

# PLANNING COMMITTEE

## AGENDA



**Wednesday 25<sup>th</sup> August 2021**

**at 10.00am**

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

**A limited number of members of the public will be able to attend the meeting with spaces being available on a first come, first served basis. Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Tuesday 24<sup>th</sup> August and name and address details will be taken for NHS Test and Trace purposes.**

### **MEMBERS OF PLANNING COMMITTEE:**

Councillors Boddy, Brown, Cook, Elliott, Fleming, Harrison, Little, B Loynes, D Loynes, Stokell and Young.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
  - 3.1 To confirm the minutes of the meeting held on 14<sup>th</sup> July 2021
  - 3.2 To confirm the minutes of the meeting held on 28<sup>th</sup> July 2021
- 4. ITEMS REQUIRING DECISION**
  - 4.1 Planning Applications – *Assistant Director (Place Management)*
    1. H/2017/0054 Land at Southbrook Farm (Page 1)
    2. H/2020/0175 Land at Worset Lane (Page 27)
    3. H/2021/0169 96 Elwick Road (Page 60)
    4. H/2021/0306 29 Honiton Way (Page 73)
    5. H/2021/0210 213 Wynyard Road (Page 82)
    6. H/2021/0231 4 Victoria Place (Page 93)
    7. H/2021/0156 4 8 The Alma Hotel, Whitby Street (Page 105)

### **CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE**

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

**5. ITEMS FOR INFORMATION**

- 5.1 Appeal at land south of Mountbatten Close, Cleveland Road – *Assistant Director, Place Management*
- 5.2 Update on Current Complaints – *Assistant Director, Place Management*

**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 of 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 Enforcement Notice (paras 5 and 6) – *Assistant Director, Place Management*
- 8.2 Enforcement Notice (paras 5 and 6) – *Assistant Director, Place Management*
- 8.3 Enforcement Notice (paras 5 and 6) – *Assistant Director, Place Management*

**9. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

**10. FOR INFORMATION**

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 22<sup>nd</sup> September 2021



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **14<sup>th</sup> July 2021**

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

**Present:**

Councillor: Mike Young (In the Chair)

Councillors: Moss Boddy, Paddy Brown, Rob Cook, Jennifer Elliott,  
Sue Little, Denis Loynes and Cameron Stokell

In accordance with Council Procedure Rule 4.2 Councillor Tom Feeney was in attendance as substitute for Councillor Brenda Harrison and Councillor Jim Lindridge was in attendance as substitute for Councillor Brenda Loynes

Officers: Jim Ferguson, Planning and Development Manager  
Kieran Bostock, Assistant Director (Place Management)  
Peter Frost, Highways, Traffic and Transport Team Leader  
Daniel James, Planning (DC) Team Leader  
Aidan Dobinson Booth, Principal Planning Officer  
Zoe Craig, Senior Environmental Health Officer  
Jane Tindall, Senior Planning Officer  
Stuart Edwards, Flood Risk Officer  
Alex Strickland, Legal Representative  
Jo Stubbs, Democratic Services Officer

## **11. Apologies for Absence**

Apologies were submitted by Councillors Tim Fleming, Brenda Harrison and Brenda Loynes.

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

The Chair declared a personal interest in planning application H/2020.0336 (High Tunstall College of Science) as an Associate Governor at the College but confirmed it would not influence his decision

## **13. Confirmation of the minutes of the meeting held on 23<sup>rd</sup> June 2021**

The minutes were deferred

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

<b>Number:</b>	H/2019/0226
<b>Applicant:</b>	BARRATT/DAVID WILSON HOMES NE THE WATERMARK GATESHEAD
<b>Agent:</b>	BARRATT & DAVID WILSON HOMES NE/WYNYARD PARK MISS AMY WARD BARRATT HOUSE THE WATERMARK GATESHEAD
<b>Date received:</b>	01/07/2019
<b>Development:</b>	Residential development comprising 243 houses including associated access, link road connection, infrastructure and open space
<b>Location:</b>	LAND TO THE NORTH OF HARTLEPOOL ROAD (A689) WYNYARD PARK WYNYARD BILLINGHAM

Members noted the developer was offering 17% affordable homes on the site rather than the requested 18%. The Agent advised that this had come about following negotiation with Council officers and amounted to 3 less affordable houses. However these houses would be on general sale as smaller houses. The Principal Planning Officer indicated it would be up to members whether to accept this or not but officers had been pragmatic and decided it was not worth refusing the application for the sake of 3 affordable dwellings.

A member queried whether provision had been made for a secondary school and additional traffic lights. The Principal Planning Officer confirmed that the development would benefit from a full education contribution by the developer and a school would be built as part of the application. The Highways, Traffic and Transport Team Leader was unable to confirm the intention with regard to lights as the junction where they would be located was within Stockton.

A member noted the Council had sought £2.93 million in contributions from the developer but had been offered £1.4 million. The Agent noted that they had also offered the funding to develop the site entrance.

A member referred to concerns around shared driveways within the development and vehicle waste during the building phase. The Highways, Traffic and Transport Team Leader advised that shared driveways were fairly common and it would be difficult to maintain an objection based on that. In terms of vehicle waste the Agent indicated that engineers had not seen this as a concern.

Members were broadly supportive of the application but had a number of concerns. Some felt it was unacceptable that the developer had not been prepared to provide the full 18% affordable housing requirement and questioned why the Council were not pursuing the full amount as per the policy. Others also queried the apparent lack of amenities which would result in residents having to travel out of the area, something which could be a particular issue for those buying affordable homes.

A member moved an amendment that the application be approved subject to 18% affordable housing rather than 17%. This was seconded. Members voted to refuse this amendment by a majority.

Members voted to approve the application as detailed within the report by a majority.

<b>Decision:</b>	<b>Minded to approve subject to the completion of a Section 106 Legal Agreement securing 17% on-site affordable housing, a primary education contribution (£718,698.75), secondary education contribution of (£469,596.60), health facilities (£117,390), Castle Eden Walkway (£60,750), East to West Footway/Cycleway (£241,056), and a contribution towards the established coastal warden scheme of (£48,600) a Farmland's Bird Strategy and a Training and Employment Charter; subject to the withdrawal of Highways England's holding recommendation; and subject to the following planning conditions;</b>
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## CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following plans and reports:
  - a. Drawing No. 100, Rev P1 (Site Location Plan)
  - b. Drawing No. 103, Rev D4 (Proposed Site Layout)
  - c. Wynyard Phase 2 Housetype Drawing Pack, dated 26 March 2019
  - d. Drawing No. P07:3674:25 (206 Alderney (AS) Embassy Range
  - e. Waste Audit Dated September 2019
  - f. Travel Plan, dated March 2019
  - g. Ecological Appraisal, by E3, dated 2019
  - h. PV Schedule, dated 7th February 2019.For the avoidance of doubt.
2. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.

3. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
4. Notwithstanding the submitted details prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected, garden levels, car parking levels and the areas adjoining the site boundary any proposed mounding or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
This needs to be pre-commencement to ensure that the land levels are properly recorded to take into account the position and levels of the building and car parking areas and the impact on adjacent residential properties
5. Notwithstanding the submitted information and the measures outlines with the submitted Flood Risk Assessment, no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water: detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system through its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.  
The needs to be pre-commencement to prevent increased risk of flooding from any sources in accordance with the NPPF and to ensure future maintenance of the surface water drainage.
6. Notwithstanding the submitted information, development shall not commence until a detailed scheme for the disposal of foul water from the development 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.

This needs to be pre-commencement to prevent the increased risk of flooding from any sources in accordance with the NPPF.

7. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associate with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area.
8. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, programme of the works to be undertaken, and implementation in accordance with the approved details and programme of works.  
In the interests of visual amenity and biodiversity enhancement.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in 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 other of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity and biodiversity enhancement
10. No part of the residential development shall be occupied until a vehicular and pedestrian access to the proposed development has been constructed to the satisfaction of the Local Planning Authority.  
In the interests of highways and pedestrian safety and in the interest of the visual amenities of the surrounding area.
11. Prior to first occupation of the dwellings hereby approved, a compliance report to confirm that the energy demand of the development and its CO2 emissions (measured by the Dwelling Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.

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

12. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with the contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objective. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.  
To ensure that the site is suitable for its intended use.
13. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 18.00 on Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure that the development does not adversely affect neighbours living conditions.
14. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitable qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.  
In the interests of breeding birds.
15. Notwithstanding the submitted details none of the dwellings shall be first occupied until details of the proposed street lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the street lighting shall be provided in accordance with the approved details.  
In the interests of biodiversity.
16. No development shall take place until details of a Construction Environment Management Plan (CEMP) based on the model wording



within BS42020 and incorporating the measures identified within the Ecological Impact Assessment (EclA) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall only be carried out in accordance with the approved CEMP.

This needs to be pre-commencement to ensure that biodiversity interests are suitably protected in advance of work commencing.

17. No development shall take place including any vegetation or tree removal until details of a Landscape & Biodiversity Management Plan based on the model wording within BS42020 to incorporate measures identified within the Ecological Impact Assessment (EclA). Thereafter development shall only be carried out in accordance with the approved Landscape and Biodiversity Management Plan.

This needs to be pre-commencement to ensure that biodiversity interests are suitably protected in advance of work commencing.

18. No more than 140 dwellings authorities by this permission shall be first occupied until the local planning authority has approved in writing a full scheme of works of improvement to the A19/A689 junction and the approved works have been completed in accordance with the local planning authority's written approval.

In the interests of highway safety.

19. Notwithstanding the submitted information, prior to first occupation of the development hereby approved, details of the boundary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter development shall be implemented in accordance with the approved details prior to the occupation of each dwelling.

In the interests of a satisfactory form of development and in the interests of the amenities of future occupiers.

20. Notwithstanding the submitted details should the primary boulevard not connect into an adjacent section of the road where it leaves the site at the northern boundary, a vehicle turning head must be provided in accordance with the Council's Design Guide and Specification. The boulevard should also exit the site in a direction which facilitates smooth connection with further sections of the road in the future.

In the interests of highway safety.

21. Notwithstanding the submitted details, no development above damp proof course on plot 202-213 shall commence until amended details have been submitted to and approved in writing to allow a maximum of 5 properties to be accessed from a private drive. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of highway safety.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2020/0453
<b>Applicant:</b>	MR P REED DALTON PIERCY HARTLEPOOL
<b>Agent:</b>	STOVELL & MILLWATER LTD 5 BRETNALL CENTRE BRETNALL STREET MIDDLESBROUGH
<b>Date received:</b>	15/01/2021
<b>Development:</b>	Erection of 4 X 4 bedroom detached holiday cottages
<b>Location:</b>	ABBAY HILL COTTAGES DALTON PIERCY HARTLEPOOL

Members queried whether there were any drainage concerns around this application. The Assistant Director (Place Management) advised there were no records of drainage issues on the site however as a privately owned site it would not be maintained by the Council.

A member queried if there were great crested newts present on the site. The Senior Planning Officer indicated that an ecology report from the applicant showed there were not.

A member noted the developer contribution of £2000 toward improvements to public rights of way and asked how that amount had been agreed. The Senior Planning Officer reported that officers had felt this was an appropriate amount given the scale of the development. A member queried whether the public footpaths around the site would be upgraded as part of the development. The Senior Planning Officer advised this would be part of the 106 agreement and the Countryside Access Officer would decide which existing footpaths required upgrade.

A member noted the objections from Dalton Parish Council and asked whether a condition could be included to ensure the holiday cottages could not be used as permanent dwellings. The Senior Planning Officer confirmed such a condition was already in place.

Members were supportive of the application which would bring money into the town and allow people to holiday in the UK. However concerns were raised that in future the developer may try to convert the cottages into permanent homes. The Planning (DC) Team Leader acknowledged these concerns but noted the Council's strong policies aimed at the rural economy and workers

dwellings. This application must be considered on its own merits. A member also noted the comments from Elwick Parish Council regarding the need for any 4 bedroom cottages. The Senior Planning Officer indicated the original application had been for larger dwellings and 4 bedrooms was in line with similar accommodation. The Planning (DC) Team Leader noted this was not a material planning consideration.

Members were minded to approve the application by a majority with 1 abstention.

**Decision:** **Minded to approve subject to the completion of a Section 106 Legal Agreement securing £2000 towards improvement works to public rights of way, and subject to the following planning 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 approved shall be carried out in accordance with the following plans:  
HL/20/003/003/A Rev A (Proposed Site Plan), HL/20/003/006/A Rev A (Proposed Sections), HL/20/003/001/A Rev A (Location Plan) received by the Local Planning Authority on 14.03.2021; HL/20/003/004/B Rev B (Proposed Floor Plans) received by the Local Planning Authority on 18.03.2021; Ecological Appraisal (Jonathan Pounder, JP Environmental Services date issue 21 March 2021) received by the Local Planning Authority on 22.03.2021; and HL/20/003/005/C Rev C (Proposed Elevations) received by the Local Planning Authority 23.06.2021.  
For the avoidance of doubt.
3. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.  
To take into account the position of the buildings and impact on adjacent properties and the visual amenity of the surrounding area, in accordance with Policy QP4 and LS1 of the Hartlepool Local Plan.
4. Prior to the commencement of development a report identifying how the scheme will generate 10% of the predicted energy supply from on-

site renewable energy shall be first submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed/installed in line with the approved scheme prior to occupation.

In the interests of promoting sustainable development in accordance with Policy CC1.

5. All ecological enhancement measures shall be implemented in accordance with the details contained in paragraph 4.2 of the Ecological Appraisal (Jonathan Pounder, JP Environmental Services date issue 21 March 2021, received by the Local Planning Authority on 22.03.2021), final details of such works, including a timetable for implementation, shall be first submitted to and approved in writing by the Local Planning Authority prior to any above ground construction. Thereafter the works shall be implemented in accordance with the approved scheme and timetable for implementation.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.

6. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme of landscaping and tree and shrub planting, to include native hedge and tree planting, and a schedule for implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following first use of the dwellings (holiday accommodation hereby approved) 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.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

7. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, details of proposed hard

landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. Thereafter, the agreed scheme shall be implemented following first use of the dwellings (holiday accommodation hereby approved) or completion of the development, whichever is the sooner.

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

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

To ensure any site contamination is satisfactorily addressed.

9. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

10. The holiday cottages hereby approved shall be used only for holiday accommodation and shall not be occupied as a person's sole or main place of residence. The operators of the holiday cottages shall maintain an up-to-date register of the names of all occupiers of the holiday cottages on the site and of their main home addresses and shall make this information available for inspection at all reasonable times to the Local Planning Authority.

The accommodation has been allowed as holiday accommodation its permanent occupation as a main residence would not be acceptable, and in the interests of highway and pedestrian safety.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwellings (holiday accommodation) hereby approved shall not be extended in any way, nor shall any garage(s) or other outbuildings 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 adjacent land users and protect the character of the area.

12. 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 chalets without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the visual amenity of the area.

13. Prior to the erection of any lighting associated with the development hereby approved, details of such lighting shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter the approved scheme shall be installed and maintained in accordance with the approved details.

In the interest of the visual amenity of the surrounding area.

14. The surface water drainage for the development hereby approved shall be carried out solely in accordance with the submitted details as shown on Dwg No: HL/20/003/003 Rev A (Site Plan) date received by the Local Planning Authority 04.03.2021.

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

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**Number:** H/2020/0336

**Applicant:** SARAH PRESTEDGE ELWICK ROAD  
HARTLEPOOL

**Agent:** SARAH PRESTEDGE HIGH TUNSTALL  
COLLEGE OF SCIENCE ELWICK ROAD  
HARTLEPOOL

<b>Date received:</b>	30/03/2021
<b>Development:</b>	Provision of 6 x 8m high Flood Lights on the existing multi-use games area.
<b>Location:</b>	HIGH TUNSTALL COLLEGE OF SCIENCE ELWICK ROAD HARTLEPOOL

The Head of the College was present and addressed members. He advised that this was the final stage of a development which had been ongoing for over 4 years. It would allow local groups to use the multi-use games area in the winter months and provide support to the local community. They were happy with the conditions around times of use and had provided 18 bat boxes in the new school development.

Members were supportive but raised concerns at the impact the 9pm shut off time in the winter months would have on the bat population. They queried why the shut off time could not be 8pm all year round. The Planning and Development Manager advised that the ecologist was happy with the later shut off time as bats tended to hibernate in Winter. Any concerns around this needed to be offset by the benefits the application would bring and any risk would be minimised through the time condition. The head noted that it was unlikely the lights would be needed until 9pm however they did not want to introduce limitations which might reduce usage. A member queried whether all 6 lights would be used at once. The Head confirmed that they probably would be in the Winter months for safety reasons however light overspill had been looked at and they would ensure the timings included in the conditions were adhered to.

A member declared an interest in this item due to his position as Chair of Children's Services Committee but confirmed he felt able to make a balanced decision.

Members approved the application by a majority.

<b>Decision:</b>	<b>Planning Permission Approved</b>
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## **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plan(s) and details Dwg No(s) HTTCF 01 (Location Plan), HTTCF 02 (Site Plan) and HTTCF03 (Block Plan) received by the Local Planning Authority on 09.03.2021; Halliday Lighting Report

Project Ref: 1424 (Floodlighting Lighting Impact Study/Overspill Readings) received by the Local Planning Authority 01.03.2021; 'Philips OptiVision LED gen3.5 floodlighting system' data sheet received by the Local Planning Authority 05.03.2021; and Design A (Project No. D1) (Amended Lighting Design Plan) date received by the Local Planning authority on 14.06.2021.

For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to any above ground construction, the final design details of the 6no. 8m high floodlights hereby approved shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the final finishing colour, the external spill-light control louvres/backshields to be installed to each of the 6no. floodlights, and details of a light sensor or other mechanism/scheme to control the levels of illumination (including the output and intensity of lighting) to be fitted to the floodlights hereby approved. Thereafter the development shall be carried out and operate in accordance with the approved details for the lifetime of the development hereby approved.  
In the interests of the visual amenity of the surrounding area, and the amenity of neighbouring land users.
4. The floodlighting hereby approved shall only operate between the following times and months as follows:  
0800 and 2000 hours between the 1st March - 31st October (inclusive), and 0800 and 2100 hours 1st November - 28/29th February (inclusive) and shall be turned off outside of these hours.  
In the interests of the amenities of the occupants of neighbouring properties and for the protection of European Protected Species, in accordance with paragraph 175 of the NPPF.

The Committee considered representations in relation to this matter.

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## **15. Update on Current Complaints** *(Assistant Director (Place Management))*

Members were given details of 11 complaints currently under investigation and 9 which had been completed.

A member requested an update on the installation of a wind turbine at a residential property in Challoner Road. The Planning and Development Manager advised this was probably on a small domestic scale however officers would investigate.



### Decision

That the report be noted

## 16. Local Government (Access to Information) (Variation Order) 2006

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

Minute 17 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

## 17. Enforcement Notice *(Assistant Director (Place Management))* This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

Members were asked to consider whether to take enforcement action. Further details are contained within the closed minutes.

### Decision

Details contained within the closed minutes.

The meeting concluded at 11.15am

CHAIR

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **28<sup>th</sup> July 2021**

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

**Present:**

Councillor: Paddy Brown (In the Chair)

Councillors: Moss Boddy, Rob Cook, Jennifer Elliott, Tim Fleming,  
Brenda Harrison, Sue Little, Brenda Loynes, Dennis Loynes  
and Cameron Stokell

Also Present: Councillors Ged Hall and Shane Moore

Officers: Jim Ferguson, Planning and Development Manager  
Daniel James, Planning (DC) Team Leader  
Sylvia Pinkney, Assistant Director (Regulatory Services)  
Ryan Cowley, Senior Planning Officer  
Alex Strickland, Legal Representative  
Denise Wimpenny, Principal Democratic Services Officer

## **18. Apologies for Absence**

Apologies were submitted by Councillor Mike Young

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

Councillor Tim Fleming declared an interest in item H/2021/0143 (1 Albion Terrace) as it was located in his Ward.

Councillor Brenda Loynes declared an interest in item H/2021/0164 (1 Grasholme Road) as it was located in her Ward.

Councillor Dennis Loynes declared an interest in item H/2021/0241 (89 Hutton Avenue) as it was located in his Ward.

Councillor Cameron Stokell declared an interest in item H/2021/0164 (1 Grasholme Road) as it was located in his Ward.

## **20. Confirmation of the minutes of the meeting held on 23<sup>rd</sup> June 2021**

Minutes confirmed

## 21. Confirmation of the minutes of the meeting held on 14<sup>th</sup> July 2021

Minutes deferred

## 22. Planning Applications *(Assistant Director (Place Management))*

<b>Number:</b>	H/2021/0143
<b>Applicant:</b>	MR JAMES WILLSON ALBION TERRACE HARTLEPOOL
<b>Agent:</b>	MR JAMES WILLSON 1 ALBION TERRACE HARTLEPOOL
<b>Date received:</b>	04/05/2021
<b>Development:</b>	Listed Building Consent for the replacement of 6no. single glazed timber windows at the rear and single storey off-shoot extension to the rear with 6no. rising sash UPVC double glazed windows
<b>Location:</b>	1 ALBION TERRACE HARTLEPOOL

Members noted that a number of adjacent buildings had UPVC windows albeit in a style appropriate for the conservation area and queried why officers felt it was unacceptable in this case. The Committee was advised that as this was a listed building there was a requirement that appropriate materials be used. Members acknowledged this but were concerned that similar properties in the area may have been given approval for the use of UPVC. The Planning and Development Manager reminded members that this application should be considered on its own merits and any previous committee decisions should have no bearing on this decision. A member moved that a site visit be undertaken to give members the opportunity to view the area and its character in full context. This was seconded and approved unanimously by the Committee.

The Planning and Development Manager advised members that a risk assessment would need to be carried out in advance of any in-person site visit due to the current coronavirus situation meaning it may not be possible to visit the site prior to the next meeting. There may also be a requirement that members make their own way to the site.

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

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<b>Number:</b>	H/2021/0241
<b>Applicant:</b>	MRS GAIL ASKEW THOMPSON HUTTON AVENUE HARTLEPOOL
<b>Agent:</b>	MRS GAIL ASKEW THOMPSON 89 HUTTON AVENUE HARTLEPOOL
<b>Date received:</b>	28/05/2021
<b>Development:</b>	Replacement windows to front (Resubmission)
<b>Location:</b>	89 HUTTON AVENUE HARTLEPOOL

This was a resubmission of a previous application refused in February 2021.

Councillor Gerard Hall spoke in support of the application saying it involved minor works which would restore and retain the character of the building while enhancing the property. In terms of the conservation area the windows would be sliding sash therefore in keeping with the character of the area while also being beneficial environmentally. There had been no objections to this application from neighbours and there would be no unduly detrimental impact on any neighbouring properties.

Members acknowledged the additional cost to replace the windows using traditional materials but noted that the house had been subject to conservation area regulations when the applicant had moved in. However they felt that the proposal to use UPVC for the windows was acceptable in terms of the character and appearance of the property and would assist in reducing the carbon footprint of the property.

Members voted to approve the application by a majority and against the officer recommendation. The stated reasons were that the proposal to use UPVC for the windows was acceptable in terms of the character and appearance of the property and would assist in reducing the carbon footprint of the property.

<b>Decision:</b>	<b>Planning Permission Approved with conditions delegated to the Planning and Development Manager</b>
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The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2021/0164
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**Applicant:** MR JONATHON KELLY Grassholme Road  
Hartlepool

**Agent:** MR JONATHON KELLY 1 Grassholme Road  
Hartlepool

**Date received:** 25/05/2021

**Development:** Installation of seating / fire pit area with retaining wall and new lawn with edging to the rear, and associated alterations to site levels and hard and soft landscaping.

**Location:** 1 GRASSHOLME ROAD

Members approved this application by a majority.

**Decision:** **Planning Permission Approved**

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plan(s) and details;  
Cross section of firepit/seating wall make up,  
DAWL202012  
received 8<sup>th</sup> April 2021 by the Local Planning Authority;  
DAWL20210502 (Proposed Fire Pit Levels in Garden + Cross Section A-A)  
received 13<sup>th</sup> May 2021 by the Local Planning Authority;  
DAWL20210501 (Proposed Levels)  
Received 25<sup>th</sup> May 2021 by the Local Planning Authority.  
For the avoidance of doubt.
3. Prior to the first use of the seating / firepit area hereby approved, as shown on plan DAWL20210501 (Proposed Levels) received 25<sup>th</sup> May 2021 by the Local Planning Authority, details of an opaque privacy screen or closed boarded fence with a minimum height of at least 1 metre (measured above the top of the seating area retaining / boundary wall enclosure) to be erected along the south-east and south-west sides of the seating / firepit area shall be submitted to and approved in writing by the Local Planning Authority. The privacy screening shall

thereafter be implemented in accordance with the approved details prior to the first use of the seating / firepit area and shall be maintained for the lifetime of the development.

To prevent overlooking.

4. The external finishing materials and hard surfaces of the development hereby approved shall be in accordance with the details contained within the submitted planning application form and drawing no. DAWL202012 received 8<sup>th</sup> April 2021 by the Local Planning Authority, unless similar alternative materials are agreed in writing with the Local Planning Authority.

For the avoidance of doubt and in the interests of visual amenity.

5. Notwithstanding the submitted details and prior to the first use of the seating area hereby approved, full details of soft landscaping within the rear garden of the host property shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved landscaping shall be implemented in the first planting season following completion of the development or prior to first use of the seating area, whichever is the sooner.

To ensure a satisfactory form of development.

6. Notwithstanding the provisions of Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification, the seating / fire pit area hereby approved shall not be extended or altered 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.

The Committee considered representations in relation to this matter.

## **23. Appeal at land adjacent to Training and Enterprise Centre, Lynn Street** *(Assistant Director (Place Management))*

Members were advised that an appeal against the refusal of prior approval in respect of land adjacent to the Training and Enterprise Centre had been dismissed. A copy of the decision letter was appended to the report.

### **Decision**

That the report be noted.

## **24. Appeal at 9 Rowell Street** *(Assistant Director (Place Management))*

Members were advised that an appeal had been submitted against the decision of the Council to refuse an application to replace existing original timber sliding sash windows with double UPVC sliding sash frames.

**Decision**

That the report be noted.

**25. Update on Current Complaints** (*Assistant Director (Place Management)*)

Members were given details of 12 complaints currently under investigation and 4 which had been completed.

**Decision**

That the report be noted

The meeting concluded at 10.55am.

CHAIR

**No:** 1.  
**Number:** H/2017/0054  
**Applicant:** Mike Dickinson  
**Agent:** Mr Jon Tweddell  
JT Planning  
**Date valid:** 07/02/2017  
**Development:** Residential development comprising 14 detached properties including demolition of existing buildings and farmhouse  
**Location:** SOUTHBROOKE FARM SUMMERHILL LANE  
HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND TO CURRENT APPLICATION (H/2017/0054)

1.2 The application was withdrawn from the agenda of a previous committee meeting of the 14<sup>th</sup> April 2021 at the request of the 'applicant' for the application. The 'applicant', Mr Mike Dickinson, has since formally confirmed that Mr Jon Tweddle (JT Planning) is now acting as the 'agent' on behalf of Mr Dickinson ('the applicant'). The application was withdrawn from the agenda of a further committee meeting of the 23<sup>th</sup> June 2021 in consultation and agreement with the Chair of Planning Committee following receipt of further amended plans from the applicant (discussed below).

1.3 The application was also previously considered at the planning committee of 06.09.2017 where Members were 'minded to approve' the application subject to the completion of a legal agreement securing contributions (that the application had agreed to pay at that time) towards primary education (£38,445.23), and secondary education (£25,115.66), built sports (£3,250), play facilities (£3,250), green infrastructure (£3,250), playing pitches (£3,032.77) tennis courts (£741.26), bowling greens (64.61) and highway contribution towards Eliwck bypass and grade separated junction (£153,947.43). The development fell below the threshold for affordable housing contributions. A financial contribution in line with the HRA (and as agreed by Natural England) of £2,800 was to be secured.

1.4 In the intervening period following Members decision to be 'minded to approve' the application (subject to the completion of the s106 agreement), the applicant contacted officers and stated that they were unable to pay the required contributions, which were previously agreed following the submission of a viability assessment.

1.5 There have also been a number of events that are relevant to the consideration of this application since the application was first considered by Members in August



2017. These include the revision to the National Planning Policy Framework (NPPF, in February 2019 and July 2021) and associated Planning Practise Guidance; the adoption of the Hartlepool Local Plan (May 2018), a change in approach on ecology matters (following a decision in European case law) and the extension of the SPA; and the formation of a new planning committee(s), all of which need to be taken into account and therefore this new report is required to bring matters up to date.

1.6 It should also be noted that following a site visit by the case officer, the buildings within the small holding have all been demolished (save for the farm house, which is understood to remain occupied). These works were included within the proposed development and would have been included with the approved development, had planning permission been granted and issued. However, as there has been no decision issued given that the section 106 legal agreement has not been signed, the works are technically unauthorised. To carry out this type of operation without the benefit of planning permission, the applicant should have submitted a prior notification application for demolition works to the LPA which has not been made. This is considered in further detail in the report below.

1.7 It is also of note that the applicant sought to appeal the 'non-determination' of the application to the Secretary of State in early 2021 however the appeal was turned away as the applicant was out of time to submit such an appeal.

## **PLANNING HISTORY**

1.8 The following applications are relevant to the existing dwelling and buildings on the application site;

H/2014/0035 – Outline application with all matters reserved for residential development comprising 9 dwellings and retention of existing farmhouse – approved 24/03/2014. This permission was never implemented and has since lapsed.

