy seeks to support the development of renewable energy providing the impacts are or can be made acceptable. The proposal would not accord with policy, which allocates this site for business uses by policy Ind5g. However, it is an existing area of vacant industrial land and there are plenty of other vacant industrial areas of land in the Borough that could be used and hence this proposal would not have an adverse impact on the supply of employment land.

6.17 Therefore it is considered that this proposal is acceptable in principle and would accord in this respect with the advice in NPPF and Local Plan Policy PU7.

### Visual Impact on the landscape

#### VISUAL IMPACT

6.18 Policy PU7 states that for wind turbine proposals the topography of the site and the layout of the turbines will need to be taken into account and all reasonable measures taken to reduce the impact of the development.

6.19 Paragraph 23 of PPG states that when assessing the significance of the visual impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of changes than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change.

6.20 The issues of visual impact should be considered in terms of overbearing impact to neighbouring properties and in terms of whether or not the wind turbine would be detrimental to the appearance of the surrounding landscape.

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6.21 As well as a 175m high wind turbine the proposal also includes an electrical control building, which would house switchgear and metering equipment. The building would have a footprint of 9m x 9m on a large area of 13m x 9m hardstanding. The applicant states that the final detailed design of this building could be controlled by a suitable condition.

6.22 The application site is within Natural England's National Character Area 23: Tees Lowlands. It is described as amongst other key characteristics as;

- Being broad, low-lying and open plain of predominantly arable agricultural land with low woodland cover and large fields, defined by wide views to distant hills;
- Major industrial installations around Teesmouth form a dramatic skyline, but are juxtaposed with expansive mudflats, sand dunes and salt marshes, which are internationally designated for their assemblage of waterfowl.
- Principal transport corridors, power lines and energy infrastructure are conspicuous elements in the landscape.

6.23 As indicated in the landscape typology for the Tees Lowlands the landscape here is characterised by a variety of natural and manmade forms. The application site is located at the heart of an industrial area of the town which extends to the north, south, east and west characterised by large scale industrial installations notably the Tata Steelworks to the north/west, the Tank Farm to the south, the Huntsman Tioxide plant to the south, the nuclear Power Station to the south east, and Seaton Meadows landfill to the south. The area is also crossed by major powerlines. Seaton Port some 1.8 km to the south is also periodically occupied by large structures, in particular oil platforms. (A recent example was the Oil Diamond Offshore Patriot which the yard operator estimated at a height of some 66m).

6.24 It is clear that within the immediate industrial area within which is sited the Turbine, given its height and proximity, will have a somewhat overwhelming impact in terms of its prominence as is the case with all turbines. However, given the nature of the area it is considered that it would be difficult to argue that the Turbine would detract from its visual amenity as these areas of the town are essentially functional work places and have little to offer in terms of their visual amenity. Further north and west the industrial parts of the borough give way to the residential areas and countryside where impacts need to be carefully considered.

6.25 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), which examines the visual impact of the turbines from 15 different viewpoints. The viewpoints which show the turbines being most prominent are viewpoints 6, 7 and 8. These viewpoints are considered critical in that they correspond to the closest limits of the main residential areas of the town. The photomontages submitted have been carried out in accordance with the Landscape Institute Advice Note 01/11.

6.26 Viewpoint 6 was taken from Greatham Sports field which is located approximately 2km southwest of the proposed wind turbine. The playing fields are surrounded by hedgerows and trees with the view framed by the chemical works and cluster of pylons to the right of this view. A plantation frames the eastern edge of the view. At this distance the applicant states that the wind turbine would be a



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prominent feature, taller than the existing line of pylons to the right of the view, which serve to accentuate the scale of the proposed turbine.

6.27 Viewpoint 7 was taken approximately 900m north of the proposed wind turbine, this is the closest viewpoint. The viewpoint was taken from a footpath south of Seaton Carew at the southern end of Bilsdale Road. This view is indicative of that available to housing on the southern edge of Seaton Carew, and to those using the footpaths and local road network in the vicinity at this distance. A limited number of houses potentially have visibility towards the proposed wind turbine, with the remaining housing in this area having an orientation away from the proposed location with windows looking southeast and northwest. This is a restricted view with the works in the foreground and surrounding industrial activity as dominant features within it. Mature trees screen the mid ground. The offshore windfarm is visible looking east from this location. Where views are possible, the wind turbine will be a prominent feature although it is not considered it would be overbearing due to the surrounding industrial buildings, the existing screening and its distance from properties.

6.28 Viewpoint 8 was taken approximately 1.5km north of the site, to the south of Hartlepool and represents the potential visibility of the turbine to local residents walkers and users of the local road network. This is a constrained view, constrained by housing to the left of the view and mature tree planting to the south and along the roadside, which frames the view. The TATA steelworks and chimneys are visible above the woodland from this location. At this distance, the wind turbine would be a prominent feature and a focal point, however it is not considered that it would be dominant. Houses in the foreground of this view have windows facing away from the wind turbine. Main views from within properties, would, therefore not include the proposed turbine. Some views may, however, be available from gardens.

6.29 At other viewpoints, whilst the turbine would be prominent, it would be seen against a backdrop of a large and expansive industrial area and therefore it is considered that it would not be overbearing or have an adverse impact upon the character and appearance of the surrounding area.

6.30 From more distant vantage points the turbines because of the intervening distance, topography and vegetation, would not have a significant adverse effect on the visual amenity of the area. At other viewpoints while the turbines would be prominent they would be seen against a backdrop of a large and expansive industrial area and therefore it is not considered that they would be overbearing or have an adverse impact upon the character and appearance of the surrounding area.

6.31 The Council's Landscape Officer maintains that although the LVIA argues that the industrial character of the wider area ensures that the turbines do not extend beyond the existing visual envelope, it is more likely that in this case the scale of the Seneca turbines will extend the visual impact of the existing industrial elements and create an impact of their own well beyond the industrial context of the site.

6.32 These concerns are noted and it is considered that the proposed wind turbine would be visually dominant especially from close views within the immediate industrial surroundings and at the southern and south eastern edges of the build up areas of the town. However this dominance would reduce when viewed from further

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away, although the turbine given its scale would remain prominent. Nevertheless this visual impact must be viewed in the context of the existing industrial nature of the landscape and balanced against the benefits of the proposal.

### CUMULATIVE VISUAL IMPACT

6.33 The cumulative visual impact of the turbine taken together with the other turbines proposed and the existing or proposed turbines in the vicinity must also be taken into consideration. The closest sites within Hartlepool are the approved Red Gap wind farm located some 8 km to the west and High Volts located some 8km to the north west. The Sheraton Moor site, currently under consideration, in Durham/Hartlepool is some 11km to the north. There are other wind farms located in Durham notably Butterwick/Walkway some 12km away, offshore at Redcar and a single 130m Turbine has recently been approved close to Middlesbrough Football Club's ground (7km) away.

6.34 Many of the key transport routes in the study area, particularly those within 10km are heavily bordered with mature trees therefore screening any potential visibility. Visibility along the A689 is currently limited to short sections from which the existing consented Walkway and consented Red Gap winds farms could be seen.

6.35 The locations of the sites considered allows for most sequential visibility whilst travelling north/south from Hetton-le-Hole via the A19 to Middlesbrough. Visibility is more open along this route with the ability to see several wind farms, albeit predominantly in distant views. The operating High Volts wind turbines are the closest to the main carriageway and the westernmost turbine dominates a section of the A19 northwest of Hartlepool. The degree of separation between existing sites, however, generates an impression of a landscape containing wind turbines as opposed to windfarm landscape. The proposed wind turbine would add to the overall impression of sequential visibility for those travelling longer distances through the area, although it would be viewed against a backdrop of the operating Teesside offshore turbines from viewpoints to the northwest and west. However it is within a highly industrialised setting and would therefore be viewed within this context.

6.36 Cumulatively, the proposed turbine sits within a zone visually identifiable as containing significant structures, consisting of large buildings, chimneys, stacks and flare stacks. The proposed wind turbines would add additional movement within this zone, which is currently limited to smoke and steam from chimneys and irregular flaring. When visible, the offshore wind farm site currently brings such movement to views and is identifiable as a distant element in itself.

6.37 The Council's Landscape Officer states that it is apparent that the scale of the Seneca Cluster proposals would represent an adverse impact on the visual amenity of the wider Hartlepool area, particularly through the potential for a perceived wind farm landscape to be created. He concludes by raising concerns regarding the proposals, but does not object.

6.38 These concerns are noted and with regard to visual amenity, proposals of this nature and extent will always be visible. However, it would be viewed in the context of an industrial backdrop, which does much to mitigate its effects. Potential visibility is mainly constrained to 10km, with potential visibility becoming increasingly

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constrained with distance primarily due to screening along key routes. In conclusion, it is not considered that the proposal would have a significant detrimental cumulative impact when viewed with the other turbines proposed, and other operational and consented wind turbines.

### VISUAL IMPACT ON NEIGHBOURING AUTHORITIES

6.39 The proposed wind turbine is tall enough that it would cause impacts beyond the administrative boundaries of Hartlepool. Therefore Hartlepool Borough Council has consulted adjoining local authorities to seek their views.

6.40 Durham County Council states that with regards to the landscape impact, it is expected that turbines of this size to be visually dominant within around 3 to 3.5km and to be visually prominent within around 8km. The turbines would be around the latter distance from the boundary with County Durham. Durham County Council states that they would not have significant landscape or visual effects in themselves on receptors in County Durham in the relatively shallow views typical of the settled landscape of the Tees Plain and the southern part of the Limestone Plateau.

6.39 The turbines would have cumulative landscape and visual effects in views taking in existing and approved wind farms in County Durham. The nearest would be the Butterwick/Walkway complex. In closer views, the proposed turbines would be likely to be screened by intervening woodland and topography. There would be some combined visibility in localised views from high ground on the escarpment to the west, which looks at the Tees Plain as a whole. The cumulative effect would be low to moderate in these views. There would also be potential for cumulative effects with proposed developments in County Durham and particularly Sheraton Moor and Wingate Grange. Those effects would be generally of low or moderate order of magnitude.

6.40 In terms of the impact upon Stockton Borough, the authority noted that the construction of the new wind turbines increased the influence of wind farms in the landscape and it has the potential to create cumulative impact when combined with other planned or constructed wind farms notably Red Gap Moor.

6.41 Middlesbrough Council has also been consulted and they do not object.

6.42 It is considered that the proposal would not when taken individually or cumulatively result in any significant adverse visual impacts on any neighbouring local authority.

### Impact on neighbouring properties

6.43 The visual impact of the development is considered above. Turbines have the potential to create nuisance for neighbouring properties particular from additional noise and from shadow flicker.

### NOISE

6.43 Planning Practice Guidance (PPG) states that the report. “The Assessment and rating of noise from wind farms” (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments. Policy

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GEP1 states that in determining a planning application the Council will amongst other matters take account of the affect on the amenities of occupiers of adjoining or nearby properties in terms of noise.

6.44 The construction works themselves also have potential to create noise and disturbance in this respect the applicant states that construction works would be limited from 7am to 7pm on weekdays and 7am to 5pm on Saturdays. The applicant also states that wind turbines can only be erected in periods of low wind speeds and once manoeuvres have started they need to be completed.

6.45 The applicant has submitted a desk based Noise Assessment. This assessment concludes by stating that the noise levels at the nearest residential properties to the Tofts Road West site turbine are well below the levels identified by ETSU. The nearest residential properties not under the control of the applicant are at Bilsdale Road which are 893m away. The applicant has also carried out a cumulative noise assessment taking into account all of the 3 proposed turbines. This cumulative assessment also concludes that the noise levels at the nearest residential properties would also be below the levels identified by ETSU.

6.46 HBC Public Protection has been consulted and does not raise any objections subject to conditions.

6.47 In conclusion, it is considered that the proposed wind turbine would not either individually or cumulatively have an adverse impact in terms of noise and therefore the proposal would accord with PPG and policy GEP1.

### SHADOW FLICKER

6.48 Paragraph 020 of PPG states that under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. Only properties within 130 degrees either side of north, relative to the turbine can be affected at these latitudes in the UK – turbines do not cast a long shadows on their southern side.

6.49 Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at specific properties or groups of properties on sunny days, for specific times of the day and on specific days of the year. Where the possibility of shadow flicker exists, mitigation can be secured through the use of planning conditions.

6.50 The applicant has submitted a Shadow Flicker Assessment. For dwellings on the southern end of Bilsdale Road, which are situated approximately 910m from the proposed turbine, there is potential for 18 hours of shadow flicker per year of mean duration of 24 minutes. For dwellings on the southern end of Lingdale Drive Seaton Carew there is potential for 31.6 hours of shadow flicker per year of mean duration of 28 minutes. For dwellings on Pavillion Close/Headingly Court, Seaton Carew there is potential for 30.2 hours of shadow flicker per year of a mean duration of 26 minutes.

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6.51 HBC Public Protection has been consulted and not raised any objections subject to a condition.

6.52 The proposal is considered to be in accordance with policies GEP1 and PU7 of the Hartlepool Local Plan, paragraphs 93 and 98 of the NPPF and paragraph 020 of PPG.

### Impact on Historic Heritage

#### SCHEDULED ANCIENT MONUMENTS LISTED BUILDINGS & CONSERVATION AREAS

6.53 Paragraph 132 of NPPF states that then considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be.

6.54 Paragraph 134 of NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

6.55 The applicant has submitted a Heritage Assessment. This identifies that there are nine Scheduled Ancient Monuments within 10km of the proposed turbine and 384 listed buildings within 10km of the proposed wind turbine at Tofts Farm. Only 120 of these are within the Zone of Theoretical Visibility. Of the 5 Grade I listed buildings within 10km (each beyond 5km from the site), only one is predicted to have visibility of the hub (the Headland's Town Wall and Sandwell Gate). This feature is located 5.7km to the north east of the site and is the closest Grade I listed building. It is also a Scheduled Monument. Of the 103 listed buildings within 5km, 4 are Grade II\* and 99 and Grade II. The closest listed building to the proposed turbine is the Grade II, 8 South End, which is 2.2km to the northeast. This is an east facing early/mid 19<sup>th</sup> century whitewashed limestone terraced house in Seaton Carew.

6.56 Hartlepool Borough has 8 Conservation Areas, 6 of which fall within 5km of the application site. The application site is also within 5km of Cowpen Bewley Conservation Area in Stockton-on-Tees borough.

6.57 The HBC Landscape & Conservation Manager has raised no objections to the proposal. Given the distances to the turbine the intervening urban form screening southerly views, it is not considered that the development would have a detrimental impact on heritage assets within the Borough.

### ARCHAEOLOGY

6.58 In terms of archaeology, the County Archaeologist has been consulted and states that he has no objections subject to conditions. He goes on to state that there are no known archaeological features within the proposed development. The heritage assessment recognises that there is some potential for as yet unknown deposits to exist and propose mitigation in the form of an archaeological watching brief during the construction. This can be secured by a planning condition.

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### IMPACTS ON HERITAGE ASSETS ON ADJOINING AUTHORITIES

6.59 Durham County Council has commented that the proposed turbine will be visible from substantial areas of the defined Heritage Coast at Blackhall and Crimdon, albeit viewed from a far (approximately 14km away) and it is considered that the proposal would not have an adverse impact.

6.60 The environmental statement does identify some visibility from Castle Eden historic park and garden 13km to the northwest, which is also a designated conservation area and contains listed buildings and also the scheduled monument at Sheraton 10km north, both of which are in County Durham. However, as the turbine would be some considerable distance from these assets, Durham County Council state that it is unlikely to impact upon the way in which these assets are experienced, despite its presence on the distant skyline. There are a number of designated and non-designated heritage assets within the former Sedgefield Borough area, which could potentially be affected by the presence of three large turbines in the distance, but the intervening woodland screening and the distance involved would mitigate such impact significantly. Durham County Council conclude by stating that they consider it unlikely that the proposed wind turbines would have any identifiable adverse impacts on the setting of heritage assets within County Durham.

6.61 Middlesbrough and Stockton Council do not raise concerns regarding the heritage impacts upon heritage assets in their respective areas.

6.62 In conclusion, it is considered that subject to an appropriate condition the proposal would not adversely heritage assets and therefore the proposal would accord with the advice in NPPF and policy GEP1 of the Hartlepool Local Plan 2006.

#### Highway Safety

6.63 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development would be severe.

6.64 The applicant has confirmed that Turbine components will be brought ashore into the Able UK docks at Seaton Port. The proposed access for the site for deliveries including turbine components will be via Tofts Road West. The delivery of the nacelle and blades will require the use of abnormally large and slow moving vehicles. These vehicles will require an escort for safety reasons (by the police or the haulage contractor). It is possible that in order to minimise inconvenience to other road users, some of these deliveries will be made during the evening and at night.

6.65 Both HBC Traffic and Transportation and the Highways Agency have been consulted and neither object to the proposal.

6.65 The proposal is considered to be acceptable in highway safety terms and in accordance with policies GEP1 and PU7 of the Hartlepool Local Plan 2006.

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### Ecology

6.66 Paragraph 118 of NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

6.67 Paragraph 18 of PPG states that evidence suggests that there is a risk of collision between moving turbine blade and birds and/or bats. Whilst the risks are generally relatively low, in some situations, such as in close proximity to important habitats used by birds or bats, the risk is greater and the impacts on birds and bats should therefore be assessed.

6.68 Policy GEP1 states that amongst other matters, the Council will have regard to the effect on wildlife, natural habitats and features and species protected by law.

6.69 Policy PU7 states that whilst renewable energy development will generally be supported, in determining applications, significant weight will be given to the ecology of the area, in particular important, international, national and local wildlife sites.

6.70 The application site is in close proximity to the Teesmouth and Cleveland Coast SPA/Ramsar Site and the Seaton Dunes and Common, Seal Sands, Tees & Hartlepool Foreshore & Wetlands and Cowpen Marsh sites of Special Scientific Interest (SSSI's).

6.71 The applicant has undertaken some bird survey works to support the application and this work is ongoing. The results of the survey undertaken between October 2014 and early January 2015 have been provided. Whilst some bird use/flights through the sites have been recorded, the information to date indicates that the application sites are not located on important flight lines and the sites are not of significant functional importance for the features of the SPA/SSSI's. However as the information provided to date does not cover the full wintering period, Natural England require sight of the further January and February/March surveys to be able to advise the Council on whether the proposals would result in a significant effect.

6.72 Natural England advises therefore there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. The Council's Ecology Officer shares this view and the applicant has been requested to provide further surveys covering the entire of the wintering period. Both Durham Bird Club and Teesmouth Bird Club object to the proposals raising particular concerns about flightpaths. The additional survey work is ongoing, but will not be available before the meeting. The recommendation allows for this.

6.73 In terms of bats relatively low levels of bat activity were recorded and therefore the proposal is unlikely to impact on bat populations.

6.74 In conclusion, whilst the evidence submitted to date indicates that the application site is not located on an important flightline for birds and is not of significant functional importance for the features of the SPA/SSSI's the survey work is not complete. Until further information is submitted to cover the period to end of February/March the local planning authority cannot conclude that the impacts at this stage are not significant and therefore cannot determine whether the proposals comply with the advice in NPPF and policies GEP1 and PU7 of the Hartlepool Local

## UPDATE

Plan 2006. The recommendations allows for the further consideration of the outstanding bird survey information once this is available.

### Safety

6.75 PPG states that safety may be an issue in certain circumstances, but risks can often be mitigated through appropriate siting and consultation with affected bodies.

6.76 In terms of safety, PPG provides guidance on fall over distance, which is the distance that the turbine would fall in the unlikely event of it falling down. The fall over distance is the height of the turbine to the tip of the blade plus 10% and is often used as the safe separation distance. In this case the fall over distance would be 192.5m. It is notable that highways and buildings on neighbouring sites are located within the fall over distance.

6.77 It is important to note that this is guidance and there is no requirement for wind turbines to be positioned in such a way that all obstacles are located outside of the fall over distance. This matter has been raised with the applicant and he has provided a list of 66 turbines over 70m high which have been consented within the guideline separation distance. Another example is a recent approval at Middlesbrough FC.

