

PLANNING COMMITTEE

AGENDA



Wednesday 5 October 2022

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Martin-Wells, Moore, Morley, V Nicholson 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 24 August 2022

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Place Management)*

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|----|-------------|-------------------------------|
| 1 | H/2022/0234 | 28 The Green, Elwick (page 1) |
| 2. | H/2022/0231 | 36 Clifton Avenue (page 15) |

5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints – *Assistant Director (Place Management)*
- 5.2 Appeal at land near Hart Moor Farm, Hartlepool – *Assistant Director (Place Management)*
- 5.3 Appeal at Sheraton Hall Farm, Sheraton – *Assistant Director (Place Management)*

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.

- 5.4 Appeal at land near Hulam Farm, Castle Eden, Durham – *Assistant Director (Place Management)*
- 5.5 Enforcement Notice Appeal – Seaton Hall Residential Home, 10 The Green, Seaton Carew – *Assistant Director (Place Management)*
- 5.6 Appeals at 17 Butterstone Avenue – *Assistant Director (Place Management)*
- 5.7 Appeal at 2 Mill Court, High Street, Greatham – *Assistant Director (Place Management)*
- 5.8 Appeal at Sea View Guest House, 11 The Green, Seaton – *Assistant Director (Place Management)*
- 5.9 Appeal at land at Metropolitan Park – *Assistant Director (Place Management)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. FOR INFORMATION

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 16 November 2022



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

24th August 2022

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

Present:

Councillor Paddy Brown (In the Chair)

Councillors: Tom Feeney, Sue Little, Shane Moore, Melanie Morley,
Veronica Nicholson and Mike Young.

In accordance with Council Procedure Rule 4.2 Councillor Rachel Creevy was in attendance as substitute for Councillor Brenda Harrison, Councillor David Nicholson was in attendance as substitute for Councillor Denis Loynes and Councillor Rob Cook was in attendance as substitute for Councillor Andrew Martin-Wells

Officers: Tony Hanson, Director of Neighbourhood and Regulatory Services
Kieran Bostock, Assistant Director (Place Management)
Sylvia Pinkney, Assistant Director (Regulatory Services)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Stuart Edwards, Flood Risk Officer
Andrew Tickle, Environmental Health Officer
Helen Smith, Senior Planning Officer
Andrew Morrison, Planning Officer
Scott Parkes, Consultancy Manager
Alex Strickland, Legal Advisor
Jo Stubbs, Democratic Services Officer

Also Present: Councillors Jim Lindridge

43. Apologies for Absence

Apologies were submitted by Councillors Moss Boddy, Brenda Harrison, Denis Loynes and Andrew Martin-Wells.

44. Declarations of interest by members

None

45. Confirmation of the minutes of the meeting held on 27th July 2022

Minutes confirmed.

46. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Number:	H/2022/0168
Applicant:	HARTLEPOOL BOROUGH COUNCIL
Agent:	HARTLEPOOL BOROUGH COUNCIL MR SCOTT PARKES CIVIC CENTRE VICTORIA ROAD HARTLEPOOL
Date received:	23/05/2022
Development:	Hybrid planning application for the erection of a SEN school (in outline, all matters reserved except access), and installation of access road (in detail)
Location:	LAND TO THE SOUTH OF GOLDEN FLATTS SCHOOL HOUSE SEATON LANE HARTLEPOOL

The Applicant was present and indicated he would be happy to answer any questions from members.

The Planning Team Leader advised members that this application was a hybrid application seeking detailed permission for the installation of an access road which would lead from Station Lane to the site and outline permission for the school on the remainder of the site. That it was proposed to amend condition 26 in respect to the waste audit. He confirmed the access was to serve the school. A number of members noted that access from Brenda Road was also available and might be considered a safer option. The Planning & Development Manager reminded members that the Committee needed to consider the application before them. The Assistant Director (Place Management) advised that the Brenda Road access option had been considered but that this would require an approximately £2 million additional funding in order to divert existing utilities. This additional cost would be unsustainable as the Council would need to fund this and would ultimately result in the cancellation of the building of the school itself. The Assistant Director further noted that the proposed school would mean Hartlepool's SEN children could be educated in Hartlepool, resulting in substantial savings on statutory transport costs. More detailed information on the school build itself would be brought back to Committee at a later date under reserved matters. Councillor Jim Lindridge, speaking in his capacity as Ward Councillor, gave details of some of the concerns raised by local residents including the

potential for an increase in anti-social behaviour which could result from the proposed open access road. Councillor Lindridge also noted that he did have a clear conflict due to his role as Chair of Children's Services Committee.

The Applicant acknowledged the concerns of those living along the proposed pathway at the possibility of anti-social behaviour but noted the following:

- The pathway would be under Council ownership
- There would be a locked gate at the school end – however it would not be logistically possible to install gates at the other end due to the required width of the access road.
- The width of the access road was necessary in order to accommodate the vehicles which would transport some of the children to and from the site. However even at its narrowest point the distance between the road and properties would be 3m to back of footpath and a further 2 metres to the road.
- Lighting would be installed on the path in such a way as to minimise the impact on the nearby houses in terms of reflection and shine.

A member queried whether screening could be provided along the pathway. It was felt that the developer could be asked to provide this however it should not be made a condition as the previous developer had not provided screening and it would be unfair to make this a requirement on this developer.

With regards to queries about the proposed multi use games area at the school the applicant confirmed that this would be situated within the school curtilage, managed by the school and only accessible 7am-7pm Monday to Friday.

Members requested that in future any information to be imparted to elderly residents be sent out hard copy rather than provided online. The officer confirmed that the letter to residents does advise that communications in other formats can be considered if requested.

Members discussed the application. While all were in favour of the new school some were concerned at the location of the access road, indicating they would have preferred the Brenda Road access. A member highlighted concerns around traffic and road safety but noted that there had been minimal incidents along that stretch of road therefore this should not be a major issue.

A recorded vote was taken on the recommendations set out in the report which recommended approval of the application, including the amendment to condition 17 as detailed previously.

Those in favour: Councillors Brown, Feeney, Creevy, D Nicholson, Cook, Morley, V Nicholson and Young

Those against: None

Those abstaining: None.

The application was approved unanimously. Councillor Cook requested that his concerns around the siting of the access road be noted.

Decision: **Planning Permission Approved subject to the tabled updated condition 26.**

CONDITIONS AND REASONS

1. The part of the development for which full planning is hereby approved (the vehicular access and pedestrian footpath link to/from Seaton Lane, hereby referred to as 'The Access'), as defined by the blue line/area on Dwg. No. E/L/549e (date received by the Local Planning Authority 14th April 2022) 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. For the part of the development for which outline planning permission is approved (the school site, hereby referred to as 'the Free School Site'), as defined by the red line on Dwg. No. E/L/549e (date received by the Local Planning Authority 14th April 2022), application for the approval of the reserved matters (referred to below in condition 03) and the commencement of development, shall be as follows. The reserved matters applications shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matter.

For the avoidance of doubt.

3. Approval of the details of the internal pedestrian and highway layout, layout, scale and appearance of the building(s) and the landscaping of the Free School Site (hereinafter called the "reserved matters"), shall be obtained in writing from the Local Planning Authority.

In order to ensure that these details are satisfactory.

4. The development of The Access hereby approved shall be carried out in accordance with the following plans;

Dwg. No. PR836/PA/COMBINED (Location Plan, at a scale of 1:1250),

Dwg. No. PR836/PA/LAYOUT (Layout, at a scale of 1:1000),

Dwg. No. E/L/549e (scale at 1:5000),

Dwg. No. PR836/PA/SECTIONS (Golden Flats Access Road Sections),

Dwg. No. PR836/PA/DRAINAGE (Surface Water Drainage Layout)

all plans date received by the Local Planning Authority 14th April 2022;.

The development of the Free School Site hereby approved shall be carried out in accordance with the following plans;

Dwg. No. E/L/549e (scale at 1:5000),

Dwg. No. PR836/PA/COMBINED (Location Plan, at a scale of 1:1250),
date received by the Local Planning Authority 14th April 2022.

For the avoidance of doubt.

5. No development shall commence unless and until a Biodiversity Management Plan scheme for offsite compensation ("the scheme") to ensure that the approved development provides the delivery of 3.74 Habitat Units of habitat creation or habitat uplift (including hedgerow creation) and the subsequent management of habitats in 'good condition' has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the offsite compensation, shall be measured in accordance with the biodiversity metric 3.1. The scheme shall include:
 - a) identification of the compensation site(s);
 - b) details of habitat creation or habitat uplift sufficient to provide the delivery of 3.74 Habitat Units;
 - c) the provision of arrangements to secure the delivery of the Habitat Units (including a timetable for their delivery);
 - d) a management and monitoring plan (to include for the provision and maintenance of Habitat Units for a period of at least 30 years).Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery or any variation so approved in writing by the Local Planning Authority.

To provide biodiversity management and biodiversity net gain in accordance with paragraphs 8, 174 and 180 of the NPPF and policy NE1 of the Local Plan.

6. Prior to the commencement of works above ground level of The Access, a scheme for the provision, long term maintenance and management of all landscaping within the site shall be first submitted to and agreed in writing with 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 of The Access shall be carried out in the first planting season following the first use of The Access or completion of The Access, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development of The Access, 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.

7. The Reserved Matters application (referred to in conditions 2 and 3) for the Free School Site shall be accompanied by a scheme for the provision, long term maintenance and management of all landscaping within the site. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the agreed scheme (as part of the Reserved Matters) shall be provided in accordance with the approved details and timetable. All planting, seeding or turfing comprised in the approved details of landscaping of the Free School Site shall be carried out in the first planting season following the first use of the Free School Site or completion of the Free School Site, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development of The Access, 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.

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

To ensure that any site contamination is addressed.

9. No development of the Free School Site hereby approved shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

a. human health,

b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

c. adjoining land,

- d. groundwaters and surface waters,
- e. ecological systems,
- f. archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it 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 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of 2 (Submission of Remediation

Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same 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 workers, neighbours and other offsite receptors.

10. A) No demolition/development of The Access 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 condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

11. Prior to commencement of the development of Free School Site a scheme detailing any fixed plant equipment shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the submitted details and retained as such for the lifetime of the development.

In the interests of the amenities of neighbouring occupiers.

12. Development shall not commence of Free School Site 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.

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

13. The scheme for the disposal and management of surface water associated with The Access hereby approved shall be carried out solely in accordance with the submitted 'Drainage Strategy and Flood Risk Assessment, July 2021', reference PR836/DS/001 (date received by the Local Planning Authority 14th April 2022). Thereafter and prior to the completion of The Access hereby approved, a scheme and timetable for the restoration of the adjacent unnamed watercourse to a functional condition shall be first submitted to and agreed in writing by the Local Planning Authority. Thereafter it shall be carried out in accordance with the agreed details and timetable.

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

14. Notwithstanding the submitted information, no development of the Free School Site shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

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

15. No development of The Access or the Free School Site shall take place until a scheme for the protection during construction works of all trees shown to be retained (as detailed in E 'Tree Constraints Plan' of document BS5837 - Tree Survey, Arboricultural Impact Assessment, date received by the Local Planning Authority on 14/04/2022), in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

16. Prior to the commencement of The Access, a Construction Management Plan (CMP) shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction of The Access, 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, communication with local residents and measures to prevent the queuing of construction vehicles prior to the first use of The Access. Thereafter the development shall be carried out solely in accordance with the agreed CMP. Any land affected by construction works shall be made good following construction and prior to The Access hereby approved being brought into use.

In the interests of the occupiers of adjacent and nearby premises and highway safety.

17. Prior to the commencement of the Free School Site, a Construction Management Plan (CMP) shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction of the Free School Site, 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, communication with local residents and measures to prevent the queuing of construction vehicles prior to the first use of the Free School Site. Thereafter the development shall be carried out solely in accordance with the agreed CMP. Any land affected by construction works shall be made good following construction and prior to the school building(s) hereby approved being brought into use.

In the interests of the occupiers of adjacent and nearby premises and highway safety.

18. Prior to the commencement of development of The Access, details of the existing and proposed levels of the site (The Access) including the

finished floor levels of the road to be erected (within and outwith the site) and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved.

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

19. Prior to the commencement of development of Free School Site, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected (within and outwith the site) and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

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

20. Prior to the commencement of the Free School Site hereby approved, a report shall be first submitted to and approved in writing by the Local Planning Authority that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the Free School Site's predicted energy supply. The Free School Site shall thereafter be constructed/installed in line with the approved scheme prior to the completion of the Free School Site or first use of the Free School Site (whichever is sooner).

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

21. Notwithstanding the submitted details and prior to the laying of any hard surfaces of The Access, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to the first use of the development or completion of the development, whichever is the sooner.

In the interests of visual amenity and to prevent an increase in surface water runoff.

22. Notwithstanding the submitted details and prior to above ground construction of The Access hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to first use of the development.

In the interests of visual amenity.

23. Prior to the commencement of works above ground level of Free School Site, details of a minimum of 10no. integral bird nest bricks located in south or east facing walls (where possible) and at a minimum height of 3m above ground level and 10no. integral bat roost bricks located in south or east facing walls (where possible) at a minimum height of 3m above ground level (or in a roof tile) to the Free School Site buildings, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the bat and bird features have been installed. The bat and bird bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

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

24. Prior to the above ground construction of the Free School Site hereby approved, a scheme and timetable for green infrastructure improvements in the vicinity of the application site shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the agreed scheme shall be completed in accordance with the details and timetable for works embodied within the agreed scheme.

To accord with the provisions of policies LS1 and NE2 of the Hartlepool Local Plan (2018).

25. Notwithstanding the submitted information, the Reserved Matters application for the development of the Free School Site shall be accompanied by final details of all hard surfaces, hard landscaping, external finishing materials, boundary treatments and enclosures including all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings, and shall include a timetable for implementation. Thereafter, the Free School Site shall be carried out in accordance with the agreed details and timetable.

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

26. Notwithstanding the submitted information, and prior to the commencement of development of the Free School Site, a site specific Waste Audit which shall identify the amount and type of waste which is expected to be produced by the development of the Free School Site, both during the construction phase and once it is in use, shall be submitted to and agreed in writing with the Local Planning Authority. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy, and shall include a timetable for implementation. Thereafter, the Free School Site shall be carried out in accordance with the agreed details.

To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers, and to ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

27. No part of the Free School Site shall be occupied until a scheme for the provision of electric vehicle charging apparatus to serve the Free School Site hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details, prior to the occupation of the Free School Site.

In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.

28. Prior to the installation of any external lighting and/or floodlights associated with The Access hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.

29. Prior to the installation of any external lighting and/or floodlights associated with the Free School Site hereby approved, full details of the method of external illumination, siting, angle of alignment; light

colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.

30. During the construction of the development hereby approved, all holes or trenches should be dug and in-filled within the same working day. If this is not possible, these should be securely covered overnight and/ or provided with an adequate means of escape to prevent badger and other wildlife from becoming entrapped.

In the interests of the ecology of the area.

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

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

32. All deliveries to the Free School Site shall only be carried out between the hours of 7:00am and 7:00pm on any day.

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

33. The buildings and outside recreational areas of the Free School Site shall not be used outside of the hours 07:00hrs - 19:00hrs Monday to Friday.

In the interests of the amenities of neighbouring occupiers.

34. The Free School Site hereby approved shall be used as a School (Use Class F1) and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

35. No part of the Free School Site development shall be occupied or brought into use until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

36. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements, applications, banners or other covers should be displayed at the application site hereby approved at any time without the prior written approval of the Local Planning Authority.

In order to protect the character and appearance of the area.

The Committee considered representations in relation to this matter.

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

Members were given details of 24 ongoing investigations and 4 which had been completed.

Decision

That the report be noted.

48. Development Management Performance – First Quarter 2022-23 *(Assistant Director (Place Management))*

Members were updated on the performance of the Development Management Service for the first quarter of 2022/23. All major applications and county matters had been dealt with within the statutory periods or agreed time extensions while 98.5% of non-major applications had been. No decisions had been overturned by the planning inspectorate. All of these far exceeded current Government targets. The Planning and Development Manager highlighted that this was very much a team effort and could not have been achieved without prompt assistance from many other Council departments.

Members asked that their appreciation be passed on to all those involved in the provision of this service.

Decision

That the report be noted.

The meeting concluded at 11.15am.

CHAIR

No: 1
Number: H/2022/0234
Applicant: PAULINE DEES THE GREEN ELWICK HARTLEPOOL TS27 3EF
Agent: PAULINE DEES 28 THE GREEN ELWICK HARTLEPOOL TS27 3EF
Date valid: 28/06/2022
Development: Replacement of existing timber casement windows and doors with uPVC double glazed windows and composite doors, replacement of existing chimney pots, removal and replacement of render and installation of 2no. roof lights to rear elevation
Location: 28 THE GREEN ELWICK HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The following planning applications have previously been considered on the site.:

HFUL/2000/0139 - Replacement rear back door and frame. Application Approved 08/05/2000.

HFUL/1997/0343 - Resitting of garden shed. Application Approved 30/07/1997.

HFUL/1992/0527 - Provision of replacement door to front porch. Application Approved 19/11/1992.

PROPOSAL

1.3 Planning permission is sought for the installation of replacement windows and doors, the replacement of two chimney pots and replacement render in addition to the installation of two roof lights within the rear facing roof slope of the application property at 28 The Green, Elwick Village in Hartlepool.

1.4 The proposal would involve the replacement of the existing timber frame, single glazed casement windows with uPVC double-glazed Georgian bar window frames and would also replace the two existing timber doors with composite material doors at the property. The replacement windows consist of 4 no. windows within the front elevation in addition to replacing the front porch fenestration, 4 no. windows within the side elevation in addition to replacing a window towards the rear/side with a set of patio doors and 2 no. windows located at the rear. A timber door would be

replaced with a composite door at the front and rear of the dwelling. Two new rooflights would be added to the rear elevation of the property.

1.5 The rendering works would retain the existing render to the front of the property, but would tidy areas of disrepair, matching in with the existing white render finish. At the side/rear, the external finish of the two storey rear offshoot would be replaced with a lime based render and finished in white to match the rest of the property.

1.6 The proposed visible changes to the chimneys would alter the cowl details from that existing at the top of each chimney breast.

1.7 The application has been referred to the Planning Committee at the request of the Planning Committee Chair following a request by a ward councillor, in line with the scheme of delegation and the Council's Constitution.

SITE CONTEXT

1.8 The application site comprises a two storey, end of terrace dwelling located within the Elwick Conservation Area, a designated heritage asset. To the front/south is Elwick Village Green. To the side/west, separated by a vehicular access is the grade II listed building of 29 The Green (also known as 'The Forge'). At the opposite side/east is the attached property of 27 The Green and immediately to the rear of the application site is the detached single storey dwelling known as 'The Bungalow'. It was noted from the case officer's site visit that the application property is at a higher level than the property to the west of 29 The Green (The Forge), as the ground level slopes from a higher point at the application site to a lower level towards the neighbouring dwelling and beyond (west).

PUBLICITY

1.9 The application has been advertised by way of 11 neighbour letters, a press notice and a site notice.

1.10 To date, 4 letters of support have been received that have cited that the proposed changes would bring the property back from a condition of disrepair and would update the appearance of the dwelling.

1.11 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=153944>

1.12 The period for publicity has expired.

CONSULTATIONS

1.13 The following consultation replies have been received:

HBC Head of Service (Heritage and Open Spaces) : The application site is located in Elwick Conservation Area, which is 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.

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.’

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 it’s condition is beyond reasonable repair or removal is necessary to deliver a public benefit.

The buildings to be found in Elwick Conservation Area reflect the settlement’s early agricultural origins. Many properties appear to date from the 18th century, although this may disguise their earlier origin. In addition there are examples of early and late 19th century terraced dwellings and some individual houses. The scale and character is predominantly residential.

The earliest buildings are single and two storey most constructed in rubble or stone, often white washed or rendered subsequently. Roofs are steeply pitched finished with clay pantiles. Windows can be either horizontal sliding sashes (Yorkshire lights) or vertical sash windows. Later 19th Century terraced dwellings are constructed in brick (with contrasting brick detail) with roofs of welsh slate.

The proposal is the replacement of existing timber casement windows and doors with uPVC double glazed windows and composite doors, replacement of existing chimney pots, removal and replacement of render and installation of two roof lights to the rear elevation.

The property is located in the centre of the Conservation Area and as the photograph in the Heritage Statement shows has been modernised and extended over the years. Although a porch has been erected to the front some of the original window openings shown on the picture appear to still exist as does a small window to the side.

With regard to the proposed works the rendering of the building is considered to be acceptable as this mirrors the existing situation. The information provided does not make clear the render which will be used, colour or finish. Lime render would have traditionally been used on the building and it is proposed any replacement is in lime. Stop beads should not be used.

The works to the roof including rooflights to the rear and replacement chimney pots are considered to be acceptable. These works are minor in nature and in part located to the rear of the property therefore will not impact on the significance of the conservation area.

The property has replacement timber casement windows in at the moment. The photograph provided in the heritage statement shows horizontal sliding sashes to the openings at the front of the building. It is understood that the proposed replaced windows are multi-pane side hung casement windows in UPVC.

[Historic England Advice Note 2](#), 'Making Changes to Heritage Assets' notes that, 'Doors and windows are frequently key to the significance of a building. Replacement is therefore generally advisable only where the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail and material.'

In addition, Historic England's document, '[Traditional Windows: Their Care, Repair and Upgrading](#)' states, UPVC windows, 'are assembled from factory-made components designed for rigidity, thermal performance and ease of production. Their design, detailing and operation make them look different to traditional windows.' It further notes that the, 'different appearance and character' of such windows in comparison to historic windows means they are, 'unsuitable for older buildings, particularly those that are listed or in conservation areas.'

To the side and rear of the property it is evident that the fenestration has been changed and the openings are modern proportions therefore in this instance it is accepted that the proposed windows would not impact on the significance of the area.

To the front of the building, where original openings exist, a more appropriate solution would be the use of timber windows in the form of Yorkshire lights (horizontal sashes). This would reflect Local Plan Policy which states proposals should, 'demonstrate that they will conserve or positively enhance the character of the conservation areas.'

In relation to the replacement doors. It is proposed that composite doors are installed to the front and rear of the house. It is noted that the original doors no longer exist in the property and to the front of the building a porch has been added. Aside from this timber doors are in place at the moment therefore in order to preserve the existing appearance of the building it would be anticipated that timber replacement doors are installed to both the front and rear. This could replicate the existing design or be of a more traditional style reflecting the age of the property. Composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material 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 composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. For this reason the doors are not considered to be appropriate for use within the conservation area.

Whilst some elements of the application are considered acceptable, subject to final details, namely the render, chimney pots, rooflights and windows to the side and rear of the property, it is considered that the proposed windows and doors at the front of the property and door to the rear would cause less than substantial harm to the conservation area.

Hartlepool Rural Plan Group : Thank you for consulting Hartlepool Rural Plan Group with regard the above application. The application site is within the development limits of Elwick village and within Elwick Conservation Area and subject to the article 4 direction. No.28 The Green is an old period cottage adjacent to the listed cottage, The Forge (No.29).

The following Rural Neighbourhood Plan Policies are particularly relevant to this application:

POLICY GEN 2 - DESIGN PRINCIPLES The design of new development should demonstrate, where appropriate: 1. how relevant village design statements and conservation area appraisals have been taken into account; 3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features; 5. how the design preserves and enhances significant views and vistas; 8. how the design ensures that homes are flexible to meet the changing needs of future generations.

POLICY HA1. — PROTECTION AND ENHANCEMENT OF HERITAGE ASSETS
Planning applications will be supported which: 1. preserve and enhance their physical character and facilitate new uses for buildings at risk. 2. ensure all heritage assets including Scheduled Ancient Monuments and the ridge and furrow landscape, within the Rural Plan area are conserved or enhanced through a constructive conservation approach; 3. ensure that the distinctive character of Conservation Areas, within the Rural Plan area, is conserved or enhanced through a constructive conservation approach;

POLICY HA2 - PROTECTION AND ENHANCEMENT OF CONSERVATION AREAS
In determining applications within Conservation Areas, or which affect the setting of a Conservation Area, particular regard will be given to the following: 1. The scale and nature of the development; 2. The design, height, orientation, massing, means of enclosure, materials, finishes and decoration proposed; 3. The retention of original features of special architectural interest such as walls, gateways and other architectural details; 7. Guidance provided in relevant Conservation Appraisals, Visual Assessments and Village Design Statements. Proposals for demolition within Conservation Areas will be carefully assessed in order to avoid the loss of important features and buildings, but to encourage removal of unsympathetic later additions.

Elwick Village Design Statement. In particular, buildings are seriously affected by changes to such aspects as roof materials, gutter and downpipes, wall finishes, windows and dormers, doors and door surrounds. Even the simplest cottage or brick terrace is part of Elwick's local heritage and once its quality is destroyed, it is not easily recreated. Heritage priorities for Elwick (as listed in appendix 5 of the Rural Neighbourhood Plan) include :- Review of the Article 4 directive in Elwick Conservation Area and encouragement to use more appropriately designed windows, doors, boundary features and other domestic features.

Elwick Conservation Area Visual Assessment, March 2010, carried out by Hartlepool Borough Council identified potential negative aspects which can undermine the positive qualities of Elwick Conservation Area:

- Inappropriate alterations to farmhouses and buildings which have resulted in the removal or alteration of doors, windows and roofing materials for example, which could make a positive contribution to the character of the conservation area.
- Poor detailing and design of housing within the identifiable historic core of Elwick which could also make a positive contribution to the quality of Elwick as a village and as a conservation area.

Elwick Village Design Statement states :- Conservation areas are designated by local planning authorities because of the quality of the buildings and environment. This quality is fragile and can easily be damaged or destroyed by badly directed modernisation and maintenance work or lack of concern and knowledge of the importance of the area. Any development, alteration or indeed any changes proposed within the conservation area must obtain prior permission from the local planning authority. In particular, buildings are seriously affected by changes to such aspects as roof materials, gutter and downpipes, wall finishes, windows and dormers, doors and door surrounds. Even the simplest cottage or brick terrace is part of Elwick's local heritage and once its quality is destroyed, it is not easily recreated.

The replacement of the cement render with what is described as a breathable render is supported. There are also no objections to new clay chimney pots or new French doors to the later rear extension of this eighteenth century cottage. Roof lights on the rear roof, so long as they are of a 'heritage' style and appropriate size, which they do appear to be from the elevations provided, also attract no objections.

While the small pane windows described as 'Georgian' are a form more in keeping that the current windows on this period cottage the use of upvc is regrettable within the conservation area. The original windows would almost certainly have been Yorkshire horizontal sliding windows therefore the more complex arrangement of casement openings, combining side and top openings, is not in keeping. Rather than a poor mimic of the original form replacement with true wooden sliding Yorkshire sashes would be of enormous benefit to the character of this cottage and the Conservation Area as a whole. A full wooden door rather than composite material should also be required in the conservation area.

