

# PLANNING COMMITTEE

## AGENDA



**Wednesday 14 December 2022**

**at 10.00am**

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

### MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Martin-Wells, Morley, D Nicholson, 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 16<sup>th</sup> November 2022 (*to follow*)

#### 4. ITEMS REQUIRING DECISION

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

- |    |             |  |
|----|-------------|--|
| 1  | H/2022/0344 | Land at Wynyard Woods, West Wynyard (page 1) |
| 2. | H/2022/0311 | Land at King Oswy Drive (page 17)            |
| 3. | H/2022/0263 | Worset Lane (page 45)                        |

#### 5. ITEMS FOR INFORMATION

5.1 Update on Current Complaints – *Assistant Director (Place Management)*

5.2 Development Management Performance - Second Quarter 2022-23 –  
*Assistant Director (Place Management)*

5.3 Planning Appeal at the Old Yacht Club, Ferry Road, Hartlepool – *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 Lynn Street, Stranton - *Assistant Director (Place Management)*

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

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

**EXEMPT ITEMS**

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

8 **CONFIDENTIAL ITEMS REQUIRING DECISION**

8.1 Enforcement Items (paras 5 and 6) – *Assistant Director (Place Management)*

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

10. **FOR INFORMATION**

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 18 January 2023



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **16<sup>th</sup> November 2022**

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

**Present:**

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Tom Feeney, Sue Little, Dennis Loynes, Melanie Morley, David Nicholson, Veronica Nicholson and Mike Young.

In accordance with Council Procedure Rule 4.2 Councillor Rob Cook was in attendance as substitute for Councillor Andrew Martin-Wells

Officers: Jim Ferguson, Planning and Development Manager  
Daniel James, Planning (DC) Team Leader  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Sarah Scarr, Coast, Countryside and Heritage Manager  
Peter Frost, Highways, Traffic and Transport Team Leader  
Robin Daniels, Archaeology Officer, Tees Archaeology  
Rosie Banens, Archaeologist (Planning), Tees Archaeology  
Stuart Edwards, Flood Risk Officer  
Stephanie Bell, Senior Planning Officer  
Andrew Morrison, Senior Planning Officer  
Jane Tindall, Senior Planning Officer  
Alex Strickland, Legal Advisor  
Jo Stubbs, Democratic Services Officer

## **62. Apologies for Absence**

Apologies were submitted by Councillors Brenda Harrison and Andrew Martin-Wells

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

Councillor Mike Young declared an interest in application H/2022/0381 (Plot 5, Manor Park) by way of pre-determination and indicated he would leave the meeting during consideration of this item.

## 64. Confirmation of the minutes of the meeting held on 5<sup>th</sup> October 2022

Minutes confirmed

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

<b>Number:</b>	H/2021/0572
<b>Applicant:</b>	PORT HOMES LIMITED
<b>Agent:</b>	PORT HOMES LIMITED MR DANIEL PORT PORT HOMES HUB 2 INNOVATION CENTRE QUEENS MEADOW BUSINESS PARK HARTLEPOOL TS25 5TG
<b>Date valid:</b>	07/03/2022
<b>Development:</b>	Erection of 76 dwellings, associated infrastructure and landscaping
<b>Location:</b>	LAND TO THE SOUTH OF GOLDEN MEADOWS HARTLEPOOL

A member queried whether the Construction phase plan was available as referenced in the tabled update. The Planning & Development Manager advised that it was a technical document requested by the relevant consultees to seek to manage any nuisance during the construction period and wasn't usually subject to any wider consultation. A member referred to the landscaping and responsibility for it. Officers advised that any grassed areas sold as part of plots would be the responsibility of the owner. The member asked that any purchasers be made aware of this. A member noted that the development deviated from the Local Plan in terms of a lack of social and affordable housing. The Planning and Development Manager indicated that in this case the developers had been unable to fulfil the requirement for 18% affordable housing for viability reasons.

Members were pleased to note that the planning obligations included a contribution for litter picking in the adjacent green space. The Planning and Development Manager advised that this was specifically related to the management of the green space and was not expected to be standard for future developments. A member noted the lack of open space for children to play despite this being marketed as a family development. The Planning (DC) Team Leader noted that officers would have preferred more play space but the developers felt this would impact on the viability of the development. Members noted concerns in respect to the design which officers had raised but concluded on balance the development was acceptable. A member queried whether green space to the south of the development was guaranteed

in the masterplan. The Planning and Development Manager advised that its delivery was the responsibility of another HBC team but that consent from the relevant Director had been agreed for the application of the developer contributions to its delivery.

A recorded vote was taken on the officer recommendation to approve:

For – Councillors Paddy Brown, Tom Feeney, Sue Little, Denis Loynes, Rob Cook, Melanie Morley, David Nicholson, Veronica Nicholson and Mike Young

Against – none

Abstained – none

As Councillor Moss Boddy had arrived during consideration of this item under 15.4 of the Planning Code of Practice (part 5 of the constitution) he was ineligible to vote on this item.

**Decision:** **Minded to Approve subject to the completion of the section 106 legal agreement to secure financial contributions toward HRA financial mitigation (£19,000) for indirect adverse impacts on SPA feature birds through recreational disturbance; an east west foot link through the Golden Flatts Green Space (£56,400.00); footway primary route 1A (£13,350.00); footway primary route 1b (£6975); three security A frames (£840); installation of A frames (£750); 8 year path maintenance (£8,184.16); 8 years grass cutting (£13,083.20); 8 years litter pick (£5,150.96); biodiversity net gain (£3,935.18), the provision, maintenance and long term management of landscaping (where appropriate and maintenance and long term management of surface water drainage; and subject to the following conditions (including tabled, updated condition 4).**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans:  
drawing number PE\_002 Rev B (Ground Floor Layout - The Pembroke),  
drawing number PE\_003 Rev B (First Floor Layout - The Pembroke),  
drawing number GR\_002 Rev A (Ground Floor Layout - The Greenwich),

drawing number GR\_003 Rev A (First Floor Layout - The Greenwich),  
drawing number CL\_002 Rev A (Ground Floor Layout - The Claremont),  
drawing number CL\_003 Rev A (First Floor Layout - The Claremont),  
drawing number CL\_004 Rev B (Second Floor Layout - The Claremont),  
drawing number AM\_002 Rev A (Ground Floor Layout - The Ambrose),  
drawing number AM\_003 Rev A (First Floor Layout - The Ambrose),  
drawing number 130 (Site Sections),  
drawing number SD-20.01 Rev F (House Type 1 – Proposed Plans and Elevations),  
drawing number SD-20.03 Rev F (House Type 3 – Proposed Plans and Elevations),  
drawing number SD-20.04 Rev E (House Type 4 – Proposed Plans and Elevations),  
drawing number SD-20.05 Rev F (House Type 5 – Proposed Plans and Elevations),  
drawing number SD-20.06 Rev E (House Type 6 – Proposed Plans and Elevations),  
‘Arboricultural Impact Assessment For Trees at Seaton Meadows, Hartlepool For Port Homes’, documented dated 14/09/2021,  
and ‘Arboricultural Method Statement For Trees at Seaton Meadows, Hartlepool For Port Homes’, documented dated 14/09/2021, all received by the Local Planning Authority 23<sup>rd</sup> December 2021;

drawing number CL\_015 Rev A (Claremont Housetype – Right Elevation),  
drawing number GR\_004 (Front Elevation – The Greenwich),  
drawing number GR\_005 (Rear Elevation – The Greenwich),  
drawing number GR\_006 (Right Elevation – The Greenwich),  
drawing number GR\_012 Rev A (Left Elevation – The Greenwich),

drawing number PE\_004 (Front Elevation – The Pembroke),  
drawing number PE\_005 Rev A (Left Elevation – The Pembroke),  
drawing number PE\_007 (Right Elevation – The Pembroke),  
drawing number PE\_004 (Front Elevation – The Pembroke),  
drawing number PE\_006 Rev A (Rear Elevation – The Pembroke),  
drawing number AM\_004 (Front Elevation – The Ambrose),  
drawing number AM\_005 (Left Elevation – The Ambrose),  
drawing number AM\_006 Rev A (Right Elevation – The Ambrose),  
drawing number CL\_005 (Front Elevation – The Claremont),  
drawing number CL\_006 (Left Elevation – The Claremont),  
drawing number CL\_007 Rev A (Right Elevation – The Claremont) all received by the Local Planning Authority on 17<sup>th</sup> February 2022;

drawing number AM\_006 Rev A (Right Elevation - The Ambrose)  
received by the Local Planning Authority on 25<sup>th</sup> February 2022;

drawing number 100 (Site Location Plan),

drawing number 102 (Adoption Plan) all received by the Local Planning Authority on 1<sup>st</sup> March 2022;

drawing number 106 Rev B (Proposed Planning Layout – Separation Distances),

drawing number 101 Rev R (Proposed Planning Layout) received by the Local Planning Authority 25<sup>th</sup> May 2022;

drawing number 120 (Colour Layout) received by the Local Planning Authority on 20<sup>th</sup> June 2022;

drawing number AIA TPP (Tree Protection Plan), received by the Local Planning Authority 20<sup>th</sup> October 2022.

For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the dwellings and buildings to be erected and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.  
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan.
4. The development hereby approved shall be carried out in accordance with the document 'Port Homes - Seaton Meadows Construction Phase Plan' (reference A&N 211 Rev00, dated 08.11.2022) date received by the Local Planning Authority on 8th November 2022.  
In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.
5. Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

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

6. Notwithstanding the requirements of condition 5, development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment & Drainage Strategy" dated "8<sup>th</sup> December 2021", received by the Local Planning Authority 17<sup>th</sup> February 2022. The drainage scheme shall ensure that foul water discharges into the 1050mm diameter combined public sewer to the north west of the site via manhole 5403. The surface water shall discharge to the existing watercourse located to the south, as indicated in drawing 21103-DS01-Drainage Strategy Layout in Appendix F of the submitted 'Flood Risk Assessment & Drainage Strategy' received by the Local Planning Authority 17<sup>th</sup> February 2022. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
7. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.  
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
8. Notwithstanding the submitted details and prior to the above ground construction of the dwellings hereby approved, 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 shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a programme of the works to be undertaken, details of the existing and proposed levels of the site including any proposed mounding and or



earth retention measures. The scheme shall include details of biodiversity and habitat enhancement as detailed in Section 5.2 'Mitigation Measures' and Section 5.4 'Enhancement Measures' of the submitted 'Ecological Impact Assessment' by Naturally Wild (document reference POR-21-01, dated January 2022), received by the Local Planning Authority 18th February 2022. The scheme shall include details of the retained landscaping features as detailed within the 'Arboricultural Impact Assessment For Trees at Seaton Meadows, Hartlepool For Port Homes', documented dated 14/09/2021, and Arboricultural Method Statement For Trees at Seaton Meadows, Hartlepool For Port Homes', documented dated 14/09/2021, both received by the Local Planning Authority on 23<sup>rd</sup> December 2021; and drawing number AIA TPP (Arboricultural Impact Assessment - Tree Protection Plan (TPP)), all date received by the Local Planning Authority 20<sup>th</sup> October 2022.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the first occupation of the dwellinghouses or completion of the development (whichever is the sooner) hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

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

9. Prior to the occupation of plots 13-34 (inclusive) as shown on plan 101 Rev R (Proposed Planning Layout) received by the Local Planning Authority 25<sup>th</sup> May 2022 (the same plots are annotated as plots 47 and 57-80 (inclusive) as annotated on Figure 6 of of the 'Port Homes / Seaton Meadows, Hartlepool / Assessment of Noise Levels and Noise Amelioration Measures', document by LA Environmental Consultants, documented dated 9<sup>th</sup> December 2021 received by the Local Planning Authority 8<sup>th</sup> February 2022) ('the Noise Assessment'), the identified 'Noise Amelioration Measures' as set out in sections 6 and 7 of the Noise Assessment shall be provided to the identified plots/dwellings. Thereafter the measures shall be retained for the lifetime of the development hereby approved.  
In the interests of the amenities of future occupiers of the development.
10. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree protection measures identified in the 'Arboricultural Impact Assessment For Trees at Seaton Meadows, Hartlepool For Port Homes', documented dated 14/09/2021, and Arboricultural Method Statement For Trees at Seaton Meadows, Hartlepool For Port Homes', documented dated 14/09/2021, both received by the Local Planning Authority on 23<sup>rd</sup> December 2021; and drawing number AIA TPP (Arboricultural Impact Assessment - Tree Protection Plan (TPP)), all date received by the Local Planning

Authority 20<sup>th</sup> October 2022 shall be in place and thereafter retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees 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.

11. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
12. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision and footpath connections, shall be completed in accordance with the agreed details prior to the occupation or completion of the dwellings (whichever is the sooner).  
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
13. No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.  
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
14. Notwithstanding the submitted details and prior to above ground construction of the dwellings hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. The scheme shall make provision for hedgehog openings within the boundary fence where feasible.  
Thereafter the development shall be carried out in accordance with the approved details (including the provision of hedgehog openings) prior

to first occupation of the dwellings or completion of the development (whichever is the sooner).

In the interests of visual amenity and to provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

15. Notwithstanding the requirements of condition 14 and prior the occupation of plots 13-34 (inclusive) as shown on plan 101 Rev R (Proposed Planning Layout, received by the Local Planning Authority 25<sup>th</sup> May 2022), full details of a 2.0m high acoustic fence to be positioned located along the southern boundary(s) as shown on Figure 5 'Location of proposed 2.0m high acoustic fence' (plots 13-34 are referenced as plots 47 and 57-80 inclusive in this document) in section 6 'Noise Amelioration Measures' of the submitted 'Port Homes / Seaton Meadows, Hartlepool / Assessment of Noise Levels and Noise Amelioration Measures' (document by LA Environmental Consultants, dated 9<sup>th</sup> December 2021), received by the Local Planning Authority 8<sup>th</sup> February 2022, shall be first submitted to and agreed in writing with the Local Planning Authority. The acoustic fence shall be designed to have a minimum mass of 10kg/m<sup>2</sup>. Thereafter, the agreed scheme shall be implemented in accordance with the agreed details prior to the occupation of the identified plots and shall remain in place for the lifetime of the development hereby approved.  
In the interests of amenity of future occupiers and the amenities of the area.
16. Prior to the commencement of development above ground level, details of bat box bricks and/or bird nesting boxes (76no. in total) to be installed integral to each of the completed dwellings (76no. in total), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bat and/or bird boxes shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the dwellings, whichever is the sooner, and shall be maintained for the lifetime of the development.  
To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.
17. The development hereby approved shall be carried out in accordance with the recommendations as detailed in section 5.2 'Mitigation Measures' of 'Ecological Impact Assessment' by Naturally Wild (document reference POR-21-01, dated January 2022) received by the Local Planning Authority 18th February 2022 including the requirements for;
  - i) a sensitive lighting scheme during and after construction;
  - ii) Any excavations created during construction to be covered at night to prevent wildlife becoming trapped;
  - iii) Site clearance works to be carried out in a precautionary manner in relation to hedgehogs;

iv) clearance works to be carried out outside of the nesting season, which is defined as running from March to August, inclusive.  
To ensure the development provides mitigation against bats and other identified protected species in accordance with policy NE1 and Section 15 of the National planning Policy Framework.

18. Prior to the above ground construction of the development hereby approved, full details of the proposed solar panels to plots 14, 23, 24, 25, 28, 29, 32 and 33 as annotated on drawing number 120 (Colour Layout, received by the Local Planning Authority on 20<sup>th</sup> June 2022) shall be submitted to and approved in writing by the Local Planning Authority. The proposed solar panels shall be installed in accordance with the agreed details and prior to the occupation or completion of the development hereby approved, whichever is sooner.  
To ensure a satisfactory form of development, In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.
19. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging apparatus, including identifying the dwellings/location of the apparatus has been submitted and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the identified dwellings, the agreed scheme shall be implemented on site.  
In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
20. Prior to the occupation of the dwellings hereby approved, provision shall be made for storage of refuse in accordance with the locations shown on drawing number 101 Rev R (Proposed Planning Layout) received by the Local Planning Authority 25<sup>th</sup> May 2022.  
To ensure a satisfactory form of development.
21. The development hereby approved shall be solely carried out in accordance with the 'Dust Emissions Mitigation Measures' as detailed in Table 3 of the submitted Air Quality Assessment / Seaton Meadows, Hartlepool / December 2021 / Port Homes' by NJD Environmental Associates, received by the Local Planning Authority 23<sup>rd</sup> December 2021.  
In the interests of the amenities of the area.
22. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

23. The development hereby approved shall be used as a C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.  
To allow the Local Planning Authority to retain control of the development.
24. Notwithstanding the provisions of Classes A to F of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwellinghouses hereby approved shall not be extended or altered in any manner (including the installation or re-configuration of windows) or detached outbuildings or other buildings erected or additional areas of hard standing/surfacing created (other than those approved) within the curtilage without the written approval of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area and the amenities of future occupiers.
25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission and shown on.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.
26. Waste generated during the demolition, construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted submitted Waste Audit (prepared by Planning House, document dated December 2021), date received by the Local Planning Authority 23/12/2021.  
To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

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### **Councillor Mike Young left the meeting**

**Number:** H/2022/0381  
**Applicant:** MANOR PARK PARTNERSHIP ELWICK ROAD  
HARTLEPOOL TS27 3EB

**Agent:** KANE ARCHITECTURAL SERVICES LTD THE OLD BREWERY BUSINESS CENTRE CASTLE EDEN TS27 4SU

**Date valid:** 14/10/2022

**Development:** Section 96a (Non-material amendment) application to vary wording of condition 20 (archaeological works) of outline planning permission H/2015/0209 (for residential development comprising 15 dwellings)

**Location:** PLOT 5 MANOR PARK FENS ROAD HART HARTLEPOOL

Councillor Rob Cook noted that this application was located in his ward.

A recorded vote was taken on the officer recommendation to approve:

For – Councillors Moss Boddy, Paddy Brown, Tom Feeney, Sue Little, Denis Loynes, Rob Cook, Melanie Morley, David Nicholson and Veronica Nicholson.

Against – none

Abstained – none

**Decision:** **Non-Material Amendment Approved.**

1. This decision relates only to the non-material amendment sought to outline planning permission H/2015/0209 for changes to the wording of condition 20 (archaeological works), which henceforth shall read as follows;

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

*C) Plots 5 and 9 of the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.  
To ensure proper recording of a heritage asset through a programme of archaeological works.*

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**Number:** H/2022/0049

**Applicant:** STERLING POLYMERS LTD WINDERMERE  
ROAD HARTLEPOOL TS25 1NX

**Agent:** AC ENVIRONMENTAL CONSULTING LTD MISS  
LAUREN STANGER Environment House  
Werrington Road Bucknall Stoke on Trent ST2 9AF

**Date valid:** 05/07/2022

**Development:** Part-retrospective planning application to seek to regularise planning permission H/2018/0208 (development of waste recycling facility including erection of steel portal framed building and cycle store and associated works including parking, hardstanding, weighbridges and refurbishment of existing office building (part-retrospective) and for the erection of 2no. additional buildings, renovation of an existing building, installation of concrete hard surfacing and formation of parking areas (including for cars and HGVs), installation of an electric substation (retrospective) and to allow for the recycling of plastic (in addition to the permitted paper recycling use).

**Location:** STERLING POLYMERS LTD WINDERMERE  
ROAD HARTLEPOOL

**Number:** H/2022/0049

A member indicated their opposition to this part-retrospective application, referring to the industrial estate as a 'total eyesore' and alleging that the developers failed to tidy up after themselves. They were also unhappy that the developer had started work before planning permission had been granted and queried whether they would be penalised. The Planning and Development Manager commented that he shared the frustration around

retrospective applications and noted that the Government had suggested possibly doubling fees for retrospective applications. In this case however officers felt that the application was acceptable on its own merits. A member noted a reference to use of an aerial rescue pump by the fire brigade. The Planning and Development Manager indicated that this was a building regulations matter not a planning issue but an informative would be included on the decision notice.