H/2010/0211 – Alterations and change of use of buildings for use as craft room, craft assembly and storage room and a petting room for a mixture of animals – approved 02/06/2010

H/2006/0403 – Erection of a barn and related works – approved 22/08/2006

HTEL/2002/0120 - To determine whether the siting and design of telecommunications equipment within a fenced compound requires the approval of the local planning authority – 'approved' 17/04/2002

HTEL/2003/0514 - To determine whether the siting and design of a 15m high timber monopole with 3 no antennae, 2 no 0.3m dishes and 1 no 0.6m dish, 2 radio equipment cabinets and ancillary development requires the prior approval of the local planning authority – 'approved' 01/09/2003

HFUL/1989/0412 – Alterations to form 4 no. additional stables for equestrian purposes – approved 26/07/1989

HFUL/1990/0152 – Construction of an all weather riding paddock – approved  
11/04/1990

HFUL/1991/0277 – Erection of an agricultural building – approved 01/07/1991

HFUL/1992/0587 – Use of barn as an indoor riding school – approved 06/01/1993

HFUL/1995/0165 - Erection of a detached house with integral garage – refused  
22/06/1995

## **PROPOSAL**

1.9 The application was submitted in January 2017 for the demolition of existing buildings within the small holding and erection of 14no. detached dwellings and associated works. The proposal is for 3 and 4 bedroom properties and would be a mix of 1.5 and 2 storey detached dwellings. The properties would have off street parking (from Summerhill Lane) within the curtilage of the properties.

1.10 As discussed in the ‘background’ section of the report, an amended scheme has recently been submitted, to which further consultation has been carried out. The scheme has reduced the number of house types, but still proposes 14no. dwellings, the mix of dwellings are;

- House type A – 3 bed two storey dwelling with single integral garage
- House type B – 4 bed two storey dwelling with double integral garage
- House type C – 4 bed two storey dwelling with detached double garage
- House type D – Large 4 bed two storey dwelling with attached double garage
- House type E - Large 4 bed two storey dwelling with attached double garage

1.11 The proposed layout remains as a relatively linear development, but has introduced some notable staggers between the properties, with individual accesses remaining from Summerhill Lane. The properties will have private amenity with small garden space to the front of the properties, with enclosed rear gardens to the rear.

## **SITE CONTEXT**

1.12 The application site is a small holding known as Southbrooke Farm on Summerhill Lane. The lane is accessed from Catcote Road. To the west of the site is Summerhill Visitors Centre, with allotments and Catcote School to the south of the site, directly to the north is farmland, which separates the site from the Park Conservation Area and residential properties. There are two telecom masts on the north west rear boundary of the site.

1.13 The smallholding comprises a narrow rectangular shaped parcel of land that extends to approximately 0.7 hectares in area (1.7 acres), running parallel with Summerhill Lane. As detailed above in the ‘background’ that the ancillary buildings within site have been demolished, however the farm house is still understood to be occupied.

## **PUBLICITY**

1.14 The application was advertised by press notice, site notice and neighbour letters (6). To date, there have been 1 letter of no objection and 3 letters of support, these are summarised below;

- The development will enhance the area
- A great location for schools, shops, bus routes whilst still living in the countryside
- Ideal location for this type of development good access to main road
- Can only be a bonus for Summerhill
- would be very interested in purchasing this kind of property
- Great addition to Hartlepool's stock of affordable executive homes

1.15 As a result of the application coming back to Members as an update, and amended plans being submitted a further public consultation has taken place, with 5 letters of support being received and these are summarised below;

- Housing in this area will have a positive effect on the surrounding area, residents more likely to challenge any anti-social behaviour in this area
- Will help reduce anti-social behaviour in the area
- Will improve this area of the town
- Good quality homes brought to this area
- Will enhance the safety and security of the area in general.

1.16 The period for publicity has expired. Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=116637>

## CONSULTATIONS

1.17 As a result of the changes discussed in the background section of the report, a number of relevant technical consultees have been contacted with a request for any updates to their original comments and these are set out below their original comments.

**HBC Engineering Consultancy:** I would request a contaminated land condition and a surface water condition.

### UPDATE 17/05/2021

We have no objection to the demolition of buildings in respect of surface water management or contaminated land, previous comments for development proposals still apply.

In respect of demolition of the existing buildings, please note section 80 of The Building Act 1984 that requires the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This requirement is separate to and in addition to a planning application. We have no record of that permission for

demolition having been given should it have been required by section 80 (1) of that act however with reference to section 80 (1) (b) (iii) it may not have been necessary dependent upon the agricultural or otherwise nature of the buildings.

UPDATE 06/07/2021

In response to your consultation on amended plans for the above application, we have no further comments to make in respect of surface water management or contaminated land.

**HBC Public Protection:** No objection.

**HBC Traffic and Transport:** The drive crossings will be required to be constructed in accordance with the HBC Design Guide and Specification and be installed by a NRASWA accredited contractor.

Dropped kerbs and hard standing should be provided on the verge opposite to provide pedestrian access to the footway.

UPDATE 16/11/2020

I can confirm that Highways would be looking for a full contribution to the Elwick by-pass and grade separated junction.

This development would benefit greatly in highway terms due to the construction of the by-pass and it would be unfair on other developments if they did not contribute fully to this scheme.

UPDATE 04/08/2021

As with the original layout, there is no footway provision on the north side of Summerhill Lane. Dropped kerbs should be provided at points opposite each property access to provide pedestrian access to the southern side footway.

Properties 10 -14 – there's minimal verge area in these areas, therefore boundary treatments should be kept below 1 metre to protect sight lines when exiting the driveways.

**HBC Ecology:** I have examined the Heart Land Design, Tree Planting Plan, drawing number HLD/KD/PS/001 Rev B dated 28/06/2017 and the All About Trees Arboricultural Method Statement, drawing AMSTPP dated 30/06/2017. It appears from these drawings that the six ash trees and hedges that I referred to in my ecology response dated 27/07/2017 are to be removed in order to facilitate the development. In my response, I supported the Ecologist's (Graeme Smart) recommendation to retain these trees and hedges. However, Graeme Smart went on to say:

"If site design constraints (e.g. sight lines at access road; routing of drainage and services, etc) make it impossible to retain either the hedges or the ash trees then:

Any ash tree removed should be replaced with large, standard trees of similar species (if available from local stock which can be guaranteed free of ash die-back disease) or an alternative species to be agreed with the LPA, either on site or at a

nearby alternative site to be agreed with the LPA (e.g. Burn Valley, Summerhill Country Park, etc.) If the hedgerow cannot be retained then either the hedge should be translocated (after coppicing) to the northern boundary of the site; or a new hedgerow of the same species composition should be planted on the northern boundary of the site; or a new hedgerow of the same species composition and equivalent length should be planted at a nearby alternative site to be agreed with the LPA.”

Given that there are no bats effected, I am satisfied that this second course of action can be followed without detriment to the overall ecology of the site. I recommend replacement of the trees with an equal, or greater, number of native deciduous species, to be agreed with the HBC Arboricultural Officer and the planting of a new hedge (or landscape belt) along the entire northern and eastern boundaries. I note that this planting is labeled on the Tree Planting Plan as ‘Mixed native tree planting belt’ and ‘Yew tree planting to screen mobile phone masts’.

Biodiversity enhancement in line with NPPF.

I support the enhancement recommendations made to the client by the consultant Ecologist, that the new buildings provide an opportunity to create suitable, long-term bat and bird roosting and nesting opportunities. See Appendix 1 for consultant Ecologist recommendations:

I recommend the following conditions, as suggested to the client by the consultant Ecologist:

A detailed landscaping/ tree planting plan.

Demolition of buildings and site clearance prior to construction of new houses takes place outside of the main bird nesting period (March to August inclusive), or a search for nesting birds is undertaken immediately prior to works, by a professional ecologist and the LPA is informed of the findings.

Garden boundaries are made suitable for hedgehogs to move through the site, either by the use of hedges rather than fences between gardens and on site boundaries, or by ensuring that there are gaps in fences at ground level to allow hedgehogs to move between gardens and in and out of the site.

A permanent bat roost brick is built into each new dwelling.

A permanent swift nesting brick is built into each new dwelling.

Bird nesting opportunities for swallows and house sparrows are built into each new dwelling.

#### Habitat Regulations Assessment (HRA) (summarised)

Hartlepool Borough Council, as the competent planning authority, has undertaken a Habitat Regulations Assessment for a housing development ‘project’ at Southbrooke Farm.

Mitigation is based on the small totals for new residents and new dog-owning families. The provision of Suitable Alternative Natural Green Space (SANGS), particularly for daily walks/ dog exercising, is not justified. A financial contribution to accommodate the additional use of Council run Summerhill Country Park (in place of

on-site SANGS) is justified. The developer has agreed to this contribution. This will be included in the 106.

#### UPDATE 09.03.2021

The only ecological issue addressed through the 106 is the necessary financial contribution identified through the Habitats Regulations Assessment. If this is not signed and there is no mechanism to collect these contributions then an 'adverse effect on the integrity' of the Teesmouth and Cleveland Coast SPA cannot be ruled out, consequently the LPA cannot lawfully approve the application.

#### UPDATE 27/05/2021

The latest ecological information seems to suggest that bats weren't present in the buildings, but it depends when the demolition took place. It is possible that an offence occurred, but little chance of proving that. Any further demolition should be informed by up-to-date bat surveys – given the exceptional circumstances I would suggest conditioning this if the application is approved. We would need something in there to discharge our duties regarding European protected species (Reg 9 of the Conservation of Habitats and Species Regulations 2017 (as amended)).

In respect of the HRA, my advice is that the LPA cannot legally approve the application unless we can secure payment of the commuted sum specified in the HRA, which is £2,600. Relevant legislation is Reg 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

#### UPDATE 11/06/2021 (in response to the requirement for further surveys and whether a planning condition would need to be time-restricted)

Bat survey of structures and trees is normally a two stage process. First stage is a daytime survey (preliminary roost assessment) to determine the bat roost potential (negligible/low/moderate/high), which can be done at any time of year. If the potential is low or above nocturnal survey is needed (presence/absence survey), all nocturnal survey needs to be completed between May and September with some survey visits before end of August.

**Natural England:** Concur with the findings and conclusion of the HRA screening exercise and raise no objection with regard to mitigation measures recommended.

**HBC Landscape:** Following additional information being provided I have no objection to the proposal but would ask that a full landscaping scheme be provided by condition.

**HBC Heritage and Countryside Manager:** The application site can be viewed from the Park Conservation Area when standing on the boundary at Briarfields Allotments.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

The adopted Local Plan, policy HE3, is relevant this states, '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.'

The proposal is the erection of 14 houses.

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880's. The Conservation Area Appraisal outlines the character of the area in detail. In particular it notes the hierarchy of buildings within the area with large houses, set in substantial grounds developed along with smaller outbuilding, such as lodge houses or gardeners cottages set some distance away from the main dwelling. The dwellings to the south of the area were orientated with the main frontage to the open countryside to appreciate the views this provided and give the feeling of being located in the countryside. The conservation area is considered to be at risk.

In this instance when standing on the boundary of Briarfields Allotments the site can be clearly viewed. Whilst at the moment the proposed site appears as a collection of agricultural buildings the proposal would change this to a long thin line of properties of the same design. This would bring to the fore this distant site and change the setting of the conservation area from one of open countryside and farm buildings to a more regular pattern of residential development. It is considered such a proposal would cause less than substantial harm to the character of the conservation area.

In principle there would be no objections to residential development on this site however it is considered that the pattern of development should be reconsidered. A reduced number of properties and the rearrangement of the dwellings around the existing farm house would minimise the impact on the conservation area and produce the type of development which would be expected to be viewed in this location and therefore more appropriate to the setting of the area.

UPDATE 11/03/2021

I do not have anything further to add to this.

UPDATE 17/06/2021

Thank you for your email with the amended plans and Heritage Statement for the above site.

The amendment which have been made to the design of the houses and layout do not address the issues that were raised in previous comments dated 23rd August 2017, namely that the proposal remains a line of properties and whilst the designs have changed this will not mitigate the less than substantial harm caused to the Park Conservation Area.

Further to this it is not considered that planting, as suggested in paragraph 7.2.5 would mitigate against the harm that would be caused. This would need to be substantial to cover the site and could potentially introduce a further alien element into the landscape which for the most part reflects the rural urban fringe of the area. In addition it is likely that planting would change seasonally thereby reducing the impact of such screening.

**HBC Countryside Access Officer** - Public Footpath No.9, Hartlepool runs along the western boundary of Plot 1 of the proposed development. At no time can this well used footpath be obstructed, should the development proceed. No vehicles, equipment, materials can be placed on the path. Along the east-west southern footway of Summerhill Lane, runs Public Footpath No.10, Hartlepool. The same conditions apply to this public footpath, as well. As stated footpath No.9 is well used as is No.10 and all other paths in the area. Should the developers require any further information regarding safeguarding the public rights of way in this area, please ask them to contact me.

**Tees Archaeology:** Thank you for the consultation on this application. The developer has provided an archaeological report on the standing buildings at Southbrooke Farm and an evaluation of the archaeological potential of the site carried out by trial trenching. This has demonstrated that the buildings are of no archaeological or architectural significance, and that the archaeological potential of the site is low. I therefore have no objections to this application.

**The Ramblers Association:** We note the changes from the outline application - demolition of the farmhouse and 4 more dwellings; will lead to increased demolition/construction traffic on the lane and more vehicular traffic in the future. We ask, should the council be minded to approve the application, that precautions be specified to prevent harm to pedestrians using the footway, along which FP Hartlepool runs, and others using the lane

**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 & points into the public sewer for the proposed development. I note that our response to this enquiry has not been submitted with the planning application. I have therefore attached a copy for your information.



In this document it states that foul water will discharge to the agreed manhole 3701 and that the developer should fully investigate SuDS options on site for the disposal of surface water. A reference has been made to a surface water sewer that has been adopted by the Local Authority. The applicant has been advised to contact the lead local flood authority if ground investigations preclude the use SuDs infiltration.

Because the applicant has not submitted a drainage scheme with the application, NWL request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of surface and 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 and the Lead Local Flood Authority. 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 the attached NWL comments.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

#### UPDATE 05/07/2021

Having assessed the proposed development against the context outlined above I refer you to our previous response to the application, dated 17/02/2017, and can confirm that at this stage we would have no additional comments to make.

**HBC Public Health – No comments received.**

## **PLANNING POLICY**

1.18 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

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

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

CC1: Minimising and adapting to Climate Change

QP1: Planning Obligations

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency  
 HSG1: New Housing Provision  
 HSG2: Overall Housing Mix  
 HE1: Heritage Assets  
 HE3: Conservation Areas  
 HE7: Heritage at Risk  
 INF1: Sustainable Transport Links  
 INF2: Improving Connectivity in Hartlepool  
 NE1: Natural Environment  
 NE2: Green Infrastructure  
 NE3: Green Wedges  
 RUR1: Development in the Rural Area

National Planning Policy Framework (NPPF)(2021)

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

PARA002: Determination of applications in accordance with development plan  
 PARA007: Achieving sustainable development  
 PARA008: Achieving sustainable development  
 PARA009: Achieving sustainable development  
 PARA010: Achieving sustainable development  
 PARA011: The presumption in favour of sustainable development  
 PARA012: The presumption in favour of sustainable development  
 PARA034: Development contributions  
 PARA038: Decision making  
 PARA047: Determining applications  
 PARA055: Planning conditions and obligations  
 PARA056: Planning conditions and obligations  
 PARA057: Planning conditions and obligations  
 PARA058: Planning conditions and obligations  
 PARA092: Promoting healthy and safe communities  
 PARA126: Achieving well-designed places  
 PARA130: Achieving well-designed places  
 PARA134: Refusal of poor design

PARA154: Meeting the challenge of climate change, flooding and coastal change  
 PARA157: Meeting the challenge of climate change, flooding and coastal change  
 PARA190: Conserving and enhancing the historic environment  
 PARA195: Conserving and enhancing the historic environment  
 PARA197: Conserving and enhancing the historic environment  
 PARA199: Conserving and enhancing the historic environment -Considering potential impacts  
 PARA202: Refusal of less than substantial harm  
 PARA206: Conserving and enhancing the historic environment  
 PARA218: Implementation

#### Adopted Tees Valley Minerals and Waste DPD

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

#### MWP1: Waste Audits

Planning Policy advise that a site waste management plan should be submitted as part of the application.

**1.22 Planning Policy comments (summarised)** – The site is within the limits to development as during the main modifications stage of the Local Plan process the boundaries were altered to include this site, following the previous decision to grant planning permission. Although the site is technically within the green wedge, the previous approval of this site supports the principle of development in this location. The only main concern we have with this development is the necessity of the planning obligations and the reluctance of the developer to pay these, as we believe they are necessary to support the development and make it sustainable. Typically, we wouldn't support development within the green infrastructure elements in the borough without robust justification or compensation elsewhere, however this site is the exception considering the previous permission which was granted prior to the adoption of the Local Plan, which we have accommodated for and accept. The principle of development had been deemed acceptable and agreed upon through the approval of the permission H/2017/0054 subject to the signing of an associated S106 agreement. However, it has been deemed that the required contributions are necessary to ensure the development is sustainable, and planning policy would not support the application without payment of contributions.

#### UPDATE 07/07/2021

With regards to the additional information that has been submitted, planning policy have no additional comments. We do note that the applicant has not addressed the heritage issues which have been raised previously. Previous comments regarding concerns with the viability assessment and payment of contributions still stand.

### **PLANNING CONSIDERATIONS**

1.23 The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing

development, sustainability of the site, planning obligations), impact on highway and pedestrian safety, impact upon the visual amenity of the area, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, impact on heritage assets and archaeological features, flooding and drainage and any other material planning considerations.

## PRINCIPLE OF DEVELOPMENT

1.24 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the Borough consists of the policies within the adopted Hartlepool Local Plan (2018), as well as minerals and waste policies where relevant.

1.25 Following the adoption of the Local Plan in May 2018, the application site is located within the development limits as defined by Policy LS1 of the Local Plan. The site is also designated within the Green Wedge, as defined by Policy NE3 of the Local Plan. Development within the green wedge would not typically be supported without robust justification or compensation elsewhere, however this site is the exception considering the previous permission which was minded to approve prior to the adoption of the Local Plan, which was accommodated for and accepted. The National Planning Policy Framework (NPPF) is a material planning consideration in the determination of planning applications and was updated in July 2021. The policies within the 2018 Local Plan were found to be in accordance with the 2012 NPPF. The Council's Planning Policy section are of the view that the policies within the 2018 Local Plan are significantly aligned with the updated NPPF and thus the Local Plan is paramount in determining this application. Notwithstanding the above, the relevant NPPF paragraphs have been applied to assist in determining this application.

1.26 Whilst the principle of development was previously deemed to be acceptable, this was subject to the signing of an associated s106 agreement as set out in the background to this report to ensure a sustainable form of development to offset any identified impacts. This is therefore a significant change to the previous recommendation and is considered in detail below.

### *Viability Assessment + Planning Obligations*

1.27 The applicant submitted a viability assessment for the Council's consideration in 2017, and a further viability assessment was submitted for the Council's consideration in April 2020, seeking to demonstrate that the scheme could not viably pay for all the required contributions that had previously been agreed in 2017. The previous total amount of obligations, totalling £235,749.53 (and as set out at paragraph 2.28, with the exception of a change to the highways contribution) was agreed with the Council, however the applicant has since confirmed they are only willing to pay £60,000 (total) which is a shortfall in contributions being sought by £175,749.53.

1.28 HBC Planning Policy assessed the document and raised concerns to a discrepancy between the 2017 Economic Viability Assessment (EVA) and the EVA

submitted in 2020. There appears to be a change in the site area, which has been reduced from 28,000 square feet (sqft) to 24,242.27 sqft; there have been no amended plans to reflect this change (notwithstanding the aforementioned amended layout which does not reduce the site area). It is noted that this change in site area significantly alters the revenue which is to be expected. Whilst the sales price per sqft that has been proposed within the EVA is expected for such a site on the urban edge, there is a discrepancy between the total revenue figures, which it does not seem to include the total site area unlike the 2017 document.

1.29 Whilst it is acknowledged that there are changes between the EVA submitted in 2017 and the EVA submitted in 2020, HBC Planning Policy consider that both assessments show that the development can pay the relevant financial obligations requested.

1.30 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 (Planning Obligations), and the adopted Planning Obligations SPD, the Council's Planning Policy section has confirmed that developer contributions remain a requirement.

1.31 The level of obligations have been considered on the basis that there is a net increase of 13 dwellings (there is currently a residential farm house on site). The proposed development would therefore require financial obligations towards;

- Play provision (£3,250)
- Built sports (£3,250)
- Play pitches (£3,032.77)
- Tennis courts (£741.26)
- Bowling greens (£64.61)
- Green infrastructure (£3,250)
- Ecology mitigation (£2,600)
- Primary school provision (£38,445.23)
- Secondary school provision (£25,115.66)
- Highways (£156,000)\*

1.32 \*It is noted that the only figure that has changed since 2017 in the request for financial obligations is the previously agreed highway contribution, which has increased from £11,842.10 per dwelling to the current figure of £12,000 per dwelling. This has resulted in a total increase on the highway financial obligation of £2,052.57 compared to what was previously assessed by HBC Planning Policy in 2017 (£153,947.30 increased to £156,000).

1.33 As a result of these findings, the HBC Planning Policy team do not agree with the applicant's view that they cannot afford to pay for the required planning obligations, and also consider that due to the location of the development, that the required obligations are necessary to make the development sustainable.

1.34 Policy LS1 (Locational Strategy) of the Council's Local Plan stipulates that where appropriate, development will be required to contribute to the delivery of a

sustainable transport network. Table 2 of the Council's Local Infrastructure Plan looks at different sources of funding for the various infrastructure requirements of the Borough and notes that developer contributions will be used to repay the loan for the Elwick bypass works. Policy INF2 (Improving Connectivity in Hartlepool) stipulates that planning conditions or legally binding agreements will be used to secure any improvements necessary to the transport network as a result of a development and that a financial contribution may be required from developers. In respect of the Elwick bypass and A19 grade separate junction, paragraph 10.44 of the Local Plan indicates that; *sites that would benefit from the road improvements will be expected to contribute towards the cost of repaying the LGF funding.*

1.35 Therefore, to assist in ensuring this proposal does all it can to improve the safety and capacity of the surrounding road network, the Council's Planning Policy and Highways, Traffic and Transport sections have confirmed that the development is expected to contribute to the financial cost of building the bypass. The cost per dwelling to be sought is £12,000, in line with other developments, though this is likely to reduce once the full costs are known, as an element of grant funding has been secured towards the implementation of the road improvements.

1.36 Whilst previously the applicant had agreed to all of the obligations, the applicant has subsequently stated that they do not consider that this request for the highway contribution is necessary and proportionate to the application. Since the publication of the previous reports to planning committee this year (that were both withdrawn from the agenda), the applicant has confirmed that they do not intend to provide any further information or amend their position on viability as it was and remains set out in the first of the withdrawn committee reports this year (the agenda of 14/04/2021).

1.37 It is considered that the failure of the scheme to provide the requisite contribution towards highway infrastructure improvements would have a detrimental cumulative impact on the local and strategic road network and is therefore considered contrary to policies LS1, INF2, QP1 of the Local Plan, and the Council's Planning Obligations SPD.

#### *Principle of Development Conclusion*

1.38 In conclusion, the principle of development in this instance is considered to be unacceptable for the reasons set out in detail above and the proposals are therefore considered to be contrary to policies LS1, INF2, QP1, and RUR1 of the Hartlepool Local Plan (2018), the Planning Obligations SPD (2015) and paragraphs 57 and 58 of the NPPF (2021).

#### DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE ON THE AREA (INCLUDING THE CONSERVATION AREA)

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

1.40 Policy NE1 (Natural Environment) of the Local Plan requires all development ensures that the character, distinctiveness and quality of the Borough's landscape is protected and, where appropriate, enhanced. Policy NE3 (Green Wedges) of the Local Plan requires mitigation measures to be provided and enhancement of the green infrastructure network.

1.41 NPPF paragraph 130 stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

1.42 It is acknowledged that the site is within a designated Green Wedge, however the site is within the limits to development, which was revised as one of the main modification on the Local Plan, which reflects the previous decision that was minded to approve planning permission.

1.43 The area is characterised as a rural setting, with allotments opposite the site, and Catcote School and English Martyrs beyond. A road leading up passed the site to Summerhill Country Park. Whilst there will be a loss of trees and hedges, this can be replaced and controlled by appropriate planning conditions.

1.44 Notwithstanding the aforementioned concerns with respect to the principle of the development, it is considered that the proposal, which would be of a linear layout and appearance (albeit with some notable staggers), would not have a significant detrimental impact on the rural character and appearance of the Green Wedge and the immediate area (notwithstanding the identified harm to the setting of the wider conservation area as considered below). It is further considered that the proposal would not result in an over development of the site (again, notwithstanding the concerns detailed below).

1.45 The application site can be viewed from the Park Conservation Area, a designated heritage asset when standing on the boundary at Briarfields Allotments (some 400m away). The application site is separated from the boundary of the Conservation Area by open fields.

1.46 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paragraphs 190 & 197, NPPF).

1.47 The relevant Local Plan Policies are set in detail within the Council's Heritage and Countryside Manager's comments above.

1.48 In considering the effect of the proposal on the significance of the area, the development is considered by HBC Heritage and Countryside Manager to impact an

area of the Park Conservation Area when viewed from the boundary of Briarfields Allotments. Currently the site when viewing from this position has a collection of agricultural buildings; the proposal (including the amended layout) will change this view to a long thin line of properties of the same design. It is considered that this would change the setting of the conservation area from one of open countryside and farm buildings to a more regular pattern of residential development.

1.49 The Council's Heritage and Countryside Manager considers that this proposal and scale of development, will cause 'less than substantial harm' to the significance of the Park Conservation Area.

1.50 Notwithstanding the above, the Council's Heritage and Countryside Manager considered that residential development could be accommodated within this site if the scale and setting of proposed dwellings were amended. If the existing farm house were to be retained and number of properties reduced and repositioned this would minimise the impact on the conservation area and produce the type of development which would be expected to be viewed in this location and therefore more appropriate to the setting of the area.

1.51 As noted above, the applicant's agent submitted an amended scheme which retains the 'linear' siting of the proposed properties and the number of house types has been reduced, however this has resulted in all 14 of the proposed dwellings being 2 storey dwellinghouses. An amended Heritage Statement to support the application was also recently submitted. Paragraph 7.2.5 of the submitted Heritage Statement suggests planting would mitigate against the identified harm that would be caused to the conservation area. This planting would need to be substantial to cover the site and could potentially introduce a further alien element into the landscape which for the most part reflects the rural urban fringe of the area. In addition, it is likely that planting would change seasonally thereby reducing the impact of such screening. The Council's Heritage and Countryside Manager has been consulted on these amended details and Heritage Statement, and does not consider that the amendments address the issues that were raised in previous comments/concerns.

1.52 It is acknowledged that the proposal would result in less than substantial harm to the designated heritage asset of the Park Conservation Area. In accordance with the provisions of the NPPF (para. 202), it was previously considered by officers that the degree of harm would be off-set by the public benefits that were to be derived from the scheme, which included a financial contribution towards a key element of strategic infrastructure proposed by way of a bypass to the north of Elwick Village along with a new grade separated junction on the A19 which will create a third high quality and safe access from the A19 into Hartlepool.

1.53 However, due to the applicant not willing to pay this financial contribution, there are no longer identified and clear public benefits to the development that would outweigh the identified harm and it is therefore considered the proposal will cause less than substantial harm to the conservation area and would warrant a refusal of the application.

#### IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY



1.54 The Council's Traffic and Transport section have been consulted and raise no objection to the proposal in terms of its design, access and layout. Drive crossings will be required to be constructed in accordance with the HBC Design Guide and Specification and be installed by a NRASWA accredited contractor. In order to gain pedestrian access dropped kerbs and hard standing should be provided on the verge opposite to enable pedestrian access to the footway. They have further commented that front side boundary treatment should be kept below 1m in height to protect sight lines when existing the driveways. These matters could have been controlled by separate planning conditions, had the application been considered acceptable in all respects.

1.55 However the development would be required to pay a pro-rata contribution to the proposed Elwick bypass and grade separated junction onto the A19, as the development will benefit from these works, in line with the comments of the Council's Planning Policy section and as supported by HBC Traffic and Transport, as set out above. As above (within the principle of development section), the applicant is not willing to pay the requested financial contribution towards the Elwick bypass and grade separated junction.

1.56 In view of the above, it is considered that the failure of the scheme to provide the requisite contribution towards highway infrastructure improvements would have a detrimental cumulative impact on the local and strategic road network, contrary to policies LS1, INF2, QP1 of the Local Plan and the Council's Planning Obligations SPD and cannot not be supported.

## LANDSCAPING

1.57 Whilst there were initial concerns with regard to the removal of trees and hedgerow to accommodate the development, there are drains along the existing tree line which will create problems and would therefore need to be removed. The Council's Arboricultural Officer raised no objection to the removal of the trees and hedgerow providing a substantial landscaping scheme be provided and tree protection measures be given to the retained trees/hedgerows. These could have been controlled by condition had the application been considered acceptable in all respects, albeit such a landscaping scheme would not address or overcome the identified harm to the heritage assets as considered above.

## ECOLOGY AND NATURE CONSERVATION

1.58 The application has been considered by the Council's Ecologist. The application site is deemed to be within or in close proximity to a European designated site and therefore has the potential to affect its interest features.

1.59 In considering the European site interest, the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010 must consider any potential impacts that a proposal may have and has therefore undertaken a stage 1 Screening Assessment (Habitat Regulations Assessment).