Elwick Parish Council : Councillors have no issues with this application other than the use of uPVC. This is one of the oldest properties in the village and in a prominent position on the village green; Councillors feel the replacement doors and windows should reflect the age and style of the original property and be made of wood in keeping with the history of the building.

Building Control : I can confirm that a Building Regulation application will be required for ' Replacement of existing timber casement windows and doors with uPVC double glazed windows and composite doors, replacement of existing chimney pots, removal and replacement of render and installation of 2no. roof lights to rear elevation'.

PLANNING POLICY

1.14 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

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

Hartlepool Local Plan 2018

SUS1: The Presumption in Favour of Sustainable Development;
LS1: Locational Strategy;
CC1: Climate Change;
QP4 : Layout and Design of Development;
QP5: Safety and security;
QP6: Technical Matters;
HSG11 : Extensions and alterations to Existing Dwellings;
HE1 : Heritage Assets;
HE3 : Conservation Areas.

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

Hartlepool Rural Neighbourhood Plan 2018

Policy GEN2: Design Principles
Policy HA1: Protection and Enhancement of Heritage Assets
Policy HA2: Protection and Enhancement of Conservation Areas

National Planning Policy Framework (NPPF)(2021)

1.17 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 001: Policies for England;
 PARA 002: Planning Law;
 PARA 003: NPPF as a whole;
 PARA 007: Purpose of the planning system;
 PARA 008: Sustainable development;
 PARA 009: implementation of plans and relating to local circumstances;
 PARA 010: Planning in a positive way;
 PARA 011: Presumption in favour of sustainable development;
 PARA 012: Status of the Development Plan;
 PARA 038: Decision-making;
 PARA 047 : Determining applications in accordance with the Development Plan;
 PARA 055: Planning Conditions;
 PARA 056: Planning Conditions;
 PARA 124: Design;
 PARA 126: High quality buildings and places;
 PARA 129: Design principles;
 PARA 130: Design;
 PARA 132: Achieving well-designed places;
 PARA 134: Refusing poor design;
 PARA 159: Inappropriate development in areas at risk of flooding;
 PARA 167: Determining applications in flood risk areas;
 PARA 189: Importance of heritage assets;
 PARA 195: Significance of a heritage asset;
 PARA 196: Neglect or Damage to Heritage Asset;
 PARA 197: Determining applications.

PLANNING CONSIDERATIONS

1.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the existing dwelling, Conservation Area and listed building and the impact on the amenity and privacy of neighbouring land users.

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING DWELLING, THE ELWICK CONSERVATION AREA & LISTED BUILDING

1.19 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. 185 & 192).

1.20 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. These requirements are reflected in the relevant policies (GEN 2, HA1 & HA2) of the adopted Hartlepool Rural Neighbourhood Plan.

1.21 As identified in the comments received from the Council's Head of Service (Heritage and Open Spaces), Elwick Conservation area is traditionally made up from properties featuring either horizontal timber sliding sashes (Yorkshire lights) or vertical sash timber windows. The photograph provided in the submitted Heritage Statement illustrates that the application site historically featured horizontal sliding sashes to the openings at the front of the building and some of the original window openings shown on the picture appear to still exist to the front, including a small window within the side elevation. The proposed development would replace the existing single timber casement windows with Upvc multi-pane side hung casement windows. Whilst it is evident that the property's fenestration to the side and rear has been altered over time with more modern openings, original openings still exist at the front of the building. The Council's Head of Service (Heritage and Open Spaces) considers that the use of timber windows in the form of Yorkshire lights (horizontal sashes) would be a more appropriate solution at the front of the property.

1.22 With respect to the replacement doors, it is proposed that composite doors are installed to the front and rear of the house, where timber doors are currently in place. The Council's Head of Service (Heritage and Open Spaces) has commented that composite doors differ from traditional timber doors in their texture, colour and critically, as they do not age in the same way as a traditional timber doors do. Consequently, she considers that the use of composite doors are not appropriate for use to replace existing timber doors within the Conservation Area and that timber replacement doors should be installed to both the front and rear of the dwelling in order to preserve the existing appearance of the building within the wider heritage asset. The use of more traditional style materials is considered to reflect the age of the property and would reflect national and local policy where proposals should, 'demonstrate that they will conserve or positively enhance the character of the Conservation Areas.'

1.23 The NPPF requires that works that would result in less than substantial harm be supported by justification in terms of the public benefit that would outweigh that harm. The Council's Head of Service (Heritage and Open Spaces) has identified these works as causing less than substantial harm and no public benefits have been identified by the applicant as justification for the harm caused.

1.24 Both the applicant and a number of neighbouring consultation comments have highlighted the presence of uPVC within the surrounding Conservation Area. The presence of other uPVC windows within the Conservation Area is not disputed, however they do not diminish the need to ensure future developments are more appropriate. Notwithstanding the fact all applications should be determined on their own particular merits, the presence of uPVC elsewhere is not considered sufficient reason to warrant causing further harm to the character and appearance of the Conservation Area.

1.25 With respect to the application property, whilst the existing windows are of a non-traditional means of opening (i.e. casements rather than sashes) they are of traditional materials and this is considered to have less of a negative impact on the appearance of the property and character of the wider area than the introduction of modern uPVC would do. Through the course of the planning application, the applicant was asked consider replacing the proposal for the front windows with timber frames and replace the doors to be of timber construction, although the applicant declined and instead the applicant suggested the use of a ‘timber-effect’ uPVC covering to be considered in order to mimic the appearance of timber fenestration. The Council’s Head of Service (Heritage and Open Spaces) considers that the use of a ‘wood grained effect’ materials would still result in the use of modern materials, which appear at the point of installation and throughout their lifetime, to be significantly different from timber fenestration. It is therefore still considered the proposals would cause less than substantial harm to the character and appearance of Elwick Conservation Area and therefore are unacceptable in this respect.

1.26 With respect to the proposed rendering works to the property and the proposed alterations to the chimney pots, these are considered to be minor alterations and the Council’s Head of Service (Heritage and Open Spaces) has raised no objections to these proposed works.

1.27 The proposed roof lights would be located to the rear, where the impact on the wider heritage asset would be limited and in the event of a planning approval, such details could be controlled by way of planning condition to manage and minimise their associated impacts and no issues are therefore raised in this respect.

1.28 With respect to the impacts of the proposed works on the neighbouring Grade II Listed Building of 29 The Green (The Forge) to the west, the Council’s Head of Service (Heritage and Open Spaces) has raised no objections in this respect and the proposed works would not warrant refusal of the planning application on these grounds.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.29 Policies HSG11 and 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.

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

1.31 The proposed development would largely replace windows and doors in the same position as existing windows and doors at the front (facing north) and to the rear (facing south), and with respect to these works, they are considered not to result in any significant loss of privacy and overlooking related matters as a result.

Impact on 29 The Green (The Forge)

1.32 Within the side elevation facing west, whilst proposed windows would largely replace existing, an existing window towards the rear/side would be replaced with a set of patio doors. It is noted that the application site is situated at a higher level than the nearest neighbouring residential property of 29 The Green (The Forge) to the west.

1.33 Whilst noting the proposed increase in glazing and the levels change between the neighbouring dwellings, there would be a separation distance of approximately 17.5 metres between the application site and the side elevation of 29 The Green and the neighbouring property's side elevation is a blank gabled elevation, where no mutual views would be achieved. Taking account of both the distance and relationship, it is considered that the introduction of the patio doors within the side elevation would not result in any significant loss of privacy for the neighbouring property or for any wider residential occupiers within the surrounding area.

Impact on properties to the rear

1.34 Two roof lights are proposed within the main rear facing roof slope. Immediately to the rear of the application site is the single storey property known as 'The Bungalow' and beyond are the residential properties of 'Ghyll House' and 'Ghyll View'. Whilst the neighbouring property of 'The Bungalow' is only situated approximately 4 metres from the application property, the neighbouring bungalow's side elevation that faces the rear of the application site is a blank wall. Taking account of the difference in height of the proposed roof lights and orientation between the neighbouring properties, the proposed relationship is considered to be oblique and no significant concerns are raised in respect to overlooking and loss of privacy for this immediate neighbouring residential occupier.

1.35 The property of Ghyll House would be situated at a distance of approximately 38 metres away with an oblique rear to side relationship, with the property of Ghyll View situated at a further distance of approximately 58 metres away. Taking account of the separation distances and neighbouring orientation, the proposed roof lights

are considered not to result in any significant overlooking and loss of privacy related issues. Notwithstanding the abovementioned relationships, to prevent any significant overlooking of neighbouring garden areas, in the event of a planning approval a condition could be recommended to ensure that any roof lights would be installed at a height within the room that would mitigate any potential overlooking concerns. Taking account of the distances and neighbouring relationships and having regard to the use of the appropriate planning condition, it is considered that the proposed roof lights would not result in any significant overlooking or loss of privacy for the surrounding neighbouring properties.

1.36 There are no extensions proposed that would have any impact on light or outlook for neighbouring occupiers.

1.37 It is considered that in respect to the amenity and privacy of neighbouring land users the proposal is considered acceptable.

CONCLUSION

1.38 It is considered that proposals for the changes to the front windows and doors causes less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. 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 Elwick Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018), Policies HA1 and HA2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 124, 130, 189 and 196 of the National Planning Policy Framework 2021.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.39 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.40 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.

1.41 There are no Section 17 implications.

REASON FOR DECISION

1.42 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 to front and replacement doors at the property cause

less than substantial harm to the designated heritage asset (Elwick Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018), Policies HA1 and HA2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 124, 130, 189 and 196 of the National Planning Policy Framework 2021.

BACKGROUND PAPERS

1.43 Background papers can be viewed by the ‘attachments’ on the following public access page;

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=153944>

CONTACT OFFICER

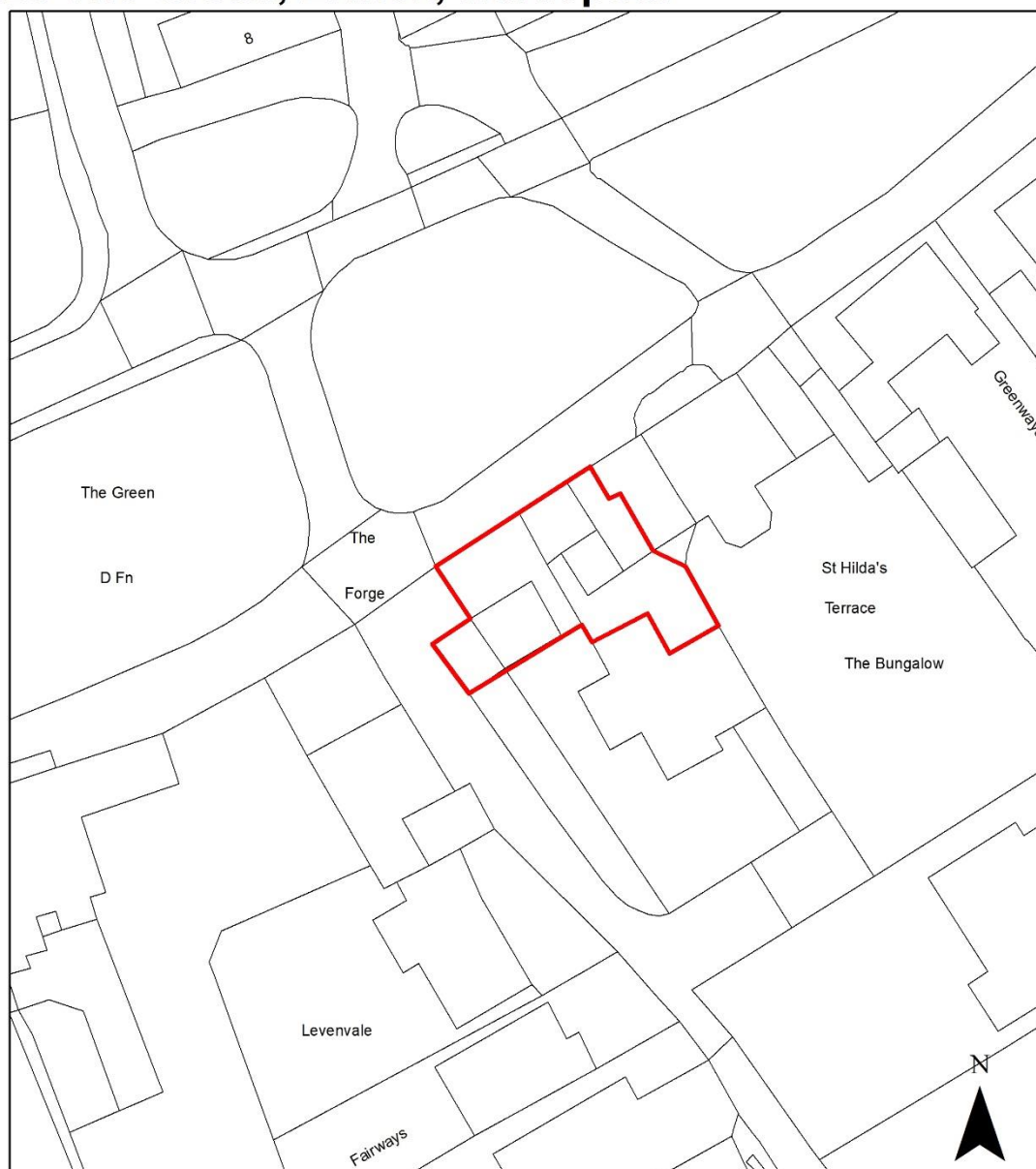
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28 The Green, Elwick, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 1. 9. 2022
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2022/0234	REV

No: 2
Number: H/2022/0231
Applicant: MRS D HAMMOND CLIFTON AVENUE HARTLEPOOL
 TS26 9QN
Agent: 8 DESIGN STUDIO 8 THE OLD VILLAGE
 BRANCEPETH DURHAM DH7 8DG
Date valid: 08/06/2022
Development: Erection of single storey side extension
Location: 36 CLIFTON AVENUE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/1982/0201 - Change of use from children's nursery to ground floor flat. Approved 07/06/1982.

H/2019/051 – Erection of a single storey extension to the side and rear. Approved by Planning Committee contrary to officer recommendation 30/07/2020.

PROPOSAL

2.3 This planning application seeks permission for the demolition of the existing garage and erection of a single storey extension to the side and rear of No. 36 Clifton Avenue. The proposed extension would be of an L-shaped design and would measure approximately 10.05m in total length by approximately 12.1m in total width (to incorporate the projecting rear off-shoot element of the existing host property), thereby projecting approximately 7.35m from the existing side elevation of the rear off-shoot and approximately 4.2m from the main side elevation of the host property. The L-shaped extension would include two distinct elements (albeit tied together in one extension), comprising a garden room to the rear with a replacement garage projecting forward, the latter element would feature a width of approximately 3.59m and a depth of approximately 5.457m.

2.4 The proposed roof design would consist of a predominantly pitched frontage with a hipped perimeter. The roof would have a maximum height of approximately 4.3m to the ridge, reducing to approximately 2.7m at the eaves height. The proposed extension would feature a garage door with 8no. small windows above in the front elevation and 1no. access door in the side of the of the garage element; and a set of sliding doors and a full length window in the front and 2no. sets of sliding doors and

a full length window in the rear of the garden room element of the extension. The proposed extension would be finished using red brick with contrasting band courses, grey roof tiles and matching finishing materials for the doors, windows and rainwater goods. The proposed extension would feature a flue projecting approximately 1.3m from the western extent of the roof.

2.5 The proposal would include an additional element which would replace the existing bay window to the rear/side of the host property, measuring approximately 1.1m in width by approximately 3.67m in depth. The proposed entrance feature would feature a flat roof design with a height of approximately 3.4m (including a stepped access), and would feature a door feature element taking the total height to approximately 3.7m.

2.6 The proposed extension and entrance feature would create a courtyard to the side of the host property, which is proposed to feature an external deck area, and be delineated by a close boarded timber fence and gate with a height of approximately 2.1m. In addition, the proposal includes a timber terrace/decking area to the rear and side of the proposed extension with a height of approximately 0.3m above ground level, with a railing with an approximate 1m height.

2.7 The application is referred to the planning committee due to the extant planning permission and in light of the objection received from the Council's Heritage and Countryside Manager.

SITE CONTEXT

2.8 The application site relates to a substantial two-storey (with living accommodation in the roof space) detached Victorian property on the northern side of Clifton Avenue. The property was formerly subdivided into two flats; however the application forms and submitted Heritage Statement indicates that the property is now under ownership of the applicant and has been converted into a single property. The property has a part two-storey, part single storey offshoot to the rear, as is a characteristic of properties in the area.

2.9 The host property is a Locally Listed Building within the Grange Conservation Area, characterised by large Victorian properties, though Clifton Avenue has a prevailing sense of character through the use of materials and some unifying features, there are a variety of designs and styles of property throughout the street, reflecting its gradual development by individual plot owners. The majority of the properties in the street are positioned forward on the plot with relatively small front gardens but substantial rear gardens.

2.10 To the east is a detached garage beyond which is the residential property of No. 32 Clifton Avenue and to the west is No. 38 Clifton Avenue. Nos. 39 and 41 Hutton Avenue are to the north of the site and the site is bounded by the public highway of Clifton Avenue to the south with the further residential properties of Nos. 1 Eltringham Road & 31 Clifton Avenue beyond.

PUBLICITY

2.11 The application has been advertised by way of neighbour letters (7 in total). To date, there have been no representations received.

2.12 Background papers can be viewed by the ‘attachments’ on the following public access page:
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=135799>

2.13 The period for publicity has expired.

CONSULTATIONS

2.14 The following consultation replies have been received:

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

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

HBC Landscape Architect: There are no landscape and visual issues with the proposed development

HBC Head of Service (Heritage and Open Space): The application site is located in the Grange Conservation Area which is recognised as a designated heritage asset. The site itself is a locally listed building and therefore considered to be a heritage asset in its own right. 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). 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).

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 it’s condition is beyond reasonable repair or removal is necessary to deliver a public benefit.

The NPPF looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 203).

Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

The application site is located in the Grange Conservation Area. It is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The conservation area appraisal notes that, 'it is the rhythm of repeated plot sizes along the streets which generates a distinctive regular grain to the area, even where the buildings on each plot differ.' The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel.

The significance of the Grange Conservation Area is derived from the aesthetic value in the architectural detail found on individually designed buildings and their wider plots which combine to form the area. In addition there is historic value resulting from the way in which the area has developed and its links to the development of industry in the town.

The significance of the locally listed building originates from the architectural detail of the property and in particular the number of original features which are retained including windows, doors and railings.

The proposal is the erection of a single storey side extension.

There is no objection to the demolition of the existing garage structure to the side of the property.

With regard to the extension, there is already an off shoot to the rear of the property, constructed as part of the original building, which features an original bay window and two sashes. It is acknowledged that at a later date alterations have been made including the insertion of a UPVC window and French doors, along with the partial covering of the wall with pebble dash. Despite these changes the property as a whole remains remarkably intact when considering the exterior detailing.

The proposal comprises an L-shaped extension off the existing off shoot to provide a garden room and a garage, along with smaller extensions to accommodate a WC and access to the house.

Applications have previously been submitted at this site this site to provide additional accommodation to the rear of the property in the form of an extension to the rear of the property running the length of the off shoot. At the time it was noted that, 'The

extension would bring the rear of the property into view when standing in Clifton Avenue, and whilst only partially seen it would disrupt the rhythm of the plots and the streetscene. It is accepted that this will predominantly be when directly viewing the house, rather than more widely in the street, however it is nonetheless the case, it will be visible.

In addition it is also noted that although only glimpsed from a distance, given the light tree coverage at this time of year, it is possible to identify the rear of the property from Hutton Avenue, therefore there is the potential for the proposal to be view from this area as well.'

In this instance, it is accepted that the location of a garage set back to the side of the property would address those concerns previously raised regarding bringing the rear extension to view at the front of the property. It is not uncommon in this area to see garages in this location therefore in light of this, there is no objection to this element of the works.

There are similarities between the scale of the extension which adjoins the off shot i.e. the garden room, and the earlier submission. It is therefore considered that the same issues would remain as previously raised with regard to the garden room as the proposal is likely to be visible from Hutton Avenue. Further to this the Grange Conservation Area Appraisal notes, as is alluded to in the heritage statement that, within the area there is a, 'rhythm of repeated plot sizes along the streets which generates a distinctive regular grain to the area, even where the buildings on each plot differ.' Further to this it is noted that this is particularly apparent in Clifton and Hutton Avenues where, 'The resultant layout of large adjoining back gardens is key to generating the thick, green presence of domestic gardens across the conservation area...creating an open grain and allowing an almost wooded pocket of land to generate.' In placing an extension across the rear garden this would disrupt this rhythm and contribute to a reduction in the green open space to the rear of the buildings which is an essential element of the significance of the area.

Whilst the comments regarding other outbuildings within the area are noted, it should be acknowledged, as the appraisal states, these have evolved where a rear access is present on Hutton Avenue. Traditionally there may in some instances have been outbuildings, these would have been much smaller in scale to accommodate a coal house or WC and would not have covered the width of the garden and there justify an extension of this scale.

With the case of the remaining extensions to provide a WC this will result in the loss of two traditional timber sash windows and a timber bay. As mentioned above, this is an element of the building where the exterior detailing remains therefore the loss of such detailing would harm the significance of the locally listed building and therefore in turn the conservation area.

Information provided in the heritage statement notes that elsewhere in the conservation area there are examples of properties where similar development has occurred. Apart from the proposal highlighted at 28 Clifton Avenue all of the other works were carried out prior to the conservation area being designated in 2004. This

aside the presence of other alterations cannot be considered to be a justification for development elsewhere which causes harm to the area.

To conclude it is considered that the proposed extensions would cause less than significant harm to the Grange Conservation Area. There is no information provided within the information submitted that such harm will be offset by the public benefits of the proposal.

HBC Ecology: No comments received.

PLANNING POLICY

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

Hartlepool Local Plan (2018)

2.16 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;
 HE1: Heritage Assets;
 HE3: Conservation Areas;
 HE5: Locally Listed Buildings and Structures;
 HSG11: Extensions and alterations to Existing Dwellings;
 QP3: Location, Accessibility, Highway Safety and Parking;
 QP4: Layout and Design of Development; and
 QP6: Technical Matters.

National Planning Policy Framework (NPPF)(2021)

2.17 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 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 126: Achieving well-designed places;
 PARA 130: Achieving well-designed places;
 PARA 134: Achieving well-designed places;
 PARA 190: Conserving and enhancing the historic environment;
 PARA 195: Proposals affecting heritage assets;
 PARA 197: Proposals affecting heritage assets;
 PARA 199: Considering potential impacts;
 PARA 200: Considering potential impacts;
 PARA 203: Considering potential impacts;
 PARA 206: Considering potential impacts.

HBC Planning Policy comments:

2.18 The application site is a locally listed building within the Grange Conservation Area. Planning Policy have concerns with regards to the full site width and I-shaped footprint of the proposal with respect to how this relates to the form and siting of the existing dwelling. Planning Policy are of the view that the proposal would not be a sympathetic addition to the dwelling and in turn would not conserve or enhance the character and appearance of the wider Conservation Area. On this basis, Planning Policy consider the proposal to be contrary to Local Plan policies HE1, HE3 and HE5 together with NPPF paragraphs 199, 200, 202 and 203. Planning Policy would however welcome the specialist comments of the Council's Heritage and Countryside Manager and would be prepared to revisit these comments following their receipt.

PLANNING CONSIDERATIONS

2.19 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and in particular the impact on the character and appearance of the existing dwelling and street scene (including impact upon conservation area and locally listed building), the impact on the amenity and privacy of neighbouring land users and highway safety. These and any other planning and non-planning related matters are set out below.

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING DWELLING AND STREET SCENE (INCLUDING IMPACT UPON CONSERVATION AREA AND LOCALLY LISTED BUILDING)

2.20 The application site is located in the Grange Conservation Area, a designated heritage asset and is identified as a locally listed building which is considered to be a non-designated heritage asset.

2.21 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 and 197, NPPF).

2.22 Further to this at a local level, Policy HE1 of the Hartlepool Local Plan (2018) states that the Borough Council will “seek to preserve, protect and positively enhance all heritage assets.” In addition, 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.”

2.23 Policy HE3 goes further stating 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.

2.24 The NPPF looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 203, NPPF).

2.25 Further to this, Policy HE5 of the Hartlepool Local Plan (2018) states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

2.26 The application site is within a predominantly residential area located to the west of the town centre in the Grange Conservation Area. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The Grange conservation area appraisal notes that, “it is the rhythm of repeated plot sizes along the streets which generates a distinctive regular grain to the area, even where the buildings on each plot differ.” The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel.

2.27 It is considered that the significance of the Grange Conservation Area is derived from the aesthetic value in the architectural detail found on individually designed buildings and their wider plots which combine to form the area. In addition,

it is considered that there is historic value resulting from the way in which the area has developed and its links to the development of industry in the town.

2.28 Furthermore, it is considered the significance of this locally listed building originates from the architectural detail of the property and in particular the number of original features which are retained including windows, doors and railings.

2.29 It is noted that a rear/side extension was previously approved by members here, contrary to officer recommendation. (H/2019/0515). However, whilst not supported by officers, this was on a more modest scale projecting only 1.1m beyond the main side elevation of the host dwelling, as opposed to the approximately 4.2m projection proposed in the current application.

2.30 The applicant's Heritage Statement advises that the proposals would be "modest and positive" to the main dwelling and the "increased mass of the extension to the rear is visually off-set by the removal of the timber garage". The Heritage Statement goes on to state "the extension is clearly subservient to the host building with materials and details borrowed from the original" and "the form sits comfortably in context". The applicant's supporting Heritage Statement also indicates that the proposal should be considered in the context of other examples of in-fill development in the area. The applicant's Heritage Statement concludes that the proposal "does not undermine the historic legacy of the building".

2.31 In response to the submitted details including consideration of the applicant's Heritage Statement, the Council's Head of Service for Heritage and Open Space has commented that the proposed demolition of the existing garage structure would be acceptable in principle, had the application been considered acceptable in respect of all planning matters.

2.32 However as the proposal comprises an extension which would project past the original building line (side elevation) of the property and beyond the previous projection of the extension for which extant planning permission is in place, the Head of Service for Heritage and Open Space considers that such works would be out of character in the Grange Conservation Area where extensions are found to the rear of buildings, but few cover the whole of the back elevation. Furthermore, the Council's Head of Service for Heritage and Open Space considers that the proposal would bring the rear of the property into view when standing in Clifton Avenue, and whilst only partially seen due to the relationship with the existing building, it is considered that the proposal would disrupt the rhythm of the plots and the street scene. It was noted by the case officer during the site visit that the rear of the application site could be partially viewed from the main street scene of Hutton Avenue to the rear.

2.33 In view of the above, the Council's Head of Service for Heritage and Open Space maintains the view that the proposal would result in less than substantial harm to the designated heritage asset of Grange Conservation Area and the non-designated heritage asset locally listed building as a result of the design, scale and siting of the proposed extension. The Council's Planning Policy team echo these concerns.