6.78 The Countryside Access Officer states that he has no objections to the proposal. Network Rail had objected to the original proposal, as the proposed wind turbine by virtue of its height would have been within the fall over distance of the railway line. However, the applicant has amended the proposal reducing the height of the turbine to 175m, which would mean that the railway line would be outside of the fall over distance. Network Rail has been re-consulted on the amended plans and withdrawn their objection. HBC Traffic & Transportation, Northern Gas Networks both raise no objections to the proposal.

### Aviation Safety

6.80 Planning Practice Guidance (PPG) states that wind turbines may have an adverse effect on air traffic movement and safety. Firstly they may represent a risk of collision with low flying aircraft, and secondly they may interfere with the proper operation of radar by limiting the capacity to handle air traffic, and aircraft instrument land systems.

6.81 Policy PU7 states that although renewable energy projects will generally be supported in determining applications, account will also be taken of the potential effects upon airport radar.

6.82 Durham Tees Valley Airport (DTVA) have been consulted and they state that they have no objections subject to an appropriate condition. Specifically they state that the proposed turbines will have an impact on the Airport's radar and associated operations. The Airport is currently engaged with a number of wind farm developers to introduce technical mitigation for the effect of their consented wind turbines on the Airport's radar and associated operations. The Airport anticipates that this solution could be extended to mitigate the proposed scheme and this can be controlled by a condition.



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6.83 The Civil Aviation Authority (CAA) does not object, however they state that the CAA has no responsibilities for safeguarding sites other than its own property. They also state that site operators remain responsible for providing expert testimony as to any impact on their operations and the lack of a statement of objection or support from the CAA should not be taken to mean that there are no aviation issues, or that a comment from an operator lacks weight.

6.84 The Ministry of Defence do not raise any objections.

6.85 In conclusion, it is considered that subject to a condition to mitigate any impact on DTVA radar the proposal would not have an adverse impact on aviation safety and would accord with the advice in PPG.

### Interference

6.86 Turbines can interfere with TV, Radio and other transmissions. Arqiva are responsible for providing the BBC's and ITV's transmission network and is responsible for ensuring the integrity of Re-Broadcast links and also the protection of its microwave networks. Arqiva have considered the impacts of this development on their operations and do not object.

6.87 It is considered that subject to conditions to address any impacts that the proposal would not have an adverse impact in terms of interference.

### CONCLUSION

6.88 National and local plan policy in principle supports the development of renewable energy proposals subject to the detailed consideration of any scheme. It is considered that the proposed wind turbine would cause some harm to visual amenity by virtue of its height and prominence. However the proposal would not have an unacceptable cumulative impact, or be unacceptable in terms of its impact on the amenity neighbours. The proposal would not have a significant adverse effect on heritage. Subject to the imposition of appropriate conditions it is not considered that the proposal would unduly affect air safety, highway safety or TV and radio communications.

6.89 However, in terms of ecology the results of bird surveys are awaited and these are required in order to properly assess the impact on nearby protected areas and the recommendation is subject to this matter being satisfactorily concluded. Should this be the case, the harm arising from the visual impact of the large turbine must be weighed against the public benefits of the proposal. It is considered that the development would contribute to meeting the Government's aspirations to increase renewable energy generation contributing to associated environmental benefits and some minor benefits would also accrue to the local economy during construction. Therefore on balance, subject to the receipt of the additional bird survey information and satisfactory comments from Natural England, it is recommended that planning permission should be granted subject to conditions.

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## EQUALITY AND DIVERSITY CONSIDERATIONS

6.90 There is no evidence of equality or diversity implications.

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

6.91 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.

6.92 There are no Section 17 implications.

## REASON FOR DECISION

6.93 An Environmental Statement (Environmental Impact Assessment) was submitted with this application and the environmental information therein was taken into consideration by the Local Planning Authority in reaching its decision. 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 subject to the receipt of additional bird survey information and satisfactory comments from Natural England.

**RECOMMENDATION – APPROVE** subject to the receipt of additional bird survey information and satisfactory comments from Natural England and the following conditions, with the final decision, including authority to amend, delete or add conditions, delegated to Planning Services Manager.

- . The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be removed from the site after a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid ("First Export Date"). Thereafter the land shall be restored in accordance with a scheme to be first agreed in writing by the Local Planning Authority in excess of 6 months prior to the decommissioning and restoration taking place. Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.  
  
In the interests of safety and amenity once the plant is redundant and in accordance with policy GEP1.
3. Prior to the erection of the wind turbine, details of the colour and finish of the towers, nacelles and blades and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No

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name, sign, or logo shall be displayed on any external surfaces of the wind turbine or any external transformer units other than those required to meet statutory health and safety requirements, unless as agreed in writing with the Local Planning Authority. The approved colour and finish of the wind turbine and any external transformer units shall not be changed without the prior consent in writing of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In the interests of the character and appearance of the area in accordance with policy GEP1 of the Hartlepool Borough Local 2006.

4. The development shall take place strictly in accordance with the terms of the application and plans submitted. In particular the turbine shall be a 3 bladed horizontal axis type wind turbine on a free standing monopole steel tower, not to exceed a tip height of 175 metres, with a rotor diameter not to exceed 130 metres.

To ensure the development is carried out in accordance with the parameters of the application in the interests of amenity, highway safety and the character of the area.

5. The wind turbine hereby permitted shall not be erected until a wind turbine mitigation scheme, which is designed to mitigate at all times the impacts of the development on the operation of Durham Tees Valley Airport primary surveillance radar and associated air traffic management operations has been submitted to and approved in writing by the local planning authority. Thereafter no turbine hereby permitted shall be operated unless and until all the measures required by the approved wind turbine mitigation scheme have been completed and the local planning authority has provided written confirmation of this.

The development hereby permitted shall not thereafter be operated otherwise than in strict accordance with the approved wind turbine mitigation scheme.

The wind turbine mitigation scheme shall be in place for the operational life of the development provided the radar remains operational.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

6. The applicant shall notify the Local Planning Authority, Durham Tees Valley Airport, the Ministry of Defence and Civil Aviation Authority, of the following information:
  - the date construction starts and ends;
  - the maximum height of construction equipment;
  - the latitude and longitude of the turbine.

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In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

7. Ministry of Defence accredited infrared warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point shall be installed on the turbine. The turbine will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

8. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:-

- i) planting plans
- ii) written specifications (including cultivation and other operations associated with plant and grass establishment)
- iii) schedules of plants, noting species, plant sizes and proposed numbers / densities.
- iv) a programme for the implementation of the landscaping works.
- v) a scheme for the future maintenance

All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme of implementation agreed in writing by the local planning authority.

To ensure that the areas around the turbine are adequately restored in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted for the written approval of the Local Planning Authority. The CEMP shall include considerations of the pre-construction, construction and post-construction development phases. The scheme shall be implemented as approved in writing by the local planning authority.

In accordance with recommendations made in the Environmental Statement forming part of the application and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

10. The wind turbine and associated plant and equipment shall be maintained, serviced and inspected at intervals stipulated by the manufacturer and in accordance with the manufacturer's instructions.

To prevent harm to the amenity of the area from noise nuisance and to minimise the risk to the public from any failure of the wind turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

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- 11 The noise levels from the wind turbine hereby approved shall not exceed the maximum permitted levels at the noise sensitive receptors NSR1 (8 The Drive Greatham Village) and NSR2 (126 Kildale Grove, Seaton Carew) as set out in tables 5.3, 5.4, 5.5 and 5.6 of the 'Wind Turbine Noise Assessment DC1548-R1v2' dated February 2015 and submitted with the planning application

At any other noise sensitive receptor the noise level shall not exceed 5dB(A) above background noise levels of 35dB LA90, 10min where the background noise levels are low.

Measurements shall be made using a measurement system of Class 1/Type 1, or better (as defined in BS EN 39651), using a fast time weighted response incorporating a windshield using a ½ inch diameter microphone, at a height of between 1.2m and 1.5m above ground level and at least 10m from any wall, hedge or reflective surface.

To protect the amenity of local residents from any adverse effects due to noise in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

12. Deliveries to and from the site during the construction phase of the development shall be restricted to the hours of 07.00 to 19.00 Monday to Friday and 07.00 to 17.00 on Saturdays. No deliveries on Sundays or Bank Holidays. Any change to the above shall only be with the prior written consent of the local planning authority

To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 13 During construction operations any piling operations shall be restricted to the hours of 08.00 to 18.00 Monday to Friday, 08.00 too 12:30 on a Saturday and at no time on Sundays or Bank Holidays. No piling shall take place on Sundays or Bank Holidays. Any change to the above shall be with the prior written consent of the local planning authority

To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 14 There shall be no permanent illumination on the site other than aviation warning lighting on the turbine, lighting required during the construction period (as approved through the Construction Method Statement), during planned or unplanned maintenance or emergency lighting, and a movement sensor-operated external door light for the electrical connection building door to allow safe access.

In the interests of the visual amenity and the character of the area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

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- 15 Prior to the construction of the wind turbine a written scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of shadow flicker in the event of any complaint to the local planning authority from the owner or occupier of a dwelling (defined for the purposes of this condition as a building within Use Class C3 or C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures to alleviate any shadow flicker attributable to the development. Operation of the wind turbine shall take place in accordance with the approved scheme unless the local planning authority gives its prior written consent to any variations.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 16 If the wind turbine hereby permitted ceases to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the local planning authority, then a scheme shall be submitted to the local planning authority for its written approval within 3 months of the end of that 12 month period for the repair or removal of the turbine. The scheme shall include either a programme of remedial works where repairs to the relevant turbine are required, or a programme for removal of the turbine and associated above ground works approved under this permission and the removal of the turbine foundation to a depth of at least 1 metre below ground and for site restoration measures following the removal of the turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

To ensure appropriate provision is made for the repair or decommissioning of the turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 17 Development shall not begin on the site until the proposed vehicular access and construction parking facilities have been constructed in accordance with the approved details. The construction parking areas shall be maintained for the duration of the works.

To ensure a safe and adequate means of access to the proposed development and to ensure that reasonable and adequate space is provided within the site curtilage to meet normal parking demands and avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 18 No development shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Traffic Management Plan shall include proposals for the routing of construction traffic, scheduling and timing of movements, the management of junctions to and crossings of the public highway and other public rights of way, details of escorts for abnormal loads, temporary

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warning signs, temporary removal and replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic, and banksman/escort details. The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as approved in writing by the local planning authority.

To secure a safe and adequate means of access to the proposed development in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 19 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall be adhered to throughout the construction and post-construction restoration period, subject to any variations approved in writing by the local planning authority. The Construction Method Statement shall include:
- a) Details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
  - b) Details of the proposed storage of materials and disposal of surplus materials;
  - c) Dust management;
  - d) Pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
  - e) Temporary site illumination during the construction period including proposed lighting levels together with the specification of any lighting;
  - f) Details of the phasing of construction works;
  - g) Details of surface treatments and the construction of all hard surfaces and tracks;
  - h) Details of emergency procedures and pollution response plans;
  - i) Siting and details of wheel washing facilities;
  - j) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
  - k) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;
  - l) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy-duty plant, equipment and vehicles;
  - m) Details and a timetable for post construction restoration/reinstatement of the temporary working areas and the construction compound; and
  - n) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009.

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To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 20 No development shall be commenced on site until a scheme to secure the investigation and rectification of any interference to terrestrial television caused by the operation of the wind turbine has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (i) a baseline study completed prior to erection
  - (ii) procedures for identifying and investigating any impacts on television reception following the commissioning of the turbine
  - (iii) details of remedial works and timescales for implementation

All surveys required by the scheme shall be carried out by a qualified engineer and shall be submitted to the local planning authority for approval within 3 months of commissioning. The development shall be carried out in accordance with the approved scheme.

In the interests of ensuring terrestrial television reception is not adversely affected by the development in accordance with Planning Practice Guidance.

- 21 Within 21 days of receipt of a written request from the local planning authority, following a complaint to it alleging noise disturbance at a residential property, the wind turbine operator shall, at its expense, employ an independent consultant approved by the local planning authority to assess and report on noise conditions from the turbine at the property in accordance with the procedures described in ETSU-R-97 taking into account any government endorsed subsequent guidance on best practice. The report shall be provided to the local planning authority within two months of notification of the complaint to the turbine operator.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

- 22 Upon notification in writing from the local planning authority of an established breach of the noise limit set out in Condition 11 the wind turbine operator shall, within 28 working days propose a scheme to the local planning authority to mitigate the breach to prevent its future occurrence, including a timetable for its implementation. Following the written approval of the scheme by the local planning authority it shall be activated forthwith and thereafter retained for the life of this planning permission.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

- 23 Any claim made to the local planning authority within 12 months of the commissioning of the turbine that its operation has caused interference with television reception shall be investigated by the turbine operator, and the results shall be submitted to the authority within 2 months of the claim being made. The investigation shall be carried out by a qualified television



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engineer. If the engineer determines that interference with television reception has been caused by the turbine, such interference shall be mitigated within three months of the results being submitted to the local planning authority.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

- 24 The wind turbine hereby approved shall be fitted with temperature sensors, details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The wind turbine shall cease operation in the event that icing should occur.

To prevent ice shedding while the turbine is operational, in the interests of public safety and in accordance with advice in Planning Practice Guidance.

- 25 The development hereby permitted shall be carried out in accordance with the following approved plans:  
 Figure 1.3 – Detailed Site Plan Layout v5 dated 16/12/2014.  
 Figure 4.1 – Elevations dated 16/12/2014.  
 Figure 4.4a – Electrical Control Building Plan  
 Figure 4.4b – Electrical Control Building Elevations

To ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

- 26 No development shall take place until a scheme for habitat enhancement on the application site in the interests of biodiversity, including a maintenance plan, has been submitted to and approved in writing by the local planning authority. All construction, earth works, planting and seeding comprised in the approved habitat enhancement shall be carried out in the first planting and seeding season following the commencement of the development and any plants which within a period of 15 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in accordance with the approved maintenance plan in the current or first planting season following their removal or failure with others of similar size and species unless the local planning authority first gives written consent to any variation.

To ensure appropriate mitigation for the loss of existing habitat in accordance with the advice in NPPF.

- 27 The clearance of any vegetation, including grass, trees, shrubs and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless 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.

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In order to avoid harm to birds.

- 28 No development shall commence until such time as a scheme for surface water management for the development, including the detailed drainage/SuDS design, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme for the life time of the development.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 29 Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 30 Prior to development details of the surfacing materials to be used for the access road and hardstanding shall be 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 the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 31 Prior to the development of the electrical control building details of the external materials and finishes shall be submitted to and approved in writing by the local planning authority. Thereafter the electrical control building shall be constructed in accordance with the approved details.

In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

## BACKGROUND PAPERS

6.94 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

## UPDATE

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# UPDATE

**No:** 7  
**Number:** H/2014/0253  
**Applicant:** Mr Mark Whitehead Maritime House Harbour Walk  
 HARTLEPOOL TS24 0UX  
**Agent:** The Energy Workshop Mr Daniel Grierson The Media  
 Centre 7 Northumberland Street HUDDERSFIELD HD1  
 1RL  
**Date valid:** 20/06/2014  
**Development:** Erection of a single wind turbine with a maximum tip  
 height of 175 metres, an electrical control building and  
 associated infrastructure  
**Location:** Land at Brenda Road West Industrial Estate  
 HARTLEPOOL

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## PURPOSE OF REPORT

7.1 This application appears on the main agenda as item 7. This update report outlines the material considerations in relation to the proposal and presents a recommendation.

## CONSULTATION RESPONSES

7.2 The following additional consultation responses have been received.

**HBC Public Protection:** No objections subject to conditions.

**HBC Landscape & Conservation Team Leader:** I would confirm that in relation to the above applications the sites are a considerable distance away from the heritage assets located within the town and therefore will not directly impact on any heritage assets or their setting.

## PLANNING CONSIDERATIONS

7.3 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact upon neighbouring properties (noise, shadow flicker), impacts on historic heritage, highways, ecology, safety, aircraft safety and interference.

### Principle of Development

7.4 National planning policy contained within the National Planning Policy Framework (NPPF) supports the development of renewable energy. Paragraph 93 of NPPF recognises the importance of planning in delivering renewable energy. Renewable energy is considered central to the economic, social and environmental dimensions of sustainable development.

7.5 Paragraph 3 of NPPF states that national policy statements are a material consideration in decisions on planning applications. Footnote 17 to paragraph 97 of

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NPPF states that in assessing the likely impacts of potential wind energy development in determining such planning applications the approach in the National Policy Statement for Renewable Energy Infrastructure (EN-3) read with the relevant sections of the Overarching National Policy Statement for Energy (EN-1) should be followed.

7.6 Paragraph 97 states that to help the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation.

7.7 Paragraph 98 of the NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. In addition local planning authorities should approve the application if its impacts are (or can be made) acceptable.

7.8 The Secretary of State issued a Written Ministerial Statement by the Secretary of State for Communities and Local Government on Renewable Energy Developments on 10 October 2013. This states that NPPF includes a strong protection for the natural and historic environment. It goes on to state that some local communities have genuine concerns that when it comes to developments such as wind turbines insufficient weight is being given to local environmental considerations like landscape, heritage and local amenity. The new guidance makes it clear that the need for renewable energy does not automatically override environmental protections and the views of local communities should be listened to.

7.9 A further Written Ministerial Statement by Secretary of State for Energy and Climate Change: 'Onshore Wind' provides that appropriately sited onshore wind, as one of the most cost effective and proven renewable energy technologies has an important part to play in a responsible and balanced UK energy policy as it reduces reliance on imported fossil-fuels and helps keep the lights on and our energy bills down. The statement adds that the UK has some of the best wind resources in Europe, and that the Government is determined that the UK will retain its reputation as one of the best places to invest in wind energy.

7.10 The Planning Practice Guidance (PPG) published on 6 March 2014 states that increasing the amount of energy from renewable and low carbon technologies will help make sure that the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The PPG also sets out the particular planning considerations that relate to wind turbines.

7.11 At a local level Policy PU7 of the Hartlepool Local Plan 2006 supports renewable energy projects in order to facilitate the achievement of national targets for new electricity generating capacity.

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7.12 It advises in determining applications for such projects significant weight will be given to the achievement of wider environmental and economic benefits account will also be taken of the potential effects upon;

- The visual appearance and character of the area;
- The amenity of local residents;
- Ecology;
- Airport and radar telecommunications,

7.13 The impact of the development on visual amenity, residential amenity, ecology and impact on radar and telecommunications are discussed in detail below.

7.14 The applicant states approximately 20 people will be employed at any one time on site during the construction of this development. This is a material consideration which weighs in favour of the proposal.

7.15 Both national and local planning policy seeks to support the development of renewable energy providing the impacts are or can be made acceptable. Therefore it is considered that this proposal is acceptable in principle and would accord in this respect with the advice in NPPF and Local Plan Policy PU7.

### Visual Impact on the landscape

#### VISUAL IMPACT

7.16 Policy PU7 states that for wind turbine proposals the topography of the site and the layout of the turbines will need to be taken into account and all reasonable measures taken to reduce the impact of the development.

7.17 Paragraph 23 of PPG (Planning Practice Guidance) states that when assessing the significance of the visual impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of changes than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change.

7.18 The issue of visual impact should be considered in terms of overbearing impact to neighbouring properties and in terms of whether or not the wind turbine would be detrimental to the appearance of the surrounding landscape.

7.19 As well as a 175m high wind turbine the proposals include an electrical control building and access. The building would have a footprint of 9m x 9m on a larger area of 13m x 9m hardstanding. The applicant states that the final detailed design of this building could be controlled by a suitable condition.

7.20 The application site is within Natural England National Character Area 23: Tees Lowlands. It is described as amongst other key characteristics as;

- Being broad, low-lying and open plain of predominantly arable agricultural land with low woodland cover and large fields, defined by wide views to distant hills;

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- Major industrial installations around Teesmouth form a dramatic skyline, but are juxtaposed with expansive mudflats, sand dunes and salt marshes, which are internationally designated for their assemblage of waterfowl.
- Principal transport corridors, power lines and energy infrastructure are conspicuous elements in the landscape.