1.60 The stage 2 Appropriate Assessment (AA) undertaken by the local authority (as the competent authority) has been considered by Natural England who, as a

statutory consultee in this process, has raised no objection to the AA on the basis that it concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment's conclusions, providing that all mitigation measures are appropriately secured. The mitigation measures in question relate to the provision of a financial contribution to be used to fully, or partly, finance measures to protect the interest features of the Teesmouth and Cleveland Coast SPA/ Ramsar.

1.61 These measures would need to be secured by a planning obligation within a section 106 legal agreement. However, given that the applicant is not willing to pay financial obligations as identified through the Habitats Regulations assessment, it is considered that there is no mechanism to collect the contribution and without this, it is considered that the development would result in an adverse effect on the integrity of the Teesmouth and Cleveland Coast SPA, and therefore the local planning authority are unable to approve the application. This would therefore warrant a further reason for the refusal of the application.

1.62 Notwithstanding the aforementioned concerns with respect to the principle of the development and consideration of the unauthorised demolition (considered further below), with regard to any impact on protected species, a Bat Survey Report was submitted with the application; based on this, the Council's Ecologist was satisfied that there would be no impact upon protected species. However the proposed development would have been required to provide an opportunity to create suitable, long term bat and bird roosting and nesting opportunities such as providing permanent bat/bird roost brick within each of the new dwellings. As detailed below (paragraph 1.85) with respect to the unauthorised demolition of buildings on the site and potential effect on protected species, there would be a requirement for a further bat survey to be undertaken prior to any further demolition (in this case, the farm house). These matters could have been secured by appropriate planning conditions had the application been considered acceptable in all respects.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.63 There are no immediate neighbours to the application site. The nearest property is the caretaker's property within the grounds of Catcote School which is some 80m away. There are other residential properties at the rear of the site, but again these are some distance from the site to have any significant impact on residential amenity and privacy.

1.64 Amended plans have been submitted which has reduced the number of house types to be used within the development, but has increased the number of two storey dwellings (all 14 dwellings are two storey). The previous house types had a mix of two storey and one and half storey properties.

1.65 The properties are set in a slightly staggered setting with the main frontage of the properties facing onto Summerhill Lane. They are set back from the highway with each property having either a single or double garage, with off street parking

being provided within the curtilage of each plot, each property will have a rear garden space which look out onto open fields.

1.66 Officers have raised concerns with the applicant regarding the amended plans submitted and the relationship between a number of plots due to the significant stagger between them being excessive and concerns over the resultant, potential unacceptable impacts on the amenity of the future occupiers of the adjacent plots in terms of dominance, overbearing and poor outlook. The plots that are affected are;

- Plot 1 sits forward of plot 2 resulting in a likely degree of harm in relation to outlook on the anticipated window positions in the front elevation of plot 2; this relationship in turn results in plot 2 sitting further back into the site creating a stagger of approximately 5m which would result in a degree of harm in relation to outlook and dominance on the anticipated rear elevation window positions and rear garden area serving plot 1.
- Plot 4 sits forward of plot 3 and plot 5 resulting in a degree of harm in relation to outlook on the anticipated window positions in the front elevations for the occupiers of plot 3 and plot 5; this relationship in turn results in plot 3 and plot 5 sitting further back into the site, creating a stagger of approximately 4.5m and 4m respectively beyond the rear elevation of plot 4, which would result in a degree of harm in relation to outlook and dominance on the anticipated window positions and rear garden area of plot 4.
- Plot 10 sits forward of plot 9 resulting in a degree of harm in relation to outlook on the anticipated window positions in the front elevation for the occupiers of plot 9; in turn this relationship results in plot 9 sitting further back into the site creating a stagger of approximately 8m which would result in an unacceptable degree of harm in relation to outlook and dominance to the anticipated rear elevation window positions and rear garden area serving plot 10.

1.67 Concerns are raised with the siting of double garages being set to the front of plots 5 and 9 and the dominant impact they could have on the occupiers of the plots that the garages serve (including overall general poor design).

1.68 It is noted that the site has 2 existing telecommunication masts which are sited approximately 20m from the rear elevation of plot 1, and approximately 15m from the rear elevations of plots 2 and 3 (it is understood that low level telecommunications apparatus is sited to the rear of plot 4 consisting of base station but not of the comparable height to the 2no. adjacent masts). Whilst it is acknowledged that there is existing planting along the northern boundary (and that the applicant has indicated an intention to enhance this to address the impact on the conservation area concerns), this would not provide sufficient screening to reduce the impact in terms of outlook and overbearing impact these mast could have on the occupiers of these plots.

1.69 These concerns raised have been relayed to the applicant/agent with regard to the amended layout and phone mast positions, but the applicant has requested that the application be considered as per the amended layout. As a result of the above concerns, it is considered that the amended layout as a whole, would result in an

unacceptable impact upon the amenity of future occupiers and result in a poor form of development.

1.70 It is not considered that the additional disturbance arising from existing traffic or that 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 existing (and proposed) neighbouring residents, a view that is supported by the Council's Public Protection team who have raised no objections to the application. Planning conditions relating to a construction management plan and a condition limiting hours of construction/deliveries could have been secured accordingly had the application been considered acceptable in all respects.

1.71 Notwithstanding the aforementioned concerns with respect to the principle of the development in view of the above, the proposal is considered to result in an unacceptable impact on the amenity and privacy of neighbouring properties.

#### FLOODING AND DRAINAGE

1.72 The Council's Principal Engineer raised concerns with the details provided relating to the drainage, following discussion with the agent further information was provided. Following discussions relating to the surface water and discharge rates it is concluded that detailed designs will be required to fully satisfy his comments and therefore recommends planning conditions relating to details of surface water drainage to ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

1.73 Northumbrian Water had also request that details of both surface water and foul sewerage be secured by appropriate planning conditions which could have been secured by planning conditions, had the application been considered acceptable in all respects.

1.74 In view of the above considerations and subject to the identified conditions, it is considered that the scheme is, in principle, satisfactory in terms of flooding and drainage related matters.

#### ARCHAEOLOGY

1.75 The developer has provided an archaeological report on the standing buildings at Southbrooke Farm and an evaluation of the archaeological potential of the site carried out by trial trenching. This has demonstrated that the buildings are of no archaeological or architectural significance, and that the archaeological potential of the site is low. Therefore there are no archaeological concerns.

#### OTHER PLANNING MATTERS

##### *Public Health*

1.76 Officers have raised concerns with the regard to telecommunication masts that are positioned close to the rear boundaries of the proposed dwellings, particularly plots 1 – 3, in terms of poor outlook and dominance issues. In terms of any public

health considerations, these masts are likely to have been in situ for over 15 years (they were approved in 2002 and 2004 respectively, as set out in the planning history at the start of the report). It is noted from the files for both phone mast applications that they were accompanied by the relevant International Commission on Non-Ionizing Radiation Protection (ICNIRP) declarations at the time of their respective submissions. An ICNIRP declaration remains a requirement of any new planning applications for telecommunications that are submitted, as set out in the NPPF (2021) and Local Plan (2018) as well as the code operator's own best practice guidance. The NPPF states that local planning authorities "should not impose a ban on new electronic communications development in certain areas...or insist on minimum distances between new electronic communications development and existing development". The operator(s) were consulted as part of this application and to which no comments were received.

1.77 Notwithstanding this, the views of HBC Public Health and HBC Public Protection have been sought on this specific point and to date no comments or objections have been received.

#### *Renewable energy and energy efficiency*

1.78 In accordance with Local Plan Policies CC1 and QP7, the application should also make provision for i) energy efficiency ii) renewable energy provisions and iii) electric charging points. These matters would have been secured by separate planning conditions had the application been deemed acceptable in all respects.

#### *Waste*

1.79 In accordance with the requirements of Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document (2011), a planning condition would have been necessary to ensure that a site specific waste audit is provided to identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use.

#### *Agricultural land*

1.80 Notwithstanding the aforementioned concerns with respect to the principle of the development, the NPPF defines the best and most versatile agricultural land as being Grades 1, 2 and 3a. Based on Natural England/Defra's 'Agricultural Land Classification' map, the application site is rated as 'good to moderate'. Whilst the proposed development would result in a loss of agricultural land from production, the loss is not considered to be significant enough to warrant refusal on this ground alone.

#### *Contaminated land*

1.81 The Council's Flood Risk Officer (Engineering Consultancy) has requested that further site investigation works into contaminated land be secured by an appropriate planning condition, had the application been considered acceptable in all respects.

#### *Public Right of way*

1.82 There is a public footpath that runs the length of Summerhill Lane. As detailed above a planning obligation was considered necessary to secure contributions towards Green Infrastructure to improve the site connectivity and to ensure a sustainable form of development.

1.83 Notwithstanding the aforementioned concerns with respect to the principle of the development, HBC Traffic and Transport have requested that dropped kerbs and hard standing should be provided on the verge opposite to provide pedestrian access to the footway, which would have been necessary to be secured by condition had the application been considered acceptable in all respects. It is considered that the scheme is acceptable in this respect.

#### *Unauthorised Demolition Works*

1.84 As detailed above, a number of agricultural buildings have been demolished on site.

1.85 The Council's Ecologist has advised that the latest ecological information appears to suggest that bats were not present in the demolished buildings however this would have depended on when the demolition took place (it is therefore possible that an offence occurred, but the Ecologist has advised that there would be little chance of proving it). Notwithstanding this, the Council's Ecologist has advised that any further demolition (i.e. of the farmhouse building as is proposed) should be informed by up-to-date bat surveys; given the exceptional circumstances of the current situation at the site, the Council's Ecologist has recommended that a planning condition be applied to require such surveys before any further demolition with respect to the Council discharging its duties regarding European protected species (Reg 9 of the Conservation of Habitats and Species Regulations 2017 (as amended)). This could have been secured by a planning condition, had the application been considered acceptable in all respects.

1.86 The Council's Engineering Consultancy have been consulted and have confirmed that such demolition usually requires the submission of a Section 80 notice of The Building Act 1984 which requires the applicant to give notice to and receive permission from the council. This requirement is separate to and in addition to a planning application. There are no records of that permission for demolition having been given should it have been required (it may not have been necessary in any event, dependent upon the agricultural or otherwise nature of the buildings).

#### CONCLUSION

1.87 In conclusion, it is considered that the principle of the development in this instance is unacceptable as the development would represent an unsustainable form of development without securing the requisite planning obligations, the proposals would have a detrimental impact upon the amenity of future occupiers of the proposed dwellings in terms poor outlook, visual impact in terms of dominance. It is also considered that the proposals would have a detrimental impact on the character and appearance of the conservation area, ecology and nature conservation, and the local and strategic road network, contrary to policies LS1, INF2, QP1, QP4, RUR1,

NE1 and NE2 of the Hartlepool Local Plan (2018), and paragraphs 202 and 206 of the NPPF (2021).

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.88 There is no evidence of equality or diversity implications.

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

1.89 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.

1.90 There are no Section 17 implications.

## **REASON FOR DECISION**

1.91 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

## **RECOMMENDATION – REFUSE** for the following reasons;

1. In the opinion of the Local Planning Authority, it is considered that the failure of the applicant to secure the appropriate ecological mitigation measures, that the development would have an adverse impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area, contrary to Policy NE1 of the Hartlepool Local Plan (2018).
2. In the opinion of the Local Planning Authority, it is considered that the failure of the applicant to provide the requisite pro-rata financial contribution towards highway infrastructure improvements (Elwick bypass and grade separated junction) would, when considered cumulatively, result in a detrimental impact on the local and strategic road network, contrary to policies LS1, INF2 and QP1 of the Hartlepool Local Plan (2018).
3. In the opinion of the Local Planning Authority, it is considered that the proposal would cause less than substantial harm to the designated heritage asset of Park Conservation Area, by virtue of the design, scale and siting of the proposed development that would detract from the character and appearance of the identified heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 126, 130, 134, 195, 197, 199, 202, and 206 of the National Planning Policy Framework 2021.
4. In the opinion of the Local Planning Authority, it is considered that the failure of the applicant to secure the requisite financial contributions towards play equipment, built sports, green infrastructure and education, would result in an unsustainable

form of development, contrary to Policies INF4 and QP1 of the Hartlepool Local Plan (2018) and the Council's adopted Planning Obligations SPD.

5. In the opinion of the Local Planning authority, it is considered that by virtue of the proposed layout and the siting of 2no. adjacent existing telecommunication monopoles, the development would result in a detrimental impact on the residential amenity of future occupiers of the proposed dwellings in terms of dominance on the outlook and an overbearing effect due to design, scale and siting of the proposed layout (including the staggers between the plots) and the close distance to the telecommunication apparatus, contrary to policy QP4 of the Hartlepool Local Plan and paragraphs 126 and 134 of the NPPF.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=116637>

1.93 Copies of the applications are available on-line:

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

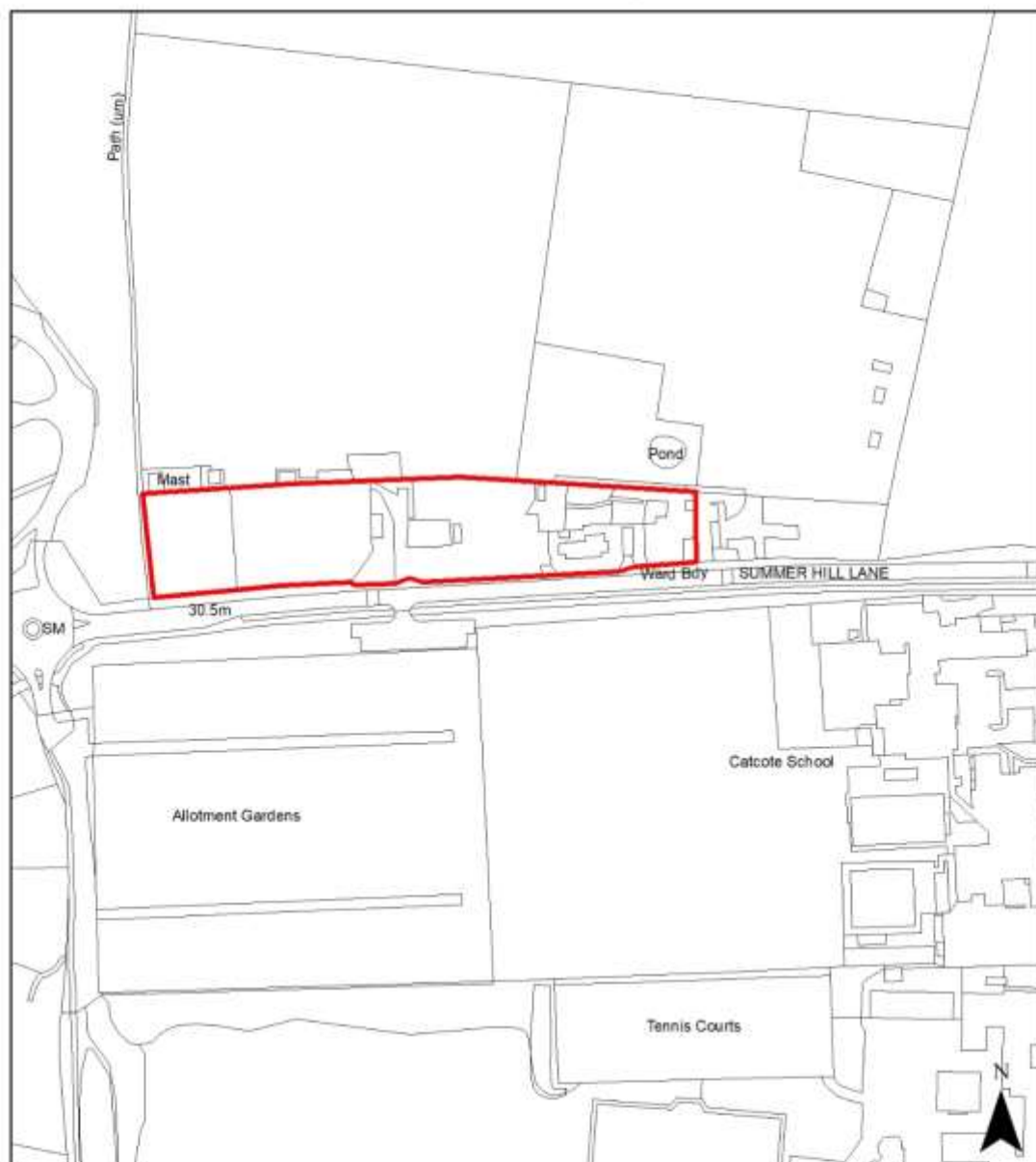
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**Southbrooke, Summerhill Lane, Hartlepool**

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE 30.03.2021
	SCALE <b>1:2,000</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0054</b>	REV

**No:** 2.  
**Number:** H/2020/0175  
**Applicant:** CS UK HOLDINGS III LTD LUMLEY STREET LONDON W1K 6TT  
**Agent:** INTELLIGENT ALTERNATIVES MR JAMES JAMIESON  
100 BRAND STREET GLASGOW G51 1DG  
**Date valid:** 10/06/2020  
**Development:** Solar farm and associated development  
**Location:** LAND AT WORSET LANE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 The following applications are relevant to the application site:

H/2014/0513 – Construction, operation and decommissioning of a 13,992 MWp solar photovoltaic (PV) array comprising 55,968, 250w, 60 cell 1650 x 990 x 35mm photovoltaic panels, mounting system, holtab 400kVA stations, DNO connection, maintenance track, cabling and cable trenches, CCTV, weather station, security fencing, temporary construction and storage compound and site access, allowed on appeal 24/03/16. This permission was not implemented and has since lapsed.

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

H/2020/0004 – EIA screening opinion in relation to the proposed development of solar farm and associated development, not EIA development.

## PROPOSAL

2.3 Planning permission is sought for the installation of a 49.00MW solar farm and associated infrastructure including a substation, a customer station building, inverter stations, battery storage containers and spare parts containers. The array will be enclosed with 2m high deer fencing with 2.4m high CCTV poles every 50m along the fence line. Beyond the fencing, existing hedging on the site boundaries will be 'gapped up' and allowed to grow up to 3m in height in efforts to screen the development. The proposed substation has been added to the scheme following initial submission in order to accommodate connection requirements from National Grid, a further round of consultation was carried out on receipt of the amended plans.

2.4 The proposed development would fall within Schedule 2 (3a Industrial installations for the production of electricity) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, however it is not considered to be Environmental Impact Assessment Development that would require the submission of an Environmental Statement, as per the screening opinions noted in the Background section above.

2.5 The application has been referred to the Planning Committee as it is classed as a departure from the Local Plan.

## **SITE CONTEXT**

2.6 The application site is an area of approximately 62.9 hectares of agricultural fields to the south of the A179, Worset Lane bounds the site to the west and south. The village of Hart is located to the north east of the site. Levels across the site gently undulate, rising towards the west. Boundaries of the site are primarily defined by existing hedgerows. To the west of the application site permission has been granted and work is underway to construct a gas powered electricity generator with related infrastructure and an enclosed electrical substation compound.

2.7 Durham County Council are currently considering an application for a solar farm close to the village of Sheraton, approximately 2.7km to west of this application site, on the western side of the A19. Planning permission was granted in June 2020 by Durham County Council for a solar farm at Hulam, approximately 2.9km north of the application site.

## **PUBLICITY**

2.8 The application has been advertised by way of neighbour letters (89), site notices and press advert. To date, there has been one objection received.

2.9 The concerns raised are:

- Very large area of rural farmland contributing to the ambiance and practicality of farming,
- Existing wind turbine is a monstrosity and in 'carbon deficit',
- Residents in the area do not benefit from the proposals,
- Worset Lane will no longer be a 'lane' soon,
- Loss of rural character.

2.10 Background papers can be viewed via the 'click to view attachments' link on the following public access page;  
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=138138>

2.11 The period for publicity has expired.

## **CONSULTATIONS**

2.12 The following consultation replies have been received:

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

**HBC Public Protection** – I would have no objections to this application subject to a condition requiring a Construction Management Plan and an hours restriction on construction to 8:00am to 6:00pm Mon to Fri, 8:00am to 1:00pm on a Saturday and at no time on a Sunday or Bank Holiday.

**HBC Heritage & Countryside Manager** – The application site is located near to Hart Windmill a grade II listed building and therefore recognised as a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF).

Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

The application is for the construction of a solar farm and associated development.

The significance of the windmill lies in the historical value of the structure, demonstrating the past working practices within the area. The rural nature of the setting contributes to the significance of the structure in providing the context for the building.

The proposal will alter the wider setting of the building changing the rural nature of the area to the north of the site. It is accepted that the proposed site isn't immediately adjacent to the boundary of the listed building however there will be opportunities when the site will be viewed in the distance, and in travelling around the area the site will be highly visible therefore this sets the context for this area.

The Heritage Statement notes that, 'the proposed development would cause a less than substantial impact on the building, as it would cause a change to the setting of an historic building such that it is noticeably changed.' I would agree with this contention and note the wider setting of the building would alter from rural character to a more industrial type setting however it is acknowledged that,

- the site is approximately 300m from the building,
- whilst the site will be glimpsed when travelling on the A179 this would not necessarily result in this context being associated with the wider landscape of the mill,
- views to the mill are limited around the area and therefore it should only be glimpses that can be seen as screening is proposed, and
- there are later buildings developed around the mill which have changed the setting and although the wider setting contributes to the significance the immediate setting remains green fields.

This alteration to the wider location would impact on the listed building by causing less than substantial harm to the significance of the setting of the listed building as a historic windmill in a rural area. It is considered that this harm is of a minor nature and would be outweighed by the benefits brought about from the application.

**HBC Ecology** – Having reviewed the amended supporting ecological information (Preliminary Ecological Appraisal Report and Breeding Bird Survey Report), and in light of previous comments from HBC Ecology, I am satisfied that the mitigation measures outlined within the amended supporting ecological information are sufficient to prevent significant ecological harm in accordance with the ecological mitigation hierarchy (policy NE1, para. 6 and NPPG para 175(a)). However, the measures will need to be presented in a clear and concise way within appropriately titled document in order to provide certainty and clarity as to the ecological outcomes resulting from the proposals, as recommended within the BS42020 guidance. I am also satisfied that this information can be provided through appropriately worded pre-commencement conditions based on the model conditions described within BS42020. Separate suggested wording for measures relating to the construction phase and operational phase is provided below.

For clarity, a Construction Environmental Management Plan (CEMP) will be needed to set out the ecological measures necessary to avoid or mitigate ecological harm during the construction phase. This document should detail the measures outlined in the supporting information as a minimum including:

- Measures to avoid direct impacts to nesting birds,
- Arrangements for working at night, including any construction phase lighting,
- Measures to prevent mammals becoming trapped in excavations/pipework,
- Storage of chemicals, and,
- Prohibition of fires.

Mitigation and compensation measures, including long-term management of habitats created, will need to be described in detail within a Biodiversity Management Plan (BMP). This document will need to include clear maps/plans and a management schedule that can be referred to throughout the 40 year lifespan of the development. It is not appropriate for long-term management information to be restricted to the outline detail within a Preliminary Ecological Appraisal Report. Measures should include:

- Creation, maintenance and (if appropriate) rotation of skylark plots,
- Installation and maintenance of bat and bird boxes, including locations to an appropriate level of precision,
- Hedgerow creation measures aimed at compensating for effects to farmland birds (as outlined in the Breeding Bird Survey Report),
- Details of a lighting design that avoids impacts to foraging bats,
- Measures to ensure the perimeter fence is permeable to mammal species including badger, brown hare and hedgehog (these are not identified as necessary within the supporting information, but are necessary in my assessment to ensure habitats within the site remain available to these species).

I am not satisfied that the proposals demonstrate a measureable biodiversity net gain, which should be sought in accordance with the NPPF (paras 170(d) and 175(d)). In order for the calculation of the change in biodiversity value, the Biodiversity Metric 2.0 represents the most up-to-date approach to demonstrating changes in biodiversity value, and is therefore recommended for use in this case. The use of a metric will also allow for an understanding of the implication of changing agricultural management necessitated by installation of the solar panels, and is capable of incorporating the habitat creation measures necessary for preventing significant harm to specific species groups.

Providing that sufficient information is presented to understand the overall change in biodiversity value as a result of the proposals, and considering the extent of land within the control of the applicant and available for compensation, I am satisfied that details of the measures needed to provide biodiversity net gain can also be conditioned. Wording of any conditions to secure biodiversity net gain will be dependent on the nature of further information submitted. Therefore no wording has been suggested for at this stage.

Recommendation – at present I am unable to support the proposals as there is insufficient information available in relation to biodiversity net gain. However due to the low distinctiveness of the majority of the habitats on site (in the context of the Biodiversity Metric 2.0) and the availability of land for compensation, I am comfortable that the proposals will be able to achieve a biodiversity net gain. I am also satisfied that measures to prevent significant ecological harm can be adequately secured through the conditions below.

1. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
  - Risk assessment of potentially damaging construction activities,
  - Identification of 'biodiversity protection zones',
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),
  - The location and timing of sensitive works to avoid harm to biodiversity features,
  - The times during construction when specialist ecologists need to be present on site to oversee work,
  - Responsible persons and lines of communication,
  - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person,
  - Use of protective fences, exclusion barriers and warning signs.The CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
2. A biodiversity management plan (BMP) shall be submitted to and be approved in writing by the local planning authority prior to the commencement of development. The content of the BMP shall include the following.

- Description and evaluation of features to be managed,
- Ecological trends and constraints on site that might influence management,
- Aims and objectives of management,
- Appropriate management options for achieving aims and objectives,
- Prescriptions for management actions,
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over the lifetime of the development),
- Details of the body or organisation responsible for implementation of the plan,
- Ongoing monitoring and remedial measures.

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Update 01/12/20 – The addition of the substation to the layout does not affect the conclusions of the supporting ecological assessments. However, the changes should be reflected in the calculation of change in ecological value using the Biodiversity Metric 2.0.

**HBC Countryside Access Officer** – Public Footpath No.17, Hart Parish runs through the development and is clearly shown on the associated application plans. If approval is given; there will be a need to consider a temporary diversion or sets of diversions during the period of development construction. With this in mind; I require the developer/agent to contact me to discuss what plans have been developed to cover such a requirement - temporary diversions. I would also expect that the original and finally retained line of path be surfaced so as to reduce any vegetation maintenance obligation.

**HBC Engineering Consultancy** – In response to your consultation on the above application, I have no objection to proposals in respect of contaminated land or surface water management. Please can you include our standard unexpected contamination condition on any permission issued for proposals.

The applicant is advised that land drainage assets may exist in agricultural land and if damaged during construction must be reinstated; noting the requirements of the Land Drainage Act 1991 in particular sections 21, 23 and 25.

I recommend that the owner/operator of the reservoir to the south of the site is consulted in case proposals impact on the assets or performance of the reservoir.

**HBC Landscape Architect** – The proposed development is for a solar farm sited to the south of the A179. The landscape in the vicinity of the site has an open rural character. The development will appear as a continuous surface within the

landscape. This will act cumulatively with existing elements of infrastructure such as pylons, overhead cables and wind turbines.

A landscape and visual assessment has been produced identifying 12 viewpoints. It was identified at scoping that a series of sequential viewpoints should be considered travelling both east and west on the A179 to investigate impacts on the approach and exit from the town. Only viewpoint 2 is located on the A179 and the LVIA concludes that “From the A179, motorists would experience views of the development from the junction with Worset Lane to the just past the north-eastern corner of the site, which is approximately 1.3km (1 minute at 50mph). Views would be oblique, at speed and filtered by roadside and boundary vegetation, therefore effects would be slight adverse”.

Given the scale of the development a change in landscape character will be perceived by drivers and passengers of vehicles on the A179, even at speed. Intermittent sequential views of the solar panels from High Volts Farm to Hart will reveal the overall scale of the development. It is considered that this key approach to Hartlepool will change from an open rural character either side of the A179 to an approach associated with a large scale solar farm.

The LVIA considers cumulative effects in relation to existing infrastructure and the proposed gas powered electricity generator (H/2020/0008). Current LVIA guidance considers that schemes in pre planning or scoping are not generally considered in the assessment of cumulative effects, but there may be occasions where such schemes may be included in the assessment if the competent authority or consultation bodies consider this to be necessary.

A screening opinion has been submitted for an electric vehicle charging facility (H/2020/0162) that would potentially develop the remaining land to the south of the A179 to the junction of the A179. Considered cumulatively there would be significant landscape and visual impacts to the approach to the town, from the A19 junction to Worset Lane and consideration should be given to including this development in the LVIA cumulative assessment.

Update 11/02/21 – Following consultation regarding the potential impact of a proposed solar farm at Sheraton Hall Farm (H/2020/0471) on the Worset Lane solar farm application (H/2020/0175), please note the following additional comments:

Previous concerns raised on landscape and visual impact grounds indicated that the scale of the proposed development and potential cumulative impact of the energy infrastructure on the wider landscape were an issue. Sequential views, particularly along the A179, will provide receptors with a perception of the extent of the solar farm, despite the potentially limited duration of views. However, when taken cumulatively with the existing energy infrastructure (wind turbines, power lines, etc.), the proposed gas powered electricity generator (H/2020/0008,) and the new addition of a solar farm application at Sheraton (H/2020/0471), there is a concern that the landscape character of the A19 corridor (and environs) in the wider Hartlepool area could be visually dominated by the presence of energy infrastructure.



In regards to the potential cumulative impact issue, the LVIA document states the following:

9.3.1 The development has the potential to result in coalescence of the existing elements of service infrastructure, however as demonstrated by the above assessment, the perception of this would be limited to a localised area and filtered by intervening vegetation, therefore it is not considered that this would result in substantially adverse cumulative landscape and visual effects.