2.34 It is acknowledged that paragraph 203 of the NPPF (2019) states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.” As part of the applicant’s submission, no details of any identified and clear public benefits have been provided that would outweigh the LPA’s identified harm (and as required by the NPPF).

2.35 It must be stressed that the threshold for public benefits to outweigh any harm identified on a heritage asset is a high one. Ultimately, the proposal would result in the enlargement of a private property. As such, it is considered that the applicant has failed to satisfactorily demonstrate that the resultant identified harm on the heritage asset would be outweighed by any real or identified public benefits of the proposal.

2.36 Furthermore and with respect to the applicant’s reference (in their Heritage Statement) to other in-fill extensions in the area, each application should be considered on their own individual merits. Predominantly, extensions or offshoots are found to the rear of buildings and few cover the whole of the back elevation and extend beyond the existing building line within this area.

2.37 Following an objection from the Council’s Head of Service for Heritage and Open Space, Officers have offered potential solutions to the applicant in order to make the development acceptable, primarily by reducing the width of the proposed extension. However, the applicant is unwilling to amend the plans and has not offered an alternative solution. The application therefore has to be considered as submitted.

2.38 It is considered the proposed single storey extension to the side and rear would result in less than substantial harm to the designated heritage asset of Grange Conservation Area and the non-designated heritage asset locally listed building as a result of the design, scale and siting of the proposed extension. The proposal is therefore contrary to policies HE1, HE3 HE5 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 126, 130, 134, 190, 197, 200, 203 and 206 of the NPPF (2021).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

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

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

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

Impact on property to the west (No. 38 Clifton Avenue)

2.41 The proposed single storey extension to the side and rear would project up to and run along the boundary with the neighbour at No. 38 Clifton Avenue, with the main side elevation of No. 38 being approximately 5.5 metres to the west of the proposed extension at the nearest point, and the existing boundary wall (with a height of approximately 2m) between. In view of this distance and the north facing orientation of the properties, and taking into account the height (under 4m) and design of the proposal, it is considered that the above mentioned relationship would prevent any adverse impact in terms of loss of light or overbearing appearance.

2.42 In terms of privacy, it is considered that the windows proposed in the rear elevation of the proposed extension would be of a similar arrangement to the existing fenestration, albeit closer to the neighbouring property to the west, while the intervening boundary wall would prevent any direct views into the neighbouring property's windows from these windows and from windows and doors proposed in the front and eastern side elevation of this element.

2.43 It is considered that the proposed entrance feature and decking/courtyard would be screened from the neighbour at No. 38 by the orientation of the proposed single storey extension to the side and rear, whilst the proposed decking and railings to the rear would not exceed the parameters of permitted development, which would remain a 'fall-back' position in this instance.

2.44 In light of the above, it is considered that due to the above mentioned relationship between the neighbouring properties and the screening provided, no element of the proposals would result in any significant adverse impact upon the residential amenity or privacy of the occupiers of No. 38 Clifton Avenue in relation to overshadowing, loss of outlook, overbearing impression or overlooking.

Impact on property to the east (No. 32 Clifton Avenue)

2.45 The proposed single storey extension would project up to the eastern boundary, and approximately 10m to the nearest part of the neighbouring property at 32 Clifton Avenue to the east. It is also noted that there is a detached garage present between the host property and No. 32.

2.46 It is considered due to the separation distance mentioned above and the orientation of the main host property itself, that the proposals (including the single storey extension to the side and rear, entrance feature and courtyard and rear platform and railings) would not have a significantly adverse impact upon the residential amenity or privacy of the occupiers of No. 32 Clifton Avenue in relation to overshadowing, loss of outlook, any overbearing effect or overlooking (as a result of there being no direct views achievable to the main dwelling of the neighbour at No. 32 or its main garden space).

Impact on properties to the north (Nos. 39 & 41 Hutton Avenue)

2.47 Nos. 39 & 41 Hutton Avenue are situated approximately 55m to the north of the proposed development at the nearest point. It is noted that this would be comply with the required 20m separation distance (principal to principal elevation) specified by Policy QP4 of the Hartlepool Local Plan (2018) and the Residential Design Guide SPD (2019).

2.48 It is considered due to the separation distance mentioned above and partial screening provided by the existing boundary treatment to the rear (which consists of brick walling to a maximum height of approximately 1.8m and intermittent bushes and trees which would remain) no element of the proposals would result in any significantly adverse impact upon the residential amenity and privacy of these properties in relation to loss of light or outlook, any overbearing effect, overshadowing or overlooking.

Impact on properties to the south (No. 1 Eltringham Road & 31 Clifton Avenue)

2.49 No. 1 Eltringham Road & No. 31 Clifton Avenue are approximately 24m to the south of the proposed development at the nearest point, with an oblique relationship to these neighbouring properties. It is noted that this would be comply with the required 20 metre separation distance (principal to principal elevation) of Policy QP4 of the Local Plan.

2.50 It is considered due to the separation distance mentioned above across the public highway of Clifton Avenue and relationship between the host property and these neighbours, including the partial screening provided by the existing building, the proposal would not result in any significantly adverse impact upon the residential amenity and privacy of these properties in relation to loss of light or outlook, any overbearing effect, overshadowing or overlooking.

Impact of other proposed elements

2.51 As noted above, the proposed development includes a timber terrace/decking area to the rear and side of the proposed extension that would be approximately 0.3 metres above ground level, and contained by a railing fence with an approximate height of 1 metre. As noted above, given the height of the proposed timber terrace/decking area, it is acknowledged that this element of the proposal could hypothetically, be constructed under permitted development. Any resultant impact of such development therefore represents a “fall-back” position of what could be done without any further planning permission and the Council must have regard to it when considering this application.

2.52 In view of the above, the modest scale and design of this element, and existing boundary treatment comprising a wall to all sides of the rear garden with a maximum height of approximately 1.8 metres, and the remaining separation distances to the adjacent properties and those to the rear (north). It is considered that this element of the proposal would not result in an adverse loss of amenity and privacy for surrounding properties as to warrant a refusal of the application.

HIGHWAYS SAFETY AND PARKING PROVISION

2.53 It is acknowledged that the proposed development includes the demolition of the existing garage, whilst the proposed extension would feature a replacement garage. The hardstanding to the front of the host property would remain. The Council's Traffic and Transport team were consulted on the proposal and have not raised any objections to the application. The proposal is therefore considered to be acceptable in this respect.

OTHER PLANNING MATTERS

2.54 The Council's Flood Risk Officer has been consulted with respect to the proposal and has offered no objections in terms of flood risk, resulting from the development. Final details of drainage (foul and surface water) would need to be considered through the Building Regulations process.

CONCLUSION

2.55 It is considered the proposed single storey extension to the side and rear would cause less than substantial harm to the designated heritage asset of Grange Conservation Area and the non-designated heritage asset of the locally listed building, by virtue of this design, scale and siting. It is considered that the proposed works detract from the character and appearance of the designated heritage asset (Grange Conservation Area) and the non-designated heritage asset (locally listed building). It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. It is therefore considered the proposal should be refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.56 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.57 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.

2.58 There are no Section 17 implications.

REASON FOR DECISION

2.59 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 reasons below:

1. In the opinion of the Local Planning Authority, the proposed single storey extension to the side and rear would cause less than substantial harm to the designated heritage asset of Grange Conservation Area and the non-

designated heritage asset of the locally listed building, by virtue of the design, scale and siting of the proposed development that would detract from the character and appearance of the identified heritage assets. 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, HE3, HE5 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 126, 130, 134, 190, 197, 200, 203 and 206 of the NPPF (2021).

BACKGROUND PAPERS

2.60 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=153888>

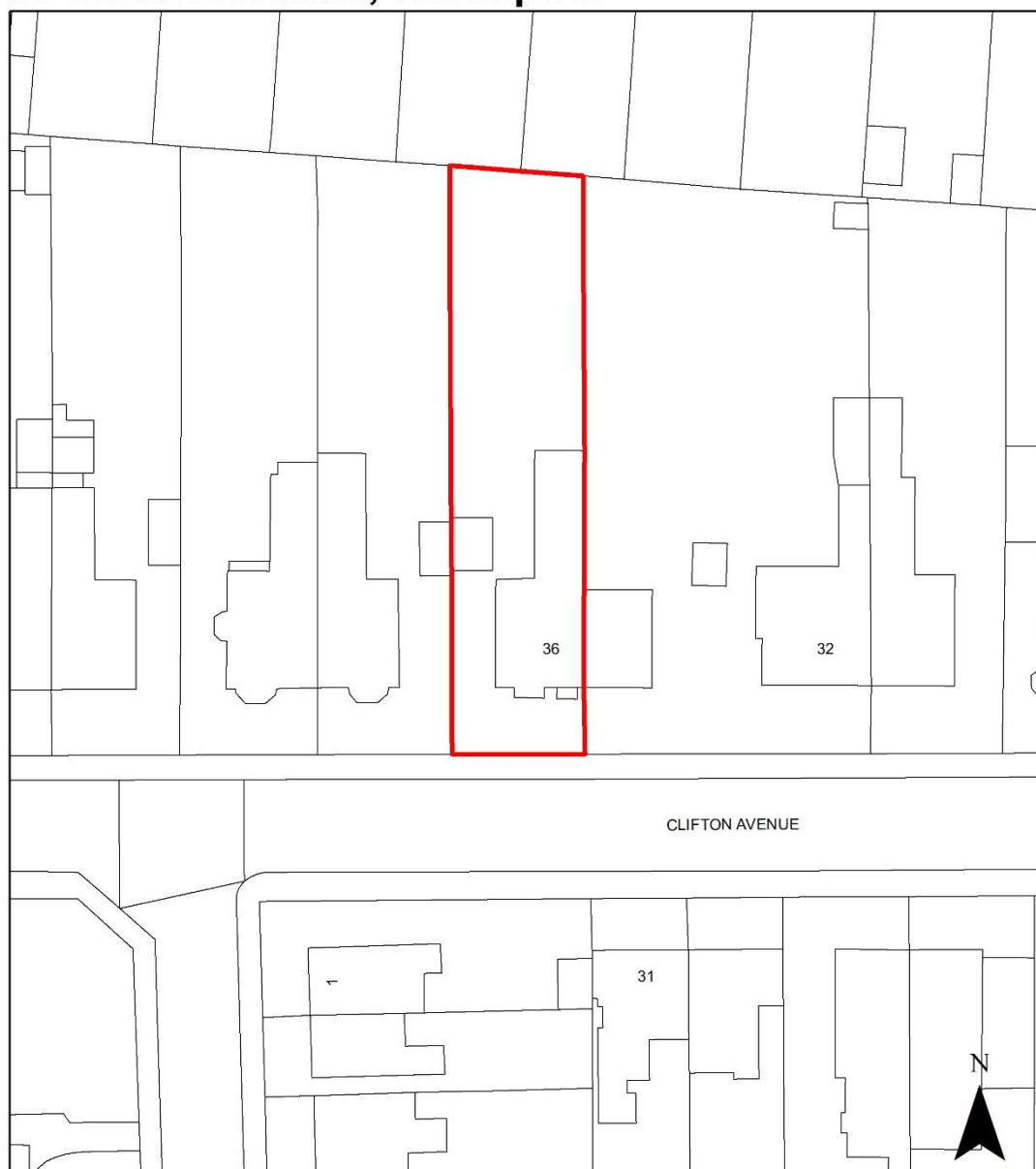
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Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2022/0231	REV

POLICY NOTE

The following details a precis of the overarching policy documents referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN POLICIES

<https://www.hartlepool.gov.uk/localplan>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018

MINERALS & WASTE DPD 2011

https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

Material Planning Considerations	Non Material Considerations
<i>Can be taken into account in making a planning decision</i>	<i>To be ignored when making a decision on a planning application.</i>
<ul style="list-style-type: none"> Local and National planning policy 	<ul style="list-style-type: none"> Political opinion or moral issues
<ul style="list-style-type: none"> Visual impact 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Hypothetical alternative proposals/sites
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Building Regs (fire safety, etc.)
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Private access disputes
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Loss of trade / business competition (unless exceptional case)
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Crime and the fear of crime 	
<ul style="list-style-type: none"> Planning history or previous decisions made 	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

PLANNING COMMITTEE

05 October 2022



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. Non-compliance with a working hours condition at a residential development site at land at Quarry Farm.
2. Construction works to create an extension to the site at a residential park homes site on Easington Road.
3. Construction of a garage at a residential property on Hart Lane.
4. Multiple complaints relating to non-compliance with a construction management plan and surface water drainage provision at a residential development at land at Quarry Farm.
5. Non-compliance with a working hours condition at an industrial development site on Greenland Road.
6. The erection of an extension at the rear of a residential property on Colenso Street.
7. Sub-division of the upper floors to create 3 flats at a commercial premises on Park Road.
8. The installation of bollards on an access way to the rear of a licensed premises on The Front.
9. The installation of air conditioning equipment at a commercial premises on Dalton Street.
10. The erection of fencing at a former bingo club on York Road.

1.2 Investigations have been completed as a result of the following complaints:

1. The removal of hedges at a residential development site at land south of High Tunstall. The removal of the hedges was approved as part of a recent grant of planning permission.
2. The erection of a single storey extension at the side of a residential property in Kesteven Road. The development has been in place for in excess of 4 years and is therefore immune from enforcement.
3. Non-compliance with the approved driveway layout at a residential development site at land off Seaton Lane. The driveway layout has been constructed in accordance with the approved plans.
4. Non-compliance with a condition relating to the landscaping of a bund, and obstruction of a footpath at land at Wynyard Woods. The landscaping of the bund has been carried out in accordance with the approved plans. The obstruction of the footpath is not a planning enforcement matter, however the overgrown vegetation has now been cut back.
5. The erection of a high fence at the rear of a residential property in Hart Lane. The fence has since been removed.
6. Construction works to create new units at a residential park homes site in Queen Street. Permitted development rights apply in this case.
7. The erection of a replacement detached garage at the side of a residential property in Greta Avenue. Permitted development rights apply in this case.
8. The erection of a porch at the front of a residential property in Ashfield Close, Greatham. No porch has been erected.
9. Non-compliance with a working hours condition at a residential development site at Wynyard Park Estate. The site is now operating in accordance with the working hours condition.
10. The installation of replacement windows at a residential property at The Cliff. Permitted development rights apply in this case.
11. The erection of a timber gate across the entrance to an alleyway at the rear of commercial properties on The Front. Permitted development rights apply in this case.
12. Non-compliance with a condition relating to the use of matching materials (relates to roof tiles) at a householder development in Yarmouth Close. A retrospective planning application seeking to vary the requirements of the condition has since been approved.

13. The erection of a high black screen at the side of a residential property in Millpool Close. Permitted development rights apply in this case.
14. A householder development at a residential property in Egerton Road not carried out in accordance with the approved plans. A retrospective planning application seeking to regularise the development has since been approved.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

5th October 2022



Report of: Assistant Director – Place Management

Subject: APPEAL AT LAND NEAR HART MOOR FARM,
HARTLEPOOL, TS27 3BQ
APPEAL REF: APP/H0724/W/22/3299848
Construction of underground electricity cables,
substation and associated infrastructure to connect to
Hart Moor Substation (H/2021/0311)

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 for the Construction of underground electricity cables, substation and associated infrastructure to connect to Hart Moor Substation at land near Hart Moor Farm, Hartlepool.
- 1.2 The appeal is one of 5no. linked appeals in relation to refused planning applications from both Hartlepool Borough Council and Durham County Council, which are linked to the refused solar farm at Sheraton Hall Farm and an approved solar farm at Hulam Farm (both within the Durham County Council administrative boundary).
- 1.3 The appeals will be dealt with through the Public Inquiry procedure with a Public Inquiry currently programmed to begin on 15th November 2022.
- 1.4 The planning application was refused under delegated powers on 4th March 2022 for the following reasons:
 1. *In the opinion of the Local Planning Authority, the proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development and village envelopes as defined by Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018) and the proposed use is not supported and does not constitute a sustainable form of development.*
 2. *In the opinion of the Local Planning Authority, due to its size, siting and design, the proposal would have a detrimental visual impact on the open countryside and A179 main approach into Hartlepool and would have an*

unacceptable industrialising / urbanising effect on this part of the rural area, contrary to Policies RUR1 and QP4 of the Hartlepool Local Plan (2018), and Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018).

(Report Attached – **APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

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DELEGATED REPORT

Application No H/2021/0311

Proposal Construction of underground electricity cables, substation and associated infrastructure to connect to Hart Moor Substation

Location HART MOOR FARM TRUNK ROAD A19 HARTLEPOOL

PS Code: 6

DELEGATION ISSUES	Neighbour letters:	05/10/2021
1) Publicity Expiry	Site notice:	13/10/2021
	Advert:	25/10/2021
	Weekly list:	11/10/2021
	Expiry date:	17/11/2021
	Extended date:	04/03/2022
2) Publicity/Consultations		
PUBLICITY		
<p>The application was advertised by way of notification letters to 5 individual neighbouring properties and local ward councillors, site notices and press advert. To date, one response offering no objections to the proposals has been received.</p> <p>During the course of consideration of the proposals, the applicant submitted revised landscaping details and a photomontage showing images of the proposed substation in situ at the application site. A re-consultation was undertaken with no additional representations received.</p>		
CONSULTATIONS		
<p>The following consultation responses have been received:</p> <p>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.</p> <p>Within agricultural land it is possible that land drainage assets may be encountered that may be susceptible to damage or need to be diverted, infilled, etc. In this respect the applicant's attention is drawn to the Land Drainage Act 1991 section 23 whereby Hartlepool Borough Council's consent is required in its capacity as Lead Local Flood Authority prior to any modification to or interference with any of these drainage assets (Ordinary Watercourses) that may affect flow in those assets.</p> <p><u>Update 06/12 following additional landscaping:</u></p>		

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

HBC Ecology: The scheme has been designed so as to avoid the majority of ecological impacts, which is in line with the ecological mitigation hierarchy. Remaining potential effects can be mitigated or compensated for through measures to be included in a Construction Environmental Management Plan (CEMP), as discussed within the supporting ecological report.

A CEMP should include:

- Measures to control surface water runoff during construction;
- Pre-works survey for badger;
- Measures to ensure mammals have a means of escape from any excavations left open over night;
- Reinstatement of short sections of hedgerow impacted by construction/access; and
- Avoidance of hedgerow removal during the bird breeding season, or pre-clearance checks by a suitably experienced ecologist.

Subject to a condition, based on standard BS42020 wording, requiring a CEMP I have no objection.

HBC Traffic and Transport: There are no objections in principle to this scheme.

The proposed works on the A179 will need to be carefully programmed due to upcoming major works linked to the Upper Warren Housing Development which will be in situ for several months.

HBC Countryside Access Officer: There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

However if there is an opportunity for any possible Green Infrastructure contributions to be considered then improvements to an existing woodland walk, to the west, would be encouraged, as it would benefit drivers who park at the layby in front of the woodland, by offering them the opportunity to walk, stretch and de-stress before continuing their onward vehicle journey.

HBC Landscape Architect: A landscape and Visual Assessment and AIA have been produced. No elevation details have been provided for the sub-station. The inclusion of a wire frame model within the visual analysis would be more informative and demonstrate the conclusions of the visual assessment.

There is some concern that this proposal has cumulative impact in conjunction with a number of other consented and proposed developments in the area (both Hartlepool Borough Council and Durham County Council) have not been adequately addressed.

The proposed mitigation planting associated with the Substation is minimal and not be effective in the short to medium term.

Update 08/12 following amended landscaping:

I understand from the applicant that the 2 locations are alternative options for the substation.

With regard to mitigation, I understand that some regrading will be undertaken to reduce visual impacts on the substation. It should be ensured that details of this should be include in the mitigation strategy.

Northern Gas: No objection.

Natural England: Natural England has no comments to make on this application.

Tees Archaeology: Thank you for the consultation on this application. We note the inclusion of a Historic Environment Desk-Based Assessment, and its recommendation that a programme of archaeological works is undertaken prior to the construction works. We recommend that archaeological trial trenching is undertaken prior to determination of the application, to ascertain the presence of any archaeological remains; the results from the trial trenching will determine the necessity for any further work.

Update 07/12/2021 following discussions with applicant:

(summarised) I have set out the proposed wording for archaeological condition below:-

Recording of a heritage asset through a programme of archaeological works

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

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

B) No demolition/development shall take place until the site investigation has been carried out in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be 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.

Teesmouth Bird Club: The bird club has no concerns about this application.

Northumbrian Water: Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

National Highways: Referring to the consultation on a planning application last updated 14 September 2021 referenced above, in the vicinity of the A19 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A)

HBC Arboricultural Officer: Landscaping has been provided that uses native broadleaved species and in rural areas this is to be welcomed.

That said it will be several years (5 or more plus the initial 5 year establishment) for these to become established and make any noticeable contribution in terms of visual screening and as these are deciduous with the exception of the privet, any screening effect will be lost once the leaves fall. There are no mature tree issues here. There is already a mature hawthorn hedge running alongside the proposed compound which will go some way to effect what I have just said but the more prominent view is from the A179 heading west where there are unbroken views across the countryside towards Castle Eden and Hutton Henry and although tree disguising will soften the impact of the compound it will also introduce another viewpoint obstacle.

Rural Plan Working Group: The policies below are relevant, and the Group wish to offer the following comments.

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, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

The location of the proposed development is in open countryside outside development limits. It is becoming clear that the presence of the High Volts Substation is acting as a magnet for electricity generating projects.

The alarming cumulative effect of this proposal comes in light of other developments additional to the existing wind turbine and major High Volts Sub-station.

These are: -

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

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

plus additional facilities H/2017/0540,

H/2019/0208 Hulam Farm solar farm (just over the. boundary in Durham County)

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

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

The cumulative effect is of grave concern as the character, appearance and visual amenity of the rural area in the vicinity of Hart and Sheraton is being significantly impacted. Previously this has been restricted to the south of the A167, one of the two main access roads linking Hartlepool to the A19 and the rest of the country. This proposal is north of the A179. Could this additional substation not be included within or directly adjacent the existing High Volts substation thus avoiding the sprawl of such developments which are ugly, intrusive and industrial in character ever further into the countryside.

POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

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

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

Ugly, intrusive and of an industrial character – by their very nature these types of developments are alien to the character of the rural area. No effort is taken to make a utilitarian design more acceptable or attractive, resorting instead to minimal screening behind hedges and trees. The application in no way helps create a sense of place or reinforce the character of the rural area by being individual or respecting the local vernacular, quite the contrary. The minimal screening does little to enhance the landscape or greatly improve biodiversity. As for views and vistas the best that can be said is the development tries to hide.

POLICY NE1 - NATURAL ENVIRONMENT

The rural plan will seek to protect, manage and enhance the areas natural environment.

1. Nature conservation sites of international and national importance, Local Wildlife Sites, Local Geological Sites and Local Nature Reserves will be protected, managed and actively enhanced. Designated sites are identified on the Proposals Map.
 - 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 will be required to maintain and enhance conservation interests. In the first instance 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.
3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. Any development should not result in, or contribute to, a deterioration in the ecological quality of the Greatham Beck waterbody.
4. Existing woodland of amenity and nature conservation value and in particular ancient semi natural woodland and veteran trees will be protected. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting must where possible:
 - a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing;
 - b. Provide screening around any non-agricultural uses;
 - c. Use a mix of local native species appropriate to the landscape character area;
 - d. Ensure that trees are planted at distances from buildings that provide sufficient space for the future growth of the tree to maturity.

Cable route and Sub-station close to Hart Bog SSS1, Bellows Burn Fen Local Wildlife Site and Butts Lane Local Wildlife Site. We would expect, should this application be approved, that every endeavour is made not to cause disturbance to these sites especially during construction. We would further expect that every opportunity to enhance these sites is taken full advantage of.

POLICY NE2 - RENEWABLE AND LOW CARBON ENERGY

Renewable and low carbon energy developments assist in meeting the Rural Plan area's commitment 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 and cumulatively upon:
 - a. The surrounding landscape including natural, built, heritage (including archaeological) and cultural assets and townscape; including buildings, features, habitats and species of international, national and local importance;
 - b. The flows of groundwater to any water- dependent features within the area, including rivers, ponds, springs and abstraction points.
 - c. Residential amenity including visual intrusion, air, dust, noise, odour, shadow flicker, traffic generation, recreation and access;
 - d. The operation of air traffic operations, radar and air navigational installations and
 - e. Highway safety.
2. Appropriate mitigation measures to address any effects identified and considered will be required prior to any development proceeding.
3. Given the nature of some forms of renewable and low carbon energy schemes and their supporting infrastructure and ancillary buildings, it will be necessary and appropriate in certain instances to secure removal of the scheme and its supporting infrastructure and ancillary buildings and restore the land to an appropriate use once a scheme is ready for decommissioning, through the imposition of planning conditions.

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

The rural area is under a new pressure – energy generation. Whether wind or solar farms this pressure is growing and the ancillary requirements such as sub-stations can be overlooked, especially when they come as a separate application. We all want a cleaner, greener environment and a move to sustainable energy is essential. We do however need to remember the needs of agriculture (to feed us) and the natural environment. Managed there ought to be room for all, but the correct mix is key. The major concern is that the mix is tipping in the wrong direction north west of Hartlepool.

Should the Council be minded to approve this application we would seek a condition to ensure the landscaping is implemented on site no later than the first planting season following completion. Also, replacement of any tree or shrub which may die, be removed or seriously damaged is assured.

We would also expect a condition for the removal of the sub-station and the restoration of the site to countryside on the same terms as the conditions on the Solar Farm the sub-station is to serve. We understand that these conditions are that in the event that the solar farm is inoperative for a period of 6 months or longer the development the development hereby approved shall be removed and the site restored within 18 months.

Update 02/03/2022 following amended landscaping and Photomontage

The photomontages serve to confirm our concerns regarding the visual impact of this kind of development and its alien nature within a countryside setting. There is a need to recognise the imperative to minimise the quantity, spread and impact of such developments. Greater emphasis should be given to the extension of the landscaping and screening beyond a thin line immediately around such features to mitigate against any detrimental effect on the environment, the landscape and recreational opportunities, and to what extent to which that could be moderated.

All the comments of our original submission remain valid.

HBC Heritage and Countryside Manager: It is considered the proposal will not impact on the setting of any listed or locally listed buildings, nor any conservation areas.

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

HBC Building Control: No comments received.

Environment Agency: No comments received.

Durham County Council: No comments received.

HBC Estates: No comments received.

Cleveland Fire Brigade: No comments received.

Rambles Association: No comments received.

HBC Public Protection: No comments received.

CPRE: No comments received.

RSPB: No comments received.

Tees Valley Wildlife Trust: No comments received.

DEFRA: No comments received.

Hart Parish Council: No comments received.

Northern Power Grid: No comments received.