7.21 As indicated in the landscape typology for the Tees Lowlands the landscape here is characterised by a variety of natural and manmade forms. The application site is located at the heart of an industrial area of the town which extends to the north, south, east and west characterised by large scale industrial installations notably the Tata Steelworks to the north/west, the Tank Farm to the south west, the Huntsman Tioxide plant to the south, the nuclear Power Station to the south east, and Seaton Meadows landfill to the south east. The area is also crossed by major powerlines. Seaton Port some 2.2 km to the south is also periodically occupied by large structures, in particular oil platforms. (A recent example was the Oil Diamond Offshore Patriot which the yard operator estimated at a height of some 66m).

7.22 It is clear that within the immediate industrial area within which is it sited the Turbine, given its height and proximity, will have a somewhat overwhelming impact in terms of its prominence as is the case with all turbines. However, given the nature of the area it is considered that it would be difficult to argue that the Turbine would detract from its visual amenity as these areas of the town are essentially functional work places and have little to offer in terms of their visual amenity. Further north and west the industrial parts of the borough give way to the residential areas and countryside where impacts need to be carefully considered.

7.23 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), which examines the visual impact of the turbines from 15 different viewpoints. The viewpoints which show the turbine being most prominent are viewpoints 6, 7 and 8. These viewpoints are considered critical in that they correspond to the closet limits of the main residential areas of the town. The photomontages submitted have been carried out in accordance with the Landscape Institute Advice Note 01/11.

7.24 Viewpoint 6 is taken from Greatham Sports Field, which is located approximately 1.8km southwest of the proposed wind turbine. The playing fields are surrounding by hedgerows and trees, with the view framed by the chemical works and by two lines of electricity pylons. At this distance the applicant states that the wind turbine would be a prominent feature, taller than the existing pylons to the right of the view, which serve to accentuate the scale of the proposed turbine.

7.25 Viewpoint 7 was taken some 800m north of the proposed wind turbine and this is the closest viewpoint. The viewpoint was taken from a footpath south of Seaton Carew close to the southern end of Bilsdale Road. At just under 800m from the viewpoint location the proposed wind turbine would be a dominant feature especially to users of the footpath. Dwellings set back from this viewpoint, behind and below the existing embankment would have some screening from the proposed wind turbine. Where visibility of the turbine is possible, it would be a prominent feature although not considered overbearing due to its location relative to the housing. The remaining housing does not face towards the wind turbine, however some views may be obtainable from gardens.

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7.26 Viewpoint 8 was taken some 1.1km north of the site, to the south of Hartlepool (Seaton Lane, East of Inglefield) and represents the potential visibility of the turbine to local residents walkers and users of the local road network. This is a constrained view, constrained by housing on the left of the view and mature tree planting to the south and along the roadside, which frame the view. The TATA steelworks and chimneys are visible above the woodland from this location. At this distance, the wind turbine would be prominent, however it is considered that it would not be overly dominant. Houses in the foreground of this view have windows facing away from the wind turbine. Main views from within these properties would therefore not include the proposed turbine, although some views may however be available from gardens.

7.27 From more distant vantage points the turbine because of the intervening distance, topography and vegetation would not have a significant adverse effect on the visual amenity of the area. At other viewpoints whilst the turbine would be prominent, it would be seen against a backdrop of a large and expansive industrial area and therefore it is considered that it would not be overbearing or have an adverse impact upon the character and appearance of the surrounding area.

7.28 The Council's Landscape Officer maintains that although the LVIA argues that the industrial character of the wider area ensures that the turbines do not extend beyond the existing visual envelope, it is more likely that in this case the scale of the Seneca turbines will extend the visual impact of the existing industrial elements and create an impact of their own well beyond the industrial context of the site.

7.29 These concerns are noted and it is considered that the proposed wind turbine would be visually dominant especially from close views within the immediate industrial surroundings, and at the southern and south eastern edges of the built up areas of the town. However, this dominance would reduce when viewed from further away, although the turbine given its scale would remain prominent. Nevertheless this visual impact must be viewed in the context of the existing industrial nature of the landscape and balanced against the benefits of the proposal.

### CUMULATIVE VISUAL IMPACT

7.30 The cumulative visual impact of the turbine taken together with the other turbines proposed and the existing or proposed turbines in the vicinity must also be taken into consideration. The closest sites within Hartlepool are the approved Red Gap wind farm located some 8 km to the west and High Volts located some 8km to the north west. The Sheraton Moor site, currently under consideration, in Durham/Hartlepool is some 11km to the north. There are other wind farms located in Durham notably Butterwick/Walkway some 12km away, offshore at Redcar and a single 130m Turbine has recently been approved close to Middlesbrough Football Club's ground (7km) away.

7.31 Many of the key transport routes in the study area, particularly those within 10km are heavily bordered with mature trees therefore screening any potential visibility. Visibility along the A689 is currently limited to short sections from which the existing consented Walkway and consented Red Gap winds farms could be seen.



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7.32 The locations of the sites considered allows for most sequential visibility whilst travelling north/south from Hetton-le-Hole via the A19 to Middlesbrough. Visibility is more open along this route with the ability to see several wind farms, albeit predominantly in distant views. The operating High Volts wind turbines are the closest to the main carriageway and the westernmost turbine dominates a section of the A19 northwest of Hartlepool. The degree of separation between existing sites, however, generates an impression of a landscape containing wind turbines as opposed to windfarm landscape. The proposed wind turbine would add to the overall impression of sequential visibility for those travelling longer distances through the area, although it would be viewed against a backdrop of the operating Teesside offshore turbines from viewpoints to the northwest and west. However it is within a highly industrialised setting and would therefore be viewed within this context.

7.33 Cumulatively, the proposed turbine sits within a zone visually identifiable as containing significant structures, consisting of large buildings, chimney stacks and flare stacks. The proposed wind turbine would add additional movement within this zone, which is currently limited to smoke and steam from chimneys and irregular flaring. When visible, the offshore wind farm site currently brings such movement to views and is identifiable as a distant element in itself.

7.34 The Council's Landscape Officer states that it is apparent that the scale of the Seneca Cluster proposals would represent an adverse impact on the visual amenity of the wider Hartlepool area, particularly through the potential for a perceived wind farm landscape to be created. He concludes by raising concerns regarding the proposals but does not object.

7.35 These concerns are noted and with regard to visual amenity, proposals of this nature and extend will always be visible. However, it would be viewed in the context of an industrial backdrop, which does much to mitigate its effects. Potential visibility is mainly constrained to 10km, with potential visibility becoming increasingly constrained with distance primarily due to screening along key routes. In conclusion, it is not considered that the proposal would have a significant detrimental cumulative impact when viewed with the other turbines proposed or other operational and consented wind turbines.

### VISUAL IMPACT ON NEIGHBORING AUTHORITIES

7.36 The proposed turbine is tall enough that it would cause impacts beyond the administrative boundaries of Hartlepool. Therefore Hartlepool Borough Council has consulted adjoining local authorities to seek their views.

7.37 Durham County Council states that with regards to the landscape impact, it is expected that turbines of this size to be visually dominant within around 3 to 3.5km and to be visually prominent within around 8km. The turbines would be around the latter distance from the boundary with County Durham. Durham County Council state that they would not have significant landscape or visual effects in themselves on receptors in County Durham in the relatively shallow views typical of the settled landscape of the Tees Plain and the southern part of the Limestone Plateau.

7.38 The turbines would have cumulative landscape and visual effects in views taking in existing and approved wind farms in County Durham. The nearest would

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be the Butterwick/Walkway complex. In closer views the proposed turbines would be likely to be screened by intervening woodland and topography. There would be some combined visibility in localised views from the high ground on the escarpment to the west which looks at the Tees Plain as a whole. The cumulative effect would be low to moderate in these views. There would also be the potential for cumulative effects with proposed developments in County Durham and particularly Sheraton Moor and Wingate Grange. Those effects would be generally low or moderate order of magnitude.

7.39 In terms of the impact upon Stockton Borough, the authority noted that the construction of the new wind turbines increased the influence of wind farms on the landscape and it has the potential to create a cumulative impact when combined with other planned or constructed wind farms notably Red Gap Moor.

7.40 Middlesbrough Council have also been consulted and they do not object.

7.41 It is considered that the proposal would not when taken individually or cumulatively have a significant adverse visual impacts on any neighbouring local authority.

### Impact on neighbouring properties

7.42 The visual impact of the development is considered above. Turbines have the potential to create nuisance for neighbouring properties particularly from additional noise and from shadow flicker.

### NOISE

7.43 Planning Practice Guidance (PPG) states that the report, the assessment and rating of noise from wind farms (ETSU-R-97) should be used by the local planning authorities when assessing and rating noise from wind energy developments. Policy GEP1 states that in determining planning applications the Council will amongst other matters take account of the affect on the amenities of occupiers of adjoining or nearby properties in terms of noise.

7.44 The construction works themselves also have potential to create noise and disturbance in this respect the applicant states that construction works would be limited from 7am to 7pm on weekdays and 7am to 5pm on Saturdays. The applicant also states that wind turbines can only be erected in periods of low wind speeds and once manoeuvres have started they need to be completed

7.45 The applicant has submitted a desk based Noise Assessment. This assessment concludes by stating that the noise levels at the nearest residential properties to the Brenda Road turbine are well below the levels identified by ETSU. The nearest residential properties not under the control of the applicant are Golden Meadows approximately 796m away and 80-86 Bilsdale Road 987m away.

7.46 The applicant has also carried out a cumulative noise assessment taking into account all 3 of the proposed turbines. This cumulative assessment also concludes that the noise levels at the nearest residential properties would be below the levels identified by ETSU.

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7.47 HBC Public Protection has been consulted and not raised any objections subject to suitable conditions.

7.48 In conclusion, it is considered that the proposed wind turbine would not either individually or cumulatively have an adverse impact in terms of noise and therefore the proposal would accord with PPG and policy GE1.

## SHADOW FLICKER

7.49 Paragraph 020 of PPG states that under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties with the movement of the blades leading to a phenomenon known as shadow flicker which can have a detrimental impact on the living conditions of affected properties. Only properties within 130 degrees either side of north, relative to the turbine can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side.

7.50 Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at specific property or group of properties on sunny days, for specific times of the day and on specific days of the year. Where the possibility of shadow flicker exists, mitigation can be secured through the use of planning conditions.

7.51 The applicant has submitted a Shadow Flicker Assessment. For dwellings on the edge of Seaton Carew which are situated at least 800m from the proposed wind turbine, there is potential for 30 hours of shadow flicker per year of a mean duration of 30 minutes. For dwellings on Seaton Lane at the edge of Owton Manor which are situated at least 997m away from the proposed wind turbine, there is potential for 20 hours of shadow flicker per year of a mean duration of 11 minutes. For dwellings situated at Seaton Lane, A689 at the edge of Owton Manor which are situated at least 1041m away from the proposed wind turbine, there is potential for 43 hours of shadow flicker per year of mean duration of 24 minutes. For dwellings at Greatham Cottages off A689/Stockton Road and situated at least 1103m from the proposed turbine, there is potential for 36 hours of shadow flicker per year of a mean duration of 22 minutes. For dwellings on Inglefield which are situated approximately 1025m away there is potential for 67 hours shadow flicker per year of mean duration 27 minutes. For the dwellings on Seaton Lane, A689 at the edge of Owton Manor, which are situated at least 1041m from the proposed wind turbine there is potential for 47 hours of shadow flicker per year of a mean duration of 25 minutes.

7.52 HBC Public Protection has been consulted and not raised any objections subject to a condition.

7.53 The proposal is considered to be in accordance with policies GE1 and PU7 of the Hartlepool Local Plan, paragraphs 93 and 98 of the NPPF and paragraph 020 of PPG.

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## Impact on Historic Heritage

### SCHEDULED ANCIENT MONUMENTS LISTED BUILDINGS AND CONSERVATION AREAS

7.54 Paragraph 132 of NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be.

7.55 Paragraph 134 of NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.56 The applicant has submitted a Heritage Assessment. This identifies nine Scheduled Ancient Monuments within 10km of the proposed turbine and 380 listed buildings within 10km of Brenda Road. Only 59 of these are within the Zone of Theoretical Visibility. Of the 5 Grade I listed buildings within 10km (each beyond 5km from the site), only one is predicted to have visibility of the hub (the Headland's Town Wall and Sandwell Gate). This feature is located 5.7km to the northeast of the site and it the closest Grade I listed building. It is also a Scheduled Monument. Of the 105 listed buildings within 5km 4 are Grade II\* and 101 are Grade II. The closest listed building to the proposed turbine is the Grade II listed, 8 South End, which is 2.2km to the northeast. This is an east facing early/mid 19<sup>th</sup> century whitewashed limestone terraced house in Seaton Carew.

7.57 Hartlepool Borough has 8 Conservation Areas, 6 of which fall within 5km of the application site. Also within 5km of the site is Cowpen Bewley Conservation Area in Stockton-on-Tees borough.

7.58 The HBC Landscape and Conservation Manager has raised no objections to the proposal. Given the distance to the turbine and the intervening urban form screening southerly views it is not considered that the development would have a detrimental impact on heritage assets within the Borough.

## ARCHAEOLOGY

7.59 In terms of archaeology, The Country Archaeologist has been consulted and states that he has no objections subject to conditions. He goes on to state that there are no known archaeological features within the proposed development. The Heritage Assessment recognises that there is some potential for as yet unknown deposits to exist and proposed mitigation in the form of an archaeological watching brief during the construction. This can be secured by a planning condition.

### IMPACTS ON HERITAGE ASSETS ON ADJOINING AUTHORITIES

7.60 Durham County Council has commented that the proposed turbine will be visible from substantial areas of the defined Heritage Coast at Blackhall and Crimdon, albeit viewed from a far (approximately 14km away) and it is considered that the proposal would not have an adverse impact.

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7.63 The environmental statement does identify some visibility from Castle Eden historic park and garden 13km to the northwest, which is also a designated conservation area and contains listed buildings and also the scheduled monument at Sheraton 10km north, both of which are in County Durham. However, as the turbine would be some considerable distance from these assets, Durham County Council state that it is unlikely to impact upon the way in which these assets are experienced, despite its presence on the distant skyline. There are a number of designated and non-designated heritage assets within the former Sedgefield Borough area, which could potentially be affected by the presence of three large turbines in the distance, but the intervening woodland screening to the west and the distance involved would mitigate such an impact significantly. Durham County Council conclude by stating that they consider it unlikely that the proposed wind turbines would have any identifiable adverse impacts on the setting of heritage assets within County Durham.

7.64 Middlesbrough and Stockton Council do not raise concerns regarding the impacts upon heritage assets in their respective areas.

7.65 In conclusion, it is considered that the proposal would not either individually or cumulatively adversely affect heritage assets and therefore the proposal would accord with the advice in NPPF and policy GEP1 of the Hartlepool Local Plan 2006.

## Highway Safety

7.66 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development would be severe.

7.67 The applicant has confirmed that turbine components will be brought ashore into the Able UK docks at Seaton Port. The proposed access for the site for deliveries including turbine components will be via an access from Brenda Road. The delivery of the nacelle and blades will require the use of abnormally large and slow moving vehicles. These vehicles will require an escort for safety reasons (by the police or the haulage contractor). It is possible that in order to minimise inconvenience to other road users, some of these deliveries will be made during the evening and at night.

7.68 Both HBC Traffic and Transportation and the Highways Agency have been consulted and neither object.

7.69 The proposal is considered to be in accordance with the advice in NPPF and policies GEP1 and PU7 of the Hartlepool Local Plan 2006.

## Ecology

7.70 Paragraph 118 of NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

7.71 Paragraph 18 of PPG states that evidence suggests that there is a risk of collision between moving turbine blades and bird and/or bats. Whilst the risks are generally relatively low, in some situations, such as in close proximity to important

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habitats used by birds or bats, the risk is greater and the impacts on birds and bats should therefore be assessed.

7.72 Policy GEP1 states that amongst other matters the Council will have regard to the effect on wildlife, natural habitats and features and species protected by law.

7.73 Policy PU7 states that whilst renewable energy development will generally be supported in determining applications, significant weight will be given to the ecology of the area, in particular important, international, national and local wildlife sites.

7.74 The application site is in close proximity to the Teesmouth and Cleveland Coast SPA/Ramsar Site and the Seaton Dunes and Common, Seal Sands, Tees & Hartlepool Foreshore & Wetlands and Cowpen Marsh Sites of Special Scientific Interest (SSSI's).

7.75 The applicant has undertaken some bird survey work to support the application and this work is ongoing. The results of the survey undertaken between October 2014 and early January 2015 have been provided. Whilst some bird use/flights through the site have been recorded, the information to date indicates that the application sites are not located on important flight lines and that the sites are not of significant functional importance for the features of the SPA/SSSI's. However, as the information provided to date does not cover the full winter period, Natural England require sight of the further January and February/March surveys to be able to advise the Council on whether the proposals would result in a significant effect.

7.76 Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. The Council's Ecology Officer shares this view and the applicant has been requested to provide further surveys covering the entire wintering period. Both Durham Bird Club and Teesmouth Bird Club object to the proposals raising particular concerns about flightpaths. The additional survey work is ongoing but will not be available before the meeting. The recommendation allows for this.

7.77 In terms of bats relatively low levels of bat activity were recorded and therefore the proposal is unlikely to impact on bat populations.

7.78 In conclusion, whilst the evidence submitted to date indicates that the application site is not located on an important flightline for birds and is not of significant functional importance for the features of the SPA/SSSI's the survey work is not complete. Until further information is submitted to cover the period to end of February/March the local planning authority cannot conclude that the impacts at this stage are not significant and therefore cannot determine whether the proposals comply with the advice in NPPF and policies GEP1 and PU7 of the Hartlepool Local Plan 2006. The recommendations allow for the further consideration of the outstanding bird survey information once this is available.

### Safety

7.79 PPG states that safety may be an issue in certain circumstances, but risks can often be mitigated through appropriate siting and consultation with affected bodies.

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7.80 In terms of safety to buildings the PPG provides guidance on separation. It advises that the fall over distance, which is the distance that the turbine would fall in the event of a collapse, (the height of the turbine to the tip of the blade plus 10%) is often used as a safe separation distance. In this case the fall over distance would be 192.5m.

7.81 In this case no buildings are located within the fall over distance. It is important to note that this is guidance and there is no requirement for wind turbines to be positioned in such a way that all obstacles are located outside of the fall over distance.

7.82 The Council's Countryside Access Officer has been consulted and has no objections. Network Rail, National Grid and Northern Gas Networks have all been consulted and none raise any objections to the proposals.

7.83 The Ramblers Association do object stating that the development if it is approved would adversely affect the use of the area for recreation and will not help improve the physical environment of the key green spaces in the borough.

### Aviation Safety

7.84 Planning Practice Guidance (PPG) states that wind turbines may have an adverse effect on air traffic movement and safety. Firstly they may represent a risk of collision with low flying aircraft, and secondly they may interfere with the proper operation of radar by limiting the capacity to handle air traffic, and aircraft instrument landing systems.

7.85 Policy PU7 states that although renewable energy projects will generally be supported in determining applications account will also be taken of the potential effects upon airport radar.

7.86 Durham Tees Valley Airport (DTVA) have been consulted and they state that they have no objections subject to an appropriate condition. Specifically they state that the proposed turbine will have an impact on the Airport's radar and associated operations. The Airport is currently engaged with a number of wind farm developers to introduce technical mitigation for the effect of their consented wind turbines on the Airport's radar and associated operations. The Airport anticipates that this solution could be extended to mitigate the proposed scheme and this can be controlled by a condition.

7.87 The Civil Aviation Authority does not object, however they state that the CAA has no responsibilities for safeguarding sites other than its own property. They also state that site operators remain responsible for providing expert testimony as to any impact on their operations and the lack of a statement of objection or support from the CAA should not be taken to mean that there are no aviation issues, or that a comment from an operator lacks weight.

7.88 The Ministry of Defence do not raise any objections.

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7.89 Concern has been raised that the turbines would prevent the police helicopter operating in this area, which could result in an increase in crime. West Yorkshire Police Air Support have been consulted and they do not raise any objections.

7.90 An objection has been received from Murray and Sons who state that they operate a corporate helicopter from their South Service Station premises. The proposal they state would prevent the use of the current flightpath. The loss of the Brenda Road site would also likely spell the end of the use of their other helicopter landing site at Casebourne Road, as both are needed due to the prevailing wind conditions. This concern is noted however, the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with public interest in some cases. The issue is whether the wind turbine would unacceptably affect the amenities and the existing use of land and buildings which ought to be protected in the public interest. The proposal according to Murray & Sons would mean that they would be unable to use a corporate helicopter that they use in connection with their business and this would have an impact upon them, however it must be balanced against the wider public interest of generating renewable energy.