A recorded vote was taken on the officer recommendation to approve:

For – Councillors Moss Boddy, Paddy Brown, Tom Feeney, Denis Loynes, Rob Cook, Melanie Morley, David Nicholson and Veronica Nicholson.

Against – Councillor Sue Little

Abstained – none

**Decision: Planning Permission Approved**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.

2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

Dwg No: 211011SP202 (Site Location Plan @ Scale - 1:2500),

Dwg No: 211011SP301 (Existing and Proposed Building Layout View)

received 7th February 2022 by the Local Planning Authority;

Dwg No: 211011SP201.1 (Existing Site Layout Plan),

Dwg No: 211011SP201 (Site Layout Plan),

Dwg No: 211011SP201.3 (Floor Plan),

Dwg No: 211011SP304 (Sub Station Elevation)

Dwg No: 21 45290/50 Revision T4 (Proposed Drainage & External Works General Arrangement),

Dwg No: 1054-FPCR-XX-XX-DR-L-0001 issue P03 (Detailed Planting Plan)

received 21st April 2022 by the Local Planning Authority;

Dwg No: 211011SP303Av2 (New Building A Elevations),



Dwg No: 211011SP303Bv2 Revision A (New Building B Elevations)

received 11th July 2022 by the Local Planning Authority.

For the avoidance of doubt.

3. Notwithstanding the submitted information, within one month of the date of this decision notice, 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 shall be submitted to the Local Planning Authority for its approval in writing. 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.

4. Within one month from the date of this decision notice a detailed scheme for the disposal of foul water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

5. Within one month from the date of this decision notice, a report including a schedule and timetable of works shall be submitted to the Local Planning Authority for its approval in writing that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the development's predicted energy supply. The development shall thereafter be constructed/installed in line with the approved scheme including the schedule and timetable of works.

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

6. Notwithstanding the submitted information within one month of the date of this decision details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) including a schedule and timetable of works shall be submitted to the Local Planning Authority for its approval in writing. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be provided in accordance with the agreed details including the schedule and timetable of works Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

In the interests of visual amenity.

7. Notwithstanding the submitted information and within 1 month from the date of this approval, a full schedule of landscaping and ecological enhancement details shall be submitted to the Local Planning Authority, including a timetable and schedule of works. Thereafter the approved scheme shall be implemented as approved and retained for the lifetime of the development.

In the interest of visual amenity.

8. Within three months from the date of this approval the provision of electric vehicle charging points within the site shall be carried out in accordance with the details submitted within the Design and Access Statement Ref: SP.PL.DA.2202.v3 and shown on drawing 211011SP201 (site layout plan) received by the Local Planning Authority on the 21st April 2022.

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

9. Within three months from the date of this approval the car parking areas shall be laid out in accordance with the detail within the Design and Access Statement Ref: SP.PL.DA.2202.v3 and shown on drawing 211011SP201 (site layout plan) received by the Local Planning Authority on the 21st April 2022

In the interests of highway safety.

10. The external finishing materials used for the steel portal frame buildings shall be carried out in accordance with the details within the application

form received 21st April 2022 by the Local Planning Authority, confirming cladding colour(s) (Walls and Roof to be Steel cladding sheets in Goosewing Grey Ref: RAL 080 70 05 and roller shutter doors in Goosewing Grey Ref: RAL 080 70 05), unless an alternative similar scheme of materials is otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

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

To ensure that any site contamination is addressed.

12. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.

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

13. The site shall only operate as a paper and plastic waste management facility for the sorting of paper waste and plastics and for no other purpose.

For the avoidance of doubt and in order to control the development under the terms on which permission is granted.

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<b>Number:</b>	H/2022/0338
<b>Applicant:</b>	MRS S BAXTER THE FRONT HARTLEPOOL TS25 1BU
<b>Agent:</b>	STOVELL & MILLWATER LTD MR STOVELL 5 BRETNALL CENTRE BRETNALL STREET MIDDLESBROUGH TS1 5AP
<b>Date valid:</b>	20/09/2022
<b>Development:</b>	Advertisement consent to display 2no. side adverts (retrospective)

The Agent was present at the meeting. He urged members to support the application, saying that while he acknowledged the conservation status of the area, as a seaside resort the adverts seemed entirely appropriate. Similar pictures were used at other premises.

Overall members felt that the adverts were not unreasonable in a pedestrian area of this kind. They acknowledged that this could potentially result in other businesses applying to install similar adverts but felt that was not a sufficient reason to refuse this application and any future applications would be decided on their own merits.

A recorded vote was taken on the officer recommendation to refuse:

For – None

Against – Councillors Moss Boddy, Paddy Brown, Tom Feeney, Sue Little Denis Loynes, Rob Cook, Melanie Morley, David Nicholson and Veronica Nicholson.

Abstained – none

Councillor Rob Cook proposed approval of this application as members felt it would not have a detrimental impact on the conservation area. This was seconded by Councillor Melanie Morley. Members agreed the following reason for departing from officer advice, that the development would have an acceptable impact on the character and appearance of the conservation area.

For – Councillors Moss Boddy, Paddy Brown, Tom Feeney, Sue Little Denis Loynes, Rob Cook, Melanie Morley, David Nicholson and Veronica Nicholson.

Against – None

Abstained – none

**Decision:** **Advertisement Consent Approved with conditions delegated to the Planning and Development Manager**

The Committee considered representations in relation to this matter.

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

Members were given information on 23 complaints currently under investigation and 15 completed investigations.

**Decision**

That the report be noted

**67. Appeal at 38 Linden Grove** (*Assistant Director (Place Management)*)

Members were advised that a planning appeal in respect of an enforcement notice issued by Hartlepool Borough Council regards the material change of use from a residential property to a mixed use residential property with hairdressing salon without planning permission had been dismissed. A copy of the inspector's decision was appended to the report.

**Decision**

That the outcome of the appeal be noted.

**68. Appeal at 21 North Lane, Elwick** (*Assistant Director (Place Management)*)

Members were advised that an appeal had been submitted against the Council's decision in respect of an application for the erection of a single and 2 storey rear extension, installation of bay window and erection of porch extension to front elevation and fixed canopy to the rear garden at the above property. The application had been refused under delegated powers as it was considered to have a detrimental impact on the amenity of the neighbouring property.

**Decision**

That the report be noted

**69. Enforcement Notice Appeal – 56 Rosthwaite Close**  
*(Assistant Director (Place Management))*

Members were advised that an enforcement notice appeal had been submitted in respect of the unauthorised erection of a boundary fence to enclose additional land to the side of the property without planning permission. The application was refused by Planning Committee in July 2022 and enforcement action authorised.

**Decision**

That the report be noted

**70 Any Other Items which the Chairman Considers are Urgent**

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

The Planning and Development Manager referred to a decision previously made by members that decisions on the issuing of enforcement notices did not need to be brought to committee and could be determined at officer level. He advised members that this would require an amendment to the constitution which would need to be approved by full Council. Therefore for the time being enforcement decisions would continue to require approval by Planning Committee. The Constitution Committee was due to consider this matter at their next meeting on 21<sup>st</sup> November following which it was expected to be sent to Council for approval.

The meeting concluded at 11.15am.

CHAIR

**No:** 1  
**Number:** H/2022/0344  
**Applicant:** DERE STREET HOMES LTD BOWBURN NORTH IND  
EST BOWBURN DURHAM DH6 SPE  
**Agent:** DERE STREET HOMES LTD MR SEAN MCQUAID  
DERE STREET HOUSE BOWBURN NORTH IND EST  
BOWBURN DH6 SPE  
**Date valid:** 27/09/2022  
**Development:** Section 73 application to vary condition 21 (working  
hours) of planning application H/2016/0501 (Erection of  
64 dwellings, access and associated works) to allow  
construction activity to take place on weekends  
**Location:** LAND AT WYNYARD WOODS WEST WYNYARD

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 This site has previously been subject to planning application H/2015/0386, which was approved subject to planning conditions, and H/2016/0501 (a S73 application), which was approved subject to conditions, the pre-commencement conditions of this application have previously been discharged. Applications H/2016/0501 is considered a full planning permission in its own right, and therefore forms the 'parent' application to which this current variation of condition application relates.

1.3 Prior to the above referenced application parts of the site have previously been subject to planning applications. The most relevant planning applications are listed below:

- In July 2014 members were minded to approve an outline application for erection of up to 134 dwellings, provision of landscaping bund, access and other associated works subject to the completion of a legal agreement to secure an affordable housing contribution (£1,080,000), a contribution towards secondary education (£214,808), off site highway mitigation, a commitment to public transport provision, travel planning, a targeted training and employment charter, a commitment to provide a bridge across the A689 unless it is demonstrated an at grade crossing is acceptable, a commitment to accommodate Public Right of Way links across the site including access to the Castle Eden Walkway, a commitment to secure the provision and maintenance of public open space, play area(s) and highways to an acceptable standard, the provision of a Conservation & Habitat Management Plan and conditions. The section 106 for this development has not been completed.

- In April 2014 cross boundary applications for outline planning permission with all matters reserved for the construction of up to 500 houses, primary school (including sports facilities) and nursery, retail units (up to 500 sqm), doctors surgery, community facilities, access and associated landscaping, footpaths and open space were considered by Stockton & Hartlepool Planning Committees (Hartlepool Ref H/2013/0076). The main part of the development is within Stockton, the development within Hartlepool consisted of proposed access works to the site which included the provision of an access road across the current site from Wynyard Woods. It was approved subject to the completion of a legal agreement and conditions.
- H/FUL/0574/99 Amendment to previously approved layout for the erection of 110 dwellings including provision of planting areas, new house types and repositioning of plots. This application for housing development on a larger site was approved in December 1999. Only the eastern part of the site was included within it.

## PROPOSAL

1.4 The applicant now seeks to vary condition 21 of this, which seeks to amend the hours of operation on site during construction. This is understood enable works to take place on Saturday's and Sunday's.

Condition 21 as existing reads as follows:

*"No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority."*

*To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties."*

*The applicant is seeking to amend the condition to read as follows*

*"No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays, with the exception of the period between 31/08/2022 and 30/11/2022, where Saturday and Sunday working shall be carried out between 9.00am and 3.00pm on Saturdays, and 10.00am and 1.00pm on Sundays."*

*Other than that stated above, there shall be no construction activity including demolition on Sundays, Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority."*

*To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties."*

1.5 This application has been referred to committee due to the quantum of objections received to the proposal. At the time of writing responses have been received from four separate addresses in the locality of the site.



## **SITE CONTEXT**

1.6 The site boundary of the parent application extends some 6.6ha and is roughly rectangular in shape. With the exception of the landscaping bund that run east to west parallel to the site's northern boundary, and largely screens the site from the A689 beyond, the site is gently undulating with no distinguishing natural features, trees or hedgerows.

1.7 The site lies between existing residential development at Manor Fields and Blackwood. The access to the development will be taken from Wynyard Woods which is at the western end of Wynyard Village. The site is located close to the A19 and the A689 dual carriageway. The site lies approximately 4 miles west of Hartlepool and 3 miles north of Stockton.

## **PUBLICITY**

1.8 The application has been advertised by way of site notice. This was displayed from the 24<sup>th</sup> October 2022 and a subsequent site notice posted on 18<sup>th</sup> November following an amendment to the description of proposal deemed necessary by the planning case officer.

1.9 To date, there have been 6 representations from 5 different addresses.

1.10 To summarise the representations raise the following matters:

- Existing weekend work undertaken outwith the approved hours
- Tidyness of the site
- Disturbance to residents amenity (Through noise, dust and disruptive practices);
- Mud on Road: and,
- Precedence of allowing 7 day working.

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=155373>

1.11 The period for publicity expires on 9<sup>th</sup> November 2022

## **CONSULTATIONS**

1.12 The following consultation replies have been received:

HBC Public Protection - no objections to this application subject to the following conditions:

- The current working hours for all construction activities on this site should still be 08:00 and 18:00 Mondays to Fridays with an extension from 09:00 to 15:00 Saturdays and on a Sunday from 10:00 to 13:00 there should be no works on Bank Holidays. No construction activities that would give rise to noise and disturbance e.g. Piling, operating heavy plant and machines should be undertaken should be undertaken on a Sunday.

- Any deliveries or collections must still be limited to between the hours of 8:00-18:00 Monday to Friday or 09:00-13:00 Saturdays with no deliveries or collections on Sundays or Bank Holidays.
- There should be adequate dust suppression facilities on site at all times.
- No open burning shall take place on site at any time.
- Adequate provision of a wheel washing facility to the entrance/exit of the site should be available at all times.

## **PLANNING POLICY**

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

### Local Policy

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

SUS1: The presumption in favour of sustainable development

LS1: Locational Strategy

CC1: Minimising and Adapting to Climate Change

CC2: Reducing and Minimising Flood Risk

INF1: Sustainable Transport Network

INF2: Improving Connectivity in Hartlepool

INF4: Community Facilities

QP1: Planning Obligations

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

HSG1: New Housing Provision

HSG1a: Ensuring a Sufficient Supply of Housing

HSG2: Overall Housing Mix

HSG9: Affordable Housing

NE1: Natural Environment.

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

1.15 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for

determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following sections are relevant to this application:

Section 1: Introduction

Section 2 Achieving Sustainable Development

Section 4: Decision Making

Section 5: Delivering a Sufficient Supply of Housing;

Section 6: Promoting Healthy and Safe Communities;

Section 9: Promoting Sustainable Transport;

Section 11: Making Effective Use of Land;

Section 12: Achieving Well Designed Places;

Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15: Conserving and Enhancing the Natural Environment

## **PLANNING CONSIDERATIONS**

1.16 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The Local Planning Authority can grant such permission unconditionally, subject to different conditions or refuse the application if it is determined that the original condition(s) should continue

1.17 The application has been assessed against national planning policy and guidance, development plan policies and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:-

- Principle of Development;
- Amendments to working hours condition;
- Necessary amendments to other conditions.

### Principle of Development

1.18 The proposal's acceptability has previously been established by the grant of planning permission H/2015/0386, and the subsequent approval of H/2016/0501. This application is solely looking at the acceptability of varying the condition (condition 21), which relates to construction working hours. This application has already commenced on site, all pre-commencement conditions have been discharged, and therefore the scheme can be said to have been 'implemented'.

### Amendments to working hours condition

1.19 The applicant has applied to vary the working hours condition following an enforcement query. The applicant has posed that the condition is amended to allow working on Saturdays between 9.00am and 3.00pm, and Sundays between 10.00am and 1.00pm. These amendments are requested solely between the 31/08/2022 and 30/11/2022.

1.20 Consultation on the above has been undertaken with the public protection team with regards to this condition. This is particularly relevant as the Public Protection team requested the original condition. Public Protection have considered the proposal and have no objection to the proposal, and have suggested appropriate amendments to make this acceptable e.g. *“No construction activities that would give rise to noise and disturbance e.g. Piling, operating heavy plant and machines should be undertaken should be undertaken on a Sunday.”* As such the proposal is considered acceptable subject to a number of amendments, a revised condition is presented below. It is understood that the applicant is also agreeable to the condition as suggested. It should be noted that whilst it is the intention of the applicant to limit the changes to cover the period up to 30/11/2022, it is not deemed necessary or reasonable to limit this to a time period in this instance. This element of the condition is therefore excluded.

The suggested revised condition 21 (now condition 17) is as follows

*“No construction/building works shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 3.00 pm on Saturdays, and 10.00am and 3.00pm on Sundays.*

*No construction activities that would give rise to noise and disturbance e.g. Piling, operating heavy plant and machines should be undertaken shall be undertaken on a Sunday.*

*There shall be no construction activity including demolition on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.*

*To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.”*

To cater for deliveries which do not require amending a separate condition is deemed appropriate. This suggested to be worded as follows

*“No deliveries or collections shall be carried out except between the hours of 8:00-18:00 Monday to Friday or 09:00-13:00 Saturdays with no deliveries or collections on Sundays or Bank Holidays.*

*To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.”*

1.21 This is appended as condition 18 in the list of conditions and is recommended to be included in any grant of permission relating to this proposal.

1.22 There have been some comments received about the applicant working outside of the existing parameters of the condition, hence this application to amend the condition. As demonstrated by the section above, following review of the proposal to amend the condition it is considered acceptable, subject to the restrictions set out. Further comments have been received regarding works outwith the parameters of the suggested amendments, should these continue these should be reported to the enforcement team.

### Necessary Amendments to other conditions

1.23 Public protection have requested conditions relating to the following

- Dust suppression facilities on site at all times.
- No open burning shall take place on site at any time.
- Adequate provision of a wheel washing facility

1.24 This is considered to have been adequately covered within existing condition 20, which relates to the Construction Management Plan. It is understood that this has previously been discharged. It is therefore recommended that this is converted to a compliance condition. This is now condition 16.

1.25 Some of the conditions of the original application have been discharged prior to the issuance of this variation of condition application, or are no longer relevant. Due to this the conditions remaining have required renumbering, as this S73 application is considered to legally form a new grant of permission. Appropriate alterations have been made to these applications to take this into account

### Nutrient/Nitrate Matters

1.26 This application has already commenced on site, all pre-commencement conditions have been previously discharged, and therefore the scheme can be said to have been 'implemented'. It is therefore not relevant to further address the matter of nitrate neutrality within this report, as this permission will not add to the quantum of dwellings permitted in full in the Borough.

### Other Matters

1.27 A number of other matters have been raised by nearby interested parties. Whilst some of these relate to the proposal to amend condition 21 of H/2016/0501, and have been considered as part of the formulation of the above sections, some relate to other matters covered by other conditions. These are generally a matter for the planning enforcement team to consider whether further action is required.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.28 There is no evidence of equality or diversity implications.

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

1.29 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.

1.30 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION -

1.32 Approval, subject to conditions.

## CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the plans

### Drawing Number(s)

- 3117/21 (detached double garage);
- 3117/19/18/17 (house type E);
- 3117/15/14/13 (house type D);
- 3117/11/10/09 (house type C);
- 3117/07/06/05 (house type B);
- 3117/03/02/01 (house type A);
- 3117/401 (external works detail) and details received by the Local Planning Authority on 8 September 2015 and amended Drg No(s) 3117/400D (site layout plan),
- 3117/00C (location plan);
- 3117/404B (site sections); and,
- 3117/403B (proposed earth bunding) received by the Local Planning Authority on 13 November 2015.

Reason: For the avoidance of doubt.

2. Details of all external finishing materials shall comply with the details submitted and approved as part of D/2017/0011, Specifically, the following:
- External Finishing Materials (Brett Alpha Tumbled Block Driveways, Riven Slated Sandstone Paving in Silver Haze on plot footpaths & patios and TLE Dark Grey roof tiles from Wienerberger) received 17th March 2017, brick schedule received 12<sup>th</sup> January 2018.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

3. Foul & Surface Water Drainage shall be constructed in accordance details submitted and approved as part of D/2017/0011. Specifically, the following plans and details:

- Engineering Layout drawings 4075-C-D1-01 B and 4075-CD1-02 B;
- Surface Water Catchment Areas drawing 4075-C-D9-02 A

- 100 year plus 30% Climate Change Exceedance Plan drawing 4075-C-D9-03 A;
- Pond Headwalls 4075-C-D4-03 A, MH32 & Catchpit 4075-C-D4-02\_A;
- MH Construction Details 4075-C-D4-01;
- Long sections 4075-C-D2-01\_A
- Long sections 4075-C-D2-03\_B
- Micro Drainage storm frequencies and Network Design details (161128F NETWORK, 161128F 100yr +30, 161128F 30yr, 161128F 2yr); and,
- Wynyard Woods West S104 approval letter (13-01-17) received 16 March 2017 (confirmation the surface water system, down to the pond is being adopted by NWL and the existing pond which is being used for storage is owned and maintained by Wynyard Estates Limited received by email 17 August 2018).

The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

Reason: In order to ensure adequate drainage arrangements are in place for the development.