3) Neighbour letters needed	Y
4) Parish letter needed	N

5) Policy

National Planning Policy Framework (NPPF)(2021)

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 001: Role of NPPF

PARA 002: Determination of applications in accordance with development plan

PARA 003: Utilisation of NPPF

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision making

PARA 047: Determining applications

PARA 055: Planning conditions and obligations

PARA 056: Planning conditions and obligations

PARA 081: Building a strong, competitive economy

PARA 083: Building a strong, competitive economy

PARA 084: Supporting a prosperous rural economy

PARA 110: Considering development proposals

PARA 126: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 152: Meeting the challenge of climate change, flooding and coastal change

PARA 154: Meeting the challenge of climate change, flooding and coastal change

PARA 174: Conserving and enhancing the natural environment

PARA 179: Habitats and biodiversity

PARA 183: Habitats and biodiversity

PARA 185: Habitats and biodiversity

PARA 189: Conserving and enhancing the historic environment

PARA 194: Conserving and enhancing the historic environment

PARA 195: Conserving and enhancing the historic environment

PARA 197: Conserving and enhancing the historic environment

PARA 199: Considering potential impacts

PARA 200: Considering potential impacts

Hartlepool Local Plan 2018

CC1: Minimising and Adapting to Climate Change

CC2: Reducing & Mitigating Flood Risk

CC3: Renewable and Low Carbon Energy Generation

CC5: Large Scale Photovoltaic Developments

HE1: Heritage Assets

HE2: Archaeology

LS1: Locational Strategy

NE1: Natural Environment

NE2: Green Infrastructure

NE4: Ecological Networks

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

RUR1: Development in the Rural Area

SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan (2018)

GEN1: Development Limits

GEN 2: Design Principles

NE1: Natural Environment

NE2: Renewable and Local Carbon Energy

HBC Planning Policy Comments: After further consideration Planning Policy are of the view that the proposal is unacceptable and not in accordance with Local Plan Policy RUR1 (Development in the Rural Area).

Local Plan policy RUR1 seeks to ensure the rural area is protected and enhanced and that development in the rural area will be strictly controlled. The policy seeks to support the rural economy, mainly through rural enterprise such as forestry, agriculture and farm diversification along with other appropriate land based businesses. The proposal is for a substation, which although is not a typical rural based business it is a form of development that can be located within the rural area, Planning Policy do not object to the principle of a substation being located within the rural area, Planning Policy object as it is considered that the proposal is likely to have a detrimental impact on the rural area if it is located as this application intends. The proposal is within the open countryside, beyond the urban limits and Planning Policy are of the view that to create such structures in this area would effectively lead to an urbanised feel and reduce the openness of the area and it is unlikely that any level of landscaping could mitigate against these negative impacts.

The rural area of Hartlepool should remain as open as possible, for the enjoyment of residents and visitors and to provide an attractive setting for the built up area of

Hartlepool. The rural area is enjoyed by many and those who roam within it should have the freedom to enjoy its openness and feel they are `getting away from` the day to day life that the urban environment can bring. Having access to green open spaces is beneficial for physical and mental health and to retain such areas would help ensure the delivers of the council Health Strategy.

This stretch of Hartlepool's countryside is particularly visually attractive and prominent given its proximity to the A179. Planning Policy note that the substation and cabling are to serve a solar farm and whilst the provision of renewable energy is supported there has to be a balance between preserving the countryside and the need to provide clean energy.

Planning Policy are of the view that the open countryside to the north of the A179 should remain open and not be littered with what can appear to be industrial type buildings. The positive contribution to the delivery of clean energy is noted however that does not outweigh the need to preserve the open countryside especially given that Planning Policy are of the view that there may be alternative locations in which to locate the substation.

Planning Policy note that there is infrastructure to the south of the A179 and applications have been approved for other facilities to the south of the A179. Although Planning Policy do not wish to see the south of the A179 over cluttered with infrastructure development it may be more prudent to locate these types of infrastructure within one area i.e. the south of the A179 instead of creating new visual intrusions to the north of the A179.

Planning Policy would welcome/encourage the applicant to consider relocating the substation to the south of the A179.

Planning Policy are of the view that the substation is inappropriate in its current location and given that the cabling application have been submitted in a bid to serve the solar farm and substation that Planning Policy view the application as a whole. It is Planning Policy's view that the substation is inappropriate and should be refused and thus it is also prudent to refuse the cabling applications as they effectively serve no purpose and could not be built.

6) Planning Consideration

BACKGROUND

The following applications are considered relevant to the application site, being located within close proximity and to the south of the A179:

H/2017/0287 - a gas powered electricity generator and infrastructure. Approved 21/12/2017.

H/2017/0540- Proposed Energy Storage Facility comprising 2no. sub-station buildings, 5no. battery storage units, feeder pillars and transformers, and including means of access and associated hard standing and security fencing. Approved 05/01/2018.

H/2019/0208 - Erection of gas metering kiosk, 66kv electrical transformer, electricity metering kiosk, security fencing, acoustic fencing, mounding, hard and soft landscaping and associated works. Approved 21/11/2019.

H/2020/0162 - Screening opinion request in respect of electric vehicle charging facility ('Solar Electric Forecourt'), including erection of a 2-storey 'central hub' building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure. Decision date 17/07/2021.

H/2020/0175 – Solar farm and associated development. Approved 26/08/2021.

H2021/0404 - Scoping opinion request in respect of electric vehicle charging facility (Solar Electric Forecourt), including erection of a 2-storey central hub; building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure. Decision date 07/10/2021.

H/2021/0313 – Construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm (Durham County Council reference DM/19/03959/FPA) to the existing substation near Hart. Durham County Council reference DM/21/02336/FPA. Pending consideration.

H/2021/0312 - Construction of underground electricity cables, and associated infrastructure to connect Sheraton Hall Solar Farm to the primary proposed substation - Durham County Council reference DM/21/02333/FPA. Pending consideration.

The following applications located within Durham County Council (DCC) that are located within close proximity of the current application site are considered to be relevant;

DCC reference DM/19/03959/FPA - Hulam Farm solar farm and associated infrastructure and substation. Approved 17/06/2020.

DCC reference DM/20/03722/FPA – Sheraton Hall Farm solar farm and associated infrastructure and substation. Refused 18/12/2021.

SITE AND SURROUNDINGS

The application site is an area of approximately 1.66 hectares of agricultural fields sited approximately 70m to the north of the A179 trunk road, with the proposed cable extending beneath the A179 to the existing substation sited on the junction between the A179 and Worset Lane (south west). The village of Sheraton (within the jurisdiction of DCC) is located to the north west of the site, whilst the village of Hart lies to the east. Levels across the site gently undulate, rising towards the west. Boundaries of the main A179 highway are primarily defined by existing hedgerows.

Durham County Council have recently refused an application for a solar farm close to the village of Sheraton, abounding to the west of this application site, on the western side of the A19 (reference DM/20/03722/FPA, decision date 18/12/2021).

Planning permission was granted in June 2020 by Durham County Council for a solar farm at Hulam (reference DM/19/03959/FPA), approximately 1.36km north of the application site.

PROPOSAL

Planning permission is sought through this application for the erection of a substation and the installation of a physical cable connection to the approved solar farm at Hulam Farm (Durham County Council reference: DM/20/03722/FPA, decision date 17/06/2020) and the existing substation to the south of the A179 trunk road and east of Worset Lane. It is also understood that the substation is intended to link into a solar farm at Sheraton, which was recently refused by DCC (reference DM/20/03722/FPA, decision date 18/12/2021). Furthermore, as referenced in the background section of the report, there are 2 associated planning applications (H/2021/0312 + H/2021/0313) pending consideration relating to cabling applications that would seek to connect the proposed substation (of this application) to the aforementioned solar farms at Hulam and Sheraton Hall Farm respectively (although as noted above, the application within DCC for a solar farm at Sheraton Hall Farm was refused).

The proposed substation would measure approximately 17m in length by approximately 5.5m in depth with a flat roof height of approximately 6.275m. The proposed 33kV cable route would extend from the eastern side of the proposed substation and would cross the A179 (beneath the trunk road) to the existing substation to the south east of the T-junction between the A179 trunk road and Worset Lane extending to the south.

The cable would be placed below ground and used for the transmission of renewable electricity. The submitted Planning Statement indicates that the cables would be laid within a uPVC duct and marked with markers. The cable would be laid by open cut trenching where appropriate and where it meets any vegetation underground, directional drilling would be used. The submitted Planning Statement indicates that the roads would be reinstated with appropriate highways agreements. The applicant states in the submitted Planning Statement that once the cables are laid and trenches backfilled, topsoil would be seeded with a suitable grass mix.

The application has been amended during the course of its consideration following a request from the Council's Landscape Architect regarding the provision of alternative landscaping. This includes additional native tree and woodland planting along the northern and southern sides of the proposed substation. In addition, the applicant has also submitted a supporting 'Photomontage'.

More recently, the applicant sought to try and address Officer concerns by putting forward an indicative smaller substation for consideration. However officers advised that this would not address their concerns but sought clarification as to whether the applicant intended to formally update/supersede the current proposals with the 'smaller' substation. The applicant consequently confirmed their request for the LPA to determine the application based on the formally submitted plans and no further plans were therefore submitted formally. The proposal has therefore been considered accordingly.

MATERIAL PLANNING CONSIDERATIONS

The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018) and paragraphs of the NPPF (2021), and in particular the principle of development, the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, highway and pedestrian safety and PRow, ecology and nature conservation, flood risk and drainage and archaeology. These and any other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

The Hartlepool Local Plan Policies Map (2018) identifies the application site as unallocated 'white land' but crucially is located beyond the development limits as defined by Policy LS1 of the Hartlepool Local Plan (2018). The area immediately to the south of the site along the A179 is allocated as Policy INF2 ('Safeguarded Land for Future Road Schemes'). The application site is also located beyond the development limits as defined by Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018).

The main policy of the Hartlepool Local Plan (2018) in relation to this site is policy RUR1 (Development in the Rural Area). The main aim of this policy is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled.

Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses including the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a scale and nature that is suitable to a rural location. The policy sets a number of other criteria that any development should meet, where relevant, including:

1. Be in accordance with the Hartlepool Rural Neighbourhood Plan;
2. Where possible be located in or near to the villages;
3. Where possible re-use existing buildings and/or materials;
4. Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion;
5. Through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes;
6. Be in keeping with other buildings in terms of siting, size, materials and colour;
7. Ensure access is appropriate and there is not a detrimental impact on the highway safety;
8. Where possible create and improve sustainable connectivity;
9. Not have a detrimental impact on the landscape character or heritage assets;

10. Avoid areas of best and most versatile agricultural land, those classified as grades 1, 2 and 3a in the Agricultural Land Classification.

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

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

This policy, as well as a number of other policies within the Rural Plan (2018), namely GEN2, NE1 and NE2 require careful consideration be given to a number of other material planning considerations (similar to the above Hartlepool Local Plan (2018) requirements) and these are considered in greater detail below.

The application site extends across areas with a predominate section classified as Grade 2 (very good) on Natural England's Agricultural Land Classification Map – North East Region.

When considering the requirements of Policy RUR1 of the Hartlepool Local Plan (2018), it is considered that the proposals do not relate to the efficient or continued viable operation of agriculture, horticulture, forestry or equine businesses.

- In terms of the criteria of Policy RUR1 of the Hartlepool Local Plan (2018), in respect of criterion 1, it is of note that the proposals are outside the Development Limits of the Hartlepool Rural Neighbourhood Plan (2018). It is acknowledged that the proposal could be considered to support public infrastructure, however it is not considered to respect the character of the countryside (for the reasons detailed below), and therefore it is considered that the proposal contravenes the requirements of the Rural Neighbourhood Plan (2018).
- In respect of criterion 2, the proposal is not situated within an existing village, being sited approximately 1.1km from the edge of the village of Hart to the east.
- In respect of criterion 3, it is of note that the proposals would not re-use existing buildings or materials.

- In respect of criterion 4, and as considered in detail below, it is considered that the proposals would result in a significant detrimental impact on the amenity of the local area by way of visual intrusion.
- In respect of criterion 5, it is considered that the proposals would not enhance the quality, character and distinctiveness of the immediate area, villages and landscapes.
- In respect of criterion 6, it is considered that the proposed siting, scale and design of the substation would not be in keeping with other buildings.
- In respect of criterion 7, and as considered in detail below, it is acknowledged that the proposal would not result in any significant detrimental impact on highway safety.
- In respect of criterion 8, it is noted that the proposals would not create or improve sustainable connectivity.
- In respect of criterion 9, as considered in further detail below, whilst it is acknowledged that the proposal would not result in any adverse impact on any heritage assets, it is considered that the proposal would have a significant detrimental impact on the landscape character.
- In respect to criterion 10, with respect to avoiding areas of best and most versatile agricultural land, it is of note that a significant proportion of the application site is classified as 'Very Good' (Class 2), of the Agricultural Land Classification Map, as outlined above.

In view of the above, it is considered that overall, the proposal would not comply with the requirements of Policy RUR1 of the Hartlepool Local Plan (2018) contravening the general principles as well as criteria 1, 2, 3, 4, 5, 6, 8, 9 and 10 of this policy, nor would it comply with Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018). The Council's Planning Policy section support this view. It is also of note that the Rural Plan Working Group have objected to the proposal.

It is also noted that Policy INF2 of the Hartlepool Local Plan safeguards land alongside the A179 for the potential future duelling of the road however, as the proposals are set away from the field boundary and no objections have been received from HBC Planning Policy in this respect, it is considered there is sufficient space to accommodate any widening should this development come to fruition in the future.

Concerns have been raised by Officers to the applicant throughout the application (and pre-application) process as to the lack of suitability of the proposed location (being to the north of the A179) which is open in nature and allows for prominent sequential views of the open countryside and coastline when travelling along the main route into the town of Hartlepool from the A19. It has suggested by Officers that consideration should be given to siting the proposals to the southern side of the

A179 however the applicant has continued to pursue the current application site, citing land ownership issues.

In view of the above considerations, it is considered that the principle of the proposed development is in conflict with a number of key policies of both the Local Plan and Rural Neighbourhood Plan.

Notwithstanding the above, it is acknowledged that local and national planning policy support the development of renewable energy.

Policy CC5 (Large Scale Solar Photovoltaic Developments) of the Hartlepool Local Plan (2018) 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.

Policy CC3 (Renewable and Low Carbon Energy Generation) of the Hartlepool Local Plan (2018) recognises that significant weight should be given to the achievement of wider environmental and economic benefits from low carbon energy infrastructure. This Policy seeks to ensure that proposals satisfactorily address standalone and cumulative impacts that may result from the position of proposals, taking into account the visual appearance, topography and character of the area, impact on the amenity of local residents and any impacts on species, among other criteria.

The Hartlepool Rural Plan (2018) 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.

Paragraph 155 of the NPPF (2021) recognises the importance of the planning regime in delivering renewable energy. This paragraph of the NPPF (2021) 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.

Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

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

The NPPF (2021) also seeks to ensure that adverse impacts upon the landscape and visual amenity are addressed satisfactorily and that any negative impacts can be made acceptable.

It is acknowledged that the current proposals seek to link into an approved planning application (within the Durham County Council administrative area) for energy related development in this location (Hulam solar farm, reference DM/19/03959/FPA) and would also intend to link into a second solar farm at Sheraton Hall Farm, which was refused by DCC. It is therefore acknowledged that the current application constitutes a proportionately modest development to that proposed scheme to accommodate ancillary infrastructure, which would in effect support the operation of solar farm development. However, the development itself does not directly constitute renewable energy infrastructure.

Notwithstanding this, it is considered that Policies of the Hartlepool Local Plan (2018), particularly Policy RUR1, must be given considerable importance and weight.

In weighing up the balance of policies in favour of renewable and low carbon energy related infrastructure against the main policies of constraint (Policy RUR1 and Rural Plan Policy GEN1), emphasis is placed on balancing any identified potential harms of a proposal against the prospective benefits of renewable and low carbon development.

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

Benefits

- The submitted information indicates the proposed development is intended to support renewable energy by way of linking the substation to an approved solar farm at Hulam Farm (albeit, the development itself is not a renewable energy scheme in itself) (environmental)
- The proposed development would provide additional tree planting and partial screening of the proposed substation (environmental)

Adverse impacts

- The proposed development would have a detrimental impact on visual amenity and the character of the rural area, both in isolation and when taken cumulatively with developments to the south of the A179, contrary to national and local planning policies (environmental)
- The proposed development would have a potential detrimental impact on the appearance of a main approach into the town, contrary to local planning policy (economic + environmental)
- The proposed development is not a renewable energy scheme in itself (environmental)
- Loss of agricultural land and associated potential ecological impacts (environmental + economic)

In conclusion, whilst it is acknowledged that the proposal, in effect, relates to supporting infrastructure to a proposed solar farm, when weighing up the balance of the policies in favour of the proposed siting of the substation, and taking into account the proposed siting, site context and cumulative impact of the other energy related infrastructure in the immediate vicinity, it is considered, on balance, that the identified adverse impacts are substantial and would significantly and demonstrably outweigh the respective benefits when assessed against the requirements of Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018), and the relevant paragraphs of the NPPF (2021). It is therefore considered that the principle of the development is not acceptable in this instance.

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

The proposed development consists of the erection of a substation and the installation of a cable route and associated infrastructure adjacent to the A179, which is a main approach road from the A19 trunk road into Hartlepool. The application site runs adjacent to the highway, comprising low level green landscaping, interspersed with shrubs and hedges.

As noted above, the proposal is outside the limits to development, with the main policy of the Hartlepool Local Plan (2018) in relation to this site is policy RUR1 (Development in the Rural Area). The main aim of this policy is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled. Similarly, Policy GEN1 of the Rural Neighbourhood Plan (2018) states that development in the open countryside outside Development Limits will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements. Particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to respect the countryside character and does not impact on visual amenity or the local highway network.

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

- Be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area,
- Respect the surrounding buildings, structures and environment,
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development.

Policy GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) requires that the design of new development should demonstrate, where appropriate:

3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building

character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;

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

Paragraph 130 of the NPPF (2021) stipulates that planning policies and decisions should ensure that developments:

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

Concerns have been received from the Hartlepool Rural Neighbourhood Plan Group, including the cumulative impact on the character, appearance and visual amenity of the rural area in the vicinity of Hart and Sheraton.

It is of note that the proposed substation and cable route would be situated to the north of the A179 trunk road, whilst the southern side of the A179 comprises existing and recently approved energy related infrastructure in this area, including a number of transformer structures, as well as a telecommunications mast and electricity pylons. It is therefore considered that the proposal represents further non-agricultural development in this location, which is exacerbated by its proposed siting to the north of the A179.

It is considered that the erection of a substation in this location would be readily visible from many vantage points, when travelling along the A179 trunk road from the east (A19 interchange), when travelling along the A179 from Hartlepool toward the west and the A19, when exiting the village of Hart to adjoin the A179 junction, and when travelling north along Worset Lane toward the A179. It is considered that the submitted 'Photomontage' supporting document further emphasises that the proposed siting of the substation would be readily visible along these prominent arterial routes in and out of Hartlepool. It is also considered that the proposed landscaping could exacerbate its impact, resulting in conspicuous planting in this location. Furthermore, such planting would take a number of years to establish. In this respect, the proposed is considered to be contrary to the requirements of Policies RUR1 and QP4 of the Hartlepool Local Plan (2018) and Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018).

The Council's Landscape Architect has been consulted on the application and has expressed concerns regarding the provision of landscaping to screen the proposed substation from views when travelling along the A179 from the west. The Council's Arboricultural Officer has been consulted on the proposal and considers that whilst landscaping is proposed to screen the proposed substation, it would be several years for this to become established and although tree disguising will soften the impact of the compound it will also introduce another viewpoint obstacle. The Council's Planning Policy section support this view.

The proposal is within the open countryside, beyond the urban limits and HBC Planning Policy are of the view that to create such structures in this area would

effectively lead to an urbanised feel and reduce the openness of the area and it is unlikely that any level of landscaping could mitigate against these negative impacts.

It is considered that the rural area of Hartlepool should remain as open as possible, for the enjoyment of residents and visitors and to provide an attractive setting for the built up area of Hartlepool. It is further considered that this stretch of Hartlepool's countryside is particularly visually attractive and prominent given its proximity to the A179.

It is acknowledged that owing to the topography of the land, the site is lower than the existing substation compound to the south of the site and there are various industrial structures such as the adjacent substation, overhead lines and pylons which the proposed development would be viewed in the context of.

Notwithstanding this, it is considered that the nature, siting and scale of the proposed development, in combination with other existing utility related development in the vicinity, would both in isolation and cumulatively have a detrimental impact on the visual amenity of the area, the character of the open countryside and the approach into the town and would result in an industrialising / urbanising effect on the open countryside. The proposal is therefore considered to be unacceptable in terms of the impact on the character of the area and is contrary to provisions of Policies QP4 and RUR1 of the Hartlepool Local Plan (2018), Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 11, 130 and 174 of the NPPF (2021).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

The application site is predominately along the A179 trunk road and north (opposite Worset Lane). As such, there are therefore no sensitive land users such as residential properties in the vicinity of the proposed development.

Whelly Hill Farm is sited approximately 600m to the south west of the proposed siting of the cable (at its closest point), whilst Hart Moor Farm is sited approximately 370m to the north west of the application site (at its closest point), and Sheraton Hall Farm is sited approximately 1.34km to the north west of the application site (at its closest point, sited within the boundary of the administrative area of Durham County Council). The closest residential properties in the village of Sheraton to the west are approximately 1.77km from the application site (at its closest point, sited within the boundary of the administrative area of Durham County Council). The closest residential properties located within Nine Aces are approximately 675m to the east, whilst the closest residential properties within Hart Village are approximately 1.1km to the east.

Due to the rural nature of the application site and taking into account the separation distance and screening provided by existing and proposed landscaping which will be further supplemented by the proposed cable routes being sited underground, it is considered that the proposed development would not result in any adverse impact on the amenity or privacy of residential properties in the surrounding area in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

Noise, odour, light pollution and other disturbance

A supplementary Noise Assessment has been submitted in support of the planning application, which concludes that the proposed development conforms to British Standards and NPPF (2021) requirements in respect to noise levels. The Council's Public Protection section has been consulted and has not offered any objections or comments in respect of the proposed erection of a substation and proposed installation of the cable route and associated infrastructure. In view of this and given the proposed landscaping and re-vegetation and significant separation distance to neighbouring properties, as well as the underground nature of the proposed cable route, and in the context of the existing, proposed and approved infrastructure in this location, it is considered that the proposal would not result in undue noise, odour, light pollution or other disturbance to neighbouring land users.

Notwithstanding the above, had the application been considered acceptable all in respects, a standard planning condition could have been applied to ensure that the hours of construction are acceptable.

Overall and on balance, it is considered that the proposal would not have a significant detrimental impact on the living or working conditions, amenity or privacy of neighbouring land users and the application is therefore considered to be acceptable in this respect, and in accordance with Policy QP4 of the Hartlepool Local Plan and paragraphs 174, 185 and 186 of the NPPF (2021), had the application been considered acceptable in all regards.

HIGHWAY & PEDESTRIAN SAFETY & PUBLIC RIGHTS OF WAY

The application site is predominately sited along the A179, with the proposed substation sited approximately 70m to the north and the proposed cable route crossing this trunk road. Paragraph 110 of the NPPF (2021) requires that safe and suitable access is maintained for all road users.

The Council's Highways, Traffic & Transport section and National Highways have been consulted on the application and have confirmed that they have no objections to the application. However, the Council's Traffic and Transport section has confirmed that any works on the A179 would need to be carefully programmed in order to minimise disruption to any highway works associated with the proposed Upper Warren housing development.

The Council's Countryside Access Officer has been consulted on the application and has advised that the application site would not affect any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to the proposed development of this site. The Officer has commented that should there be an opportunity for any possible Green Infrastructure contributions to be considered, then improvements to an existing woodland walk, to the west, would be encouraged, as it would benefit drivers who park at the layby in front of the woodland, by offering them the opportunity to walk, stretch and de-stress before continuing their onward vehicle journey. Whilst these comments are noted, the Council's Planning Policy section have confirmed that no planning obligations would

have been required in this instance in planning policy terms, had the application been deemed acceptable in all respects.

ECOLOGY & NATURE CONSERVATION

The proposed substation is sited approximately 0.8km to the south of Hart Bog SSSI at its closest point, whilst Butts Lane LWS is sited approximately 520m to the north west, Whelly Hill Quarry is sited approximately 710m to the south west, Bellows Burn is sited approximately 760m to the north west, and Hesledon Dene is sited approximately 1.2km to the north west.

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

Concerns have been received from the Hartlepool Rural Neighbourhood Plan Group with respect to the potential impact of the proposal on the natural environment through potential temporary disturbance to the Hart Bog SSSI, Bellows Burn Fen Local Wildlife Site and Butts Lane Local Wildlife Site, and the restoration of landscaping and vegetation following completion of the development.

The submitted Arboricultural Impact Assessment in support of the proposals concludes that no loss of trees or hedgerows are required and the retained vegetation could be sufficiently protected during construction, however an Arboricultural Method Statement would need to be produced.

The submitted Ecological Assessment Report in support of the proposals concludes that pre-construction survey work and mitigation is required. The Council's Ecologist has been consulted on the application and has advised that the scheme has been designed so as to avoid the majority of ecological impacts, which is in line with the ecological mitigation hierarchy. Remaining potential effects can be mitigated or compensated for through measures to be included in a Construction Environmental Management Plan (CEMP), as discussed within the supporting ecological report. This could have been secured by a planning condition had the application been deemed acceptable in all respects.

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

Teesmouth Bird Club has confirmed they have no objections to the proposed development.

Whilst the views of the Rural Neighbourhood Plan Group are acknowledged, subject to the abovementioned conditions, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance

with the Policies NE1 and NE4 of the Hartlepool Local Plan (2018), Policies NE1 and NE2 of the Rural Neighbourhood Plan (2018) and paragraph 180 of the NPPF (2021), had the application been considered acceptable in all regards.

FLOOD RISK & DRAINAGE

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

The Council's Flood Risk Officer has been consulted on the application and has had regard to the submitted Flood Risk Assessment and has confirmed no objections in respect of surface water management or contaminated land. The proposal is considered to be acceptable in this respect, had the application been considered acceptable in all regards.

Northumbrian Water has also been consulted on the application and has advised that they would have no comments to make. Northumbrian Water has however provided advice for the applicant with respect to consideration to the presence of sewers on site prior and during construction work, had the application been considered acceptable in all regards an informative note is therefore recommended to make the applicant aware of this.

The Environment Agency has not provided any objections or comments in respect of this application.

In view of the above, the application is considered to be acceptable with respect to matters of flood risk and drainage.

ARCHAEOLOGY & OTHER HERITAGE ASSETS

Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology has had regard to the proposals including the submitted Historic Environment Desk-Based Assessment, and initially advised that pre-determination trial trenching would need to be undertaken. However, following a discussion with the applicant's agent, Tees Archaeology have provided an updated response to advise that a programme of archaeological works is undertaken prior to the construction works, with appropriate mitigation being secured by a planning condition.

No concerns or objections have been received by the Council's Heritage and Countryside Manager.

The application is therefore considered to be acceptable with respect to the impact on heritage assets and archaeology subject to the identified planning condition, had the application been considered acceptable in all regards.