It is likely, given the size of the proposals and the sloping landform, that the development, or at least the perception of the development, will not actually be readily hidden by intervening vegetation; whether this is as part of the existing landscape and terrain, or by the proposed landscape works, sufficient screening is unlikely to be achieved until well after establishment (in excess of 10 years plus). The 'localised area' impacted on, as a key route into Hartlepool and the village of Hart, is also likely to affect the perceptions of receptors at a broader level than 'localised' impact suggests.

We would, therefore, raise concerns over the development's contribution towards the physical creation of, and perception of, a landscape increasingly dominated by 'energy infrastructure'.

**Tees Archaeology** – The archaeological evaluation report revealed undated ditches and gullies, as well as a number of field drains. On the basis of these results, no further pre-determination work is required. Whilst some of these features likely relate to previous field boundaries, it is possible that some are of archaeological origin. The evaluation has demonstrated that there is no need for further archaeological work across the majority of the site. However, the geophysical survey of the site showed four areas with a concentration of potential archaeological remains which cannot be discounted. We recommend that raft or ballast foundations are used in those areas, rather than piled foundations, to minimise impact. It is assumed that topsoil stripping will be necessary for these works; we recommend that archaeological monitoring is undertaken during these works, with the possibility of further archaeological work being required should anything significant be uncovered. The areas where archaeological monitoring and raft foundations are recommended can be agreed as part of a Written Scheme of Investigation. The archaeological work and foundation design can be secured by a condition upon the development. I set out below the suggested wording for these conditions:-

#### Recording of a heritage asset through a programme of archaeological works

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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording

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

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

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

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

#### Preservation of heritage asset through foundation design

No development shall commence until details of the foundations, to include a detailed design and method statement, are submitted to and approved in writing by the Local Planning Authority, such details to show the preservation of potential and surviving archaeological remains at a known depth of 500mm which are to remain in situ.

**Highways England** – notice is hereby given that Highways England's formal recommendation is that we offer no objection.

**Teesside Airport** – Having reviewed the above referenced planning application and its associated glint and glare assessment, I can inform you that Teesside International Airport has no safeguarding objection to the proposal in its current form. Should any change, amendment or further application for approval be submitted, we require that we be further consulted so that we may review our position.

**Cleveland Police** – Police have no objections to this application but recommend measures are put in place in relation to crime prevention. The proposed site is in an isolated location and will have little or no passive surveillance thereby can be vulnerable to crime and theft. Valuable metal theft has been a problem in the Hartlepool area for a number of years and if such material is accessible this will attract criminal behaviour.

I would therefore recommend that the area is protected by a secure boundary fence to a minimum height of 2m with all fixings securely fixed and all access gates securely locked. A monitored CCTV with audio warnings would be of benefit along with infra-red lighting to assist with image quality. Use of security guards should be considered who will provide a visual deterrent with a protective presence on site.

**Hartlepool Rural Plan Group – Policy GEN1 – Development Limits** – Within the development limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan. Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham. In the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agriculture, diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

The site proposed for the solar farm is outside development limits. The group do not consider it to be either essential as identified above or meeting a local rural need. There is no evidence that the solar farm will make any significant contribution to the rural economy, agricultural diversification, tourism or leisure. It is believed that if approved a solar farm of this extent will drastically alter the character of the local countryside. The elevation location at one of the highest points in the Borough represents a more than significant threat to visual amenity.

Policy EC1 – Development of the Rural Economy – the development of the rural economy will be supported through:

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

New livery businesses will be supported subject to the existence or provision of equestrian routes/bridleways in and around the business.

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

The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impact on the local highway network or infrastructure.

Improvements to technology and communications infrastructure will be supported to facilitate the development of business in the area.

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

What proportion of the existing farm holding does the area of the solar farm represent and is it intended to enable the farm to continue to be a viable holding? A development of this extent cannot be of an appropriate scale for this setting and cannot be argued to enhance the local landscape character – quite the opposite. The loss of farmland prevents a significant risk to the breeding farmland birds and thus fails to enhance nature conservation. Apart from peripheral hedge planting there appears to be little provision made to enhance the wildlife potential of the location.

Policy T2 – Improvement and Extension of the Public and Permissive Rights of Way Network – improvement and extension of the public and permissive network of bridleways, cycleways and footpaths will be supported where justified by and shown to be directly related to specific development proposals, financial contribution will be south towards the following schemes.

1. New bridges over the A19 near Elwick and over the A689 near Greatham suitable for pedestrians, cyclists and equestrians,
2. A new traffic light controlled safe crossing point on the A689 at Newton Bewley,
3. Cycleways and footpaths from Brierton, Dalton Piercy and Elwick to Hartlepool,
4. Cycleways and footpaths linking Brierton, Dalton Piercy, Elwick, Greatham, Hart and Newton Bewley and providing direct and circular routes between the villages and the countryside,
5. A cycleway and footpath from Greatham to the Tees Road at Greatham Creek, to link into routes to RSPB Salthome, Seal Sands, Middlesbrough via the Transporter Bridge and Graythorp,
6. A network of bridleways throughout the rural area.

A principle right of way (footpath) linking Elwick and Hart runs through the heart of the proposed side. Conditions are required that this right of way will remain open at all times.

Policy NE1 – Natural Environment – The rural plan will seek to protect, manage and enhance the area's natural environment.

1. Nature conservation sites of international and national importance, Local Wildlife Sites, Local Geological Sites and Local Nature Reserves will be protected, managed and actively enhances. Designated sites are identified on the Proposals Map.
  - a. Development that would affect internationally important sites will be permitted only where it meets all the relevant legal requirements,
  - b. Development that would affect nationally important sites will be permitted only where it meets all the relevant legal requirements,
  - c. Development which would negatively affect a locally designated site will be supported only where the reasons for the development clearly outweigh the

harm to the conservation interest of the site. Where development on a locally designated site is approved, compensatory measures should be as close to the original site as possible. Compensatory measures may include biodiversity offsetting where on-site compensation is not possible.

2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or wetland creation. Opportunities to de-culvert parts of Greatham Beck and its tributaries will be encouraged within the Neighbourhood Plan area.
3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. Any development should not result in, or contribute to, a deterioration in the ecological quality of the Greatham Beck waterbody.
4. Existing woodland of amenity and nature conservation value and in particular ancient semi-natural woodland and veteran trees will be protected. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. new tree and hedgerow planting must where possible:
  - a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10m wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing,
  - b. Provide screening around any non-agricultural uses,
  - c. Use a mix of local native species appropriate to the landscape character area,
  - d. Ensure that trees are planted at distances from buildings that provide sufficient space for the future growth of the tree to maturity.

The presence of an extensive belt of deer proof fencing is likely to provide a significant barrier to wildlife movement – how is this to be compensated?

Policy NE2 – Renewable and Low Carbon Energy – Renewable and low carbon energy developments assist in meeting the Rural Plan area's commitments to reducing CO2. Any medium/large wind turbine proposals should be directed to High Volts or Red Gap.

1. The development of renewable and low carbon energy schemes, together with any ancillary buildings and infrastructure, will be supported and considered in the context of the wider environmental, economic and social benefits arising from the scheme whilst considering any adverse impacts, individually or cumulatively upon:
  - a. The surrounding landscape including natural, built, heritage (including archaeological) and cultural assets and townscape; including buildings, features, habitats and species of international, national and local importance,
  - b. The flows of groundwater to any water-dependant features within the area, including rivers, ponds, springs and abstraction points,

- c. Residential amenity including visual intrusion, air, dust, noise, odour, shadow, flicker, traffic generation, recreation and access,
- d. The operation of air traffic operations, radar and air navigational installations and,
- e. Highway safety.
2. Appropriate mitigation measures to address any effects identified and considered will be required prior to any development proceeding.
3. Given the nature of some farms of renewable and low carbon energy schemes and their supporting infrastructure and ancillary buildings, it will be necessary and appropriate in certain instances to secure removal of the scheme and its supporting infrastructure and ancillary buildings and restore the land to an appropriate use once a scheme is ready for decommissioning, through the imposition of planning conditions.

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

It is important that support is not at the expense of such developments beginning to proliferate and dominate certain areas of the Borough. Consideration of solar PV developments should therefore also include their relationship with other renewable energy projects in the Borough.

Evaluation of direct, indirect and cumulative effects not only with other solar PV developments but also with other renewable energy developments are required.

Developments should make use of previously developed or non-agricultural land. If the proposal involves the use of agricultural land the best and most versatile land should be avoided and poorer quality should be used, evidence should be provided to demonstrate the extent to which other sites for the development have been considered, particularly previously-developed/non-agricultural land.

All proposals should include details of how the site will be restored to at least its original condition when the development has reached the end of its operational life. In most cases applicants should provide an end date for the scheme to demonstrate the temporary nature of a solar photovoltaic development.

Serious concerns are growing the rural community with regard the size and cumulative effect of these developments and the potential to totally alter the nature of the countryside.

Update 04/01/21 – the height of the new substation seems to vary from 3.25m (Substation Compound Drawing) to 5.8m (Landscape and Visual Assessment para 1.2.4) whichever is the correct height for the substation, which is an alien intrusion into a rural landscape, we would expect additional screening over and above allowing the hedge to grown to 3m. Some tree planting would be welcomed to enhance the screening in the vicinity of the newly proposed substation.

We reject the inference that any reduced mitigation might be permitted due to the presence of existing Electrical Distribution Substations or a landscape of low value

due to intensive arable activity. This has been used too often in this area to justify extending incongruous industrial features. The aim should be to enhance and reverse the mistakes of the past, not perpetuate them.

We welcome the geophysical survey, especially para 8.3 which indicates a possible late prehistoric settlement. We trust that there will be proper investigation and any archaeological features of interest recorded and preserved where appropriate.

**Durham County Council** – Further to your letter dated 16 June 2020 in which you consult Durham County Council as neighbouring authority on Application No. H/2015/0372 I can advise that the Authority has the following comments to make.

#### Landscape and Visual Impact

The Zone of Theoretical Visibility studies submitted with the application indicate some potential visibility in views from receptors in County Durham. The northern part of the site lies on land falling from the ridge running through High Volts Farm which forms the southern skyline in a range of views from land in County Durham to the north and north-west. None of the viewpoints assessed in the LVIA lie in that area. Durham officer understanding of effects is therefore based on our own (desktop) assessment. While there would be some visibility of parts of the site on or close to the skyline in a range of distant and middle distance views, the low lying nature of the development, the shallowness of typical views and the varying role of intervening vegetation in those views is such that it is unlikely that effects on landscape character of visual amenity would be substantial or significant.

There would be some potential for cumulative effects with consented and proposed development in the area including sites in County Durham. The extent to which these effects can be / have been taken into account, and the weight that can be attached to them, is a matter for the judgement of Hartlepool Borough Council officers.

**Northern Gas Networks** – following our objection to the proposed planning application at Land at Worset Lane, Hartlepool, we are now willing to rely on our statutory powers and so withdraw our objection.

**National Grid** – no objections to the above proposal which is in close proximity to High Voltage Transmission Overhead Line – Overhead Electricity Line, Electricity Substation Site, Electricity Tower, Underground Electricity Cable.

**Health and Safety Executive** – The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

**Campaign to Protect Rural England Durham** – We note that permission was allowed on appeal for a smaller solar array that overlapped this site. That permission is now time expired.

We believe that there are two significant differences between that application and this as follows.

1. The Inspector noted at paragraph 34 of the appeal decision that there were no other large scale solar arrays in the area or the planning system. However, there is now permission granted for a similar sized development at Hulam on the A19 and an application is now with Durham County Council for another similar sized application at Sheraton, a short distance from this site. We represent that these need to be taken into account during the consideration of this application and the potential cumulative impact assessed. This includes sequential cumulative impact as viewed when someone travels a reasonably short distance between one site and the next. We have objected to the Sheraton application but, if this is approved, we represent that there will be a significant cumulative impact if Worset Lane is approved as well.
2. It appears that the appeal site did not include the public right of way – see paragraph 26 of the appeal decision. This application does include the PROW which goes through the site itself. We represent that this will significantly impact on the enjoyment of the PROW and question how this will be overcome, bearing in mind paragraph 98 of the National Planning Policy Framework.

We are also concerned that there may be insufficient biodiversity net gain proposed in this application. Paragraph 170(a) of the NPPF addresses enhancing the natural environment and we represent that government policy, as evidenced in the Environment Bill, will seek to strengthen requirements for biodiversity net gain. We note the comments of the Ecology Officer on this point and support them.

We note this site is alongside that for a gas powered electricity generator that has been given permission but not yet developed (we note the approval of a Section 73 application last year). This along with other buildings in this locality does detract from the rural character but nonetheless this part of Hartlepool is largely rural with Worset Lane and other roads leading from the A179 being very rural in character. We represent that this rural character should be retained and protected as far as possible.

CPRE supports the development of solar panels on large industrial roofs. We note the comments on this in the Planning Statement on this point but we remain concerned that large buildings are being constructed without this being considered. Proposals such as this application result in the loss of productive agricultural land and that remains the case even if this particular site, like so much in the North East, is classified as Grade 2b and therefore not Best and Most Versatile land. We note the comments about grazing sheep but this is not a real substitute for arable farming and it can take place on land of a lower categorisation. Sheep grazing may also impact on biodiversity net gain issues e.g. by disturbing ground nesting birds.

We request that these points be considered during the determination of this application.

**Hart Parish Council** – Hart Parish Councillors are pleased to note that the new sub-station compound has been positioned as far from Hart village as possible, but are somewhat bemused as to why a sub-station was not included within the original



plans?

We understand the need for this sub-station, but are not clear as to the actual height expected, as two different sizes are given within the accompanying documentation. Whatever this is, we would expect, as a minimum condition, the developer will be required to ensure the sub-station compound is screened with native trees and the whole solar farm site heavily screened with hedging and trees to support and enhance wildlife in the area.

**Elwick Parish Council** – Elwick Parish Council, as we said at the time of the original application, objects to the industrialisation of this agricultural land, which is very visible from both the coast road and the south and, although we recognise the need for alternative energy production, we would prefer to see some of the large amounts of brown land in the Borough utilised before more agricultural land is taken.

We are particularly concerned that, in these amended plans, the new substation is a large building which will intrude quite visibly on this rural landscape. Should the plans be approved, we would expect to see a condition attached, to ensure that native trees are planted to screen the building.

We are deeply concerned about the inference that, because the Borough Council has already approved industrial type development in this rural area, (a gas-powered electricity sub-station), the area is suitable for further, similar developments. This is contrary to the policies of both the Local Plan and Rural Neighbourhood Plan, adopted by HBC in December 2018.

Hart, and its environs, is known to have been settled for over a thousand years, with archaeological finds still occurring in the area. We are therefore pleased to see that the land is to be properly surveyed before any development is allowed, and expect to see any finds fully recorded and preserved for future generations.

**Dalton Piercy Parish Council** – After discussion at our Parish Council meeting, our concerns are regarding unsightly industrialisation of the rural landscape. DPPC do not object to the development but would like the applicant to consider natural screening. It appears on one of the provided maps the development can be seen for some distance at different points around the Hartlepool area and even beyond. This would have a negative impact on the current rural appearance of the area. Natural screening could mitigate this.

Furthermore, a condition of approval should include an upgrade to the road infrastructure around the site. Worset Land and Hart Back Lane have been in an appalling state for far too long. One would imagine traffic to the Solar Farm will, at times, use these routes. This would make a huge impact directly on the immediate local community to the site who need to use these roads for access.

## PLANNING POLICY

2.13 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

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

<b>Policy</b>	<b>Subject</b>
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and Adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
CC3	Renewable and Low Carbon Energy Generation
CC4	Strategic Wind Turbine Development
CC5	Large Scale Solar Photovoltaic Developments
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
RUR1	Development in the Rural Area
HE1	Heritage Assets
HE2	Archaeology
HE4	Listed Buildings and Structures
NE1	Natural Environment
NE2	Green Infrastructure
NE4	Ecological Networks
NE7	Landscaping Along Main Transport Corridors

2.15 The following policies of the Hartlepool Rural Neighbourhood Plan are also relevant to the determination of this application:

<b>Policy</b>	<b>Subject</b>
GEN1	Development Limits
GEN2	Design Principles
EC1	Development of the Rural Economy
T2	Improvement and Extension of the Public and Permissive Rights of Way Network
NE1	Natural Environment
NE2	Renewable and Local Carbon Energy

National Planning Policy Framework (NPPF)(2021)

2.16 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic

objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

Para	Subject
001	Role of NPPF
002	Introduction
003	Utilisation of NPPF
007	Achieving sustainable development
008	Achieving sustainable development
009	Achieving sustainable development
010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
038	Decision making
047	Determining applications
055	Planning conditions and obligations
056	Planning conditions and obligations
112	Considering development proposals
118	Supporting high quality communications
119	Making effective use of land
124	Creation of well-designed places
127	Creation of well-designed places
130	Refusal of poor design
131	Achieving well-designed places
132	Achieving well-designed places
134	Achieving well-designed places
150	Planning for climate change
153	Planning for climate change
174	Conserving and enhancing the natural environment
187	Habitats and biodiversity
193	Considering potential impacts
212	Implementation

### HBC Policy Comments

2.17 The proposal is for the installation of a 49.999MW solar farm and associated infrastructure, with a proposed lifespan on 40 years.

2.18 Within the Hartlepool Landscape Assessment (2000) the site is within a broad area identified in as 'undulating farmland' and considered to be of low amenity value (with higher value to the east), low landscape value and of low visual quality.

2.19 The Assessment's visual analysis does however indicate the close proximity of the application site to the major ridge line (which is a significant feature in northwest Hartlepool) and also the importance of views from the vicinity of the site towards the north across the A179. The site is likely to be visible from parts of both Hart and Elwick villages.

2.20 The site is located within an area of the borough that is allocated via Local Plan policy CC4 (Strategic Wind Turbine Developments) for 3no. 0.5 MW or above wind turbines.

2.21 Local plan policy CC5 (Large Scale Solar Photovoltaic Developments) supports solar farm developments providing that, amongst other things, the best agricultural land within the borough is not used, that the amenity of occupiers of nearby properties is not harmed, that the landscape and character of the area is not harmed, that heritage assets are not negatively impacted upon.

2.22 The Hartlepool Rural Plan policy NE2 (Renewable and Low Carbon Energy) supports the development of renewable and low carbon energy schemes providing that any adverse impacts (a) the surrounding landscape are considered. Policy NE1 (Natural Environment) seeks to seek to protect, manage and enhance the areas natural environment.

2.23 The NPPF sets out that the planning system should support the transition to a low carbon economy and, in particular, support renewable and low carbon energy infrastructure. The NPPF seeks to ensure that adverse impacts upon the landscape and visual amenity are addressed satisfactorily and that any negative impacts can be made acceptable.

#### Relevant appeal decisions

2.24 In March 2016 there was an appeal allowed for a smaller scale solar farm (13,992 MWp PV array) at land at Worsett Lane farm (APP/H0724/W/15/3131584).

#### Principle of development

2.25 In view of the general policy advice that proposals to generate energy from renewable/low carbon sources should be supported, the main issue hinges on whether the proposal would sterilise the land and prevent any future wind turbine development coming forward, whether the proposal can be accommodated in the landscape without any significant adverse impact on visual amenity, effect on neighbouring uses including heritage assets and impact upon the A179.

2.26 Given that this proposal is likely to take up one quarter of the CC4 land allocation it is unlikely that this proposal would preclude future turbines coming forward on the remaining  $\frac{3}{4}$  of the land allocation.

2.27 Planning policy note that this proposal would have significant environmental benefits in that it would generate a significant amount of clean energy. However in order to produce that amount of energy the site must be vast and incorporate a high number of solar modular racking structures on which the panels must sit. The structures are not typical within the rural landscape, their materials and form is more akin to something more common within employment land.

2.28 The vastness of the site and the type of structures proposed is likely to have a significant negative visual impact upon the immediate and wider area. The land within this area is undulating and is particularly high and visual from the built up area of Hartlepool and the surrounding villages i.e. Hart and Elwick. The solar farm would be visible from the A179, Worsett Lane, Dalton Back Lane and further afield.

2.29 Given the extent of the farm it is likely that large swathes of panels will be seen from many parts of the borough. Within the area there are a number of infrastructure installations such as three 100m wind turbines, two electricity sub-stations, an anemometer mast, two telecommunications towers, numerous telegraph poles, pylons and overhead lines. The landscape within this area has already been negatively impacted upon by the existing infrastructure and adding more to the area would detract further from views and enjoyment of the countryside.

2.30 The decision relating to the appeal nearby is noted, however the proposal associated with that appeal was significantly smaller than the proposal that this policy response relates to. This proposal is almost four times as big as the one allowed on appeal and as such the impacts upon the landscape and residents would be significantly greater than the impacts of the smaller solar farm. It is appreciated that the benefits would be greater as more energy would be produced, however the production of clean energy should not be to the significant detriment of the landscape and those residing within the area and borough.

2.31 Planning Policy have significant concerns regarding the impact of the proposal on the visual amenity and landscape character of the area.

2.32 Planning Policy note that the panels will be 2.5 metres in height and that trees and hedges will be planted along boundaries at a height of 3 metres to assist in screening the development. The screening is welcomed and it will prevent some of the panels from being viewed. If this application is to be approved then Planning Policy request that landscaping to be installed straight away as vegetation can take time to mature and it would be prudent to mitigate against any visual impact straight away.

## **PLANNING CONSIDERATIONS**

2.33 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, landscape and visual impacts, impact on heritage assets, impact on the amenity of neighbouring occupiers, ecology and highway safety. These and any other planning matters are considered as set out below.

### **PRINCIPLE OF DEVELOPMENT**

2.34 Although the site is located beyond the development limits of the main urban area of Hartlepool and the village envelope of Hart (Policy LS1 of the Local Plan and GEN1 of the Rural Neighbourhood Plan), it is nevertheless within an area of the borough that is allocated via Local Plan policy CC4 (Strategic Wind Turbine

Developments) for 3no 0.5 MW or above wind turbines and is not within the identified Green Gaps of the Rural Neighbourhood Plan.

2.35 Local Plan Policy CC5 (Large Scale Solar Photovoltaic Developments) supports solar farm developments providing that, amongst other things, the best agricultural land within the borough is not used, that the amenity of occupiers of nearby properties is not harmed, that the landscape and character of the area is not harmed, and heritage assets are not negatively impacted upon.

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

2.37 The National Planning Policy Framework (NPPF) supports the development of renewable energy, with paragraph 155 recognising the importance of the planning regime in delivering renewable energy. In this respect, renewable energy is considered to be a central principle to the economic, social and environmental dimensions of sustainable development. The NPPF sets out that the planning system should support the transition to a low carbon economy and, in particular, support renewable and low carbon energy infrastructure. The NPPF seeks to ensure that adverse impacts upon the landscape and visual amenity are addressed satisfactorily and that any negative impacts can be made acceptable.

2.38 Paragraph 158 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.

2.39 In view of the general policy advice that proposals to generate energy from renewable/low carbon sources should be supported, the main issues with regards to the principle of development hinges on whether the proposal would sterilise the land and prevent any future wind turbine development coming forward as it is located in an area designated for wind turbine development, whether the proposal can be accommodated in the landscape without any significant adverse impacts on visual amenity, neighbouring uses, including heritage assets, and impact upon the surrounding highway network.

2.40 Given that this proposal is likely to take up one quarter of the Policy CC4 land allocation, it is unlikely that this proposal would preclude future turbines coming forward on the remaining three quarters of the land allocation and is not therefore considered to undermine Policy CC4.

2.41 This proposal would have significant environmental benefits in that it would generate a significant amount of clean energy – it is anticipated the development will power approximately 14,500 homes annually during the operational lifespan, which is proposed to be 40 years. However, in order to produce that amount of energy the

site must be large and incorporate a high number of solar modular racking structures on which the panels must sit. The structures are not typical within the rural landscape. Notwithstanding that, both national and local planning policy seeks to support the development of renewable energy providing the impacts are or can be made acceptable. While the objections of the Rural Neighbourhood Plan Group and concerns of HBC Planning Policy are acknowledged, in balancing the requirements of national policy, local plan policy and the rural plan policies, it is considered that the proposed development has the potential to be acceptable in principle, subject to detailed consideration of its potential effects as set out below. It is noted that the Council's Planning Policy team do not object to the principle of development.

## LAND CLASSIFICATION

2.42 Policies CC5 of the Hartlepool Local Plan and NE2 of the Rural Neighbourhood Plan identify that in cases where large scale solar photovoltaic developments are proposed on agricultural land, best and most versatile land should be avoided and poorer quality land used. The site is designated as grade 3b poorer quality agricultural land and the proposals would not therefore result in the loss of best and most versatile land.

2.43 The policies go on to require evidence to be submitted to demonstrate that other sites, notably brownfield sites, have been considered as an alternative. The submitted Planning Statement outlines that no suitable alternative brownfield sites are available that would accommodate the development proposed.

2.44 It is also noted that the proposed development would not preclude agricultural use entirely, instead sheep grazing would still be feasible on the site alongside the solar panels. As such, the development would allow for diversification rather than loss of agricultural land in accordance with policies CC5, GEN1 and RUR1.

## LANDSCAPE AND VISUAL IMPACTS

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

2.46 The submitted Landscape and Visual Impact Assessment concludes that the proposed development would result in notable impacts on the site itself and its immediate surroundings, however that such impacts would reduce very quickly with distance from the site. The proposals are not therefore considered to have significant, wide ranging impacts on the locality more broadly.

2.47 While concerns about other solar farms already approved or in the planning stages in County Durham raised by the Council's Landscape Architect are noted as well as the general concerns over the visual impact raised by HBC Planning Policy,

and it is acknowledged the proposed development would have an impact on the appearance of the site, there would be substantial separation between this site and those in County Durham and it is not considered they would be taken as a contiguous whole or that the wider area would become broadly characterised by such features. Although solar farm development may become a more recognised feature of the area (i.e. not a rarity) that is not to say they would become a defining feature.

2.48 It should also be acknowledged that the effects of the development are reversible and conditions can be included to ensure remediation of the site beyond its proposed 40 year intended lifespan.

2.49 The proposals include hedgerow planting/gapping up along the boundaries of the site, with hedgerows allowed to grow up to 3m in height. Though HBC's Landscape Architect notes this would not completely prevent views of the development, particularly in the short term, it would limit views of the development and assist in softening its impact. It would also deliver a degree of landscape and biodiversity enhancement. The existing hedge along the northern boundary will be supplemented with new planting to increase and strengthen screening. This measure will contribute towards landscaping along the A179 transport corridor in compliance with policy NE7 of the Local Plan.

2.50 While concerns about increasing 'industrialising' features in this locality are noted (as highlighted in the HBC Planning Policy comments), it should also be borne in mind that the site is allocated in the Local Plan for wind turbine development. Although the two development types are clearly different, there is a recognition that green energy infrastructure would be appropriate in this location and that is, in part, due to there being a logic in consolidating such features in this location given the existing infrastructure already in situ, rather than introducing them to more sensitive, high value locations/landscapes.

2.51 It is not in any doubt that the proposed development would alter the landscape to an extent, the issue in determining this planning application is rather whether that impact can be appropriately mitigated against, through the improvement of existing hedgerows and soft landscaping, and if following that any resultant impact would be so significant when considered in light of the significant sustainability benefits as to warrant refusal.

2.52 When considering the generally low level nature of solar infrastructure when compared with wind turbines, that landscaping mitigation has been put forward and that visual impacts are considered to be site specific rather than wider ranging, it is considered that the impacts of the proposals are outweighed by the significant benefits of the scheme and taken as a whole, would be compliant specifically with policy CC5 as well as other relevant policies of the Local Plan and is therefore acceptable in this respect.

## IMPACT ON HERITAGE ASSETS

2.53 The application site is located near to Hart Windmill, a grade II listed building and therefore recognised as a designated heritage asset. Attention should be paid to



the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193, NPPF).

2.54 The Council's Heritage and Countryside Manager considers that the proposals would not have a significant direct impact on the immediate setting of the listed windmill, however there would be an impact on the wider setting of the listed building resulting in less than substantial harm to the significance of the setting of the listed building as a historic windmill in a rural area. It is considered that this harm is of a minor nature and would be outweighed by the benefits brought about from the application. As such, no objections are raised to the application in this regard. Given this, the development is considered on balance to be acceptable with regards to heritage impacts.

#### ARCHAEOLOGY

2.55 Policy HE2 requires new development to identify potential impacts on archaeological artefacts and sites. The applicant has carried out archaeological evaluation including geophysical survey and trial trenching at the request of Tees Archaeology. On the basis of the results, no further archaeological work is required across the majority of the site, however raft or ballast foundations are recommended where there is the potential for archaeological remains identified in the geophysical survey and archaeological monitoring is required during construction works. Both of these requirements can be suitably secured via conditions, which are duly recommended. There are no objections from Tees Archaeology, accordingly the application is considered acceptable in this respect.

#### IMPACT ON NEIGHBOUR AMENITY

2.56 Due to the rural location of the site, there are limited sensitive neighbouring land users, however there are some residential properties close to the site that may be impacted by the proposals, those most likely to experience potential impacts are residents at Mill Farm to the east and Tilery Farm and Claypit Farm to the south.

2.57 Mill Farm is approximately 375m to the east of the application site, at such a distance it is not considered the proposed development would have a significant negative impact in terms of overbearing appearance or loss of light.

2.58 Bungalows at Tilery and Claypit farms are in closer proximity to the proposals (approximately 144m and 28m respectively), however while there may be initial visual impacts, this would diminish as landscaping measures assist in screening the development. Given the separation, low level nature of the proposals and mitigation measures it is not considered there would be an overbearing impact that would warrant refusal. It is also considered at this separation there would not be an adverse impact in terms of loss of light.

2.59 It is also noted that the Council's Public Protection team have no objections to the application subject to a standard working hours condition for the construction

period, which is duly recommended. The proposals are considered to be acceptable in relation to impacts on neighbour amenity.

## ECOLOGY

2.60 Concerns have been raised about the implications of the proposal for ecology, including the use of deer fencing to surround the development, and whether sufficient biodiversity net gain would be achieved by the proposals. The Council's Ecologist has reviewed the submitted ecological reports, which notes the inclusion of deer fencing to the perimeter of the site within the proposals, and confirms the mitigation measures outlined are sufficient to prevent significant ecological harm and that with recommended conditions appropriate mitigation and measures to deliver biodiversity net gain can be adequately secured. Such conditions are duly recommended and the application is considered to be acceptable as a result.

## HIGHWAY SAFETY

2.61 The proposed development would not appreciably alter vehicle numbers in the vicinity of the site, while there would be deliveries and dispatches to and from the site during construction and decommissioning, these are likely to be short term impacts and are not considered to materially impact highway safety. Both HBC Traffic and Transport and Highways England raise no objections to the application. Accordingly, the proposals are considered to be acceptable in this respect.

## PUBLIC RIGHT OF WAY

2.62 Public Footpath No.17, Hart Parish runs through the development and is clearly shown on the associated application plans. Concerns have been raised about this by the Campaign to Protect Rural England (CPRE), noting paragraph 98 of the previous revision of the NPPF (now paragraph 100), which places a duty on planning decisions to protect and enhance public rights of way, including taking opportunities to provide better facilities for users.

2.63 The submitted LVIA concluded that users of the public footpath would experience high impacts as a result of the Proposals as the views from the route for the extent of the site would inevitably change considerably, though it is considered this is limited to the part of the route within the site boundaries and the visual impact would reduce with distance and time, as landscaping measures to mitigate the impact mature.

2.64 Efforts have also been made to include a 10m buffer to the route of the public right of way so as to soften the impact of the panels and associated development. Deer fencing is also proposed, which has an open mesh style, and would therefore be less intrusive than more solid, industrial style fencing but would still afford security benefits.

2.65 The Council's Countryside Access Officer notes that the developer will need to engage with him to ensure suitable temporary diversions are in place during construction and the route suitably reinstated on completion to ensure use of the route is not lost, but does not object in principle. In light of the above assessment, on

balance, it is considered the proposed development has been suitably mitigated to minimise negative impacts and maintain the public right of way. Accordingly, the application is considered to be acceptable in this respect.

#### OTHER PLANNING MATTERS

2.66 The application is supported by an assessment of glare, however the effects of glint and glare are not expected as panels are designed to absorb rather than reflect light and will be set at an oblique angle. In light of the comments from HBC Traffic and Transport, and Highways England, it is not considered likely glare would impact highway safety and Teesside International Airport have confirmed they have no safeguarding concerns in this respect.

2.67 Northern Gas Networks initially raised an objection to the proposals due to its proximity to their assets and the potential for impacts on them. The applicant has subsequently worked with Northern Gas Networks (NGN) regarding this issue and come to agreement about construction methods and measures to protect NGN assets. As a result, Northern Gas Networks have confirmed that they are now content to rely on their own statutory powers in relation to managing the development and have therefore withdrawn their objection.

2.68 The Council's Engineering Consultancy has been consulted on the proposals and raise no objections with regard to surface water management or contaminated land, though they have requested a standard condition in relation to unexpected contamination and how that should be dealt with in the event it is discovered during construction. Such a condition is duly recommended and the development is therefore considered to be acceptable in these respects.

2.69 Cleveland Police have made recommendations regarding the security of the site in order to deter criminal activity. These include a 2m high boundary fence and CCTV, both of which are included in the proposed scheme. Accordingly the application is considered to be acceptable in this respect.

2.70 The Health and Safety Executive has been consulted via its web advice app in the usual way, the advice received is that the site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore they do not need to be consulted further.

#### PROCEDURAL MATTERS

2.71 The applicant is engaged in ongoing negotiations with the National Grid with regards to making a connection from the site. The applicant has indicated this may have implications on their ability to start work on site during the normal three year period. It is at the discretion of Local Authorities as to whether additional time can be agreed for a start to be made on site. In this instance, when considering the potential future benefits of the site, it is considered appropriate to allow the developer's request to extend the normal time limit to start work to five years, rather than the usual three.

2.72 The application has been considered on the basis of it being temporary with an intended 40 year operational lifespan (which is not uncommon for such types of development and reflect similar timescales for previously approved solar farm in the borough). As the ongoing negotiations noted above may delay a start on site, it is not considered appropriate to require decommissioning of the site within 40 years of the date of permission being granted, but rather from the start of works on site. The developer has requested a condition requiring decommissioning to allow for 41 years, to avoid the construction period limiting the time available for the generation of electricity. This is considered acceptable and such a condition is duly recommended.

2.73 There appears to be some confusion from the Rural Neighbourhood Plan Group over the intended height of the proposed substation. It is not clear where their reference to the substation height in the Landscape and Visual Assessment relates to as the reference given does not relate to this matter. The submitted Substation Compound Drawing shows that the highest of the equipment within the compound would be approximately 5.7m, the fencing around the compound would be 2.4m in height. The application has been considered accordingly on this basis.

## CONCLUSION

2.74 The development goes some way towards meeting the requirements of the National Planning Policy Framework, which seeks to address the causes and impacts of climate change and provide for sustainable sources of renewable energy generation.

2.75 The proposals would have considerable benefits in respect of being a form of development that would be able to generate substantial levels of electricity in a sustainable manner. While the development may be visible within the landscape to some extent, its impact is not considered to be significantly detrimental to landscape quality or enjoyment of the rural area. The benefits of the proposal are therefore considered to outweigh the concerns expressed in relation to impacts on landscape character.

2.76 On balance, the proposed development is considered to be acceptable and officer recommendation is to approve. Conditions are also recommended to ensure that the development is undertaken in a satisfactory manner and in line with the advice of technical consultees.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.77 There is no evidence of equality or diversity implications.

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

2.78 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.

2.79 There are no Section 17 implications.

## REASON FOR DECISION

2.80 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 five years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Site Location Plan at 1:25,000 scale received by the Local Planning Authority 15/05/20, CCTV Pole Details Drawing, Inverter Station Elevations Drawing, Customer Station Elevations Drawing, Meteo Station Details Drawing, Panel Elevations, Spare Parts Building Details Drawing and Battery Storage Elevations Drawing, received by the Local Planning Authority 03/06/20, Road Cross Section Drawing and Fence and Gate details Drawing, received by the Local Planning Authority 10/06/20, General Arrangement Drawing at 1:5000 scale, revision D1, drawing number NT14537/020, revision A, Landscape and Biodiversity Strategy, Switch Room Plan and Elevations and GBR-WOR 33/66kV Substation Compound, received by the Local Planning Authority 25/11/20.  
For the avoidance of doubt.
3. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the installation of the solar panels hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.
4. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The

scheme shall include an assessment of significance and research questions; and:

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

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

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

In the interests of protecting archaeological assets.

5. No development shall commence until details of the foundations, to include a detailed design and method statement, are submitted to and approved in writing by the Local Planning Authority, such details to show the preservation of potential and surviving archaeological remains at a known depth of 500mm which are to remain in situ. Thereafter, the development shall be carried out in accordance with the agreed details and retained for the lifetime of the development hereby approved.

In the interests of protecting archaeological assets.

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - Risk assessment of potentially damaging construction activities.
  - Identification of "biodiversity protection zones".
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - The location and timing of sensitive works to avoid harm to biodiversity features.
  - The times during construction when specialist ecologists need to be present on site to oversee works.
  - Responsible persons and lines of communication.
  - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless any variation is otherwise agreed in writing by the Local Planning Authority.

In the interests of avoiding or mitigating ecological harm.

7. A biodiversity management plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The content of the BMP shall include the following:
  - Description and evaluation of features to be managed, including identification of target ecological condition used to calculate the change in biodiversity value,
  - Ecological trends and constraints on site that might influence management,
  - Aims and objectives of management,
  - Appropriate management options for achieving aims and objectives,
  - Prescriptions for management actions,
  - Preparation of work schedule (including annual work plan capable of being rolled forward over the lifetime of the development),
  - Details of the body or organisation responsible for implementation of the plan,
  - Ongoing monitoring and remedial measures,
  - A timetable for implementation.

The BMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme, including the predicted biodiversity net gain of 36.64 area habitat biodiversity units and 13.39 hedgerow biodiversity units. Thereafter, the approved BMP shall be implemented in accordance with the approved details and timetable for implementation.

In the interests of ensuring ecological impacts are suitably mitigated/compensated for.
8. Prior to the commencement of development a low-level lighting scheme to be adopted during and post development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details prior to the commencement of development. Such a scheme shall include details of the position, angle and type and height of lighting.
 

In the interests of protection nocturnal wildlife and in accordance with the submitted Preliminary Ecological Appraisal.
9. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of

vehicles, offsite dust/odour monitoring and communication with local residents.

In the interests of the amenities of the area.

10. Final details of the external finishes to the ancillary buildings shall be submitted to and approved in writing by the Local Planning Authority prior to their erection. The approved finishes shall be implemented and retained thereafter.  
In the interests of visual amenity.
11. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 8.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Hartlepool Borough Council's standard 'Site Characterisation' condition. Where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of Hartlepool Borough Council's standard 'Submission of a Remediation Scheme' condition. Following completion of measures identified in the approved remediation scheme, a validation report shall be prepared in accordance with Hartlepool Borough Council's standard 'Implementation of Approved Remediation Scheme' condition, which is subject to the approval in writing of the Local Planning Authority. For details of the aforementioned conditions, please contact the Local Planning Authority. Long Term Monitoring and Maintenance and a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same shall be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority. This 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 works, neighbours and other offsite receptors.
13. When the solar farm ceases its operational use, which shall be no later than 41 years from the commencement of development, all solar panels, support



structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its current use as agricultural land. The developer shall notify the Local Planning Authority in writing of their intended commencement date on site no later than 1 week prior to works starting for the purposes of calculating the time limit for this condition. The application has been assessed in accordance with the details submitted by the applicant and, taking into account the benefits of the production of renewable energy. At the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=138138>

2.82 Copies of the applications are available on-line:

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

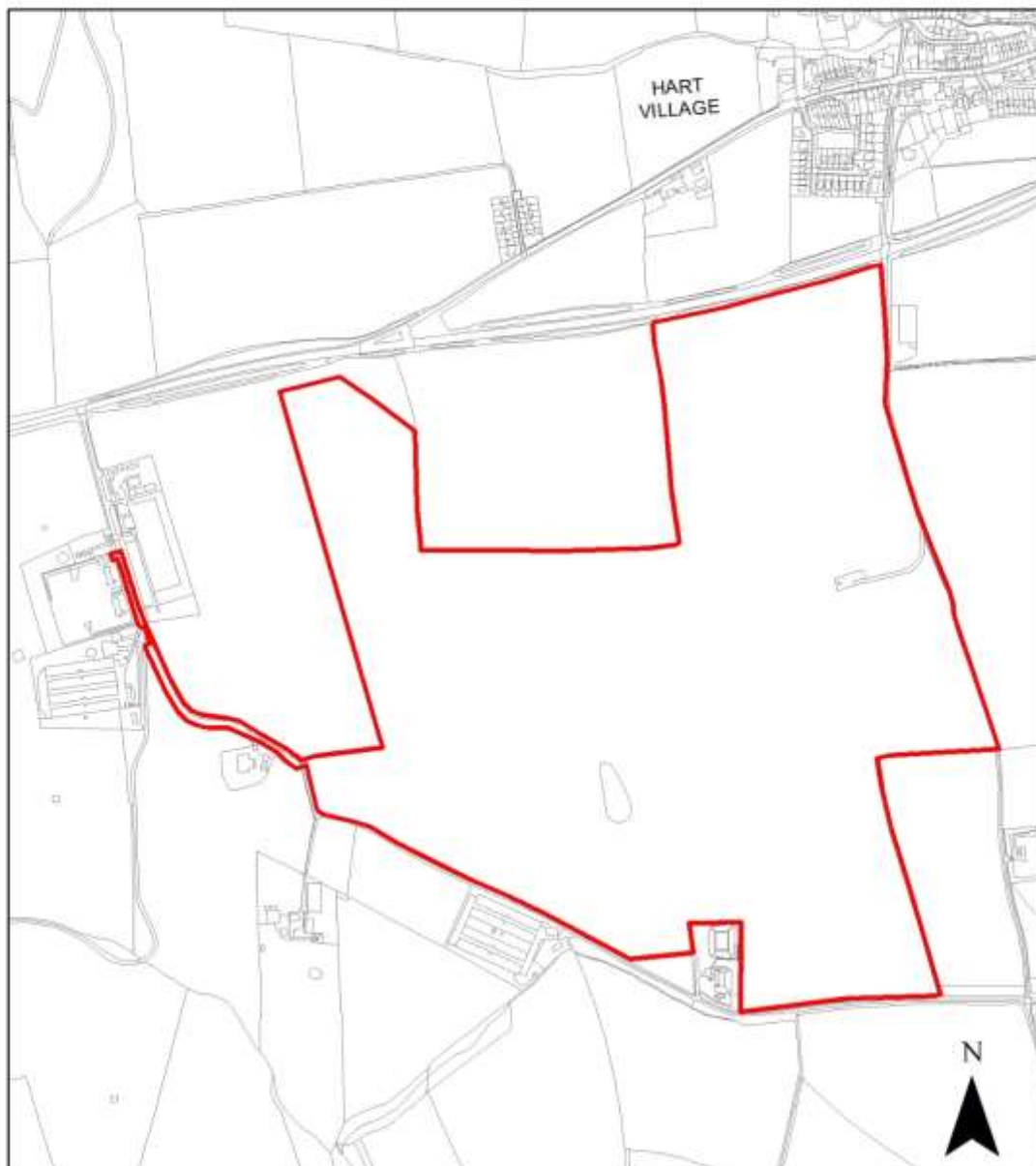
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## Land at Worset Lane, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>09.08.2021</b>
	SCALE <b>1:8,000</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2020/0175</b>	REV

**No:** 3.  
**Number:** H/2021/0169  
**Applicant:** MR IAN MCGREGORPATERSON SHINFIELD READING  
BERKSHIRE RG2 9FS  
**Agent:** MR MICHAEL KENT 22 WILTON AVENUE  
HARTLEPOOL TS26 9PT  
**Date valid:** 22/04/2021  
**Development:** Conversion of existing 3 storey house to 8no. room HMO  
(House in Multiple Occupation).  
**Location:** 96 ELWICK ROAD HARTLEPOOL

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## PURPOSE OF REPORT

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

## PROPOSAL

3.2 Planning permission is sought for the change of use from a single dwelling (C3 use class) to a large HMO (Sui Generis use class) for up to 8 persons at 96 Elwick Road. The property would consist of:

- Ground Floor: Communal rooms (consisting of a kitchen, lounge room, hall and access to rear yard area), 2no. bedrooms (both with en suite, 1no. with direct access to rear yard area);
- First Floor: 3 no. bedrooms (2no. with en suite) 2no. separate bathrooms;
- Second floor: 3 no. bedrooms (2no. with ensuite)

3.3 The proposal includes the provision of a small obscurely glazed window on the first floor rear elevation (of the two storey offshoot) to serve a bathroom. The proposal includes the provision of off street parking to the front of the property with access being taken from Elwick Road, facilitated through the removal of part of existing brick wall being removed (as well as a privet hedge) and replaced with timber, inward opening vehicle access gates and a timber pedestrian gate. The existing pillars are to be retained. The front garden area currently consists of pebble (stone) area with flag stone side path. The application form details that the existing front garden treatment will be removed and replaced with permeable surface. The off street parking will require a carriage crossing (dropped kerb) being provided.

3.4 The existing internal layout of the property remains for most part as existing, with the addition of en-suite bathrooms to the rooms and the sub-division of an existing bathroom to create two shower rooms (which are dedicated to rooms 5 and 8 respectively). The subdivision requires an additional window to be inserted on the first floor of two storey rear offshoot to serve an en suite (to serve room 8).

3.5 The application has been referred to the planning committee due to the number of objections received (more than 2), in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

3.6 The application site is a large 3 storey mid terraced dwelling located on the north side of Elwick Road. The property is adjoined by No's 94 and 98 Elwick Road. The properties which form part of this terrace of residential dwellings are characterised with modest front gardens areas enclosed behind a variety of high boundary enclosures which include wall and timber fencing above, wall with privet hedging behind and boundary wall, all ranging from approximately 1.8m to 2m in height.

3.7 There are properties that have vehicle access to the front, with all having pedestrian access. The rear of the properties within this terrace have a rear yard enclosed by approximately 2m high brick wall and access gate leading onto a back street which is enclosed by communal alley gates (to restrict access to the rear for residents). The area is predominately residential in character, with local services and school within walking distance of the property.

## **PUBLICITY**

3.8 The application has been advertised by way of site notice and neighbour letters (5). To date, there have been 38 objections received including objections from 2 ward councillors.

3.9 The objections/concerns can be summarised as follows;

- Increase in noise and disturbance
- Antisocial behaviour
- Impact on safety and security
- Increase in traffic problems
- Loss of privacy to garden
- Increase with rubbish
- Other HMOs in area
- Parking issues
- Effect on property/market value of existing dwellings in area
- These properties are family homes not suitable for development
- What type of tenant will live here

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145266>

3.11 The period for publicity has expired.

## **CONSULTATIONS**

3.12 The following consultation replies have been received:

**HBC Traffic and Transport** – There are no Highway or traffic concerns with this proposal. Occupants of HMO's tend to have low levels of car ownership and the site is located close to the Town Centre. The Tees Valley Design Guide requires 1 parking space per 5 occupants for student accommodation this is the closest accommodation to a HMO in the Design Guide. This site would therefore require 2 spaces. The developer is providing 2 spaces at the front of the property. This will require a drive crossing to be constructed in accordance with the HBC specification and by a NRASWA accredited contractor.

**HBC Public Protection** – I would have no objections to this application subject to a sound insulation condition to the party wall between this property and numbers 94 and 98.

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

**HBC Housing** – I have examined the application and would comment as follows:

I have no objections in principle to the application to change use to a HMO. The HMO would be required to be licensed under part 2 of the Housing Act 2004 and would need to meet minimum standards for space and amenities in addition to a number of additional licensing requirements such as fire safety, electrical safety, waste storage and management.

The kitchen facilities are inadequate for the number of occupants and additional kitchen space and facilities would need to be provided elsewhere in the building. This may impact on the number of occupants the property is suitable for.

I would strongly advise the applicant to consult the Housing Standards team in Public Protection for advice regarding standards and licensing requirements.

**HBC Community Safety** – I understand that there is often the perception that these types of property will cause increased ASB and crime, however I don't have any evidence to indicate that this is the case for other HMO's in the town and therefore would have no objection to the application.

**HBC Anti-Social Behaviour Unit** – I have no objections on behalf of the ASB Unit.

**Cleveland Police** – Having viewed the plans and design and access statement, I would encourage the developer to integrate the principles of secured by design within the development, this includes, lighting and door and window security. I'm happy to provide crime prevention advice or discuss any security concerns that the applicant might have.

**Cleveland Fire Brigade** – (summarised) No objection, but offers fire safety advice which will be considered with a building regulations application, this relates to means of warning and escape, internal fire spread (linings and structure), automatic fires suppression systems, fire risk assessments.

**HBC Waste Management** – No comments received.

## **PLANNING POLICY**

3.13 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

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

CC1: Minimising and adapting to climate change  
LS1: Locational Strategy  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and Design of Development  
QP5: Safety and Security  
QP6: Technical Matters  
QP7: Energy Efficiency  
SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF)(2021)

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

PARA002: Determination of applications in accordance with development plan  
PARA007: Achieving sustainable development  
PARA008: Achieving sustainable development  
PARA009: Achieving sustainable development  
PARA010: Achieving sustainable development  
PARA011: The presumption in favour of sustainable development  
PARA012: The presumption in favour of sustainable development  
PARA038: Decision making  
PARA047: Determining applications  
PARA092: Promoting healthy and safe communities

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

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

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

PARA218: Implementation

**3.16 HBC Planning Policy** - Planning policy have no objections with regards to the proposed development. The principle of development is considered acceptable as the change of use would result in the property remaining under residential use, which is acceptable in this predominantly residential area and wider sustainable location.

3.17 There are concerns with regards to parking, however. We require the proposal to be compliant with QP3 which seeks to ensure that all developments provide adequate, safe, secure and conveniently located car (and cycle) parking, having regard to the possible movement of residents and visitors. The change of use would result in a property that could, hypothetically house up to 8 individual households who may each own a vehicle, as opposed to being a single residential dwelling which would have significantly less cars than this. The impact of the potential increase in parking requirements resulting from this change of use needs to be considered, and planning policy would seek to raise our concerns if this was raised as an issue by the Council's Highways team.

## PLANNING CONSIDERATIONS

3.18 The main issues for consideration in this instance are the appropriateness of the proposal in principle in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and the NPPF (2021) including the principle of development, the impact on the character and appearance of the existing building and surrounding area, impact on the amenity and privacy of neighbouring properties, the impact upon highways, safety and security, and any other planning matters. These and any other residual matters are detailed below.

## PRINCIPLE OF DEVELOPMENT

3.19 The primary use in this location is residential, and as such it is necessary to ensure that similar or complimentary uses are maintained to protect the character and amenity of the area. The proposed use whilst being defined as a 'sui-generis' use is ultimately a residential use (albeit a higher density use than the surrounding uses) and as such it is considered that the principle of a large HMO residential use is within keeping with the general character of the area. It is of further consideration that the existing dwelling could be converted to a smaller HMO (up to 6 people sharing facilities) without the need for planning permission; this application seeks permission for a larger HMO and 2 additional bedrooms. The application site is located within the limits to development within walking distance of existing shops, (primary) schools and services, and close proximity to local bus services which provides access to the public transport network. Therefore the site is considered to be in a sustainable location. Therefore the principle of development is considered to be acceptable subject to the consideration of all other material planning considerations as detailed below.

## IMPACT ON VISUAL AMENITY AND CHARACTER OF SURROUNDING AREA

3.20 The proposed conversion of the property from a single dwellinghouse to a house in multiple occupation requires minimal changes to the exterior of the property with all openings to the main property remaining as existing, with the provision of a proposed small obscurely glazed window in the first floor rear elevation serving a bathroom. It is not considered that the provision of this small window would have an impact upon the host property or have an impact on the street scene.

3.21 To the front of the dwelling there will be formation of off-street parking within the front garden area of the property for up to 2 vehicles, with a small patio seating area, which will be separated by low fence from the vehicle parking. The front garden area will be enclosed by new vehicle access gates and a pedestrian gate and it is understood that the existing side boundary treatments will remain as existing. Of consideration is that the replacement boundary treatment would not exceed 1m in height and therefore would not require planning permission. Elwick Road is not a classified road (A, B, C road) and therefore a vehicle access could be created to serve the existing dwelling without the need for planning permission (where that access is required in connection with development permitted i.e. i.e. hardstanding which can be also be undertaken under permitted development, in respect of the existing C3 Use dwellinghouse).

3.22 Whilst it is acknowledged that addition of vehicle access gates (and the access) will result in a notable change to the front boundary treatment (including the loss of the privet hedge), particularly when read in the context of the adjacent boundary treatments, as stated above these works could be carried out under permitted development and are generally considered to be of a modest scale and design. The provision of a seating area to the front of the property appears modest and would use an existing area; it is not considered that this provision of seating or the proposed access arrangements would have such an impact on the area, as to warrant refusal of the application. It is considered that the changes to the property would not be detrimental to the appearance of the building itself or the character of the wider street scene.

3.23 A number of objections have been received stating that there are other HMOs within the immediate area and that the proposal would result in a cumulative impact on the character of the area. It has been confirmed by HBC Housing Services that there are no large licensed HMOs within this immediate area. Notwithstanding this HMOs only need to be licensed if they have five bedrooms or more and in planning terms a small HMO for up to 6 residents do not require planning permission as it is a permitted change. Furthermore, such uses are considered in planning policy terms to be residential in nature and in this instance, the proposal is not considered to have significant impact on the character of the area, either in isolation or any cumulative impact that would warrant a refusal of the application.

## AMENITY OF NEIGHBOURING LAND USERS

3.24 A number of objections has been received with regard loss of privacy to garden area and to the potential noise and disturbance issue that could arise from this form of development.



3.25 Whilst there is the provision of 1 additional window at first floor on the rear elevation to serve a bathroom this is to be obscurely glazed and can be secured by appropriate condition. The proposal does not intend to extend the property or reduce the existing separation distances and relationships between the application property windows and distances/relationships to neighbouring properties. Furthermore, the existing window openings would primarily continue to serve rooms of a similar nature i.e. existing habitable room windows (bedrooms, living room etc) continuing to serve habitable room windows and existing non-habitable room windows (bathrooms, landing etc.) serving proposed non-habitable rooms. As such, it is not considered that the proposed use would have an adverse impact on the privacy of the adjacent neighbouring properties,

3.26 It is acknowledged that the nature and layout of the proposed use has the potential to introduce greater levels of activity to areas of the property than the current 6 bedroom dwellinghouse (the proposal introducing a further 2 bedrooms) as well as introducing car parking to the front. As such has the potential to cause noise related nuisance to areas of the neighbouring dwellings (particularly bedrooms) where they could reasonably expect low levels of noise and disturbance.

3.27 In response, the Council's Public Protection team have been consulted upon the application and their response raises no objections to the application but have confirmed the requirement for noise insulation measures between the host property and neighbouring party walls. It is considered that a planning condition is necessary to secure noise insulation measures and therefore, subject to this, the proposal is acceptable in this regard. It is further considered that a limit on the amount of residents living within the property (no more than 8) can be secured via an appropriate planning condition, which is considered necessary in this instance.

3.28 The proposed front garden area is to be utilised as both a sitting out area (amenity space for proposed occupants) and off street parking for two cars. The front garden area has been used as amenity space which serves the existing residential property and it is not considered the continued use of part of this area for the occupants would have such a significant increase in activity or result in an adverse loss of amenity and privacy as to warrant a refusal. The provision of a parking area for up to two vehicles, could be provided within this area (if the property remained as a single dwellinghouse) without the need for planning permission (there are properties within the vicinity that provide off street parking within the front curtilage). In the event of any future noise issues, this would need to be considered under separate environmental legislation such as statutory nuisance.

3.29 In conclusion, it is considered that the proposal would not cause any significant detrimental impact on the amenity and privacy of neighbouring properties including noise disturbance (as detailed above) as to warrant a refusal of the application in this instance and therefore, on balance, the proposal is acceptable in this regard.

#### HIGHWAY & PEDESTRIAN SAFETY & CAR PARKING

3.30 It is acknowledged that objections have been received in respect of increase on parking and traffic issues. The application site is located with an area consisting

primarily of terraced properties reliant on available on-street parking in the vicinity. In common with other dwellings in the neighbourhood, the site currently lacks off-street parking provision. As part of the proposal, off-street parking for 2 vehicles is to be provided.

3.31 Initial comments were raised by HBC Planning Policy with regard to parking for the development, however they have stated that this should ultimately rest with the HBC Traffic and Transportation team to consider the impacts of the proposal. In response, the Council's Traffic and Transportation team have been consulted and indicated that HMOs are usually required to provide a minimum of 1 car parking space per 5 occupants. Therefore this site would require 2 spaces to be provided. The scheme does provide 2 off-street parking at the front of the property. These works will require a drive crossing to be constructed in accordance with the HBC specification and by a NRASWA accredited contractor, which is covered by separate legislation to planning but an informative can be secured to bring this requirement to the applicant's attention.

3.32 It is also acknowledged that this type of development usually have low levels of car ownership and the site is close to the Town Centre and local transport services. As noted above, consideration is also given to the sites location close to public transport links, and the off-site parking provision being provided. Therefore, the proposal is not considered to result in a significant detrimental impact on parking and highway safety and is therefore deemed acceptable in this regard.

#### SAFETY AND SECURITY

3.33 Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 92 of the NPPF states "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion".

3.34 An established principle in law is that fear of crime can be a material consideration in planning; however that fear has to be objectively justified rather than just perceived. The Council's Community Safety and Engagement team have raised no comments or objections to the application. Cleveland Police have no objection to the proposal and has advised that they would encourage the developer to integrate the principles of secured by design within the development, which includes, lighting and door and window security. This advice can be appended as an informative to any decision notice.

3.35 The applicant will be required to meet the requirements imposed on any HMO License issued by the Council's Housing Standards Team including relevant sanitary provision etc (as detailed in their comments). Ultimately, many of the concerns raised by residents will come down to the management of the premises and cannot be controlled through planning controls. Therefore, in light of the above, it is considered that the impact of the proposal is acceptable in this regard.

## OTHER PLANNING MATTERS

*Drainage & Contaminated Land*

3.36 The site is located outside of Flood Zones 2 and 3. No objections have been received from HBC Engineering in terms of contaminated land or surface water drainage and therefore the proposal is considered to be acceptable in this respect.

*Waste*

3.37 Objections have been raised with regards to increase in waste. The proposed use has the potential to generate a higher level of refuse/waste given the increased number of occupants. It is noted that the property is served by an enclosed rear yard and the applicant has indicated that waste would be sited in this area. The occupants of the premises will have direct access to this area through the shared kitchen. No objections have been received from HBC Waste Management, Public Protection, and Traffic and Transport. Subject to a planning condition requiring waste storage to be stored in the rear yard area, the proposal is considered to be acceptable in this respect.

## RESIDUAL MATTERS

3.38 Cleveland Fire Brigade have indicated a number of requirements including that fire suppression measures should be considered as part of the proposed works, but ultimately these would be covered by a building regulation application. A suitable informative is recommended to make the applicant aware of this advice. Notwithstanding the above, in view of Cleveland Fire Authority's position statement on suppression systems and the Planning Committee's previously adopted position on sprinklers being considered for various types of potentially vulnerable developments (including HMOs), the applicant has been asked whether the provision of a sprinkler system in the building has been considered and has confirmed their intention to take on board the advice of the Fire Authority through the Building Regulations process. Ultimately, this is a building regulations matter and is therefore beyond the remit of the Local Planning Authority.

## NON PLANNING MATTERS

3.39 An objection received highlights concerns regarding the character of people living in the proposed HMO. An objection has been received detailing that the proposed use would impact on house prices in this area. These are not material planning considerations in the consideration or determination of this application.

3.40 HBC Housing standing team have commented that the kitchen facilities that are being provided as part of the development are inadequate for the number of occupants that would be living in the premises. The applicant has been made aware of the concerns raised, and advised to contact the Housing Standards team directly to discuss standards and licensing requirements. An informative to this effect could be appended should the application be approved. Ultimately the issue is a licensing requirement and would be dealt through legislation outside of planning.

## CONCLUSION

3.41 On balance and in light of the considerations detailed above, it is considered that the principle of the proposed change of use to a large HMO is acceptable. It is considered that the proposal would not give rise to adverse impacts upon the visual amenity, neighbour amenity, highway safety, community safety or any other planning matter. It is therefore considered the development accords with policies of the Hartlepool Local Plan (2018) and paragraphs of the National Planning Policy Framework 2021, and should be conditionally approved.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.42 There is no evidence of equality or diversity implications.

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

3.43 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.

3.44 As per the considerations of the report above, there are no Section 17 implications.

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE**, subject to the conditions below;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the plans and details Drwg No(s) 55/2021/03 (Proposed Floor Plans and Roof Layout) and 55/2021/04 (Proposed Elevations) received by the Local Planning Authority on 8 April 2021. 55/2021/06 (Gate Details) received by the Local Planning Authority on 22 April 2021 and 55/2021/05/ Rev A (Location Plan, Existing and Proposed Block Plan) received by the Local Planning Authority on 28 June 2021.  
For the avoidance of doubt.
3. Prior to the first occupation of the development hereby approved, a scheme demonstrating appropriate noise insulation between the application site and adjoining neighbouring properties at 94 Elwick Road and 98 Elwick Road shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.  
In the interests of the amenities of the occupants of neighbouring properties.

4. The use of the property as a house in multiple occupation (Sui Generis Use) shall not exceed more than 8 residents at any one time.

For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

5. Notwithstanding the submitted details and prior to occupation final details of boundary treatment and hard landscaping to the parking area shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter and prior to the occupation of the development, the agreed scheme shall be implemented with the agreed details.

In the interests of visual amenity.

6. The proposed window(s) facing 72 Lansdowne Road serving ensuite bathroom 8 shall be fitted with a restricted opening mechanism (limiting to a 30 degree opening) and be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent details of which shall be first submitted to and agreed in writing with the Local Planning Authority prior to the installation of the window. The agreed scheme shall be implemented prior to the occupation of the dwellinghouse and shall remain for lifetime of the development hereby approved. The application of translucent film to clear glazed windows would not satisfy the requirement of this condition.

To prevent overlooking.

7. Prior to occupation of any part of the development hereby approved, a scheme for the storage of refuse at the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and retained in accordance with the approved details.

In the interests of a satisfactory form of development.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145266>

3.47 Copies of the applications are available on-line:

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

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**96 Elwick Road, Hartlepool**

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>09.08.2021</b>
	SCALE <b>1:500</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2021/0169</b>	REV

**No:** 4.  
**Number:** H/2020/0306  
**Applicant:** MR S PARK DALTON THIRSK N YORKS YO7 3HS  
**Agent:** MR SIMON PARKS FOUNTAIN END DALTON THIRSY YO7 3HS  
**Date valid:** 01/06/2021  
**Development:** Retrospective application for erection of closed boarded boundary fence to front/side (overall height approximately height 1.8m, including existing boundary wall).  
**Location:** 29 HONITON WAY HARTLEPOOL HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

4.2 This planning application is retrospective and has been submitted following receipt of a complaint (LPA ref: CMP/2020/00028) in March 2020 and a subsequent investigation by the Local Planning Authority into the erection of unauthorised fencing to enclose the front garden and erection of a pergola/covering structure to the side of 29 Honiton Way.

4.3 Following the investigation, it was deemed that the pergola/covering did not require planning permission however permission was required for the erected fencing. Subsequently, a planning application was submitted in September 2020, however this was invalid until 1<sup>st</sup> June 2021 when sufficient plans and details were received to enable the Local Planning Authority to validate the application.

4.4 The following planning applications are considered relevant in respect of the application site:

HFUL/1997/0122 - Erection of a porch and conservatories to side/rear. Approved 21/04/1997.

HFUL/1995/0374 - Erection of a rear kitchen and lounge/dining area extension. Approved 19/08/1995.

HFUL/1996/0580 - Erection of a hall and dining room extension to side. Approved 19/02/1997.

## PROPOSAL

4.5 The application seeks retrospective planning permission for the erection of a number of close boarded timber fences topping the existing boundary walls to the



front boundary of the host property (to take the total height of the boundary treatment to approximately 1.83m) and the erection of a boundary fence with a height of approximately 1.83m to the adjacent side boundary of the host property.

4.6 The retrospective fences comprise 1no. fence on top of the existing boundary wall measuring approximately 7.47m in length to the eastern side of the front boundary, with a total height of approximately 1.83m; 1no. fence along the front path serving the host property (running east to west) measuring approximately 3m in length and with a height of approximately 1.22m; 1no. fence to the south east of the host property (along the existing boundary wall) with a length of approximately 7.92m and a total height of approximately 1.83m; 1no. fence to the south of the host property (along the existing boundary wall) with a length of approximately 3.35m and a total height of approximately 1.83m; and 1no. boundary fence measuring approximately 12m in depth (along the side boundary between the host property and No. 2 Salcombe Drive to the west).

4.7 The application has been referred to be determined in the Planning Committee due to the retrospective nature of the application and officer recommendation, in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

4.8 The application site relates to 29 Honiton Way, a semi-detached bungalow in a residential estate to the east of the main A689 trunk road (Stockton Road) in the southern extent of Hartlepool. The bungalow is sited on the western side of Honiton Way, on the junction with Salcombe Drive, which runs to the south west of the application site. The junction with Dawlish Drive is opposite the application site to the east. To the north, the host property adjoins No. 31 Honiton Way, whilst No. 2 Salcombe Drive abounds the site to the west (both bungalows). Beyond the main highway of Honiton Way to the east lies No. 7 Dawlish Drive to the east, and No. 32 Honiton Way to the south east, whilst to the front (south), beyond the main junction of Honiton Way and Salcombe Drive lies 27 Honiton Way and No. 1 Salcombe Drive (all two storey dwellinghouses).

4.9 As noted above, the application site features a triangular shaped plot, and it was noted by the case officer during the site visit that the applicant has erected an outbuilding/pergola structure to the side of the host property, which is considered to benefit from householder permitted development rights and therefore would not require planning permission.

## **PUBLICITY**

4.10 The application has been advertised by way of letters to sixteen neighbouring properties and to local ward councillors. To date, two responses offering no objections to the proposal have been received from members of the public.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140059>

4.12 The period for publicity has expired.

## CONSULTATIONS

4.13 The following consultation replies have been received:

**HBC Landscape Architect:** No comments received.

**HBC Traffic and Transport:** There are no highway or traffic concerns.

## PLANNING POLICY

4.14 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

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

SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
NE6	Incidental Open Space

### National Planning Policy Framework (NPPF)(2021)

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

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development

11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
126	Well-designed places
132	Refusal of poor design

**4.17 Planning Policy comments:** With regards to the fence, it is noted that not many of the houses in the street have fences of this height at the front garden, and there are concerns that the introduction of this may affect the street scene slightly as one of the key characteristics of this estate is the open frontages with smaller boundary treatments. There are concerns that the fence as is blocks off the house too much from the street scene, especially given that the host dwelling is a bungalow. Ideally, the applicant would maybe consider a reduction in the fence such as in order to provide a small amount of screening and act as a boundary to their front garden, or perhaps hedging which would provide screening whilst reflecting the natural characteristics of other front gardens in the area, which are either open or partially screened through trees or fencing. The introduction of a fence of this height is not ideal, and doesn't fully reflect the characteristics of nearby dwellings or the wider estate. There are concerns that in its current state, the fence does not positively reflect the street scene and the nearby area, which is something we would expect through policy QP4.

## PLANNING CONSIDERATIONS

4.18 The main material planning considerations when considering this application are the impact on the character and appearance of the application site and surrounding area, the impact on the amenity of neighbouring land users and the impact on highway safety. These and any other relevant planning and non-planning matters are considered in full in the paragraphs below.

### IMPACT ON VISUAL AMENITY OF SURROUNDING AREA + EXISTING DWELLING

4.19 The retrospective erection of boundary fences to the front (east and south east) of the application site is located on the existing boundary walls delineating the boundary between the host property and the main footpaths within the street of Honiton Way and between the host property and the adjacent neighbour to the west at 2 Salcombe Drive, are within the ownership of a private dwelling. Notwithstanding this, Policy QP4 of the Hartlepool Local Plan (2018) expects development to blend seamlessly with surrounding land uses and reflect local character. This policy requires that the scale and materials of development should be such that the development blends into the existing environment and does not appear as an intrusive addition. Paragraph 132 of the NPPF (2021) states that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans and supplementary planning documents.

4.20 As noted above, the area of land subject to this application is sited within the existing curtilage of the application property. The host property comprises a semi-detached bungalow within a residential estate. By virtue of the layout of plots within the estate, the host property is situated on a prominent corner plot and it is considered that the retrospective fence, being approximately 90cm higher than the existing boundary walls delineating this boundary is readily visible from many vantage points throughout Honiton Way and the residential estate (including Salcombe Drive and Dawlish Drive).

4.21 it is acknowledged that the street scene of Honiton Way and nearby streets comprise examples of higher boundary fences to enclose the side and rear gardens of some properties, with or without having benefited from planning permission. There are several reasons why such alterations may have occurred. Such examples may have been permitted under different national and local policy regimes, or they may have been installed unlawfully even if this would not make them acceptable. The key point is that each case must be judged on its own merits, within its own up to date planning policy and guidance context. It is also of note that the remaining bungalows along this section of Honiton Way comprise low level wall boundaries to their front gardens (similar to that of the former situation at the host bungalow).

4.22 It is therefore considered that the erected fences along the boundary of the host property (adjacent to the main highway and public footpath) results in a prominent and incongruous feature in the street scene and a visual narrowing of the street scene at this section of the street.

4.23 It is considered that the low level boundary walls to the front of properties allow views of open, green garden areas with intentional landscaping present throughout neighbouring properties along Honiton Way, Salcombe Drive and Dawlish Drive, which are considered to be a characteristic of the area. As such the retrospective erection of boundary fences at the host property results in a disruption of visual continuity provided by this regularity of form comprising the low level boundary walls.

4.24 Furthermore, it is considered that the front gardens and grassed areas at the site made an important contribution to the green and open character of the estate, particularly given the siting of the host property on the entrance into the street.

4.25 Overall, it is considered that the erected fence that has been erected to enclose the front and side gardens of the host property, due to their design, scale and siting, results in an adverse impact on the character and appearance of the area, which would not comply with Policy QP4 of the Hartlepool Local Plan (2018) or paragraphs 126, 129 and 132 of the NPPF (2021). This would warrant a reason to refuse the application in this instance.

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

4.26 The retrospective erection of the boundary fence between the host bungalow and 2 Salcombe Drive to the west is approximately 6.3m from the side of this neighbouring property at its closest point, whilst the closest erected fence to the top of the wall at the front boundary (south) is approximately 14.7m from the side/front of this neighbour. A separation distance of approximately 4.6m remains to the front

elevation of the adjoining property of No. 31 Honiton Way to the north, from the retrospective erection of the boundary fence topping the existing boundary walls at the host property.

4.27 Separation distances of approximately 18m to the front elevation of No. 32 Honiton Way to the south east, approximately 28m to the side of No. 7 Dawlish Drive to the east, approximately 22m to the front of 27 Honiton Way to the south and approximately 23m to the front of No. 1 Salcombe Drive to the south west remain from the retrospective erection of the boundary fence topping the existing boundary walls at the host property.

4.28 Given that satisfactory separation distances would remain, it is not considered that the erection of the higher boundary fences (with an approximate height of 1.83m) would have a direct significant detrimental impact in terms of loss of outlook, overbearing impression, overshadowing or overlooking for any neighbouring property, given the location of the land being within the defined boundaries of the application site, and with the retrospective erection of close boarded timber fences being of a similar scale and design to existing fences at the rear of the host property and throughout the private garden areas in the surrounding street scene (albeit approximately 90cm higher than the former boundary treatment to the front of the host property and between the host bungalow and No. 2 Salcombe Drive to the west).

4.29 It is of note that permitted development rights as set out in the GPDO (2015, as amended) allow a householder to erect a boundary fence to the side of their property and a neighbouring property, with a maximum height of 2m if it is not close to a highway. Although the provisions of the above identified householder permitted development rights would not apply to the proposed development (as it extends forward to meet the highway), this sets out what the government considers to be acceptable development and it is a material planning consideration in this instance. It is therefore considered that part of the erected boundary fence between these two neighbouring properties would be considered acceptable in terms of neighbour amenity and privacy (including overshadowing, outlook, overbearing and overlooking).

4.30 On balance, it is considered that the proposal would not result in any adverse impacts on the amenity or privacy of neighbouring properties including No. 31 Honiton Way, 2 Salcombe Drive or other nearby neighbours at 27, 30 and 32 Honiton Way, 1 Salcombe Drive or 7 and 8 Dawlish Drive.

#### IMPACT ON HIGHWAY SAFETY

4.31 Notwithstanding the above, the application has been considered by the Council's Traffic and Transportation section who have confirmed that the proposal does not adversely impact upon sight lines, and therefore the development is considered acceptable in terms of highway safety.

#### CONCLUSION

4.32 It is considered that the retrospective erection of the boundary fences topping the existing boundary walls in order to enclose the front and side gardens serving the host property results in a detrimental visual impact by virtue of the design and scale of the fencing (approximately 1.83m in height). It is therefore considered the development results in an adverse impact on the visual amenity of the host property and surrounding area, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 129 and 132 of the NPPF (2021), which state that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.33 There is no evidence of equality or diversity implications.

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

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

4.35 There are no Section 17 implications.

## **REASON FOR DECISION**

4.36 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

## **RECOMMENDATION – REFUSE** for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the development, by virtue of the design, detailing and use of materials results in an incongruous feature in the street scene to the detriment of the host dwelling. It is considered that the development detracts from the visual amenity of the application site and surrounding area, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 129 and 132 of the NPPF (2021).

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140059>

4.38 Copies of the applications are available on-line:

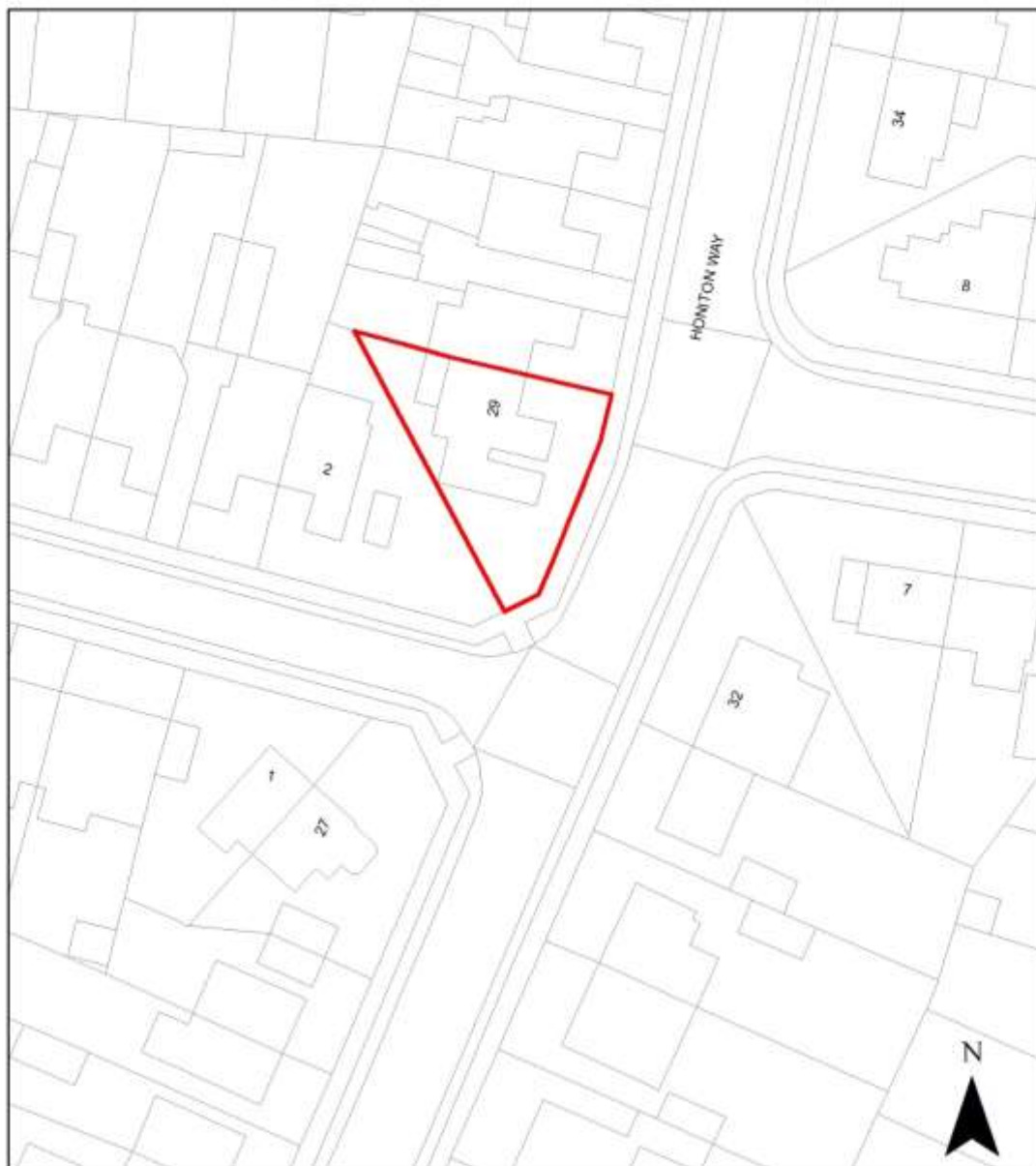
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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**29 Honiton Way, Hartlepool**

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>09.08.2021</b>
	SCALE <b>1:500</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2020/0306</b>	REV



**No:** 5.  
**Number:** H/2021/0210  
**Applicant:** MAURICE WEEGRAM WYNYARD ROAD  
HARTLEPOOL TS25 3LG  
**Agent:** MAURICE WEEGRAM 213 WYNYARD ROAD  
HARTLEPOOL TS25 3LG  
**Date valid:** 05/05/2021  
**Development:** Erection of outbuilding garden room in front garden and  
boundary around front and side garden (retrospective)  
**Location:** 213 WYNYARD ROAD HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

5.2 This planning application is retrospective and has been submitted following receipt of a complaint (LPA ref: CMP/2021/00067) in April 2021 and a subsequent investigation by the Local Planning Authority into the erection of an unauthorised outbuilding within the front garden of 213 Wynyard Road. Subsequently, a valid planning application was submitted in May 2021.

## PROPOSAL

5.3 The application seeks retrospective planning permission for the erection of a detached outbuilding within the front boundary of 213 Wynyard Road and the erection of boundary fences topping new boundary walls to enclose the front and side gardens of the host property.

5.4 The outbuilding measures approximately 4m in length x approximately 4m in width, with a sloping roof with a maximum height of approximately 2.45m on the front (eastern elevation), dropping to approximately 2.3m on the western elevation. The outbuilding is constructed from grey timber, whilst the trims and details are finished in white. It is understood to serve a summer/garden room for the occupants of the host property.

5.5 The proposal was amended during the course of its consideration. Following the site visit where it was apparent to the case officer that unauthorised fencing had been erected topping the new walls enclosing the front and side garden of the application site. The case officer advised the applicant that planning permission was required in respect of this element of the proposal, and requested that the plans were amended to include this element. The applicant subsequently submitted amended plans detailing the retrospective erection of boundary fencing.

5.6 The retrospective boundary treatment (fences and walls) comprise 1no. fence topping a boundary wall measuring approximately 3.66m in length to the southern side of the side boundary, with a total height of approximately 1.8m with a boundary wall and pillars with an approximate total height of 1.4m (including pillars, wall height approx. 1m in height) and a length of approximately 9.93m (extending to the eastern part of the boundary); 1no. fence and wall to the south west boundary of the host property with a length of approximately 7.73m and a total height of approximately 1.8m; and 1no. fence and wall to the front (west) of the host property with a length of approximately 6.36m and a total height of approximately 1.8m. The boundary walls comprise predominantly red bricks with a yellow pattern and coping stones, whilst the boundary fences are finished in a red stain.

5.7 The application has been referred to be determined in the Planning Committee due to the retrospective nature of the application and officer recommendation, in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

5.8 The application site relates to 213 Wynyard Road, a two storey semi-detached dwelling in a residential estate to the western extent of Hartlepool. The property is sited on the eastern side of Wynyard Road, on the junction with Laird Road, which runs to the east of the application site, and as such the host property has two principal elevations (one on each of these roads). To the north, the host property adjoins No. 211 Wynyard Road, whilst No. 40 Laird Road abounds the site to the east. Beyond the main highway of Wynyard Road to the west lies No. 1 Lindsay Road to the west and No. 212 Wynyard Road to the south west, whilst beyond the main highway of Laird Road to the south lies 215 Wynyard Road and 39 Laird Road.

5.9 It was noted by the case officer during the site visit that there is an erected outbuilding/double garage structure to the side/rear of the host property (east), which is understood to have been approved under planning approval HFUL/1990/0210.

## **PUBLICITY**

5.10 The application has been advertised by way of letters to eight neighbouring properties and to local ward councillors, and the displaying of a site notice. To date, three responses offering no objections to the proposal have been received from members of the public.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145906>

5.12 The period for publicity has expired.

## **CONSULTATIONS**

5.13 The following consultation replies have been received:

**HBC Traffic and Transport:** There are no highway or traffic concerns

**HBC Estates:** Neither (no objection).

**HBC Public Protection:** I would have no objections to this application

**HBC Flood Risk Officer:** In response to your consultation on the above application, we have no objection to proposals in respect of surface water management or contaminated land.

## 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 2018 are relevant to the determination of this application:

SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
HSG11	Extensions and Alterations to Existing Dwellings

### National Planning Policy Framework (NPPF)(2021)

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

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development

11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
126	Well-designed places
132	Refusal of poor design

## PLANNING CONSIDERATIONS

5.17 The main material planning considerations when considering this application are the impact on the character and appearance of the application site and surrounding area, the impact on the amenity of neighbouring land users and the impact on highway safety. These and any other relevant planning and non-planning matters are considered in full in the paragraphs below.

### IMPACT ON VISUAL AMENITY OF EXISTING DWELLING AND SURROUNDING AREA

5.18 The retrospective erection of an outbuilding to the front of the application site is within the front garden of the host property and therefore readily visible from the street scene, when moving along Wynyard Road, and from vantage points within the nearby streets of Laird Road (to the south) and Lindsay Road (to the west). Policy QP4 of the Hartlepool Local Plan (2018) expects development to blend seamlessly with surrounding land uses and reflect local character. This policy requires that the scale and materials of development should be such that the development blends into the existing environment and does not appear as an intrusive addition. Paragraph 132 of the NPPF (2021) states that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans and supplementary planning documents.

5.19 By virtue of the layout of plots within the estate, the host property is situated on a prominent corner plot and it is considered that the retrospective erection of the outbuilding is substantially larger in scale and out of keeping with other paraphernalia within the application site itself (including the erection of replacement boundary treatment) and the surrounding street scene.

5.20 It is therefore considered that the erected outbuilding within the front garden of the host property (adjacent to the main highway and public footpath) results in a prominent and incongruous feature in the street scene and to the detriment of the character and appearance of the host dwelling. As such the retrospective erection of the outbuilding within the front garden of the host property results in a disruption of visual continuity provided by the open nature of front gardens along Wynyard Road, and the junction with Laird Road.

5.21 Furthermore, it is considered that although delineated with a mix of boundary treatments, the front gardens of Wynyard Road and Laird Road make an important contribution to the green and relatively open character of the estate, particularly given the siting of the host property on the prominent junction between these streets.

5.22 Overall, and on balance, it is considered that the erected outbuilding within the front garden of the host property results in an overbearing, incongruous feature within the front garden of the host property, which is considered to result in an adverse impact on the character and appearance of the host property and surrounding street scene (Wynyard Road and Laird Road). This element of the proposal is not considered to comply with Policy QP4 of the Hartlepool Local Plan (2018) or paragraphs 126, 129 and 132 of the NPPF (2021).

5.23 The retrospective erection of boundary fences and walls to the front (west and south) of the application site is located in place of the former low level boundary walls that delineated the boundary between the host property and the main footpaths within the streets of Wynyard Road and Laird Road, within the ownership of a private dwelling. It is noted that the erection of boundary treatment around the front and side gardens is substantially higher than the former low level wall at the host property (as viewed on google street view images of the property prior to the unauthorised works taking place), to which Policy QP4 of the Hartlepool Local Plan (2018) is relevant. It is of note that there are examples among the surrounding properties that feature a mixture of styles of boundary treatment, e.g. comprising brick walls and/or fences with a height similar to that of the retrospective boundaries erected to the front and side of the host property (an example being 40 Laird Road, to which it is understood that the erection of the boundary treatment to the front of this property does not benefit from planning permission, however the relationship of that unauthorised development is not under consideration through this application). Notwithstanding this, whilst it is considered that the overall appearance of the boundary treatment is softened by the brick wall, topped with fencing panels and interspersed with pillars, overall it is considered that the erection of a boundary treatment results in an overbearing and incongruous feature to the detriment of the open character of the former relationship between the host property and this prominent corner position within the street scene.

5.24 Overall, it is considered that both elements comprising the erected outbuilding within the front garden of the host property and the erected boundary treatment that has been erected to enclose the front and side gardens of the host property, due to their design, scale and siting, result in overbearing, incongruous features to the detriment of the character and appearance of the host property and surrounding street scene, which would not comply with Policy QP4 of the Hartlepool Local Plan (2018) or paragraphs 126, 129 and 132 of the NPPF (2021). This would warrant a reason to refuse the application in this instance.

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

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

- Principal elevation (habitable room window) to principal elevation (habitable room window) - 20 metres.

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

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

#### Impact on 211 Wynyard Road (north)

##### *Outbuilding*

5.26 A separation distance of approximately 2m would remain from the erected outbuilding to the boundary and approximately 4.2m to the front elevation of No. 211 Wynyard Road to the north. It is acknowledged that the siting of the structure within the front garden of the host property would result in a degree of overbearing impression, overshadowing and loss of outlook for the windows in the front elevation of this neighbour closest to the boundary. However, given scale of the development (with its maximum height approximately 2.54m) and taking into account the oblique relationship to this neighbour from the proposal, as well as the intervening boundary treatment (which comprises a close boarded timber fence with a height of approximately 1.4m between the properties), it is considered that the retrospective erection of the outbuilding would not result in such a significant adverse impact on the amenity of this neighbour (in terms of loss of outlook, overshadowing or overbearing impression) as to warrant a reason to refuse the application.

5.27 In terms of privacy, the orientation of the outbuilding is such that the sliding doors are positioned on the front (south facing) elevation, facing the host property itself. Taking into account the positioning of the fenestration, above noted boundary treatment as well as the relationship between the neighbouring properties, it is considered that the retrospective outbuilding in the front garden would not result in any adverse impact on the privacy of No. 211, in terms of overlooking.

##### *Boundary treatments*

5.28 The front boundary (west) delineating the front garden of the host property runs adjacent to the existing boundary to the front of the neighbour at No. 211 to the north, with a remaining separation distance of approximately 8.7m to the front elevation of this neighbouring property from the erected boundary fence and wall (at the closest point). Given that the boundary fence and wall is erected along established boundary serving the host property, the relatively modest scale overall (with its maximum height approximately 1.8m), it is considered that the replacement boundary fence and wall to the front and side of the host property would not result in a significant adverse impact on the amenity of No. 211 in terms of overshadowing, overbearing impression or loss of outlook, as to warrant a reason to refuse the application.

5.29 In terms of privacy, the orientation of the replacement boundary wall and fence would not allow for any additional direct views from the host property to windows in the front (or any other) of No. 211, it is considered that the retrospective erection of boundary treatments (wall and fence) would not result in any adverse impact on the privacy of No. 211, in terms of overlooking.