7.91 Although the proposal would it is maintained have an impact on Murray and Sons not being able to use their corporate helicopter from their business premises. It is not considered that the proposal would have an adverse impact upon aviation safety generally. The proposal would not adversely affect the operation of the police helicopter and subject to a condition the airport and therefore on balance, it is considered that it would not have an overall adverse impact on aviation safety.

### Interference

7.93 Turbines can interfere with TV, Radio and other transmissions. Arqiva are responsible for providing the BBC's and ITV's transmission network and is responsible for ensuring the integrity of Re-Broadcast links and also the protection of its microwave networks. Arqiva have considered the impacts of this development on their operations and have raised no objections.

7.94 It is considered that subject to conditions to address any impacts that the proposal would not have an adverse impact in terms of interference.

### CONCLUSION

7.95 National and local plan policy in principle supports the development of renewable energy proposals subject to the detailed consideration of any scheme. It is considered that the proposed wind turbine would cause some harm to visual amenity by virtue of its height and prominence. However, the proposal would not have an unacceptable cumulative impact, or be unacceptable in terms of its impact on the amenity of neighbours. The proposal would not have a significant adverse effect on heritage. Subject to the imposition of appropriate conditions, it is considered that the proposal would not unduly affect air safety, highway safety or TV and radio communications.

7.96 However, in terms of ecology, the results of the bird surveys are awaited and these are required in order to properly assess the impact on nearby protected areas



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and the recommendation is subject to this matter being satisfactorily concluded. Should this be the case, the harm arising from the visual impact of the large turbines must be weighed against the public benefits of the proposal. It is considered that the development would contribute to meeting the Government's aspirations to increase renewable energy generation contributing to associated environmental benefits and some minor benefits would also accrue to the local economy during construction. Therefore on balance, subject to the receipt of the additional bird survey information and satisfactory comments from Natural England, it is recommended that planning permission should be granted subject to conditions.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

7.97 There is no evidence of equality or diversity implications.

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

7.98 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.

7.99 There are no Section 17 implications.

### **REASON FOR DECISION**

7.100 An Environmental Statement (Environmental Impact Assessment) was submitted with this application and the environmental information therein was taken into consideration by the local planning authority in reaching its decision. 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 subject to the receipt of additional bird survey information and satisfactory comments from Natural England.

**RECOMMENDATION – APPROVE** subject to the receipt of additional bird survey information and satisfactory comments from Natural England and the following conditions and reasons, with the final decision, including authority to amend, delete or add conditions, delegated to Planning Services Manager.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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2. The development hereby permitted shall be removed from the site after a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid ("First Export Date"). Thereafter the land shall be restored in accordance with a scheme to be first agreed in writing by the Local Planning Authority in excess of 6 months prior to the decommissioning and restoration taking place. Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.

In the interests of safety and amenity once the plant is redundant and in accordance with policy GEP1.

3. Prior to the erection of the wind turbine, details of the colour and finish of the towers, nacelles and blades and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, or logo shall be displayed on any external surfaces of the wind turbine or any external transformer units other than those required to meet statutory health and safety requirements, unless as agreed in writing with the Local Planning Authority. The approved colour and finish of the wind turbine and any external transformer units shall not be changed without the prior consent in writing of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In the interests of the character and appearance of the area in accordance with policy GEP1 of the Hartlepool Borough Local 2006.

4. The development shall take place strictly in accordance with the terms of the application and plans submitted. In particular the turbine shall be a 3 bladed horizontal axis type wind turbine on a free standing monopole steel tower, not to exceed a tip height of 175 metres, with a rotor diameter not to exceed 130 metres.

To ensure the development is carried out in accordance with the parameters of the application in the interests of amenity, highway safety and the character of the area.

5. The wind turbine hereby permitted shall not be erected until a wind turbine mitigation scheme, which is designed to mitigate at all times the impacts of the development on the operation of Durham Tees Valley Airport primary surveillance radar and associated air traffic management operations has been submitted to and approved in writing by the local planning authority. Thereafter no turbine hereby permitted shall be operated unless and until all the measures required by the approved wind turbine mitigation scheme have been completed and the local planning authority has provided written confirmation of this.

The development hereby permitted shall not thereafter be operated otherwise than in strict accordance with the approved wind turbine mitigation scheme.

The wind turbine mitigation scheme shall be in place for the operational life of the development provided the radar remains operational.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

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6. The applicant shall notify the Local Planning Authority, Durham Tees Valley Airport, the Ministry of Defence and Civil Aviation Authority, the following information:

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of the turbine.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

7. Ministry of Defence accredited infrared warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point shall be installed on the turbine. The turbine will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

8. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority.

These details shall include:-

- i) planting plans
- ii) written specifications (including cultivation and other operations associated with plant and grass establishment)
- iii) schedules of plants, noting species, plant sizes and proposed numbers / densities.
- iv) a programme for the implementation of the landscaping works.
- v) a scheme for the future maintenance

All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme of implementation agreed in writing by the local planning authority. To ensure that the areas around the turbine are adequately restored in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted for the written approval of the Local Planning Authority. The CEMP shall include considerations of the pre-construction, construction and post-construction development phases. The scheme shall be implemented as approved in writing by the Local Planning Authority.

In accordance with recommendations made in the Environmental Statement forming part of the application and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

10. 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. 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

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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/organisations to undertake the works set out in within the Written Scheme of Investigation

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation).

The development shall not become operational until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

To ensure that any potential archaeological remains are identified and adequately recorded in accordance with NPPF.

11. The wind turbine and associated plant and equipment shall be maintained, serviced and inspected at intervals stipulated by the manufacturer and in accordance with the manufacturer's instructions.

To prevent harm to the amenity of the area from noise nuisance and to minimise the risk to the public from any failure of the wind turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

12. The noise levels from the wind turbine hereby approved shall not exceed the maximum permitted levels at the noise sensitive receptors NSR1 (8 The Drive Greatham Village) and NSR2 (126 Kildale Grove, Seaton Carew) as set out in tables 5.3, 5.4, 5.5 and 5.6 of the 'Wind Turbine Noise Assessment DC1548-R1v2' dated February 2015 and submitted with the planning application

At any other noise sensitive receptor the noise level shall not exceed 5dB(A) above background noise levels of 35dB LA90, 10min where the background noise levels are low.

Measurements shall be made using a measurement system of Class 1/Type 1, or better (as defined in BS EN 39651), using a fast time weighted response incorporating a windshield using a ½ inch diameter microphone, at a height of between 1.2m and 1.5m above ground level and at least 10m from any wall, hedge or reflective surface.

To protect the amenity of local residents from any adverse effects due to noise in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

13. Prior to the commissioning of the turbine, the developer shall provide the local planning authority with the written details of a scheme of mitigation detailing measures to address potential noise and shadow flicker issues at the occupied farm management property at Easting=451353 Northing=527527. These measures shall be subsequently implemented as agreed within 6 months of the wind turbine being first operational, or as otherwise agreed with the local planning authority.

To safeguard the amenity of the involved property occupied by a chicken farm site manager in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

14. Deliveries to and from the site during the construction phase of the development shall be restricted to the hours of 07.00 to 19.00 Monday to Friday and 07.00 to 17.00 on Saturdays. No deliveries on Sundays or Bank Holidays. Any change to the above shall only be with the prior written consent of the local planning authority

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To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

15. During construction operations any piling operations shall be restricted to the hours of 08.00 to 18.00 Monday to Friday, 08.00 too 12:30 on a Saturday and at no time on Sundays or Bank Holidays. No piling shall take place on Sundays or Bank Holidays. Any change to the above shall be with the prior written consent of the local planning authority

To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

16. There shall be no permanent illumination on the site other than aviation warning lighting on the turbine, lighting required during the construction period (as approved through the Construction Method Statement), during planned or unplanned maintenance or emergency lighting, and a movement sensor-operated external door light for the electrical connection building door to allow safe access.

In the interests of the visual amenity and the character of the area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

17. Prior to the construction of the wind turbine a written scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of shadow flicker in the event of any complaint to the local planning authority from the owner or occupier of a dwelling (defined for the purposes of this condition as a building within Use Class C3 or C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures to alleviate any shadow flicker attributable to the development. Operation of the wind turbine shall take place in accordance with the approved scheme unless the local planning authority gives its prior written consent to any variations.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

18. If the wind turbine hereby permitted ceases to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the local planning authority, then a scheme shall be submitted to the local planning authority for its written approval within 3 months of the end of that 12 month period for the repair or removal of the turbine. The scheme shall include either a programme of remedial works where repairs to the relevant turbine are required, or a programme for removal of the turbine and associated above ground works approved under this permission and the removal of the turbine foundation to a depth of at least 1 metre below ground and for site restoration measures following the removal of the turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

To ensure appropriate provision is made for the repair or decommissioning of the turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

19. Development shall not begin on the site until the proposed vehicular access and construction parking facilities have been constructed in accordance with the approved details. The construction parking areas shall be maintained for the duration of the works.

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To ensure a safe and adequate means of access to the proposed development and to ensure that reasonable and adequate space is provided within the site curtilage to meet normal parking demands and avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

20. No development shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Traffic Management Plan shall include proposals for the routing of construction traffic, scheduling and timing of movements, the management of junctions to and crossings of the public highway and other public rights of way, details of escorts for abnormal loads, temporary warning signs, temporary removal and replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic, and banksman/escort details. The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as approved in writing by the local planning authority.

To secure a safe and adequate means of access to the proposed development in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

21. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall be adhered to throughout the construction and post-construction restoration period, subject to any variations approved in writing by the local planning authority. The Construction Method Statement shall include:
  - a) Details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
  - b) Details of the proposed storage of materials and disposal of surplus materials;
  - c) Dust management;
  - d) Pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
  - e) Temporary site illumination during the construction period including proposed lighting levels together with the specification of any lighting;
  - f) Details of the phasing of construction works;
  - g) Details of surface treatments and the construction of all hard surfaces and tracks;
  - h) Details of emergency procedures and pollution response plans;
  - i) Siting and details of wheel washing facilities;
  - j) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
  - k) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;

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- l) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy-duty plant, equipment and vehicles;
- m) Details and a timetable for post construction restoration/reinstatement of the temporary working areas and the construction compound; and
- n) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009.

To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

22. No development shall be commenced on site until a scheme to secure the investigation and rectification of any interference to terrestrial television caused by the operation of the wind turbine has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (i) a baseline study completed prior to erection
- (ii) procedures for identifying and investigating any impacts on television reception following the commissioning of the turbine
- (iii) details of remedial works and timescales for implementation

All surveys required by the scheme shall be carried out by a qualified engineer and shall be submitted to the local planning authority for approval within 3 months of commissioning. The development shall be carried out in accordance with the approved scheme.

In the interests of ensuring terrestrial television reception is not adversely affected by the development in accordance with Planning Practice Guidance.

23. Within 21 days of receipt of a written request from the local planning authority, following a complaint to it alleging noise disturbance at a residential property, the wind turbine operator shall, at its expense, employ an independent consultant approved by the local planning authority to assess and report on noise conditions from the turbine at the property in accordance with the procedures described in ETSU-R-97 taking into account any government endorsed subsequent guidance on best practice. The report shall be provided to the local planning authority within two months of notification of the complaint to the turbine operator.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

24. Upon notification in writing from the local planning authority of an established breach of the noise limit set out in Condition 12 the wind turbine operator shall, within 28 working days propose a scheme to the local planning authority to mitigate the breach to prevent its future occurrence, including a timetable for its implementation. Following the written approval of the scheme by the local planning authority it shall be activated forthwith and thereafter retained for the life of this planning permission.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

25. Any claim made to the local planning authority within 12 months of the commissioning of the turbine that its operation has caused interference with television reception shall be investigated by the turbine operator, and the results shall be submitted to the authority within 2 months of the claim being made. The investigation shall be carried out by a qualified television

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- engineer. If the engineer determines that interference with television reception has been caused by the turbine, such interference shall be mitigated within three months of the results being submitted to the local planning authority.
- In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.
26. The wind turbine hereby approved shall be fitted with temperature sensors, details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The wind turbine shall cease operation in the event that icing should occur.
- To prevent ice shedding while the turbine is operational, in the interests of public safety and in accordance with advice in Planning Practice Guidance.
27. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Figure 1.3 – Detailed Site Plan Layout dated 13/10/2013.  
 Figure 4.1 – Elevations dated 16/12/2014.  
 Figure 4.4a – Electrical Control Building Plan  
 Figure 4.4b – Electrical Control Building Elevations
- To ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.
28. No development shall take place until a scheme for habitat enhancement on the application site in the interests of biodiversity, including a maintenance plan, has been submitted to and approved in writing by the local planning authority. All construction, earth works, planting and seeding comprised in the approved habitat enhancement shall be carried out in the first planting and seeding season following the commencement of the development and any plants which within a period of 15 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in accordance with the approved maintenance plan in the current or first planting season following their removal or failure with others of similar size and species unless the local planning authority first gives written consent to any variation.
- To ensure appropriate mitigation for the loss of existing habitat in accordance with the advice in NPPF.
29. The clearance of any vegetation, including grass, trees, shrubs and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless 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 order to avoid harm to birds.
30. No development shall commence until such time as a scheme for surface water management for the development, including the detailed drainage/SuDS design, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme for the life time of the development.



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To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 31 Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 32 Prior to development details of the surfacing materials to be used for the access road and hardstanding shall be 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 the character and appearance of the surrounding area and highway safety in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

- 33 Prior to the development of the electrical control building details of the external materials and finishes shall be submitted to and approved in writing by the local planning authority. Thereafter the electrical control building shall be constructed in accordance with the approved details.

In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

### BACKGROUND PAPERS

7.101 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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# UPDATE

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# UPDATE

**No:** 8  
**Number:** H/2014/0252  
**Applicant:** Mr Mark Whitehead Maritime House Harbour Walk  
HARTLEPOOL TS24 0UX  
**Agent:** The Energy Workshop Mr Daniel Grierson The Media  
Centre 7 Northumberland Street HUDDERSFIELD HD1  
1RL  
**Date valid:** 23/06/2014  
**Development:** Erection of a single wind turbine with a maximum tip  
height of 175 metres, an electrical control building and  
associated infrastructure.  
**Location:** Land at Graythorp Industrial Estate

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## PURPOSE OF REPORT

8.1 This application appears on the main agenda at item 8. This update report outlines the material considerations in relation to the proposal and presents a recommendation.

## CONSULTATION RESPONSES

8.2 The following additional consultation responses have been received.

**HBC Public Protection:** No objections subject to conditions.

**HBC Landscape & Conservation Team Leader:** I would confirm that in relation to the above applications the sites are a considerable distance away from the heritage assets located within the town and therefore will not directly impact on any heritage assets or their setting.

## PLANNING CONSIDERATIONS

8.3 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact upon neighbouring properties (noise, shadow flicker), impacts on historic heritage, highways, ecology, safety, aircraft safety and interference.

### Principle of Development

8.4 National planning policy contained within the National Planning Policy Framework (NPPF) supports the development of renewable energy. Paragraph 93 of NPPF recognises the importance of planning in delivering renewable energy. Renewable energy is considered central to the economic, social and environmental dimensions of sustainable development.

8.5 Paragraph 3 of NPPF states that national policy statements are a material consideration in decisions on planning applications. Footnote 17 to paragraph 97 of

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NPPF states that in assessing the likely impacts of potential wind energy development in determining such planning applications the approach in the National Policy Statement for Renewable Energy Infrastructure (EN-3) read with the relevant sections of the Overarching National Policy Statement for Energy (EN-1) should be followed.

8.6 Paragraph 97 states that to help the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation.

8.7 Paragraph 98 of the NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. In addition Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable.

8.8 The Secretary of State issued a Written Ministerial Statement by the Secretary of State for Communities and Local Government on Renewable Energy Developments on 10 October 2013. This states that NPPF includes a strong protection for the natural and historic environment. It goes on to state that some local communities have genuine concerns that when it comes to developments such as wind turbines insufficient weight is being given to local environmental considerations like landscape, heritage and local amenity. The new guidance makes it clear that the need for renewable energy does not automatically override environmental protections and the views of local communities should be listened to.

8.9 A further Written Ministerial Statement by Secretary of State for Energy and Climate Change: 'Onshore Wind' provides that appropriately sited onshore wind, as one of the most cost effective and proven renewable energy technologies has an important part to play in a responsible and balanced UK energy policy as it reduces reliance on imported fossil-fuels and helps keep the lights on and our energy bills down. The statement adds that the UK has some of the best wind resources in Europe, and that the Government is determined that the UK will retain its reputation as one of the best places to invest in wind energy.

8.10 The Planning Practice Guidance (PPG) published on 6 March 2014 states that increasing the amount of energy from renewable and low carbon technologies will help make sure that the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The PPG also sets out the particular planning considerations that relate to wind turbines.

8.11 At a local level Policy PU7 of the Hartlepool Local Plan 2006 supports renewable energy projects in order to facilitate the achievement of national targets for new electricity generating capacity.

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8.12 In determining applications for such projects significant weight will be given to the achievement of wider environmental and economic benefits account will also be taken of the potential effects upon;

- The visual appearance and character of the area;
- The amenity of local residents;
- Ecology;
- Airport and radar telecommunications,

8.13 The impact of the development on visual amenity, residential amenity, ecology and impact on radar and telecommunications are discussed in detail below.

8.14 The applicant states approximately 20 people will be employed at any one time on site during the construction of this development. This is a material consideration which weighs in favour of the proposal.

8.15 Both national and local planning policy seeks to support the development of renewable energy providing the impacts are or can be made acceptable. Therefore it is considered that this proposal is acceptable in principle and would accord in this respect with the advice in NPPF and Local Plan Policy PU7.

### Visual Impact on the landscape

#### VISUAL IMPACT

8.16 Policy PU7 states that for wind turbine proposals the topography of the site and the layout of the turbines will need to be taken into account and all reasonable measures taken to reduce the impact of the development.

8.17 Paragraph 23 of PPG (Planning Practice Guidance) states that when assessing the significance of the visual impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of changes than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change.

8.18 The issues of visual impact should be considered in terms of overbearing impact to neighbouring properties and in terms of whether or not the wind turbine would be detrimental to the appearance of the surrounding landscape.

8.19 As well as a 175m high wind turbine the proposal also includes an electrical control building, which would house switchgear and metering equipment. The building would have a footprint of 9m x 9m on a large area of 13m x 9m hardstanding. The applicant states that the final detailed design of this building could be controlled by a suitable condition.

8.20 The application site is within Natural England National Character Area 23: Tees Lowlands. It is described as amongst other key characteristics;

- Being broad, low-lying and open plain of predominantly arable agricultural land with low woodland cover and large fields, defined by wide views to distant hills;

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- Major industrial installations around Teesmouth form a dramatic skyline, but are juxtaposed with expansive mudflats, sand dunes and salt marches, which are internationally designated for their assemblage of waterfowl.
- Principal transport corridors, power lines and energy infrastructure are conspicuous elements in the landscape.

8.21 As indicated in the landscape typology for the Tees Lowlands the landscape here is characterised by a variety of natural and manmade forms. The application site is located at the heart of an industrial area of the town which extends to the north, south, east and west characterised by large scale industrial installations notably the Tata Steelworks to the north/west, the Tank Farm to the west, the Huntsman Tioxide plant to the south, the nuclear Power Station to the south East, and Seaton Meadows landfill to the east. The area is also crossed by major powerlines. Seaton Port some 1.2 km to the south is also periodically occupied by large structures, in particular oil platforms. (A recent example was the Oil Diamond Offshore Patriot which the yard operator estimated at a height of some 66m).

8.22 It is clear that within the immediate industrial area within which is it sited the Turbine, given its height and proximity, will have a somewhat overwhelming impact in terms of its prominence as is the case with all turbines. However, given the nature of the area it is considered that it would be difficult to argue that the Turbine would detract from its visual amenity as these areas of the town are essentially functional work places and have little to offer in terms of their visual amenity. Further north and west the industrial parts of the borough give way to the residential areas and countryside where impacts need to be carefully considered.

8.23 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), which examines the visual impact of the turbines from 15 different viewpoints. The viewpoints which show the turbines being most prominent are viewpoints 6, 7 and 8. These viewpoints are considered critical in that they correspond to the closest limits of the main residential areas of the town. The photomontages submitted have been carried out in accordance with the Landscape Institute Advice Note 01/11.

8.24 Viewpoint 6 is from Greatham Sports Field which is located approximately 1.95km southwest of the proposed wind turbine. The playing fields are surrounded by hedgerows and trees, with the view framed by the chemical works and by two lines of electricity pylons. At this distance the applicant states that the wind turbine would be a prominent feature, taller than the existing line of pylons to the right of the view, which serve to accentuate the scale of the proposed turbine.

8.25 Viewpoint 7 was taken at some 1.47km north of the proposed wind turbine and is the closest viewpoint. The viewpoint was taken from a footpath south of Seaton Carew close to the southern end of Bilsdale Road. This view is indicative of that available to housing on the southern edge of Seaton Carew, and to those using the footpaths and local road network in the vicinity at this distance. A limited number of houses potentially have visibility towards the proposed wind turbine, with the remaining housing in this area having an orientation away from the proposed location with windows looking southeast and northwest. The offshore windfarm is visible looking east from this location. At this distance, the applicant states that the proposed wind turbine would be a dominant feature. Footpath users are considered

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as sensitive receptors with the wind turbine having a significant effect on this location. This will be applicable to those sections of the footpath in the proximity to this viewpoint. Dwellings set back from this viewpoint, behind and below the existing embankment may have some screening from the proposed wind turbine. Where visibility of the turbine is possible from south facing housing, it would be a prominent feature although not considered to be overbearing due to its distant location relative to the housing. From houses, which do not face towards the wind turbine, some views may however be obtainable from gardens.

8.26 Viewpoint 8 was taken from some 2.19 km north of the site, on the southern edge of Hartlepool (Seaton Lane east of Inglefield) and represents the visibility of the turbine to local residents, walkers and users of the local road network. This is a constrained view, constrained by housing to the left of the view and mature tree planting to the south and along the roadside, which frames the view. The TATA steelworks and chimneys are also visible above the woodland from this location. At this distance, the applicant states that the wind turbine would be a prominent feature and a focal point in this view, however it is not considered as being dominant. Houses in the foreground of this view have windows facing away from the wind turbine. Main views from within properties would, therefore, not include the proposed turbine. Some views may, however be available from gardens and from houses facing the site in this area.

8.27 From more distant vantage points the turbines because of the intervening distance, topography and vegetation would not have a significant adverse effect on the visual amenity of the area. At other viewpoints while the turbines would be prominent they would be seen against a backdrop of a large and expansive industrial area and therefore it is not considered that they would be overbearing or have an adverse impact upon the character and appearance of the surrounding area.

8.28 The Council's Landscape Officer maintains that although the LVIA argues that the industrial character of the wider area ensures that the turbines do not extend beyond the existing visual envelope, it is more likely that in this case the scale of the Seneca turbines will extent the visual impact of the existing industrial elements and create an impact of their own well beyond the industrial context of the site.

8.29 These concerns are noted and it is considered that the proposed wind turbine would be visually dominant especially from close views within the immediate industrial surroundings and at the southern and south eastern edges of the build up areas of the town. However this dominance would reduce when viewed from further away, although the turbine given its scale would remain prominent. Nevertheless this visual impact must be viewed in the context of the existing industrial nature of the landscape and balanced against the benefits of the proposal.

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## CUMULATIVE VISUAL IMPACT

8.30 The cumulative visual impact of the turbine taken together with the other turbines proposed and the existing or proposed turbines in the vicinity must also be taken into consideration. The closest sites within Hartlepool are the approved Red Gap wind farm located some 8 km to the west and High Volts located some 8km to the north west. The Sheraton Moor site, currently under consideration, in Durham/Hartlepool is some 11km to the north. There are other wind farms located in Durham notably Butterwick/Walkway some 12km away, offshore at Redcar and a single 130m Turbine has recently been approved close to Middlesbrough Football Club's ground (7km) away.

8.31 Many of the key transport routes in the study area, particularly those within 10km are heavily bordered with mature trees therefore screening any potential visibility. Visibility along the A689 is currently limited to short sections from which the existing consented Walkway and consented Red Gap winds farms could be seen.

8.32 The locations of the sites considered allows for most sequential visibility whilst travelling north/south from Hetton-le-Hole via the A19 to Middlesbrough. Visibility is more open along this route with the ability to see several wind farms, albeit predominantly in distant views. The operating High Volts wind turbines are the closest to the main carriageway and the westernmost turbine dominates a section of the A19 northwest of Hartlepool. The degree of separation between existing sites, however, generates an impression of a landscape containing wind turbines as opposed to windfarm landscape. The proposed wind turbine would add to the overall impression of sequential visibility for those travelling longer distances through the area, although it would be viewed against a backdrop of the operating Teesside offshore turbines from viewpoints to the northwest and west. However it is within a highly industrialised setting and would therefore be viewed within this context.

8.33 Cumulatively, the proposed turbine sits within a zone visually identifiable as containing significant structures, consisting of large buildings, chimneys, stacks and flare stacks. The proposed wind turbines would add additional movement within this zone, which is currently limited to smoke and steam from chimneys and irregular flaring. When visible, the offshore wind farm site currently brings such movement to views and is identifiable as a distant element in itself.

8.34 The Council's Landscape Officer states that it is apparent that the scale of the Seneca Cluster proposals would represent an adverse impact on the visual amenity of the wider Hartlepool area, particularly through the potential for a perceived wind farm landscape to be created. He concludes by raising concerns regarding the proposals, but does not object.

8.35 These concerns are noted and with regard to visual amenity, proposals of this nature and extent will always be visible. However, it would be viewed in the context of an industrial backdrop which does much to mitigate its effects. Potential visibility is mainly constrained to 10km, with potential visibility becoming increasingly constrained with distance primarily due to screening along key routes. In conclusion, it is not considered that the proposal would have a significant detrimental cumulative impact when viewed with the other turbines proposed or with other operational and consent wind turbines.



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## VISUAL IMPACT ON NEIGHBOURING AUTHORITIES

8.36 The proposed wind turbine is tall enough that it would cause impacts beyond the administrative boundaries of Hartlepool. Therefore Hartlepool Borough Council has consulted adjoining local authorities to seek their views.

8.37 Durham County Council states that with regards to the landscape impact, it is expected that turbines of this size to be visually dominant within around 3 to 3.5km and to be visually prominent within around 8km. The turbines would be around the latter distance from the boundary with County Durham. Durham County Council states that they would not have significant landscape or visual effects in themselves on receptors in County Durham in the relatively shallow views typical of the settled landscape of the Tees Plan and the southern part of the Limestone Plateau.

8.38 The turbines would have cumulative landscape and visual effects in views taking in existing and approved wind farms in County Durham. The nearest would be the Butterwick/Walkway complex. In closer views, the proposed turbines would be likely to be screened by intervening woodland and topography. There would be some combined visibility in localised views from high ground on the escarpment to the west, which looks at the Tees Plain as a whole. The cumulative effect would be low to moderate in these views. There would also be potential for cumulative effects with proposed developments in County Durham and particularly Sheraton Moor and Wingate Grange. Those effect would be generally of low or moderate order of magnitude.

8.39 In terms of the impact upon Stockton Borough, the authority noted that the construction of the new wind turbines increased the influence of wind farms in the landscape and it has the potential to create cumulative impact when combined with other planned or constructed wind farms notably Red Gap Moor.

8.40 Middlesbrough Council has also been consulted and they do not object.

8.41 It is considered that the proposal would not when taken individually or cumulatively result in any significant adverse visual impacts on any neighbouring local authority.

### Impact on neighbouring properties

8.42 The visual impact of the development is considered above. Turbines have the potential to create nuisance for neighbouring properties particular from additional noise and from shadow flicker.

## NOISE

8.43 Planning Practice Guidance (PPG) states that the report. “The Assessment and rating of noise from wind farms” (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments. Policy GEP1 states that in determining a planning application the Council will amongst other matters take account of the affect on the amenities of occupiers of adjoining or nearby properties in terms of noise.

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8.44 The construction works themselves also have potential to create noise and disturbance in this respect the applicant states that construction works would be limited from 7am to 7pm on weekdays and 7am to 5pm on Saturdays. The applicant also states that wind turbines can only be erected in periods of low wind speeds and once manoeuvres have started they need to be completed.

8.45 The applicant has submitted a desk based Noise Assessment. This assessment demonstrates that the nearest residential property Graythorp Farm, would exceed the recommended levels, however the occupier has written in to support the proposal. Whilst this particular occupier supports the proposal the Council must be mindful of future residential occupiers and seek to ensure that an acceptable level of residential amenity remains. Whilst the Graythorp Farm site is within an existing industrial area and residential occupiers could not reasonably expect the same degree of residential amenity that would be the case in a quiet suburb, it is important that they have a reasonable level of amenity. It is considered that a suitable planning condition would ensure that a reasonable level of amenity for future occupiers could be provided.

8.46 The nearest group of properties which are not under the control of the applicant are the dwellings on Bilsdale Road which are approximately 1,496m to the northeast of the wind turbine. The next closest residential property at Bedale Close, lies in excess of 1.9km to the north west of the proposed turbine.

8.47 HBC Public Protection has been consulted and state that they have no objections subject to suitable conditions.

8.48 In conclusion, it is considered that subject to conditions that the proposal would not have a significant adverse impact in terms of noise and that the proposal would accord with PPG and policy GEP1 of the Hartlepool Local Plan 2006.

### SHADOW FLICKER

8.49 Paragraph 020 of PPG states that under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties with the movement of the blades leading to a phenomenon known as shadow flicker, which can have a detrimental impact on the living conditions of affected properties. Only properties within 130 degrees either side of north, relative to the turbine can be affected at these latitudes in the UK – turbines do not cast a long shadows on their southern side.

8.50 Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at specific property or group of properties on sunny days, for specific times of the day and on specific days of the year. Where the possibility of shadow flicker exists, mitigation can be secured through the use of planning conditions.

8.51 The applicant has submitted a Shadow Flicker Assessment, which states that no residential properties would be adversely affected. HBC Public Protection has been consulted and raised no objections on the grounds of shadow flicker subject to a suitable condition.

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8.52 The proposal is considered to be in accordance with policies GEP1 and PU7 of the Hartlepool Local Plan, paragraphs 93 and 98 of the NPPF and paragraph 020 of PPG.

### Impacts on Historic Heritage

#### SCHEDULED ANCIENT MONUMENTS LISTED BUILDINGS & CONSERVATION AREAS

8.53 Paragraph 132 of NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be.

8.54 Paragraph 134 of NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

8.55 The applicant has submitted a Heritage Assessment. This identifies eight Scheduled Ancient Monuments within 10km of the proposed turbine and 427 listed buildings within 10km of Graythorp. Only 150 of these are within the Zone of Theoretical Visibility. Of the 11 Grade I listed buildings within 10km (each beyond 5km from the site), only one is predicted to be able to see the hub of the turbine which is the Headland's Town Wall and Sandwell Gate. This feature is located 5.7km to the northeast of the site and is the closest Grade I listed building. It is also a Scheduled Monument. Of the 59 listed buildings that are within 5km of the site 3 are Grade II\* and 56 are Grade II. The closest listed building to the proposed turbine is Grade II, 8 South End, which is 2.2km to the northeast. This is an east-facing early/mid 19<sup>th</sup> century whitewashed limestone terraced house in Seaton Carew.

8.56 Hartlepool borough has 8 Conservation Areas, 5 of which fall within or around 5km of Graythorp. Also within 5km of the site is Cowpen Bewley Conservation Area, in Stockton-on-Tees borough.

8.57 The HBC Landscape & Conservation Manager has raised no objections to the proposal. Given the distances to the turbine the intervening urban form screening southerly views, it is not considered that the development would have a detrimental impact on heritage assets within the Borough.

#### ARCHAEOLOGY

8.58 In terms of archaeology, The County Archaeologist has been consulted and states that he has no objections subject to conditions. He goes on to state that the Heritage Assessment does not include the fact that the proposed turbine is on the site of the former Graythorp Worker's Village. This was a short-lived early 20<sup>th</sup> century settlement established to house workers from the local shipyard. He recommends that the remains of the workers village, although relatively recent are of local historic interest and can be considered a heritage asset. The Heritage Assessment does point out that the site has archaeological potential for earlier remains, particularly of the Romano British periods.

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8.59 The Heritage Assessment recommends an archaeological watching brief during development to record any as yet unrecorded archaeological deposits. In this case the County Archaeologist states that it would be more appropriate to carry out some detailed desk based research on the worker's village and devise a strategy to sample excavate parts of it to expose the actual accommodation of the population. This can be secured by a planning condition.

### IMPACTS ON HERITAGE ASSETS ON ADJOINING AUTHORITIES

8.60 Durham County Council has commented that the proposed turbine will be visible from substantial areas of the defined Heritage Coast at Blackhall and Crimdon, albeit viewed from a far (approximately 14km away) and it is considered that the proposal would not have an adverse impact.

8.61 The environmental statement does identify some visibility from Castle Eden historic park and garden 13km to the northwest, which is also a designated conservation area and contains listed buildings and also the scheduled monument at Sheraton 10km north, both of which are in County Durham. However, as the turbine would be some considerable distance from these assets, Durham County Council state that it is unlikely to impact upon the way in which these assets are experienced, despite its presence on the distant skyline. There are a number of designated and non-designated heritage assets within the former Sedgefield Borough area, which could potentially be affected by the presence of three large turbines in the distance, but the intervening woodland screening and the distance involved would mitigate such impact significantly. Durham County Council conclude by stating that they consider it unlikely that the proposed wind turbines would have any identifiable adverse impacts on the setting of heritage assets within County Durham.

8.62 Middlesbrough and Stockton Council's do not raise concerns regarding the impacts upon heritage assets in their respective areas.

8.63 In conclusion, it is considered that subject to an appropriate condition the proposal would not adversely heritage assets and therefore the proposal would accord with the advice in NPPF and policy GEP1 of the Hartlepool Local Plan 2006.

### Highway Safety

8.64 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development would be severe.

8.65 The applicant has confirmed that Turbine components will be brought ashore into the Able UK docks at Seaton Port. The proposed access for the site for deliveries including turbine components will be via the existing access to the Graythorp Industrial Estate from the A178 to the south. The delivery of the nacelle and blades will require the use of abnormally large and slow moving vehicles. These vehicles will require an escort for safety reasons (by the police or the haulage contractor). It is possible that in order to minimise inconvenience to other road users, some of these deliveries will be made during the evening and at night.

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8.66 Network Rail has been consulted and do not object, both HBC Traffic and Transportation and the Highways Agency have been consulted and neither object to the proposal.

8.67 The proposal is considered to be acceptable in highway safety terms and in accordance with policies GEP1 and PU7 of the Hartlepool Local Plan 2006.

### Ecology

8.68 Paragraph 118 of NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

8.69 Paragraph 18 of PPG states that evidence suggest that there is a risk of collision between moving turbine blades and birds and/or bats. Whilst the risks are generally relatively low, in some situations, such as in close proximity to important habitats used by birds of bats, the risk is greater and the impacts on birds and bats should therefore be assessed.

8.70 Policy GEP1 states that amongst other matters the Council will have regard to the effect on wildlife, natural habitats and features and species protected by law.

8.71 Policy PU7 states that whilst renewable energy developments will generally be supported in determining applications significant weight will be given to the ecology of the area, in particular important international, national and local wildlife sites.

8.72 The application site is in close proximity to the Teesmouth and Cleveland Coast SPA/Ramsar Site and the Seaton Dunes and Common, Seal Sands, Tees & Hartlepool Foreshore & Wetlands and Cowpen Marsh sites of Special Scientific Interest (SSSI's).

8.73 The applicant has undertaken some bird survey works to support the application and this work is ongoing. The results of the survey undertaken between October 2014 and early January 2015 have been provided. Whilst some bird use/flights through the sites have been recorded, the information to date indicates that the application sites are not located on important flight lines and the sites are not of significant functional importance for the features of the SPA/SSSI's. However as the information provided to date does not cover the full wintering period, Natural England require sight of the further January and February/March surveys to be able to advise the Council on whether the proposals would result in a significant effect.

8.74 Natural England advises that therefore there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. The Council's Ecology Officer shares this view and the applicant has been requested to provide further surveys covering the entire of the wintering period. Both Durham Bird Club and Teesmouth Bird Club object to the proposals raising particular concerns about flightpaths. The additional survey work is ongoing, but will not be available before the meeting. The recommendation allows for this.

8.75 In terms of bats, overall the survey found low levels of activity of Noctule bats and moderate levels of activity of Common Pipistrelles. The Noctule activity was almost entirely confined to a single night in July, indicating that the bats do not

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regularly fly through this area. The Pipistrelle activity was for the most part confined to the off-site surrounding areas such as the railway line. The site itself would be of very low value for foraging bats.

8.76 In conclusion, whilst the evidence submitted to date indicates that the application site is not located on an important flightline for birds and is not of significant functional importance for the features of the SPA/SSSI's the survey work is not complete. Until further information is submitted to cover the period to end of February/March the local planning authority cannot conclude that the impacts at this stage are not significant and therefore cannot determine whether the proposals comply with the advice in NPPF and policies GEP1 and PU7 of the Hartlepool Local Plan 2006. The recommendation allows for the further consideration of the outstanding bird survey information once this is available.

### Safety

8.77 PPG states that safety may be an issue in certain circumstances, but risks can often be mitigated through appropriate siting and consultation with affected bodies.

8.78 In terms of safety to buildings the PPG provides guidance on separation. It advises that the fall over distance, which is the distance that the turbine would fall in the event of a collapse, the height of the turbine to the tip of the blade) plus 10%, is often used as a safe separation distance. In this case the fall over distance would be 192.5m. It is notable that highways and buildings on neighbouring sites are located within the fall over distance.

8.79 It is important to note that this is guidance and there is no requirement for turbines to be positioned in such a way that all obstacles are located outside of the fall over distance. This matter has been raised with the applicant and he has provided a list of 66 turbines over 70m high which have been consented within the guideline separation distance. Another example is a recent approval at Middlesbrough FC.

8.80 The Countryside Access Officer states that he has no objections to the proposal subject to a maintenance condition. He also considers that a condition should be attached for the details of an ice detection system that prevents the turbine from operating if ice is detected on the blades. This would address any safety issues relating to ice throw from the Turbine. The Ramblers Association state that footpath No. 10 Seaton and other estate highways are still within the fall over distance and therefore object to the proposal, although they state that structural failure of the turbine is unlikely.

8.81 HBC Traffic & Transportation, National Grid, Northern Powergrid, Network Rail, and Northern Gas Networks all raise no objections to the proposal.

### Aircraft Safety

8.82 Planning Practice Guidance (PPG) states that wind turbines may have an adverse effect on air traffic movement and safety. Firstly they may represent a risk of collision with low flying aircraft, and secondly they may interfere with the proper

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operation of radar by limiting the capacity to handle air traffic, and aircraft instrument landing systems.

8.83 Policy PU7 states that although renewable energy projects will generally be supported in determining applications, account will also be taken of the potential effects upon airport radar.

8.84 Durham Tees Valley Airport (DTVA) have been consulted and they state that they have no objections subject to an appropriate condition. Specifically they state that the proposed turbines will have an impact on the Airport's radar and associated operations. The Airport is currently engaged with a number of wind farm developers to introduce technical mitigation for the effect of their consented wind turbines on the Airport's radar and associated operations. The Airport anticipates that this solution could be extended to mitigate the proposed scheme and this can be controlled by a condition.

8.85 The Civil Aviation Authority (CAA) does not object, however they state that the CAA has no responsibilities for safeguarding sites other than its own property. They also state that site operators remain responsible for providing expert testimony as to any impact on their operations and the lack of a statement of objection or support from the CAA should not be taken to mean that there are no aviation issues, or that a comment from an operator lacks weight.

8.86 The Ministry of Defence do not raise any objections.

8.87 In conclusion, it is considered that subject to a condition to mitigate any impact on DTVA radar the proposal would not have an adverse impact on aviation safety and would accord with the advice in PPG.

### Interference

8.88 Turbines can interfere with TV, Radio and other transmissions. Arqiva are responsible for providing the BBC's and ITV's transmission network and is responsible for ensuring the integrity of Re-Broadcast links and also the protection of its microwave networks. Arqiva have considered the impacts of this development on their operations and do not object.

8.89 It is considered that subject to conditions to address any impacts that the proposal would not have an adverse impact in terms of interference.

### CONCLUSION

8.90 National and local plan policy in principle supports the development of renewable energy proposals subject to the detailed consideration of any scheme. It is considered that the proposed wind turbine would cause some harm to visual amenity by virtue of its height and prominence. However the proposal would not have an unacceptable cumulative impact, or be unacceptable in terms of its impact on the amenity neighbours. The proposal would not have a significant adverse effect on heritage. Subject to the imposition of appropriate conditions it is not considered that the proposal would unduly affect air safety, highway safety or TV and radio communications.

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8.91 However, in terms of ecology the results of bird surveys are awaited and these are required in order to properly assess the impact on nearby protected areas and the recommendation is subject to this matter being satisfactorily concluded. Should this be the case, the harm arising from the visual impact of the large turbine must be weighed against the public benefits of the proposal. It is considered that the development would contribute to meeting the Government's aspirations to increase renewable energy generation contributing to associated environmental benefits and some minor benefits would also accrue to the local economy during construction. Therefore on balance, subject to the receipt of the additional bird survey information and satisfactory comments from Natural England, it is recommended that planning permission should be granted subject to conditions.

## EQUALITY AND DIVERSITY CONSIDERATIONS

8.92 There is no evidence of equality or diversity implications.

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

8.93 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.

8.94 There are no Section 17 implications.

## REASON FOR DECISION

8.95 An Environmental Statement (Environmental Impact Assessment) was submitted with this application and the environmental information therein was taken into consideration by the Local Planning Authority in reaching its decision. 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 subject to the receipt of additional bird survey information and satisfactory comments from Natural England.

**RECOMMENDATION – APPROVE** subject to the receipt of additional bird survey information and satisfactory comments from Natural England and the following conditions, with the final decision, including authority to amend, delete or add conditions, delegated to Planning Services Manager,

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be removed from the site after a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid ("First Export Date"). Thereafter the land shall be restored in accordance with a scheme to be first agreed in writing by the Local Planning Authority in excess of 6 months prior to the decommissioning and restoration taking place. Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.



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In the interests of safety and amenity once the plant is redundant and in accordance with policy GEP1.

3. Prior to the erection of the wind turbine, details of the colour and finish of the towers, nacelles and blades and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, or logo shall be displayed on any external surfaces of the wind turbine or any external transformer units other than those required to meet statutory health and safety requirements, unless as agreed in writing with the Local Planning Authority. The approved colour and finish of the wind turbine and any external transformer units shall not be changed without the prior consent in writing of the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the area in accordance with policy GEP1 of the Hartlepool Borough Local 2006 .
4. The development shall take place strictly in accordance with the terms of the application and plans submitted. In particular the turbine shall be a 3 bladed horizontal axis type wind turbine on a free standing monopole steel tower, not to exceed a tip height of 175 metres, with a rotor diameter not to exceed 130 metres.  
To ensure the development is carried out in accordance with the parameters of the application in the interests of amenity, highway safety and the character of the area.
5. The wind turbine hereby permitted shall not be erected until a wind turbine mitigation scheme, which is designed to mitigate at all times the impacts of the development on the operation of Durham Tees Valley Airport primary surveillance radar and associated air traffic management operations has been submitted to and approved in writing by the local planning authority.  
Thereafter no turbine hereby permitted shall be operated unless and until all the measures required by the approved wind turbine mitigation scheme have been completed and the local planning authority has provided written confirmation of this.

The development hereby permitted shall not thereafter be operated otherwise than in strict accordance with the approved wind turbine mitigation scheme  
The wind turbine mitigation scheme shall be in place for the operational life of the development provided the radar remains operational.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

6. The applicant shall notify the Local Planning Authority, Durham Tees Valley Airport, the Ministry of Defence and Civil Aviation Authority of the following information:
  - the date construction starts and ends;
  - the maximum height of construction equipment;
  - the latitude and longitude of the turbine.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

7. Ministry of Defence accredited infrared warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the

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highest practicable point shall be installed on the turbine. The turbine will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.

In the interests of aviation safety and in accordance with Planning Practice Guidance and policy PU7 of the Hartlepool Local Plan 2006.

8. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority.

These details shall include:-

- i) planting plans
- ii) written specifications (including cultivation and other operations associated with plant and grass establishment)
- iii) schedules of plants, noting species, plant sizes and proposed numbers / densities.
- iv) a programme for the implementation of the landscaping works.
- v) a scheme for the future maintenance

All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme of implementation agreed in writing by the local planning authority.

To ensure that the areas around the turbine are adequately restored in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted for the written approval of the Local Planning Authority. The CEMP shall include considerations of the pre-construction, construction and post-construction development phases. The scheme shall be implemented as approved in writing by the Local Planning Authority.

In accordance with recommendations made in the Environmental Statement forming part of the application and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

10. 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. 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/organisations to undertake the works set out in within the Written Scheme of Investigation

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation).

The development shall not become operational until the site investigation and post investigation assessment has been completed in accordance with the

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programme set out in the Written Scheme of Investigation and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

To ensure that any potential archaeological remains are identified and adequately recorded in accordance with NPPF.

11. The wind turbine and associated plant and equipment shall be maintained, serviced and inspected at intervals stipulated by the manufacturer and in accordance with the manufacturer's instructions.  
To prevent harm to the amenity of the area from noise nuisance and to minimise the risk to the public from any failure of the wind turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
12. The noise levels from the wind turbine hereby approved shall not exceed the maximum permitted levels at the noise sensitive receptors NSR1 (8 The Drive Greatham Village) and NSR2 (126 Kildale Grove, Seaton Carew) as set out in tables 5.3, 5.4, 5.5 and 5.6 of the 'Wind Turbine Noise Assessment DC1548-R1v2' dated February 2015 and submitted with the planning application  
At any other noise sensitive receptor the noise level shall not exceed 5dB(A) above background noise levels of 35dB LA90, 10min where the background noise levels are low.  
Measurements shall be made using a measurement system of Class 1/Type 1, or better (as defined in BS EN 39651), using a fast time weighted response incorporating a windshield using a ½ inch diameter microphone, at a height of between 1.2m and 1.5m above ground level and at least 10m from any wall, hedge or reflective surface.  
To protect the amenity of local residents from any adverse effects due to noise in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
13. Prior to the commissioning of the turbine, the developer shall provide the local planning authority with the written details of a scheme of mitigation detailing measures to address potential noise and shadow flicker issues at the occupied farm management property at Easting=451353 Northing=527527. These measures shall be subsequently implemented as agreed within 6 months of the wind turbine being first operational, or as otherwise agreed with the local planning authority. To safeguard the amenity of the involved property occupied by a chicken farm site manager in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
14. Deliveries to and from the site during the construction phase of the development shall be restricted to the hours of 07.00 to 19.00 Monday to Friday and 07.00 to 17.00 on Saturdays. No deliveries on Sundays or Bank Holidays. Any change to the above shall only be with the prior written consent of the local planning authority  
To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
15. During construction operations any piling operations shall be restricted to the hours of 08.00 to 18.00 Monday to Friday, 08.00 too 12:30 on a Saturday and at no time on Sundays or Bank Holidays. No piling shall take place on Sundays or Bank Holidays. Any change to the above shall be with the prior written consent of the local planning authority

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To protect the amenity of nearby properties from adverse effects due to noise nuisance in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

16. There shall be no permanent illumination on the site other than aviation warning lighting on the turbine, lighting required during the construction period (as approved through the Construction Method Statement), during planned or unplanned maintenance or emergency lighting, and a movement sensor-operated external door light for the electrical connection building door to allow safe access.  
In the interests of visual amenity and the character of the area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
17. Prior to the construction of the wind turbine a written scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of shadow flicker in the event of any complaint to the local planning authority from the owner or occupier of a dwelling (defined for the purposes of this condition as a building within Use Class C3 or C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures to alleviate any shadow flicker attributable to the development. Operation of the wind turbine shall take place in accordance with the approved scheme unless the local planning authority gives its prior written consent to any variations.  
In the interests of the amenity of nearby residents in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
18. If the wind turbine hereby permitted ceases to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the local planning authority, then a scheme shall be submitted to the local planning authority for its written approval within 3 months of the end of that 12 month period for the repair or removal of the turbine. The scheme shall include either a programme of remedial works where repairs to the relevant turbine are required, or a programme for removal of the turbine and associated above ground works approved under this permission and the removal of the turbine foundation to a depth of at least 1 metre below ground and for site restoration measures following the removal of the turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.  
To ensure appropriate provision is made for the repair or decommissioning of the turbine in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
19. Development shall not begin on the site until the proposed vehicular access and construction parking facilities have been constructed in accordance with the approved details. The construction parking areas shall be maintained for the duration of the works.  
To ensure a safe and adequate means of access to the proposed development and to ensure that reasonable and adequate space is provided within the site curtilage to meet normal parking demands and avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
20. No development shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Traffic Management Plan shall include proposals

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for the routing of construction traffic, scheduling and timing of movements, the management of junctions to and crossings of the public highway and other public rights of way, details of escorts for abnormal loads, temporary warning signs, temporary removal and replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic, and banksman/escort details. The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as approved in writing by the local planning authority. To secure a safe and adequate means of access to the proposed development in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

21. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall be adhered to throughout the construction and post-construction restoration period, subject to any variations approved in writing by the local planning authority. The Construction Method Statement shall include:

- a) Details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- b) Details of the proposed storage of materials and disposal of surplus materials;
- c) Dust management;
- d) Pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
- e) Temporary site illumination during the construction period including proposed lighting levels together with the specification of any lighting;
- f) Details of the phasing of construction works;
- g) Details of surface treatments and the construction of all hard surfaces and tracks;
- h) Details of emergency procedures and pollution response plans;
- i) Siting and details of wheel washing facilities;
- j) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
- k) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;
- l) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy-duty plant, equipment and vehicles;
- m) Details and a timetable for post construction restoration/reinstatement of the temporary working areas and the construction compound; and
- n) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009.

To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

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22. No development shall be commenced on site until a scheme to secure the investigation and rectification of any interference to terrestrial television caused by the operation of the wind turbine has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (i) a baseline study completed prior to erection
- (ii) procedures for identifying and investigating any impacts on television reception following the commissioning of the turbine
- (iii) details of remedial works and timescales for implementation

All surveys required by the scheme shall be carried out by a qualified engineer and shall be submitted to the local planning authority for approval within 3 months of commissioning. The development shall be carried out in accordance with the approved scheme.

- In the interests of ensuring terrestrial television reception is not adversely affected by the development in accordance with Planning Practice Guidance.
23. Within 21 days of receipt of a written request from the local planning authority, following a complaint to it alleging noise disturbance at a residential property, the wind turbine operator shall, at its expense, employ an independent consultant approved by the local planning authority to assess and report on noise conditions from the turbine at the property in accordance with the procedures described in ETSU-R-97 taking into account any government endorsed subsequent guidance on best practice. The report shall be provided to the local planning authority within two months of notification of the complaint to the turbine operator.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

24. Upon notification in writing from the local planning authority of an established breach of the noise limit set out in Condition 12 the wind turbine operator shall, within 28 working days propose a scheme to the local planning authority to mitigate the breach to prevent its future occurrence, including a timetable for its implementation. Following the written approval of the scheme by the local planning authority it shall be activated forthwith and thereafter retained for the life of this planning permission.

In the interests of the amenity of nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006

25. Any claim made to the local planning authority within 12 months of the commissioning of the turbine that its operation has caused interference with television reception shall be investigated by the turbine operator, and the results shall be submitted to the authority within 2 months of the claim being made. The investigation shall be carried out by a qualified television engineer. If the engineer determines that interference with television reception has been caused by the turbine, such interference shall be mitigated within three months of the results being submitted to the local planning authority.

In the interests of amenity for nearby residents in accordance with policy GEP1 of Hartlepool Local Plan 2006.

26. The wind turbine hereby approved shall be fitted with temperature sensors, details of which shall first be submitted to and agreed in writing by the Local

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- Planning Authority. The wind turbine shall cease operation in the event that icing should occur.
- To prevent ice shedding while the turbine is operational, in the interests of public safety and in accordance with advice in Planning Practice Guidance.
27. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Figure 1.3 – Detailed Site Plan Layout v3 dated 16/12/2014.
  - Figure 4.1 – Elevations dated 16/12/2014.
  - Figure 4.4a – Electrical Control Building Plan
  - Figure 4.4b – Electrical Control Building Elevations
- To ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.
28. No development shall take place until a scheme for habitat enhancement on the application site in the interests of biodiversity, including a maintenance plan, has been submitted to and approved in writing by the local planning authority. All construction, earth works, planting and seeding comprised in the approved habitat enhancement shall be carried out in the first planting and seeding season following the commencement of the development and any plants which within a period of 15 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in accordance with the approved maintenance plan in the current or first planting season following their removal or failure with others of similar size and species unless the local planning authority first gives written consent to any variation.
- To ensure appropriate mitigation for the loss of existing habitat in accordance with the advice in NPPF.
29. The clearance of any vegetation, including grass, trees, shrubs and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless 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 order to avoid harm to birds.
30. No development shall commence until such time as a scheme for surface water management for the development, including the detailed drainage/SuDS design, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme for the life time of the development.
- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
31. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
- In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

## UPDATE

- 32 Prior to development details of the surfacing materials to be used for the access road and hardstanding shall be 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 the character and appearance of the surrounding area and highway safety in accordance with policy GEP1 of the Hartlepool Local Plan 2006.
33. Prior to the development of the electrical control building details of the external materials and finishes shall be submitted to and approved in writing by the local planning authority. Thereafter the electrical control building shall be constructed in accordance with the approved details.  
In the interests of the character and appearance of the surrounding area in accordance with policy GEP1 of the Hartlepool Local Plan 2006.

### BACKGROUND PAPERS

8.95 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:  
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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## **PLANNING COMMITTEE**

18 February 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** MEMBER TRAINING AND PROPOSED  
REVISIONS TO THE SCHEME OF  
DELEGATION

### **1. PURPOSE OF THE REPORT**

- 1.1 To inform Members of the proposed changes to mandatory and discretionary training for Planning Committee Members and to proposed revisions to the Scheme of Delegation.
- 1.2 If Members are satisfied with the proposed changes to the training for Planning Committee Members and to the proposed revisions to the Scheme of Delegation permission is sought to prepare a report which would be presented to Council on 26<sup>th</sup> March 2015; seeking permission from Members to make the relevant changes to the Planning Code of Practice and to the Constitution respectively.

### **2. BACKGROUND**

- 2.1 The Monitoring Officer in any review of the Council's Constitution can receive items referred to him through Members, officers, the public and other relevant stakeholders in formulating recommendations for the betterment of the Constitution and the governance of the Council. Mandatory training of Members has been the subject of previous discussion and there is general acceptance of the principle of such training but further definition has been requested.
- 2.2 Equally in any consideration of a review of the scheme of delegation, there needs to be that element of certainty as to which applications should be determined before the Committee and those which can be delegated to officers.

### 3. ITEMS FOR CONSIDERATION

#### **Mandatory and Discretionary Training for Members of the Council's Planning Committee**

- 3.1 It is accepted that Members should undertake such mandatory training in the fulfilment of their duties as prescribed by the Borough Council. It is therefore recommended that the Planning Code of Practice be revised to incorporate this provision with the insertion of the following text;

*“A Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the mandatory training prescribed by the Council. Members of the Committee shall also endeavour to attend any other specialised training sessions provided, since these are designed to extend the knowledge of the Member on planning law, regulations, procedures, Codes of Practice and Development Plans and generally assist the Member in carrying out their role properly and effectively.”*

- 3.2 It is proposed that the mandatory training expectation is delivered once a year and purely relates to the following session:

| No | Training Session Subject                                                                                                                                               | Duration | Delivered By      |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------|
| 1  | Getting to Grips With Planning <ul style="list-style-type: none"> <li>• The Development Plan</li> <li>• The Planning Process</li> <li>• Probity in Planning</li> </ul> | 2 Hours  | Planning<br>Legal |

- 3.3 It is proposed that the mandatory session is sufficient enough to only be refreshed every 2 years by Members unless a significant change occurs with regard to the national or local planning framework that would necessitate an update for Members.

- 3.4 It is proposed that the discretionary training sessions are delivered to Members of the Planning Committee on a rolling basis throughout the year via a 1 hour presentation prior to each Planning Committee Meeting. The specific dates of the training will be organised at a later date and will include the following indicative subjects (These may be subject to change):

| No | Training Session Subject                   | Duration | Delivered By |
|----|--------------------------------------------|----------|--------------|
| 1  | Economic Viability in Planning             | 1 Hour   | Planning     |
| 2  | The Use of Conditions and Legal Agreements | 1 Hour   | Planning     |
| 3  | The Hartlepool Vision                      | 1 Hour   | Planning     |

| No | Training Session Subject              | Duration | Delivered By              |
|----|---------------------------------------|----------|---------------------------|
| 4  | Role of Elected Members and Officers  | 1 Hour   | Planning Legal            |
| 5  | Sustainable Urban Drainage (SUDs)     | 1 Hour   | Planning Engineers        |
| 6  | Planning Appeals                      | 1 Hour   | Planning Legal            |
| 7  | Conservation and Historic Environment | 1 Hour   | Planning English Heritage |
| 8  | Trees and High Hedges                 | 1 Hour   | Planning                  |
| 9  | Ecology and Planning                  | 1 Hour   | Planning Countryside      |

- 3.5 Whilst the discretionary training sessions are not mandatory the subjects covered in the sessions will aid Members understanding of the planning system and their attendance is recommended.

### **Review of Scheme of Delegation – Planning Committee**

- 3.6 Section 101 of the Local Government Act 1972, allows for the discharge of any of the Council's functions through a "committee, sub-committee, an officer of the Authority or by any other Local Authority".
- 3.7 Currently in excess of 90% of all planning decisions are determined by Officers under schemes of delegation operating across the Country, without reference to a committee. Successive Governments have also encouraged the greater use of delegation in streamlining the planning application process. Furthermore, an officer's report through the exercise of delegated powers must include all information on relevant considerations relating to the application under the requirements of the Development Management Procedure Order and also the openness of Local Government Bodies Regulations, 2014.
- 3.8 Although Local Planning Authorities still operate within a "plan led" system the National Planning Policy Framework also constitutes guidance in planning preparation and also is a material consideration in the determination of planning applications. It is felt desirable that the following changes be made to the Constitution Part 3 regarding the Scheme of Delegation under points (i) – (iv) as follows.

| Delegation of power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent; subject to the following exceptions:                                                                                                                                          |                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Existing Delegations                                                                                                                                                                                                                                                             | Proposed Delegations                                                                                                                                                                                                                                                                        |
| (i) In the case of any relevant application which is submitted to the Council for determination, any matter which any Member requests should be referred to the Committee for decision, such request to be received within 21 days of publication of details of the application. | No change proposed.                                                                                                                                                                                                                                                                         |
| (ii) Any matter which fall significantly outside of established policy guidelines or which would otherwise be likely to be controversial.                                                                                                                                        | (ii) Any matter which has a significant adverse impact outside of established policy guidelines.                                                                                                                                                                                            |
| (iii) The determination of applications submitted by the Council in respect of its own land or proposed development, except those relating to operational development to which there is no lodged objection.                                                                     | Suggest deletion, (but note exceptions under i) and ii) above and new iii) below).                                                                                                                                                                                                          |
| (iv) The refusal of an application except with the agreement of the Chair of the Committee.                                                                                                                                                                                      | Suggest deletion and replace with;<br><br>(iii) The refusal of an application or refusal of an application relating to a prior notification except with the agreement of the Chair of the Committee or in the event that the Chair is not available the Assistant Director or Regeneration. |

- 3.9 These suggested amendments strike a balance through allowing for appropriate levels of delegation but also recognising that where an application might have a significant adverse impact or arouses significant levels of local objection (except where the applications relates to a prior notification an applications is to be refused) that these matters necessarily should be reported to Planning Committee.