OTHER PLANNING MATTERS

Comments from the Rural Working Plan Group have indicated that the proposed substation should be removed within 6 months of the proposed solar farm it would serve being removed. Had the application been considered acceptable in all regards, a planning condition could have secured this.

No concerns or objections have been received from Cleveland Police.

RESIDUAL MATTERS

The Council's Flood Risk Officer has confirmed that Land Drainage Consent may be required if any Ordinary Watercourses are to be crossed. Section 23 of the Land Drainage Act 1991 requires that consent is required from Hartlepool Borough Council prior to any modification or interference with any of these drainage assets. Had the application been considered acceptable in all regards, an informative could have been secured to relay this advice to the applicant.

Both Northern Powergrid and the National Grid have been consulted on the application and no concerns or objections have been received.

Northern Gas Networks has been consulted and has confirmed that they have no objections to the proposed erection of the substation and installation of a cable route.

Cleveland Fire Brigade have not provided any comments or objections in respect of the application.

CONCLUSION

Whilst it is acknowledged that the proposal relates to supporting infrastructure to an approved adjacent solar farm at Hulam Farm, when weighing up the balance of the policies in favour of the proposed development against the proposal being contrary to the principles of Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Rural Plan, and taking into account the proposed siting, site context and cumulative impact of the other energy related infrastructure in the immediate vicinity, it is considered, on balance, that the benefits of the proposal would not be so substantial as to outweigh the requirements of Policy RUR1 (of the Hartlepool Local Plan) and GEN1 of the Rural Plan, and therefore it is considered that the principle of the development is not acceptable in this instance.

It is further considered that the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic form of development to the application site to the north of the A179, resulting in a significant adverse impact on the character and appearance of the rural area with unspoiled sequential views across the countryside and coastline, when viewed together with the existing electricity and telecommunications infrastructure in this part of the countryside. The extent of the arrays and the undulating landscape is such that that it would significantly adversely impact the outlook on approach to the town from the A19 (along the A179 arterial road). Whilst this and the other impacts may reduce over time through additional planting this will take time to mature and in any event would not overcome the

identified harm. Therefore notwithstanding the benefits of the proposal, on balance it is recommended that the application should be refused.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered

Yes as per report (discussed alternative siting, requested additional supporting information).

10) Any Declared Register of Interest

No

11) Chair's Consent Necessary N

12) Recommendation

REFUSE for the reasons below:

REASONS

1. In the opinion of the Local Planning Authority, the proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development and village envelopes as defined by Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018) and the proposed use is not supported and does not constitute a sustainable form of development.
2. In the opinion of the Local Planning Authority, due to its size, siting and design, the proposal would have a detrimental visual impact on the open countryside and A179 main approach into Hartlepool and would have an unacceptable industrialising / urbanising effect on this part of the rural area, contrary to Policies RUR1 and QP4 of the Hartlepool Local Plan (2018), and Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018).

INFORMATIVE

1.0 Statement of Proactive Engagement

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, it has not been possible to overcome or address the identified potential impacts of the proposed development.

Author of Report: Stephanie Bell

Signed: S.Bell

Dated: 04/03/2022

Signed: DJAMES

Dated: 04/03/2022

Planning Team Leader DC

PLANNING COMMITTEE

5th October 2022



Report of: Assistant Director – Place Management

Subject: APPEAL AT SHERATON HALL FARM, SHERATON
APPEAL REF: APP/H0724/22/3299842
Construction of underground electricity cables, and associated infrastructure to connect Sheraton Hall Solar Farm to the primary proposed substation - Durham County Council reference DM/21/02333/FPA (H/2021/0312)

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 for the construction of underground electricity cables, and associated infrastructure to connect Sheraton Hall Solar Farm to the primary proposed substation - Durham County Council reference DM/21/02333/FPA (H/2021/0312).
- 1.2 The appeal is one of 5no. linked appeals in relation to refused planning applications from both Hartlepool Borough Council and Durham County Council, which are linked to the refused solar farm at Sheraton Hall Farm and the approved solar farm at Hulam Farm (both within the Durham County Council administrative boundary).
- 1.3 The appeals will be dealt with through the Public Inquiry procedure with the Public Inquiry currently programmed to begin on 15th November 2022.
- 1.4 The planning application was refused on 4th March 2022 under delegated powers for the following reason:
 1. *In the opinion of the Local Planning Authority, the proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development/village envelope as defined by Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018) and the proposed use is not supported and does not constitute a sustainable form of development.*
(Report Attached – **APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

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DELEGATED REPORT

Application No	H/2021/0312
Proposal	Construction of underground electricity cables, and associated infrastructure to connect Sheraton Hall Solar Farm to the primary proposed substation - Durham County Council reference DM/21/02333/FPA
Location	SHERATON HALL FARM SHERATON

PS Code: 6

DELEGATION ISSUES	Neighbour letters:	16/02/2022
	Site notice:	13/10/2021
1) Publicity Expiry	Advert:	25/10/2021
	Weekly list:	11/10/2021
	Expiry date:	02/12/2021
	Extended date:	04/03/2022
2) Publicity/Consultations		
PUBLICITY		
<p>The application was advertised by way of notification letters to 44 individual neighbouring properties and local ward councillors, site notices and press advert. To date, no responses have been received.</p>		
CONSULTATIONS		
<p>The following consultation responses have been received:</p>		
<p>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.</p>		
<p>As identified in the submitted flood risk assessment Land Drainage Consent may be required if any Ordinary Watercourses are to be crossed and furthermore within agricultural land it is possible that land drainage assets may be encountered that may be susceptible to damage or need to be diverted, infilled, etc. In this respect the applicant's attention is drawn to the Land Drainage Act 1991 section 23 whereby Hartlepool Borough Council's consent is required in its capacity as Lead Local Flood Authority prior to any modification to or interference with any of these drainage assets (Ordinary Watercourses) that may affect flow in those assets.</p>		
<p>HBC Ecology: The application does not include supporting ecological information. However, the proposals are supported by an Arboricultural Impact Assessment,</p>		

which indicates that of the two routes proposed one will require the removal of 4m of hedgerow while the other will require no loss of trees or hedgerow.

Due to the nature of the works the potential for ecological harm is relatively easily understood and may occur due to:

- Damage or destruction of active nests if hedgerow removal is undertaken during the bird breeding season; and
- Accidental entrapment of mammals in excavations or ducting left open overnight.

It will be possible to avoid or mitigate these impacts by including relevant measures in a Construction Environmental Management Plan (CEMP), which should also include reinstatement of any hedgerow removed to facilitate construction. Therefore I have no objection subject to a condition requiring a CEMP, to be based on standard BS42020 wording.

Suggested Condition Wording

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.

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of “biodiversity protection zones”.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. 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 otherwise agreed in writing by the local planning authority.

HBC Traffic and Transport: There are no objections in principle to this scheme.

The proposed works on the A179 will need to be carefully programmed due to upcoming major works linked to the Upper Warren Housing Development which will be in situ for several months.

HBC Countryside Access Officer: The proposed route of the cable ducting and trenching works cuts through one public bridleway and runs along another public bridleway. Both of which are within Hartlepool Borough.

The first is Public Bridleway No.10, Hart Parish and the second is Public Bridleway No.13, Hart Parish.

As public rights of way are legally classed as highways, with the same legal protections as with conventional highways; I will expect the applicant to contact me to arrange the relevant Traffic Regulation Orders to either temporarily divert or temporarily close the two bridleways during the period of works on site.

This is not a request but a legal requirement. As the officer managing the public rights of way within the borough; I will be able to have prepared the relevant legal orders to assist in the proposed works, if approved.

The sooner this is considered and prepared for the quicker the relevant orders can be made in time for the works.

HBC Landscape Architect: Reference should be made the DCC response.

A landscape and Visual Assessment and AIA have been produced the conclusions of which are generally acceptable.

Northern Gas: We object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out.

Update 11/10/2021

Following our objection to the proposed stopping up of the highway at LAND NEAR SHERATON HALL FARM SHERATON on 23rd September 2021 we are now willing to rely on our statutory powers and so withdraw our objection.

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies

(Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of ‘best and most versatile’ agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. Local sites and priority habitats and species You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here. 1 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals> 2

<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx> Page 4 of 5

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications.

Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings. Natural England's Biodiversity Metric 3.0 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 3.0 and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.0 and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Tees Archaeology: Thank you for the consultation on this application. We note the inclusion of a Historic Environment Desk-Based Assessment, and its recommendation that a programme of archaeological works is undertaken prior to the construction works. We recommend that archaeological trial trenching is undertaken prior to determination of the application, to ascertain the presence of any archaeological remains; the results from the trial trenching will determine the necessity for any further work.

Teesmouth Bird Club: The bird club has no issues here.

Northumbrian Water: Our GIS records suggest that none of our assets are likely to be affected by the development proposed here. However, following the transfer of private drains and sewers in 2011, there may be assets that are now the responsibility of Northumbrian Water that are not yet included on our records. Therefore, care should be taken prior to and during any construction work with consideration to the presence of sewers on site. Should the applicant require further information, it can be found at <https://www.nwl.co.uk/services/developers/>.

National Highways: Referring to the planning application referenced above, dated 5 July 2021, Re A19, Construction of underground electricity cables, and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm (DM/20/03722/FPA) to the primary proposed substation. | Sheraton Hall Farm Sheraton Hartlepool TS27 4RD, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

Condition(s) to be attached to any grant of planning permission:

1) The design of the proposed development should not limit or restrict the potential future development of the agreed mitigation at the A19/A179 Sheraton Interchange (WYG drawing number A114957/006 Revision A); and the final design is subject to approval from Highways England's highway maintenance team."

2) "No development shall commence on each phase of the development until a Construction Traffic Management Plan (CTMP) for the development has been

submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:

- a dust management plan;
- a noise management plan;
- pollution prevention measures;
- contractor parking;
- details of delivery arrangements;
- Agreement with Highways England abnormal loads team on the suitability of proposals; and
- measures to limit and manage transfer of debris on to the highway.

Once the CTMP condition has been discharged, each phase of the development shall be implemented in accordance with approved Construction Traffic Management Plan (CTMP) measures for that phase of the development.” Highways England Planning Response (HEPR 16-01) January 2016

3) “No development shall commence on each phase of the development until the applicant has engaged with Highways England’s DBFO and agreed the requirements for future work to support this planning application Reason(s) for the recommendation above: 1-3, To ensure that during that the A19 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of highway safety.

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard Application Reference DM/21/02333/FPA and has been prepared by Chris Bell.

HBC Arboricultural Officer: Either of the suggested routes shown avoids conflict with trees and hedges other than where it is necessary to deviate the route through a hedge from an operational aspect and is unavoidable. In such instances the hedge could be gapped up again. Details of impact on trees are described more fully in the report by Barton Hyett Associates (Arboricultural Consultants) dated June 2021 together with the tree retention removal and protection plan received on the 7/7/2021 and do not cause me any cause for concern.

Rural Plan Working Group: The policies below are relevant and the Group wish to offer the following comments.

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, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

The location of the proposed development is in open countryside outside development limits. It is becoming clear that the presence of the High Volts Substation is acting as a magnet for electricity generating projects.

The alarming cumulative effect of this proposal comes in light of other developments additional to the existing wind turbine and major High Volts Sub-station.

These are:

- a 63-hectare solar farm (H/2020/0175),
- a gas power generation plant (H/2017/0287)
- plus additional facilities H/2017/0540, H/2019/0208
- Hulam Farm solar farm (just over the boundary in Durham County)
- Hart Moor solar farm (just over the boundary in Durham County)
- Plus 85 hectare solar farm and electric vehicle charging station for which screening & scoping applications have been submitted (H/2020/0162 & H2021/0404)

The cumulative effect is of grave concern as the character, appearance and visual amenity of the rural area in the vicinity of Hart and Sheraton is being significantly impacted. As this application is for the running of underground cables, once finished they should, one would hope, be invisible.

POLICY NE1 - NATURAL ENVIRONMENT

The rural plan will seek to protect, manage and enhance the areas natural environment.

1. Nature conservation sites of international and national importance, Local Wildlife Sites, Local Geological Sites and Local Nature Reserves will be protected, managed and actively enhanced. Designated sites are identified on the Proposals Map.

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 will be required to maintain and enhance conservation interests. In the first instance 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.

3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. Any development should not result in, or contribute to, a deterioration in the ecological quality of the Greatham Beck waterbody.

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

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

Cable route is close to Hart Bog SSS1, Bellows Burn Fen Local Wildlife Site and Butts Lane Local Wildlife Site. We would expect, should this application be approved, that every endeavour is made not to cause disturbance to these sites especially during construction. We would further expect that every opportunity to enhance these sites is taken full advantage of. We would also seek conditions that any hedgerows that need to be disturbed are fully restored.

POLICY NE2 - RENEWABLE AND LOW CARBON ENERGY

Renewable and low carbon energy developments assist in meeting the Rural Plan area's commitment 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 and cumulatively upon:
 - a. The surrounding landscape including natural, built, heritage (including archaeological) and cultural assets and townscape; including buildings, features, habitats and species of international, national and local importance;
 - b. The flows of groundwater to any water- dependent features within the area, including rivers, ponds, springs and abstraction points.
 - c. Residential amenity including visual intrusion, air, dust, noise, odour, shadow flicker, traffic generation, recreation and access;
 - d. The operation of air traffic operations, radar and air navigational installations and
 - e. Highway safety.

2. Appropriate mitigation measures to address any effects identified and considered will be required prior to any development proceeding.
3. Given the nature of some forms of renewable and low carbon energy schemes and their supporting infrastructure and ancillary buildings, it will be necessary and appropriate in certain instances to secure removal of the scheme and its supporting infrastructure and ancillary buildings and restore the land to an appropriate use once a scheme is ready for decommissioning, through the imposition of planning conditions.

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

Should the Council be minded to approve this application we would request a condition to ensure the landscaping/restoration is implemented no later than the first planting season following completion. Also, replacement of any tree or shrub which may die, be removed or seriously damaged is assured.

HBC Building Control: The work described does not require a Building Regulation application.

HBC Heritage and Countryside Manager: No comments received.

Environment Agency: No comments received.

Durham County Council: No comments received.

HBC Estates: No comments received.

Cleveland Fire Brigade: No comments received.

Rambles Association: No comments received.

HBC Public Protection: No comments received.

CPRE: No comments received.

RSPB: No comments received.

Tees Valley Wildlife Trust: No comments received.

DEFRA: No comments received.

Hart Parish Council: No comments received.

Northern Power Grid: No comments received.

3) Neighbour letters needed

N

4) Parish letter needed

N

5) PolicyNational Planning Policy Framework (NPPF)(2021)

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 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 110: Safe and suitable access

PARA 111: Highways

PARA 120: Net environmental gains

PARA 126: Achieving well-designed places

PARA 129: Achieving well-designed places

PARA 132: Achieving well-designed places

PARA 150: Planning for climate change

PARA 153: Planning for climate change

PARA 158: Renewable and low carbon energy

PARA 174: Enhancing the local and national environment

PARA 183: Ground conditions and pollution

PARA 184: Ground conditions and pollution

PARA 185: Ground conditions and pollution

PARA 186: Ground conditions and pollution

PARA 187: Ground conditions and pollution

PARA 212: Implementation

Hartlepool Local Plan 2018

CC1: Minimising and Adapting to Climate Change
 CC3: Renewable and Low Carbon Energy Generation
 CC5: Large Scale Solar Photovoltaic Developments
 LS1: Locational Strategy
 SUS1: The Presumption in Favour of Sustainable Development
 NE1: Natural Environment
 NE4: Ecological Networks
 HE1: Heritage Assets
 HE2: Archaeology

Hartlepool Rural Neighbourhood Plan (2018)

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

Planning Policy comments: After further consideration Planning Policy are of the view that the proposal is unacceptable and not in accordance with Local Plan Policy RUR1 (Development in the Rural Area).

Local Plan policy RUR 1 seeks to ensure the rural area is protected and enhanced and that development in the rural area will be strictly controlled. The policy seeks to support the rural economy, mainly through rural enterprise such as forestry, agriculture and farm diversification along with other appropriate land based businesses. The proposal is for a substation, which although is not a typical rural based business it is a form of development that can be located within the rural area, Planning Policy do not object to the principle of a substation being located within the rural area, Planning Policy object as it is considered that the proposal is likely to have a detrimental impact on the rural area if it is located as this application intends. The proposal is within the open countryside, beyond the urban limits and Planning Policy are of the view that to create such structures in this area would effectively lead to an urbanised feel and reduce the openness of the area and it is unlikely that any level of landscaping could mitigate against these negative impacts.

The rural area of Hartlepool should remain as open as possible, for the enjoyment of residents and visitors and to provide an attractive setting for the built up area of Hartlepool. The rural area is enjoyed by many and those who roam within it should have the freedom to enjoy its openness and feel they are 'getting away from' the day to day life that the urban environment can bring. Having access to green open spaces is beneficial for physical and mental health and to retain such areas would help ensure the delivery of the council Health Strategy.

This stretch of Hartlepool's countryside is particularly visually attractive and prominent given its proximity to the A179. Planning Policy note that the substation and cabling are to serve a solar farm and whilst the provision of renewable energy is supported there has to be a balance between preserving the countryside and the need to provide clean energy.

Planning Policy are of the view that the open countryside to the north of the A179 should remain open and not be littered with what can appear to be industrial type buildings. The positive contribution to the delivery of clean energy is noted however that does not outweigh the need to preserve the open countryside especially given that Planning Policy are of the view that there may be alternative locations in which to locate the substation.

Planning Policy note that there is infrastructure to the south of the A179 and applications have been approved for other facilities to the south of the A179. Although Planning Policy do not wish to see the south of the A179 over cluttered with infrastructure development it may be more prudent to locate these types of infrastructure within one area i.e. the south of the A179 instead of creating new visual intrusions to the north of the A179.

Planning Policy would welcome encourage the applicant to consider relocating the substation to the south of the A179.

Planning Policy are of the view that the substation is inappropriate in its current location and given that the cabling application have been submitted in a bid to serve the solar farm and substation that Planning Policy view the application as a whole. It is Planning Policy's view that the substation is inappropriate and should be refused and thus it is also prudent to refuse the cabling applications as they effectively serve no purpose and could not be built.

6) Planning Consideration

BACKGROUND

The following applications are considered relevant to the application site:

- H/2021/0311 – Proposed substation at Hart Moor Farm. Pending consideration.
- H/2021/0313 -Construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm (Durham County Council reference DM/19/03959/FPA) to the existing substation near Hart. Durham County Council reference DM/21/02336/FPA. Pending consideration.

The following applications located within Durham County Council (DCC) that are located within close proximity of the current application site are considered to be relevant;

- DCC reference DM/20/03722/FPA – Sheraton Hall Farm solar farm and associated infrastructure and substation. Refused 18/12/2021.
- The current application is a cross-boundary planning application, with Durham County Council (reference: DM/21/02333/FPA) – this application was refused on 18/12/2021.

- DCC reference DM/19/03959/FPA - Hulam Farm solar farm and associated infrastructure and substation. Approved 17/06/2020.

The following applications are considered relevant to the application site (being located to the south of the A179):

- H/2017/0287 - a gas powered electricity generator and infrastructure. Approved 21/12/2021.
- H/2017/0540- Proposed Energy Storage Facility comprising 2no. sub-station buildings, 5no. battery storage units, feeder pillars and transformers, and including means of access and associated hard standing and security fencing. Approved 05/01/2018.
- H/2019/0208 - Erection of gas metering kiosk, 66kv electrical transformer, electricity metering kiosk, security fencing, acoustic fencing, mounding, hard and soft landscaping and associated works. Approved 21/11/2019.
- H/2020/0162 - Screening opinion request in respect of electric vehicle charging facility ('Solar Electric Forecourt'), including erection of a 2-storey 'central hub' building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure. Decision date 17/07/2021.
- H/2020/0175 – Solar farm and associated development. Approved 26/08/2021.
- H2021/0404 - Scoping opinion request in respect of electric vehicle charging facility (Solar Electric Forecourt), including erection of a 2-storey central hub; building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure. Decision date 07/10/2021.

SITE AND SURROUNDINGS

The application site is an area of approximately 10.89 hectares of agricultural fields extending to the north and south of the A179 (running eastward from the B120 to the west of the A19 junction), crossing the boundaries of the administrative Hartlepool Borough Council (to the south and east), and Durham County Council (to the north and west). As such, approximately 9.46 hectares are sited within the boundary of the Hartlepool Borough Council administrative area, whilst approximately 1.93 hectares is sited within the boundary of Durham County Council's administrative area. The village of Sheraton is located to the north west of the site, whilst the village of Hart lies to the east. Levels across the site gently undulate, rising towards the west. Boundaries of the main A179 highway are primarily defined by existing hedgerows. To the south of the A179 permission has been granted and work is underway to construct a gas powered electricity generator with related infrastructure and an enclosed electrical substation compound.

Durham County Council have recently refused an application for a solar farm close to the village of Sheraton, abounding to the west of this application site, on the

western side of the A19 (reference DM/20/03722/FPA, decision date 18/12/2021). DCC also refused the associated cross boundary cable application that the current application (H/2021/0312) relates to. Planning permission was granted in June 2020 by Durham County Council for a solar farm at Hulam (reference DM/19/03959/FPA), approximately 1.36km north of the application site.

PROPOSAL

Planning permission is sought through this application for the installation of a physical cable connection between the refused planning application for a solar farm at Sheraton Hall Farm (Durham County Council reference: DM/20/03722/FPA) and the proposed Hulam Solar Farm and the substation as proposed under H/2021/0311.

As such, the application seeks planning permission for the installation of two cable routes, Options 1 and 2, however the applicant states in the submitted Planning Statement and associated plans that only one cable route would be implemented. Each of the proposed cable routes would measure approximately 3.7km in length (of which approximately 3.2km would be within the administrative area of Hartlepool Borough Council, and approximately 500m would be within the administrative area of Durham County Council) by approximately 1m in width with a depth of approximately 1.2m.

The cables would be placed below ground and used for the transmission of renewable electricity. Each of the proposed cable routes would connect the proposed solar farm (albeit this has been refused by DCC) to the proposed substation and would run from the western side of the A19, along the A179 and then north to the proposed substation (H/2021/0311, pending consideration). The substation that Option 1 would connect to is proposed by virtue of H/2021/0311 and is sited approximately 55m north of the A179, on the junction with Worset Lane which runs to the south. The substation that Option 2 would connect to formerly formed part of planning application H/2021/0313, being sited to the south of Bellows Burn, however this proposed substation element has since been removed from the proposal through H/2021/0313.

The submitted Planning Statement indicates that the cables would be laid within a uPVC duct and marked with markers. The cable would be laid by open cut trenching where appropriate and where it meets any vegetation underground, directional drilling would be used.

The proposed cable routes would cross small sections of the B1280, A19, A179 and Bellows Burns Lane. The submitted Planning Statement indicates that the roads would be reinstated with appropriate highways agreements. The applicant states in the submitted Planning Statement that it is intended that the cable would be installed at the same time as the construction of the solar farm and that once the cables are laid and trenches backfilled, topsoil would be seeded with a suitable grass mix.

MATERIAL PLANNING CONSIDERATIONS

The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018), and Hartlepool Rural Neighbourhood Plan (2018) and paragraphs of the NPPF (2021), and in particular the principle of development, the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, highway and pedestrian safety and PRow, ecology and nature conservation, and flood risk and drainage. These and any other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

The Hartlepool Local Plan Policies Map (2018) identifies the application site as unallocated 'white land' but crucially is located beyond the development limits as defined by Policy LS1 of the Hartlepool Local Plan (2018). The area immediately to the south of the site along the A179 is allocated as Policy INF2 ('Safeguarded Land for Future Road Schemes'). The application site is also located beyond the development limits as defined by Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018).

The main policy of the Hartlepool Local Plan (2018) in relation to this site is policy RUR1 (Development in the Rural Area). The main aim of this policy is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled.

Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses including the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a scale and nature that is suitable to a rural location. The policy sets a number of other criteria that any development should meet, where relevant, including:

1. Be in accordance with the Hartlepool Rural Neighbourhood Plan;
2. Where possible be located in or near to the villages;
3. Where possible re-use existing buildings and/or materials;
4. Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion;
5. Through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes;
6. Be in keeping with other buildings in terms of siting, size, materials and colour;
7. Ensure access is appropriate and there is not a detrimental impact on the highway safety;
8. Where possible create and improve sustainable connectivity;
9. Not have a detrimental impact on the landscape character or heritage assets;
10. Avoid areas of best and most versatile agricultural land, those classified as grades 1, 2 and 3a in the Agricultural Land Classification.

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

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

This policy, as well as a number of other policies within the Rural Plan (2018), namely GEN1, NE1 and NE2 require careful consideration be given to a number of other material planning considerations (similar to the above Hartlepool Local Plan (2018) requirements) and these are considered in greater detail below.

The application site extends across areas with a predominate section classified as Grade 2 (very good) on Natural England's Agricultural Land Classification Map – North East Region.

When considering the requirements of Policy RUR1 of the Hartlepool Local Plan (2018), it is considered that the proposals do not relate to the efficient or continued viable operation of agriculture, horticulture, forestry or equine businesses.

- In terms of the criteria of Policy RUR1 of the Hartlepool Local Plan (2018), in respect of criterion 1, it is of note that the proposals are outside the Development Limits of the Hartlepool Rural Neighbourhood Plan (2018), and therefore it is considered that the proposal contravenes the requirements of the Rural Neighbourhood Plan (2018). It is also of note that the Rural Plan Working Group have objected to the proposal.
- In respect of criterion 2, the proposal is not situated within an existing village, being sited approximately 1.1km from the edge of the village of Hart to the east.
- In respect of criterion 3, it is of note that the proposals would not re-use existing buildings or materials.
- In respect of criterion 4, and as considered in detail below, given that the proposed cables would be predominantly underground, it is considered that the proposals would not result in any significant detrimental impact on the amenity of the local area by way of visual intrusion. However, and whilst acknowledging that each application should be considered on its own merits,

the proposals would seek to connect into a proposed substation (H/2021/0311, pending consideration) that is not likely to be considered acceptable in terms of its visual impact or the principle of development.

- In respect of criterion 5, it is considered that the proposals would not enhance the quality, character and distinctiveness of the immediate area, villages and landscapes.
- In respect of criterion 6, it is considered that the proposed siting, scale and design of the proposal would not be in keeping with other buildings, albeit as detailed below, it is acknowledged that the finished development would be primarily underground (albeit there are concerns regarding the visual impact of the associated substation under consideration through application H/2021/0311).
- In respect of criterion 7, and as considered in detail below, it is acknowledged that the proposal would not result in any significant detrimental impact on highway safety.
- In respect of criterion 8, it is noted that the proposals would not create or improve sustainable connectivity.
- In respect of criterion 9, as considered in further detail below, it is acknowledged that the proposal would not result in any adverse impact on any heritage assets, whilst it is further considered that the proposal when completed would not result in any significant detrimental impact on the landscape character.
- In respect to criterion 10, with respect to avoiding areas of best and most versatile agricultural land, it is of note that a significant proportion of the application site is classified as 'Very Good' (Class 2), of the Agricultural Land Classification Map, as outlined above.