Impact on 40 Laird Road (east)*Outbuilding*

5.30 A separation distance of approximately 19.4m to the boundary and approximately 21.4m to the front/side elevation of No. 40 Laird Road to the east remains from the proposed outbuilding within the front garden of the host property and this neighbouring property, whilst it is acknowledged that the host property itself primarily screens a significant part of the outbuilding from this neighbour. In view of the scale of the outbuilding and taking into account the above identified relationship to this neighbour from the proposal, including the intervening boundary treatment and detached garages serving the host property, as well as satisfactory separation distances that accord with Policy QP4 of the Hartlepool Local Plan (2018) and the Residential Design Guide SPD (2019), it is considered that the retrospective erection of the outbuilding would not result in any adverse impact on the amenity of this neighbour, in terms of loss of outlook, overshadowing or overbearing impression.

5.31 In terms of privacy, the orientation of the outbuilding is such that the main host property is primarily sited between the outbuilding and the neighbour at 40 Laird Road to the east. Taking into account the positioning of the fenestration, above noted boundary treatment, satisfactory separation distances, as well as the relationship between the neighbouring properties, it is considered that the retrospective outbuilding in the front garden would not result in any adverse impact on the privacy of this neighbour, in terms of overlooking.

*Boundary treatments*

5.32 The southern boundary wall delineating the private driveway area and front/side gardens of the host property is a separation distance of approximately 8.7m to the front of the neighbour at No. 40 Laird Road to the east, with a remaining separation distance of approximately 18.2m to the front elevation of this neighbouring property from the erected boundary fence and wall (at the closest point). Given that the boundary wall and the boundary fence and wall is erected along established boundary serving the host property, the modest scale overall (with its maximum height approximately 1.8m, and with the height of the boundary wall being approximately 1.4m in height, including the pillars), it is considered that the replacement boundary fence and wall to the front and side of the host property would not result in a significant adverse impact on the amenity of No. 40 Laird Road in terms of overshadowing, overbearing impression or loss of outlook, as to warrant a reason to refuse the application.

5.33 In terms of privacy, the orientation of the replacement boundary wall and fence would not allow for any additional direct views from the host property to windows in the front (or any other) of No. 40 Laird Road, it is considered that the retrospective erection of boundary treatments (wall and fence) would not result in any adverse impact on the privacy of this neighbour, in terms of overlooking.

Impact on properties to the south, including 215 Wynyard Road and 39 Laird Road

5.34 A separation distance of approximately 17.8m to the front of No. 215 Wynyard Road and approximately 18m to the front of No. 39 Laird Road would remain from the proposed boundary treatment within the host property to these neighbours to the south, with the main highway between. A separation distance of approximately 22.7m to the front of No. 215 Wynyard Road and approximately 27m to the front of No. 39 Laird Road would remain from the outbuilding within the front garden of the host property to these neighbours to the south (with the main highway between). In view of this relationship, boundary treatments and satisfactory separation distances that meet the requirements of Policy QP4 of the Hartlepool Local Plan (2018) as well as the Residential Design Guide SPD (2019), it is considered that the retrospective erection of boundary treatments and the detached outbuilding would not result in any adverse impacts on the amenity or privacy of these neighbours, in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

Impact on properties to the west, including 212 Wynyard Road and 1 Lindsay Road

5.35 A separation distance of approximately 20.7m to the side elevation of No. 1 Lindsay Road and approximately 22m to the front of No. 212 Wynyard Road would remain from the proposed boundary treatment within the host property to these neighbours to the south, with the main highway between, whilst a separation distance of approximately 23.5m to the side elevation of No. 1 Lindsay Road and approximately 23.5m to the front of No. 212 Wynyard Road would remain from the outbuilding within the front garden of the host property to these neighbours to the south (with the main highway between). In view of this relationship, boundary treatments and satisfactory separation distances that meet the requirements of Policy QP4 of the Hartlepool Local Plan (2018) as well as the Residential Design Guide SPD (2019), it is considered that the retrospective erection of boundary treatments and the detached outbuilding would not result in any adverse impacts on the amenity or privacy of these neighbours, in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

IMPACT ON HIGHWAY SAFETY

5.36 The application has been considered by the Council's Traffic and Transportation section who have confirmed that the proposal does not adversely impact upon sight lines, highway safety or car parking provision and therefore the proposal is considered acceptable in this respect, had it been considered acceptable in all other respects.

CONCLUSION

5.37 It is considered that both elements comprising the retrospective erection of the outbuilding within the front garden of the host property and the erection of the boundary fences topping the boundary walls in order to enclose the front and side gardens serving the host property results in incongruous features in the street scene, to the detriment of the host dwelling. It is therefore considered the development results in an adverse impact on the visual amenity of the host property and surrounding area, contrary to Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 126, 129 and 132 of the NPPF (2021), which state that permission should be refused for development of a poor design that fails to take the



opportunities available for improving the character and quality of an area and the way it functions.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

5.38 There is no evidence of equality or diversity implications.

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

5.39 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.

5.40 There are no Section 17 implications.

## **REASON FOR DECISION**

5.41 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

**RECOMMENDATION – REFUSE** for the following reason;

1. In the opinion of the Local Planning Authority, the erected detached outbuilding in the front garden of the host property and the erected boundary treatment (comprising the brick wall with pillars and fence panels) results in incongruous features, to the detriment of the host dwelling and the wider street scene, by virtue of the design, detailing and use of materials. It is considered that the development detracts from the visual amenity of the application site and surrounding street scene, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 129 and 132 of the NPPF (2021).

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145906>

5.43 Copies of the applications are available on-line:

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

## **CONTACT OFFICER**

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**213 Wynyard Road, Hartlepool**

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>09.08.2021</b>
	SCALE <b>1:500</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2021/0210</b>	REV

**No:** 6.  
**Number:** H/2021/0231  
**Applicant:** MR BOBBY SINGH VICTORIA PLACE HARTLEPOOL TS24 0PP  
**Agent:** ASP ASSOCIATES IAN DAVISON 8 GRANGE ROAD HARTLEPOOL TS26 8JA  
**Date valid:** 17/05/2021  
**Development:** Erection of a single storey extension to the rear (with roof light); and replacement of 2no. windows in rear elevation  
**Location:** 4 VICTORIA PLACE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

6.2 The following planning applications are considered to be relevant to the application site:

HCON/1991/0280 - Conservation Area Consent for demolition of existing rear two-storey kitchen and bathroom. Approved 02/07/1991.

HFUL/1991/0279 - Erection of a rear two-storey kitchen and bathroom extension (rebuilding). Approved 02/07/1991.

H/2010/0395 - Demolition of garage and erection of replacement garage. Approved 18/08/2010.

## PROPOSAL

6.3 The application seeks planning permission for the erection of a single storey extension to the rear of 4 Victoria Place. The proposed extension would measure approximately 3.95m in projection x approximately 3.2m in width. The proposed single storey extension would adjoin the existing two storey off-shoot extension to the rear of the host property, and would feature a lean to roof design with a height of approximately 3.8m, dropping to approximately 2.5m at eaves level.

6.4 The proposed single storey extension to the rear would be accessed via a set of steps, measuring approximately 2.3m in width x approximately 1m in projection.

6.5 The proposed extension would feature patio doors in the rear elevation (comprising 3 panes of glass), and one rooflight. The application also proposes the replacement of 2no. windows in the rear elevation. 1no. window at first floor level of the rear elevation of the two storey off-shoot would be replaced with a larger window,

whilst 1no. window at ground floor level of the rear elevation of the off-shoot would be replaced by the existing window in the ground floor of the side elevation of the off-shoot extension to the rear.

6.6 During the course of the consideration of the application, owing to concerns expressed by the Council's Heritage and Countryside Manager that the proposed erection of the single storey extension to the rear would result in a less than substantial harm on the character and appearance of the Headland Conservation Area (set out in detail below), the case officer suggested amendments from the applicant, requesting that the proposed extension to be reduced in scale and/or re-sited such that the cumulative extension and off-shoot would not span the full width of the rear elevation of the host property.

6.7 The applicant has chosen not to amend the application and has decided to continue with the application as submitted, in respect of the erection of the single storey extension to the rear.

6.8 The application has been called in to be determined in the Planning Committee at the request of a ward councillor, in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

6.9 The application site is a mid-terraced two storey dwelling with additional space in the roof, situated on the southern side of Victoria Place, situated within the Headland Conservation Area. The host property adjoins No. 5 to the east and No. 3. To the rear (west), beyond a back lane, lies 5 and 7 Prissick Street. Beyond the main highway of Victoria Place to the north lies 5 and 6 Friarage Gardens. The boundary rear of the application site contains a detached garage building on the eastern boundary, whilst the existing two-storey off-shoot extension to the rear of No. 5 (east) forms a partial boundary between the host property and this neighbour. The rear boundary comprises a brick wall with a height of approximately 2m separating the garden of the host property with the back lane (south). The remaining boundary treatment between the host property and neighbours to the east and west (Nos. 5 and 3 respectively) features a close boarded timber fence with a height of approximately 1.8m.

## **PUBLICITY**

6.10 The application has been advertised by way of letters to five individual neighbouring properties and to local ward councillors, a site notice and a press notice. To date, no representations have been received.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=146105>

6.12 The period for publicity has expired.

## **CONSULTATIONS**

6.13 The following consultation replies have been received:

**HBC Heritage and Countryside Manager:** The application site is located in the Headland Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, “seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.”

Policy HE3 of the Local Plan states that, “Proposals for demolition within Conservation Area will be carefully assessed” with demolition only permitted if it can be demonstrated that it would help conserve and/or enhance the character, appearance and significance of the area, and its condition is beyond reasonable repair or removal is necessary to deliver a public benefit.

The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are often three storey. Most houses have made use of the attic space with light and ventilation provided by traditional skylights and a wide variety of roof dormer designs. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by low walls, originally topped with railings.

The conservation area is considered to be at risk due to the accumulation of modern materials, in particular the removal of traditional windows and doors. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is a single storey extension to the rear of the building.

The replacement single storey extensions stretches from an existing two storey extension to the boundary of the property and therefore results in the whole of the rear ground floor façade being covered. Generally across the conservation area there is a regularity of form, which is predominantly single to two storey off shoots with yard space to the side. It is considered that this contributes to the character and therefore significance of the designated heritage asset.

Whilst it is acknowledged that the area in question is not widely open to public view the built form, its massing and layout all contribute to the special character of the conservation area, which includes those private spaces and well as public ones.

It is considered that the loss of the space to the side of the offshoot would cause less than significant harm to the heritage asset. No information has been provided to demonstrate that this harm would be outweighed by the public benefit of the proposals.

**HBC Traffic and Transport:** There are no highway or traffic concerns.

**HBC Building Control:** I can confirm that a Building Regulation application will be required for the works.

**Civic Society** – no comments received.

## PLANNING POLICY

6.14 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

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas
HE4	Listed Buildings and Structures
HE7	Heritage at Risk

### National Planning Policy Framework (NPPF)(2021)

6.16 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF

sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
126	Well-designed places
128	Using design guides to create distinctive places
133	Refusal of poor design
133	High standard of design
189	Positive strategy for the historic environment
195	Proposals affecting heritage assets
197	Proposals affecting heritage assets
198	Considering potential impacts
199	Considering potential impacts
201	Less than substantial harm
202	Considering potential impacts

## PLANNING CONSIDERATIONS

6.17 The main material planning considerations when considering this application are the impact on the setting, character and appearance of the designated heritage asset (Headland Conservation Area). These and any other planning matters are considered in full in the paragraphs below.

### IMPACT ON CHARACTER AND APPEARANCE OF THE HOST PROPERTY AND THE DESIGNATED HERITAGE ASSET (HEADLAND CONSERVATION AREA)

6.18 The host property comprises a two storey mid-terraced dwelling (with additional space in the roof) located in the Headland Conservation Area, which is recognised



as a designated heritage asset. When considering applications for properties sited within a conservation area, Section 71 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

6.19 The Council's Local Plan policies HE1, HE3 and HE7 are relevant in the determination of this application, to ensure that the design of proposals and materials used in developments do not affect the historic significance of the conservation area. Policy HE1 of the Hartlepool Local Plan (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets, whilst policy HE3 states that the Borough Council will seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach.

6.20 The National Planning Policy Framework (NPPF, 2021) looks for local planning authorities to take account of the significance of a designated heritage asset and give 'great weight' to the asset's conservation (para. 198 and 199, NPPF).

6.21 The Hartlepool Local Plan (2018) policy HE3 criterion 2 encourages the design, height, orientation, massing, means of enclosure, materials, finished and decoration of proposals to ensure development is sympathetic to and/or complementary to the character and appearance of the conservation area.

6.22 As identified in the comments received from the Council's Heritage and Countryside Manager above, the unique character of the Headland Conservation Area derives from its peninsula location and from the Victorian domestic residential architecture. It is considered that the rear of properties in terraced streets in the Headland Conservation Area benefit from a regularity of form, which is predominantly single to two storey off-shoots with yard space to the sides. The Council's Heritage and Countryside Manager considers that this contributes to the character and therefore significance of the designated heritage asset.

6.23 The entry of the Headland Conservation Area on the Heritage at Risk Register 2019 notes that the conservation area is in "very bad condition" and is of "high vulnerability", due to the accumulation of alterations resulting in a loss of traditional details. Local Plan policy HE7 makes clear that the protection and enhancement of heritage assets classified as "at risk" is a priority for the Council.

6.24 It is acknowledged that taken in isolation, the proposed extension would be modest in scale overall, which would not be readily visible from the front of Victoria Place.

6.25 Whilst it is noted that the rear of properties along the street scene of Victoria Place as well as the surrounding streets within the Headland Conservation Area comprise previous examples of properties which include single and two storey off-shoot extensions, it is of note that these examples do not extend across the full width of the respective host dwellings, whilst the proposal at the host property would feature an extension to adjoin the existing off-shoot to the rear, which together would result in an extension that spans across the full width of the host property.

6.26 In this context, the Council's Heritage and Countryside Manager considers that the proposed erection of a single storey extension to the rear of the host property which would adjoin the existing two storey off-shoot to the rear of the host property would result in the whole of the rear ground façade being covered, which would cause less than substantial harm to the significance of the Headland Conservation Area, a designated heritage asset.

6.27 It is further considered that insufficient information has been provided to demonstrate that the identified harm to the Headland Conservation Area would be outweighed by any public benefits of the proposal, a view supported by the Council's Heritage and Countryside Manager.

6.28 The applicant was made aware of the concerns of the Heritage and Countryside Manager as outlined above. The case officer sought to work with the applicant and recommended amendments to the application to include reductions in the scale of the proposed single storey extension or the re-siting of the proposed extension, in accordance with policy guidelines. However, the applicant has confirmed their intention to proceed with the original submission and did not wish to amend the application.

6.29 Accordingly, therefore, the proposal is considered to conflict with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the National Planning Policy Framework (NPPF). Further conflict arises with Policy HE1 of the Hartlepool Local Plan (2018), insofar as it seeks to preserve, protect and positively enhance all heritage assets, and requires proposals to be of a high quality design which has a positive impact on the heritage asset.

6.30 Although serious, the harm to the heritage assets in this case would be 'less than substantial', within the meaning of the term in paragraph 201 of the NPPF. Paragraph 201 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. As detailed above, insufficient public benefits have been identified that would justify or outweigh the harm identified to the heritage assets. The scheme therefore conflicts with the NPPF (2021), which directs, at paragraph 198, that "great weight should be given to the assets' conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance".

6.31 Overall and in conclusion, it is considered that the proposal is not considered to be acceptable and is contrary to Policies HE1, HE3, HE7 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 126, 132, 133, 189, 198, 200, 202 and 204 of the NPPF (2021). This would therefore warrant refusal of the application in this instance.

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

6.32 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance,

overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

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

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

#### Impact on 5 Victoria Place (east)

6.34 The proposed extension to the rear would be sited along the adjoining eastern boundary with No. 5 Victoria Place and adjoining the two storey off-shoot extension serving this neighbour (whilst projecting roughly in line with this identified off-shoot extension to the rear of No. 5). The case officer noted during the site visit that the side elevation (west) of the off-shoot to the rear of No. 5 does not feature windows, although the rear elevation (south) of the off-shoot to the rear of this neighbouring property features 1no. window at first floor level (although the case officer was not able to establish definitively what room this identified window serves). In addition, a single storey off-shoot outhouse is sited to the rear (south) of the two storey off-shoot extension of this neighbour (which would therefore project approximately 1m beyond the proposed extension at the host property).

6.35 Given that the proposed extension would be a modest scale (including single storey height) and that it would not project further than the existing two-storey off-shoot to the rear of No. 5 (which runs along the boundary with the host property), whilst the steps proposed to provide access to the proposed single storey extension to the rear of the host property would not project further than the existing single storey off-shoot extension serving this neighbour, it is considered that the proposed extension would not result in any adverse impact on the amenity of this neighbour in terms of loss of outlook, overshadowing or overbearing impression.

6.36 In terms of privacy, as noted above, the boundary treatment in place consists of the two storey off-shoot to the rear of No. 5 (which projects roughly in line with the proposed single storey extension to the rear of the host property), as well as a single storey extension beyond, and detached shed structure that is sited along the rear section (east) of the adjacent boundary to the north, with the provision of a boundary fence with an approximate height of 1.8m in between the detached garage at the host property and the two storey off-shoot to the rear of No. 5. Taking into account the positioning of the proposed skylight featured in the roof and the patio doors positioned in the eastern rear elevation of the proposed single storey extension to the rear as well as the relationship between the neighbouring properties, it is considered that the existing off-shoot to the rear of No. 5 would not allow for any direct views toward the rear of No. 5 or its private garden area from this fenestration or the steps providing access to the proposed single storey extension to the rear. It is therefore considered that the proposed single storey extension to the rear would not result in any adverse impact on the privacy of No. 5, in terms of overlooking.

6.37 The proposed replacement of 2no. windows in the rear elevation (comprising 1no. window at first floor level of the rear elevation of the two storey off-shoot would be replaced with a larger window, whilst 1no. window at ground floor level of the rear elevation of the off-shoot would be replaced by the existing window in the ground floor of the side elevation of the off-shoot extension to the rear). Given the modest scale of this element of the proposal and taking into account the relationship between the rear of the two storey off-shoot and the neighbour at No. 5 (including the boundary treatment comprising a fence with a height of approximately 1.8m and the detached shed and off-shoots of No. 5), it is considered that this element of the proposal would not result in any adverse impacts on the amenity or privacy of this neighbour in terms of loss of outlook, overshadowing, overbearing impression, or overlooking.

#### Impact on 3 Victoria Place (west)

6.38 A separation distance of approximately 3.25m would remain from the boundary with No. 3 from the proposed extension to the rear of the host property, with the main two storey off-shoot extension to the rear between the proposed extension and this neighbour. It was noted by the case officer during the site visit that a number of windows are present in the main rear elevation of this neighbour (albeit the case officer was unable to ascertain definitively what rooms these identified windows serve for the occupants of the neighbour at No. 3), and, as noted above, a boundary fence with a height of approximately 1.8m forms a boundary between the rear garden areas of these two properties.

6.39 As noted above, the proposed extension would not extend beyond the main projection (south) of the existing two storey off-shoot extension to the rear of the host property. In view of this relationship, it is considered that the proposed extension would not result in any adverse impacts on the amenity of this neighbour, in terms of overshadowing, loss of outlook or overbearing impression. It is further considered that the provision of steps to access the rear of the proposed extension would be sited on the eastern side of the host property, and owing to the modest scale, it is considered that this element of the proposal would not result in any adverse impacts on the amenity of this neighbour, in terms of overshadowing, loss of outlook or overbearing impression.

6.40 In terms of privacy, the proposal features patio doors in the rear elevation (south), a skylight in the roof and the replacement of 2no. windows in the rear elevation of the two storey off shoot to the rear. Given the established relationship between the two neighbours and the boundary treatment in place (including the existing two storey off-shoot extension to the rear of the host property) it is considered that the proposed extension to the rear or the provision of steps to provide access, or the replacement of 2no. windows in the rear of the off-shoot, would not result in any adverse impacts on the privacy of No. 3 in terms of overlooking, toward any of the windows in the main rear elevation or the two storey off-shoot extension, or the private rear garden amenity space of this neighbour.

#### Impact on properties to the rear, including 5 and 7 Prissick Street (south)

6.41 A separation distance of approximately 15.4m would remain from the proposed extension to the rear of the host property to the boundary with neighbours to the rear (with the back lane between) and approximately 20m to the rear elevation of Nos. 5 and 7. As noted above, the proposed extension would not extend beyond the main projection (south) of the existing two storey off-shoot extension to the rear of the host property. In view of this relationship, existing boundary treatments consisting of brick walls with a height of approximately 2m between the host property and the back lane and satisfactory separation distances that meet the requirements of Policy QP4 of the Hartlepool Local Plan (2018) as well as the Residential Design Guide SPD (2019), it is considered that the proposed extension (or the provision of access steps to the rear or the replacement of 2no. windows in the rear elevation) would not result in any adverse impacts on the amenity or privacy of these neighbours, in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

#### OTHER PLANNING MATTERS

6.42 The Council's Highways, Traffic and Transportation section have been consulted in respect of the proposal and consider that the proposal would not result in any adverse impacts on highway safety or car parking provision at the host property. As such, the proposal is considered to be acceptable in respect of highway safety, had it been considered acceptable in all respects.

#### CONCLUSION

6.43 It is considered that the erection of a single storey extension to the rear of the host property would less than substantial harm to the designated heritage asset of the Headland Conservation Area, by virtue of the design, scale and siting of the proposal (which would extend across the full rear elevation of the host property). Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the setting, character and appearance of the Headland Conservation Area, contrary to Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 126, 132, 133, 189, 198, 200, 202 and 204 of the NPPF (2021). It is therefore recommended that the application be refused.

#### EQUALITY AND DIVERSITY CONSIDERATIONS

6.44 There is no evidence of equality or diversity implications.

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

6.45 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.

6.46 There are no Section 17 implications.

#### REASON FOR DECISION

6.47 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

**RECOMMENDATION - REFUSE** for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the erection of a single storey extension to the rear of the host property would result in a less than substantial harm to the significance of the designated heritage asset (Headland Conservation Area), by virtue of the design, scale and siting. Furthermore, insufficient information has been provided to demonstrate that the identified harm to the Headland Conservation Area would be outweighed by any public benefits of the proposal. The proposal is considered to be contrary to Policies, HE1, HE3, HE7, QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 126, 129, 132, 200 and 202 of the NPPF (2021).

**BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=146105>

6.49 Copies of the applications are available on-line:

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

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## 4 Victoria Place, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>JB</b>	DATE <b>09.08.2021</b>
	SCALE <b>1:500</b>	
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2021/0231</b>	REV

**No:** 7.  
**Number:** H/2021/0156  
**Applicant:** MR MALIK GRANGE ROAD HARTLEPOOL TS26 8JB  
**Agent:** ASP ASSOCIATES 8 GRANGE ROAD HARTLEPOOL TS26 8JA  
**Date valid:** 26/04/2021  
**Development:** Replacement of all property windows from single glazed white timber casement and sliding sash windows to white uPVC double glazed sliding sash to front and white uPVC double glazed casement to rear.  
**Location:** THE ALMA HOTEL 4 8 WHITBY STREET HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

7.2 The following planning history is considered relevant to the current application;

H/2019/0264 - Conversion and refurbishment of a former public house into a 15 bed hotel with bar and restaurant facilities – approved 19/03/2021 subject to the completion of the s106 legal agreement which secured Green Infrastructure contributions of £3500 (£250 per room) to go towards improving green infrastructure links in the area, specifically towards surface improvements of the nearby England Coast Path National Trail, in the vicinity of the outer Marina. Works would appear to have commenced at the time of writing.

H/2011/0255 - Change of use and alterations to first floor to form four self-contained apartments, internal alterations to ground floor licensed premises and alterations to elevations of building including the conversion of a window to a door and the formation of two bin stores – approved 01/08/2011.

H/1983/0002 - Change of use of vacant first floor flat to provide additional bedroom accommodation for hotel – approved 18/01/1983.

H/1982/0529 - Extension of Alma Hotel into ground floor of adjacent shop with self-contained flat over and erection of rear w.c. extension – approved 12/10/1982.

## PROPOSAL

7.3 The application seeks planning permission for the replacement of all windows to white uPVC double glazed sliding sash at the front and white uPVC double glazed casement to the rear elevation of the building. The windows are currently a mixture



of styles. To the front of the property, (the main building) the existing windows are a mixture of styles, with multi-paned windows with white painted timber casements which appear to be top hung in the main part of the premises, the attached building (which forms part of the main building) has existing traditional one over one timber sliding sash windows. There is a distinction between the two buildings. These windows are to be replaced with uPVC double glazed sliding sash windows. The rear of the property has a mix of window styles, with some timber framed single glazed units and uPVC framed double glazed units. It is proposed to replace all rear windows (including the timber framed windows) and replace with a mixed style of uPVC windows on a 'like for like' basis.

7.4 It was noted following a site visit that the windows in the rear elevation have already been replaced with new uPVC windows, and therefore retrospective planning permission is sought for these windows on the rear elevation only. Works to the front windows have not begun. An amended plan has been received to reflect the works undertaken on site; given the scale and nature of the changes from the amended plan to the original submitted plans, no further consultation was undertaken (other than to the Heritage and Countryside Manager for reference only and to reflect the on site discussions and observations). As detailed below, the amendments to the plan would not address or overcome officer concerns.

7.5 The application has been referred to the planning committee at the request of a ward councillor, with the agreement with the Chair of Planning Committee.

## **SITE CONTEXT**

7.6 The application site consists of a two storey building, with an attached three storey building (accommodation in the roof space) at the end of a commercial terrace of properties. The application site is made up of two buildings which are linked. There is an enclosed alleyway to the north of the building which gives access to the rear alleyway and Scarborough Street beyond. The site is located in the Church Street Conservation Area, a designated heritage asset.

7.7 The site is opposite the side elevation of the former Hillcarter Hotel which is currently closed and under refurbishment for change of use from Hotel to Student Accommodation on upper floors (1st, 2nd, 3rd and 4th) with retention of licensed premises to basement and ground floor (approval reference H/2020/0165).

7.8 The property sits at the end of a block of terraced commercial properties, which have a mix of uses, ranging from hot food takeaway, pub and retail. There is a covered walkway to the north of the site which leads to a back street which is shared with properties to the west on Scarborough Street. The properties within Scarborough Street are predominately commercial in nature, although there are residential properties within the vicinity.

## **PUBLICITY**

7.9 The application has been advertised by way of site notice, press notice and neighbour letters (12). To date, there have been no representations received.

7.10 The period for publicity has expired. Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145124>

## CONSULTATIONS

7.11 The following consultation replies have been received:

**HBC Heritage and Countryside Manager** - The application site is located in Church Street Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.

Church Street Conservation Area comprises the former historic and commercial area of West Hartlepool. The buildings are generally of Victorian origin, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front elevations. The properties 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 slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given the traditional sliding sash windows 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.

The conservation area is considered to be at risk under the criteria used by Historic England to assess heritage at risk. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as at risk is a priority for the Borough Council.

The significance of the conservation area lies in the following values;

Aesthetic value derived from the architectural detailing within the area.

Historic value of the development of Church Street area as one of the principal roads in the development of West Hartlepool, and

Communal in the value provided by the meaning it has to residents of Hartlepool as the central area for industrial development in Hartlepool's heyday.

The proposal is the replacement of all property windows from single glazed white timber casement and sliding sash windows to white uPVC double glazed sliding sash at the front and white uPVC double glazed casement to the rear.

The windows are currently a mixture of styles. To the front of the property in the main part of the pub are multi-paned windows which appear to be top opening. The property alongside this has traditional one over one sliding sash windows. There is a uniformity on these elevations with a distinction between the two buildings. To the rear of the property there is more of a mixture of sash, casement and fixed single windows.

Information is not provided within the application to evidence that all of the windows are beyond repair, nor the rationale for selecting a sash style window in a non-traditional material to all elevations of the property.

UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

In the case of the front elevation of the main pub the introduction of UPVC sash windows would significantly alter the appearance of the property. The current windows bring a contrast in style to the surrounding area with its inter-war form displayed in the heavily moulded round-arched door surrounds and the sharp, regular form of the window openings housing Crittall-style fenestration.

In relation to the adjacent property which has timber sash windows. The width, and bulk of the framing of UPVC sliding sash windows differ to that of a timber. The frame is usually heavier and does not have the tenoned corner joints, in addition the glass is usually held in with glazing beads. These small but significance details mean the window appears markedly different to those one over one timber windows that are installed.

To the rear of the property installed a mixture of windows existing. Proposed are casement windows which are vastly different to traditional timber sliding sashes. They are top hung and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush.

The variety of traditional joinery and fenestration contributes to the significance of the Church Street Conservation Area. It is considered that the proposal will cause less than substantial harm to the designated heritage asset (NPPF, 202). No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

UPDATE 16/06/2021

Restoration of the windows would be preferred. The information provided doesn't show information to suggest that the existing windows could be recreated in UPVC and it is considered that the appearance of such windows are significantly different to timber windows therefore would be considered to cause less than significant harm to the conservation area.

UPDATE 04/08/2021

Further to the meeting on site on 3/8/21 to discuss the above property.

The discussions on site were regarding the replacement windows and this is considered in two parts, the replacement windows to the front of the building and to the rear.

With regard to the windows to the front of the building the owner of the property noted that the windows were not uniform and wished to alter them to modern alternatives which provide an opening on the lower part of the window as an escape point. In addition it was noted that single glazed windows would not be energy efficient and could potentially be broken by clients and therefore double glazing would be more secure.

Church Street Conservation Area Appraisal describes the building as,

"The New Alma (formerly The Alma Hotel) brings further stylistic contrast in its suave inter-war form and period design, the heavily moulded round-arched door surrounds, the sharp and regular form of the window openings and the fine Crittall-style fenestration combine to provide a singular surprise."

It goes on to note that,

"The use of materials in any conservation area is another important element of its character and appearance. Where these are replaced with modern materials there will normally be a loss of character. A common example is the replacement of original timber windows with modern plastic substitutes which are not in keeping with the character of the buildings."

No evidence has been presented by the applicant to provide a justification for the proposed uniformity of the windows on the building. As noted above the main element of the structure is from the inter-war period and therefore the proposed sliding sash windows would not be a suitable design for such a property. Further to this, as stated in the previous comments, it is considered that the fine detailing seen on the sash windows cannot be re-created in UPVC.

Whilst on site the owner of the property suggested a compromise with the ground floor windows retained and the upper ones replaced in modern materials. For the reasons outlined above it is considered that this solution would not be appropriate.

Aside from the main structure the adjacent building currently has timber sliding sash windows. It is proposed to replace these again with windows in a modern material. As previously explained such works are not appropriate.

Works are already underway on site and the windows to the rear of the property have been replaced with top opening, UPVC casement windows. Whilst it is acknowledged that a number of windows had been altered some timber windows remained. It is considered that the loss of original detailing in the timber windows which remained causes less than significant harm to the conservation area. No evidence was provided on site which would outweigh the harm caused.

With regard to the need to offer an access point on the low part of the windows. Building Control have advised that this is not necessary and safety would be controlled by the use of fire doors creating internal routes to exit the property. The applicant was advised of this on site.

In relation to enhancing the energy efficiency of the windows the most effective way to do this would be to provide secondary glazing. This would produce a larger air gap between the two panes of windows and therefore would provide both heat and noise insulation which would be beneficial to those staying in the rooms.

**Hartlepool Civic Society** - Hartlepool Civic Society object to this application. The proposed windows are not in keeping with period of this property or other properties in the Church Street Conservation Area. A significant amount of public money has been invested in this area and one would hope that building owners would step up to the mark and support the initiatives being taken to make the most of the heritage asset that is Victorian Church Street there is an economic benefit from well-maintained heritage areas that Hartlepool has too frequently squandered and hence missed out on potential opportunities.

## **PLANNING POLICY**

7.12 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

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

CC1: Minimising and adapting to climate change

HE1: Heritage Assets

HE3: Conservation Areas

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF)(2021)

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

PARA002: Determination of applications in accordance with development plan

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA038: Decision making

PARA047: Determining applications

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

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

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

PARA190: Conserving and enhancing the historic environment

PARA195: Conserving and enhancing the historic environment

PARA197: Conserving and enhancing the historic environment

PARA199: Conserving and enhancing the historic environment -Considering potential impacts

PARA204: Conserving and enhancing the historic environment

PARA218: Implementation

7.15 **HBC Planning Policy** – Planning policy have concerns with regards to the proposals. The site is located within the Church Street conservation area, and thus must comply with the relevant national and local heritage policies. In this instance,

policy HE3 is applicable and stipulates that proposals within conservation areas must give consideration to:

- The scale and nature of development in terms of appropriateness to the character of the conservation area.
- The design, height, orientation, massing, means of enclosure, materials, finishes and decoration to ensure development is sympathetic to and/or complementary to the character and appearance of the conservation area.
- The retention of original features of architectural interest.

7.16 In this instance, the proposal relates to the removal of all property windows and replacement with UPVC counterparts. There are concerns with regards to this, as UPVC is not a traditional material which is found within a conservation area, and there are concerns that the removal of the original windows of the property will harm the wider conservation area. This will result in less than substantial harm to the heritage asset (the conservation area in this instance) and is therefore contrary to both local and national policy, with paragraph 202 stipulating that any harm needs to be weighed against public benefits of the proposal. The applicant has not provided sufficient information to highlight any perceived benefits of this application and so the NPPF criteria hasn't been adhered to. The proposal is not of a nature (as a result of the materials) that is appropriate in a conservation area and so is not compliant with policy HE3.

## **PLANNING CONSIDERATIONS**

7.17 The main material planning considerations when considering this application are the impact on the character and appearance of the building and surrounding conservation area and the impact on the amenity of neighbouring land users.

### **IMPACT ON CHARACTER OF THE CONSERVATION AREA**

7.18 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197).

7.19 Further to this, at a local level, Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

7.20 As identified in the comments received from the Council's Heritage and Countryside Manager above, the Church Street Conservation Area derives its significance in part from the architectural detailing of buildings from the Victorian period and that the area is considered 'at risk' due to the loss of such details and their replacement with inappropriate modern alternatives.

7.21 The windows are currently a mixture of styles. To the front of the property in the main part of the building are multi-paned windows which appear to be top opening. The property alongside this has traditional one over one sliding sash windows. There is a uniformity on these elevations with a distinction between the two buildings. To the rear of the property there is more of a mixture of sash, casement and fixed single windows.

7.22 A site meeting was undertaken between the applicant, his agent and officers to discuss the proposal in detail, and the reason for replacing the windows with a modern material. The owner explained that single glazed windows would not be energy efficient and could potentially be broken by guests and therefore double glazing would be more secure. The bottom opening windows would also provide an escape route. HBC Building Control advised that safety would be controlled by the use of fire doors creating internal routes to exit the property. It is noted that a building regulation application has been made through an Approved Inspector (and not through HBC) as is their prerogative.

7.23 In relation to enhancing the energy efficiency of the windows, officers consider that the most effective way to do this would be to provide secondary glazing. This would produce a larger air gap between the two panes of windows and therefore would provide both heat and noise insulation which would be beneficial to those staying in the rooms. The owner of the property suggested a compromise with the ground floor windows retained (and repaired) and the upper ones replaced in modern materials. For the reasons outlined above in the Heritage and Countryside Managers comments, namely the use of modern materials would result in a loss of character to the building and would not be in keeping the character of the building, such works are not considered appropriate in this instance. It was noted that works had already started with the rear windows being replaced with top opening, uPVC casement windows. No evidence of any public benefits has been provided that would outweigh the harm caused.

7.24 Accordingly, therefore, the proposal is considered to conflict with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the National Planning Policy Framework (NPPF). Further conflict arises with Policy HE1 of the Hartlepool Local Plan (2018), insofar as it seeks to preserve, protect and positively enhance all heritage assets, and requires proposals to be of a high quality design which has a positive impact on the heritage asset.

7.25 Although serious, the harm to the heritage assets in this case would be 'less than substantial', within the meaning of the term in paragraph 201 of the NPPF. Paragraph 201 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. As detailed above, insufficient public benefits have been identified that would justify or outweigh the harm identified to the heritage assets. The scheme therefore conflicts with the NPPF (2021), which directs, at paragraph 198, that "great weight should be given to the assets' conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance".



7.26 Overall and in conclusion, it is considered that the proposal is not considered to be acceptable and is contrary to Policies HE1, HE3, HE7 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 126, 132, 133, 189, 198, 200, 202 and 204 of the NPPF (2021). This would therefore warrant refusal of the application in this instance.

#### AMENITY OF NEIGHBOURING OCCUPIERS

7.27 It is not considered that the works carried out would have a negative impact on the amenity and privacy of neighbouring occupiers as the proposals would replace windows in existing openings and would not increase the number of windows or their proximity to neighbouring properties, the consideration of the impact on the use of the rooms was considered as part of the change of use application to a hotel (H/2019/0264).

#### RESIDUAL MATTERS

7.28 The applicant has identified that the cost of replacing the existing windows in uPVC is substantially less than it would be to do so in timber, while appreciating the concern in this respect, this is not a material planning consideration that would justify the harm identified to the heritage asset and does not therefore warrant approval of the application. The difference in cost is acknowledged, however it should be noted that well maintained, timber windows could be expected to last considerably longer than uPVC alternatives.

#### CONCLUSION

7.29 Whilst the circumstances surrounding the reason for the replacement of windows is noted, it is considered that the replacement of traditional materials with a modern material uPVC is considered to be a loss of character and not in keeping with the character of the buildings. No evidence has been presented by the applicant to provide a justification for the proposed uniformity of the windows on the building. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Church Street Conservation Area, contrary to policies HE1 and HE2 of the Hartlepool Local Plan (2018) and paragraphs 126, 134, 190, 195, 202 and 206 of the National Planning Policy Framework 2021.

#### EQUALITY AND DIVERSITY CONSIDERATIONS

7.30 There is no evidence of equality or diversity implications.

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

7.31 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.

7.32 There are no Section 17 implications.

## REASON FOR DECISION

7.33 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

## RECOMMENDATION – REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the replacement windows cause less than substantial harm to the designated heritage asset (Church Street Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to suggest that this harm would be outweighed by any public benefits of the development. As such, it is considered to be contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 126, 134, 190, 195, 202 and 204 of the National Planning Policy Framework 2021.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145124>

7.35 Copies of the applications are available on-line:

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

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## The Alma, Whitby Street Hartlepool



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

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN	JB	DATE	09.08.2021
	SCALE	1:500		
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO	H/2021/0156	REV	

## PLANNING COMMITTEE

25<sup>th</sup> August 2021



**Report of:** Assistant Director – Place Management

**Subject:** APPEAL AT LAND SOUTH OF MOUNTBATTEN CLOSE, CLEVELAND ROAD, HARTLEPOOL, TS24 0TD  
APPEAL REF: APP/H0724/W/21/3279707  
Prior Notification for proposed installation of telecommunications equipment - 15m high phase 8 monopole C/W wraparound cabinet at base and associated ancillary works. (H/2021/0194)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision in respect of an application to determine whether the prior approval of the local planning authority would be required as to the siting and appearance of a telecommunication installation of a 15m high phase 8 monopole with wraparound cabinet at base and associated ancillary works at land south of Mountbatten Close, Cleveland Road, Hartlepool.
- 1.2 It was determined that the prior approval of the local planning authority was required in this instance, however that prior approval was refused by Officers under delegated powers as, in the opinion of the local planning authority, due to its siting, appearance and scale, the proposed development would have a detrimental impact on the character and appearance of the surrounding area, contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 113, 124 and 127 of the NPPF (2019). The siting and appearance of the proposed development is therefore considered to be unacceptable (Report Attached – **APPENDIX 1**).
- 1.3 The appeal is against the decision of the Council to refuse the application.

### 2. RECOMMENDATIONS

- 2.1 That Members note this report.

### 3. CONTACT OFFICER

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## Appendix 1

## DELEGATED REPORT

<b>Application No</b>	H/2021/0194
<b>Proposal</b>	Prior Notification for proposed installation of telecommunications equipment - 15m high phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
<b>Location</b>	LAND SOUTH OF MOUNTBATTEN CLOSE CLEVELAND ROAD HARTLEPOOL
<b>PS Code:</b>	27

<b>DELEGATION ISSUES</b>	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	31/05/2021 03/06/2021 N/A 07/06/2021 23/06/2021
<b>1) Publicity Expiry</b>		
<b>2) Publicity/Consultations</b>  <b>PUBLICITY</b>  The application was advertised by way of neighbour letters (9) and a site notice. To date, no representations have been received in respect of the proposals.  <b>CONSULTATIONS</b>  The following consultation responses were received:  <b>HBC Engineering</b> – In response to your consultation on the above application, we have no objection to proposals in respect of surface water management or contaminated land.  <b>HBC Traffic &amp; Transport</b> – There are no highway or traffic concerns.  <b>HBC Public Protection</b> – I have no objections to this application.  <b>HBC Countryside Access Officer</b> – There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.  <b>HBC Estates</b> – The Council own the grass verge. This area is not adopted highway and as such the applicant should contact the Estates Section.  <b>HBC Ecology</b> – No comments received.		



<b>3) Neighbour letters needed</b>	N
<b>4) Parish letter needed</b>	N
<b>5) Policy</b>  <u>National Planning Policy Framework (NPPF)(2019)</u>  <p>In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:</p> <p>PARA 002: Permission determined in accordance with development plan          PARA 007: Achieving sustainable development          PARA 008: Achieving sustainable development          PARA 009: Achieving sustainable development          PARA 010: Achieving sustainable development          PARA 011: The presumption in favour of sustainable development          PARA 012: The presumption in favour of sustainable development          PARA 038: Decision-making          PARA 047: Determining applications          PARA 112: Supporting high quality communications          PARA 113: Supporting high quality communications          PARA 115: Supporting high quality communications          PARA 124: Achieving well-designed places          PARA 127: Achieving well-designed places          PARA 130: Achieving well-designed places          PARA 150: Planning for climate change          PARA 212: Implementation</p> <u>Hartlepool Local Plan (2018)</u>  CC1: Minimising and Adapting to Climate Cchange INF5: Telecommunications LS1: Locational Strategy QP3: Location, Accessibility, Highway Safety and Parking	



QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

SUS1: The Presumption in Favour of Sustainable Development

**HBC Planning Policy comments:** Planning policy have concerns regarding the appearance and the positioning of the proposed mast. As the proposed location is predominantly residential, the impact of the proposed position of the telecommunications mast on the nearby surroundings is a key consideration. It is noted that this revised application has reduced the height of the mast, which will reduce any negative impact on visual amenity.

Policy INF5 relates to telecommunications development and there are several points that must be met prior to the development being deemed acceptable:

1. Evidence that there will be no adverse impacts on air traffic operations, radio and air navigational systems;
2. Evidence that there will be no adverse interference with electromagnetic transmissions, including radio, television and communication signals;
3. Evidence that the operator has explored all options for using and sharing existing masts, buildings and other structures so that the number of new masts and installations can be kept to a minimum,
4. Have regard to design and siting techniques, including screening and landscaping, to minimise the impact of equipment,
5. The potential impact of new buildings or other structures interfering with telecommunications services,
6. Evidence that consultation has been undertaken with organisations with an interest in the proposal particularly where a mast is proposed near a school or other educational establishment or within a statutory safeguarding zone,
7. A statement that self-certifies that the cumulative exposure, when the infrastructure is operational, will not exceed international commission on non-ionising radiation protection guidelines,
8. The relationship of equipment to existing buildings, townscape/landscape, topography, views and vistas.

Planning policy seek to focus on criteria 4 and 8, as it is deemed that the others will be covered in supporting documentation/the comments of other consultees. Our previous comments noted that there are concerns that there haven't been any attempts made to minimise the impact of the equipment on the surrounding area, and there is no screening or landscaping proposed to assist in this. We recommended that an alternative location be explored as due to the proposed location, it would be very difficult to provide appropriate screening without further impacting on the visual amenity of surrounding properties. The relationship of the equipment to the existing dwellings and the street scene is not positive and does not enhance the setting, although the reduction in the height of the mast has mitigated this slightly. Although not directly outside residential properties, it is still within close proximity and due to its height, the existing trees would still do very little in terms of screening. Alongside this, the applicant does not appear to have satisfied criteria 3 in demonstrating that other options have been explored prior to consideration of a new mast being developed.



This is reinforced by policy QP4 which seeks to ensure all developments enhance their location and setting, through being of an appropriate layout, scale and form that positively contributes to the local area, and respects surrounding buildings, structures and the environment. It is not considered that the proposal does so and therefore is not compliant with INF5 nor QP4. Although the need for such development is noted, and the perceived benefits are acknowledged, planning policy would ideally like to see such development at an alternative location which will have less impact upon the street scene. In order to be satisfied with this proposal, planning policy would like confirmation from the Council's Landscape Architect regarding their views on the proposed mast and its associated impacts, and if any concerns are raised we would mirror them.

## **6) Planning Consideration**

### **BACKGROUND**

The following application is related to the current proposal:

H/2021/0092 - Prior Notification for proposed installation of telecommunications equipment - 20m high phase 8 monopole C/W wraparound cabinet at base and associated ancillary works. Refused 16<sup>th</sup> April 2021.

### **SITE AND SURROUNDINGS**

The application site is a small rectangular parcel of land situated on a junction between Mountbatten Close and Cleveland Road (facing south west) and measuring approximately 1.5m x 6.5m in area. The site is located immediately south of trees and landscaping forming a buffer between the main through road of Cleveland Road toward the Headland area of Hartlepool and the residential estate to the north (accessed along Mountbatten Close). To the west of the site is the adopted highway of Mountbatten Close, with a parcel of open landscaping beyond and residential properties along Deerpool Close to the north. To the south is the adopted highway of Cleveland Road, beyond which is an expansive parcel of open land. To the east is open landscaping which benefits from the intentional siting of public art (an anchor), whilst to the north are residential streets including Mountbatten Close, Heronspool Close and Furby Close.

### **PROPOSAL**

This prior notification submission seeks confirmation as to whether the prior approval of the authority will be required as to the siting and appearance of a telecommunication installation of 15m high phase 8 monopole with 3no. cabinets at base and associated ancillary works.

The submitted plans also show 3no. standalone cabinets to the western side of the monopole, however the applicants supporting information indicates that they consider the cabinets to be permitted development without the need for Prior Approval. This has not been confirmed by the LPA (it would need to be done by a Lawful Development Certificate) and does not form part of the consideration of this



application.

As indicated above, the application forms a re-submission following refusal of the previous application H/2021/0092 (decision date 16/04/21) for the erection of a 20m high phase 8 monopole with 3no. cabinets at base and associated ancillary works. The application was refused by the LPA as it was considered that the proposal would, by virtue of its scale and siting, result in a detrimental impact on the character and appearance of the site and surrounding area.

#### MATERIAL PLANNING CONSIDERATIONS

Schedule 2 Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits development by or on behalf of an electronic communications code operator for the purposes of the operator's electronic communications network in, on over or under land controlled by that operator or in accordance with the electronic communications code, including the installation, alteration or replacement of any electronic communications apparatus.

Development is not permitted if it would consist of the installation of electronic communications apparatus which, in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of 25 metres above ground level on unprotected land, or 20 metres above ground level on article 2(3) land or land which is on a highway.

In this instance, the proposed mast is located on a part of footpath within the adopted highway, however the height of the mast does not exceed 20 metres, and therefore the mast is permitted development under Schedule 2 Part 16 Class A of the above legislation, subject to conditions.

The conditions to which the permitted development is subject, include a requirement under A.2(3)(c)(i) of the legislation that, on unprotected land where the development consists of the installation of a mast, this is subject to the conditions set out in paragraph A.3 (prior approval) of the legislation.

Paragraph A.3 of the legislation sets out a prior approval procedure, in which the applicant is required to satisfy a number of procedural matters, including; before beginning the development, applying to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

In accordance with paragraph 114 of the NPPF (2019), there are no spatial policies within the adopted Hartlepool Local Plan (2018) that would direct or restrict the provision of telecommunications in any areas of the Borough. However, policy INF5 (Telecommunications) of the Local Plan is relevant. Policy INF5 stipulates that proposals for the improvement and expansion of telecommunications networks, including high speed broadband, will be supported and applications for infrastructure will be supported, subject to the proposal addressing a number of criteria, including;

1. Evidence that there will be no adverse impacts on air traffic operations, radio



- and air navigational systems;
2. Evidence that there will be no adverse interference with electromagnetic transmissions, including radio, television and communication signals;
  3. Evidence that the operator has explored all options for using and sharing existing masts, buildings and other structures so that the number of new masts and installations can be kept to a minimum,
  4. Have regard to design and siting techniques, including screening and landscaping, to minimise the impact of equipment,
  5. The potential impact of new buildings or other structures interfering with telecommunications services,
  6. Evidence that consultation has been undertaken with organisations with an interest in the proposal particularly where a mast is proposed near a school or other educational establishment or within a statutory safeguarding zone,
  7. A statement that self-certifies that the cumulative exposure, when the infrastructure is operational, will not exceed international commission on non-ionising radiation protection guidelines,
  8. The relationship of equipment to existing buildings, townscape/landscape, topography, views and vistas.

It is considered that the supporting information provided with the application generally addresses criteria 1, 2, 5, and 7.

In respect of criterion 3 and 6, the LPA consider that the applicant has not fully engaged with the Council with respect to discussing possible, alternative sites, through pre-application discussions which have not taken place; a pre-application letter was submitted to the LPA on 22.02.2021 and within 3 working days was followed by the submission of the previous application (date received 25.02.2021, date the application was refused 16.04.2021), following which no further communication was submitted by the applicant prior to the submission of the current application (date received 29.04.2021) which clearly does not allow for proper or meaningful engagement (indeed the pre-application submission was not progressed by the applicant, at their request).

Furthermore and in respect of criterion 3, the submitted information indicates that *“the height of the pole has been kept down to the absolute minimum capable of providing the required essential new 5G coverage”*. Following concerns raised by the case officer to the previous application (H/2021/0092), the agent indicated that the mast/pole could be reduced by 5m to 15m, which would appear to strongly contradict the submitted statement about the ‘minimum capable’ choice of siting and appearance.

In view of the above, the main issues for consideration when assessing this application are the siting and appearance of the proposed development including; the impact of the proposal on the visual amenity of the application site and the character and appearance of the surrounding area, the amenity of neighbouring land users, and highway and pedestrian safety.

**VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF SURROUNDING AREA**



As above, policy INF5 of the Local Plan requires that proposals have regard to design and siting techniques, including screening and landscaping, to minimise the impact of equipment, as well as the relationship of equipment to existing buildings, townscape/landscape, topography, views and vistas.

Policy QP4 (Layout and Design of Development) of the Local Plan also stipulates that development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, respects the surrounding buildings, structures and environment, and sustain and/or enhance the historic environment and heritage assets, amongst other provisions.

Paragraph 113 of the NPPF indicates that the use of existing masts, buildings and other structures for new electronic communications capabilities should be encouraged. Where new sites are required (such as for new 5G networks) equipment should be sympathetically designs and camouflaged where appropriate. Paragraph 124 of the NPPF emphasises the importance of good design, whilst paragraph 127 indicates decisions should ensure development adds to the overall quality of the area, is visually attractive and is sympathetic to local character and history, including the surrounding built environment.

Notwithstanding this, whilst it is noted the site sits immediately to the south of an area of landscaping (forming a buffer between the main Cleveland Road and residential properties to the north), and it is acknowledged that the applicant has sought to reduce the height of the proposed mast which in turn assists in reducing any potential impacts, the proposal is still located in a prominent site within the adopted highway on the junction of Mountbatten Close and Cleveland Road, with limited screening from the soft landscaping (which is approximately 10m-12m in height) given its size. Due to its significant height in comparison to surrounding landscaping, it is considered the mast will feature prominently in views along Cleveland Road (a main route towards the historic Headland area of Hartlepool) and from surrounding areas. Furthermore, it is of note that the site benefits from intentionally placed public art, and it is considered that the siting of the proposed mast would result in a visual intrusion toward this public art, to the detriment of the visual amenity of the immediate surroundings and character of the area.

A number of concerns have been raised by the Council's Planning Policy section with respect to the visual impacts of the proposed development. The Council's Planning Policy section has highlighted that there does not appear to have been any attempts made to minimise the impact of the equipment on the surrounding area, and there is no screening or landscaping proposed to assist in this. It is therefore considered that the relationship of the equipment to the existing street scene is not positive and does not enhance the setting in its current form as the proposed mast is significantly higher than nearby buildings and will stand out. Whilst it is acknowledged there is other street furniture in the vicinity such as street lighting columns, traffic lights etc. these are not considered to be comparable in scale or visual impact to the substantial proposed apparatus. Furthermore, the Council's Estates section have indicated that the grass verge is within the ownership of the Council and as such the applicant would be required to contact the Estates section (however this is not considered a planning matter).



In view of the above concerns, whilst the need for such development is noted, and the perceived benefits are acknowledged, it is considered that the siting and appearance of the proposal in its current form would have an unacceptable impact on the character and appearance of surrounding area due to its siting and appearance, contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 113, 124 and 127 of the NPPF (2019). The siting and appearance of the proposed development is therefore considered unacceptable in this respect.

#### AMENITY OF NEIGHBOURING LAND USERS

The proposal is located to the south of a residential estate at a distance of approximately 26m from the closest residential dwellings on Deerpool Close (Nos. 8 and 10), and approximately 32m from the closest residential dwellings on Mountbatten Close (including Nos. 1, 2 and 29). Given the separation distances and height of the proposed mast (approximately 15m), it is considered that the proposal would have the potential to result in a degree of adverse impact on the amenity of neighbouring land users through an overbearing effect and poor outlook. However, taking into account the landscaping present between the application site and these neighbours (albeit significantly lower in height) and the aforementioned separation distances, it is considered that the identified impacts would not be so significant in this instance as to warrant a reason to refuse the application. Furthermore it is noted that no objections from neighbouring residents have been received. Therefore, on balance, it is considered that the proposed would not result in any significant loss of amenity for residential occupants (including those in Deerpool Close and Mountbatten Close) in terms of overshadowing, loss of outlook, overbearing or undue noise and disturbance as to warrant a reason to refuse the application.

The Council's Public Protection section has confirmed they have no objections to the proposal. The siting of the proposed development is therefore considered acceptable in this respect.

#### HIGHWAY AND PEDESTRIAN SAFETY

The application site is located within the adopted highway on the junction between Mountbatten Close and Cleveland Road. The Council's Highways, Traffic and Transport section has been consulted and has confirmed they have no highway or traffic concerns. The siting of the proposed development is therefore considered acceptable in this respect.

#### OTHER MATTERS

No comments or objections have been received from the Council's Engineering section, Ecologist, Economic Regeneration section, or Countryside Access Officer.

#### CONCLUSION

In view of the above, it is considered that the siting and appearance of the proposed development is unacceptable with respect to the impact on the character and appearance of the surrounding area, contrary to policies INF5 and QP4 of the

Hartlepool Local Plan (2018) and paragraphs 113, 124 and 127 of the NPPF (2019). The prior approval of the Local Planning Authority is therefore required and is refused.	
<b>7) EQUALITY AND DIVERSITY CONSIDERATIONS</b>	
There are no equality or diversity implications.	
<b>8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS</b>	
There are no Section 17 implications.	
<b>9) Alternative Options Considered</b>	
No	
<b>10) Any Declared Register of Interest</b>	
No	
<b>11) Chair's Consent Necessary</b>	N
<b>12) Recommendation</b>	
REFUSE, for the reason below:	
<b>CONDITIONS/REASONS</b>	
<p>1. In the opinion of the Local Planning Authority, due to it siting, appearance and scale, the proposed development would have a detrimental impact on the character and appearance of the surrounding area, contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 113, 124 and 127 of the NPPF (2019). The siting and appearance of the proposed development is therefore considered to be unacceptable.</p>	
<b>INFORMATIVE</b>	
<b>1.0 Statement of Proactive Engagement</b>	
<p>The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, acknowledges the need to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However it has not been possible to address the identified constraints and in this instance the applicant/ agent did not take the opportunity to enter into pre-application discussions with the Local Planning Authority.</p>	

**Author of Report: Stephanie Bell**

**Signed: S. Bell**

**Dated: 14/06/2021**

**Signed: R. Cowley**

**Dated: 21/06/2021**

Senior Planning Officer



# PLANNING COMMITTEE

25 August 2021



**Report of:** Assistant Director (Place Management)

**Subject:** UPDATE ON CURRENT COMPLAINTS

---

## 1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. Painting of building, including a mural at the rear, at a residential property in Baptist Street.
2. Non-compliance with a working hours condition at a residential development site at land off Elwick Road.
3. The untidy and overgrown condition of an area of land at Cresswell Drive.
4. Running a cleaning business at a residential property in Hart Pastures.
5. The erection of a high fence at the rear of a residential property in Brierton Lane.
6. The use of an area of land on Maritime Avenue for fun fairs and circuses.
7. Non-compliance with planning conditions at a residential development site on Elwick Road.

1.2 Investigations have been completed as a result of the following complaints:

1. The erection of an extension at the side of a residential property in Elizabeth Way. The erection of the extension benefits from an extant planning permission.
2. The extension of a retaining wall along the southern boundary of a residential property in Mayfair Gardens. A retrospective planning



application seeking to regularise the development has since been approved.

3. Non-compliance with a planning condition relating to delivery timings at a hot food takeaway on Catcote Road. The premises is now operating in accordance with the relevant condition.
4. Non-compliance with a planning condition relating to parking allocations at a gym on Park Road West. There are no conditions controlling parking allocations in this case.
5. Running a bakery shop at a residential property on Balmoral Road. The level a scale of business use has since been reduced and as a result does not lead to a material change of use requiring planning permission.
6. Running a beauty business at a residential property in Caistor Drive. It was found that the beauty business was low level and domestic in scale and did not lead to a material change of use requiring planning permission.
7. The re-laying of hard surfaces including relocation of the playground and car park at a primary school on Hart Lane. The works are considered to constitute a repair and do not fall within the definition of development requiring planning permission.
8. The erection of a flag pole on a listed residential property at Town Wall. The flag pole has since been removed.
9. The installation of dormer windows at the rear of a residential property in Seaton Lane. Permitted development rights apply in this case.
10. The installation of a wind turbine and the use of a detached garage as a workshop at a residential property in Challoner Road. The wind turbine has since been removed, and the use of the garage as a workshop was found to be low level and domestic in scale and did not lead to a material change of use requiring planning permission.
11. Non-compliance with a planning condition restricting working hours at a residential development site at Hill View. It was found that the works related to the maintenance of underground services in the public highway in the area of the development site and therefore that there was no breach of planning control in this instance.
12. Poorly maintained guttering, and the installation of a uPVC window at the rear of a commercial premises in Scarborough Street. The poorly maintained guttering has now been cleared. The uPVC window has been in place for in excess of 4 years and is therefore immune from enforcement proceedings under planning legislation.

13. Running a car and motorcycle repair business at a residential property in Sandringham Road. The complainant has indicated that the complaint was made in error and requested that it be withdrawn.
14. The erection of a timber outbuilding in the rear garden of a residential property in Oxford Road. The timber outbuilding has been in place for in excess of 4 years and is therefore immune from enforcement proceedings under planning legislation.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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