4. The development hereby approved shall be carried out in accordance with details submitted to and approved as part of D/2017/0011. Specifically, the following details:

- iD GeoEnvironmental Consulting Engineers GeoEnvironmental Appraisal Report No. 4666-G-R001 Rev A Dated March 2017 received 17 March 2017. and having regards to the following:
  1. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.
  2. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

5. Landscaping (including tree and shrub planting incorporating ecological mitigation and enhancement) shall be undertaken in accordance with the details submitted and approved as part of D/2017/0011. Specifically, the following plans and details:

- Detailed Landscape Proposal drawing numbers 93-001-01 – 93-001-11 received 8 June 2017 and the program of works advised by email 7th August 2017.

Reason: In the interests of visual amenity.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity. 9. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In order to avoid harm to birds. 10. Four of the dwellings (5%) hereby approved shall incorporate bat mitigation features to provide long term roost sites for the local bat population in accordance with details and a timetable first submitted to and approved in writing by the Local Planning Authority. The bat mitigation features shall thereafter be provided as approved at the time of development and prior to the first occupation of any of the host dwellings, unless some variation is otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the ecology of the area.



7. Pedestrian access onto the Castle Eden Walkway will be undertaken in accordance with the details submitted and approved as part of D/2017/0011. Specifically, the following details:

- Composite Phase Plan drawings 1624/C/405 Rev B received 23 July 2018,
- Castle Eden Walkway Details drawing 1624\_P\_203 rev B received 3 August 2018.

Reason: The scheme shall thereafter be implemented in accordance with the details and timetable so approved. In order to ensure that there is adequate access to local recreational facilities from the development.

8. Play facilities and public open space shall be provided in accordance with the details submitted and approved as part of D/2017/0011. Specifically, the following details:

- Wynyard Woods Play Area drawing 2018/205,
- Play Area equipment details received 25 June 2018; and,
- Proposed Site Plan Play Area Context drawing 1624\_P\_204 rev A received 12 October 2018

The play facilities and public open space shall thereafter be provided in accordance with the details so agreed.

Reason: In order to ensure that these details are acceptable and are brought forward at an appropriate time in the interests of providing a sustainable development.

9. Bird roosting features to be incorporated into a minimum of 4 dwellings shall be submitted undertaken with accordance with details submitted and approved as part of D/2017/0011. Specifically, the following details:

- Bird box (1SP Schwegler Sparrow Terrace) and bat brick (Habitat bat brick) locations Site Plan 1624\_P\_101 A received 16 March 2017

Reason: Thereafter the scheme shall be implemented in accordance with the approved details. In the interests of biodiversity of the area.

10. The proposal shall be undertaken in accordance with details relating to carbon savings submitted and approved as part of D/2017/0011. Specifically, this relates to the following details:

- National Home Energy Rating Scheme details dated 14/03/2017 received 16 March 2017.

The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed.

Reason: In the interest of promoting sustainable development.

11. The proposed levels within and outwith the site including finished floor levels of the buildings to be erected and any earth retention measures shall be undertaken

in accordance with details submitted and approved as part of D/2017/0011. Specifically, this relates to the following details:

- Engineering Layout drawings Sheets 1 – 3 (4075-C-D1-03 D, 4075-C-D1-04 D, 4075-C-D1-05 D); and,
- Planning Sections drawing 4075-C-D8- 01 received 8 June 2017.

Reason: In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.

12. The scheme of noise insulation/protection measures to properties with habitable rooms closest to and with a direct line of sight of the A689 or with an oblique view shall be undertaken with the details submitted and approved as part of D/2017/0011. Specifically, this relates to the following details:

- Environmental Noise Solutions Limited Noise Impact Assessment Report NIA/7144/17/7026 v1.0 dated 18/1/17 received 16 March 2017.

The scheme shall be implemented as approved and verification that the measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified for the measures in the approved scheme.

Reason: In the interests of the amenity of future occupiers of the site.

13. Details of all walls, fences and other means of boundary enclosure shall be undertaken in accordance with details submitted and approved as part of D/2017/0011. Specifically, this relates to the following details:

- Boundary Treatment Details drawing 1624/C/411Rev C; and,
- Proposed Boundary Treatments drawing 1624/C/412 Rev C received 8 June 2017.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

14. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and to ensure a satisfactory form of development.

15. The Shuttle Bus service shall supply the development in accordance with the details submitted to and approved as part of D/2017/0011. Specifically, this relates to the following details:

- Letter confirming the bus service has already been implemented along with The Route Map and Wynyard Park Shuttle Bus letter to residents received 28 March 2017

Thereafter the scheme shall be provided in accordance with the details so agreed.

Reason: In the interests of highway safety.

16. Construction shall be undertaken in accordance with details (Construction Management Plan) submitted and approved as part of D/2017/0011. Specifically, this relates to the following details

- Construction Phase, Health & Safety Plan received 22nd March 2017

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

17. No construction/building works shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 3.00 pm on Saturdays, and 10.00am and 3.00pm on Sundays. No construction activities that would give rise to noise and disturbance e.g. Piling, operating heavy plant and machines should be undertaken shall be undertaken on a Sunday. There shall be no construction activity including demolition on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

18. No deliveries or collections shall be carried out except between the hours of 8:00-18:00 Monday to Friday or 09:00-13:00 Saturdays with no deliveries or collections on Sundays or Bank Holidays.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155373>

1.34 Copies of the applications are available on-line:

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

## **CONTACT OFFICER**

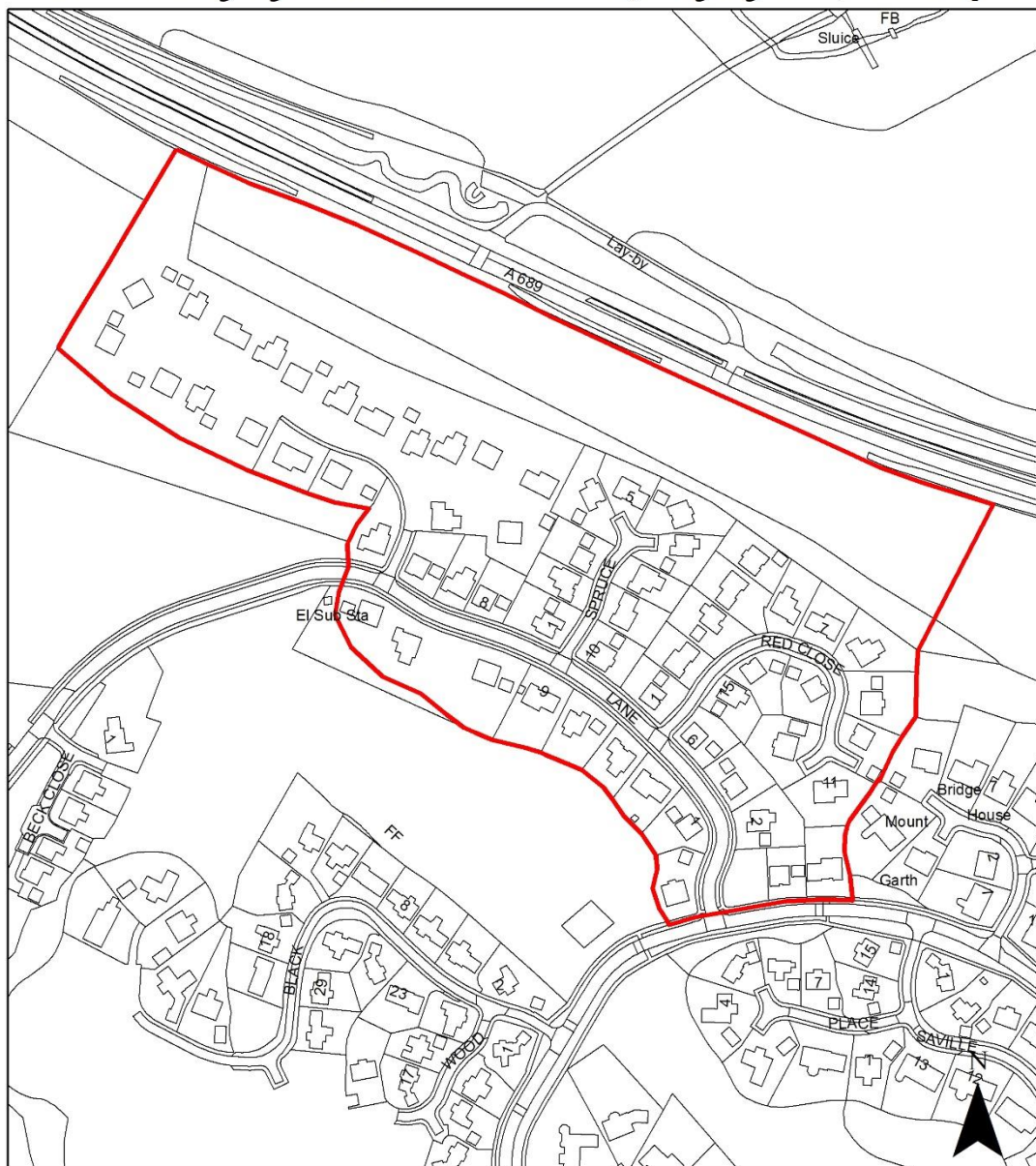
1.35 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
-E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

**AUTHOR**

1.36 James Bellis  
Principal Planning Officer  
Hartlepool Borough Council  
Tel: 07936 036184  
E-mail: James.Bellis@hartlepool.gov.uk

Director of Neighbourhoods and Regulatory Services ☒

## Land At Wynyard Woods West, Wynyard, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>30.11.2022</b>
	SCALE <b>1:3,000</b>	
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0344</b>	REV



**No:** 2.  
**Number:** H/2022/0311  
**Applicant:** GCS DEVELOPMENTS NE LTD HARVESTER CLOSE  
 HARTLEPOOL TS25 1GD  
**Agent:** ELDER LESTER ARCHITECTS RUSSELL TAYLOR  
 REEDS MILL ATLAS WYND YARM TS15 9AD  
**Date valid:** 05/09/2022  
**Development:** Erection of two storey building, with 2no. retail units at  
 ground floor and 2no two-bedroom apartments above,  
 with associated external works.  
**Location:** LAND AT KING OSWY DRIVE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 None.

## PROPOSAL

2.3 This application seeks planning permission for the erection of a two storey building, with 2no. retail units at ground floor and 2no. two-bedroom apartments above, with associated external works.

2.4 The proposed two-storey building would measure approximately 12m in width, approximately 10.5m in length, approximately 5.3m in height to the eaves and approximately 9.2m in overall height, featuring a pitched roof.

2.5 The ground floor would feature 2no. retail units (Use Class E) (Unit A and Unit B), each measuring approximately 49m<sup>2</sup>, providing a total retail floor space of 98m<sup>2</sup>. Each retail unit would feature on its front/east elevation an access door with large single pane window (measuring approximately 1.7m in height and approximately 2.9m in width), the side/south elevation would be blank, the side/north elevation would feature a rear access door (serving Unit B), the rear elevation would feature a rear access door (serving Unit A), in addition to two rear access doors serving each flat (Flat no.1 and Flat no.2) on this rear/west elevation. The ground floor element would be finished in render (K-rend or similar) and feature anthracite colour windows and doors, with black upvc rainwater goods.

2.6 The residential apartments would cover the first floor and roof space of the proposed building, the flats would individually measure approximately 78m<sup>2</sup>, with the total proposed residential floor space measuring approximately 156m<sup>2</sup>. Each residential apartment would feature at first floor a kitchen-living area, bathroom and

bedroom; in the roof space a bedroom with en-suite. Each residential apartment would feature on its first floor front/east elevation two sets of 2-pane windows (serving the kitchen & living area), on the side/south elevation a single pane window (serving Flat no.1 bathroom), on the side/north elevation a single pane window (serving Flat no.2 bathroom), on the rear/west elevation each flat would feature a two-pane window (serving a bedroom) and a single pane window (serving the staircase/hallway). The roof space front/east elevation would feature two roof lights serving each bedroom, on the side/south gable end elevation a two-pane window (serving Flat no.1 bedroom), on the side/north gable end elevation a two-pane window (serving Flat no.2 bedroom) and on the rear/west roof elevation one roof light serving each flats en-suite). The first floor and gable elevations (north and south) would be finished in Cedral click composite cladding. The roof would be finished in dark grey concrete roof tiles.

2.7 The proposed development would include 3no. parking bays situated to the rear/west of the proposed building and would serve the residential apartments, to be finished in permeable block paving. The proposed development would include a combined bin store for residential and commercial waste, which would be situated to the rear/west of the proposed building.

2.8 The proposed development would extend the existing footpath to the side/south along to the rear/west corner of the application site, to match existing and fall to drain into existing roadside drainage.

2.9 The application has been referred to be determined at Planning Committee in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

2.10 The application site is an existing area of car parking located off Nicholson Way. The application site is situated to the south of an existing parade of shops, which are located to the south of King Oswy Drive, within the De Bruce ward of Hartlepool. The existing area of car parking provides eight car parking spaces.

2.11 To the front/east of the application site is the pedestrianised street of King Oswy Drive, which serves the parade of local shops. Beyond this pedestrianised street is an additional area of car parking which serves this parade of shops and is understood to provide 14no. car parking spaces (resulting in a total of 22no. car parking spaces that are currently understood to serve this parade of shops). To the side/north of the application site is 75 King Oswy Drive, a commercial property (Food Fairies, fast food), with a residential flat above. To the side/south is the highway of Nicholson Way, with residential properties beyond. To the rear/west is a rear access lane which serves the commercial properties along King Oswy Drive, with garages beyond. The application site (where the proposed building is to be located) is predominantly flat.

## **PUBLICITY**

2.12 The application has been advertised by way of neighbour letters (38) and a site notice. To date, a petition of 253 objections, four neighbour objections (for three



of which no address has been provided) and an objection from a ward councillor have been received.

2.13 The concerns raised by the petition are:

- Loss of car parking which serves the existing shops, leading to congestion on King Oswy Drive as cars already park in the bus layby with additional parking along Nicholson Way;
- The three car parking spaces for the residential apartments are not suitable;
- Queries relating to whether the land has been allocated for housing and what councillors have approved already;
- Highway safety, relating to restricted views for delivery vehicles, citing accidents occurring at the application site;
- Damage caused to a wall, lamp post and pavement when delivery vehicles attempt to manoeuvre down the rear access lane to serve shops along King Oswy Drive;
- Concerns over the potential use of the retail units, such as hot food takeaways and their late night operation.

2.14 The concerns raised by the neighbour objections are:

- Highway safety, relating to delivery vehicles accessing the rear access lane, damaging vehicles, injuring pedestrians;
- Existing limited car parking provision;
- Existing (alleged) anti-social behaviour from residents in flats above existing shops and school children.

2.15 The concerns raised by the ward councillor are:

- Existing parking issues for the shops;
- Removal of car parking spaces would have a negative impact and would exacerbate these parking issues.

2.16 Background papers can be viewed via the ‘click to view attachments’ link on the following public access page:

[https://edrms2.hartlepool.gov.uk/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2022/0311](https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0311)

2.17 The period for publicity has expired.

## CONSULTATIONS

2.18 The following consultation replies have been received:

**HBC Traffic & Transport:** The proposed retail development would be built upon an existing car park and would result in the loss of 8 parking spaces. The proposed retail development would increase parking demand.

The HBC Design Guide and Specification recommends a maximum parking provision of 1 space per 30m<sup>2</sup>, This is for retail under 1000m<sup>2</sup>, the provision over 1000m<sup>2</sup> is 1 space per 14m<sup>2</sup> although this is more for supermarkets and the 30m<sup>2</sup> is much more suitable figure. These are maximum standards so can be reduced to take into account the local nature of the shops, the current parking levels are well below this provision, currently there's 1500m<sup>2</sup> of existing shops allowing a maximum provision of 50 spaces. The actual provision is 22 spaces, less than 1/2 the maximum provision. Losing spaces would force parking into nearby residential areas. We already get complaints from the bus companies about vehicles parking in the Bus stop on King Oswy Drive adjacent to the site. The loss of parking and increasing the potential demand for parking would exacerbate parking issues in the area which would have an adverse impact on highway safety and cause considerable nuisance to local residents. Highways would therefore object to this proposal.

I can confirm that if considering the residential units in isolation the 3 Parking spaces and the parking layout for the 2 flats be acceptable.

In conclusion I can confirm that Highways wish to object to this application due to insufficient car parking proposed to serve the new retail units, the loss of car parking to serve the existing retail units in the parade (which is already substandard anyway) and the displacement of that car parking onto the adjacent streets and bus stop would result in an adverse impact on highway and pedestrian safety.

**HBC Ecology:** I have no Ecology survey or mitigation requirements for this application.

The HRA stage 1 that finds there are no issues, as the development will be nutrient neutral.

### *Conclusion*

After the above stage 1 screening, this project is assessed as not causing Likely Significant Effect. European Site features will not be adversely affected and an HRA stage 2 Appropriate Assessment is not required.  
The HRA process ends at stage 1.

### Update 24/10/2022:

#### *Introduction*

Following a Habitats Regulations Assessment (HRA) stage 1 screening, (Appendix 1), the requirement for a HRA stage 2 Appropriate Assessment has been triggered. Legislation and background information is provided in Appendix 1.

#### *HRA Stage 2 - Appropriate Assessment*

European Sites and issues requiring Appropriate Assessment  
That HRA stage 1 screening for Likely Significant Effect (LSE), screened in the following European Sites:

- Teesmouth and Cleveland Coast SPA and Ramsar
- Northumberland Coast SPA and Ramsar
- Durham Coast SAC

That HRA stage 1 screening screened in the following LSE:

- Increased recreational disturbance

This AA assesses whether increased recreational disturbance causes an Adverse Effect on Integrity of the Site (AEIOI) and if so if this can be removed through mitigation.

#### *Adverse Effect on Integrity findings*

Recreational disturbance is identified as an LSE, potentially harming populations of SPA/ Ramsar birds and SAC vegetation communities. Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of housebuilding. The Hartlepool Local Plan identified an average increase of 2.3 people per new dwelling and 24% of new households owning one or more dogs.

Increased recreational disturbance LSE is mitigated by the Hartlepool Coastal Mitigation Scheme for all housing development included in the Hartlepool Local Plan 'HSG1 policy: New Housing Provision'. All housing applications for allocated sites only require a HRA stage 1 screening. 'Windfall' housing site applications are not covered by this agreed mitigation and the People Over Wind Ruling means that they must be HRA stage 2 Appropriately Assessed.

#### *Mitigation measures*

Measures to avoid and mitigate Adverse Effects on Integrity

The Hartlepool Local Plan (adopted May 2018), policy 'HSG1 New Housing Provision', provides allocated sites for major residential development (ten or more dwellings). These were collectively HRA assessed as part of the Local Plan HRA, and their mitigation is dealt with by the Hartlepool Coastal Mitigation Scheme.

All major, non-allocated housing developments, and all small-scale housing developments (nine or fewer dwellings) are not covered by the Hartlepool Coastal Mitigation Scheme and must be Appropriately Assessed in their own right.

This application is Appropriately Assessed below:

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

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

### *Conclusion*

The increased recreational disturbance from an increase of two dwellings with an average occupancy of 2.3 (total 4-5 people) is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site.

As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

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

### **Natural England: SUMMARY OF NATURAL ENGLAND'S ADVICE –**

#### **INTERNATIONALLY AND NATIONALLY DESIGNATED SITES:**

#### **RECREATION THEME - NO OBJECTION SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance. Hartlepool Borough Council operates a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

Subject to appropriate mitigation being secured in line with the details of this Service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment

to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

#### WATER QUALITY & NUTRIENT NEUTRALITY THEME – NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

With specific regard to the Teesmouth & Cleveland Coast Special Protection Area (SPA) Natural England notes and concurs with the Council's Habitats Regulations Assessment (HRA) screening report. This reflects our advice letter to the Council dated 6.7.22 ('Teesmouth and Cleveland Coast Special Protection Area and Ramsar site – Natural England advice in relation to Nutrient Neutrality and the Seaton Carew Waste Water Treatment Works where discharges are to the long sea outfall to the North Sea').