In view of the above, it is considered that overall, the proposal would not comply with the requirements of Policy RUR1 of the Hartlepool Local Plan (2018) contravening the general principles as well as criteria 1, 2, 3, 5, 8 and 10 of this policy, nor would it comply with Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018). The Council's Planning Policy section support this view. It is also of note that the Rural Plan Working Group have objected to the proposal.

It is also noted that Policy INF2 safeguards land alongside the A179 for the potential future duelling of the road however, as the proposals are set away from the field boundary it is considered there is sufficient space to accommodate any widening should this development come to fruition in the future.

Notwithstanding the above, it is acknowledged that local and national planning policy support the development of renewable energy.

Policy CC3 (Renewable and Low Carbon Energy Generation) of the Hartlepool Local Plan (2018) recognises that significant weight should be given to the

achievement of wider environmental and economic benefits from low carbon energy infrastructure. This Policy seeks to ensure that proposals satisfactorily address standalone and cumulative impacts that may result from the position of proposals, taking into account the visual appearance, topography and character of the area, impact on the amenity of local residents and any impacts on species, among other criteria.

The Hartlepool Rural Plan (2018) 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.

Paragraph 155 of the NPPF (2021) recognises the importance of the planning regime in delivering renewable energy. This paragraph of the NPPF (2021) 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.

Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

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

The NPPF (2021) also seeks to ensure that adverse impacts upon the landscape and visual amenity are addressed satisfactorily and that any negative impacts can be made acceptable.

It is acknowledged that the current proposals relate to a refused planning application (within the Durham County Council administrative area) for energy related development in this location (a solar farm, reference DM/20/03722/FPA). Furthermore, the development itself does not directly constitute renewable energy infrastructure and it is of note that the proposed cable would be used to link to/support a proposed substation, by virtue of H/2021/0311, which is unlikely to be considered acceptable.

Notwithstanding this, it is considered that Policies of the Hartlepool Local Plan (2018), particularly Policy RUR1, must be given considerable importance and weight.

In weighing up the balance of policies in favour of renewable and low carbon energy related infrastructure against the main policies of constraint (Policy RUR1 and Rural Plan Policy GEN1), emphasis is placed on balancing any identified potential harms of a proposal against the prospective benefits of renewable and low carbon development.

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

The main benefits and adverse impacts arising from the proposal (in the above context) are outlined below:

Benefits

- The submitted information indicates the proposed development is intended to support renewable energy by way of linking the substation to a solar farm, (albeit this has been refused by DCC and the development itself is not a renewable energy scheme in itself) (environmental)

Adverse impacts

- The proposed development would have a detrimental impact on visual amenity and the character of the rural area given that it would tie into a proposed substation (H/2021/0311) and when taken cumulatively with developments to the south of the A179, contrary to national and local planning policies (environmental)
- The proposed development is not a renewable energy scheme in itself (environmental)
- Impact on agricultural land and associated potential ecological impacts (environmental + economic)

In conclusion, whilst it is acknowledged that the proposal, in effect, would seek to provide supporting infrastructure to a proposed adjacent solar farm at Sheraton (which has been refused by DCC), when weighing up the balance of the policies in favour of the proposed development, and taking into account the proposed siting beyond the development limits, site context and cumulative impact of the other energy related infrastructure in the immediate vicinity (including the substation as proposed under H/2021/0311), it is considered, on balance, that the identified adverse impacts are substantial and would significantly and demonstrably outweigh the respective benefits when assessed against the requirements of Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018), and the relevant paragraphs of the NPPF (2021). It is therefore considered that the principle of the development is not acceptable in this instance.

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

The proposed development consists of the installation of a cable route (with two options of the proposed route) and associated infrastructure adjacent to the A179, which is a main approach road from the A19 trunk road into the town.

The proposed development constitutes infrastructure in support of a proposed adjacent scheme for the installation of a solar farm (at Sheraton Hall Farm, Durham County Council reference DM/20/03722/FPA), albeit this application was recently refused (decision date 18/12/2021). The application site runs adjacent to the highway, comprising low level green landscaping, interspersed with shrubs and hedges. Given the length of the application site, it is considered that whilst some impacts remain the same along the entire length, it is of note that there are distinct characteristics along specific sections of the proposed cable route.

As noted above, the proposal is outside the limits to development, with the main policy of the Hartlepool Local Plan (2018) in relation to this site is policy RUR1 (Development in the Rural Area). The main aim of this policy is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled. Similarly, Policy GEN1 of the Rural Neighbourhood Plan (2018) states that development in the open countryside outside Development Limits will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements. Particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to respect the countryside character and does not impact on visual amenity or the local highway network.

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

- Be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area,
- Respect the surrounding buildings, structures and environment,
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development.

Paragraph 130 of the NPPF (2021) stipulates that planning policies and decisions should ensure that developments:

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

Concerns have been received from the Hartlepool Rural Neighbourhood Plan Group, including the cumulative impact on the character, appearance and visual amenity of the rural area in the vicinity of Hart and Sheraton.

Whilst it is acknowledged that following completion of the development, the proposed completed development would be primarily underground, with limited visibility from the surrounding area following the restoration of the landscaping and vegetation, as noted above, it is considered that the proposal represents further

non-agricultural development in this location and therefore for the reasons set out in the paragraphs above, it is considered that the proposed development would not be acceptable in principle being contrary to the provisions of RUR1

Notwithstanding the above, in terms of the impact on trees and landscaping, the Council's Landscape Architect has been consulted on the application and has advised that the general conclusions of the submitted Landscape and Visual Impact Assessment and those within the submitted Arboricultural Impact Assessment are acceptable, subject to the securing of these provisions by virtue of planning conditions, and these could have been recommended accordingly, had the application been considered acceptable in all respects. The Council's Arboricultural Officer has been consulted on the application and considers that appropriate tree mitigation would mean there would be limited impact on the presence of trees and hedges at the application site.

In view of the above, although it is considered that the proposals would result in an impact on the landscape and visual amenity of the application site and surrounding area during construction, given that the cables would be situated primarily underground, it is considered, on balance, that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding rural area, subject to necessary planning conditions had the proposal been considered acceptable in principle.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

The application site is predominately along the A179 trunk road and north (opposite Worset Lane). As such, there are therefore no sensitive land users such as residential properties in the vicinity of the proposed development.

Whelly Hill Farm is sited approximately 180m to the south of the proposed siting of the cable (at its closest point), whilst Hart Moor Farm is sited approximately 310m to the east of the application site (at its closest point), and Sheraton Hall Farm is sited approximately 126m to the north west of the application site (at its closest point, sited within the boundary of the administrative area of Durham County Council). The closest residential properties in the village of Sheraton to the west are approximately 460m from the application site (at its closest point, sited within the boundary of the administrative area of Durham County Council). The closest residential properties located within Nine Aces are approximately 1.2km to the east, whilst the closest residential properties within Hart Village are approximately 1.4km to the east. Taking into account the separation distance and screening provided by existing landscaping which will be further supplemented by the proposed cable routes being sited underground, it is considered that the proposed development would not result in any adverse impact on the amenity or privacy of residential properties in the surrounding area in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

The Council's Public Protection section has been consulted and has not offered any objections or comments in respect of the proposed installation of the cable routes options. In view of this and given the underground nature of the proposal, proposed landscaping and re-vegetation and significant separation distance to neighbouring properties, and in the context of the existing, proposed and approved infrastructure

in this location, it is considered that the proposal would not result in undue noise, odour, light pollution or other disturbance to neighbouring land users.

Overall and on balance, it is considered that the proposal would not have a significant detrimental impact on the amenity and privacy of neighbouring land users. The application is therefore considered to be acceptable in respect of neighbour amenity, and to be in accordance with Policy QP4 of the Hartlepool Local Plan and paragraphs 174, 185 and 186 of the NPPF (2021), had it been considered acceptable in all respects.

HIGHWAY & PEDESTRIAN SAFETY & PUBLIC RIGHTS OF WAY

The application site extends eastward along the A179, crossing both sides of this trunk road. Paragraph 110 of the NPPF (2021) requires that safe and suitable access is maintained for all road users. Although it is acknowledged that the views of the construction of the development would undoubtedly be significant, particularly for users of the trunk road of the A179, given that the completed development would comprise the cables which would be primarily sited underground, it is considered that the impacts of the completed development would not be so significant for users of the A179 trunk road.

The Council's Highways, Traffic & Transport section and National Highways have been consulted on the application and have confirmed that they have no objections to the application. However, the Council's Traffic and Transport section has confirmed that any works on the A179 would need to be carefully programmed in order to minimise disruption to any highway works associated with the proposed Upper Warren housing development. National Highways recommend planning conditions requiring a Construction Traffic Management Plan to ensure the A19 trunk road continues to serve its purpose as part of a national system of routes for through traffic, which is necessary in this instance. Had the application been considered acceptable in all respects, and subject to the above mentioned necessary planning conditions, the proposal would have been considered acceptable with respect to the impact on highway and pedestrian safety.

The Council's Countryside Access Officer has advised that the proposed cable routes cut through public bridleway No. 10 (Hart Parish) and runs along public bridle No. 13 (Hart Parish). As such, consent is necessary with respect to Traffic Regulations Orders in order to temporarily divert or temporarily close the two bridleways. Had the application been considered to be acceptable in all respects, this could have been relayed to the applicant by way of an informative. The application is therefore considered to be acceptable with respect to the impact on public rights of way.

ECOLOGY & NATURE CONSERVATION

The proposed cable route is sited approximately 200m to the north of Hart Bog SSSI at its closest point (Option 2 of the cable route), whilst Hesledon Dene Nature Reserve is sited approximately 10m to the north of Option 2 and approximately 1.3km to the north of Option 1 of the cable route, with Thorpe Bulmer Dene Ancient Woodland sited approximately 200m beyond this (to the north).

Policy NE1 of the Hartlepool Local Plan (2021) requires that the natural environment be protected, managed and enhanced, whilst Policy NE4 states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough. Policy 43 of the County Durham Plan (2020) states that proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts. Paragraph 180 of the NPPF (2021) requires that planning permission is refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated for or compensated for, whilst development on land near a SSSI should only be permitted where the benefits outweigh its likely impact.

Option 1 of the proposed cable routes would necessitate the removal of 2no. 2m sections of hedgerow. The submitted Arboricultural Impact Assessment in support of the proposals indicates that this would be replaced upon completion of the trench backfilling. The remainder of the cable route in respect of Option 1 and the entire route in respect of Option 2 would use existing gaps in the hedgerows. In addition, the supporting information details that some trees would require crowning. The Arboricultural Impact Assessment concludes that the existing vegetation could be protected during construction, and specifies that a plan to indicate the directional drilling in order to protect existing trees (in respect of Option 2) would be required, had the application been considered acceptable in all respects, this would have been necessary in this instance and planning conditions would have been recommended to secure the above requirements. Subject to this, and as noted above, the Council's Arboricultural Officer has confirmed no objections to the proposal.

Notwithstanding the above, concerns have been received from the Hartlepool Rural Neighbourhood Plan Group with respect to the potential impact of the proposal on the natural environment through potential temporary disturbance to the Hart Bog SSSI, Bellows Burn Fen Local Wildlife Site and Butts Lane Local Wildlife Site, and the restoration of landscaping and vegetation following completion of the development.

The Council's Ecologist has been consulted on the application and has raised no concerns subject to a planning condition requiring a Construction Environmental Management Plan (CEMP) be provided to include the reinstatement of any hedgerow removed to facilitate construction. Had the proposal been considered acceptable in all respects, this necessary planning condition would have been recommended accordingly.

Natural England has been consulted on the application has confirmed that the proposed development would not result in any significant adverse impacts on statutorily protected nature conservation sites or landscapes. However, Natural England has provided advice in respect of landscaping, best and most versatile agricultural land and soils, protected species, local sites and priority habitats and species, ancient woodland, ancient and veteran trees and environmental gains, access and recreation, rights of way, access land, coastal access and national trails and biodiversity duty. Had the proposal been considered acceptable in all respects, this advice could have been relayed to the applicant by way of informative notes.

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

FLOOD RISK & DRAINAGE

The application is designated by the Environment Agency's Flood Map for Planning as being in Flood Zone 1. Notwithstanding this, a Flood Risk Assessment is required owing to the area of the proposal exceeds 1 hectare, and has been submitted accordingly in respect of the proposed development. The proposal includes the digging of a trench up to approximately 1.2m in depth, which would cross Bellows Burn. On completion of the works the trench would be backfilled and the land reinstated to its former condition.

The Council's Flood Risk Officer has been consulted on the application and has had regard to the submitted Flood Risk Assessment and has confirmed no objections in respect of surface water management or contaminated land. The proposal is considered to be acceptable in this respect.

Northumbrian Water has also been consulted on the application and has advised that they would have no comments to make. Northumbrian Water has however provided advice for the applicant with respect to consideration to the presence of sewers on site prior and during construction work. Had the proposal been considered acceptable in all respects, an informative note would have been appropriate to make the applicant aware of this.

The Environment Agency has not provided any objections or comments in respect of this application.

In view of the above, the application is considered to be acceptable with respect to matters of flood risk and drainage, subject to the abovementioned informative, and to therefore be in accordance with the Policy CC2 of the Hartlepool Local Plan (2018), and paragraph 174 of the NPPF (2021), had the proposal been considered acceptable in all respects.

OTHER PLANNING MATTERS

Policy HE2 'Archaeology' seeks to protect archaeological assets. Tees Archaeology has had regard to the proposals including the submitted Historic Environment Desk-Based Assessment, and has advised that a programme of archaeological works is undertaken prior to the construction works, with appropriate mitigation being secured by a planning condition, which would have been necessary in this regard, had the application been considered acceptable in all respects.

No concerns or objections have been received by the Council's Heritage and Countryside Manager. The application is therefore considered to be acceptable with

respect to the impact on heritage assets and archaeology, had the proposal been considered acceptable in all respects.

No concerns or objections have been received from Cleveland Police.

RESIDUAL MATTERS

The Council's Flood Risk Officer has confirmed that Land Drainage Consent may be required if any Ordinary Watercourses are to be crossed. Section 23 of the Land Drainage Act 1991 requires that consent is required from Hartlepool Borough Council prior to any modification or interference with any of these drainage assets. Had the proposal been considered acceptable in all respects, an informative could have relayed this advice to the applicant.

Both Northern Powergrid and the National Grid have been consulted on the application and no concerns or objections have been received.

Northern Gas Networks has been consulted and has confirmed that they have no objections to the proposed installation of cable routes, following a previous objection in respect to stopping up of the highway.

Teesmouth Bird Club has confirmed they have no objections to the proposed development. Cleveland Fire Brigade have not provided any comments or objections in respect of the application. The Council's Economic Development section have not provided any comments or objections on the application. The proposal is considered to be acceptable in these regards, had the proposal been considered acceptable in all regards.

CONCLUSION

Whilst it is acknowledged that the proposal seeks to provide supporting infrastructure to an a proposed adjacent solar farm (albeit this was recently refused by DCC), when weighing up the balance of the policies in favour of the proposed development against the proposal being contrary to the principles of Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018), and taking into account the proposed siting, site context and cumulative impact of the other energy related infrastructure in the immediate vicinity, it is considered, on balance, that the benefits of the proposal would not be so substantial as to outweigh the requirements of Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018) and therefore it is considered that the principle of the development is not acceptable in this instance. It is therefore recommended that the application be refused.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS	
There are no Section 17 implications.	
9) Alternative Options Considered	
No	
10) Any Declared Register of Interest	
No	
11) Chair's Consent Necessary	N
12) Recommendation	
REFUSE for the reason below:	
REASON	
<p>1. In the opinion of the Local Planning Authority, the proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development/village envelope as defined by Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018) and the proposed use is not supported and does not constitute a sustainable form of development.</p>	
INFORMATIVE	
1.0 Statement of Proactive Engagement	
<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, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, it has not been possible to overcome or address the identified potential impacts of the proposed development.</p>	

Author of Report: Stephanie Bell

Signed: S.Bell

Dated: 04/03/2022

Signed: DJAMES
Planning Team Leader DC

Dated: 04/03/22

PLANNING COMMITTEE

5th October 2022



Report of: Assistant Director – Place Management

Subject: APPEAL AT LAND NEAR HULAM FARM, CASTLE EDEN, DURHAM
APPEAL REF: APP/H0724/22/3299857
Construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm (Durham County Council ref DM/19/03959/FPA) to the existing substation near Hart in Hartlepool (H/2021/0313)

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 for the construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm (Durham County Council ref: DM/19/03959/FPA) to the existing substation near Hart in Hartlepool.
- 1.2 The appeal is one of 5no. linked appeals in relation to refused planning applications from both Hartlepool Borough Council and Durham County Council, which are linked to the refused solar farm at Sheraton Hall Farm and the approved solar farm at Hulam Farm (both within the Durham County Council administrative boundary).
- 1.3 The appeals will be dealt with through the Public Inquiry procedure with a Public Inquiry currently programmed to begin on 15th November 2022.
- 1.4 The planning application was refused under delegated powers on 4th March 2022 for the following reason:
 1. *In the opinion of the Local Planning Authority, the proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development/village envelope as defined by Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018) and the proposed use is not supported and does not constitute a sustainable form of development.*

(Report Attached – **APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
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DELEGATED REPORT

Application No H/2021/0313

Proposal Construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm (Durham County Council reference DM/19/03959/FPA) to the existing substation near Hart. Durham County Council reference DM/21/02336/FPA

Location LAND NEAR HULAM FARM CASTLE EDEN HARTLEPOOL

PS Code: 6

<p>DELEGATION ISSUES</p> <p>1) Publicity Expiry</p>	<p>Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:</p>	<p>07/10/2021 13/10/2021 25/10/2021 11/10/2021 17/11/2021 04/03/2022</p>
<p>2) Publicity/Consultations</p> <p>PUBLICITY</p> <p>The application was advertised by way of notification letters to 3 individual neighbouring properties and local ward councillors, site notices and press advert. To date, no responses have been received.</p> <p>CONSULTATIONS</p> <p>The following consultation responses have been received:</p> <p>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.</p> <p>As identified in the submitted flood risk assessment Land Drainage Consent may be required if any Ordinary Watercourses are to be crossed and furthermore within agricultural land it is possible that land drainage assets may be encountered that may be susceptible to damage or need to be diverted, infilled, etc. In this respect the applicant's attention is drawn to the Land Drainage Act 1991 section 23 whereby Hartlepool Borough Council's consent is required in its capacity as Lead Local Flood Authority prior to any modification to or interference with any of these drainage assets (Ordinary Watercourses) that may affect flow in those assets.</p> <p><i>Update 18/11 following removal of substation element:</i></p>		

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

HBC Ecology: The supporting information, including arboricultural impact assessment, ecological report and planning statement, indicates the potential for significant ecological harm is low overall. However, this risk of significant harm is reduced if cable route Option A (as described in the Planning Statement and Ecological Assessment Report) is implemented, which would avoid the need to work in close proximity to Bellows Burn Marsh LWS and Butts Lane Field Margins LWS.

Conditioning that Option A is implemented is in accordance with the ecological mitigation hierarchy set out in policy NE1 and section 15 of NPPF. Please note, cable route options are variously referred to as Option 1 and Option 2 (Drawing number UK_HUL-CR_LP1-IDL and Arboricultural Impact Assessment) and as Option A and Option B (Ecological Assessment Report and Planning Statement). Option A appears synonymous with Option 2.

In addition to the above condition concerning route options, other pathways to significant harm (including harm through loss of hedgerow and resulting from impacts to nesting birds) can be mitigated and avoided through relevant measures in a Construction Environmental Management Plan (CEMP), which can also be conditioned. Suggested wording for this is provided below.

Assuming these two conditions are applied, I have no objection.

Suggested Condition Wording

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.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features. Civic Centre Victoria Road Hartlepool TS24 8AY Adult & Community Based Services
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) 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 otherwise agreed in writing by the local planning authority.

HBC Traffic and Transport: There are no objections in principle to this scheme.

The proposed works on the A179 will need to be carefully programmed due to upcoming major works linked to the Upper Warren Housing Development which will be in situ for several months.

HBC Countryside Access Officer: Please refer to my comments made in H/2021/0312, with regards to the interaction of the cable laying and two Public Bridleways within Hartlepool Borough. With regards to this application and the proposal of a second route for cable laying; the second route also cuts across Public bridleway No.10, Hart Parish at a point west of the first proposed cut of the Public Bridleway No.10, Hart Parish (H/2021/0312). The same legal requirements stand for these proposals as with those stated in my comments for H/2021/0312.

Update 17/11 following removal of substation element:

The amended route still cuts across one of the two bridleways but in a location that is potentially more easily diverted around. I will still need to discuss the route to make sure that this assumption is correct or whether there is need to look at other alternatives.

HBC Landscape Architect: Reference should be made the DCC response.

A landscape and Visual Assessment and AIA have been produced.

The proposals would cause substantial harm to the character, quality and distinctiveness of the local landscape and important views. The effects of the proposals arise from the nature of development of this type in this location and this could not be reduced to an acceptable level through design or mitigation.

A substation of this size and industrial character would be incongruous feature in this location.

Landscaping has been proposed to help integrate the development into the surrounding landscape and provide visual screening, this however would not be sufficient to overcome the harm of the proposal and inappropriateness of this location.

There is some concern that this proposal has cumulative impact in conjunction with a number of other consented and proposed developments in the area (both Hartlepool Borough Council and Durham Country Council) have not been adequately addressed.

Northern Gas: We object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out.

Update 01/12/2021

Following our objection to the proposed stopping up of the highway at LAND NEAR HULAM FARM CASTLE EDEN HARTLEPOOL on 23rd September 2021 we are now willing to rely on our statutory powers and so withdraw our objection.

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. Local sites and priority habitats and species You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the

Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>²

<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx> Page 4 of 5

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings. Natural England's Biodiversity Metric 3.0 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 3.0 and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.0 and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Tees Archaeology: Thank you for the consultation on this application. We note the inclusion of a Historic Environment Desk-Based Assessment, and its recommendation that a programme of archaeological works is undertaken prior to the construction works. We recommend that archaeological trial trenching is undertaken prior to determination of the application, to ascertain the presence of any archaeological remains; the results from the trial trenching will determine the necessity for any further work.

Update 24/11 following removal of substation element:

Thank you for the additional consultation on this application. Our comments of October 2021 remain unchanged; a programme of archaeological works is recommended and the appropriate mitigation could be secured by an archaeological condition on any planning permission.

Teesmouth Bird Club: The description of the enclosure of the cables within pvc ducting, at ca 1 m below the ground :- It is not clear if the ducting is itself "welded" to ensure watertight continuity and / or if the ducting itself is supported on some flexible matrix e.g. pea gravel along its entire length. It is known that newly dug trenches, unless they are firmly refilled after cabling, can, unwittingly, become drainage ditches, affecting the lateral flow of water across the fields. Given the proximity of the cable run to wetland areas of nature conservation interest, any interference with present drainage patterns should be prevented.

Northumbrian Water: Our GIS records suggest that none of our assets are likely to be affected by the development proposed here. However, following the transfer of private drains and sewers in 2011, there may be assets that are now the responsibility of Northumbrian Water that are not yet included on our records. Therefore, care should be taken prior to and during any construction work with consideration to the presence of sewers on site. Should the applicant require further information, it can be found at <https://www.nwl.co.uk/services/developers/>.

Update 02/12 following removal of substation element

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Highways England: Referring to the consultation on a planning application dated 16 September 2021 referenced above, in the vicinity of the A19 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions & Reasons);

Condition(s) to be attached to any grant of planning permission:

1, All HGV movements from the South of Hulam Farm are to utilize the A19/B1281 interchange and return on the A19 South for further exit onto Bellows Burn Lane.

2, All HGV movements leaving Hulam Farm at the A19/Bellow Burn Lane junction are required to turn left and head south to further turn on to the A19/A171-B1280 interchange in order to head north and eliminate the need to use gaps in the central reservation.

Reason 1-2, To ensure that during that the A19 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of highway safety.

Please note that a previously recommended condition on Durham applications DM/19/03959/FPA and DM/21/02336/FPA : "A Construction Traffic Management Plan should be submitted to and approved by the LPA in consultation with Highways England prior to development commencing." has already been discharged.

HBC Arboricultural Officer: (No formal comments received but verbally confirmed no objections in principle).

Rural Plan Working Group: The proposed substation is just outside, but abutting, the Hartlepool Rural Neighbourhood Plan area. The cable route that links this substation to the main sub-station at High Volts farm does run through the Neighbourhood Plan area. The Group therefore make the following comments.

The location of this proposed development is in open countryside outside development limits. It is becoming clear that the presence of the High Volts Substation is acting as a magnet for electricity generating projects. The alarming cumulative effect of this proposal with other applications in addition to the existing wind turbine and major High Volts Sub-station are: - a 63-hectare solar farm (H/2020/0175), a gas power generation plant (H/2017/0287) plus additional facilities H/2017/0540, H/2019/0208 Hulam Farm solar farm (just over the boundary in Durham County) Sheraton Hall solar farm (just over the boundary in Durham County) Plus 85 hectare solar farm and electric vehicle charging station for which screening & scoping applications have been submitted (H/2020/0162 & H2021/0404) The cumulative effect is of grave concern as the character, appearance and visual amenity of the rural area around Hart and Sheraton is being significantly impacted. This is one of two sub-stations being proposed to serve solar farms, both proposed by the same applicant. This raises the question, are two substations really required or could they be combined to reduce the amount of countryside being transformed? An even better solution would be for the additional substation to be included within or directly adjacent the existing High Volts substation thus avoiding the sprawl of such developments, which are ugly, intrusive and industrial in character, ever further into the countryside. Ugly, intrusive and of an industrial character – by their very nature these types of developments are alien to the character of the rural area. No effort is taken to make a utilitarian design more acceptable or attractive, resorting instead to minimal screening behind hedges and trees. The application in no way helps create a sense of place or reinforce the character of the rural area by being individual or respecting the local vernacular, quite the contrary. The minimal screening does little to enhance the landscape or greatly improve biodiversity. As for views and vistas the best that can be said is the development tries to hide. Cable route and sub-station are close to Hart Bog SSS1, Bellows Burn Fen Local Wildlife Site and Butts Lane Local Wildlife Site. We would expect, should this application be approved, that every endeavour is made not to cause disturbance to these sites especially during construction. We would further expect that every opportunity to enhance these sites is taken full advantage of. Should the Council be minded to approve this application we would seek a condition to ensure the landscaping is implemented on site no later than the first planting season following completion. Also, the replacement of any tree or shrub which may die, be removed or seriously damaged, is assured. We would also expect a condition for the removal of the sub-station and the restoration of the site to countryside on the same terms as the conditions on the Solar Farm the sub-station is to serve. We understand that these conditions are that in the event that the solar farm is inoperative for a period of 6 months or longer the development the development hereby approved shall be removed and the site restored within 18 months.

HBC Building Control: The work described does not require a Building Regulation application.