- 3.10 As regards determinations of applications submitted in respect of land owned by the Council it is contended, that reference should be made to the Committee where there is that significant adverse and demonstrable impact or significant level of local objection so there can be a determination consistent with all applications as received by the Local Planning Authority.
- 3.11 If Members are satisfied with the proposed changes to the training for Planning Committee Members and to the proposed revisions to the changes to the Scheme of Delegation permission is sought to prepare a report which would be presented to Council on 26th March 2015; seeking permission from Members to make the relevant changes to the Planning Code of Practice and to the Constitution respectively.
- 3.12 If Members are satisfied with the proposed revisions above and they are agreed at Council a subsequent report will be brought to Planning Committee which will provide additional detail on the Scheme of Delegation.

#### **4. REASONS FOR RECOMMENDATIONS**

- 4.1 National guidance cites delegation as the principle tool from which efficiencies can be made. Delegation is not a process that will generally change the outcome of a planning decision, nor is it one which transfers power from Members to officers. The purpose of delegation is to simplify procedures, speed up the decision making process, minimise costs and enable Planning Committee Members more time to concentrate on major planning issues.
- 4.2 Successive Governments have placed increasing emphasis on encouraging Councils to delegate more decision making to their trained and qualified officers, particularly in the case of straightforward or non-contentious cases.

#### **5. EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

#### **6. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS.**

There are no Section 17 implications.

## **7. RECOMMENDATIONS**

- 7.1 To inform Members of the proposed changes to mandatory and discretionary training for Planning Committee Members and to proposed revisions to the Scheme of Delegation.
- 7.2 If Members are satisfied with the proposed changes to the training for Planning Committee Members and to the proposed revisions to the Scheme of Delegation permission is sought to prepare a report which would be presented to Council on 26<sup>th</sup> March 2015; seeking permission from Members to make the relevant changes to the Planning Code of Practice and to the Constitution respectively.

## **8. BACKGROUND PAPERS**

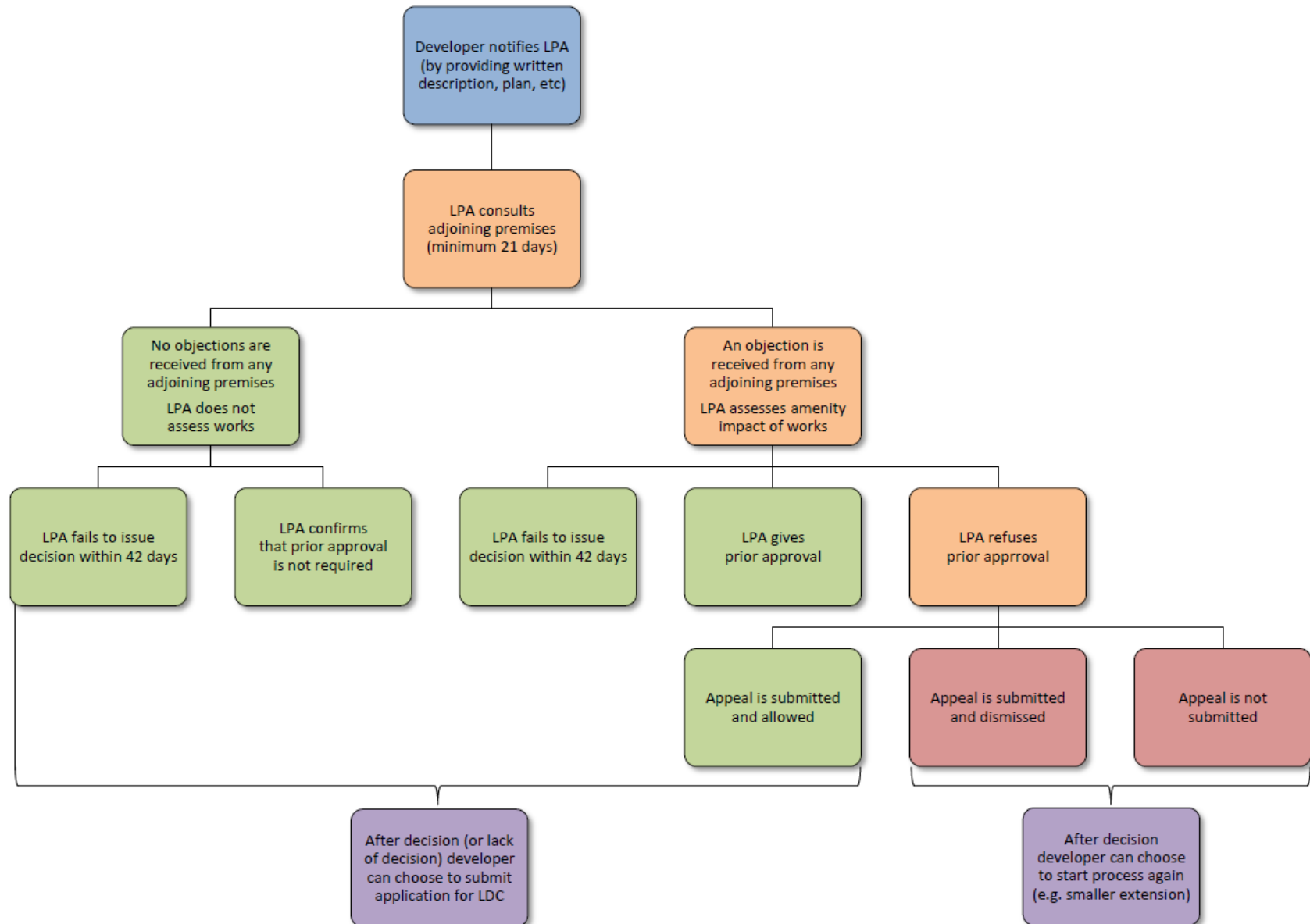
- 8.1 The Hartlepool Borough Council's Constitution 2014-2015 was used in the preparation of this report, the weblink to the document(s) is below:

[http://www.hartlepool.gov.uk/downloads/download/180/hartlepool\\_borough\\_councils\\_constitution\\_2014-2015](http://www.hartlepool.gov.uk/downloads/download/180/hartlepool_borough_councils_constitution_2014-2015)

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# **APPENDIX 1** **GENERAL PERMITTED DEVELOPMENT ORDER 2013 FLOW CHART**



## **PLANNING COMMITTEE**

18 February 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** Potential Review of the Headland Conservation Area

### **1. PURPOSE OF THE REPORT**

- 1.1 To inform Members of the implications and costs involved in a potential review of the Headland Conservation Area and the Article 4 Direction.

### **2. CURRENT AND FUTURE STAFF CAPACITY**

- 2.1 Due to the reduction in staff numbers over the last 2 years the Council now has only one dedicated officer with the relevant knowledge, skills and experience to carry out a review of the Headland Conservation Area; the Landscape and Conservation Team Leader Sarah Scarr.
- 2.2 The current work of the LPC Team Leader comprises the following:
- Processing planning applications, providing comments to DC on current applications, comments through the One Stop Shop and dealing with general Planning / Conservation queries.
  - Producing a Heritage Strategy in order to support the preparation of a new Local Plan. The Strategy includes overarching aims and objectives for the historic environment in the Borough alongside Heritage Statements for all sites allocated as part of the local plan process.
  - Overseeing the Conservation Grant Scheme.
  - Developing a potential Heritage Lottery Bid for the Church Street Area
  - Managing the LPC Team.
- 2.3 It is anticipated that the Heritage Strategy, and in particular the site assessments, will be a large piece of work. It is considered that this is best carried out in-house as officers have the depth of knowledge of individual sites to make the appropriate assessments for each one in consultation with Tees Archaeology. It is a priority that this work is



carried out as soon as possible in order to assist with the Local Plan process.

- 2.4 The Local Plan preparation is at such a stage now whereby any potential review of the Headland Conservation Area would need to be undertaken immediately in order to feed into the process and be included in the new Local Plan.

### 3. **REVIEWING THE HEADLAND CONSERVATION AREA AND ARTICLE 4 DIRECTION**

- 3.1 It is understood that Members have requested reviews of the Headland Conservation Area, including the Article 4 Direction, and the Local List. As illustrated in the previous section there is currently not the capacity to carry out these pieces of work in-house.

- 3.2 The following factors that should be taken into consideration relating to each of these pieces of work.

#### **Headland Conservation Area**

- 3.3 The last review of the Headland Conservation Area was carried out in 2007. A wide ranging piece of work was carried out with two elements in particular which formed the basis of this project, they were:

- Extensive consultation in the form of three consultation events.
- Analysis of a photographic survey carried out of the Article 4 properties and Listed Buildings.

- 3.4 The company who carried out the work have been taken over by a large consultancy group therefore it is unlikely that it would be possible for them to step back in and 'refresh' the existing documents. In addition given the time that has now lapsed since they were produced it is considered that a new appraisal would be needed.

- 3.5 Should a survey of the area be carried out again it is expected that the budget for this work would be at least £20,000. It would be anticipated that such an appraisal would take a minimum of 6 months to carry out before the findings could be included in the new Local Plan. These estimates are based on the cost and work programme of appraisals that have been carried out in the Headland and other conservation areas in recent years.

- 3.6 As budgets have been significantly reduced over the last 5 years there is currently no Planning Services budget allocated for such a review.

#### **Article 4 Direction Review**

- 3.7 To carry out a review of the Article 4 Direction it is envisaged that this would cost £5,000 - £10,000. It would be very time consuming as it would comprise the following:

- Analysing photographic records to look at what existed.
- Surveying buildings on site to see how they have changed.
- Considering planning records to assess how decisions have impacted on the Direction.

- 3.8 As noted above this work has been completed in the past and although this would assist as a baseline it is considered that the above actions would still be required for each of the approximately 250 houses covered by an Article 4 Direction.
- 3.9 It is anticipated that this work could run concurrently with an appraisal as some of the work would feed into the appraisal document e.g. assessment of planning records. Such a piece of work is likely to take two to three months to complete if not longer depending on the availability of information.
- 3.10 In summary there is no current or future in-house capacity to undertake a review of the Headland Conservation Area and the Article 4 Direction. If a review was to be carried out the Council would need to appoint an external consultant to undertake the work and it is estimated that the approximate cost of this could be £30,000. However exact costs would not be known until a tendering exercise is carried out. Notwithstanding the eventual costs there is currently no Planning Services budget allocated for such a review.

#### **4. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 4.1 There are no equality or diversity implications.

#### **5. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS.**

- 5.1 There are no Section 17 implications.

#### **6. RECOMMENDATIONS**

- 6.1 That Members note the implications and cost associated with the review of the Headland Conservation Area and Article 4 Direction and be minded to direct Officers as to whether in light of the implications/costs such a review should be undertaken.

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## **PLANNING COMMITTEE**

**18 February 2015**



**Report of:** Assistant Director (Regeneration)

**Subject:** QUARTERLY UPDATE REPORT FOR PLANNING SERVICES OCTOBER - DECEMBER 2014

### **1. TYPE OF DECISION/APPLICABLE CATEGORY**

This report is for information.

### **2. PURPOSE OF REPORT**

- 2.1 To update the Planning Committee on performance and progress across the key areas of Planning Services for the third quarter of 2014/2015.

### **3. BACKGROUND**

- 3.1 The Planning Service consists of four discrete teams: Development Control, Planning Policy, Landscape Planning and Conservation and Tees Archaeology.
- 3.2 The Development Control Team focuses on assessing proposals for new development and their impact on their surroundings, particularly in the form of planning applications. The service encourages the use of an advisory service (One Stop Shop) to enable proposals to be considered informally before applications are submitted, helping to improve the quality of development where appropriate. The section is also responsible for monitoring development and, where necessary, implementing enforcement action against unauthorised development, including derelict and untidy buildings and land.
- 3.3 Planning Policy is responsible for spatial planning policy and sustainable development policy, this includes the preparation, monitoring and review of the statutory Local Development Framework including the Local Plan, which will establish the overarching planning policy framework for the Borough and will eventually replace the adopted Hartlepool Local Plan 2006. The section

also provides policy advice in relation to planning applications and guidance on development activities, including the preparation of development briefs.

- 3.4 Landscape Planning and Conservation provides professional and technical expertise aimed at the conservation, protection and enhancement of the natural and built environment of Hartlepool. This team provides aboricultural and ecology advice and carries out ecology surveys and the inspection and review of Hartlepool's protected tree stock, including the making of Tree Preservation Orders, the processing of High Hedge applications and the surveying of Council owned trees. The section also has wider roles across the Council this includes ensuring that the authority complies with statutory duties such as the Habitats Directive, Wildlife & Countryside Act and NERC (Natural Environment and Rural Communities) Act.
- 3.5 Tees Archeology is a shared service between Hartlepool and Stockton Borough Councils based in Sir William Gray House. The section provides the Local Planning Authorities and other relevant organisations with advice on the archaeological implications of planning proposals and maintains and updates a Heritage Environment Record (HER). Government policy requires authorities to hold a record of heritage assets, archaeological and historical sites and other information such as excavations, found objects and documentary sources within its area. It is also involved in a wide range of projects both in Hartlepool, Stockton and the wider region.

#### **4. DEVELOPMENT CONTROL**

- 4.1 In terms of the performance for the year 95% of all planning applications were approved, this demonstrates the proactive, pro-development nature of the planning team.
- 4.2 In terms of major applications (such as minerals and waste developments, residential developments over 10 dwellings, the creation of floorspace over 1,000 square metres or sites over 1 hectare) which have been received, 92% were determined within the required target date (13 weeks or longer with the applicant's consent) well above the national target of 60%.
- 4.3 In terms of minor planning applications (such as residential developments up to 9 dwellings, the creation of floor space less than 1,000 square metres or sites less than 1 hectare) for the quarter, 90% were determined within the 8 week target; well above the national target of 65%.
- 4.4 With regard to other planning applications (such as change of use, householder development, advertisements, notifications etc) for the quarter, 93% were determined within the 8 week target date well above the national target of 80%.
- 4.5 This quarter we lost two appeals; one at Low Throston House (temporary siting of chalet) and one at Seaton Meadows (proposed vertical extension

and revised restoration). However we won two appeals; one at 23 Benmore Road (erection of a two storey extension at the rear and loft conversion) and one at Ashfield Caravan Park (erection of detached dwellinghouse).

- 4.6 The applications received this quarter have generated a fee income of £265,744. This is a significant increase in fees received compared to previous years; the knock on effect being that the service has to process and determine more and more complex applications during this time.
- 4.7 This quarter 65 informal enquiries (pre-application advice in the form of the 'One Stop Shop') have been received; 82% of them being responded to within the 15 working day time period.
- 4.8 Planning Services receives complaints regarding potential planning breaches which are then investigated by the Council's Planning Enforcement Officer and 19 complaints were received this quarter.

## **5. PLANNING POLICY**

- 5.1 Officers have completed the public consultation on the Issues and Options Paper which is the first stage of the new Local Plan. The aim of this stage is to seek public thoughts and open the debate on what kind of place residents, businesses and all other stakeholders want Hartlepool to be in the future. Specifically it will focus on the most appropriate locations for development to occur over the next 15 years. The Council received 45 responses to the consultation; the results will be published, along with the Council's response to those comments in a Consultation Statement document.
- 5.2 Officers are now working on the Draft Local Plan taking into consideration the results of the public consultation on the Issues and Options paper.
- 5.3 The main evidence base documents that underpin the Local Plan include, the Strategic Land Availability Assessment (SHLAA), Employment Land Review (ELR), The Open Space Assessment, Gypsy and Traveller Accommodation Assessment (GTAA) and the Strategic Housing Market Assessment (SHMA). Other subsequent evidence base work will be carried out once these have been completed covering such issues as flood risk, retail and infrastructure. It is anticipated that these evidence base documents will be reported for endorsement to Regeneration Services Committee early in the new year.
- 5.4 Officers have also been offering professional planning advice to the Neighbourhood Planning Groups which have been established in the Borough to support the Community Regeneration Team.
- 5.5 In the last quarter the Planning Policy section has, as part of its regular workload, been heavily involved in the processing of major planning applications. This is primarily providing professional advice to seek and negotiate developer contributions which subsequently involves viability

testing. Examples include applications at the South West Extension and High Tunstall.

## **6. LANDSCAPE PLANNING AND CONSERVATION**

- 6.1 This quarter the Ecologist's work has been focused on surveys of Local Sites in Hartlepool and feeding this data into the Tees Valley Local Nature Partnership. In addition work has taken place to gather background information which will be the basis for Natural Environment policies in the Local Plan. Work has also been carried out for the Engineering section with bird surveys of North Gare completed. These will provide information for the eventual Environmental Management Scheme. Consultancy work continues to be carried out along side this with a continuation of the previous quarters bat surveys for a local housing association and a health trust.
- 6.2 Arboricultural Officers continue to survey publicly owned trees in various locations within the town. These inspections are carried out on a cyclical basis with trees examined to identify any risks they may pose to the public or signs of obvious defects which can then in turn be reported to enable appropriate remedial action to take place. Officers have also carried out a review of a number of Tree Preservation Orders to ensure that the information remains up to date in areas where tree works have been carried out.
- 6.3 Conservation projects have included carrying out research and survey work on structures throughout the borough with a view to updating the list of locally listed buildings.
- 6.4 Alongside this work the team has provided specialist advice and guidance on planning applications in and processed numerous applications covering works to trees, listed building consent and work to properties in conservation areas.

## **7 TEES ARCHAEOLOGY**

- 7.1 Tees Archaeology was the subject of an Internal Audit at the beginning of 2014 and the report recommended that a 'Service Level Agreement' should be concluded with the partner authorities and the service should provide a medium term financial strategy. Both of these tasks have now been completed and Internal Audit has indicated that they are satisfied with these.
- 7.2 Tees Archaeology has been heavily involved in the development of the bid to the Heritage Lottery Fund for a Landscape Partnership Project covering the area of the River Tees from its mouth to Piercebridge. The project, River Tees Rediscovered, was successful in achieving a grant for its delivery phase and this will focus on improving access to and along the river and raising awareness of the river and its heritage. As part of this process Tees Archaeology has been commissioned to deliver the Community Archaeology

strand of the five year project and it is intended that this will include projects in the Hartlepool area as well as throughout the project area.

- 7.3 The Historic Environment Record (HER) for Hartlepool and Stockton is maintained and improved by the service and over the last year we have been identifying and adding sites that relate to the military use of the area during the First World War. These include gun batteries, airfields, training camps, troop accommodation, a wireless intercept post, early warning installations against air attack and a Prisoner of War camp. This information will be used to provide information to local people through our website and to inform our response to planning applications and to suggest archaeological projects for the future.

## **8. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 8.1 There are no equality or diversity implications.

## **9. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 9.1 There are no Section 17 Implications.

## **10. RECOMMENDATIONS**

- 10.1 That the Regeneration Services Committee notes the content of the report and the progress made across key areas of the Planning Services Team.

## **11. BACKGROUND PAPERS**

- 11.1 There are no background papers.

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# PLANNING COMMITTEE

18 February 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** COUNCIL SPEND ON ADAPTING EXISTING DWELLINGS TO BE WHEELCHAIR OR DISABLED ACCESSIBLE

## 1. PURPOSE OF REPORT

- 1.1 The report is to advise Planning Committee how much the Council has spent adapting existing dwellings to be wheelchair standard and disabled accessible since 2010/11.

## 2. BACKGROUND

- 2.1 Following Planning Committee on 21<sup>st</sup> January 2015 where planning permission was sought for 16 bungalows at Eskdale Road, where 2 dwellings are proposed to meet wheelchair accessibility standards, a further report was requested to inform Committee how much money the Council has spent on adapting existing dwellings to be wheelchair and disabled accessible.

## 3. AMOUNT SPENT ON ADAPTING EXISTING DWELLINGS TO BE WHEELCHAIR ACCESSIBLE

- 3.1 Since 2010/11 the Council has spent the following amounts via a Disabled Facilities Grant in adapting existing dwellings to make them either part or full wheelchair accessible.

| YEAR    | NUMBER PARTIALLY ADAPTED | NUMBER FULLY ADAPTED | PROPERTY TYPE | NO. DFGS FOR CHILD OR ADULT | TOTAL SPEND | TOTAL FUNDING FOR DFG |
|---------|--------------------------|----------------------|---------------|-----------------------------|-------------|-----------------------|
| 2010/11 | 6                        | 2                    | All houses    | 5 adult<br>3 children       | £197,851.99 | £686,199              |
| 2011/12 | 7                        | 2                    | 8 houses      | 5 adult                     | £202,133.04 | £790,000              |

|               |           |          |                         |                       |                    |          |
|---------------|-----------|----------|-------------------------|-----------------------|--------------------|----------|
|               |           |          | 1 bungalow              | 4 children            |                    |          |
| 2012/13       | 6         | 0        | All houses              | 2 adult<br>4 children | £114,541.59        | £825,000 |
| 2013/14       | 7         | 2        | 7 houses<br>2 bungalows | 3 adult<br>6 children | £165,091.77        | £437,717 |
| 2014/15       | 5         | 1        | All houses              | 4 adult<br>2 children | £138,994.80        | £742,155 |
| <b>TOTALS</b> | <b>31</b> | <b>7</b> |                         |                       | <b>£653,687.33</b> |          |

3.2 The total spend as outlined above shows that between 14% and 38% of each year's overall budget is spent on adapting dwellings to either part or full wheelchair standard.

3.3 Of the 38 adaptations made during the past 5 years 19 have been undertaken for children. DFGs are means tested for disabled adults; this does not apply to disabled children who are entitled to an adaptation regardless of income.

3.4 It can also be seen that most of the adaptations have been undertaken at houses rather than bungalows.

#### 4. AMOUNT SPENT ON ADAPTING EXISTING DWELLINGS TO BE DISABLED ACCESSIBLE VIA RAMP INSTALLATION

4.1 In addition to the spend outlined in Section 3, since 2010/11 the Council has spent the following amounts via a Disabled Facilities Grant in adapting existing dwellings to make them disabled accessible by installing a ramp at the property.

| YEAR          | NUMBER OF RAMP INSTALLATIONS | PROPERTY TYPE           | NO. DFGS FOR CHILD OR ADULT | TOTAL SPEND       | TOTAL FUNDING FOR DFG |
|---------------|------------------------------|-------------------------|-----------------------------|-------------------|-----------------------|
| 2010/11       | 7                            | 6 houses<br>1 bungalow  | All for adults              | £11,203.47        | £686,199              |
| 2011/12       | 8                            | 5 houses<br>3 bungalows | All for adults              | £19,186.52        | £790,000              |
| 2012/13       | 7                            | 5 houses<br>2 bungalows | 5 adult<br>2 children       | £14,973.28        | £825,000              |
| 2013/14       | 4                            | 3 houses<br>1 bungalow  | 2 adult<br>2 children       | £12,694.19        | £437,717              |
| 2014/15       | 7                            | 6 houses<br>1 bungalow  | 5 adult<br>2 children       | £12,664.96        | £742,155              |
| <b>TOTALS</b> | <b>33</b>                    |                         |                             | <b>£70,722.42</b> |                       |

4.2 The total spend as outlined above shows that 2% of each year's overall budget is spent on adapting dwellings with a ramp to make them disabled accessible

- 4.3 Of the 33 ramps installed during the past 5 years 6 have been undertaken for children who are entitled to an adaptation regardless of income.
- 4.4 It can also be seen that most of these adaptations have been undertaken at houses rather than bungalows.

## 5. DEMAND FOR WHEELCHAIR ACCESSIBLE STANDARD PROPERTIES

- 5.1 The number of applicants who are currently on the Housing Waiting List in Hartlepool who require rehousing to a full wheelchair standard property is 33.
- 5.2 It is not possible to assess which area these applicants would prefer to live as all applicants to the Housing Register requiring this type of property are advised to consider all areas of the town. However, the size of property that the current applicants require is detailed below.

| Number of Bedrooms Required | Number of Applicants |
|-----------------------------|----------------------|
| 1 bedroom property          | 8                    |
| 2 bedroom property          | 21                   |
| 3 bedroom property          | 4                    |

- 5.3 A full wheelchair standard 2 bedroom bungalow was advertised on the bidding cycle which ran from 15<sup>th</sup> January 2015 until 20<sup>th</sup> January 2015. This property is located in Fraser Court, Owton Manor and received 6 bids. This demonstrates relatively low to medium demand for this type of property in this area.
- 5.4 At the end of Quarter 3 of 2014/15, the number of applicants on the waiting list for a Disabled Facilities Grant was 116 at an estimated cost of £538,200. Of these current applicants 8 require their property to be adapted to part wheelchair accessible at a total cost of £159,200. There is no-one currently on the waiting list who require a ramp or for their property to be adapted to full wheelchair standard. In addition 4 of the applications on the current waiting list are for children.

## 6. FINANCIAL CONSIDERATIONS

- 6.1 The Council receives an allocation from Government each financial year to spend on Disabled Facilities Grants. For 2014/2015 the budget received was £451,155. The Council also received £200,000 from the CCG Better Care Fund and £91,000 from Child & Adult Services. The total funding for 2014/15 was therefore £742,155.

## 7. LEGAL CONSIDERATIONS

- 7.1 Disabled Facilities Grants are governed by the Housing Grants, Construction and Regeneration Act 1996. Payment of a grant is mandatory provided the

grant is for the purposes set out in the Act and providing the Local Authority is satisfied that the proposed works are necessary and will meet the needs of the disabled person. Any proposed works need to meet reasonable and practicable considerations and therefore many applicants wish to remain in their current homes.

## **8. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 8.1 The Council is committed to delivering services to people who need them without discriminating against any client or service user. It aims to treat all clients with courtesy and respect regardless of their gender, race, age, disability, religion, belief or sexual orientation. The Council's Adaptations Policy has had a Diversity Impact Assessment to identify any unmet needs / requirements for specific equality groups.

## **9. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS.**

- 9.1 There are no Section 17 implications.

## **10. RECOMMENDATIONS**

- 10.1 That Members of Planning Committee note this report.

## **11. CONTACT OFFICER**

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## PLANNING COMMITTEE

18 February 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** UPDATE ON CURRENT COMPLAINTS

### 1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. An investigation has commenced in response to a complaint regarding a secured vacant chapel on Victoria Road. The complaint related to the fact that windows not boarded have been broken. A meeting with the property owners will be arranged to agree a programme of building works to address the current condition of the building. Members will be updated in due course.
2. An investigation has been completed in response to complaint regarding the erection of flank boundary fence to the front of a property on Harlech Walk. After checking the height of the fence it was established that permitted development rights applied in this case therefore no action necessary.
3. An investigation has commenced in response to complaint raised by the Council's Community Safety and Engagement Team regarding an unkempt vacant convenience store on Sheriff Street.
4. An investigation has been completed in response to complaints regarding the erection of a sun lounge to rear to the second floor level of a residential unit above a shop on Park Road. The complaint related to works not carried out in accordance with the approved plans, checks both by planning and building control established the changes to the roof design required amendments to the building regulation approved plans, but were considered not to require a fresh planning application. No action necessary.
5. An investigation has been completed in response to a complaint raised by a Councillor regarding the erection of an outbuilding at the bottom of a rear garden of a property on Hutton Avenue. After checking the height of the building it was established permitted development rights applied in this case therefore no action necessary.

6. An investigation has commenced in response to a complaint regarding the erection of a retaining wall and associated alterations to garden levels to the rear garden of a property on Kingfisher Close.
7. An investigation has commenced in response to a complaint regarding vandalised boundary fences and fly tipping at a residential apartment block on Wynyard Road. After contacting the management company responsible for the site, they have agreed to carryout works to repair and replace boundary fences. The Council's Enforcement Officer will continue to monitor the situation accordingly.
8. An investigation has commenced in response to a complaint regarding a snooker club opening in an industrial unit on Usworth Road.
9. An investigation has commenced in response to a complaint regarding alterations made to an existing telecommunications radio base station installation on Wynyard Road. This will require determination as to whether the alterations to the station, requires prior approval under the provisions of The Town and Country Planning (General Development) Order 1995, as amended.
10. An investigation has commenced in response to an anonymous complaint regarding alterations made to the erection of a single storey outbuilding constructed in brick with a tiled dual pitched roof not in accordance to plans on Hutton Avenue. It was determined as permitted development not requiring planning permission. No further action necessary.
11. An investigation has commenced in response to a complaint regarding the terms of a planning condition not been satisfied. Planning permission was granted for alterations to a vacant public house on Mowbray Road, which included the erection of a front boundary wall with a condition imposed, amongst others, requiring wrought iron railings to be fitted between the brick piers.
12. An investigation has commenced in response to complaint regarding the incorporation of open space land into residential garden of a property on Hillston Close.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

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## PLANNING COMMITTEE

18 February 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** APPEAL AT 23 BENMORE ROAD, HARTLEPOOL  
APPEAL REF: APP/H0724/D/14/2227312  
ERECTION OF A TWO-STOREY EXTENSION TO  
THE REAR AND THE CONVERSION OF THE LOFT  
TO FORM AN ADDITIONAL BEDROOM  
(H/2014/0288)

### PURPOSE OF REPORT

- 1.1 To notify Members of an appeal decision.
- 1.2 The appeal relates to the refusal of the Local Planning Authority for the erection of a two storey extension to the rear and the conversion of the loft to form an additional bedroom at 23 Benmore Road Hartlepool. The application was refused under delegated powers by the Planning Services Manager in consultation with the Chair of Planning Committee (report attached).
- 1.3 The appeal was decided by written representation and dismissed by the Planning Inspectorate. The inspector concluded that the proposed development would be visually intrusive and result in poor outlook and loss of light, adversely affecting the living conditions of the occupiers of 5 Braemar Road. It was considered that the proposal failed to satisfy Policy GEP1 and Hsg10 of the Hartlepool Local Plan (2006) and the guidance set out with Supplementary Note 4, as the proposed development would not safeguard existing residential amenity. Furthermore, the proposed development would conflict with the National Planning Policy Framework paragraph 17 to secure a good standard of amenity for all existing occupants of land and buildings.
- 1.4 A copy of the decision letter is attached to this report.

### 2. RECOMMENDATION

- 2.1 That Members note the decision.

**3. CONTACT OFFICER**

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## Appeal Decision

Site visit made on 5 December 2014

**by M Seaton BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2014

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**Appeal Ref: APP/H0724/D/14/2227312**

**23 Benmore Road, Hartlepool, Cleveland, TS25 3DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Janet Marchant against the decision of Hartlepool Borough Council.
  - The application Ref H/2014/0288, dated 19 June 2014, was refused by notice dated 22 August 2014.
  - The development proposed is the erection of a two-storey extension to the rear and the conversion of the loft to form an additional bedroom.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No. 5 Braemar Road, having regard to outlook and light.

### Reasons

3. The proposed two-storey rear extension would infill the existing area of garden between the boundary with the neighbouring property at No. 5 Braemar Road, and the projecting two-storey gable end to the terrace on the appeal site. It would not extend further to the rear than the extent of the gable end. The extension would be adjacent to an existing small single-storey rear projection on the neighbouring property.
4. The proposed extension would be set adjacent to the neighbouring ground and first floor windows which have been obscurely glazed, and are indicated by the appellant to serve a ground floor utility room and a first floor bathroom. Whilst the use of these rooms has not been corroborated by the Council in their assessment of the proposals, on balance it would appear highly likely that they are occupied as non-habitable rooms within the neighbouring property. Nevertheless, it was evident from the site visit that the neighbouring property possesses rear windows serving a ground floor kitchen and a first floor bedroom. However, as a result of the reasonable separation of these habitable room windows from the common boundary, and taking into account the existing projection to the rear of the gable-end of the terrace on the appeal site, I am satisfied that the proposed two-storey extension would not result in an unacceptable impact on existing levels of light afforded to the rear of No. 5 Braemar Road.

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

Appeal Decision APP/H0724/D/14/2227312

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5. Whilst I have had regard to the position and impact of the existing gable-end projection to the terrace, the proposed extension would introduce a significant bulk and mass of development immediately on to the boundary with No. 5 Braemar Road. Despite the adjacency of non-habitable room windows to the proposed extension, the outlook from the remainder of the rear of the property would be adversely affected by the size, length and proximity of the proposed two-storey extension to the boundary. I have also had regard to the overall length of the neighbouring rear garden beyond the extent of the proposals, however the proposed development would result in a sense of enclosure for neighbouring occupiers in respect of their use of the rear rooms and the part of the garden closest to the house.
6. In reaching my conclusions, I have also been mindful of the guidance set out in *Supplementary Note 4* of the *Hartlepool Local Plan 2006 (Amended Saved Policies 2009)*. This sets out guidance to be followed in the design of two-storey rear extensions, and the need to accord with this note is explicitly referred to in saved Policy HSG10 of the local plan. The supplementary note states that two-storey rear extensions along a shared boundary would not normally be permitted, except in the case of a terraced property where there would be the potential for a future pairing of extensions with the neighbouring property. However, in this instance the proposed extension has been designed to assimilate with the existing gable-end projection, and therefore such an arrangement would not appear to be feasible in the future.
7. I conclude that the proposed two-storey rear extension would be visually intrusive and result in poor outlook and loss of light, adversely affecting the living conditions of the occupiers of No. 5 Braemar Road. There would be conflict with Policies GEP1 and HSG10 of the Hartlepool Local Plan (2006) and the guidance set out within *Supplementary Note 4*, as the proposed development would not safeguard existing residential amenity. Furthermore, the proposed development would conflict with the National Planning Policy Framework which seeks at paragraph 17 to secure a good standard of amenity for all existing occupants of land and buildings.

#### **Other Matter**

8. The appellant has pointed out that the appeal property could be extended in a similar manner without the need for planning permission. Be that as it may, given the suggested dimensions provided by the appellant as to the size of an extension which may be regarded as permitted development, in my view such an extension would not be as substantial as the proposal before me.

#### **Conclusion**

9. For the reasons given above, I conclude that the appeal should be dismissed.

*M Seaton*

INSPECTOR

## DELEGATED REPORT

### CHAIRMAN'S DELEGATED REFUSAL

**Application No** H/2014/0288

**Proposal** Erection of a two storey extension at the rear and loft conversion

**Location** 23 Benmore Road HARTLEPOOL

**PS Code:** 21

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                               |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------|
| <b>DELEGATION ISSUES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Neighbour letters:<br>Site notice:<br>Advert:<br>Weekly list:<br>Expiry date: | 25/07/2014<br><br><br>27/07/2014<br>27/08/2014 |
| <b>1) Publicity Expiry</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                               |                                                |
| <b>2) Publicity/Consultations</b><br><br>The application has been advertised by neighbour notifications ( 5 ) – 1 letter of comments raising the following concerns: <ul style="list-style-type: none"> <li>• Integrity of existing wash house foundations to be protected</li> <li>• No access from 5 Braemar Road</li> <li>• Any damage caused to 5 Braemar Road will be on the applicant</li> <li>• Boundary fence between property not to be removed.</li> </ul> The period for publicity has expired.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                               |                                                |
| <b>3) Neighbour letters needed</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N                                                                             |                                                |
| <b>4) Parish letter needed</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | N                                                                             |                                                |
| <b>5) Policy</b><br><br><u>Planning Policy</u><br><br>In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic |                                                                               |                                                |

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development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PARA 056: Requiring good design

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

#### Relevant Planning Policies

GEP1: General Environmental Principles

Hsg10: Residential Extensions

Comments: The proposal is contrary to policy and could result in a detrimental impact upon the amenity of the neighbouring properties.

### **6) Planning Consideration**

#### The Site

The application site 23 Benmore Road, is an end terraced property on a corner plot with Breamar Road. The property has gardens to the front, side and rear, with approximately 1.8m high (approx) close boarded rear boundary fence. The area is predominately residential.

#### Proposal

The proposal seeks to erect a two storey rear extension which incorporates accommodation within the roof space, and the provision of a single dormer in the side roof slope.

The proposed rear two storey extension extends approx 3.238m x 3.4m along the shared boundary with 5 Braemar Road, the proposal infills an area between the common boundary and the existing kitchen and bedroom, this is characteristic with the end terraced properties within this area. The proposal has a height to eaves of 5m and 6.4m to its highest point, the roof pitches away from the common boundary. The proposal includes a dormer window in the side roof slope which looks onto Benmore Road.

The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, with particular regard to the impact of the proposal on the character and appearance of the existing property and the visual amenity of the area and the amenity of neighbouring properties in terms of overlooking, overshadowing, dominance and outlook.

#### Principal of development

Policies contained within the Development Plan makes provision for the extension

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and alteration of dwellings subject to a series of criteria, namely, that the works should not significantly affect the amenities for occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook or dominance issues. Proposals shall be of a size and design and appearance that harmonises with the existing dwelling and should not be obtrusive and adversely affect the character of the streetscene.

#### Residential Amenities

Policies GEP1 and Hsg10 of the adopted Local Plan requires that extensions/alterations to residential properties do not cause an unacceptable impact on the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook.

Principles within the NPPF paragraph 17 also requires planning to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Supplementary Note 4, guideline 2 of the Hartlepool Local Plan 2006 states that:

*Single and two storey (side) extensions can be accommodated if main windows in a neighbouring property are not affected and the extensions are not unduly large and/or out of scale with the original property.*

Comments have been received from the attached neighbour at 5 Braemar Road raising concerns with damage during construction, this is a civil issue and not a material planning consideration. Therefore this cannot be considered when assessing the proposed development.

It is considered unlikely that there would be an issue of overlooking as there are no windows proposed in the side elevation facing towards this neighbouring property. However it is considered that there would be a significant impact in terms of appearing overbearing by virtue of the scale and massing of the proposal in relation to the shared boundary with the attached property at 5 Braemar Road.

Supplementary Note 4, guideline 9 and 11 state that:

*Two-storey extensions or an extension above an existing offshoot, which extend along a shared boundary with an attached neighbouring property, will not normally be permitted.*

*In the case of semi-detached and detached houses, where an extension is offset a significant distance from a neighbouring property (typically half the property width) an extension projecting up to 2.5m from the main wall of the property will normally be permitted. A large extension may be allowed where a greater degree of separation exists between the properties.*

The proposed two storey extension projects 3.238m from the original rear wall of the application site, with an eaves height of approximately 5 metres and would be adjacent to the shared boundary with the adjoining neighbouring property. As such it is considered that the proposed extension, by virtue of its scale and position would

result in a significant overbearing impact, appearing unduly dominant for number 5 Braemar Road. Furthermore the proposed extension would be located due south of this adjoining property creating shading for this neighbouring property thereby resulting in a significant loss of light.

Therefore it is considered that the proposal would result in a detrimental impact upon the amenity of number 5 Braemar Road in terms of appearing overbearing and overshadowing and does not accord with the aforementioned guidance held within Supplementary note 4 of the Hartlepool Local Plan and is considered contrary to both local policy GEP1 and Hsg10 and principles within the NPPF.

Impact on the character and appearance of the existing property and the visual amenity of the area

Whilst the proposal is large, it is considered that the design and materials are appropriate to the character of the existing property. It is considered that it would not appear unduly large or incongruous upon the streetscene as a result of the development.

Conclusion

Having regard to policies identified in the Development Plan it is considered that the proposed two storey rear extension, by virtue of its siting, design and scale would have a detrimental impact upon the occupiers of the neighbouring property of 5 Braemar Road in terms of loss of light and appearing overbearing.

It is therefore considered that the development is contrary to local and national policy and is recommended that the application be refused.

**7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

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

There are no Section 17 implications.

**9) Chair's Consent Necessary** Y

**10) Recommendation** REFUSE

**CONDITIONS/REASONS**

1. It is considered that the proposed extension, by virtue of its siting, scale and design would have a detrimental impact on the residential amenity of the occupiers of the neighbouring property at 5 Braemar Road, in terms of its impact on light and its overbearing effect on this neighbouring property. This is contrary to paragraph 17 of the NPPF, policies Gep1 and Hsg 10 and Guidance note 4 of the Hartlepool Local Plan (2006).

**Signed:**

**Dated:**

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Director (Regeneration and Neighbourhoods)  
Assistant Director (Regeneration and Neighbourhoods)  
Planning Services Manager  
Planning Team Leader DC  
Senior Planning Officer

I consider the scheme of Officer/Chair delegation to be appropriate in this case

**Signed:**

**Dated:**

Chair of the Planning Committee

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