Natural England's advice on other natural environment issues is set out below.

#### *Sites of Special Scientific Interest Impact Risk Zones*

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

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

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

#### Update 02/11/2022:

#### INTERNATIONALLY AND NATIONALLY DESIGNATED SITES:

#### RECREATION THEME - NO OBJECTION SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special

Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance. Hartlepool Borough Council operates a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

Subject to appropriate mitigation being secured as described in your Appropriate Assessment i.e. in line with the details of the Coastal Mitigation Service and your adopted local plan policy HSG1 New Housing Provision, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

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

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

For information I note that the Proposed Site Plan drawing number 21-42/001B shows Proposed connection via hydrobreak into existing combined drainage system – TBC. The applicant is advised to fully explore the use of a Hydro-Brake as they are not suitable for combined foul and surface water flows and furthermore the smallest practicable flow restriction is acknowledged to be 3.5l/s which may be too large to have any impact for a site of 249m<sup>2</sup>. The use of permeable drives is welcomed however due to the low permeability of soils in Hartlepool exceedance flow to conventional drainage must be considered.

**HBC Estates:** The Strategic Asset Management Section/ Estates are not aware of any notices having been served to end the Council's occupation of the land. As such the land owner would need to serve notice on us to end it in accordance with the terms of the agreement.

**HBC Landscape Architect:** Hard landscape details should be provided. This information can be controlled by condition.

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

There will be installation of a suitable sound insulation scheme to the party walls and floors between the neighbouring residential premises and commercial units. The scheme shall ensure adequate protection is afforded against the transmission of noise/vibration between the premises on either side and below.

Construction work and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays, with no working at any time on Sundays or Bank Holidays.

No Opening Burning at any time during works being carried out on site.

The delivery of products to be sold/consumed at the commercial premises shall only be carried out between the hours of 8:00am and 6:00pm Monday to Friday and between 9am and 4pm Saturday and Sunday. In the interests of the amenities of the occupants of nearby properties.

I would recommend an hour's restriction on the operation of the commercial units to between 7:00am and 10:00pm Monday to Sunday.

Prior to the installation of any lighting on the development, details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

**Tees Archaeology Section:** Thank you for the consultation on this application. I have checked the HER and the proposed development should not have a significant impact on any known heritage assets. No objection.

**Chief Fire Officer:** Cleveland fire Brigade offers no representations regarding the development as proposed.

However, Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings & Approved Document B Volume 2: 2019, Section B5, for buildings other than Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1. & AD B Vol 2 Section B5 Table 15.2.

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

Further comments may be made through the building regulation consultation process as required.

**HBC Waste Management:** no comment received.

**Cleveland Police:** Police have no objections but would always advise that appropriate security measures are in place to deter criminal activity.

The retail part of the building can be vulnerable to burglary and criminal damage the risk of will be increased by the nature of the business to ensure a good level of security to doors and windows it is advised that products used are certified to LPS1175 Rating 1 or above.

It is important that no access is available between the flats and retail part of the building it would be good practice to carry out vetting on any tenants before residence is permitted.

Dusk Dawn lighting to all entrance doors is recommended.

**HBC Community Safety and Engagement:** Community Safety would have no concerns. The front of the premises will be covered by the existing public space CCTV at the shopping parade.

**Northumbrian Water:** Thank you for consulting Northumbrian Water on the above proposed development.

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

I can confirm that at this stage we would have no comments to make.

For Information Only

Please note that the site lies within drainage area 11-D24. This drainage area discharges to Seaton Carew Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

**HBC Housing Standards:** no comment received.

**HBC Economic Development:** We have reviewed the application and have no objections from Economic Growth.

**HBC Building Control:** I can confirm that a Building Regulation application will be required for 'two storey building, with 2no. retail units at ground floor and 2no two-bedroom apartments above'.



## PLANNING POLICY

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

### Local Policy

2.20 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

CC1: Minimising and adapting to climate change

HSG1: New Housing Provision

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

RC1: Retail and Commercial Centre Hierarchy

RC16: The Local Centres

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

2.21 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

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA038: Decision making  
PARA047: Determining applications  
PARA055: Planning conditions and obligations  
PARA056: Planning conditions and obligations  
PARA060: Delivering a sufficient supply of homes  
PARA081: Building a strong, competitive economy  
PARA110: Considering development proposals  
PARA111: Considering development proposals  
PARA124: Achieving appropriate densities  
PARA126: Achieving well-designed places  
PARA130: Achieving well-designed places  
PARA134: Achieving well-designed places  
PARA154: Meeting the challenge of climate change, flooding and coastal change  
PARA157: Meeting the challenge of climate change, flooding and coastal change  
PARA218: Implementation

**HBC Planning Policy:** Thank you for consulting Planning Policy on the above application.

The site is within the King Oswy local centre (Policy RC16) as identified on the Hartlepool Local Plan proposals map.

The principle of development as concerns additional housing provision is in accordance with Local Plan policies LS1 and HSG1 (windfall within the existing urban area).

The principle of development as concerns Use Class E units is in accordance with Local Plan policies LS1, RC1 and RC16.

It is noted that an area of car parking (located adjacent to the commercial units to the north) will be lost. However, these are local units within walking distance of the majority of their users homes. As such, the use of a car to access the units is not deemed essential, and so it is not considered that their ongoing viability would be harmed by the proposal.

We trust that the Council's Highways team will comment with respect to parking requirements to serve the proposal.

Whilst such works may not form part of this application, it should be noted that commercial frontages should be designed in accordance with the Council's Shop Front and Commercial Frontages SPD.

## **PLANNING CONSIDERATIONS**

2.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, impact on the character and appearance of the application site and surrounding area, impact on neighbour amenity, highway and pedestrian safety, ecology, surface water drainage and

contaminated land. These matters and residual matters are considered in the paragraphs below.

## PRINCIPLE OF DEVELOPMENT

2.23 The application site is situated within an area allocated under Policy RC16 (Local Centres) of the Hartlepool Local Plan Policies Map (2018). Policy RC16 of the Hartlepool Local Plan (2018) seeks to diversify, support and protect local centres in recognition of the important service they provide to their local communities. In accordance with Policy RC1 (Retail and Commercial Hierarchy), Local Centres are the sequentially preferable location for the size of the proposed development.

2.24 The proposed development also includes additional housing provision, the application site is not allocated for housing provision, therefore Local Plan Policies LS1 (Locational Strategy) and HSG1 (New Housing Provision) apply.

2.25 In respect of the proposed retail units, the Council's Planning Policy section have confirmed that given the location of the retail units within an allocated retail area, it is considered that the proposed retail units would be acceptable in principle.

2.26 In terms of the proposed residential units, these are considered to result in addition as a windfall site, as the application site is not allocated for housing provision under the Hartlepool Local Plan. The Council's Planning Policy section note that the proposed development is situated on an existing area of car parking which serves this local centre, and this area of car parking would be lost. They consider that the local units are within walking distance of the majority of the user's homes and so it is not considered that the ongoing viability of the existing parade of shops would be harmed by the proposal. Furthermore, the parade of shops is served by local public transport networks, including a bus stop to the north of the parade understood to provide access to Hartlepool, Peterlee and Sunderland. It is considered that given the location of the proposed residential units within a relatively sustainable location (given its proximity to shops and amenities) and its location within a predominantly residential area with commercial offer, it is considered that the residential use would be acceptable and the Council's Planning Policy section have not raised any objections in respect of this element of the proposal. They do note however that the views of HBC Highways should be sought in respect of car parking matters which is discussed in detail below.

2.27 In addition to this, the Council's Economic Development section have reviewed the application and have no objections from an economic growth perspective.

2.28 In view of the above, subject to the proposal satisfying the requirements of other material planning considerations, it is considered that each of the proposed uses are acceptable in this location, and therefore the principle of development is considered to be acceptable in this instance.

## IMPACT ON CHARACTER AND APPEARANCE OF THE APPLICATION SITE AND SURROUNDING AREA

2.29 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires, amongst other provisions, that proposals should be of an appropriate size, design and appearance sympathetic to the host property and the character of the surrounding area.

2.30 As noted above, the application site is an area of car parking, which serves an established Local Centre. The existing properties in the surrounding street scene comprises a parade of shops along the pedestrianised street of King Oswy Drive, extending north-south. Either side of this pedestrianised street are mini-rows of two-storey, terraced properties, with commercial units at ground floor and residential flats above. The properties feature at ground floor glazed shop fronts, with roller shutters, with white upvc cladding finish at first floor, featuring flat roofs. At the north end of each mini-row of shops are single storey retail units which feature pitched roofs, with gable ends facing onto the pedestrianised street. Immediately outside of this Local Centre are residential dwellings, which surround the parade of shops on its north, east, south and western sides. These residential dwellings comprise two-storey terraced, red-brick finished dwellings, as well as single storey rendered bungalows.

2.31 The proposed development would comprise the erection of a two-storey building, with converted roof space, featuring a ridged roof. It is considered that the proposed building would comprise a design which is out of keeping with the form and character of the existing parade. The proposed building will extend above the height of the existing, adjacent commercial properties, which comprise two-storey flat roof properties. The proposed finishing materials comprising render at ground floor (colour not confirmed) and cladding at first floor and gable end (Cedral click composite cladding) would introduce a finishing material not used in the immediate surrounding street scene. The application site is presently an open car park, the erection of a building of this scale is considered to have an overbearing impact on the street scene, particularly when passing along Nicholson Way. Due to its scale and removal of a section of open street scape, the proposed development is considered to result in an overly dominant feature within the street scene.

2.32 It is acknowledged that to the south, west and east of the application site are residential dwellings, which comprise two-storey terraced, red-brick finish, as well as single storey rendered bungalows and these form part of the wider surrounding street scene. Notwithstanding this, it is considered the proposed building should be viewed in context of the parade of shops immediately to the north which it is more closely associated with.

2.33 The proposed development would include hard landscaping, which would extend the existing tarmac pedestrian footpath along the side/south boundary along the side-rear/south-western corner of the application site. This proposed extended tarmac footpath is proposed of materials to match the existing footpath. In addition to this, the proposed development would provide 3no. car parking spaces which would be finished in block paving. The Council's Landscape Architect commented on the application that the hard landscape details should be provided by way of a condition

(subject to the proposed development being considered acceptable in all other respects).

2.34 In light of the above it is considered that due to the overall design, scale and use of finishing materials, the proposed building would introduce an incongruous feature into the application site and the wider surrounding street scene, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and this would warrant a reason to refuse the application.

#### IMPACT ON NEIGHBOUR AMENITY

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

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

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

#### Impact on 1, 13 & 14 Greyfriars Court, 43, 44, 45, 46 & 47 Nicholson Way (south)

2.36 To the south of the application site, beyond the highway of Nicholson Way are a number of residential dwellings.

##### *1 Greyfriars Court*

2.37 Immediately to the south and closest to the application site is no.1 Greyfriars Court, a single storey north facing bungalow. This neighbouring property features on its front/north elevation a three-pane window (understood to serve a bedroom/habitable room), a rear access door with glazed upper and a two-pane window (both understood to serve a kitchen-diner/habitable room). The private rear amenity space of no.1 is situated to the rear/west and to the north of the property. The boundary treatments on the north boundary of no.1 comprise an approximate 1m high brick wall, with an approximate 1m high close board timber fence above, resulting in a total boundary treatment height of approximately 2m. In addition to this is the highway of Nicholson Way.

2.38 A separation distance from the proposed building to the nearest boundary (north) of no.1 of approximately 10.1m would remain and approximately 13.2m to the nearest elevation and window (north) of no.1 would remain. Although it is considered the proposed development would result in a degree of impact on the amenity of the occupants of this property, the proposed building would meet the required separation distances between habitable room windows (of no.1) and gable end elevation

(side/south of proposed building), therefore the impact in terms of any overbearing effect, loss of light and outlook is considered to not be so significant as to warrant a reason to refuse the application in this instance.

2.39 In terms of privacy, the proposed development would feature on its side/south elevation at ground floor a rear access door (serving a proposed retail unit), at first floor a single pane window (serving a non-habitable room) and in the roof space a two-pane window (serving a habitable room). The front/north elevation of no.1 features windows which serve habitable rooms and its private rear amenity space is also to the rear/west with a section to the north. The separation distance of approximately 13.2m from the windows in the side/south elevation of the proposed development to the windows in the front/north of no.1 does not accord with the required separation distances between habitable rooms (required 20m), therefore it is considered that the proposed development would result in an adverse loss of privacy. Furthermore, it is considered that the proposed two-pane window in the converted roof space would have the potential for direct views down into the private rear amenity space of no.1 and this is considered to result in an adverse loss of privacy due to overlooking. Furthermore, these windows are considered to result in a perception of overlooking, whereby the existing and future occupants of may have a feeling that they are overlooked by the presence of the windows alone. In terms of the windows in the front/east and rear/west elevation of the proposed building, at all storeys, these would have an oblique relationship with the windows in the front/north of no.1 and therefore these proposed windows are considered to not result in an adverse loss of privacy. Overall, the impact from the proposed habitable room window in the side/south elevation is considered to result in an adverse loss of privacy through overlooking and a perception of overlooking onto the existing and future occupants of no.1 Greyfriars Court, this impact is considered to be so significant as to warrant a reason to refuse the application and therefore forms a reason of refusal.

### *13 & 14 Greyfriars Court (south)*

2.40 To the south-east of the application site are a pair of semi-detached bungalows, which are within the same cul-de-sac as no.1 Greyfriars Court. Both properties are south-facing, with no.14 Greyfriars Court forming the western dwelling and sitting closest to the application site, no.13 forming the eastern dwelling.

2.41 No.14 features on its rear/north elevation a two-pane window and rear access door (serving a kitchen-diner/habitable room), as well as a three-pane window (serving a bedroom/habitable room), the side/west elevation is blank, in addition to 3no. roof lights (serving a living room and bedroom/both habitable rooms). The boundary treatments on the rear/north boundary comprise an approximate 1m high brick wall, with an approximate 1m high close board timber fence above, resulting in a total boundary treatment height of approximately 2m. An oblique separation distance from the proposed development to the rear/north boundary of approximately 12.5m would remain and approximately 15.5m to the nearest window (kitchen-diner in rear/north elevation).

2.42 Although it is considered the proposed development would result in a degree of impact in terms of overbearing and overshadowing, the proposed development

would have a satisfactory separation distance with these properties which accords with the requirements of Policy QP4 and the Residential Design Guide, in addition to this the proposal would have an oblique relationship with the windows in the rear/north of no.14. It is therefore considered that the proposed development would not result in an adverse impact on this neighbouring property in terms of overbearing, overshadowing and loss of outlook.

2.43 In terms of the impacts on the privacy of the occupants of no 14, the proposal would feature a number of windows in its side/south and front/east elevation, at ground and first floor, and in the roof space. In terms of the windows in the front/east elevation, at ground floor these would serve the proposed retail element, these windows would have a satisfactory oblique separation distance with the windows in the rear/north of these properties (approximately 16.5m to the nearest property of No 14) and an overall oblique relationship, therefore these windows are considered to not result in an adverse loss of privacy. In terms of the roof lights in the front/east elevation, owing to their roof position, these windows are considered to not result in an adverse loss of privacy. In terms of the first floor windows in the front/east elevation (serving habitable rooms in the residential flats), these would have an oblique separation distance of approximately 16.5m to the nearest property (no 14). These proposed first floor windows would have an oblique relationship with no.14 and as such, it is considered that direct views would not be achieved into the habitable room windows in the rear/north of no.14 (due to this oblique relationship), although it is considered that some views could be made into the immediate private rear amenity space of no.14. This impact is however not considered to be adverse, due to the oblique relationship and the intervening boundary features comprising the highway of Nicholson Way and the rear/north boundary fence of no.14. Therefore, it is considered the proposed development would not result in a significant adverse loss of privacy in terms of overlooking for the existing and future occupiers of no.14 and this would not warrant a reason to refuse the application in this instance.

2.44 In terms of number 13 Greyfriars Court, this features on its rear/north elevation a two-pane window and rear access door (both serving a kitchen-diner/non-habitable room), a single pane window (serving a bathroom/non-habitable room) and a single pane window (serving a bedroom/habitable room).

2.45 The intervening boundary features comprise a shed erected adjacent to the two-pane window (kitchen-diner), in addition to the approximate 1m high brick wall, with an approximate 1m high close board timber fence above on the rear/north boundary, resulting in a total boundary treatment height of approximately 2m. A separation distance from the proposed development to the rear/north boundary of approximately 19.1m and approximately 21.8m to the nearest window (kitchen-diner in rear/north elevation). The proposed development and its proposed windows in the front/east and side/south elevation would have a satisfactory separation distance from this property which accords with the requirements of Policy QP4 and the Residential Design Guide, in addition to an overall oblique relationship with the windows in the rear/north of no.13. Due to this satisfactory separation distance, oblique relationship and screening provided by the intervening boundary features, as well as the intervening highway, it is considered the proposed development would not result in an adverse impact on the amenity and privacy of no.13 in terms of overbearing, overshadowing, loss of outlook and overlooking.

*43, 44, 45, 46 & 47 Nicholson Way (south west)*

2.46 To the south west of the application site are a row of semi-detached and terraced, two-storey, north-facing dwellings, which comprise a different house type to those within the cul-de-sac of Greyfriars Court and extend to the west. All properties feature a number of windows at ground and first floor on their front/north elevation, of which are likely to serve habitable rooms.

2.47 The closest neighbouring property to the proposed development would be no.43 and no.44 Nicholson Way, which comprises a two-storey building with separate flats at ground and first floor. At ground floor on the front/north elevation are featured a three-pane window and a projecting bay window (both likely to serve habitable rooms). At first floor on the front/north elevation features a three-pane window and a projecting bay window (both likely to serve habitable rooms). The side/east elevation at ground floor features an obscurely glazed window, two front doors and another obscurely glazed window, at first floor on this side/east elevation are two single pane obscurely glazed windows. The boundary treatments comprise an open front/north boundary at no.43 & no.44. A separation distance from the proposed development to the front/north boundary of approximately 18.3m would remain and approximately 23m to the nearest window (front/north elevation serving a habitable room at ground and first floor). 2.46 The proposed development and its proposed windows in the rear/west and side/south elevation would have a satisfactory separation distance in accordance with Policy QP4 and the Residential Design Guide, in addition to an overall oblique relationship. Due to this satisfactory separation distance and oblique relationship, as well as the presence of the intervening highway, the proposed development is considered to not result in an adverse impact on the amenity and privacy of no.43 and no.44 Nicholson Way in terms of overbearing, overshadowing, loss of outlook and overlooking.

2.48 In terms of the remaining neighbouring properties to the south west, namely 45, 46 & 47 Nicholson Way, these are sited beyond the above properties and separation distances and therefore are considered to have a satisfactory separation distance with the proposed development, in accordance with Policy QP4 and the Residential Design Guide. In this context, the proposed development is considered to not result in an adverse impact on the amenity and privacy of 45, 46 & 47 Nicholson Way in terms of overbearing, overshadowing, loss of outlook and overlooking.

Impact on 75 King Oswy Drive (north)

2.49 To the side/north of the application site is 75 King Oswy Drive, a two-storey property, which features a commercial unit (Lesa Barber Shop & JK Carpets) at ground floor and a residential flat above. The side/south elevation of this neighbouring property is blank at ground and first floor. On its front/east elevation at ground floor features the shop fronts to the commercial unit, with include glazed windows and doors. At first floor on this front/east elevation are two large two-pane windows (understood to serve residential flats and are likely to serve habitable rooms). In the rear/west elevation at first floor are three large two-pane windows and a rear access door (understood to serve residential flats and are likely to serve



habitable rooms). A separation distance of approximately 1m to the shared boundary and nearest elevation (side/south) would remain and approximately 2m to the nearest window (front/east elevation at ground and first floor). The proposed development would sit in line with and would not project beyond with the front/east elevation of this neighbouring property and therefore, it is considered that the proposed development would not result in an adverse impact in terms of overbearing, overshadowing and loss of outlook against the windows in the front/east elevation of no.75 at both ground and first floor.

2.50 To the rear/west, the proposed development would project approximately 1.5m beyond the rear/west elevation at first floor of no.75. It is considered that this would result in a degree of impact in terms of overbearing, overshadowing and loss of outlook onto the windows in the rear/west elevation at first floor of no.75. However, consideration is given to the modest projection beyond these windows (of approximately 1.5m), the overall oblique relationship of the proposed development with these windows and the relatively open/unobstructed views to the rear/west of the site (and the adjacent property) owing to the low level garages to the rear/west. In light of this it is considered that the windows in the rear/west of this neighbouring property would not experience such a significant adverse impact in terms of overbearing, overshadowing and loss of outlook as to warrant a reason to refuse the application.

2.51 In terms of privacy, the proposed development would install a number of windows at ground, first and roof space in the front/east, side/north and rear/west elevations. The neighbouring property faces the site with a blank gable and the proposed windows to front/east and rear/west elevation, would have an oblique relationship with the existing windows to front/east of no.75 and therefore it is considered that direct views could not be achieved. Therefore, due to these overall relationships the proposed development is considered to not result in an adverse loss of privacy for the existing and future occupiers of this neighbouring property.

#### Impact on land users to the rear (west)

2.52 To the rear/west of the application site is a rear access lane, with rows of garages beyond. A separation distance from the proposed development of approximately 14m would remain to the front/east elevation of the garages. The nearest neighbouring property beyond these is 12 Butterwick Road approximately 58m away from the development. Due to the nature of the buildings to the rear/west of the application site (garages which are considered non-habitable) and the satisfactory separation distance to the nearest neighbouring properties within Butterwick Road, which accords with the requirements of Policy QP4 and the Residential Design, the proposed development is considered to not result in an adverse impact on the amenity and privacy of the neighbouring land users to the rear in terms of overbearing, overshadowing, loss of outlook and overlooking.

#### Impact on land users to the front (east)

2.53 To the front/east of the application site is the pedestrian footpath of King Oswy Drive, with an area of car parking beyond sited to the side/south of 71 King Oswy Drive. To the north east are commercial properties along the shopping parade

of King Oswy Drive. No.71 King Oswy Drive to the north east features a commercial unit currently occupied by 'Coral' and is single storey in height and is not understood to feature a residential flat. Attaching to the north is no.69 which features at ground floor a commercial unit currently occupied by a butchers and a bakers and a first floor which is likely to serve a residential flat. A satisfactory separation distance of approximately 20.5m would remain from the proposed development to these properties. This separation distance accords with the requirements of Policy QP4 and the Residential Design Guide and in addition to this, the two properties would have an oblique relationship. Due to these reasons, it is considered that the proposed development would not result in an adverse impact on the amenity and privacy of this neighbouring property in terms of overbearing, overshadowing, loss of outlook and overlooking.

2.54 The nearest residential property to the east is 13 to 15 Joyce Road, which the proposed development would be approximately 47m away from these properties. Due to the land use immediately east of the application site (pedestrian footpath and car park), in addition to the satisfactory separation distance which accords with the requirements of Policy QP4 and the Residential Design, the proposed development is considered to not result in an adverse impact on the amenity and privacy of the neighbouring land users to the rear in terms of overbearing, overshadowing, loss of outlook and overlooking.

### Noise

2.55 It is acknowledged that the nature and layout of the proposed use of the ground floor commercial units (proposed Use Class E) have the potential to impact on the amenity of the proposed residential apartments at first floor and roof space above. The Council's Public Protection section have been consulted and have requested that a suitable sound insulation scheme to limit noise breakout from the ground floor commercial units to the proposed upper floor apartments, between the party walls of the residential apartments and adjacent neighbouring premises (in this instance at 75 King Oswy Drive (side/north), a commercial unit at ground floor and residential flat at first floor), to ensure adequate protection is afforded against the transmission of noise between the premises and the adjoining residential properties. Had the application been considered acceptable in all respects, a planning condition would have been necessary and could have been secured on any approval in respect of this.

2.56 The Council's Public Protection section have raised no objection to the proposal but recommended various restrictions on the hours of operation of the commercial units ,construction work, deliveries or despatches and any lighting had the application been considered acceptable in all respects, planning conditions could have been imposed on any approval to address these issues.

2.57 It is acknowledged that the petition containing objections received cited concerns relating to the potential uses of the proposed retail units, whereby potential hot food takeaway providers would have a late night operation. As detailed within the Council's Public Protection response, if the application had been considered acceptable in all other respects, a condition would have been attached limiting the operating hours of the proposed commercial units and to the use proposed. In any

event, the proposals (for flats and Class E uses) do not seek to apply for a hot food takeaway (Sui Generis Use) to which planning permission would be required.

## HIGHWAY & PEDESTRIAN SAFETY, TRAFFIC & PARKING

2.58 The application site is an existing area of car parking, which provides eight car parking spaces to the parade of shops along King Oswy Drive. The proposed development would result in the loss of these eight car parking spaces and would (only re-provide 3 spaces for the use of the flats) not seek to replace these within or outside of the application site. At the same time the application proposes to increase the commercial units and flats at the site. It is understood from the applicant's submitted Design and Access, Planning, Sustainability Statement, that the parking was the responsibility of Hartlepool Borough Council under a licence to occupy agreement between the Council and the former land owner. This agreement is stated to have been terminated as the new land owner intends to develop the application site as proposed through this application (although it is understood from the Council's Estate section that they are not aware of the termination of this agreement, further detail on this is provided below).

2.59 The Council's Traffic and Transport section were consulted on the application and stated that the Council's Design Guide and Specification recommends a maximum parking provision of 1 space per 30m<sup>2</sup> of commercial space. They state that current levels of car parking which serves the parade of shops along King Oswy Drive is below this required provision. The Council's Traffic and Transport section consider that the loss of parking and increasing the potential demand for parking would exacerbate parking issues in the area which would have an adverse impact on highway safety and cause considerable nuisance to local residents. Furthermore, the Council's Traffic and Transport section are aware of instances and complaints from bus operators about vehicles parking in the bus stop at the northern end of the parade of shops, on the highway of King Oswy Drive. The Council's Traffic and Transport section consider that due to insufficient car parking proposed to serve the new retail units, the loss of car parking to serve the existing retail units in the parade (which is already substandard anyway) and the displacement of that car parking onto the adjacent streets and bus stop would result in an adverse impact on highway and pedestrian safety and therefore object to the application.

2.60 The Hartlepool Local Plan Policy QP3 (Location, Accessibility, Highway Safety and Parking) seeks to ensure that highway safety provisions are in line with relevant local guidance. The NPPF under paragraph 111 states that "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety". This impact is considered to contravene the provisions of Policy QP3 of the Hartlepool Local Plan and paragraph 111 of the NPPF and therefore the proposed development would result in an unacceptable impact on highway safety and would warrant a further reason for refusal. It is acknowledged that that a petition from local shop owners, customers and a number of neighbour objections have been received in respect of highway safety issues.

2.61 It is noted from the petition and a neighbour objection received, that concerns relate to damage to walls, lampposts, pavement, damage to vehicles and pedestrians from delivery vehicles accessing the rear access lane to the rear/west of

the application site. The Council's Traffic and Transport section has commented in response to this that, the positioning of the proposed development is considered to not cause any access or sight line issues for delivery wagons. As the proposed buildings are limited to the eastern part of the site and would not encroach onto the public highway, although sight lines would be reduced through the proposed development, these are considered to remain within the minimum requirements for this type of road.

2.62 The proposed development would feature three car parking bays to the rear/west of the proposed two-storey building, to serve the proposed residential apartments. The Council's Traffic and Transport have confirmed that the proposed three car parking spaces to serve the flats, taken in isolation is in line with the Council's Design Guide and Specification. However, overall they object to the proposal due to insufficient car parking proposed to serve the new retail units, the loss of car parking to serve the existing retail units in the parade (which is already substandard anyway) and the displacement of that car parking onto the adjacent streets and bus stop would result in an unacceptable impact on highway and pedestrian safety, contravening the provisions of Policy QP3 of the Hartlepool Local Plan and paragraph 111 of the NPPF which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety. In conclusion, the proposal is considered not acceptable in highway safety terms.

## ECOLOGY

2.63 The Council's Ecologist has been consulted on the application and has raised no concerns or objections to the proposed development. They completed a stage 1 Habitat Regulation Assessment (HRA) to consider any impacts on the Teesmouth & Cleveland Coast SPA arising from nitrate enrichment and increased recreational disturbance which concluded that the proposal was acceptable and that no specific mitigation was required for this development. Natural England concurred with this conclusion.

## SURFACE WATER DRAINAGE AND CONTAMINATED LAND

2.64 The application site is located outside of Flood Zones 2 and 3. No objections have been received from the Council's Flood Risk Officer, however they note that the Proposed Site Plan (Dwg no. 21-42/001B) proposes a connection via a hydrobreak into the existing combined drainage system. They advise that this system is not suitable for combined foul and surface water flows. Furthermore, the proposed development would seek to use permeable materials for the proposed 3no. car parking spaces, however due to the low permeability of soils in Hartlepool, exceedance flow to conventional drainage systems must be considered. If the scheme had been considered acceptable in other respects, a condition would have been attached relating to the disposal of surface water.

2.65 Northumbrian Water have commented on the application and do not offer any comments in respect of the proposed development. The application is therefore considered acceptable in this respect.

## OTHER PLANNING MATTERS

### *Estates*

2.66 The applicants submitted Design & Access and Planning Statement states *“Both the parking and the recycling station where the responsibility of Hartlepool Borough Council, under a license to occupy agreement signed in 2007 between HBC and the former land owner. This agreement has since been terminated as the new land owner intends to develop the land as proposed in this document and the accompanying drawings.”* The Council’s Estates section commented on the application and in response to the above statement confirmed that they had not been served notice, in accordance with the licence to occupy agreement, that the agreement had been terminated. This was put to the applicant’s agent and they confirmed the applicant was under the impression that the licence termination had been completed prior to the purchase of the land from the previous owner (whom held the licence with the Council). The Council’s Estates section confirmed that they would expect to receive a formal letter stating that the agreement had been terminated, in line with clauses of the agreement. Notwithstanding, this is considered to be a civil matter and therefore not a material planning consideration.

### *Community Safety and Engagement*

2.67 It is acknowledged that neighbour objections have raised concerns regarding anti-social behaviour. The Council’s Community Safety and Engagement section have been consulted on the proposal and have confirmed that that they have no concerns with the proposed development, given the front of the proposed building would be covered by existing public space CCTV along the shopping parade. Cleveland Police have also been consulted and have no objections with the application, but would advise that appropriate security measures and dust dawn lighting to all entrance doors are implemented in order to deter criminal activity. In addition to this, Cleveland Police state that no access should be available between the flats and the retail units, in addition to advising that vetting any tenants before residence is considered good practice. Had the proposal been considered acceptable in all respects, an informative note could have relayed this advice to the applicant.

2.68 It is noted from a neighbour objection that there are existing concerns relating alleged anti-social behaviour from residents in flats above existing shops along the parade of shops, as well as from school children. Both the Council’s Community Safety and Engagement section and Cleveland Police have commented on the application and have not raised any concerns in respect of these matters.

2.69 The proposal is therefore considered to be acceptable in respect of matters relating to crime, fear of crime and anti-social behaviour.

### *Heritage*

2.70 Tees Archaeology have been consulted on the proposal and have confirmed that the proposal should not result in any impacts on any known heritage assets.

Had the application been considered acceptable overall, it would have been considered acceptable in this regard.

## RESIDUAL MATTERS

2.71 Cleveland Fire Brigade have indicated that they offer no representation regarding the proposed development, however they provided guidance in respect of fire safety. Had the proposal been considered acceptable in all respects, a suitable informative would have been recommended to make the applicant aware of this advice which would also be picked up through any building regulations application.

## CONCLUSION

2.72 It is considered the proposed development by virtue of its siting, scale and design would result in an unsympathetic design to the detriment of the visual amenity of the application site and the surrounding street scene. It is further considered that the proposed development would result in an adverse impact on the privacy of the occupants of the neighbouring property to the south (no.1 Greyfriars Court). It is further considered that the proposal would result in the loss of car parking spaces which serve the existing retail units and the increased demand for parking through the development itself which would result in an unacceptable impact on highway and pedestrian safety.

2.73 The proposal is therefore considered to be contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 11, 111, 126, 130 and 134 of the NPPF (2021). It is therefore recommended that the application be refused.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.74 There is no evidence of equality or diversity implications.

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

2.75 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.

2.76 These matters are considered above.

## REASON FOR DECISION

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

## RECOMMENDATION – REFUSE for the following reasons;

1. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic form of development, resulting in a detrimental visual impact on the character and

appearance of the area, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 126 and 134 of the NPPF which states that permission should be refused for development of poor design that fails to take 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 proposed development by virtue of its siting, scale and design, would result in an unacceptable loss of privacy for the neighbouring property to the south (no.1 Greyfriars Way), in terms of overlooking and the perception of overlooking to habitable room windows in a principal elevation and its immediate outside amenity garden area, contrary to Policies QP4 of the Hartlepool Local Plan (2018) and paragraph 130 of the NPPF (2021).
3. In the opinion of the Local Planning Authority, the proposed development would result in an unacceptable loss of car parking whilst increasing the demand for car parking, which would therefore have a potential detrimental impact on highway and pedestrian safety, contrary to Policy QP3 of the Hartlepool Local Plan (2018) and paragraph 111 of the NPPF which states that permission should be refused on highways grounds if there would be an unacceptable impact on highway safety.

## BACKGROUND PAPERS

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

[https://edrms2.hartlepool.gov.uk/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2022/0311](https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0311)

2.79 Copies of the applications are available on-line:

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

## CONTACT OFFICER

2.80 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

**AUTHOR**

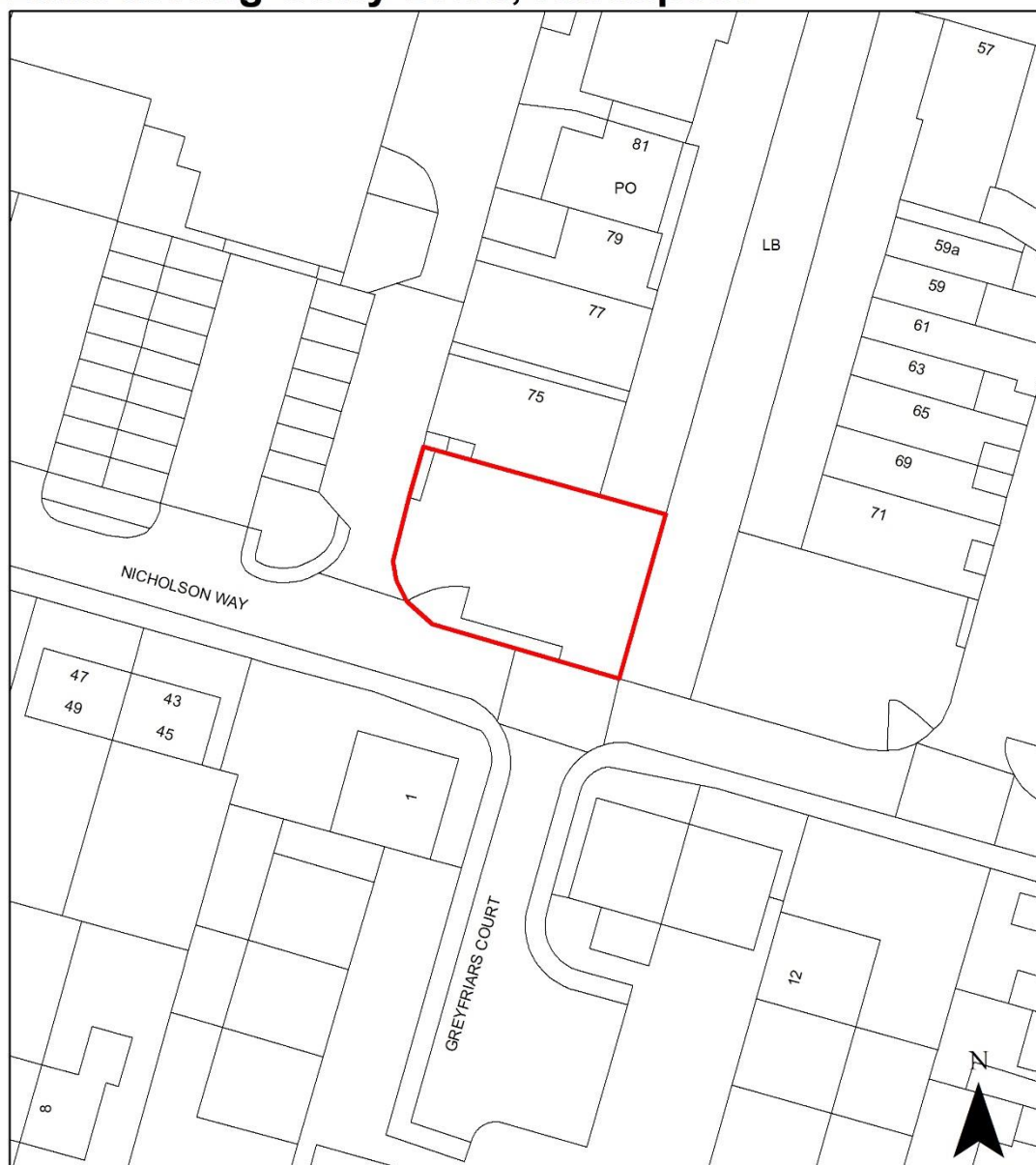
2.81 Nick Robertson  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 806908

E-mail: [Nick.Robertson@hartlepool.gov.uk](mailto:Nick.Robertson@hartlepool.gov.uk)



## Land at King Oswy Drive, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>01.11.2022</b>
	SCALE <b>1:500</b>	
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0311</b>	REV



**No:** 3.  
**Number:** H/2022/0263  
**Applicant:** RACHEL NESS DEVONSHIRE SQUARE LONDON EC2M 4PL  
**Agent:** RACHEL NESS CLEARSTONE ENERGY 8 DEVONSHIRE SQUARE LONDON EC2M 4PL  
**Date valid:** 05/07/2022  
**Development:** Proposed construction, operation and maintenance of a Battery Energy Storage System (BESS) facility with associated infrastructure and works including earthworks, highway access, landscaping and biodiversity enhancements.  
**Location:** LAND AT WORSET LANE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 The following planning history is relevant to the application site and its immediate surroundings.

H/2014/0513 – planning permission was refused by HBC in April 2015 and allowed on appeal (APP/H0724/W/15/3131584) in March 2016 for the construction of a solar farm and associated infrastructure on land overlapping with the application site. The solar farm has not been developed and the planning permission has now lapsed.

H/2017/0287 – planning permission for a gas-powered electricity generator and related infrastructure on land adjacent to the north west corner of the application site was granted in December 2017.

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

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

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

H/2020/0004 – EIA screening opinion in relation to the proposed development of solar farm and associated development on land immediately to the eastern boundary of the application site. It was considered not to be development requiring an EIA.

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, on a parcel of land beyond Worset Lane to the west of the application site. It was considered not to be development requiring an EIA.

H/2020/0175 – planning permission was granted for a solar farm and associated development on 63ha of arable land immediately adjacent the eastern boundary of the Site in August 2021.

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

H/2021/0311, H/2021/0312 & H/2021/0312 – planning permission was refused for three applications for the erection of a substation and cables to the approved solar farm at Hulam and the refused solar farm at Sheraton (both within the DCC boundary), to the north of the application site (the proposed substation would be to the north of the A179). All refused applications (including those within DCC) are the subject of ongoing linked appeals.

H/2022/0198 – EIA screening opinion in relation to the proposed development of the Battery Energy Storage System (BESS facility) (which relates to the current proposal). It was considered not to be development requiring an EIA development.

## **PROPOSAL**

3.3 This application seeks full planning permission for the proposed construction, operation and maintenance of a Battery Energy Storage System ('BESS facility') with associated infrastructure and works including earthworks, highway access, landscaping and biodiversity enhancements, on land east of Worset Lane and south of the A179 in Hartlepool.

3.4 In detail, the proposed BESS facility would comprise two battery storage compounds, connected to the national grid (Hartmoor Substation) via underground cables). Each of the battery storage compounds would include 104 linked battery

cabinets, measuring approximately 6m by 2.5m with a flat height of approximately 2.9m; 54 inverter/transformer station containers measuring approximately 12.2m by approximately 2.4m with a flat height of approximately 2.9m; 1 substation compound measuring approximately 72.8m by approximately 60m with a flat height not exceeding 9.3m; and 4 spare containers measuring approximately 12.2m by approximately 2.4m with a height of approximately 2.9m.

3.5 The battery cabinets, inverter/transformer station containers and other containers would be predominantly finished in white (to which the applicant indicates in the submitted Planning and Sustainability Statement is required to repel heat) with some in the most visible locations finished in 'moss' green.

3.6 In addition, the proposals include the construction of internal access roads; non-compacted permeable gravel surfacing within the compounds; the erection of steel palisade fencing and gates around the substation and overall battery compound with a height of approximately 2.5m and a finishing colour of moss green; and the installation of 5no. CCTV cameras per compound mounted on timber posts with a height of approximately 3m; and the installation of underground cabling from each battery compound to the Hartmoor Substation.

3.7 The proposals include the construction of a new access junction on Worset Lane (towards the south of the site).

3.8 The proposals include the installation of landscaping throughout the application site, to include woodland planting along the northern boundary and the planting of a new hedgerow along the length of the eastern boundary. This would complement the approved and/or installed planting in the context of the adjacent built gas powered electricity generator plant and approved adjacent solar farm.

3.9 The submitted Planning and Sustainability Statement indicates the Hartmoor Substation has been identified by the National Grid as a result of the decline in fossil fuel generation that the application is part of a Pathfinder Project comprising an energy stability project required for energy generation. To help tackle global climate change, achieve the legally binding target of net zero by 2050 and to deliver greater UK energy security, the Government is seeking to decarbonise the electricity system by 2035 by significantly growing the amount of renewable energy generated in this country from wind and solar. Battery energy storage helps deliver home grown renewable energy by capturing it at times of high solar radiance levels or high winds, for use at a later time, storing renewable electricity when demand is low or there is excess supply and releasing it back to the grid when demand is high. Without battery energy storage facilities the electricity grid network fed increasingly by renewables (not fossil fuels) will become unstable, unable to balance supply and demand from the intermittent energy generation qualities of wind and solar. Renewable energy generation and battery energy storage facilities are both necessary and complementary infrastructure, one is needed for the other to succeed and vice versa.

3.10 The applicant has further explained that whilst the proposed development is not linked directly to the approved adjacent solar farm, taking a system wide view of the electricity network, renewable energy generated from off shore and onshore wind

and solar farms is the energy type that would be stored in the proposed batteries. Wind and solar generate electricity intermittently and not in a reliable predictable way. When the wind is blowing and sun is shining renewable energy is generated at rates that sometimes are too low to meet peak demands for electricity or too high when electricity demand is low. Battery energy storage is essential to help balance the peaks and troughs of energy demand from intermittently available renewable energy sources. Batteries stabilise and balance the electricity grid network and facilitate a greater reliance on renewable energy sources, replacing the reliance on unsustainable high carbon fossil fuels with low carbon home grown energy.

3.11 In their supporting Planning and Sustainability Statement, the applicant states that the proposed development would have the capacity to store and export approximately 200MW of low carbon and renewable energy. The anticipated Co2 displacement is around 57,500 tonnes annually each year, which represents an emission saving equivalent of a reduction in c. 12,000 cars on the road every year. This will make an important contribution to addressing the National Climate Emergency and support the achievement of Net Zero by 2050. The Infrastructure Planning (Electricity Storage Facilities) Order 2020 allows any capacity provided by the facility is to be disregarded for the purposes of determining whether the proposed development is a Nationally Significant Infrastructure Project (NSIP).

3.12 The submitted Planning and Sustainability Statement indicates that construction is expected to last for approximately 12 months and there would be, on average, approximately one or two HGV deliveries and ten LGVs visiting the site per day. Once operational, the anticipated vehicle movements would be approximately one vehicle every 2 weeks, on average.

3.13 The submitted Planning and Sustainability Statement indicates that the proposed development would operate for a temporary time period of 40 years. Following cessation of operation, the BESS facility would be decommissioned and the site returned to agricultural use.

3.14 It is understood that construction of the adjacent solar farm development (H/2020/0175) is likely to commence late 2023 post discharge of the pre-commencement planning condition applications which are currently being processed by HBC.

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

## **SITE CONTEXT**

3.16 The application site is an area measuring approximately 10 hectares, situated to the south of the A179 trunk road, adjacent to the east of the North Hartmoor National Grid substation on Worset Lane and adjacent to the west of a site for an approved solar farm (H/2020/0175). The application site comprises agricultural land and is partially surrounded by further agricultural fields.

3.17 The northern boundary of the application site is delineated from the A179 by a hedgerow to the eastern extent with a row of mature trees across the western extent. Beyond this is a ditch and embankment between the site and the A179 trunk road. To the west is the gas plant and existing substation to the national grid. To the south the boundary between the application site and Worset Lane is delineated by a hedge.

3.18 The topography of the application site is such that it is gently undulating, sloping from south to north and from east to west.

## **PUBLICITY**

3.19 The application was advertised by way of notification letters to 137 individual neighbouring properties and local ward councillors, site notices and press advert. To date, 4 objections to the proposals have been received.

3.20 The various concerns and objections raised can be summarised as follows:

- Cumulative impact of development in rural/agricultural area.
- Noise
- Visual impacts
- Inappropriate development to the detriment of the character of the rural area
- Inappropriate location on the edge of a village
- Increased traffic
- Impact on property values
- Risks of explosion due to thermal runaway, gassing, salt/sea fog
- Odour

3.21 The area has attracted a number of energy related proposals recently some of which have been the subject of applications for screening opinions and one of which whilst not an application has been recently reported in the press. It is not clear whether a number of these objections are referring to this proposal in particular or one or more different proposals, as they raise concerns regarding the proposals being sited to the north of the A179 (which is not the case) and/or on the entrance to Hart Village.

3.22 In addition, 2 responses of 'do not object' and 1 response of 'support' has been received, raising the following (summarised) comments:

- The natural production of clean, renewable energy by the wind turbines will have a beneficial impact on energy cost and low carbon future
- The proposals will complement the adjacent gas fired power
- The batteries should be sized as MWh (MegaWatt hours) to show their capacity, rather than MegaWatts.

3.23 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 not considered necessary given the nature of the amendments. Following concerns (outlined below) from the Council's Landscape Architect and Hart Parish Council regarding the finished colour of the containers, the applicant submitted amended plans indicating

that any structures that would be potentially most visible would be finished in a moss green colour. A re-consultation with the Council's Landscape Architect and Hart Parish Council was undertaken.

3.24 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=154337>

3.25 The period for publicity has expired.

## CONSULTATIONS

3.26 The following consultation replies have been received:

**HBC Flood Risk Officer:** In response to your consultation on the above application we have no objection in respect of contaminated land, please include our unexpected contamination condition on any permission issued for proposals. We also have no objection in respect of surface water management and will be satisfied if surface water management/drainage takes place in accordance with the Flood Risk Assessment submitted with the application.

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.

**HBC Ecology:** In my pre-application response dated 12/05/2022 I requested a Breeding Bird Survey, an Ecological Impact Assessment Report and a Biodiversity Metric 3.1 report, all of which have been prepared by BSG Ecology Ltd and submitted. I have assessed these documents and mostly support their findings.

The Biodiversity Metric demonstrates that there will be a positive biodiversity change, from 20.02 Habitat Units to 34.69 Habitat Units (+73.3%); and a 4.93 Hedgerow units to 9.41 Hedgerow Units (+90.9%). This meets the Environment Act 2021, NPPF and HBC requirements.

I assess that mitigation and compensation for species (which fall outside of Biodiversity Net Gain) have been satisfactorily dealt with.

I note the loss of two pairs of breeding skylarks (I assess that the operational site will not support a single pair). While this is regrettable, I accept that arable nesting birds are difficult to compensate for and in this case, should not prevent development. I am uncomfortable with the piecemeal loss of farmland breeding bird habitat, where applications such as this just look at the application site, state that the habitat is locally widespread and therefore class the loss as being of 'site importance' (rather than assessing the issue 'in combination' with other applications).



I note the loss of arable habitat used by brown hare and accept that, like skylark, brown hare is difficult to compensate for and that pragmatism is required. The proposed landscaping and hedge planting, along with the nest box scheme, adequately compensates for any harm to species.

The appropriate 'Landscape and Ecological Enhancement Strategy' (currently drawing NT15841-200) should be conditioned. The recommendations in the 'Ecological Impact Assessment & Biodiversity Net Gain Assessment' report (section 5 'Potential Impacts and Recommendations') should be conditioned.

**HBC Traffic and Transport:** There have been a number of road traffic injury accidents at the A179 / Worset Lane junction in the past few years, these are mostly shunt type accidents. Due to vehicles slowing to turn right into Worset Lane.

My understanding of this operation is that other than during the construction period the number of vehicle trips would be limited, normally less than 1 per day. There would therefore be no Highway or traffic concerns with this application.

The developer is right to raise concerns with the proposed construction traffic and I support the measures proposed within the Construction Management plan to ensure that construction traffic safely accesses the site from the A179.

**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, there are two important community woodlands sited to the north and west of the proposed site, both on the north side of the A179.

The western woodland is small and does have some access routes within it but could do with some better vegetation management to open it up to the public. I would like to see some of the Green Infrastructure contribution going to that woodland to assist the vegetation management and access.

Also north of the proposed site, connecting to the other community woodland, is a permissive bridleway (council owned). I would also like to see some of the GI being used to protect the eastern terminus of the bridleway from illegal 4 x 4 and motorbike/quad activity, through the use of better gates and barriers, still allowing the farming practices to continue and also still providing for continued pedestrian, cycling and equestrian activity/access.

**HBC Landscape Architect:** A Landscape and Visual Impact Assessment has been produced, which notes operational landscape effects from new landform, land use and management, and new buildings and structures. Effects would be cumulative with existing energy infrastructure and potentially cumulative proposed energy infrastructure, on the Southern side of the A179. The character of the approach to Hartlepool along the A179 would be altered.

It is noted that the battery storage units are white. An appropriate visually recessive colour would be less impactful, and precedents for non-white battery storage units exist within the region.

Full planting details should be provided in due course.

*Update 21/11 following amended plans regarding the colour of the containers:*

Proposal is acceptable. The scheme demonstrates that a colour other than white is feasible, which avoids any precedent for white containers being set for any future schemes.

**Northern Gas:** We object to your planning application.

*Update 23/08 following receipt of additional information from the applicant on 25/07:*

We withdraw our objection.

**Natural England:** No comments received.

**Tees Archaeology:** We note the inclusion of a heritage desk-based assessment. Archaeological trial trenching has recently been undertaken on site to assess the geophysical anomalies and other heritage assets identified by this desk-based assessment, and to determine the need for further archaeological work. We will refrain from commenting further until we have received a report on the results from the archaeological trial trenching.

*Update 24/08 following submission of an Archaeological Evaluation Report from the applicant:*

The trial trenching has shown that archaeological remains are present within the proposed development site, and it is therefore recommended that a programme of archaeology mitigation is undertaken prior to the construction of the proposed battery storage facility. The trial trenching report proposes that this mitigation taken the form of four targeted strip, map, and sample excavation areas, centring on the trenches which revealed archaeological remains (trenches 6, 14/15, 18/19, and 25). We agree with this proposed mitigation strategy; the necessary archaeological work can be secured by a condition upon the development. We set out the proposed wording for this condition below:-

Recording of a heritage asset through a programme of archaeological works

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

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

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

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

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

**Northumbrian Water:** I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Should the drainage proposal change for this application, we request re-consultation.

**National Highways:** Referring to the consultation on a planning application dated 25 July 2022 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 – National Highways recommended Planning Conditions & reasons);

No development shall commence until a Construction Traffic Management Plan (CTMP) for the development has been submitted to and approved in writing by the Local Planning Authority and National Highways. The CTMP shall include:

- Identification of the routes to site for general construction traffic and the associated workforce, and details of the number and type of vehicle movements anticipated on these routes during the construction period;
- A detailed protocol for the delivery of any abnormal loads, prepared in consultation and agreement with interested parties, including National Highways, the Local Highway Authority and the Police (if applicable);
- Any necessary traffic management measures on the routes to site for construction traffic;
- Proposed measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;
- A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development, and that effective wheel/vehicle cleansing is undertaken;

- Measures to ensure a mechanism for identifying and mitigating any potential cumulative highway impacts, should the construction of the project coincide with the construction of any other major projects in the area;
- Measures to ensure that all construction traffic to the site follows an approved route to avoid any impacts on the minor road network;

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

**HBC Arboricultural Officer:** No comments received.

**Rural Plan Working Group:** The group are dismayed and strongly opposed to the continued dramatic transformation of this rural location into something industrial in character.

#### POLICY GEN1 – DEVELOPMENT LIMITS

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

The location of this proposed development is in open countryside outside development limits. It is becoming clear that the presence of the High Volts Substation is acting as a magnet for electricity energy projects. The Rural Neighbourhood Plan Group is alarmed at the cumulative effect of these 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) with associated sub-stations.

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 results in the character, appearance and visual amenity of the rural area around Hart being significantly altered.

#### POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate

1. 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;
2. how the design preserves and enhances significant views and vistas;

#### POLICY NE1 - NATURAL ENVIRONMENT

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

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

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

#### 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.

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 screening behind hedges and trees. This application does offer screening, generally of a more substantial nature than some earlier applications. All existing site boundary hedgerows would be gapped up and managed to grow to approximately 3m in height, with the exception of a short section of hedgerow that would be removed for the Site access. Additional planting of hedgerows, scrub, trees and woodland and species rich meadows would be included within the Site to enhance its biodiversity value and provide some landscape structure and diversity. This is shown on Application Drawing NT15841/200 Landscape and Ecological Enhancement Strategy (see Document Ref: R002).

Does the proposal for an extensive area of gorse planting have any local ecological basis or would something with a more varied range of native species may be preferable? The Group would support the Borough Councils ecologists decision on this.

Should the Council be minded to approve this application we ask for a condition to ensure that all the landscaping, planting and ecological enhancement is secured and 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. At the end of the operational period it is stated the proposed development would be decommissioned, dismantled and removed and the site returned to agricultural use though the majority of the proposed planting would be retained as permanent features. It is requested that the decommissioning of the proposed development and restoration works are secured in a timely manner through an appropriately worded planning condition. The proposed use of battery storage units which are white is liable to have maximum visual impact even behind the proposed landscaping. A less dominant shade is requested.

Engagement with Hart Parish Council to ascertain what community benefits could be provided in the event proposals are constructed is supported and urged.

**HBC Head of Service for Heritage and Open Space:** The application site is not in close proximity to any listed or locally listed buildings, nor any conservation areas; no objections.

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

**HBC Economic Development:** We have reviewed the proposals and have no objections from an Economic Growth perspective.

**Rambles Association:** No comments received.

**HBC Public Protection:** I would ask that the following are added to the final report:

- A 3.8m high noise attenuation bund is required in the south-west of the Site to protect the amenity of the dwelling occupiers at High Volts Farm. To be planted with scrub to soften it and add to the landscape structure.
- No construction works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
- There should be adequate dust suppression facilities on site during construction.
- There should be no open burning at any time on the site.

**CPRE:** No comments received.

**RSPB:** No comments received.

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

**DEFRA:** No comments received.

**Hart Parish Council:** Hart Parish Council has strongly objected to the development of farmland near the village into what is becoming virtually an industrial site. We do however, support the use of alternative energy and recognise the need for the electricity thus produced to be stored for use at peak times. To this end therefore, we do not object to this application. We were pleased the developer made the effort to

speak with the Parish Council before submitting their application and we were reassured to see that our concerns about the environmental impact of the development have, to a large part, been addressed. The screening of the site with natural hedging and trees will also benefit wildlife, and we expect to see further appropriate planting within the site to encourage biodiversity; the advice of the HBC Ecologist should be sought before final decisions on this are made. We did request the units be painted to reduce their impact, and would ask that a condition be made that these be painted in a darker colour to reduce their visual impact.

**Northern Power Grid:** This application falls outside of Cadent's distribution network. Please contact your local Gas distributor and/or National Grid for comments on this application.

**HBC Emergency Planning Officer:** I can confirm that the Emergency Planning Unit has no objections to it.

## PLANNING POLICY

3.27 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

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

CC1: Minimising and Adapting to Climate Change  
 CC2: Reducing & Mitigating Flood Risk  
 CC3: Renewable and Low Carbon Energy Generation  
 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)

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

GEN1: Development Limits



GEN 2: Design Principles

NE1: Natural Environment

NE2: Renewable and Local Carbon Energy

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

3.30 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 111: 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

**HBC Planning Policy comments:** The application site forms part of an extensive wider area which is identified in the Hartlepool Local Plan 2018 (HLP) as suitable for (limited) strategic wind turbine development, subject to satisfaction of a range of criteria (Policy CC4). Such is the extent of this wider area however that Planning Policy do not consider that this proposal would compromise such development coming forward.

The site is located within the Borough's rural area, as defined by the HLP and Hartlepool Rural Neighbourhood Plan (HRNP). HLP Policy RUR1 seeks to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. Accordingly, development outside the development limits (i.e. within the rural area) will be strictly controlled. Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses 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. Similarly, HRNP Policy GEN1 provides that in the countryside outside the Development Limits and outside the Green Gaps (as is the case with the application site), development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

Within the context of rural area designation, HLP Policy CC3 provides that support and significant weight will be given to the achievement of wider environmental and economic benefits from low carbon energy infrastructure. HRNP Policy NE2 supports the development of renewable and low carbon energy schemes including ancillary infrastructure providing that any adverse impacts are considered and mitigated.

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

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable.

The site is classified as Grade 2 (very good) to 3 (good to moderate) on Natural England's Agricultural Land Classification Map – North East Region 1: 250 000. It is noted that a site specific Agricultural Land Classification survey has been undertaken in connection with the application, which classifies all of the site as Grade 3b (moderate). Planning Policy have no reason to dispute this finding, and therefore on the basis that land is not identifiable as best and most versatile agricultural land (Grades 1-3a), its development would not conflict with HLP Policy NE1(9), which seeks to preserve this resource.

Given that the facility will store energy from renewable sources, Planning Policy are open to supporting this type of the development within the rural area, providing that by virtue of its location, scale, appearance and screening, it does not have an unacceptable adverse impact upon the landscape character. Planning Policy note that this area already has a cluster of buildings and infrastructure, with the large solar farm to follow, and so the visual impact of the proposals is to be considered within this context. HBC Landscape Architect's view on the proposal will be of particular importance when assessing and balancing the degree of impact in this area of development restraint against the scheme's benefits.

Planning Policy trust that the Council's technical specialists will advise with respect to other issues/impacts associated with the proposal.

## **PLANNING CONSIDERATIONS**

3.31 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) (HLP) and Hartlepool Rural Neighbourhood Plan (2018) (HRNP) and the NPPF (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**

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

3.33 Given its location, Policy RUR1 (Development in the Rural Area) of the HLP (2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018) are particularly relevant.

3.34 The main aim of Policy RUR1 of the Hartlepool Local Plan (2018) is to ensure that the rural area is protected and enhanced to ensure that its natural habitat,

cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled. Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses including the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a scale and nature that is suitable to a rural location. Policy RUR1 also notes in the pre-amble that other appropriate uses include those relating to public infrastructure or to meet the social needs of the local community.

3.35 Policy RUR1 lists a number of criteria which development should comply with:

- 1) Be in accordance with the Hartlepool Rural Neighbourhood Plan and any other 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, taking into account relevant design guides and statements;
- 6) Be in keeping with other buildings in terms of siting, size, materials and colour;
- 7) Ensure access is appropriate and there is not a detrimental impact on the highway safety;
- 8) Where possible create and improve sustainable connectivity;
- 9) Not have a detrimental impact on the landscape character or heritage assets; and
- 10) Avoid areas of best and most versatile agricultural land, those areas classed as grades 1, 2 and 3a in the Agricultural Land Classification.

3.36 With respect to compliance with the HRNP (2018), it is noted that policy GEN1 stipulates that in the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network. It is considered that the proposal complies in principle of both HLP Policy RUR1 and HRNP Policy GEN1 in that it is considered to be appropriate development (public infrastructure) in the rural area.

3.37 This policy, as well as a number of other policies within the HRNP (2018), namely GEN2, NE1 and NE2 require careful consideration be given to a number of other criteria (similar to the above HLP (2018) requirements) and these are considered in greater detail below.

3.38 When considering the requirements of Policy RUR1 of the HLP (2018), it is considered that the proposal is an appropriate development to the rural area. When considering the criteria of Policy RUR1, it is acknowledged that the proposal would be in general conformity with the requirements of the HRNP (2018); given that it is considered to relate to public infrastructure, it is not possible to be located within or nearer to a village; it is not possible to re-use existing buildings or materials; impacts on neighbour amenity are mitigated as detailed in the section below; it is acknowledged as detailed in the section below that the design of the scheme is such that it would limit visual impacts; it is considered to be similar in character and appearance to existing or approved energy related infrastructure in the surrounding area; the proposal includes appropriate access as detailed in the section below; subject to mitigation the proposal would not have such a detrimental impact on the landscape character or heritage assets as to warrant refusal (as detailed below); and the application site is not identifiable as best and most versatile agricultural land (Grades 1-3a).

3.39 In view of the above, it is considered that overall, the proposal would therefore be in general conformity with the requirements of Policy RUR1 of the HLP (2018), and Policy GEN1 of the HRNP (2018). The Council's Planning Policy section support this view.

3.40 Local and national planning policy give significant support to the development of renewable energy infrastructure. It is considered that whilst the proposed development does not in itself constitute a proposal for the generation of energy from renewable and low carbon sources, it would support the development of renewable energy infrastructure by increasing resilience by evening out supply and demand issues by storing surplus energy and releasing it on demand, and consideration is given to this.

3.41 The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets. The target for carbon emissions was initially set at 80% of the 1990 baseline figure by 2050. This was amended to 100% 'net zero' by section 2 of the Climate Change Act 2008 (2050 Target Amendment) Order SI 1056 in July 2019. This constitutes a legally binding commitment to end the UK's contribution to climate change.

3.42 Policy CC3 (Renewable and Low Carbon Energy Generation) of the HLP (2018) recognises that significant weight should be given to the achievement of wider environmental and economic benefits from low carbon energy infrastructure. This Policy seeks to ensure that proposals satisfactorily address standalone and cumulative impacts that may result from the position of proposals, taking into account the visual appearance, topography and character of the area, impact on the amenity of local residents and any impacts on species, among other criteria. Whilst it is acknowledged that HLP Policy CC3 does not specifically account for proposals for the storage of energy, this policy supports the achievement of wider environmental and economic benefits from low carbon energy infrastructure.

3.43 The HRNP (2018) Policy NE2 (Renewable and Low Carbon Energy) supports the development of renewable and low carbon energy schemes and associated infrastructure providing that any adverse impacts on the surrounding landscape are

considered. Policy NE1 (Natural Environment) of the Rural Plan seeks to protect, manage and enhance the area's natural environment.

3.44 Paragraph 155 of the NPPF (2021) recognises the importance of the planning regime in delivering renewable energy. This paragraph sets out that the planning system should support the transition to a low carbon economy and, in particular, support renewable and low carbon energy infrastructure.

3.45 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.*

3.46 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.

3.47 In conclusion, it is considered, on balance, that the proposal is acceptable in principle when assessed against the requirements of Policy RUR1 of the Hartlepool Local Plan (2018), Policies GEN1 and NE2 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 acceptable in this instance subject to the consideration of the material planning considerations below.

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

3.48 The proposal is outside the limits to development. Policy RUR1 (Development in the Rural Area) seeks to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled. Policy CC3 of the HLP (2018) recognises the importance of environmental and economic benefits of renewable and low carbon energy generation, subject to the proposal satisfactorily addressing any identified impacts (including cumulative impacts) arising from the proposal (as above, it is acknowledged that HLP Policy CC3 does not specifically account for proposals for the storage of energy but does support the achievement of wider environmental and economic benefits from low carbon energy infrastructure). Similarly, Policy GEN1 of the HRNP (2018) states that whilst development in the open countryside outside Development Limits will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community, particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to respect the

countryside character and does not impact on visual amenity or the local highway network.

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

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

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

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

3.51 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.

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

3.53 Concerns have been raised by the Hartlepool Rural Neighbourhood Plan Group in respect to the industrial nature of the proposal and the cumulative impact of this and other proposed energy related developments in the area on the character, appearance and visual amenity of the rural area in the vicinity of Hart and Sheraton.

3.54 It is noted that the proposed BESS development would be adjacent to existing (and approved) energy related development, including a large solar farm to the west, and the wider site context includes additional existing and recently approved energy related infrastructure, including a gas powered energy generation plant and a number of substation/transformer structures, as well as a telecommunications mast and electricity pylons.

3.55 The proposed development would be partially visible from many vantage points, including, 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, however views of the proposed development would be predominantly screened by the intervening vegetation, landform, built development and by the proposed landscaping proposals. In particular, it is considered that when travelling along the A179 trunk road from the east (A19 interchange) the proposed BESS facility would be primarily screened from views by the existing gas plant which is located to the north west corner of the proposed development, as well as the planting along the northern boundary (which is yet to fully establish).

3.56 The applicant's submitted Landscape and Visual Impact Assessment concludes that the proposed development would result in localised slight to moderate adverse landscape effects and localised moderate to substantial visual effects which would reduce as mature planting establishes, however that such impacts would reduce very quickly with distance from the site. The proposals are not therefore considered to have significant, wide ranging impacts on the locality more broadly.

3.57 The Council's Landscape Architect has been consulted on the application and has noted the conclusions from the submitted Landscape and Visual Impact Assessment, advising that that full planting details should be provided, which can be secured by planning condition and is recommended in this instance. As noted above, the application initially proposed that the structures would be finished in white, the Council's Landscape Architect advised that a more visually recessive colour of the proposed structures should be considered. The case officer requested that the applicant consider the proposed colours of the structures, and as noted above, amended plans were received indicating that some of the more visually prominent proposed structures would be finished in 'moss green'. The Council's Landscape Architect has subsequently confirmed that the application is acceptable subject to the proposed colour scheme being implemented. A planning condition can secure final finishing details of the structures, and is considered necessary accordingly.

3.58 It is acknowledged that owing to the topography of the land, the site is slightly higher than the A179 trunk road to the north. However, overall, it is considered that whilst the nature, siting and scale of the proposed development, in combination with other existing energy/utility related development in the vicinity particularly on the south side of the A179, would both in isolation and cumulatively have a limited degree of additional adverse 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 additional industrialising / urbanising effect on the open countryside, it is acknowledged that the proposed development would be read in the overall context of the above mentioned development.

3.59 Landscaping mitigation has been proposed to address these impacts and the residual visual impacts are considered to be limited to the immediate surrounding area.



3.60 In conclusion, whilst it is acknowledged that the proposed development may be partially visible from surrounding vantage points, it is considered that the design of the proposals together with the landscaping mitigation would be such that there would be no unacceptable adverse visual impact such as to warrant a reason to refuse the application in this instance.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.61 The application site is to the south of the A179 trunk road and east of Worset Lane. As such, there are limited sensitive neighbouring land users, however there are some residential properties close to the site that may be impacted by the proposals, those most likely to experience potential impacts are residents at Mill Farm to the east and Tilery Farm and Claypit Farm to the south.

3.62 Mill Farm is located approximately 950m to the east of the proposals, whilst bungalows at Tilery and Claypit farms are located approximately 210m and 465m respectively from the closest element of the proposals. It is acknowledged that there may be initial visual impacts on the outlook of these residents, this would diminish as landscaping measures assist in screening the development. In addition, a landscape bund with a height of approximately 3.8m is proposed, which is considered to assist in reducing impacts toward neighbours to the south of the application site. Given the separation distances, low level nature of the proposals and mitigation measures, it is not considered there would be an overbearing impact, or loss of privacy or light to these neighbours to such an extent as to warrant refusal of the application.

3.63 It is acknowledged that neighbour objections have raised issues in terms of noise and odour disturbance. A 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, including measures as recommended in the submitted Noise Assessment report, including a 3.8m bund to the west/south west of the southern plant area. The Council's Public Protection section has been consulted and has not objected subject to the provision of the bund, and subject to conditions controlling hours of construction and dust suppression facilities. These can be secured by planning condition. Matters of open burning can be controlled through separate environmental legislation.

3.64 In view of this and given the 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.

3.65 Overall and on balance, it is considered that the proposal would not have a significant detrimental impact on the living or working conditions, amenity or privacy of neighbouring land users and the application is therefore considered to be acceptable in this respect, and in accordance with Policy QP4 and QP6 of the Hartlepool Local Plan and paragraphs 174, 185 and 186 of the NPPF (2021).

## HIGHWAY & PEDESTRIAN SAFETY & PUBLIC RIGHTS OF WAY

3.66 The application has been supported by a Transport Statement, including an outline Construction Traffic Management Plan (CTMP). 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, subject to a planning condition securing a CTMP, which is recommended accordingly.

3.67 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 be required in this instance in planning policy terms.

## ECOLOGY & NATURE CONSERVATION

3.68 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 or compensated for, whilst development on land near a SSSI should only be permitted where the benefits outweigh its likely impact.

3.69 Concerns have been received from the Hartlepool Rural Neighbourhood Plan Group with respect to the potential impact of the proposal on the natural environment, and the restoration of landscaping and vegetation following completion of the development.

3.70 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 prepared. This can be secured through a condition.

3.71 The submitted Ecological Assessment Report in support of the proposals concludes that pre-construction survey work and mitigation is required, in the form of a proposed hedge (650m in length) along the eastern boundary, woodland compartments, mix of grassland and scrub habitat throughout the site, as well as 12 artificial bird nesting boxes. The submitted Ecological Assessment Report notes that there would be a loss of nesting habitat for some bird species (including the displacement of two skylark territories).

3.72 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 outlined in the supporting ecological report. This can be secured by a planning condition, which is considered necessary in this respect.

3.73 Natural England has been consulted on the application and have not provided any comment or objections to the proposed development. It is considered that the proposal would not result in significant adverse impacts on statutorily protected nature conservation sites or landscapes.

3.74 The proposal is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the Policies NE1 and NE4 of the Hartlepool Local Plan (2018), Policies NE1 and NE2 of the Rural Neighbourhood Plan (2018) and paragraph 180 of the NPPF (2021).

#### FLOOD RISK & DRAINAGE

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

3.76 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, subject to the inclusion of a planning condition to ensure that the surface water management is undertaken in line with the submitted details, and a planning condition in respect of unexpected contaminated land, which are recommended accordingly. The proposal is considered to be acceptable in this respect.

3.77 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, and an informative note is therefore recommended to make the applicant aware of this.

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

3.79 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

3.80 Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology has considered the proposals including the submitted Historic Environment Desk-Based Assessment and trial trenching which shows that archaeological remains (comprising eight linear

features, four postholes or small pits, some undated plough or ard marks and a possible trackway within trenches 6, 14/15, 18/19 and 25) are present within the proposed development site, and has advised that the proposed programme of archaeological mitigation would need to be undertaken prior to the commencement of development. This can be secured by a planning condition, which is recommended accordingly.

3.81 No concerns or objections have been received by the Council's Head of Service for Heritage and Open Space.

3.82 The application is therefore considered to be acceptable with respect to the impact on heritage assets and archaeology subject to the identified planning condition.

#### OTHER PLANNING MATTERS

3.83 The site is classified as Grade 2 (very good) to 3 (good to moderate) on Natural England's Agricultural Land Classification Map – North East Region 1: 250 000. It is noted that a site specific Agricultural Land Classification survey has been submitted by the applicant in support of the application, which classifies all of the site as Grade 3b (moderate). The Council's Planning Policy section accept this finding, and therefore on the basis that land is not identifiable as best and most versatile agricultural land (Grades 1-3a), it is considered that its development would not conflict with Policy NE1(criteria 9) of the Hartlepool Local Plan (2018), which seeks to preserve this resource.

3.84 The Rural Plan Working Plan Group have requested a condition securing the decommissioning and restoration of the site when the development is no longer required. The applicant themselves have advised that the development would have a 40 year operational life and a suitable planning condition is recommended to secure its removal and the suitable restoration of the site.

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

#### RESIDUAL MATTERS

3.86 It is acknowledged that neighbour objections have been received raising a number of concerns including impact upon property prices. This is not a material planning consideration and as such cannot be weighed in the overall planning balance.

3.87 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. An informative can be appended to the decision notice to relay this advice to the applicant.

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

Networks has been consulted and has confirmed that they have no objections to the proposed development.

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

3.90 Concerns have been received regarding the safety of the proposed structures. The Health and Safety Executive has been consulted via its web advice app in the usual way, the advice received is that the site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore they do not need to be consulted further. No concerns have been raised in his respect by HBC Public Protection, Cleveland Fire Brigade or the Emergency Planning Officer.

## CONCLUSION

3.91 It is acknowledged that local and national planning policy supports development which seeks to address the causes and impacts of climate change and provide for sustainable sources of renewable energy generation.

3.92 In conclusion, it is considered, on balance, that the proposal is acceptable in principle when assessed against the requirements of Policy RUR1 of the Hartlepool Local Plan (2018), Policies GEN1 and NE2 of the Hartlepool Rural Neighbourhood Plan (2018) and the relevant paragraphs of the NPPF (2021). It is acknowledged that there would be a visual impact, however this is considered to be localised and is considered to be acceptable in the context of the adjacent development.

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

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.94 There is no evidence of equality or diversity implications.

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

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

3.96 There are no Section 17 implications.

## REASON FOR DECISION

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Dwg. No. WLP1.0 Rev C (Location Plan), Dwg. No. WLP3.0 Rev F (Proposed Site Layout Plan), Dwg. WLP4.0 (Site Cross Sections), Dwg. No. WLP6.0 Rev A (Proposed Containerised Equipment Plan), Dwg. No. WLP8.0 Rev A (Proposed Perimeter and Substation Fence and Gate Elevation Plan), Dwg. No. WLP9.0 Rev A (Proposed CCTV and Infra-Red Plan) received by the Local Planning Authority 5<sup>th</sup> July 2022; Dwg. No. NT15841-201 (Visual Analysis) received by the Local Planning Authority on 26<sup>th</sup> October 2022; WLP5.0 Rev B (Proposed Battery Pack and Elevations Plan) and Dwg. No. WLP7.0 Rev B (Proposed Inverter/Transformer Station Plan) received by the Local Planning Authority on 22<sup>nd</sup> November 2022.  
For the avoidance of doubt.
3. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity to the plan 'Landscape and Ecological Enhancement Strategy' (Dwg. No. NT15841-200, received by the Local Planning Authority on 5<sup>th</sup> July 2022) and must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the installation of the BESS facility hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.
4. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be operational or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- In the interests of protecting archaeological assets.

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

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

In the interests of avoiding or mitigating ecological harm.
6. A biodiversity management plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The content of the BMP shall be in general conformity with Section 5 'Potential Impacts and Recommendations' of 'Ecological Impact Assessment and Biodiversity Net Gain Assessment' (document reference R006 / July 2022, received by the Local Planning Authority on 5<sup>th</sup> July 2022) and include the following:
  - Description and evaluation of features to be managed, including identification of target ecological condition used to calculate the change in biodiversity value,

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

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

In the interests of ensuring ecological impacts are suitably mitigated/compensated for and to ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.

7. No development shall commence until a Construction Traffic Management Plan (CTMP) for the development has been submitted to and approved in writing by the Local Planning Authority and National Highways. The CTMP shall include:
  - Identification of the routes to site for general construction traffic and the associated workforce, and details of the number and type of vehicle movements anticipated on these routes during the construction period;
  - A detailed protocol for the delivery of any abnormal loads, prepared in consultation and agreement with interested parties, including National Highways, the Local Highway Authority and the Police (if applicable);
  - Any necessary traffic management measures on the routes to site for construction traffic;
  - Proposed measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;
  - A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
  - Measures to ensure that all affected public roads are kept free of mud and debris arising from the development, and that effective wheel/vehicle cleansing is undertaken;
  - Measures to ensure a mechanism for identifying and mitigating any potential cumulative highway impacts, should the construction of the project coincide with the construction of any other major projects in the area;
  - Measures to ensure that all construction traffic to the site follows an approved route to avoid any impacts on the minor road network;



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

8. Prior to the commencement of development, a scheme for dust suppression measures during site remediation and construction works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.  
In the interest of the amenity of neighbouring properties and land users.
9. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree protection measures identified in the 'Technical Note' (document reference NT15841, prepared by Moray Simpson (Associate Director – Arboriculture, documented dated 21/07/2022, received by the Local Planning Authority on 22<sup>nd</sup> July 2022), shall be in place and thereafter retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees 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.
10. Prior to above ground construction, final details of the external finishes to the BESS facility structures hereby approved shall be submitted to and approved by the Local Planning Authority, colour treatments and samples (or high quality photographs) of the desired materials being provided for this purpose. The finishing materials shall include moss green finish to the containers identified in Dwg. No. NT15841-201 (Visual Analysis) received by the Local Planning Authority on 26<sup>th</sup> October 2022. The approved finishes shall be implemented and retained thereafter.  
In the interests of visual amenity.
11. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. The agreed scheme shall be implemented prior to the BESS facility being brought into operation.  
In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.
12. Notwithstanding the requirements of condition 10 and prior to the completion of the BESS facility hereby approved, full details of a 3.8m high bund to be

positioned to the west / southwest of the southern plant area located along the southern boundary(s) as detailed in paragraph 4.15 of the submitted 'Noise Impact Assessment' (document ref R009 by NoiseAssess Ltd, dated July 2022), received by the Local Planning Authority 5<sup>th</sup> July 2022, shall be first submitted to and agreed in writing with the Local Planning Authority.

Thereafter, the agreed scheme shall be implemented in accordance with the agreed details prior to the BESS facility being brought into operation and shall remain in place for the lifetime of the development hereby approved.

In the interests of amenity of future occupiers and the amenities of the area.

13. The scheme for the disposal and management of surface water associated with the BESS facility hereby approved shall be carried out solely in accordance with the submitted 'Flood Risk Assessment and Drainage Strategy', reference R008 / June 2022 (date received by the Local Planning Authority 5<sup>th</sup> July 2022). 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.
14. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 8.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Hartlepool Borough Council's standard 'Site Characterisation' condition. Where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of Hartlepool Borough Council's standard 'Submission of a Remediation Scheme' condition and submitted to the Local Planning Authority for its approval in writing. The approved remediation scheme shall thereafter be implemented and following completion of measures identified in the approved remediation scheme, a validation report shall be prepared in accordance with Hartlepool Borough Council's standard 'Implementation of Approved Remediation Scheme' condition, which is subject to the approval in writing of the Local Planning Authority. For details of the aforementioned conditions, please contact the Local Planning Authority. Long Term Monitoring and Maintenance and a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the

same shall be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

16. When the BESS facility hereby approved ceases its operational use, which shall be no later than 41 years from the commencement of development, all containers, support structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its current use as agricultural land in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority. The developer shall notify the Local Planning Authority in writing of their intended commencement date on site no later than 1 week prior to works starting for the purposes of calculating the time limit for this condition.

The application has been assessed in accordance with the details submitted by the applicant and, taking into account the benefits of the production of renewable energy. At the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=154337>

- 3.99 Copies of the applications are available on-line:

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

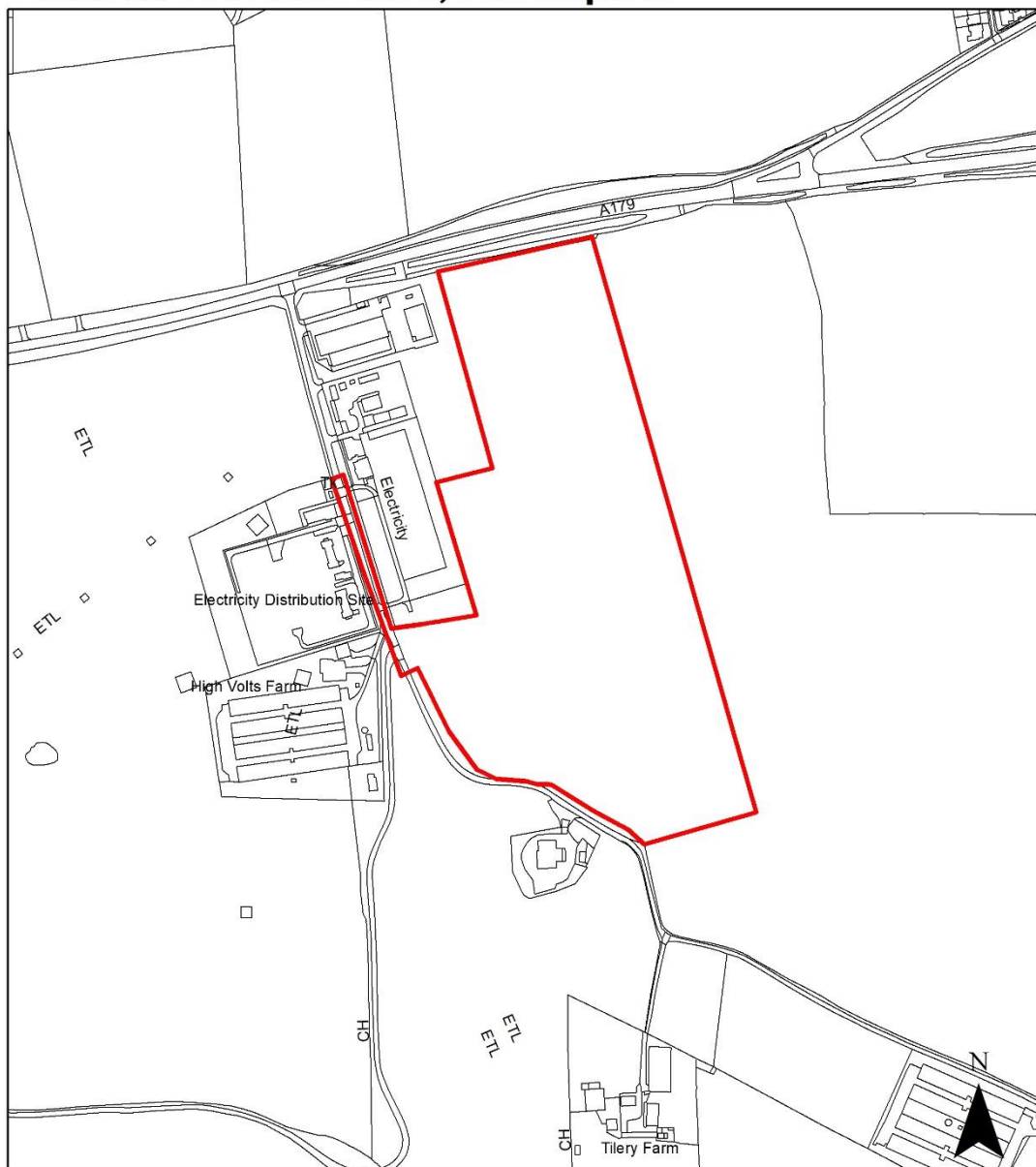
## CONTACT OFFICER

- 3.100 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

**AUTHOR**

3.101 Stephanie Bell  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 523246  
E-mail: [Stephanie.Bell@hartlepool.gov.uk](mailto:Stephanie.Bell@hartlepool.gov.uk)

## Land at Worset Lane, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>1. 9. 2022</b>
	SCALE <b>1:5,000</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0263</b>	REV

## **POLICY NOTE**

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

### **HARTLEPOOL LOCAL PLAN POLICIES**

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

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp\\_2016-2031\\_-\\_made\\_version\\_-\\_december\\_2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018)

### **MINERALS & WASTE DPD 2011**

[https://www.hartlepool.gov.uk/info/20209/local\\_plan/317/tees\\_valley\\_minerals\\_and\\_waste\\_development\\_plan\\_documents\\_for\\_the\\_tees\\_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

### **REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](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"> <li>Local and National planning policy</li> </ul>	<ul style="list-style-type: none"> <li>Political opinion or moral issues</li> </ul>
<ul style="list-style-type: none"> <li>Visual impact</li> </ul>	<ul style="list-style-type: none"> <li>Impact on property value</li> </ul>
<ul style="list-style-type: none"> <li>Loss of privacy</li> </ul>	<ul style="list-style-type: none"> <li>Hypothetical alternative proposals/sites</li> </ul>
<ul style="list-style-type: none"> <li>Loss of daylight / sunlight</li> </ul>	<ul style="list-style-type: none"> <li>Building Regs (fire safety, etc.)</li> </ul>
<ul style="list-style-type: none"> <li>Noise, dust, smells, vibrations</li> </ul>	<ul style="list-style-type: none"> <li>Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>Pollution and contaminated land</li> </ul>	<ul style="list-style-type: none"> <li>Private access disputes</li> </ul>
<ul style="list-style-type: none"> <li>Highway safety, access, traffic and parking</li> </ul>	<ul style="list-style-type: none"> <li>Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>Flood risk (coastal and fluvial)</li> </ul>	<ul style="list-style-type: none"> <li>Private issues between neighbours</li> </ul>
<ul style="list-style-type: none"> <li>Health and Safety</li> </ul>	<ul style="list-style-type: none"> <li>Applicants personal circumstances (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>Heritage and Archaeology</li> </ul>	<ul style="list-style-type: none"> <li>Loss of trade / business competition (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>Biodiversity and Geodiversity</li> </ul>	<ul style="list-style-type: none"> <li>Applicants personal circumstances (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>Crime and the fear of crime</li> </ul>	
<ul style="list-style-type: none"> <li>Planning history or previous decisions made</li> </ul>	

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

# PLANNING COMMITTEE

14 December 2022



**Report of:** Assistant Director (Place Management)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 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. Alterations to a canopy above a front door at a residential property in Hutton Avenue.
2. The rendering of the rear of a residential property in Hayfield Close.
3. Building works and the erection of a high fence at a residential property in The Crest.
4. The erection of an outbuilding at the rear of a residential property in Caistor Drive.
5. The erection of gates and the relocation of fencing at the side of a residential property in Stonethwaite Close.
6. The erection of gates at a residential property in Stonethwaite Close.
7. The erection of pillars and gates at the front, and the erection of a fence at the rear to enclose an additional area of land into rear garden at a residential property in Stonethwaite Close.
8. The erection of high gates at a residential property in Stonethwaite Close.
9. The erection of gates at a residential property in Rosthwaite Close.
10. The erection of fencing at the side of a residential property in Stonethwaite Close.
11. The erection of a high fence at the side of a residential property in Rosthwaite Close.



12. The erection of a fence at the front of a residential property in Rosthwaite Close.
13. The erection of gates at a residential property in Rosthwaite Close.
14. The erection of gates at a residential property in Wasdale Close.
15. The erection of pillars and gates at a residential property in Wasdale Close.
16. The erection of gates at a residential property in Wasdale Close.
17. The erection of a high gate at the side of a residential property in Wasdale Close.
18. The erection of high gates at a residential property in Wasdale Close.
19. The erection of a fence to incorporate additional land at the side of a residential property in Gatesgarth Close.
20. The erection of pillars and gates, and the erection of a fence to incorporate additional land at the side of a residential property in Gatesgarth Close.
21. The installation of a roller shutter at the front of a residential property in Gatesgarth Close.
22. Change of use to a short term let (contractor's accommodation) of a residential property in Lakeland Walk.

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

1. Non-compliance with the approved plans (relates to ground levels at an individual plot) at a residential development at Gregory Gardens. There is no breach of planning control in this case.
2. The rendering of a residential property in Hayfield Close. The subject property was incorrectly identified by the complainant.
3. A change of use to include a hot food takeaway at a service station on Easington Road. The hot food takeaway use has since ceased.
4. The siting of a residential caravan at an industrial site in Tofts Farm Industrial Estate. It was found that the caravan at the site is not in residential use, but rather is used for site security purposes.
5. The change of use to a hot food takeaway of a hotel annexe at the rear of Church Street, Seaton Carew. The hot food takeaway use has since ceased.

6. The change of use of a residential property in Saffron Walk for use as a childminders/nursey. It was found that the activity did not lead to a material change of use requiring planning permission.
7. Non-compliance with the approved plans (relates to the erection of a wall in place of a timber fence) at a residential development at Mayfair Gardens. A retrospective planning application seeking to regularise the development has since been approved.
8. Non-compliance with a construction management plan (relates to the provision of wheel washing facilities) at a residential development at land off Wynyard Woods. It was found that the site is operating in compliance with the construction management plan.
9. The sub-division of a residential property in Dent Street to create 2 flats. The property has not been sub-divided therefore there is no breach of planning control in this case.
10. The installation of an external flue at the rear of a commercial premises in Raby Road. The external flue has now been removed.
11. The removal of metal railings and gate and their replacement with a timber fence and gate at the front of a residential property on Henry Smith Terrace. The timber fence and gate have now been removed and metal railings and gate have been re-instated.
12. The installation of an antenna at the rear of a residential property in Sinclair Road. A retrospective planning application seeking to regularise the development has since been approved.
13. Non-compliance with conditions at an industrial premises on Windermere Road. A part retrospective planning application seeking to regularise the development has since been approved.
14. Non-compliance with the approved plans at a residential development at Mayfair Gardens. The works, which relate to the hard surfacing of a service strip, have been carried out at the request of the local highway authority and therefore it is considered that further action is not considered expedient and that the complaint file should be closed.
15. The display of a shopfront sign at a commercial premises on Lowthian Road. The shopfront sign benefits from deemed consent.
16. Failure to discharge a condition relation to the disposal of foul and surface water at a residential development site at land east of Brenda Road and south of Seaton Lane. The condition has now been discharged.

**2. RECOMMENDATION**

- 2.1 Members note this report.

**3. CONTACT OFFICER**

- 3.1 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel 01429 284291  
E-mail [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

**AUTHOR**

- 3.2 Tony Dixon  
Enforcement Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523277  
E-mail: [tony.dixon@hartlepool.gov.uk](mailto:tony.dixon@hartlepool.gov.uk)

## **PLANNING COMMITTEE**

**14<sup>th</sup> December 2022**



**Report of:** Assistant Director (Place Management)

**Subject:** DEVELOPMENT MANAGEMENT PERFORMANCE  
– SECOND QUARTER 2022-23

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### **1. PURPOSE OF REPORT**

1.1 This report is for information.

### **2. PURPOSE OF REPORT**

2.1 To update the Planning Committee on performance of the Development Management service for the second quarter of 2022/2023.

### **3. BACKGROUND**

- 3.1 The Development Management service focuses on determining planning applications. The service encourages the use of an advisory service (One Stop Shop) to enable proposals to be considered informally before applications are submitted, helping to improve the quality of development where appropriate. The section is also responsible for monitoring development and, where necessary, implementing enforcement action against unauthorised development.
- 3.2 The Government's current statutory determination periods for planning applications are 8 weeks for non-major development, 10 weeks for technical details consent, 10 weeks for development relating to major public service infrastructure projects (excluding EIA development) involving schools, hospitals and criminal justice accommodation, 13 weeks for major development and 16 weeks for EIA (Environmental Impact Assessment) development.
- 3.3 The Government sets stringent standards for performance, if these are not met then an authority can come under special measures which would mean that an applicant could apply to the Planning Inspectorate to determine its application rather than the planning authority. The Government's criteria for special measures designation require that, in terms of speed of decision making, 60% of major and 70% of non-major applications are determined within the statutory periods (or within an agreed extension of time). In terms of quality of decision making the criteria require that less than 10% of an authorities total decisions are overturned on appeal.

#### **4. PERFORMANCE FOR THE FIRST QUARTER**

##### *Speed of decision making*

- 4.1 For the second quarter the service recorded that 100% of major applications were determined within the statutory periods (or within an agreed extension of time). For non-major ('minor' or 'other') applications 100% of applications were determined within the statutory periods (or within an agreed extension of time). For county matters (mineral and waste) none were determined within the quarter.
- 4.2 In all cases, the service is far exceeding the government's performance targets. Furthermore, of these applications, 90% were approved.

##### *Quality of decision making*

- 4.3 For the second quarter of the year 3 appeals were dismissed by the Planning Inspectorate. The authority has therefore had 0% of its decisions overturned on appeal this quarter, again far exceeding the government's target of less than 10%.

#### **5. RECOMMENDATION**

- 5.1 That members note the report.

#### **6. CONTACT OFFICER**

- 6.1 Kieran Bostock  
Assistant Director - Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [Kieran.Bostock@hartlepool.gov.uk](mailto:Kieran.Bostock@hartlepool.gov.uk)

#### **7. AUTHOR**

- 7.1 Jim Ferguson  
Planning and Development Manager  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 523274  
E-mail: [Jim.Ferguson@hartlepool.gov.uk](mailto:Jim.Ferguson@hartlepool.gov.uk)

## PLANNING COMMITTEE

14 December 2022



**Report of:** Assistant Director (Place Management)

**Subject:** PLANNING APPEAL AT THE OLD YACHT CLUB,  
FERRY ROAD, HARTLEPOOL, DURHAM TS24 0AE  
APPEAL REF: APP/H0724/W/22/3309272  
Demolition of existing structure and construction of  
artificial nesting structures for kittiwakes and  
associated infrastructure (H/2022/0009).

### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a planning application for the demolition of existing structure and construction of artificial nesting structures for kittiwakes and associated infrastructure. The application was refused by Members in the Planning Committee meeting on 22<sup>nd</sup> June 2022.
- 1.2 The planning application was refused for the following reasons:
1. *In the opinion of the Local Planning Authority, the proposed development would have the potential to result in a constraining impact on the activities of the adjacent port and the economies of the area, contrary to policies LS1 and EMP4 of the Hartlepool Local Plan (2018).*
  2. *In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposal would not result in an adverse impact on the amenity of neighbouring land users in terms of noise, contrary to policy QP4 of the Hartlepool Local Plan (2018).*
  3. *In the opinion of the Local Planning Authority, the proposed development would result in an adverse impact on the visual amenities of the area, contrary to policy QP4 of the Hartlepool Local Plan (2018).*

1.3 The appeal will be determined under the written representations procedure.

### 2. RECOMMENDATIONS

2.1 That Members note this report.

**3. CONTACT OFFICER**

- 3.1 Kieran Bostock  
Assistant Director – Place Management  
Level 4  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: 01429 284291  
E-mail: [Kieran.Bostock@hartlepool.gov.uk](mailto:Kieran.Bostock@hartlepool.gov.uk)

**AUTHOR**

- 3.2 Stephanie Bell  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523246  
E-mail: [stephanie.bell@hartlepool.gov.uk](mailto:stephanie.bell@hartlepool.gov.uk)

## PLANNING COMMITTEE

14<sup>th</sup> December 2022



**Report of:** Assistant Director (Place Management)

**Subject:** APPEAL AT LYNN STREET, STRANTON,  
HARTLEPOOL TS24 7BY  
APPEAL REF: APP/H0724/W/22/3302368  
Prior notification for proposed telecommunications  
installation of 15m phase 9 super slimline monopole  
and associated ancillary works (H/2022/0139)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an application for the prior notification for proposed telecommunications installation of 15m phase 9 super slimline monopole and associated ancillary works at Lynn Street, Stranton, Hartlepool (H/2022/0139).
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. (**Appendix 1**)

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

- 3.1 Kieran Bostock  
Assistant Director - Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [Kieran.Bostock@hartlepool.gov.uk](mailto:Kieran.Bostock@hartlepool.gov.uk)



**4. AUTHOR**

4.1 Jane Tindall  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523284  
E-mail: [Jane.Tindall@hartlepool.gov.uk](mailto:Jane.Tindall@hartlepool.gov.uk)

## Appendix 1.



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## Appeal Decision

Site visit made on 6 September 2022

**by C Megginson BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25 October 2022**

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**Appeal Ref: APP/H0724/W/22/3302368**

**Lynn Street, Stranton, Hartlepool TS24 7BY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Hartlepool Borough Council.
  - The application Ref H/2022/0139, dated 29 March 2022, was refused by notice dated 24 May 2022.
  - The development proposed is described as a Proposed telecommunications installation: Proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the Hartlepool Local Plan (2018) (the Local Plan) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

### Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area. If any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed having regard to the potential availability of alternative sites.

### Reasons

5. The appeal site sits on the pavement, adjacent to the entry gates of The Northern Studios film studios, on the eastern side of Lynn Street. Lynn Street is a long street of varied uses on the boundary of the town centre. Local Plan Policy RC3 designated the area as an innovation and skills quarter and seeks

positive change within the area including improvements to the public realm. The street features a mix of residential, office, commercial and NHS uses and features vehicular accesses to the Northern School of Art as well as the Northern Studios film studios.

6. Buildings on the western side of the street are up to three storeys high. Streetlights are regular in their height, spacing and siting on this side of the street and are viewed against the backdrop of the three storey buildings. The eastern side of the street, by contrast features few streetlights, street furniture or other vertical structures in the vicinity of the appeal site. In addition, the long single storey, flat roofed studio building, and brick boundary wall give a horizontal emphasis to this side of the street.
7. The proposed monopole has been reduced from a height of 20m in a previous proposal, and at 15m is stated to be the minimum height which can be deployed to bring the benefits of 5G. The height would be over twice the height of the flat roofed studio building, in a prominent central section of the street. It would also be significantly greater in height than the existing vertical structures present on the opposite side of the street and would be greater in thickness and a noticeably different shape. This would appear alien and unexpected in such a context.
8. There are some trees nearby, but they are some distance away along the street and the appeal proposal would not be viewed in the context of these trees, nor would they offer any screening. Whilst views may be more limited beyond Lynn Street, the prominent roadside position would be highly visible along the length of Lynn Street itself and its numerous junctions. I appreciate that there are commercial uses in the surrounding area and that efforts have been made to keep the monopole away from potentially sensitive receptors and to locate it on a wider stretch of pavement. However, the height and positioning of the proposal would stand out as an incongruous feature, would add to the visual clutter and would cause harm to the character and appearance of the area.
9. Insofar as they are a material consideration, the proposal would be contrary to the aims of Policies INF5 and QP4 of the Local Plan, which seek to minimise the impact on visual amenity as well as paragraphs 126 and 130 of the Framework which seeks to achieve well-designed places.
10. Paragraph 115 of the Framework states that the number of communications masts and the sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use of existing masts. The appellant has investigated alternative sites as required by paragraph 117 of the Framework and discounted them, in summary, due to insufficient pavement width.
11. I appreciate that the search area for the proposed development is constrained. However, limited information has been provided as to why the alternative sites were discounted or why these were the only possible locations within the search area. I am not, therefore, convinced that less harmful alternatives have been properly explored. I attach significant weight to the benefits that the roll out of 5G coverage would provide. However, these matters are not sufficient to outweigh the effect of the proposed installation on the character and appearance of the area.

### **Other Matters**

12. The appellant has noted that following consultation with organisations with an interest in the proposal there was no response, suggesting no objection to the proposal itself. The absence of objection does not in itself render the scheme acceptable.

### **Conclusion**

13. For the reasons given above, I consider that the siting and appearance of the proposal would be unacceptable. I conclude that the appeal should be dismissed.

*C Megginson*

INSPECTOR