HBC Heritage and Countryside Manager: No comments received.

Environment Agency:

Update 24/11 following removal of proposed substation element:

We have reviewed the amended documents and have no further comments. Our original response reference NA/2021/115579/01 dated 05 October 2021 is still applicable.

Durham County Council: No comments received.

HBC Estates: No comments received.

Cleveland Fire Brigade: No comments received.

Rambles Association: No comments received.

HBC Public Protection: No comments received.

CPRE: No comments received.

RSPB: No comments received.

Tees Valley Wildlife Trust: No comments received.

DEFRA: No comments received.

Hart Parish Council: No comments received.

Northern Power Grid: No comments received.

3) Neighbour letters needed	N
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4) Parish letter needed	N
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5) Policy

National Planning Policy Framework (NPPF)(2021)

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 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 110: Safe and suitable access

PARA 111: Highways

PARA 120: Net environmental gains

PARA 126: Achieving well-designed places

PARA 129: Achieving well-designed places

PARA 132: Achieving well-designed places

PARA 150: Planning for climate change

PARA 153: Planning for climate change

PARA 174: Enhancing the local and national environment

PARA 183: Ground conditions and pollution

PARA 184: Ground conditions and pollution

PARA 185: Ground conditions and pollution

PARA 186: Ground conditions and pollution

PARA 187: Ground conditions and pollution

PARA 212: Implementation

Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change

CC5: Large Scale Solar Photovoltaic Developments

LS1: Locational Strategy

SUS1: The Presumption in Favour of Sustainable Development

NE1: Natural Environment

NE4: Ecological Networks

HE1: Heritage Assets

HE2: Archaeology

Hartlepool Rural Neighbourhood Plan (2018)

GEN1: Development Limits

NE1: Natural Environment
NE2: Renewable and Local Carbon Energy

HBC Planning Policy comments: After further consideration Planning Policy are of the view that the proposal is unacceptable and not in accordance with Local Plan Policy RUR1 (Development in the Rural Area).

Local Plan policy RUR1 seeks to ensure the rural area is protected and enhanced and that development in the rural area will be strictly controlled. The policy seeks to support the rural economy, mainly through rural enterprise such as forestry, agriculture and farm diversification along with other appropriate land based businesses. The proposal is for a substation, which although is not a typical rural based business it is a form of development that can be located within the rural area, Planning Policy do not object to the principle of a substation being located within the rural area, Planning Policy object as it is considered that the proposal is likely to have a detrimental impact on the rural area if it is located as this application intends. The proposal is within the open countryside, beyond the urban limits and Planning Policy are of the view that to create such structures in this area would effectively lead to an urbanised feel and reduce the openness of the area and it is unlikely that any level of landscaping could mitigate against these negative impacts.

The rural area of Hartlepool should remain as open as possible, for the enjoyment of residents and visitors and to provide an attractive setting for the built up area of Hartlepool. The rural area is enjoyed by many and those who roam within it should have the freedom to enjoy its openness and feel they are 'getting away from' the day to day life that the urban environment can bring. Having access to green open spaces is beneficial for physical and mental health and to retain such areas would help ensure the delivery of the council Health Strategy.

This stretch of Hartlepool's countryside is particularly visually attractive and prominent given its proximity to the A179. Planning Policy note that the substation and cabling are to serve a solar farm and whilst the provision of renewable energy is supported there has to be a balance between preserving the countryside and the need to provide clean energy.

Planning Policy are of the view that the open countryside to the north of the A179 should remain open and not be littered with what can appear to be industrial type buildings. The positive contribution to the delivery of clean energy is noted however that does not outweigh the need to preserve the open countryside especially given that Planning Policy are of the view that there may be alternative locations in which to locate the substation.

Planning Policy note that there is infrastructure to the south of the A179 and applications have been approved for other facilities to the south of the A179. Although Planning Policy do not wish to see the south of the A179 over cluttered with infrastructure development it may be more prudent to locate these types of infrastructure within one area i.e. the south of the A179 instead of creating new visual intrusions to the north of the A179.

Planning Policy would welcome/encourage the applicant to consider relocating the substation to the south of the A179.

Planning Policy are of the view that the substation is inappropriate in its current location and given that the cabling application have been submitted in a bid to serve the solar farm and substation that Planning Policy view the application as a whole. It is Planning Policy's view that the substation is inappropriate and should be refused and thus it is also prudent to refuse the cabling applications as they effectively serve no purpose and could not be built.

6) Planning Consideration

BACKGROUND

The following applications are considered relevant to the application site:

- H/2021/0311 – Proposed substation at Hart Moor Farm. Pending consideration.
- H/2021/0312 - Construction of underground electricity cables, and associated infrastructure to connect Sheraton Hall Solar Farm to the primary proposed substation - Durham County Council reference DM/21/02333/FPA. Pending consideration.

The following applications located within Durham County Council (DCC) that are located within close proximity of the current application site are considered to be relevant;

- DCC reference DM/19/03959/FPA - Hulam Farm solar farm and associated infrastructure and substation. Approved 17/06/2020.
- The current application at HBC (H/2021/0313) is a cross-boundary planning application, with Durham County Council (reference: DM/21/02336/FPA) having determined the same application – approved 05/01/2022.
- DCC reference DM/20/03722/FPA – Sheraton Hall Farm solar farm and associated infrastructure and substation. Refused 18/12/2021.

The following applications are considered relevant to the application site (being located to the south of the A179):

- H/2017/0287 - a gas powered electricity generator and infrastructure. Approved 21/12/2017.
- H/2017/0540- Proposed Energy Storage Facility comprising 2no. sub-station buildings, 5no. battery storage units, feeder pillars and transformers, and including means of access and associated hard standing and security fencing. Approved 05/01/2018.

- H/2019/0208 - Erection of gas metering kiosk, 66kv electrical transformer, electricity metering kiosk, security fencing, acoustic fencing, mounding, hard and soft landscaping and associated works. Approved 21/11/2019.
- H/2020/0162 - Screening opinion request in respect of electric vehicle charging facility ('Solar Electric Forecourt'), including erection of a 2-storey 'central hub' building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure. Decision date 17/07/2021.
- H/2020/0175 – Solar farm and associated development. Approved 26/08/2021.
- H2021/0404 - Scoping opinion request in respect of electric vehicle charging facility (Solar Electric Forecourt), including erection of a 2-storey central hub; building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure. Decision date 07/10/2021.

SITE AND SURROUNDINGS

The application site is an area of approximately 14.84 hectares of agricultural fields extending to the north and south of the A179, crossing the boundaries of the administrative Hartlepool Borough Council (to the south and east), and Durham County Council (to the north and west). As such, approximately 9.45 hectares are sited within the boundary of the Hartlepool Borough Council administrative area, whilst approximately 5.39 hectares is sited within the boundary of Durham County Council's administrative area. The village of Sheraton is located to the north west of the site, whilst the village of Hart lies to the east. Levels across the site gently undulate, rising towards the west. Boundaries of the main A179 highway are primarily defined by existing hedgerows. To the south of the A179 permission has been granted and work is underway to construct a gas powered electricity generator with related infrastructure and an enclosed electrical substation compound.

Durham County Council have recently refused an application for a solar farm close to the village of Sheraton, located approximately 1.8km to the west of this application site, on the western side of the A19 (reference DM/20/03722/FPA, decision date 18/12/2021). Planning permission was granted in June 2020 by Durham County Council for a solar farm at Hulam (reference DM/19/03959/FPA), abounding to the north of the application site. DCC has also approved the cross boundary cable application for the element of development within DCC's jurisdiction (DM/21/02336/FPA).

PROPOSAL

Planning permission is sought through this application for the installation of a physical cable connection between the approved solar farm at Hulam Farm (Durham County Council reference: DM/20/03722/FPA) down to a proposed substation within Hartlepool (H/2021/0311, pending consideration) and in turn link into the existing substation to the south of the A179 trunk road and east of Worset Lane.

As such, the application seeks planning permission for the installation of two cable routes, Options 1 and 2 (also referred to as Option B and Option A respectively), however the applicant states in the submitted Planning Statement and associated plans that only one cable route would be implemented. Each of the proposed cable routes would measure approximately 4km in length (of which approximately 1.8km would be within the administrative area of Hartlepool Borough Council, and approximately 1.2km would be within the administrative area of Durham County Council) by approximately 1m in width with a depth of approximately 1.2m.

The cables would be placed below ground and used for the transmission of renewable electricity. Each of the proposed cable routes would connect the approved solar farm at Hulam to the substation as proposed under H/2021/0311 and the substation situated on southern side of the A179.

The submitted Planning Statement indicates that the cables would be laid within a uPVC duct and marked with markers. The cable would be laid by open cut trenching where appropriate and where it meets any vegetation underground, directional drilling would be used.

The proposed cable routes would cross small sections of the A179 and Bellows Burns Lane. The submitted Planning Statement indicates that the roads would be reinstated with appropriate highways agreements. The applicant states in the submitted Planning Statement that it is intended that the cable would be installed at the same time as the construction of the solar farm and that once the cables are laid and trenches backfilled, topsoil would be seeded with a suitable grass mix.

The application has been amended during the course of its consideration. The application initially proposed a substation in the jurisdiction of DCC, approximately 1.5km to the north west of the existing substation south of the A179. This element of the proposal has since been removed from the proposal.

MATERIAL PLANNING CONSIDERATIONS

The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018), and Hartlepool Rural Neighbourhood Plan (2018) and paragraphs of the NPPF (2021), and in particular the principle of development, the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, highway and pedestrian safety and PRow, ecology and nature conservation, and flood risk and drainage. These and any other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

The Hartlepool Local Plan Policies Map (2018) identifies the application site as unallocated 'white land' but crucially is located beyond the development limits as defined by Policy LS1 of the Hartlepool Local Plan (2018). The area immediately to the south of the site along the A179 is allocated as Policy INF2 ('Safeguarded Land

for Future Road Schemes’). The application site is also located beyond the development limits as defined by Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018).

The main policy of the Hartlepool Local Plan (2018) in relation to this site is policy RUR1 (Development in the Rural Area). The main aim of this policy is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled.

Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses including the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a scale and nature that is suitable to a rural location. The policy sets a number of other criteria that any development should meet, where relevant, including:

1. Be in accordance with the Hartlepool Rural Neighbourhood Plan;
2. Where possible be located in or near to the villages;
3. Where possible re-use existing buildings and/or materials;
4. Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion;
5. Through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes;
6. Be in keeping with other buildings in terms of siting, size, materials and colour;
7. Ensure access is appropriate and there is not a detrimental impact on the highway safety;
8. Where possible create and improve sustainable connectivity;
9. Not have a detrimental impact on the landscape character or heritage assets;
10. Avoid areas of best and most versatile agricultural land, those classified as grades 1, 2 and 3a in the Agricultural Land Classification.

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

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

This policy, as well as a number of other policies within the Rural Plan (2018), namely GEN1, NE1 and NE2 require careful consideration be given to a number of other material planning considerations (similar to the above Hartlepool Local Plan (2018) requirements) and these are considered in greater detail below.

The application site extends across areas with a predominate section classified as Grade 2 (very good) on Natural England's Agricultural Land Classification Map – North East Region.

When considering the requirements of Policy RUR1 of the Hartlepool Local Plan (2018), it is considered that the proposals do not relate to the efficient or continued viable operation of agriculture, horticulture, forestry or equine businesses.

- In terms of the criteria of Policy RUR1 of the Hartlepool Local Plan (2018), in respect of criterion 1, it is of note that the proposals are outside the Development Limits of the Hartlepool Rural Neighbourhood Plan (2018), and therefore it is considered that the proposal contravenes the requirements of the Rural Neighbourhood Plan (2018). It is also of note that the Rural Plan Working Group have objected to the proposal.
- In respect of criterion 2, the proposal is not situated within an existing village, being sited approximately 1.1km from the edge of the village of Hart to the east.
- In respect of criterion 3, it is of note that the proposals would not re-use existing buildings or materials.
- In respect of criterion 4, and as considered in detail below, given that the proposed cables would be predominantly underground, it is considered that the proposals would not result in any significant detrimental impact on the amenity of the local area by way of visual intrusion. However, and whilst acknowledging that each application should be considered on its own merits, the proposals would seek to connect into a proposed substation (H/2021/0311, pending consideration) that is not likely to be considered acceptable in terms of its visual impact or the principle of development.
- In respect of criterion 5, it is considered that the proposals would not enhance the quality, character and distinctiveness of the immediate area, villages and landscapes.
- In respect of criterion 6, it is considered that the proposed siting, scale and design of the proposal would not be in keeping with other buildings, albeit as detailed below, it is acknowledged that the finished development would be primarily underground (albeit there are concerns regarding the visual impact of the associated substation under consideration through application H/2021/0311).

- In respect of criterion 7, and as considered in detail below, it is acknowledged that the proposal would not result in any significant detrimental impact on highway safety.
- In respect of criterion 8, it is noted that the proposals would not create or improve sustainable connectivity.
- In respect of criterion 9, as considered in further detail below, it is acknowledged that the proposal would not result in any adverse impact on any heritage assets, whilst it is further considered that the proposal when completed would not result in any significant detrimental impact on the landscape character.
- In respect to criterion 10, with respect to avoiding areas of best and most versatile agricultural land, it is of note that a significant proportion of the application site is classified as 'Very Good' (Class 2), of the Agricultural Land Classification Map, as outlined above.

In view of the above, it is considered that overall, the proposal would not comply with the requirements of Policy RUR1 of the Hartlepool Local Plan (2018) contravening the general principles as well as criteria 1, 2, 3, 5, 8 and 10 of this policy, nor would it comply with Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018). The Council's Planning Policy section support this view. It is also of note that the Rural Plan Working Group have objected to the proposal.

It is also noted that Policy INF2 safeguards land alongside the A179 for the potential future duelling of the road however, as the proposals are set away from the field boundary it is considered there is sufficient space to accommodate any widening should this development come to fruition in the future.

Notwithstanding the above, it is acknowledged that local and national planning policy support the development of renewable energy.

Policy CC3 (Renewable and Low Carbon Energy Generation) of the Hartlepool Local Plan (2018) recognises that significant weight should be given to the achievement of wider environmental and economic benefits from low carbon energy infrastructure. This Policy seeks to ensure that proposals satisfactorily address standalone and cumulative impacts that may result from the position of proposals, taking into account the visual appearance, topography and character of the area, impact on the amenity of local residents and any impacts on species, among other criteria.

The Hartlepool Rural Plan (2018) 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.

Paragraph 155 of the NPPF (2021) recognises the importance of the planning regime in delivering renewable energy. This paragraph of the NPPF (2021) 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.

Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

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

The NPPF (2021) also seeks to ensure that adverse impacts upon the landscape and visual amenity are addressed satisfactorily and that any negative impacts can be made acceptable.

It is acknowledged that the current proposals relate to an approved planning application (within the Durham County Council administrative area) for energy related development in this location (a solar farm, reference DM/19/039593722/FPA). It is therefore acknowledged that the current application constitutes a proportionately modest development to that proposed scheme to accommodate ancillary infrastructure, which would support the operation of the proposed/refused adjacent solar farm development. However, the development itself does not directly constitute renewable energy infrastructure. Furthermore, it is of note that the proposed cable would be used to link to/support a proposed substation, by virtue of H/2021/0311, which is unlikely to be considered acceptable.

Notwithstanding this, it is considered that Policies of the Hartlepool Local Plan (2018), particularly Policy RUR1, must be given considerable importance and weight.

In weighing up the balance of policies in favour of renewable and low carbon energy related infrastructure against the main policies of constraint (Policy RUR1 and Rural Plan Policy GEN1), emphasis is placed on balancing any identified potential harms of a proposal against the prospective benefits of renewable and low carbon development.

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

The main benefits and adverse impacts arising from the proposal (in the above context) are outlined below:

Benefits

- The submitted information indicates the proposed development is intended to support renewable energy by way of linking the substation to an approved solar farm at Hulam Farm (albeit, the development itself is not a renewable energy scheme in itself) (environmental)

Adverse impacts

- The proposed development would have a detrimental impact on visual amenity and the character of the rural area given that it would tie into a proposed substation (H/2021/0311) and when taken cumulatively with developments to the south of the A179, contrary to national and local planning policies (environmental)
- The proposed development is not a renewable energy scheme in itself (environmental)
- Impact on agricultural land and associated potential ecological impacts (environmental + economic)

In conclusion, whilst it is acknowledged that the proposal, in effect, relates to supporting infrastructure to a proposed adjacent solar farm at Hulam (DCC reference DM/19/03959/FPA), when weighing up the balance of the policies in favour of the proposed development, and taking into account the proposed siting beyond the development limits, site context and cumulative impact of the other energy related infrastructure in the immediate vicinity (including the substation as proposed under H/2021/0311), it is considered, on balance, that the identified adverse impacts are substantial and would significantly and demonstrably outweigh the respective benefits when assessed against the requirements of Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018), and the relevant paragraphs of the NPPF (2021). It is therefore considered that the principle of the development is not acceptable in this instance.

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

As noted above, the proposed application site is outside the limits to development, with the main policy of the Hartlepool Local Plan (2018) in relation to this site is policy RUR1 (Development in the Rural Area). The main aims of these policies is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost.

Policy RUR1 of the Local Plan states that development outside the development limits will be strictly controlled. Similarly, Policy GEN1 of the Rural Neighbourhood Plan (2018) states that development in the open countryside outside Development Limits will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements. Particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to respect the countryside character and does not impact on visual amenity or the local highway network.

Concerns have been received from the Hartlepool Rural Neighbourhood Plan Group, including the cumulative impact on the character, appearance and visual amenity of the rural area in the vicinity of Hart and Sheraton.

It is acknowledged that following completion of the development, the proposed development (in isolation) would be primarily underground, with limited visibility from the surrounding area following the restoration of the landscaping and vegetation (considered in further detail below). Whilst it is considered that the proposal represents further non-agricultural development in this location, given that the cables would be situated primarily underground, it is considered, on balance, that the proposals would not result in an unacceptable impact on the character and appearance of the surrounding rural area as to warrant a refusal of the application (subject to necessary planning conditions had the proposal been considered acceptable in principle).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

The application site is predominately along the A179 trunk road and north (opposite Worset Lane). As such, there are therefore no sensitive land users such as residential properties in the vicinity of the proposed development.

Whelly Hill Farm is sited approximately 700m to the west of the proposed siting of the cable (at its closest point), whilst Hart Moor Farm is sited approximately 150m to the west of the application site (at its closest point), Thorpe Bulmer Farm is sited approximately 270m to the north east, and Sheraton Hall Farm is sited approximately 750m to the west of the application site (at its closest point, the latter being sited within the boundary of the administrative area of Durham County Council). The closest residential properties in the village of Sheraton to the west are approximately 1.8km from the application site (at its closest point, sited within the boundary of the administrative area of Durham County Council). The closest residential properties located within Nine Aces are approximately 500m to the east, whilst the closest residential properties within Hart Village are approximately 900m to the east.

Taking into account the separation distance and screening provided by existing landscaping which will be further supplemented by the proposed cable routes being sited underground, it is considered that the proposed development would not result in any adverse impact on the amenity or privacy of residential properties in the surrounding area in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

The Council's Public Protection section has been consulted and has not offered any objections or comments in respect of the proposed installation of the cable routes options. In view of this and given the underground nature of the proposal, proposed landscaping and re-vegetation and significant separation distance to neighbouring properties, and in the context of the existing, proposed and approved infrastructure in this location, it is considered that the proposal would not result in undue noise, odour, light pollution or other disturbance to neighbouring land users.

HIGHWAY & PEDESTRIAN SAFETY & PUBLIC RIGHTS OF WAY

The application site extends southwards, crossing both sides of the A179. The Council's Highways, Traffic & Transport section and Highways England have been consulted on the application and have confirmed that they have no objections to the application. However, the Council's Traffic and Transport section has confirmed that any works on the A179 would need to be carefully programmed in order to minimise disruption to any highway works associated with the proposed Upper Warren housing development.

National Highways have recommended planning conditions with respect to controlling the movement of HGVs when entering/exiting the A19 in order to ensure the A19 trunk road continues to serve its purpose as part of a national system of routes for through traffic, which are necessary in this instance. Had the application been considered acceptable in all respects, and subject to the above mentioned necessary planning conditions, the proposal would have been considered acceptable with respect to the impact on highway and pedestrian safety.

The Council's Countryside Access Officer has advised that the proposed cable routes cut through public bridleway No. 10 (Hart Parish) and runs along public bridle No. 13 (Hart Parish). As such, consent is necessary with respect to Traffic Regulations Orders in order to temporarily divert or temporarily close the two bridleways. Had the application been considered to be acceptable in all respects, this could have been relayed to the applicant by way of an informative. The application is therefore considered to be acceptable with respect to the impact on public rights of way.

ECOLOGY & NATURE CONSERVATION

The proposed cable route is sited approximately 200m to the north of Hart Bog SSSI at its closest point (Option 2 of the cable route), whilst Hesledon Dene Nature Reserve is sited approximately 10m to the north of Option 2 and approximately 1.3km to the north of Option 1 of the cable route, with Thorpe Bulmer Dene Ancient Woodland sited approximately 200m beyond this (to the north).

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

Option 1/B of the proposed cable routes would necessitate the removal of 2no. 2m sections of hedgerow. The submitted Arboricultural Impact Assessment in support of the proposals indicates that this would be replaced upon completion of the trench backfilling. The remainder of the cable route in respect of Option 1 and the entire route in respect of Option 2 would use existing gaps in the hedgerows. In addition, the supporting information details that some trees would require crowning. The Arboricultural Impact Assessment concludes that the existing vegetation could be protected during construction, and specifies that a plan to indicate the directional

drilling in order to protect existing trees (in respect of Option 2) would be required. Had the application been considered acceptable in all respects, this would have been necessary in this instance and planning conditions would have been recommended to secure the above requirements. Subject to this, and as noted above, the Council's Arboricultural Officer has confirmed no objections to the proposal.

Concerns have been received from the Hartlepool Rural Neighbourhood Plan Group with respect to the potential impact of the proposal on the natural environment through potential temporary disturbance to the Hart Bog SSSI, Bellows Burn Fen Local Wildlife Site and Butts Lane Local Wildlife Site, and the restoration of landscaping and vegetation following completion of the development.

The Council's Ecologist has been consulted on the application and has advised that the resulting ecological impact of implementing cable route Option 2/A would be reduced in relation to implementing cable route Option 1/B, therefore the Council's Ecologist have confirmed that there would be no objection to the proposal subject to a planning condition requiring that only cable route Option 2/A be implemented, in addition to a Construction Environmental Management Plan (CEMP) being provided in respect of mitigating any harm through any loss of hedgerows, to facilitate construction. Had the proposal been considered acceptable in all respects, this necessary planning condition would have been recommended accordingly.

Natural England has been consulted on the application has confirmed that the proposed development would not result in any significant adverse impacts on statutorily protected nature conservation sites or landscapes. However, Natural England has provided advice in respect of landscaping, best and most versatile agricultural land and soils, protected species, local sites and priority habitats and species, ancient woodland, ancient and veteran trees and environmental gains, access and recreation, rights of way, access land, coastal access and national trails and biodiversity duty. Had the proposal been considered acceptable in all respects, this advice could have been relayed to the applicant by way of informative notes.

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

FLOOD RISK & DRAINAGE

The application is designated by the Environment Agency's Flood Map for Planning as being in Flood Zone 1. Notwithstanding this, a Flood Risk Assessment is required owing to the area of the proposal exceeds 1 hectare, and has been submitted accordingly in respect of the proposed development. The proposal includes the digging of a trench up to approximately 1.2m in depth, which would cross Bellows Burn. On completion of the works the trench would be backfilled and the land reinstated to its former condition.

The Council's Flood Risk Officer has been consulted on the application and has had regard to the submitted Flood Risk Assessment and has confirmed no objections in respect of surface water management or contaminated land. The proposal is considered to be acceptable in this respect.

Northumbrian Water has also been consulted on the application and has advised that they would have no comments to make. Northumbrian Water has however provided advice for the applicant with respect to consideration to the presence of sewers on site prior and during construction work. Had the proposal been considered acceptable in all respects, an informative note would have been appropriate to make the applicant aware of this.

The Environment Agency has not provided any objections or comments in respect of this application.

In view of the above, the application is considered to be acceptable with respect to matters of flood risk and drainage, subject to the abovementioned informative, and to therefore be in accordance with the Policy CC2 of the Hartlepool Local Plan (2018), and paragraph 174 of the NPPF (2021), had the proposal been considered acceptable in all respects.

OTHER PLANNING MATTERS

Policy HE2 'Archaeology' seeks to protect archaeological assets. Tees Archaeology has had regard to the proposals including the submitted Historic Environment Desk-Based Assessment, and has advised that a programme of archaeological works is undertaken prior to the construction works, with appropriate mitigation being secured by a planning condition, which would have been necessary in this regard, had the application been considered acceptable in all respects.

No concerns or objections have been received by the Council's Heritage and Countryside Manager. The application is therefore considered to be acceptable with respect to the impact on heritage assets and archaeology, had the proposal been considered acceptable in all respects.

No concerns or objections have been received from Cleveland Police. The application is therefore considered to be acceptable with respect to matters of safety and security, had the proposal been considered acceptable in all respects.

RESIDUAL MATTERS

The Council's Flood Risk Officer has confirmed that Land Drainage Consent may be required if any Ordinary Watercourses are to be crossed. Section 23 of the Land Drainage Act 1991 requires that consent is required from Hartlepool Borough Council prior to any modification or interference with any of these drainage assets. Had the proposal been considered acceptable in all respects, an informative could have relayed this advice to the applicant.

Both Northern Powergrid and the National Grid have been consulted on the application and no concerns or objections have been received.

Northern Gas Networks has been consulted and has confirmed that they have no objections to the proposed installation of cable routes, following a previous objection in respect to stopping up of the highway.

Teesmouth Bird Club has confirmed they have no objections to the proposed development.

Cleveland Fire Brigade have not provided any comments or objections in respect of the application.

CONCLUSION

Whilst it is acknowledged that the proposal relates to supporting infrastructure to an approved adjacent solar farm at Hulam Farm (within the jurisdiction of DCC), when weighing up the balance of the policies in favour of the proposed development against the proposal being contrary to the principles of Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018), it is considered, on balance, that the benefits of the proposal would not be so substantial as to outweigh the requirements of Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018) and therefore it is considered that the principle of the development is not acceptable in this instance. It is therefore recommended that the application be refused.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered

Yes (as per report)

10) Any Declared Register of Interest

No

11) Chair's Consent Necessary

N

12) Recommendation

REFUSE for the reason below:

REASON

1. In the opinion of the Local Planning Authority, the proposal constitutes inappropriate development in the open countryside to the detriment of the

character of the rural area, as the proposed site is outside the limits to development/village envelope as defined by Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018) and the proposed use is not supported and does not constitute a sustainable form of development.

INFORMATIVE

1.0 Statement of Proactive Engagement

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, it has not been possible to overcome or address the identified potential impacts of the proposed development.

Author of Report: Stephanie Bell

Signed: S.Bell

Dated: 04/03/2022

Signed: DJAMES

Dated: 04/03/22

Planning Team Leader DC

PLANNING COMMITTEE

5th October 2022



Report of: Assistant Director – Place Management

Subject: ENFORCEMENT NOTICE APPEAL SEATON HALL
RESIDENTIAL HOME, 10 THE GREEN, SEATON
CAREW, HARTLEPOOL
APPEAL REF: APP/H0724/F/22/3305285
Without Listed Building Consent, the installation of
UPVC windows at ground floor level.

1. PURPOSE OF REPORT

- 1.1 To advise members of an enforcement notice appeal that has been submitted against the Council decision to issue an Enforcement Notice in respect of the unauthorised development comprising the installation of UPVC windows at ground floor level at the front of Seaton Hall Residential Home, 10 The Green, Seaton Carew without Listed Building Consent.
- 1.2 An Enforcement Notice was issued to the owner and occupier, with the following requirement:
 - (i) Remove the existing uPVC windows.
 - (ii) Restore the windows to their condition before the breach took place.
- 1.3 A period of 3 months from the date the notice takes effect was given for compliance with the steps specific.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
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PLANNING COMMITTEE

5th October 2022



Report of: Assistant Director – Place Management

Subject: APPEALS AT 17 BUTTERSTONE AVENUE
APPEAL REF: APP/H0724/C/22/3305149 &
APP/H0724/C/22/3305187
Enclosure of balcony to front with glass walls and roof,
installation of electric shutters to the ground floor
window at the front, erection of a fence to the front
(approx. height 1.6m) and erection of fence to the both
side boundaries at the rear (approx. height 2.1m)
(retrospective) and proposed installation of
weatherboard cladding to the front (H/2021/0198)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal and linked Enforcement Notice appeal that has been submitted against the Council's decision in respect of an application for the enclosure of balcony to front with glass walls and roof, installation of electric shutters to the ground floor window at the front, erection of a fence to the front (approx. height 1.6m) and erection of fence to the both side boundaries at the rear (approx. height 2.1m) (retrospective) and proposed installation of weatherboard cladding to the front.
- 1.2 The planning application was refused by Planning Committee on 27th July 2022 for the following reason:

1. In the opinion of the Local Planning Authority, the development (enclosure of the first floor balcony to the front with glass walls and roof, and shutters to ground floor window to the front) by virtue of its design, scale and siting, would constitute an unsympathetic form of development to the host dwelling, resulting in a detrimental visual impact on the character and appearance of the area, contrary to Policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraph 134 of the NPPF which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

2. In the opinion of the Local Planning Authority, the development (boundary fencing to the front) by virtue of its design, scale and prominent location, significantly diminishes the open plan character of the estate and

causes harm to its character and appearance, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).

3. In the opinion of the Local Planning Authority, the proposed development (enclosure of the first floor balcony to front with glass walls and roof) by virtue of its siting and scale, would result in an unacceptable loss of privacy for the adjacent neighbouring property (No. 15 Butterstone Avenue), contrary to Policies QP4 and HSG11 of the Hartlepool Local Plan (2018), the Council's Residential Design Guide SPD (2019) and paragraph 130 of the National Planning Policy Framework (2021).

4. In the opinion of the Local Planning Authority, the development (boundary fencing to the front) by virtue of its design, scale and siting, results in a potential detrimental impact on highway safety, in particular in respect to vehicles egressing the driveway of the neighbouring property (15 Butterstone Avenue) contrary to Policy QP5 of the Hartlepool Local Plan (2018).

1.3 An Enforcement Notice was issued to the owner on 11th August 2022, with the following requirement:

- (i) Remove the first floor glazed screening/conservatory to the original balcony to the front.
- (ii) Remove the shutter to the front elevation.
- (iii) Remove the fencing to the front.
- (iv) Restore the land and boundary to their condition prior to the breaches taking place.
- (v) Remove any debris associated steps (i) to (iv).

1.4 A period of 3 months from the date the notice takes effect was given for compliance with the steps specific.

2. RECOMMENDATIONS

2.1 That Members note this report.

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PLANNING COMMITTEE

5th October 2022



Report of: Assistant Director - Place Management

Subject: APPEAL AT 2 MILL COURT, HIGH STREET,
GREATHAM, HARTLEPOOL, TS25 2ED
APPEAL REF: APP/H0724/D/22/3298987
Erection of a single storey front extension (and
extension to front/side boundary fence)
(H/2021/0542).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an application for the erection of a single storey front extension (and extension to front/side boundary fence) at 2 Mill Court, High Street, Greatham.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. (**Appendix 1**)

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1.



The Planning Inspectorate

Appeal Decision

Site visit made on 1 August 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/H0724/D/22/3298987

2 Mill Court, High Street, Greatham, Hartlepool TS25 2ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kenneth Elliott against the decision of Hartlepool Borough Council.
 - The application Ref H/2021/0542, dated 25 November 2021, was refused by notice dated 25 March 2022.
 - The development proposed is described as a single storey extension including WC and porch area to front of property.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the semi-detached properties and immediate surrounding area.

Reasons

3. Mill Court is a small residential cul-de-sac set back from the terraced housing along High Street. The cul-de-sac has a parking area at its end and a number of semi-detached properties surrounding it. A public footpath runs from High Street through the courtyard and into the housing estate to the rear. The appeal property is part of an identical pair of two storey semi-detached dwellings with pitched roofs which are situated off the end of the cul-de-sac. These dwellings have grass and planted front gardens which are typically enclosed by low timber fencing. The property sits within the Greatham Conservation Area (GCA).
4. The proposal would consist of a single storey front entrance extension with pitched roof. It would be built in similar materials to the host building.
5. While the pair of semi-detached properties sit as an isolated block, with good separation to the other properties, they also have a very symmetrical and balanced frontage. Although views of the properties would be limited from outside of the cul-de-sac, they would still be visible to occupants of the neighbouring properties and users of the footpath. Even with the moderate size of the extension and its positioning to the far front corner of the host property, it would still create a relatively bulky and incongruous addition to the front elevation. It would also necessitate relocating the entrance door to the side of the extension which would result in an unattractive front end gable aspect.

<https://www.gov.uk/planning-inspectorate>

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Overall, the extension and door repositioning would unbalance the fenestration of the semi-detached properties and harm the character and appearance of them and the immediate surrounding area.

6. Accordingly, for these reasons, I conclude that the proposal would have an unacceptably harmful effect on the semi-detached properties and character and appearance of the immediate surrounding area. Consequently, it would be contrary to policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and the National Planning Policy Framework (2021). These policies seek, amongst other matters, to ensure that new development would be designed to a high quality, be sympathetic to the existing dwelling and would not adversely affect the character of the surrounding residential area.

Other Matters

7. As the appeal property sits within the GCA, the development must be considered within the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 this requires that I pay particular attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. Furthermore, paragraph 199 of the National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation.
9. I note that the GCA's special character is predominately derived from the village centre around The Green, its early development as a religious based hospital in the 13th century and as an agricultural settlement, with subsequent village growth added early 19th century individual housing and terraces and late Victorian terraced housing. Due to the host property's understated appearance, simple detailing and positioning away and behind the main GCA's characteristic housing, the proposal would not be seen in the context of the wider GCA. As such it would not impact on the significance of the GCA when considered as a whole and the character and appearance of the GCA would be preserved.
10. I appreciate that there were no objections from the formal consultees to the proposal, with respect of the special character of the GCA and specific technical matters. I also note that Greatham Parish Council did not object due to the proposal being in an isolated location and one off in nature. However, these do not change my view that the proposal would harm the character and appearance of the semi-detached properties and the immediate surrounding area.
11. The appellant raises a number of issues regarding the Council's handling of this application which relates to it not working with them in a positive and proactive manner. However, this matter is outside the scope of my decision.

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Conclusion

12. For the reasons given above and having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR

PLANNING COMMITTEE

5th October 2022



Report of: Assistant Director - Place Management

Subject: APPEAL AT SEA VIEW GUEST HOUSE, 11 THE GREEN, SEATON, HARTLEPOOL, TS25 1AS
APPEAL REF: APP/H0724/W/22/3297605
Replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts (H/2021/0552).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an application for the Replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts at Sea View Guest House, 11 The Green, Seaton, Hartlepool (H/2021/0552).
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. (**Appendix 1**)

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1.



Appeal Decision

Site visit made on 22 August 2022

by **F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 26th August 2022

Appeal Ref: APP/H0724/W/22/3297606

Sea View, 11 The Green, Seaton Carew, Hartlepool TS25 1AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Kerridge against the decision of Hartlepool Borough Council.
 - The application Ref: H/2021/0552, dated 7 December 2021, was refused by notice dated 17 February 2022.
 - The development proposed is replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property forms part of a Grade II listed building. An associated application for listed building consent for the replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts was submitted to and refused by the Council¹. The appellant was asked whether they intended to submit an appeal against the Council's refusal to grant listed building consent for the proposed works. No response was received and at the time of this decision no associated listed building consent appeal had been submitted to the Planning Inspectorate. I have therefore proceeded to determine the appeal against the refusal to grant planning permission for the proposed development.
3. In the context of the above and given the appeal site's location within the Seaton Conservation Area (the SCA), in determining the appeal I have had special regard to section 66(1) and paid special attention to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposed development would i) preserve the Grade II listed building, 11-13 The Green, or any features of special architectural or historic interest which it possesses; and ii) preserve or enhance the character or appearance of the SCA.

¹ 1. H/2021/0387 – Listed Building Consent – Replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts. Refused 10/12/2021.

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Reasons

Special interest and significance

5. The appeal property, which is currently in use as a guest house, forms part of the Grade II listed building known as 11-13 The Green, (the building)². It occupies a highly prominent position on the western side of the Green, set back from and facing Seaton Carew seafront. The building comprises a short terrace of three, three-storey properties which date from circa 1800. They possess stucco frontages and Welsh slate roofs. The fenestration on their front elevations mostly comprises single-glazed, multi-pane, painted timber, vertical sliding-sash windows.
6. Pertinent to the appeal, the 10no. windows on the front elevation of the appeal property which are proposed to be altered comprise a mix of six-over-six and four-over-four single-glazed, painted timber, vertical sliding-sash units. These windows are stated to date from 2004, with their installation being assisted by a Heritage Economic Regeneration Scheme grant, a condition of which was that 'they shall be retained and maintained to the same standard as specified by the grant offer letter, using the same materials as appropriate'³.
7. From the evidence before me, I find that the building's special interest and significance are mainly derived from its historic and architectural interests, as a short terrace of notable 19th century domestic townhouses within the seaside resort of Seaton Carew. Important contributors in these respects are its age; surviving historic fabric; traditional construction and materials; and polite architectural form and design. Its special interest and significance also stem, in part, from its group value with other nearby listed buildings.
8. In relation to the appeal, whilst the windows on the front elevation of the appeal property are not historic, they are of classic sliding-sash form, proportions and detail, as well as being constructed of traditional materials. As such, they are important features of the building which positively contribute to its character, appearance and thus its heritage merit.
9. The appeal property is also located within the SCA, which is categorised as being 'at risk'⁴, due, in part, to the accumulation of minor alterations to doors and windows, and the increasing use of modern materials. The SCA is essentially linear in form, encompassing buildings and spaces adjacent to Seaton Carew's seafront. The special interest and significance of the SCA mainly stem from the variety and architectural richness of its historic buildings that denote its evolution, all set within a coastal landscape. By virtue of its historic and architectural integrity, 11-13 The Green adds considerably to Seaton Carew's historic and aesthetic charm. In doing so, it positively contributes to the character and appearance of the SCA as a whole and thereby to its significance as a designated heritage asset.

Appeal proposed development and effects

10. The proposed development comprises the removal of the existing single-glazed, painted timber, vertical sliding-sash inserts to 10no windows across the

² List Entry Number: 1263079.

³ HLBC/2003/0886 - Listed Building Consent for the provision of new sash windows to front of property. Granted 29 January 2004. Heritage Economic Regeneration Scheme Grant received for these works in 2004.

⁴ Register compiled by Historic England.

front elevation of the appeal property, and their replacement with double-glazed, uPVC, vertical sliding-sash inserts. The existing timber frames would be retained.

11. I acknowledge that the proposed development would not involve the loss or alteration of historic fabric. Additionally, from the submitted images and my observations on site, it is evident that some components of the existing timber sashes are deteriorating. Nevertheless, no detailed condition survey of the windows has been submitted. Consequently, I cannot be certain that the existing timber sashes could not be repaired and refurbished by an experienced tradesperson, which may address some of the issues raised by the appellant.
12. Even if I accepted the principle of replacing the existing timber sashes, having regard to the very limited information provided on the detail of the proposed inserts, I have a number of significant concerns. Four windows incorporating eight proposed inserts would not replicate the glazing pattern of the existing units⁵. Moreover, I am unable to determine if the double-glazed form of the proposed inserts would effectively replicate the fine joinery detail of the existing timber sashes. Nor can I be certain that they would be practically compatible in dimensions and material with the existing timber frames. Additionally, the proposed base material of uPVC is a synthetic fabric whose smooth, shiny, modern appearance would not satisfactorily capture the character of the painted timber finish that currently exists.
13. In all of the above respects, the proposed inserts would appear discordant and out of keeping with the traditional character of the building. They would considerably erode the architectural integrity of 11-13 The Green and detrimentally undermine its heritage merit. As such, the proposal would not conserve the listed building in a manner appropriate to its significance.
14. Taking into account the building's importance and prominence within the townscape of Seaton Carew, along with the sensitivity of the area to inappropriate alterations, it follows that the identified negative effects to the listed building would also harm the positive qualities of the SCA as a whole. In these regards the proposed development would materially and incrementally diminish the character and appearance of the SCA and thus its significance as a designated heritage asset, negatively reinforcing the SCA's 'at risk' status.
15. Drawing the above together, the proposed development would not sustain or enhance, but rather cause harm to, the special interest and significance of these designated heritage assets.

Public benefits and balance

16. Paragraph 199 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
17. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the proposed development, I find the

⁵ Drawing Front Elevation Including Window Details - Detail E and Detail F.

harm to the listed building and the SCA to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.

18. There would be some economic benefits brought about through the manufacture and installation phase of the proposed inserts along with the general investment into the property. Additionally, environmental benefits would possibly be gained through an enhancement of the property's thermal efficiency and a consequent reduction in its carbon footprint. The proposal would also potentially better the guest house's internal environment and the comfort of its visitors, as well as reduce maintenance and heating costs.
19. A few of these outcomes would be of solely private benefit to the appellant. Nonetheless, some of them would assist the delivery of the main objectives of the planning system as outlined in the Framework and represent benefits that would flow to the public at large. The sum of the benefits is considerably moderated by the scale of the proposed development, but still carry weight in favour of the appeal.
20. However, whilst I have given careful consideration to the appellant's comments concerning the severity of the issues caused by the existing windows and the practical problems of secondary glazing as an alternative option, I am not persuaded that similar public benefits could not be achieved by a proposal which would be less harmful to the significance of the designated heritage assets. Furthermore, no compelling evidence is before me which confirms that the optimum viable use of the building as a guest house would be at risk if the existing timber inserts were not replaced as proposed. In these respects, the identified harm to the significance of the listed building and the SCA has not been clearly and convincingly justified.
21. Overall, the weight that I ascribe to the public benefits that would accrue from the proposed development, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.
22. Accordingly, I conclude that the proposed development would fail to preserve the Grade II listed building, 11-13 The Green, or any features of special architectural or historic interest which it possesses; and would not preserve or enhance the character or appearance of the SCA. As such, it would fail to satisfy the requirements of sections 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
23. It would also conflict with Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan, adopted May 2018. Amongst other things, these policies seek to preserve, protect and positively enhance all heritage assets; conserve or enhance the distinctive character of the Borough's Conservation Areas; conserve or enhance listed buildings; and retain, protect and enhance heritage assets classified as 'at risk'.

Other Matters

24. In support of the appeal, the appellant cites the general presence of uPVC windows in commercial and residential buildings in the surrounding area.

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Specific reference is also made to the uPVC windows in the adjoining Seaton Hall Nursing Home which the SCA map confirms is a listed building.

25. When on site I observed the existence of uPVC units in both commercial and residential properties in the locale. However, from the limited information before me, with the exception of Seaton Hall Nursing Home, none of them appear to be listed as being of special architectural or historic interest. As such, they are not subject to the same stringent requirements of the Act as the appeal property.
26. I acknowledge the presence of uPVC windows within the ground floor on the front elevation of Seaton Hall Nursing Home. Nevertheless, the specific details and circumstances of this alteration, along with any grants of planning permission and/or listed building consent, if obtained, have not been provided. On this basis, I am unable to draw any meaningful comparisons with the appeal proposal. This reduces the weight I can attach to this matter in support of the appeal.
27. In any event, the presence of uPVC windows in other buildings nearby, listed or unlisted, is not, in itself, a reason to allow unacceptable development. I have determined the appeal before me on its own planning and conservation merits and found that it would cause harm which would not be sufficiently outweighed by the public benefits that the proposal would generate.
28. I am aware of the representation made by an interested party which raises no objection to the proposed development. However, this is a neutral consideration in the balance and weighs neither for nor against the appeal.
29. I note the appellant's view that it is 'very unfair' of the Council to have refused the application. However, of itself, this is not within the remit of my considerations in the context of an appeal under section 78 of the Town and Country Planning Act 1990.

Conclusion

30. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

PLANNING COMMITTEE

5th October 2022



Report of: Assistant Director - Place Management

Subject: APPEAL AT LAND AT METROPOLITAN PARK,
TS24 0XR
APPEAL REF: APP/H0724/Z/22/3295411
Two illuminated digital posters advertising displays
each measuring 6m x 3m mounted on a steel support
structure (H/2021/0553)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an application for the installation of two illuminated digital posters advertising displays each measuring 6m x 3m mounted on a steel support structure (H/2021/0553) at land at Metropolitan Park, Hartlepool.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. (**Appendix 1**)

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1.



Appeal Decision

Site visit made on 23 June 2022

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2022

Appeal Ref: APP/H0724/Z/22/3295411

Land at Metropolitan Park, Hartlepool TS24 0XR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Alight Media against the decision of Hartlepool Borough Council.
 - The application Ref: H/2021/0553, dated 2 December 2021, was refused by notice dated 15 February 2022.
 - The advertisement proposed is described as: Two illuminated digital poster advertising displays each measuring 6m x 3m mounted on a steel support structure.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that control over the display of advertisements shall be exercised in the interests of amenity and public safety. This is reiterated in the National Planning Policy Framework (the Framework), and in the Planning Practice Guidance (the PPG).

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed advertisements on amenity; and
 - The effect of the proposed advertisements on public safety, with particular regard to the railway network.

Reasons

The effect on amenity

4. The appeal site is located within a car park associated with a cinema and restaurant located in a commercial area in central Hartlepool. North of the appeal site is a modern commercial area adjacent to Hartlepool Marina. To the south of the appeal site is a railway line serving Hartlepool railway station which is separated from the car park by a steel palisade fence and a high brick wall. This brick wall lies within the Church Street Conservation Area which is located largely to the south of the railway line and comprises the railway station, Church Street and short stretches of several streets running perpendicular to it. This area forms part of the historic centre of Hartlepool. The most prominent building in the conservation area is Christ Church in Church Square which is a Grade II* listed building [List entry: 1250112] now

used as an art gallery. Just to the west of Christ Church are the Grade II listed Former Municipal Buildings [List entry: 1250113]. These listed buildings form an important component of the appearance of the conservation area.

5. To the north west is the A689 road which passes over the railway on a concrete bridge with red brick abutments. To accommodate the change in ground level between the car park and the A689, a wide grassed embankment above a low concrete retaining wall runs between the car park and the carriageway level. The A689 is a busy main thoroughfare with dual carriageways that runs from north to south through central Hartlepool and the southern part of the town before eventually linking with the A19 some distance to the south west.
6. The appeal proposal consists of the installation of two, 6 metre by 3 metre (6.4 metres by 3.4 metres to the outer edge of the frame around the screen) illuminated, light emitting diode, panels mounted to each side of a support pole 8 metres high to the base of the advertisement screen, resulting in an overall height of 11.4 metres above the level of the car park. The advertisements would display a range of static images, with the display changing approximately every 10 seconds.
7. The advertisements would be sited so as to be primarily visible to motorists on the A689. However, due to the openness of the surrounding area and the height of the advertisements and their supporting structure, they would be visible from other publicly accessible locations, although not square on.
8. I saw when I visited the site that the buildings within the conservation area, and particularly Christ Church with its prominent tower, form an attractive visual backdrop in views from the north on the A689 and that this is visible from some distance to the north of the appeal site. One face of the proposed advertisements would be clearly visible against this backdrop due to its freestanding nature and degree of separation from the structure of the road bridge.
9. I also observed that the proposed advertisement would be visible in views out of the conservation area, particularly from Church Square from where the whole of the advertisement and its supporting structure would be seen. In these views little or none of the commercial context of Metropolitan Park is visible and the advertisement would appear as an incongruous, high level, feature. This would be exacerbated by the illumination, particularly at night.
10. Due to the width of the embankment between the base of the support structure and the carriageway there would be a visual disconnection between the advertisements and the road, and the advertisement would appear to 'float' some distance from the highway.
11. The proposed advertisements would also be prominent to users of the car park associated with the cinema and from the park and ride facility adjacent to the railway station. The freestanding nature of the advertisements, their height, and the lack of visual relationship with any other structures would be particularly apparent from these locations.
12. This combination of factors would result in a jarring appearance that would be inconsistent with the surrounding context and would be harmful to the visual amenity of the area.

13. Although I have had regard to the appellant's point that the surrounding area is primarily commercial in nature and that the PPG sets out that large scale advertisements may be accepted in an industrial or commercial area in a major city where there are large buildings and main highways, this does not necessarily mean that they are acceptable in all commercial or roadside locations.
14. I have also noted the Council's points in respect of the effect on the conservation area and the setting of the listed buildings. The appeal site is close to the boundary of, but not within the conservation area. I would agree with the Council's assessment that the significance of the conservation area, in so far as it is relevant to this appeal, is derived from its aesthetic value derived from the architectural detailing within the area; its historic value arising from the development of Church Street area as one of the principal roads in the development of West Hartlepool; and its communal value provided by the meaning it has to residents of Hartlepool as the central area for industrial development in Hartlepool's heyday. However, I have no substantive evidence from either party of the contribution that the setting of the conservation area makes to understanding its significance.
15. In this case, from what I saw when I visited the site, modern developments in the area such as the formation of surface level car parks and the concrete road bridge have resulted in that part of the setting of the conservation area where the appeal site is located having been much altered. Consequently, in this case, the setting makes little or no contribution to the understanding of the conservation area. In this context, the proposed advertisements would not cause harm to the significance of the conservation area. Nevertheless, this does not diminish the contribution that the conservation area, the buildings within it, and the spaces they enclose make to the overall visual amenity of the area.
16. Similarly, due to the degree of separation of the appeal site from the listed buildings, the advertisements would not fall within their immediate setting, although they would be within the wider setting of Christ Church, which due to its prominent tower is visible over a wider area. That said, as set out above, modern developments within the wider setting have significantly altered it and again the wider setting makes very little contribution to understanding the significance of the church or the former municipal buildings. Although the proposal would not directly cause harm to the setting of the listed buildings, as before, this does not diminish the contribution they make to the overall visual amenity of the area and the lack of specific harm to the significance of the heritage assets does not alter my conclusion in respect of visual amenity when taken in the round.
17. I therefore find that the proposed advertisements would cause harm to the amenity of the area. I have taken account of policies QP4, QP8, NE7, HE1 and HE3 of the Hartlepool Local Plan 2018 (the Local Plan). When read together these seek among other matters to ensure that development is of a high standard of design, particularly along important transport corridors, has regard to its context and does not harm visual amenity, and preserves heritage assets, and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with policies QP4, QP8 and NE7, notwithstanding that as I have not found specific harm to the heritage assets, the proposal would comply with Policies HE1 and HE3.

Public safety

18. The proposed advertisements and their supporting structure would be located in proximity to a railway line that runs into the nearby Hartlepool railway station. A steel palisade fence joined to a high brick wall separates the cinema car park from the railway land.
19. The appellant states that the Planning Practice Guidance sets out a number of ways in which advertisements can interfere with railway safety. I have noted the point that these primarily relate to interference with visibility of signals, signs, or level crossings, or causing confusion with signals or warning lights. The Planning Practice Guidance adds context to the Framework and provides guidance in determining applications. However, Regulation 3(2)(b) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that factors relevant to public safety include the safety of persons using any highway, railway, waterway, dock, harbour, or aerodrome, in addition to whether the display of the advertisement is likely to obscure, or hinder, the ready interpretation of among other things railway signals. Consequently, the consideration of public safety is not limited to those criteria set out in the PPG.
20. Network Rail has raised concerns that the proposed scheme is within topple distance of the operational railway boundary, meaning that should the structure collapse, it could potentially breach the railway boundary, resulting in damage, delays, and accidents. Network Rail have advised that the topple distance would be the total height of the structure plus 3 metres. Structures rarely fall on the spot and the additional distance above the overall height allows for safe clearance in addition to accounting for wind loading. The proposed advertising screens would be 3.4 metres in height and mounted on an 8 metre high support pole, giving an overall height of the structure of 11.4 metres. The topple distance of the structure would therefore be 14.4 metres.
21. The appellant's measurements set out that the distance from the base of the monopole to the fence line marking the railway boundary is 11.1 metres and the distance to the edge of the platform adjacent to the track is a total of 15.4 metres. Consequently, the appellant is incorrect to state that network Rail's topple distance would be complied with and that, if the structure fell in the direction of the railway, it would fall entirely within the landlord's demise as both the overall height of advertisement and its supporting structure, and the topple distance of 14.4 metres, exceed the distance to the fence. Whilst a fall in this direction may not result in the structure obstructing the track itself, it would, nonetheless, breach the railway boundary and result in a hazard.
22. I have noted that the Highway Authority have not raised any objections to the proposal on the grounds of highway safety or impact on the road network, and from what I have read and what I saw when I visited the site, I have no reason to find otherwise. However, this does not alter my conclusion on this issue.
23. I therefore conclude that the proposed advertisements would cause harm to public safety. I have had regard to Policy QP8 of the Local Plan which expects advertisements to be appropriately located and have regard to their impact on public safety and so is material in this case. Given I have concluded that the proposal would cause harm to public safety, the proposal would conflict with this policy. The reason for refusal also refers to Local Plan QP4. However, this is a generic design policy that does not relate specifically to advertisements or

public safety and, consequently, I do not consider that it is relevant to this issue.

Other Matters

24. The appellant has requested that consideration be given to a split decision in the event that one advertisement may be acceptable. However, allowing only one digital advertisement would result in the blank rear of the panel being visible in one set of views which would be an incongruous skyline feature on one of the principal routes through the town. This notwithstanding, as set out above the proposed advertisements would be harmful to amenity in the area as a whole when viewed from multiple locations, and this could not be remedied or mitigated by removing one advertisement.

Conclusion

25. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR