

PLANNING COMMITTEE

AGENDA



Wednesday 18 January 2023

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 14th December 2022 (*to follow*)

4. ITEMS REQUIRING DECISION

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

- | | | |
|----|-------------|--------------------------|
| 1 | H/2022/0263 | Worset Lane (page 1) |
| 2 | H/2022/0024 | White Hart Inn (page 37) |
| 3. | H/2022/0394 | Golden Flatts (page 51) |

5. ITEMS FOR INFORMATION

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

5.2 Appeal on vacant land at Fens Lane, Hart - *Assistant Director (Place Management)*

5.3 Appeal at 21 North Lane, Elwick - *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.

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 15 February 2023



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

14th December 2022

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

Present:

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Tom Feeney, Brenda Harrison, Andrew Martin-Wells, David Nicholson and Veronica Nicholson.

In accordance with Council Procedure Rule 4.2 Councillor Cook was in attendance as substitute for Councillor Young

Officers: Kieran Bostock, Assistant Director (Place Management)
Sylvia Pinkney, Assistant Director (Regulatory Services)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Peter Frost, Highways, Traffic and Transport Team Leader
Helen Smith, Planning Policy Team Leader
Stuart Edwards, Flood Risk Officer
James Bellis, Principal Planning Officer
Stephanie Bell, Senior Planning Officer
Nick Robertson, Planning Officer
Jo Stubbs, Democratic Services Officer

71. Apologies for Absence

Apologies were submitted by Councillors Sue Little, Denis Loynes, Melanie Morley and Mike Young.

72. Declarations of interest by members

Councillor Rob Cook declared an interest in planning application H/2022/0263 (Worset Lane) as Ward Councillor

Councillor Veronica Nicholson declared an interest in planning application H/2022/0311 (land at King Oswy Drive) as Ward Councillor

Councillor Andrew Martin-Wells declared an interest in planning application H/2022/0344 (land at Wynyard Woods) as Ward Councillor

73. Confirmation of the minutes of the meeting held on 16th November 2022

Minutes approved

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

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

Councillor Cook moved that the vote to refuse be put . This was seconded by Councillor D Nicholson.

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

For – Councillors Moss Boddy, Paddy Brown, Brenda Harrison, Andrew Martin-Wells, David Nicholson, Veronica Nicholson and Rob Cook

Against – none

Abstained – none

As Councillor Tom Feeney 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: Planning Permission Refused

REASONS FOR REFUSAL

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 Court), 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.

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

A member queried whether the objections due to noise concerns were based on noise during the construction process or when the development was completed. The Planning Team Leader (DC) said this had not been specified however officers were happy that there would be no impact on residents

during and post construction given the distance between the development and the nearest residences.

A member referred to the ongoing appeals against previous refusal to the North of the application site. The Planning Leader (DC) advised that those appeals were not material to the current application. A member noted that if the appeal led to approval it would change the whole dimension of the area. The Planning and Development Manager acknowledged this but noted their location to the north of the A179 and advised that today's application should be considered on its own merits.

Councillor Cook moved that consideration of this item be deferred for a site visit given concerns around the visual impact. This was seconded by Councillor Moss Boddy and approved by a majority.

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

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

Members queried a reference to an application for this development which had been approved in July 2014, specifically that the section 106 had not been completed. The Planning Team Leader (DC) advised that this information had been included within the report for completeness but did not impact on the application under consideration.

A member raised concerns over complaints that the roads around the development were not being kept clean. The Highways, Traffic and Transport Team Leader indicated there had been ongoing discussions with the

developer and consequently the streets were now being swept 4 times a day. Officers would continue to monitor the situation.

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

For – Councillors Moss Boddy, Paddy Brown, Tom Feeney, Brenda Harrison, Andrew Martin-Wells, David Nicholson, Veronica Nicholson and Rob Cook

Against – none

Abstained – none

Decision: Planning Permission Approved

CONDITIONS AND REASONS

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 12th 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 Wynyrd 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.

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

Members were given information on 22 complaints currently under investigation and 16 which had recently been completed.

Decision

That the report be noted.

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

Members were updated on the performance of the Development Management Service for the second quarter of 2022/23. All major, applications, non-major applications had been dealt with within the statutory periods or agreed time extensions. There had been no county matters. No decisions had been overturned by the planning inspectorate. The performance far exceeded current Government targets.

Members asked that their appreciation be passed on to all those involved.

Decision

That the report be noted

77. Planning Appeal at the Old Yacht Club, Ferry Road, Hartlepool *(Assistant Director (Place Management))*

Members were advised that an appeal had been submitted against the decision to refuse an application for the demolition of an existing structure and construction of artificial nesting structures and associated infrastructures.

Decision

That the report be noted.

78. Appeal at Lynn Street, Stranton, Hartlepool (*Assistant Director (Place Management)*)

Members were advised that an appeal against the prior notification for a proposed telecommunications installation and associated ancillary works at Lynn Street had been dismissed. A copy of the inspector's decision was attached.

In response to members queries the Planning Team Leader (DC) advised that developers tended not to engage with planning officers when it came to the best places to site these installations.

Decision

That the report be noted

80. 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.

Following the decision to hold a site visit members were advised that there had previously been agreement that future site visits would continue to take place virtually rather than in person. However they indicated that they wished to attend in person on this occasion. The Assistant Director (Place Management) requested that members meet officers at the site rather than be transported from the Civic Centre. Details of the time and meeting place would be forwarded by calendar invite.

81. Local Government (Access to Information) (Variation Order) 2006

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

Minute 82 – (Enforcement Items) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege

could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

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

This information is detailed in the closed section of the minutes.

Decision

Detailed in the closed section of the minutes

The meeting concluded at 11:10am

CHAIR

No: 1.
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

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. This application was deferred at the last committee meeting of 14.12.2022 to allow members to undertake a site visit.

BACKGROUND

1.2 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

1.3 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.

1.4 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.

1.5 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.

1.6 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.

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

1.8 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.

1.9 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.

1.10 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.

1.11 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).

1.12 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.

1.13 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.

1.14 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.

1.15 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

1.16 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.

1.17 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.

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

PUBLICITY

1.19 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.

1.20 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

1.21 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.

1.22 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.

1.23 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.

1.24 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>

1.25 The period for publicity has expired.

CONSULTATIONS

1.26 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

1.27 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

1.28 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)

1.29 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)

1.30 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

1.31 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

1.32 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).

1.33 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.

1.34 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.

1.35 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.

1.36 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.

1.37 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.

1.38 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).

1.39 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.

1.40 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.

1.41 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.

1.42 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.

1.43 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.

1.44 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.

1.45 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.*

1.46 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.

1.47 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)

1.48 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.

1.49 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.

1.50 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;

1.51 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.

1.52 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.

1.53 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.

1.54 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.

1.55 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).

1.56 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.

1.57 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.

1.58 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.

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

1.60 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

1.61 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.

1.62 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.

1.63 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.

1.64 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.

1.65 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

1.66 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.

1.67 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

1.68 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.

1.69 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.

1.70 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.

1.71 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).

1.72 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.

1.73 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.

1.74 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

1.75 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.

1.76 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.

1.77 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.

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

1.79 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

1.80 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.

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

1.82 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

1.83 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.

1.84 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.

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

RESIDUAL MATTERS

1.86 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.

1.87 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.

1.88 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.

1.89 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.

1.90 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 this respect by HBC Public Protection, Cleveland Fire Brigade or the Emergency Planning Officer.

CONCLUSION

1.91 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.

1.92 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.

1.93 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

1.94 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.95 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.

1.96 There are no Section 17 implications.

REASON FOR DECISION

1.97 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 5th July 2022; Dwg. No. NT15841-201 (Visual Analysis) received by the Local Planning Authority on 26th 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 22nd 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 5th 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 5th 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 22nd 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 26th 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 5th 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 5th 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

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

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

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

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

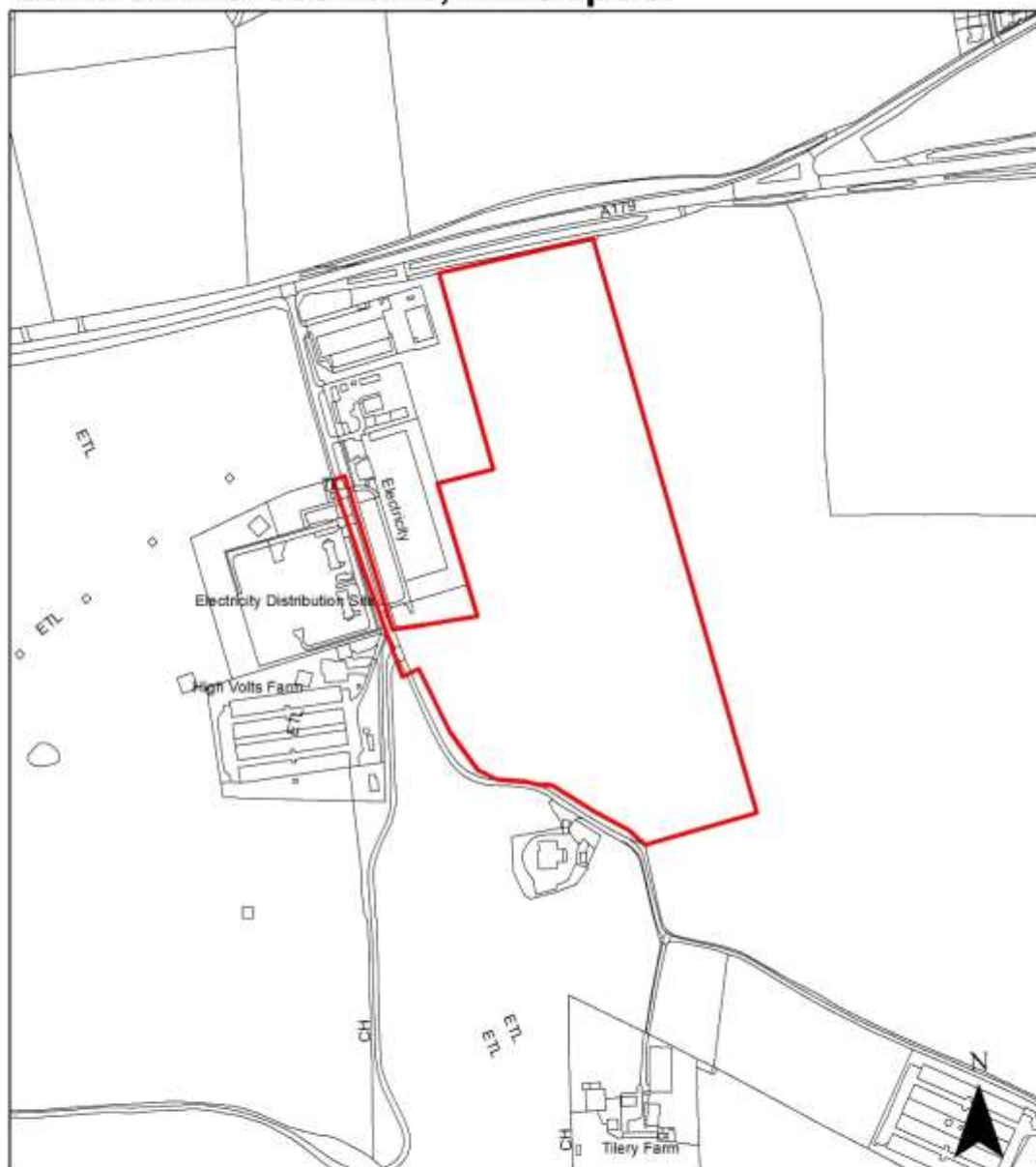
CONTACT OFFICER

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

AUTHOR

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

Land at Worset Lane, Hartlepool



Copyright Reserved Licence No100023390 (2022)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 2.
Number: H/2022/0024
Applicant: SEAN DRINKEL FRONT STREET HART HARTLEPOOL
TS27 3AJ
Agent: PLANNING HOUSE MRS HELEN HEWARD 4
MAYNARD GROVE WYNYARD BILLINGHAM TS22 5SP
Date valid: 22/02/2022
Development: Extension to beer garden including installation of raised
decking to rear of public house (retrospective application)
Location: WHITE HART INN FRONT STREET HART
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following application is considered relevant to the application site:

H/2007/0664 - Erection of a lit and heated pergola canopy and fencing (retrospective application). Approved 06/11/2007.

PROPOSAL

2.3 This application seeks retrospective planning permission for works that have been carried out to the rear of the public house to allow for an extension to the beer garden including the installation of raised decking area along the north east boundary, to the rear of the public house.

2.4 It should be noted that the provision of a beer garden within the established curtilage of an existing public house does not constitute a material change of use (or require planning permission). It is the permanent structures required to facilitate a beer garden that requires planning permission as is the case in this instance. As such, the works include the siting of artificial turf, raised decking and bench style seating within the rear yard area serving the public house. The total beer garden space would measure approximately 12m from the rear elevation by approximately 5.4m in width (at the widest part), to incorporate the existing outbuildings within this space. The proposals include the installation of a fence to the rear (north) and eastern side boundary, with a height of approximately 1.8m from the decking (approx. 2.1m from the ground level). A lightweight perspex roof covers part of the outside beer garden space.

2.5 The application has been amended during the course of consideration. Initially the application included the retrospective works for the erection of a first floor terrace/balcony with associated fence to the rear of the public house (for residential use). The first floor terrace comprised the installation of a close boarded timber fence with a height of approximately 1m. Following concerns expressed from the case officer to the applicant regarding the unacceptable impacts on visual and neighbour amenity and other concerns including the structural security of applying any proposed fencing/screening, the applicant's agent removed this element from the application. The outstanding matter of the unauthorised terrace/balcony does not form part of the consideration of this application, save for a planning condition which requires the removal of the balcony/terrace within an appropriate timescale, taking into account the length of time the structure has been in situ, the need to address officer concerns over any impacts on neighbouring properties, but also the current winter period.

2.6 As such, the current application is solely seeking planning permission for the retrospective beer garden element.

2.7 It is understood from the applicant's submission (application forms) that the works were completed in September 2021.

2.8 The application has been referred to be determined in the planning committee as more than three objections have been received, in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.9 The application site comprises an existing public house and beer garden of the White Hart Inn, in Hart, in Hartlepool. The public house is a locally listed building situated on the northern side of Front Street. To the rear, the application site is bounded by commercial buildings to the north and north west (including Hart Industrial Tools), whilst to the west the application site abounds No. 13 Front Street (a residential property) at first floor, with an entrance to rear commercial properties and the back lane serving both Front Street and White Hart Court at ground floor. To the east lies residential properties along Mill View, with No. 1 being sited adjacent to the application site. No. 6 Cleve Coat Walk is sited to the north, beyond a public footpath.

PUBLICITY

2.10 The proposed development has been advertised by way of a site notice and 7 neighbour notification letters. To date, 7 objections (including 2 from the same address) raising a number of concerns and objections that can be summarised as follows;

- Large, out of keeping fencing to balcony;
- Noise and disturbance, fence to beer garden does not meet noise standards;
- People in support of the proposals do not live locally;
- Public house has never had a beer garden;
- Smell of smoke;

- Request that external flashing lighting, external TV, external music is not permitted;
- Anti-social behaviour, at times requiring police presence;
- Inappropriate access to the rear (from Clevecoat Walk) due to parking and access concerns;
- Request that beer garden be closed at 9pm;
- Overlooking from balcony and raised decking;
- Increased noise from balcony;
- Over developed plot;
- Safety of intoxicated people at a height, slipping on wooden surfaces, and fire risks (in respect to the balcony element).

2.11 26 representations of support (including 4 from the same addresses) and 1 representation offering no objections to the works have been received. The letters of support can be summarised as follows:

- No complaints with regard to noise or crowding;
- No issues of overlooking;
- Improvements to dark and depressing village pub;
- Tasteful secluded area that was an asset during lockdown;
- Economically essential;
- The balcony area is discreet;
- Improved outside areas;
- Improvements to a failing business;
- Great community venue;
- Transformation of the beer garden has been completed to a high standard;
- Positive contribution.

2.12 As noted above, the application was amended during the course of consideration of the application. The application initially included a retrospective first floor balcony element. During the course of consideration, the application was amended to include a proposed 1.8m high (approx.) obscurely glazed screening around the first floor balcony. A re-consultation was not considered necessary in respect of this amendment.

2.13 As noted above, it was considered that the first floor balcony element could not be made acceptable in planning terms and this element of the application was subsequently removed from the application, and a re-consultation to neighbours and technical consultees was undertaken. A further objection from an original objector detailed above has been received, primarily reiterating the same concerns and objections.

2.14 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=151285>

2.15 The period for publicity has expired.

CONSULTATIONS

2.16 The following consultation replies have been received:

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

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

1. The outside seating area shall only be open for use by the public from 11am until 11pm. The seating area shall not be used beyond these times.
2. No live music, karaoke or other amplified sound or speech shall be played/performed in the outdoor area at any time.
3. Any external lighting installed in the outdoor area shall be of a suitable type of light and installed at the correct height and position to prevent light spillage from the development to nearby residential properties.

UPDATE 05/01/2023

HBC Public Protection verbally confirmed that the hours of operation of the beer garden would be covered by the site license.

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

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

Cleveland Police: Police have no objections.

HBC Head of Service for Heritage and Open Space: The application site is a locally listed building and therefore recognised as a heritage asset.

Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. The National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 203, NPPF).

Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed.

Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

The application is retrospective and relates to a number of extensions to the rear of the property in the form of covered seating areas, decking and a balcony. The significance of the building lies within its architectural character and the decoration in the form of a ships figure head. This is primarily found to the front of the property.

The works presented cover the rear garden area and alter the appearance of the back elevation at both ground and first floor level. It is however considered that on balance given the limited views that are available of these works are acceptable and do not cause harm to the heritage asset.

HBC Countryside Access Officer: Public Footpath No.5, Hart Parish runs to the rear of the application site/property. The application plans show an opening out onto the Public Footpath. As all public rights of way are highways (in Law), there is no right, under the Highways Act 1980 to allow for openings, gates or doors to open outwards onto a highway. The plans will need to be modified accordingly to allow for the opening to open inwards. This is a legal requirement and will need to be acted on accordingly. If the applicant would like to discuss this with me, I will be happy to oblige. Please ask the applicant to contact should they need to.

Update 02/11:

Yes this was sorted and they have closed off that opening.

Tees Archaeology: The White Hart is a locally listed building, however, we have no objection to the development in this instance.

HBC Building Control: The work would require a full plans application, if it has been done on site they should submit a regularisation application. The App should include existing and proposed scale plans, the details of the floor/existing roof for suitability for use as a commercial or domestic floor loading, the fire resistance of the ceiling below, guarding to the balcony to be min/max. 1100mm high and designed to resist the load. The guarding to the balcony area must be capable of acting as a barrier/guarding in accordance with approved document K and to be designed to resist the minimum loads in BSEN 1991-1-1 with its UK National Annex and PD6688-1-1.) design from supplier required. Details of the emergency lighting, smoke detection and fire alarm system. Fire exit signage. How does the rain water go off the roof? Is it commercial or domestic? Either way the layout as built may not be allowed depending how this area is accessed.

Rural Plan Working Group: No comments received.

Hart Parish Council: No comments received.

HBC Arboricultural Officer: No comments received.

HBC Community Safety: No comments received.

HBC Estates: No comments received.

HBC Public Health: No comments received.

HBC Public Health: No comments received.

HBC Ecology: No comments received.

HBC Economic Development: No comments received.

PLANNING POLICY

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

Hartlepool Local Plan (2018)

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

HE1: Heritage Assets

HE5: Locally Listed Buildings

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

RUR1: Development in the Rural Area

SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan (2018)

GEN1: Development Limits

GEN2: Design Principles

EC1: Development of the Local Economy

National Planning Policy Framework (NPPF)(2021)

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

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA 038: Decision-Making
 PARA 047: Determining Applications
 PARA 130: Achieving well-designed places
 PARA 134: Achieving well-designed places
 PARA 185: Impacts on the natural environment
 PARA 192: Promoting healthy and safe communities
 PARA 218: Implementation

2.20 HBC Planning Policy comments: PP have concerns with regards to the impact that the outdoor area could have upon the amenity of neighbouring residents by virtue of noise and disturbance. If this application is minded to approve then Planning Policy request that the hours of use are limited so that the impact upon neighbours can be reduced. With regards to the first floor balcony if there are increased opportunities for overlooking then the application should be resisted, this may especially be the case with regards to the property to the west.

PLANNING CONSIDERATIONS

2.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, neighbour amenity, visual amenity (including the impact on the locally listed building), highway and pedestrian safety, crime and anti-social behaviour. These and all other matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

2.22 The development involves the extension to an outdoor beer garden area to the rear/north of the main public house establishment that is located within the development limits of Hart village and is 'white land' (no specific policy allocation). The Council's Planning Policy section has considered the information contained within the application and have raised concerns with regards to the appropriateness of the development in this location, in terms of the potential for the extended beer garden to result in an increased noise and disturbance for nearby neighbouring properties, and the potential for the first floor terrace to result in an increased overlooking to neighbouring properties. These matters are considered in further detail in the section on neighbour amenity, below.

2.23 Subject to the application satisfying the requirements of other material planning considerations (set out in the sections below), the principle of development is considered to be acceptable in this instance.

NEIGHBOUR AMENITY

2.24 Objections and concerns have been received in relation to the application and the impact of the proposed extension of the beer garden to the rear of the public house, primarily in respect to noise and overlooking.

2.25 Consideration is given to the established curtilage of the public house as well as the remaining separation distances to the closest neighbouring properties that abound the site including the commercial premises of Hart Industrial Tools which adjoins the site to the north west, a distance of approximately 2.1m to the boundary and approximately 4.7m to the southern side elevation of No. 6 Cleve Coat Walk to the north, approximately 20cm to the boundary and approximately 8.7m to the side/rear of No. 1 Mill View to the east, and approximately 14m to the rear of No. 13 Front Street to the west.

2.26 To the south, a separation distance of approximately 34m would remain between the extension to the beer garden and the closest neighbouring property of White Hart Cottage, and it is considered that the residential properties to the front/south would be screened from the retrospective and proposed development by the main public house building itself.

2.27 In view of the above separation distances that would be maintained between the extended beer garden and the modest scale and design of the development that is located within the existing curtilage of the public house, it is considered that the development would not result in such significant adverse impacts on the amenity or privacy of neighbouring properties (including neighbouring properties on Mill View to the east, Front Street to the west, White Hart Court to the north west and Cleve Coat Walk to the north) in terms of loss of light, loss of outlook, overbearing impression or overlooking as to warrant a refusal of the application in this instance.

2.28 It is acknowledged that objections have been received in relation to the application and the impact of development in regards to increased noise disturbance from the use of the beer garden, whilst a neighbour has requested that the area should not be open to the public later than 9pm. Other comments from neighbouring objections state that live or amplified music should not be played in the beer garden area.

2.29 The Council's Public Protection have been consulted on the proposals and consider that impacts on neighbour amenity can be addressed by prohibiting live music, karaoke or other amplified sound or speech in the outdoor area at any time, and controlling any external lighting installed in the outdoor area to prevent light spillage from the development to nearby residential properties. The extended beer garden is understood to be served by a number of small lights which are unlikely to constitute development. Should any proposals come forward for external lighting (such as floodlighting) that would require planning permission, then this would need to be considered through a separate planning application and/or any resultant impacts could be considered through separate environmental legislation (i.e. light pollution). In respect to the restriction to limit the playing of music, given that the beer garden use itself does not require planning permission, it is not considered to be reasonable in planning terms to apply such a condition to prevent music being played to the beer garden. In respect to HBC Public Protection's original requirement for the hours of use of the beer garden to be limited, they have since confirmed that

the hours can be controlled by the site license for the premises and therefore there is no need to duplicate the requirement through planning legislation.

2.30 In addition, Cleveland Police have confirmed no objections to the proposal.

2.31 In view of the above considerations and taking into account the established siting of the public house (and associated curtilage) and remaining separation distances to surrounding properties, on balance, it is considered that the development would not result in an adverse loss of amenity in terms of noise disturbance as to warrant a refusal of the application.

VISUAL AMENITY (INCLUDING IMPACT ON LOCALLY LISTED BUILDING)

2.32 The extension to the beer garden is sited to the rear of the host public house. Given the existing appearance of the host public house and the context in terms of surrounding paraphernalia within the external curtilage of the public house (including permitted external seating areas, existing fences, timber furniture and outbuildings) and taking into account the existing street scene to the front (along Front Street) and rear (along White Hart Court) (including commercial properties abounding the application site to the north and north west), it is considered that the extension to the beer garden would not have a detrimental impact upon the existing host premises, street scene or the character of the surrounding area. Furthermore, no objections have been received from the Council's Landscape Architect.

2.33 The application site is a locally listed building and therefore recognised as a heritage asset. Policy HE1 of the Hartlepool Local Plan (2018) seeks preserve, protect and positively enhance all heritage assets. Policy HE5 of the Hartlepool Local Plan (2018) supports the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Paragraph 203 of the NPPF (2021) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

2.34 The Council's Head of Service for Heritage and Open Space considers that the significance of the building lies within its architectural character and the decoration in the form of a ships figure head. This is primarily found to the front of the property. The Council's Head of Service for Heritage and Open Space has confirmed that as the works presented alter the appearance of the rear elevation and area of the public house, with limited views that are available of the works from the front, the development does not cause harm to the heritage asset.

2.35 In view of the above, it is considered that the development is in accordance with the requirements of policies HE1, HE5 and QP4 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021) and therefore acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area.

HIGHWAY & PEDESTRIAN SAFETY

2.36 It is noted that the host public house is served by a large car park to the front (beyond the main highway of Front Street to the south) which would remain unaltered by the retrospective extension to the beer garden. The Council's Highways, Traffic and Transport section have been consulted on the application and have not raised any objection to the application.

2.37 The Council's Countryside Access Officer has been consulted on the application and confirmed that Public Footpath No.5, Hart Parish runs to the rear of the application site/property. The original submitted plans show an opening out onto the Public Footpath. As all public rights of way are highways (in Law), there is no right, under the Highways Act 1980 to allow for openings, gates or doors to open outwards onto a highway. The applicant submitted an amended plan showing the gate opening inward (onto the beer garden), to which the Council's Countryside Access Officer confirmed was an acceptable resolution, and that they had no further concerns with the proposals. The development is therefore considered to be acceptable in this regard.

CRIME AND ANTI-SOCIAL BEHAVIOUR

2.38 It is acknowledged that a neighbour representation has made reference to the prevalence of anti-social behaviour in the vicinity. Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 92 of the NPPF (2021) states "*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*".

2.39 Cleveland Police have confirmed that they would have no objections to the proposal. HBC Community Safety have not offered any objections or comments in respect of the proposal. It is therefore considered acceptable in respect of crime and anti-social behaviour matters.

OTHER PLANNING MATTERS

2.40 No objections have been received from technical consultees in respect of drainage, contamination or archaeology. The development is therefore considered to be acceptable in respect of these matters.

OTHER MATTERS

2.41 It is noted that the comments from the Council's Building Control team highlight concerns with the previously included element of the retrospective balcony element of the proposals. However, this element has since been removed from the current application. In any event, Building Regulations are controlled by a different regime and such issues would not be a material planning consideration.

PLANNING BALANCE AND OVERALL CONCLUSION

2.42 Overall, it is considered that the principle of development in this location is acceptable. It is further considered that the development would not result in significant adverse impacts on the amenity or privacy of neighbouring land users or result in any adverse visual impacts (including on the locally listed building), and the development is considered to be acceptable in respect of all other material considerations. The development is therefore considered to accord with policies QP4, HE1 and HE5, QP5 and QP6 of the Hartlepool Local Plan (2018), Policy GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) and relevant provisions of the NPPF (2021).

EQUALITY AND DIVERSITY CONSIDERATIONS

2.43 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.44 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.

2.45 There are no Section 17 implications.

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

RECOMMENDATION – APPROVE subject to the conditions below:

1. The development hereby permitted (extension to beer garden including installation of raised decking to rear of public house) shall be carried out in accordance with the plans and details; Dwg. No. 2206.P.04 Rev A ('Location Plan') received by the Local Planning Authority on 22nd February 2022; Dwg. No. 2206.P.01 Rev B ('Ground Floor Plan and Photographs') and 2206.P.05 Rev A (Existing Block and Proposed Block Plan) both date received by the Local Planning Authority on 9th March 2022; Dwg. No. 2206.P.03 Rev B ('Elevations' with the exception of any reference or works to the 'balcony as developed' which this permission does not relate to and shall be removed within the timescale stipulated in condition 2) received by the Local Planning Authority on 8th December 2022.
For the avoidance of doubt.
2. Within 3 (three) months from the date of the decision notice, the first floor balcony/terrace and associated canopy and decking annotated as 'View A showing balcony as developed' and 'View E as developed' on plan Dwg. No. 2206.P.03 Rev B (Elevations, received by the Local Planning Authority on 8th December 2022) and Dwg. No 2206.P.02 Rev A (First Floor Plan and Photographs, received by the Local Planning Authority on 15th February 2022) shall be removed and the building restored to its former condition before the breach took place.

In the interests of visual amenity and the amenities of neighbouring properties, and to which the permission is based.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151285>

2.48 Copies of the applications are available on-line:

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

CONTACT OFFICER

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

AUTHOR

2.50 Stephanie Bell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 523246
E-mail: Stephanie.Bell@hartlepool.gov.uk

White Hart Inn, Hart, Hartlepool



Copyright Reserved Licence No100023390 (2022)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 11. 7.2022
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2022/0024	REV

No: 3.
Number: H/2022/0394
Applicant: BOWMER & KIRKLAND SPACES FITZROVIA 77-79
 NEW CAVANDISH STREET LONDON W1W 6XB
Agent: DPP PLANNING MR BOB ROBINSON SPACES
 FITZROVIA THE HARLEY BUILDING 77-79 NEW
 CAVANDISH STREET LONDON W1W 6XB
Date valid: 22/11/2022
Development: Approval of reserved matters for the erection of a new
 SEN school building (Class F1) and associated outdoor-
 sports areas and infrastructure pursuant to the outline
 element of H/2022/0168
Location: LAND TO THE WEST OF BRENDA ROAD GOLDEN
 FLATTS SCHOOL HOUSE SEATON LANE
 HARTLEPOOL

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 A hybrid planning permission (H/2022/0168) for the erection of a Special Educational Needs (SEN) school (in outline, all matters reserved except access), and installation of access road (in detail) was approved on 24th August 2022. This application is for the 'reserved matters' of the erection of the SEN school element of H/2022/0168, as required by condition 2 of that approval.

3.3 The wider area beyond the application site has an extensive planning history. The most relevant and recent planning applications are considered to be:

To the west / north west

3.4 H/2019/0260 – Residential development comprising 55no. dwellings. Approved 25/02/2020.

3.5 H/2021/0572 – Erection of 76 dwellings, associated infrastructure and landscaping. Pending consideration ('minded to approve' subject to the completion of the s106 legal agreement).

Beyond Brenda Road to the east

3.6 H/2021/0498 – Demolition of all existing buildings and erection of 234no. new dwellings and associated infrastructure and landscaping. Approved 23/02/2022.

PROPOSAL

3.7 This application seeks approval of reserved matters (internal pedestrian and highway layout, layout, scale and appearance of the building(s) and the landscaping) for the erection of a new SEN school building (Class F1) and associated outdoor-sports areas and infrastructure pursuant to the 'outline' element of hybrid planning permission H/2022/0168.

3.8 The proposal includes details of the general arrangement and materials of the school building, associated landscape works, infrastructure and parking within the application site.

3.9 The proposed two storey modular school building runs in a north to south orientation in the central element of the main application area. The main pedestrian entrance would be located on the western elevation, with further entrances on the east, north and south elevations. The school building would have a maximum gross area of approximately 2,024sqm and includes a library, ICT classroom, fitness suite, dining hall, assembly hall at ground floor with classrooms and staff rooms at first floor. The building would be predominantly finished in red brick slips with grey panel cladding, with aluminium windows, curtain walls and other finishing details. The submitted elevations indicate 20 bat roost bricks.

3.10 The proposals include access to the north west corner (to the access road approved in 'full' through H/2022/0168 that links up to Seaton Lane), with a pedestrian crossing (internal to the site layout), and an internal car park on the western side, comprising a total of 47 parking spaces (37 staff car parking spaces, 5 visitor spaces, 4 accessible spaces, 3 minibus spaces and 4 EV charging points). There are also 13 'drop off' spaces and a cycle store providing parking for 20 bicycles.

3.11 The area to the east of the main school building includes a Multi-Use Games Area (MUGA), open playing fields, yard and courts, a woodland play area to the north of the site, a trim trail, horticulture area sensory garden and a habitat area sited toward the eastern part of the application site, with a buffer and swale along the easternmost section of the red line boundary (which runs up to Brenda Road, present beyond the eastern boundary).

3.12 A substation is to be sited along the western boundary of the application site. The submitted plans also indicate a service yard including bin store and other associated areas to the south of the application site.

3.13 The proposal includes boundary fencing around the perimeter of the site, comprising a weldmesh fence with a height of approximately 2.4m, with an acoustic barrier to the eastern boundary (to Brenda Road) with a height of approximately 2.7m. A weldmesh fence with a height of approximately 1.2m would enclose the primary yard and animal care areas. The MUGA would be enclosed with a weldmesh fence with a height of approximately 3m. The proposed bin store and sprinkler tank (to the south) would be screened by a timber fence with a height of approximately 1.8m.

3.14 Soft landscaping plans (and an Arboricultural Impact Assessment) have been submitted as part of the scheme in addition to a Planning, Design and Sustainability Statement (including Heritage and Archaeology), Drainage Strategy and contaminated land statements and an Ecological Impact Assessment. These are considered in detail below.

3.15 The application seeks to provide a number of details in respect of several conditions of the outline permission H/2022/0168. Whilst these details are considered where appropriate in the context of the current reserved matters application (pertaining to ‘layout, landscaping, scale and appearance’), ultimately the conditions of the outline permission will need to be satisfied through the appropriate and separate process of a discharge of conditions application.

3.16 The application has been referred to the Planning Committee in line with the Council’s scheme of delegation as the proposal represents a ‘departure’ from the Hartlepool Local Plan (2018), notwithstanding that the proposal relates to an extant hybrid planning permission which has established the principle of development of an SEN school in this location.

SITE CONTEXT

3.17 The application site relates to a parcel of land measuring approximately 1.4 hectares situated to the south of Seaton Lane and west of Brenda Road, known as Golden Flatts, primarily comprising former grazing fields which is currently occupied by horse grazing. The application site is not within a designated nature conservation site, however it is identified as green infrastructure under Policy NE2j (Natural and Semi-Natural Open Space) of the Hartlepool Local Plan (2018), although as noted above, outline planning permission for the erection of a school at the site was established through hybrid planning permission H/2022/0168.

3.18 The application site is accessed from Seaton Lane via the access road (full element) approved under hybrid application H/2022/0168. Although the site is accessible from both Seaton Lane (via the existing dirt/access track) and Brenda Road (via the Public Right of Way running beyond the southern boundary of Golden Flatts), no formal vehicular access into the site exists from these trunk roads.

3.19 The site is adjacent to a primary school building and associated grounds to the north, whilst to the south, the parcel of land is adjacent to a steel works. To the east lies commercial/industrial units as well as the parcel of land that benefits from a recent planning permission for residential development (H/2021/0498). To the north (east of the approved access road) are properties within Whitehorn Gardens (understood to consist of residential care bungalows and independent supported living apartments) whilst to the north west (west of the approved access road) are the rear boundaries serving the newly constructed and occupied properties within Golden Meadows (approved as part of H/2019/0260). Mature trees and hedges are present within the application site boundary.

PUBLICITY

3.20 The application has been advertised by way of 10 notification letters to individual neighbouring properties, site notice and press advert. To date, no representations have been received.

3.21 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=155814>

3.22 The period for publicity has expired.

CONSULTATIONS

3.23 The following consultation replies have been received:

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

- Demolition or construction works 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 nor at any time on Sundays or Bank Holidays.
- A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
- We would like a condition to state No open burning at any time on site however following discussions with Hartlepool Councils Planning Department it is understood this could not be enforced under Planning Conditions. We would therefore kindly request a statement from the applicant that no opening burning will take place on site and ask the applicant to note that Public Protection have alternate enforcement powers that will be used should we deem them necessary regarding opening burning.
- All deliveries to the school shall only be carried out between the hours of 7:00am and 7:00pm on any day. In the interests of the amenities of the occupants of neighbouring properties.
- Prior to commencement of the development a scheme detailing any floodlights for outdoor area use shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the submitted details and retained as such for the lifetime of the development. In the interests of the amenities of neighbouring occupiers.
- Prior to commencement of the development a scheme detailing any fixed plant equipment shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the submitted details and retained as such for the lifetime of the development. In the interests of the amenities of neighbouring occupiers.

- An hours restriction on the use of the building and outside recreational area and any multi-use games areas or sports pitches is required. This is in the interests of the amenities of neighbouring occupiers. The building and outside recreational areas shall not be used outside of the hours 07:00hrs – 19:00hrs Monday to Friday.

HBC Ecology: I have looked at the relevant submitted documents, including the:

- Tree retention and removal plan
- Landscape general arrangement plan
- Planting strategy
- Landscape maintenance and management plan.

I am satisfied that these reflect the Ecology requirements highlighted at the Outline planning application stage and recommend that these plans are conditioned once any suggested amendments from the HBC Arboricultural Officer and HBC Landscape Architect are satisfied. All other Ecological issues were considered in the H/2022/0168 planning application and subsequent approval.

HBC Landscape Architect: Subject to an agreed layout, full details of hard and soft landscape proposals shall be provided prior to any consent being given. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. Details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings. Soft Landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.

Update 19/11/2022 following re-consultation on additional plans and details:

Sufficient landscape information has been provided to approve reserved matters. The Arb officer should be consulted regarding Arboricultural Assessment information.

HBC Arboricultural Officer: Condition 7 of committee report for H/2022/0168: The submitted planting strategy (FS0893-ALA-00-XX-DR-L-0011/S2/P03) and associated Landscape maintenance and management Plan (FS0893-ALA-00-XX-RP-L-0001/Aug2022) are deemed acceptable in terms of tree planting and maintenance. There would still be the “5 years from the completion of the development of The Access, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.” Condition 15 of committee report for H/2022/0168: The submitted Tree retention and Removal Plan (FS0893-ALA-00-XX-DR-L-0012/S2/P02) differs to the annex E ‘Tree Constraints Plan’ of document BS5837 “Tree Survey, Arboricultural Impact Assessment, date received by the Local Planning Authority on 14/04/2022. T3 originally T16 in the AIA is now down for retention when it was originally down for removal. There is no fencing shown on proposed plan. There needs to be identified fencing on the plan that corresponds to the key. This should also be the case for all the retained trees on the

site including the ones where the access road is coming through to the site. This is so no vehicles can hit said trees or damage RPA's from driving over them during works. The plan should be amended to include the access road area and fencing marks on the plan around any retained trees.

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 plans to divert a public footpath (Public Footpath No.5, Seaton Parish) northwards to route along the outside of the developments western and northern boundaries, linking to Brenda Road. This would potentially provide extra pedestrian access from Brenda Road to the main entrance of this proposed development.

HBC Flood Risk Officer: In response to your consultation on the above application we have no objection to the approval of the reserved matters of appearance, layout, scale and condition 7 of decision H/2022/0168 in respect of surface water management or contaminated land.

HBC Traffic and Transport: There are no highway or traffic concerns. The proposed car park layout is acceptable.

Tees Archaeology: Thank you for the consultation on this application. The access road is subject to archaeological monitoring during its construction (Condition 10, application H/2022/0168) in order to record archaeological remains known to exist along its route; however, there are no archaeological concerns for the development proposed by this application.

Update 16/12/2022 following re-consultation on additional plans and details:

We have no objection to this and would refer back to our comment on 08/12/2022 in relation to this development.

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.

Northumbrian Water: 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.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled “Drainage Strategy Layout”. This document reflects our pre-planning enquiry advice identifying that foul flows will discharge to the existing public combined sewer downstream of manhole 1401. Surface Water flows will discharge to the existing public combined sewer downstream of manhole 1401, at a restricted rate of 3.5 l/sec. We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above named document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Drainage Strategy Layout” dated “13th September 2022”. The drainage scheme shall ensure that foul flows discharge to the combined sewer downstream of manhole 1401 and ensure that surface water discharges to the combined sewer downstream of manhole 1401. The surface water discharge rate shall not exceed the available capacity of 3.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer’s approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts / design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.

National Highways: National Highways commented on application H/2022/0168 at outline stage for this proposed development with a response offering no objection. We have no further comments on this application at reserved matters stage.

Sport England: The scale of sports facilities proposed at this site is small, so it’s one we have no comment upon.

Cleveland Police: I would strongly recommend that the developer checks out the Secured by Design Interactive Guide for school premises. The link is here. Our team are happy to work with the developer to look at security measures that can be 'built in' from the start of the project.

HBC Community Safety: Community Safety have no objections to the proposal. The site is secured with has 2.4 weldmesh perimeter fencing with the MUGA having 3m perimeter fencing. A comment would be that there does not appear to be any CCTV cameras for site security or security lighting for the car parking area.

HBC Sport and Recreation: After reviewing all documentation in regards to the above planning application I have no objections from a sport and physical activity perspective if areas of concern identified in the sports pitch feasibility report are actioned and compliant with guidance from Sport England, this specifically relates to the MUGA and sports pitch. In addition to the 5v5 sports pitch should be compliant with the FA's pitch dimensions and relevant 3m run off as recommended within the report.

Further to the above it's pleasing the planning application identifies the facility will provide community use with suitable access and operational arrangements. Also, the cycle storage and wider active travel proposals will hopefully encourage more people, to be more active, more often.

HBC Estates: No comments received.

HBC Children's and Joint Commissioning: No comments received.

HBC Children's Services: No comments received.

HBC Economic Development: No comments received.

Environment Agency: No comments received.

Hartlepool Water: No comments received.

Natural England: No comments received.

HBC Parks and Countryside: No comments received.

HBC Head of Service for Heritage and Open Space: No comments received.

HBC Housing Management: No comments received.

HBC Education: No comments received.

Ramblers Association: No comments received.

HBC Waste Management: No comments received.

HBC Building Control: No comments received.

HBC Public Health: No comments received.

PLANNING POLICY

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

Local Policy

3.25 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 and Mitigating Flood Risk
 INF2: Improving Connectivity in Hartlepool
 INF4: Community Facilities
 LS1: Locational Strategy
 NE2: Green Infrastructure
 QP1: Planning Obligations
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 SUS1: The Presumption in Favour of Sustainable Development

Tees Valley Minerals DPD

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

MWP1 – Waste Audits

National Planning Policy Framework (NPPF)(2021)

3.27 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:

PARA001: 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

PARA044: Pre-application engagement and front-loading

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA057: Planning conditions and obligations

PARA058: Planning conditions and obligations

PARA092: Promoting healthy and safe communities

PARA093: Promoting healthy and safe communities

PARA095: Promoting healthy and safe communities

PARA098: Open space and recreation

PARA099: Open space and recreation

PARA110: Considering development proposals

PARA112: 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

3.28 HBC Planning Policy comments: There are no planning policy objections to this proposal provided that the scheme is built to a high quality of design.

PLANNING CONSIDERATIONS

3.29 Although the application site is allocated under Policy NE2j (Natural and Semi-Natural Green Space) on the Hartlepool Local Plan Policies Map (2018), hybrid planning permission H/2022/0168 was approved in August 2022, which granted permission for the installation of the access road in full, and the erection of a SEN school in outline. As part of the consideration of the hybrid application and to address the loss of the open space, a planning condition (24) was secured requiring a scheme to deliver green infrastructure improvements within vicinity of the site. HBC Planning Policy continue to raise no objections to the proposals. As such, the principle of development on this site has been established by way of the previous approval.

3.30 Therefore, the main considerations relate to the proposed reserved matters (layout, landscaping, appearance and scale) including the impact upon the visual amenity of the area, impact on the amenity and privacy of existing and future neighbouring land users, and other planning matters including ecology and nature conservation, flooding and drainage, impact on highway and pedestrian safety, impact on archaeology, heritage assets, safety and security and any other material planning considerations.

VISUAL AMENITY (APPEARANCE, SCALE, LAYOUT + LANDSCAPING)

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

3.32 Paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Layout

3.33 The proposed layout broadly follows the indicative layout approved through the outline application H/2022/0168, to comprise the main school building in the central area of the main application site, car parking and access roads to the western side, and outdoor sports yards, fields, and pitches to the eastern section, with landscaped areas to the north and extending to the east to Brenda Road.

3.34 It is considered that the proposed school building would be comfortably accommodated within the application site, accessed by the approved access road (as detailed above) on the western side.

3.35 Details of proposed levels and proposed site sections have been submitted in support of the application, which indicate that although relatively level, the site slopes from west (high) to east (low). On the main, the proposed levels changes from the existing ground levels (based on the information provided to date) are broadly acceptable and it is considered that the proposals would be positioned comfortably within the site and its surroundings. The application does not provide full details of existing site levels and those beyond the immediate boundaries (to fully compare any changes in levels) and ultimately such details need to be provided and formally agreed through the discharge of condition 19 of hybrid application H/2022/0168, which is a separate process to the current application.

3.36 The proposals include parcels of landscaping to the north-west corner (entrance onto the site), for both pedestrian spaces and intentional planting throughout the car parking on the western side of the application site. Throughout

the north and east of the application site are areas of amenity grassland, informal recreation areas and an animal care area. Other green spaces include playing fields, sensory garden, woodland play and buffer vegetation areas which are considered to soften the overall development and can be comfortably accommodated within the site layout.

3.37 It is considered that the overall layout of the car parking, school buildings, and outdoor areas, including internal amenity grassland, are acceptable.

Scale and Appearance

3.38 It is acknowledged that the proposed two storey linear school building may be partially visible when travelling along nearby roads (including Seaton Lane and Brenda Road) or from other vantage points within the surrounding area. Nevertheless, it is considered that the design and scale of the proposed school building and associated areas (playing pitches, habitat area etc) are modest and would not adversely impact upon the character and appearance of the existing site or the surrounding area. It is of further note that the proposed school building would be sited toward the centre of the application site with satisfactory separation distances to the adjacent highways to the north and to the east along with intervening boundary treatments and neighbouring buildings.

3.39 The submitted plans and details indicate that the main school building would be finished in red brick slips with grey panel cladding, with aluminium windows, curtain walls and other finishing details. It is acknowledged that surrounding street scenes include housing with similar red brick and grey tile fascias and roofs. It is also noted that the proposals include bat roosting bricks on the east and south elevations, and solar panels on the roof which are considered to be minor additions and are considered to be acceptable. Final details, including samples, of finishing materials can be secured by planning condition, which is recommended accordingly.

3.40 On the main, the proposed school building would be read in the context of the adjacent school to the north and it is considered that the proposed associated infrastructure including the landscaping buffers between the primary school to the north and Brenda Road to the east would assist in softening any significant visual impacts.

3.41 It is noted that the proposals include the installation of an acoustic fence along the eastern section of the site boundary (approximately 27m) with a height of approximately 2.7m, adjacent to Brenda Road (extending to the northern and southern boundaries for approximately 50m and 80m respectively). It is acknowledged that Brenda Road features mature tree and shrub planting in this area along with an open ranch style fence. A number of industrial and commercial buildings are present further south with the boundary treatment of the existing school running to the north (consisting of palisade fencing, a low brick wall and mature planting). As noted above and opposite the eastern boundary to the site is a residential development currently under construction. Given the set back of this proposed acoustic fencing from the footpath by approximately 4.5m and that it would run in line with the boundary treatment serving the existing primary school to the north, overall, it is considered that this would not introduce a significant incongruous

feature into the street scene or adversely affect the character and appearance of the area as to warrant a refusal. Final details and the design (and fence stain) of the acoustic fence can be secured by a planning condition where consideration could be given to ensuring that the fence is stained an appropriate colour to further assist in reducing any adverse impacts (for example a moss green to reflect the adjacent planting).

3.42 The remainder of the perimeter fencing would be a mesh fencing with a height of approximately 2.4m, whilst the proposed MUGA would be enclosed with fencing with a height of approximately 3m. It is considered that these fences would be common for a school design and in keeping with other boundary treatments throughout the wider area of Brenda Road and the commercial and industrial buildings to the south and east of the application site. Taking into account the modest scale and design of fencing, it is considered that this would not result in any unacceptable visual impacts in this instance, subject to a planning condition to secure the final details (elevations) of the boundary treatments.

3.43 It is noted that the application includes a number of ancillary structures including a substation, canopies to facilitate outdoor teaching areas, play equipment, a bin store, cycle stores and a sprinkler tank. It is noted that the substation is sited along the western boundary (approximately 20m south of the main entrance in the north-west corner), whilst the remaining ancillary structures are located to the southern section of the application site. Given the layout of the site, it is considered that the siting of the proposed substation would be readily visible on approach into the school site (and from the wider areas of the Golden Flatts open space), and it would have been more beneficial to have been located to the south with the other ancillary structures. However, consideration is given to the modest overall scale and likely design of the proposed substation and other ancillary structures, which would be read in the backdrop of the main school building and overall site. Such structures would also be partially screened by the proposed perimeter fencing (albeit open weld mesh fencing). On balance, it is considered that these elements would not result in unacceptable incongruous features within the overall site context, subject to the receipt of the final details (and elevations) which can be secured by a planning condition.

3.44 No objections have been from the Council's Planning Policy team or the Council's Landscape Architect in this context.

3.45 Overall, it is considered that the design and scale of the proposed school building and associated areas (playing pitches, habitat area etc) and structures (including boundary treatment) are modest and would not adversely impact upon the character and appearance of the existing site or the surrounding area.

Landscaping + Impact on Landscape Features

3.46 Condition 7 of hybrid permission H/2022/0168 required that a scheme for the provision, long term maintenance and management of landscaping was submitted with the reserved matters application. As such, the application is supported by a Landscape General Arrangement, and a Landscape Maintenance and Management Plan. The Council's Arboricultural Officer and the Council's Landscape Architect

have considered the submitted details and following the submission of additional/amended plans, confirm that the proposed landscaping details are acceptable.

3.47 The application site features trees along the northern boundary extending around the eastern boundary and hedgerows throughout the parcel of land. An Arboricultural Impact Assessment (AIA) has been provided in support of the application, which contain details only in respect of the school site (and not the access road as is required by condition 15 of the hybrid planning permission H/2022/0168). In response, the Council's Arboricultural Officer has confirmed that the details are broadly acceptable in respect of the school site, subject to a final scheme for protective fencing to existing planting that is to be retained, covering both the access road and school site, as required by condition 15 of H/2022/0168. Ultimately, the applicant will need to formally agree and provide the required details through the discharge of condition 15 of the hybrid permission.

3.48 In terms of soft landscaping, the proposals include instances of shrub and herbaceous planting throughout the site, with blocks within the car parking to the western extent, playing fields and woodland areas to the north and east of the site. The Council's Ecologist has confirmed such details are acceptable from an ecological enhancement perspective. The Council's Landscape Architect and Arboricultural Officer have also both confirmed that such details are acceptable.

3.49 In terms of hard landscaping, condition 25 of the hybrid permission required the applicant to provide such details as part of the reserved matters. The proposals include a mixture of block paving and macadam throughout the car park, paths around the site, and the play yard area. The submitted details indicate that external areas would be linked using self-binding gravel, whilst the MUGA will comprise a permeable surface. The Council's Landscape Architect has confirmed that such details are acceptable.

3.50 In view of the above, including the views of the Council's Landscape Architect, Ecologist and Arboricultural Officer, it is considered that the application is acceptable in this respect.

Character & Appearance Summary

3.51 In view of the above, it is considered that the proposal is in accordance with the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021) and therefore acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area.

NEIGHBOUR AMENITY

3.52 Policy QP4 (Layout and Design of Development) requires, amongst other provisions, that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance,

overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook.

3.53 Paragraph 130 of the NPPF requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

3.54 It is of note that the proposed school building would be sited with satisfactory separation distances of approximately 3m from the northern boundary, 20m from the southern boundary and approximately 37m from the western boundary and therefore separation distances of approximately 125m would remain to the residential properties along Golden Meadows to the west and approximately 115m from the Golden Flatts Primary School to the north.

3.55 To the east, the proposed school building would be sited approximately 200m from the closest properties to the east (which would include the approved residential development to the east of Brenda Road as referenced in the Background of this report), with the main highway (Brenda Road) between. The proposed school buildings would be sited approximately 80m from the existing commercial building that abounds the site to the east/south east with the associated external areas of the proposed school being positioned adjacent to the boundary of this property. A substantial separation distance of approximately 195m would remain from the southern site boundary of the proposal to the nearest steel works to the south (understood to be Tata Steel).

3.56 Whilst it is acknowledged that the existing use of the parcel of land is green infrastructure (comprising grazing fields), the overall wider site context new housing development to the west and north west, industrial buildings to the south and east (including beyond the main highway of Brenda Road), and an existing primary school to the north, and as such the proposed school development would be sited adjacent to existing development.

3.57 It is also of consideration that the nearest sensitive land users (including residential properties along Golden Meadows and residential properties in Whitethorn Gardens), would be separated from the proposed school development by existing boundary treatments and it is considered that the proposed school building would exceed the satisfactory separation distances that meet the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (2019) and read in the context of the above mentioned existing site context. It is also considered that the proposed external car parking and other infrastructure would achieve a satisfactory relationship to the adjacent commercial properties to the south, immediately to the east and beyond the highway of Brenda Road (where residential development has recently been approved). The impacts of the proposed and main access were considered as part of hybrid planning permission H/2022/01668 to which the access element was approved in full and are therefore the access element is not for consideration as part of this application.

3.58 Policy QP6 of the Hartlepool Local Plan (2018) requires that where appropriate, applicants must investigate and address the effects of a proposal on general disturbance, including noise.

3.59 Paragraph 185a of the NPPF (2021) states that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”*.

3.60 The application is accompanied by a Noise Impact Assessment which concludes that no mitigation is necessary. The Council's Public Protection section have been consulted on the application (as well as the hybrid planning permission H/2022/0168) and raise no objections to the proposals subject to inclusion of a number of planning conditions, which did not include any requirement for any acoustic fence. Notwithstanding this, it is of note that the applicant intends to provide the installation of an acoustic fence to the eastern boundary, which is considered to be acceptable in visual amenity terms, subject to the final design and appearance being agreed by way of a planning condition.

3.61 As noted above, the Council's Public Protection section have recommended a number of conditions relating to fixed plant and machinery; construction management plan; lighting; construction hours; restriction of hours for deliveries to the school; and restriction of overall hours of use of the school and outside recreational areas), however these are secured on the hybrid planning permission via conditions 11, 17, 29, 31, 32 and 33 respectively and would continue to apply to this reserved matters permission. The Council's Public Protection section have also requested that the applicant confirm that there would be no open burning at the application site, to which the applicant has duly confirmed this in writing to the case officer. In any event, this would be controlled by separate environmental legislation.

3.62 With respect to noise and disturbance, it is considered that the scheme is unlikely to result in any unacceptable increase in additional noise and disturbance than might be expected from the proposed school of this size, particularly when considering the size and location of the adjacent primary school site in relation to existing residential and commercial properties.

3.63 In order to safeguard the amenity of neighbouring properties and future occupiers of the estate, as noted above, planning conditions are secured on the associated hybrid permission in respect to the control of hours of opening of the proposed school site as agreed by the Council's Public Protection team.

3.64 Furthermore, it is considered that disruption from construction activity can be appropriately controlled and there would therefore not be any significant detrimental impact on the amenity of neighbours from undue disturbance, including noise, light or air pollution.

3.65 In view of the above, it is considered that the proposed school site would not result in any adverse impact on the amenity or privacy of any neighbouring property (or users of the adjacent footpaths and roads) in terms of loss of outlook,

overbearing impression, overshadowing or overlooking, or adverse noise or light disturbance or air pollution and the proposal is considered to accord with Policies QP4 and QP6 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2021).

Neighbour Amenity Summary

3.66 Overall, in view of the above and given the overall scale and design of the proposals and remaining separation distances and relationships from the proposed school to the closest residential properties (including residential neighbours at properties along Golden Meadows), and commercial properties (including those immediately adjacent to the site to the east), it is considered that the proposed access road and the erection of school buildings would not result in an adverse loss of amenity and privacy for existing and future neighbouring land users, subject to the identified planning conditions that are secured within the associated hybrid planning permission. The application is considered, on balance, to be acceptable with respect to the impact on the amenity of neighbouring land users and in accordance with policies QP4 and QP6 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

OTHER PLANNING MATTERS

Ecology

3.67 Matters relating to ecology including the requirement for Habitat Regulations Assessments (which were scoped out in respect of both recreational disturbance and nutrient neutrality because the school is not a residential development and will cater for residents of the borough) were considered and addressed as part of the main hybrid planning permission H/2022/0168 (including the outline element of the SEN school). The Council's Ecologist has confirmed that the submitted details for the reserved matters for the SEN school, including the landscaping proposals, are acceptable and reflect the ecology requirements highlighted at the outline planning application stage (H/2022/0168). The Council's Ecologist has reiterated that all other ecological issues were considered in the H/2022/0168 planning application and subsequent approval.

3.68 Condition 5 of H/2022/0168 requires a scheme for offsite compensation to ensure that the approved development provides the delivery of 3.74 Habitat Units of habitat creation or habitat uplift. A number of measures in respect of Biodiversity Net Gain (BNG) were secured through the outline application H/2022/0168, including condition 23 to address specific measures to mitigate for the impact on biodiversity such as the provision of bird and bat boxes. The applicant has provided details of the bat and bird boxes. Such details will need to be formally agreed through the discharge of conditions application for condition 23 (as well as the other ecology related conditions).

3.69 Natural England has been consulted on the application has not offered any comments or objections.

3.70 The application is considered to be acceptable with respect to the impact on ecology and nature conservation.

Highway and Pedestrian Safety (including site layout and car parking)

3.71 As considered during the hybrid application H/2022/0168, the access road and footpath are required to be in place/connected to the existing highway before the school is occupied and this is secured by a planning condition (No. 35). The Council's Highways, Traffic and Transport section have been consulted on the application and have confirmed that the overall layout and car parking is acceptable and that there are no objections to the application. The proposal is therefore considered to be acceptable in this regard.

3.72 In terms of public footpaths, it is acknowledged that an existing Public Right of Way (PRoW) runs along the adjacent fields to the south of the application site. The Council's Countryside Access Officer has been consulted in respect of the application and has confirmed that there is no impact upon any PRoW and/or permissive paths running through, abutting to or being affected by the proposed development of this site. Planning condition 24 of the hybrid planning permission H/2022/0168 secures green infrastructure improvements (with an equivalent cost of £7,000.00).

3.73 In view of the above, it is considered that the proposal would not result in any adverse impact on car parking, highway and pedestrian safety and the proposal is considered to be acceptable in this respect, subject to the inclusion of appropriate planning conditions.

Flood Risk & Drainage

3.74 The proposed development would be situated in an area identified by the Environment Agency's Flood Map for Planning as being in Flood Zone 1 (low risk of flooding). Notwithstanding this, given the site area, the application has been accompanied by a Flood Risk Assessment and Drainage Strategy.

3.75 The Council's Flood Risk Officer has been consulted on the proposals and has confirmed no objection to proposals in respect of surface water management or flood risk. Northumbrian Water have been consulted on the application and have confirmed no objection subject to a planning condition requiring that foul and surface water is in accordance with the submitted details. It is noted that foul (12) and surface water (14) drainage conditions were appended to H/2022/0168, at the request of Northumbrian Water and the Council's Flood Risk Officer. It is not appropriate to agree the drainage conditions through the current reserved matters application, and therefore the applicant will need to formally discharge them through the appropriate process (discharge of conditions application).

3.76 The Environment Agency has been consulted on the application and have confirmed no objection in respect of flooding.

3.77 Subject to the inclusion of the above mentioned planning conditions, the proposal is considered to be acceptable in regard to flood risk and surface water

drainage, and contaminated land, in accordance with the relevant Policies of the Hartlepool Local Plan (2018) and paragraphs of the NPPF (2021).

Contaminated Land

3.78 The Council's Flood Risk Officer has been consulted on the proposals and has confirmed no objection to proposals in respect of contaminated land. Condition 9 of H/2022/0168 requires that details are submitted prior to the commencement of development of the SEN school. This application does not amend that requirement.

Archaeology & Heritage Assets

3.79 The application site is situated a substantial distance from designated heritage assets, including Seaton Conservation Area.

3.80 Local Plan Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. It is noted that the access road (approved in full as part of the hybrid planning permission H/2022/0168) is subject to archaeological monitoring, albeit the siting of the school site is not considered to have any impact on any heritage assets as assessed and confirmed by Tees Archaeology on the hybrid permission H/2022/0168. Tees Archaeology have confirmed that the proposals will not have a significant impact on any known heritage assets. The proposal is considered to be acceptable in these respects.

3.81 The Council's Head of Service for Heritage and Open Space has not offered any comments or objections and therefore the application is considered acceptable in this respect.

Safety & Security

3.82 The Council's Community Safety section have been consulted on the proposal and have confirmed no objections, whilst Cleveland Police have been consulted on the proposal and have advised that the application site could be designed carefully as to avoid crime, such as through the use of CCTV and lighting. Whilst such proposals do not form part of the current application details, this advice can be relayed to the applicant by way of informative.

Playing Pitches

3.83 As the application relates to the provision of playing fields Sport England has therefore been consulted on the application as a statutory consultee. Sport England have confirmed that they are satisfied that proposed playing field and MUGA are acceptable.

3.84 The Council's Sport and Recreation section has been consulted on the proposals and have confirmed that the proposed playing areas are acceptable, provided they are constructed to be compliant with the FA's pitch dimensions and relevant 3m run off as recommended within the submitted plans and details. The application is therefore considered to be acceptable with respect to the impact on the provision of playing pitches.

Waste

3.85 No comments or objections were received from HBC Waste Management or HBC Traffic and Transport. As noted above, the site makes provision for waste storage which is considered to be acceptable.

3.86 The Tees Valley Minerals DPD requires details with respect to the management of waste from the site once the building is operational. The requirement for a Waste Audit was secured by condition 26 of the hybrid planning permission H/2022/0168. Subject to the applicant satisfying this condition via the discharge of conditions process, the proposal is acceptable in this respect.

Other matters

3.87 It is of note that any erected signage would likely require a separate Advertisement Consent application and to which an informative can be appended to any decision notice for the applicant's attention.

RESIDUAL MATTERS

3.88 Cleveland Fire Brigade have offered no objections to the proposals with advice on the requirement for access and water supplies access. With respect to the installation of sprinklers, at this stage, the proposed school is in outline only and such details are not available. Ultimately this would need to be considered and addressed through the separate legislation of Building Regulations and is not a material planning consideration. Nevertheless, Cleveland Fire Brigade's comments have been forwarded to the applicant for their consideration and a suitable informative note if recommended to reiterate this advice

CONCLUSION

3.89 Overall, it is considered that the that the proposal would not result in significant adverse impacts on the amenity or privacy of neighbouring land users or adverse visual impacts, and the proposal is considered to be acceptable in respect of all other material considerations. Subject to the identified conditions and the agreement of details to discharge relevant conditions on the hybrid planning permission H/2022/0168, the proposal is considered to accord with relevant identified policies of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

EQUALITY AND DIVERSITY CONSIDERATIONS

3.90 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.92 There are no Section 17 implications.

REASON FOR DECISION

3.93 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 hereby approved shall be carried out in accordance with the following plans;

Dwg. No. FS0893-RYD-XX-ZZ-DR-A-3600 Revision P9 (GA Elevations),
 Dwg. No. FS0893-RYD-XX-00-DR-A-3000 Revision P10 (GA Plan, Level 00),
 Dwg. No. FS0893-RYD-XX-01-DR-A-3001 Revision P10 (GA Plan, Level 01),
 Dwg. No. FS0893-RYD-XX-R1-DR-A-3002 Revision P6 (GA Plan, Level Roof),
 Received by the Local Planning Authority on 18th October 2022;

Dwg. No. FS0893-RYD-XX-ZZ-DR-A-3801 Revision P8 (Coloured Elevations)
 received by the Local Planning Authority on 15th November 2022;

Dwg. No. FS0893-RYD-XX-ZZ-DR-A-2900 Revision P4 (Site Location Plan), at
 a scale of 1:1250) received by the Local Planning Authority on 23rd November
 2022;

Dwg. No. FS0893-ALA-XX-ZZ-DR-L-0001 S2 Revision P04 (Illustrative
 Masterplan),
 Dwg. No. FS0893-ALA-XX-ZZ-DR-L-0008 S2 Revision P03 (Site Sections),
 Dwg. No. ALA648-FS0893-ALA-XX-ZZ-DR-L-0004 S2 Revision P04
 (Landscape General Arrangement, 1 of 2),
 Dwg. No. ALA648-FS0893-ALA-XX-ZZ-DR-L-0005 S2 Revision P04
 (Landscape General Arrangement, 2 of 2),
 Dwg. No. ALA648-FS0893-ALA-XX-ZZ-DR-L-0002 S2 Revision P03
 (Landscape General Arrangement),
 Dwg. No. 600230-HEX-00-00-DR-TP=0100 (Refuse and Service Vehicle
 Swept-Path Analysis)
 Received by the Local Planning Authority on 13th December 2022;

Document reference FS0893-ALA-00-XX-RP-L-0001 Rev P02 (Landscape
 Maintenance and Management Plan),
 received by the Local Planning Authority on 19th December 2022;

Dwg. No. FS0893-ALA-XX-ZZ-DR-L-0003 Revision P04 (Fencing General
 Arrangement),
 Dwg. No. ALA648-FS0893-ALA-00-XX-DR-L-0011 Revision P05 (Planting
 Strategy),
 received by the Local Planning Authority on 22nd December 2022
 For the avoidance of doubt.

2. Notwithstanding the submitted details, and prior to the above ground construction of the development hereby approved, full details and elevation drawings of cycle parking details, trim tail, play equipment, external canopies, bin store, sprinkler tank, and substation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, such development shall be carried out in accordance with the approved details and implemented prior to first use of the development hereby approved.
In the interests of visual amenity.
3. Notwithstanding the submitted details, and prior to the above ground construction of the development hereby approved, large scale details (including samples) of all external finishing materials and hard surfacing shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Notwithstanding the submitted details, and prior to the above ground construction of the development hereby approved, large scale details of all boundary treatments shall be submitted to and approved by the Local Planning Authority. Such details shall be in general conformity with the details shown on Dwg. No. FS0893-ALA-XX-ZZ-DR-L-0003 Revision P04 (Fencing General Arrangement, received by the Local Planning Authority on 22/12/2022). Thereafter the development shall be carried out in accordance with the approved details and implemented prior to the first use of the development hereby approved.
In the interests of visual amenity.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155814>

3.95 Copies of the applications are available on-line:

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

CONTACT OFFICER

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

AUTHOR

3.97 Stephanie Bell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523246

E-mail: Stephanie.Bell@hartlepool.gov.uk

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 05.01.2023
	SCALE 1:2,500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2022/0394	REV

POLICY NOTE

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

HARTLEPOOL LOCAL PLAN POLICIES

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

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

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

MINERALS & WASTE DPD 2011

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

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

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

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

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

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

PLANNING COMMITTEE

18 January 2023



Report of: Assistant Director (Place Management)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. The change of use to a bar/restaurant at a commercial premises in Church Street.
2. The erection of a timber fence at the front and the untidy condition of a residential property in Southbrooke Avenue.
3. The culverting of a water course at a residential park homes site on Easington Road.
4. Changes to floodlighting at a leisure complex on Tees Road.
5. The siting of a clothing collection container at land at Raby Road.
6. The erection of extensions at the side and rear of a residential property in Ryan Court.
7. The siting of a glamping pod and erection of various structures at a leisure complex on Tees Road.
8. The erection of a high fence at the front of a residential property in Skelton Street.

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

1. The replacement of a poster advert with an illuminated digital advert on the side of a commercial property in Marton Street. The illuminated digital advert benefits from advert consent.

2. The erection of high walls and fences at the front of 5 residential properties in Rossmere Way. It was found that the walls and fences have been in place for in excess of 4 years and are therefore immune from enforcement under planning legislation.
3. Non-compliance with the construction management plan at a residential development site at Upper Warren. The site is operating in accordance with the construction management plan.
4. Non-compliance with a working hours condition at a residential development site at land at Wynyard Woods. An application seeking to vary the working hours condition has since been approved.

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

AUTHOR

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

PLANNING COMMITTEE

18th January 2023



Report of: Assistant Director - Place Management

Subject: APPEAL AT VACANT LAND ON FENS LANE, HART
APPEAL REF: APP/H0724/W/22/3300990
Construction of single dwelling house and associated drive (H/2021/0354)

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 construction of single dwelling house and associated drive at vacant land on Fens Lane, Hart (H/2021/0354).
- 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
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4. AUTHOR

- 4.1 Nick Robertson
Planning Officer
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 806908
E-mail: Nick.Robertson@hartlepool.gov.uk

Appendix 1.



The Planning Inspectorate

Appeal Decision

Site visit made on 22 August 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/H0724/W/22/3300990

Vacant land on Fens Lane, Hart

Easting: 447440, Northing: 534960

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Greig against the decision of Hartlepool Borough Council.
 - The application Ref: H/2021/0354, dated 29 July 2021, was refused by notice dated 16 December 2021.
 - The development proposed is construction of single dwelling house and associated drive.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The route from which access into the appeal site (the site) would be gained is contradictorily referred to in the submitted evidence as Fens Lane, Fens Road and The Fens. For the avoidance of doubt, throughout my Decision, I have referred to this route as stated in the application and appeal forms, namely, Fens Lane.
3. The site is located within the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (the SPA/Ramsar), which is a designated European site. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), requires the 'Competent Authority', before granting consent for a plan or project which is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), to carry out an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. In determining this appeal on behalf of the Secretary of State, I am the 'Competent Authority'. I return to this matter later in my Decision.

Main Issues

4. The main issues are:
 - Whether the site would be a suitable location for the proposed development, having regard to the development strategy for the area and the character and appearance of the site and surrounding area;
 - Whether the significance of the archaeology within the site has been adequately established, and the effect of the proposed development on it; and

Appeal Decision APP/H0724/W/22/3300990

- Whether the proposed development would provide adequate arrangements for the disposal of foul water from the site.

Reasons

5. The site is a modestly sized, wedge-shaped piece of vacant land which slopes down towards Fens Lane. It is bordered by a combination of a close-boarded timber fence and a mix of small trees and bushes, and is currently overgrown. It is part of a larger area of land that provides, what the parties describe as, a 'buffer' between the A179 and Fens Lane.
6. The Village of Hart is in fairly close proximity to the west. However, the site's wider setting to the north, south and east is generally one of open pastoral land delineated by field boundaries.
7. The land adjoining the site has an extant planning permission for a single dwelling¹ following a previous grant of outline permission with some matters reserved². Adjacent to the site, on the opposite side of Fens Lane, are residential properties, which have been constructed recently as part of a grant of outline permission and reserved matters³.

Whether a suitable location

8. While the site sits reasonably near to the Village of Hart, for the purposes of Hartlepool Local Plan, adopted May 2018 (the HLP) and the Hartlepool Rural Neighbourhood Plan 2016-2031, made December 2018 (the HRNP), it is located outside the defined development limits of the settlement. Additionally, it is sited within a Strategic Gap as defined in the HLP and a Green Gap as defined in the HRNP.
9. With regard to the site's location outside of Hart's development limits, there is no substantive or compelling evidence before me which confirms that the proposed development would demonstrate any of the exceptions and/or circumstances that would provide clear justification for its acceptance.
10. I note the 'Active House' principles⁴ upon which the dwelling is designed, the building's future-proofed internal flexibility, and the eco-credentials of the proposed development as a whole. However, while the appliance of these principles and measures to protect and enhance the environment, as well as support the health and wellbeing of the building's future occupants, is highly commendable, I am not persuaded that it results in a dwelling that would be truly outstanding, groundbreaking and innovative.
11. Similarly, I am not convinced that the dwelling's design is of an exceptional quality that reflects the highest standards in architecture. Indeed, I consider that the structure's crudely simplistic block form and expansive asymmetrical roofscape, combined with its basic render finish and jarring combination of fenestration, would result in a dwelling of mediocre and inharmonious design.

¹ Kirkefield Stables Site. Erection of a dormer bungalow, garage and associated external works including removal of existing stable block – Application Ref: H/2020/0384 granted 26 June 2021.

² Kirkefield Stables Site. Erection of one dormer bungalow – Application Ref: H/2017/0174 outline application with some matters reserved granted 7 September 2017;

³ 15 dwellings at the Fens – Application Ref: H/2015/0209 outline application granted 30 March 2017; and Application Ref: H/2019/0047 reserved matters application in respect of outline application Ref: H/2015/0209 granted 13 November 2019.

⁴ Active House is a vision of buildings that creates healthy and comfortable lives for their occupants without negatively influencing the climate and environment – moving us towards a cleaner, healthier and safer world.

Consequently, it would not enhance its immediate setting; reflect or complement the common pattern, scale, form or materials of housing within nearby Hart; or assimilate well into the wider agrarian landscape.

12. I acknowledge the measures the Appellant has utilised in an attempt to mitigate the presence of the dwelling within the site and landscape, including its partial subterranean form, shallow roof pitch, the retention of existing planting and the incorporation of new foliage to the site's perimeters. However, in my judgement, these measures would not satisfactorily limit or lessen the building's prominence within the site or its incongruity within the landscape.
13. The basic presence of built form within this verdant 'buffer', particularly the roofscape, would be conspicuous from the A179; and the dwelling with its domestic curtilage and associated paraphernalia would be readily perceived from Fens Lane when passing the site's access. Furthermore, the recommended incorporation of an acoustic barrier along the southern edge of the site⁵ compounds my concerns in relation to the proposed development's undue prominence.
14. The location, size and shape of the site means that it does not display the expansive openness of the surrounding agrarian landscape. However, as a undeveloped and verdant site, it possesses positive qualities which echo and harmonise with the wider area. The introduction of built form and associated domestic elements into this space would adversely lessen those positive characteristics, constituting an adverse incursion into the countryside. In doing so, and notwithstanding that it is for a single dwelling, the proposed development would cause the piecemeal erosion of the defined Strategic Gap and Green Gap, as well as profoundly undermining the intent of the policies within the HLP and HRNP which seek to expressly protect these areas.
15. I note the Appellant's comments that the dwelling would not be 'isolated' in the sense of being remote from other development, services and facilities⁶. Be that as it may, this does not vindicate the clear policy conflict that the proposal would have in relation to its location outside of development limits and its effect on the character and appearance of the site and surrounding area.
16. A large part of the Appellant's case concerns the presence of other dwellings in the locale and the Council's grant of planning permission for housing development on other sites, either nearby or within the Council area. No information has been provided as to when the three houses at the Fens were granted and built. Moreover, details of the housing developments in or around Dalton Piercy and at the western end of Hart⁷, along with the circumstances which led to them being accepted are not before me. Consequently, I cannot be certain that these developments represent a direct parallel to the appeal scheme in terms of their location and/or the legislative and/or policy context against which they were assessed.
17. Although very close to the site, the adjacent housing granted by the Council⁸ is inside the development limits of Hart. As such, it cannot be compared to the scheme before me. I acknowledge the similarities of the granted development

⁵ As recommended by the Council's Public Protection Team.

⁶ Court of Appeal Case Braintree District Council v Secretary of State for Communities and Local Government 2018 WL 01513032.

⁷ Application Ref: H/2020/0215; Application Ref: H/2017/0118; and Application Ref: H/2019/0206.

⁸ Application Ref: H/2015/0209 and Application Ref: H/2019/0047.

on land adjoining the site⁹. However, I note that the application for outline permission with some matters reserved was determined and granted prior to the adoption of the HLP and the making of the HRNP. Moreover, I am mindful of the Council's submissions that the recent grant of permission was approved by planning committee, contrary to officer recommendation, and justified mainly on the basis of the fall-back position of the outline permission.

18. For all of the reasons set out above, the other developments and permissions cited by the Appellant carry little weight in favour of the appeal and do not justify the acceptance of the proposal.
19. I note the Appellant's willingness to agree to further discussion with the Council on the matter of amendments to the building's design. Nevertheless, I have assessed the appeal on the basis of the plans and information as submitted to the Council, on which interested parties views were sought and upon which the application was determined. In any event, I am not persuaded that modifications to the building's design would overcome the fundamental objections to its location.
20. Accordingly, I conclude that the site would not be a suitable location for the proposed development, having regard to the development strategy for the area and the character and appearance of the site and surrounding area.
21. As such, it would be contrary to Policies LS1, RUR1 and RUR2, QP4 and NE1 of the HLP as well as the SPD, in so far as they aim to protect the rural character of the Borough avoiding coalescence between the urban areas of Hartlepool and the surrounding villages; control development in the rural area; control development outside of development limits by only permitting new dwellings if there is clear justification and where it demonstrates specific exceptions or exceptional circumstances; seek to ensure all developments are designed to a high quality and positively enhance their location and setting; and protect, manage and enhance Hartlepool's natural environment.
22. It would also not accord with Policies GEN1, GEN2 and H4 of the HRNP which, amongst other things, seek to control development outside development limits; adhere to specific design principles; and control housing in the countryside. It would also conflict with the provisions in the Framework regarding housing in rural areas and achieving well-designed places.

Archaeology

Significance of the heritage asset

23. Tees Archaeology declare that there is little doubt that the site is located within an area of archaeological importance and potential, in the form of an Anglo-Saxon Cemetery (the Cemetery). This assertion is supported by archaeological research associated with other developments nearby¹⁰ and confirmed to an extent by the archaeological evaluation of part of the site in 2018¹¹.
24. They submit that the archaeological interest of the Cemetery, in terms of its date, rarity and potential to hold evidence of past human activity, causes it to be of local, regional and national significance, with the potential to be of

⁹ Applications for land known as Kirkefield Stables site - Application Ref: H/2017/0174; and Application Ref: H/2020/0384.

¹⁰ Including Application Ref: H/2015/0209.

¹¹ Vindomora Solutions Ltd Archaeological Practice Archaeological Evaluation Project 239-18-HS. Dated Dec 2018.

Appeal Decision APP/H0724/W/22/3300990

international significance¹². Having regard to the information presented and with no substantive evidence to the contrary, I have no reason to disagree with these conclusions.

25. On this basis and having regard to Footnote 68 of the Framework¹³, I have considered this heritage asset of archaeological interest subject to the Framework's policies for designated heritage assets.
26. Paragraph 194 of the Framework requires that the significance of a heritage asset, including any contribution made by its setting, should be established to a level of detail proportionate to the asset's importance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, it requires the submission of an appropriate desk-based assessment and, where necessary, a field evaluation.
27. I acknowledge the archaeological evaluation of part of the site, the extent of which was agreed with Tees Archaeology/the Council. Nonetheless, it is evident that this was limited in its scope, with the report confirming that 'the full nature of the burials and extent of the Cemetery within the proposed development area could not be ascertained through the evaluation'¹⁴. Given the potential importance of the site as outlined above, I am not satisfied that the submitted evaluation identifies and describes the significance of the archaeology within the site in sufficient detail. In turn, this restricts an appraisal of the impact of the proposed development on the asset. In these respects, the submitted archaeological evaluation of the site fails to comply with the Framework.
28. I note that the Appellant is willing to carry out a further, pre-agreed, Scheme of Investigation on the site prior to the proposed development commencing, which could be secured by detailed condition(s). Nonetheless, given the proclaimed and potential significance of the Cemetery, as well as the potential implications of the proposed development upon it, as set out below, I am of the opinion that it would not be appropriate to leave this matter to be dealt with by condition(s), as it goes to the heart of whether the proposed development would be acceptable in planning and conservation terms.

Effects

29. From the information before me, given the position and footprint of the dwelling within the site, as well as the earth movement which would be required for its partially subterranean form and the creation of the access and connections to services, it is highly likely that the proposed development would bring about the irreversible destruction of, at the very least, part of the Cemetery and obvious harm to the significance of this heritage asset.
30. With reference to Paragraphs 201 and 202 of the Framework, Tees Archaeology /the Council state that the proposed development would cause substantial harm to the significance of the heritage asset. However, I am mindful that this is a high test and without a full understanding of the extent and significance of the heritage asset, the level of harm cannot be accurately confirmed. Saying that, it is clear that there would be some harm and, at the very least, this

¹² Consultation response 18 November 2021.

¹³ National Planning Policy Framework Footnote 68 Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets

¹⁴ Section 4.2.3. Vindomora Solutions Ltd Archaeological Practice. Archaeological Evaluation. Dated Dec 2018

would be less than substantial, to which I give considerable importance and weight.

Heritage balance

31. The 'less than substantial' harm is required to be weighed against the public benefits of the proposed scheme. It would provide a single new dwelling which would contribute to the local housing stock. Some environmental and social benefits would accrue from the building's utilisation of 'Active House' principles. Additionally, economic benefits would flow from its construction and occupation, as well as from future occupiers supporting local services and facilities. These benefits are tempered by the modest amount of development proposed, but still carry moderate weight in the appeal's favour.
32. Nonetheless, overall, the moderate weight that I ascribe to the public benefits which would accrue from the proposal is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.
33. In coming to my decision on this main issue, I note the correspondence between the Appellant and Tees Archaeology/the Council regarding the presence of archaeology within the site and whether or not the site could be developed. I also note the grant of planning permission for development on land adjacent to the site¹⁵. However, it is evident that the archaeological findings at the adjacent site, and thus their significance, were in excess of what was originally anticipated, changing perceptions of the heritage value and interest of the wider area in archaeological terms. As such, these factors carry little weight in support of the appeal.
34. Accordingly, I conclude that the significance of the archaeology within the site has not been adequately established. Moreover, at the very least, the proposed development would cause less than substantial harm to the heritage asset which would not be outweighed by the identified public benefits. This would be contrary to Policy HE2 of the HLP which seeks to protect, enhance and promote Hartlepool's archaeological heritage. It would also conflict with the provisions in the Framework which seek to conserve and enhance the historic environment.

Drainage

35. The proposed development incorporates the use of a non-mains foul drainage system (a cess pit), rather than a system of foul drainage discharge into a public sewer. On this basis, the Environment Agency (the EA) submitted an objection, stating that the proposed development would pose an unacceptable risk of pollution to the water environment. While I note the Appellant's comments regarding his communication with the EA, from the information before me, I have no reason to take a different view.
36. I am aware that the EA's objection and, in turn, the Council's fourth reason for refusal, were raised very late in the determination of the application, giving little time for the Appellant to respond. However, having regard to the form of the proposed development as submitted, it is not unreasonable of the EA and the Council to have concerns in this regard.
37. Nevertheless, the EA state that connection to the mains sewer is feasible in this location and I note the Appellant's willingness to connect the dwelling to the

¹⁵ Application Ref: H/2015/0209 and Application Ref: H/2019/0047.

mains drainage system. On this basis, were I minded to allow the appeal, I am satisfied that this issue could be addressed by the imposition of an appropriately worded condition.

38. Therefore, I conclude that a scheme could be achieved which would provide adequate arrangements for the disposal of foul water from the site. On this basis, the proposed development would be capable of according with Policy H4 of the HRNP regarding new housing in the countryside and foul drainage discharge into a public sewer. It would also be capable of complying with Paragraph 174 of the Framework in relation to new development and water pollution.

Other Matters

39. The site is located within the SPA/Ramsar. Updated guidance from Natural England advises that this designated European site is in an unfavourable conservation status due to nutrient enrichment that is polluting the protected area¹⁶, and which may be worsened by new development including residential units.
40. Even though the updated guidance was introduced after the Council determined the application which is the subject of the appeal, given the type of proposed development and my role as the 'Competent Authority', I am required to have regard to this matter. However, given my conclusions on the main issues, there is no need for me to consider the implications of the proposal on the SPA/Ramsar, because the scheme is unacceptable for other reasons.
41. I note the Appellant's comments regarding the conduct of the Council in determining the application, including the lack of consistency in approach to development in the area and the belated submission of the EA's response which led to the Council's fourth reason for refusal. However, of themselves, these matters are not within the remit of my considerations in the context of an appeal under section 78 of the Town and Country Planning Act 1990.

Planning Balance and Conclusion

42. The benefits of the proposed development are outlined above in the heritage balance and carry moderate weight in the appeal's favour. I have found that a scheme could be achieved that would provide adequate arrangements for the disposal of foul water from the site. However, an absence of harm in this regard weighs neutrally in the planning balance.
43. Conversely, I have found that the site would not be a suitable location for the proposed development, having regard to the development strategy for the area, and the character and appearance of the site and surrounding area. Moreover, that the significance of the archaeology within the site has not been adequately established and that the proposed development would cause, at the very least, less than substantial harm to the heritage asset which would not be sufficiently outweighed by the public benefits that would be realised via the scheme. This harm attracts substantial weight against the appeal.
44. I have had regard to the support within the Framework for significantly boosting the supply of homes, to which the development of small and medium sized sites can make an important contribution. I also acknowledge that the

¹⁶ Dated 16 March 2022.

proposed development would not be 'isolated' in relation to other development as well as services and facilities.

45. However, the site is outside of defined development limits and none of the exceptional circumstances set out in Paragraph 80 of the Framework apply. Moreover, the Framework is clear in stating that planning decisions should contribute to and enhance the natural and local environment; and that heritage assets should be conserved in a manner appropriate to their significance.
46. While there are considerations that weigh in favour of the proposed development, in my judgement, they are not sufficient to outweigh the harm I have found. It would therefore conflict with the development plan when taken as a whole and there are no other material considerations, including the Framework, that outweigh this conflict.
47. No information has been submitted by either party regarding whether or not the Council can demonstrate a five year housing land supply. Even if this could not be demonstrated, having regard to Paragraph 11d(i) of the Framework, the potential harm to the aforementioned heritage asset and the application of policies in the Framework that protect assets or areas of particular importance, as identified in Footnote 7, provides a clear reason for refusing the proposed development.
48. Overall, I afford substantial weight to the harm I have identified and the conflict with the development plan when taken as a whole. Whilst I afford moderate weight to the benefits referred to above, material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan.
49. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

PLANNING COMMITTEE

18th January 2023



Report of: Assistant Director - Place Management

Subject: APPEAL AT 21 NORTH LANE, ELWICK,
HARTLEPOOL TS27 3EG
APPEAL REF: APP/H0724/D/22/3307611
Erection of a single and two storey rear extension,
installation of bay window and erection of porch
extension to front elevation and fixed canopy to the
rear garden (H/2022/0189)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an application for the erection of a single and two storey rear extension, installation of bay window and erection of porch extension to front elevation and fixed canopy to the rear garden at 21 North Lane, Elwick, Hartlepool (H/2022/0189).
- 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

4. AUTHOR

4.1 Nick Robertson
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 806908
E-mail: Nick.Robertson@hartlepool.gov.uk

Appendix 1.



Appeal Decision

Site visit made on 29 November 2022

by C Megginson BA (hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/H0724/D/22/3307611

21 North Lane, Elwick, Hartlepool TS27 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Helen Williamson against the decision of Hartlepool Borough Council.
 - The application Ref H/2022/0189, dated 7 May 2022, was refused by notice dated 27 July 2022.
 - The development proposed is described as the erection of a single and two storey rear extension to incorporate new kitchen and dining room facilities to the ground floor and a new double bedroom to the first floor. Other alterations include the erection of a single storey new bay window and porch extension to the front elevation and fixed canopy to the rear garden.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the living conditions of the occupiers of the neighbouring property at 19 North Lane, with particular regard to outlook and sunlight.

Reasons

3. The appeal proposal includes single storey and two storey rear extensions and a front extension. The proposed single storey flat roof rear extension would extend in line with the rear of the properties existing single storey off-shoot. The proposed two-storey extension would be above the existing single storey off-shoot and would include a hipped roof that would run along the length of both the existing and proposed two-storey elements.
4. The proposed front extension sits in line with the front extension to No 19 and is similar to other front extensions in the area. I agree with the council that this element does not harm the living conditions of the occupiers of No 19.
5. The proposed single storey rear extension would sit directly adjacent to the boundary of No 19. Its proposed height, close proximity and length along the boundary, especially when combined with the proposed canopy, would have a significantly enclosing effect on the outlook from the ground floor rear window and rear garden of No 19. In these circumstances, I conclude that the overbearing outlook would cause significant and unacceptable harm to the living conditions of the occupiers of No 19.

Appeal Decision APP/H0724/D/22/3307611

6. The proposed two-storey extension is in line with the appeal properties' existing two-storey element. Whilst it would extend the two-storey element further, it is set back sufficiently from the boundary with No 19 that it would not dominate the outlook from the rear windows or garden of No 19 to an unacceptable degree.
7. When looking at the trackpath of sunlight, the existing two-storey rear element of No 19 lies to the south of the main rear window and will overshadow this window for a significant portion of the day. The appeal proposals sit to the northwest of No 19 and would therefore not reduce the amount of sunlight reaching the rear windows of No 19 to an unacceptable degree.
8. For the foregoing reasons, whilst I have not found any harm to sunlight for No 19 and for outlook in relation to both the proposed front extension and the two-storey element of the proposed rear extensions, I conclude that the proposed single storey rear extension would result in unacceptable harm to the living conditions of the occupiers of No 19, with particular regard to outlook. The proposal would conflict with Policy HSG11 of the Hartlepool Local Plan 2018 and the National Planning Policy Framework, which seek to protect the amenity of existing residents.

Other Matters

9. I appreciate that the appellant is seeking to accommodate their families' requirements and improve their quality of living through the appeal proposals. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan and the Framework.
10. My attention has been drawn to other extensions in the area. I have limited evidence on these cases. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar extensions may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
11. Whilst there have been no objections to the proposals, the absence of objection does not in itself render the scheme acceptable.

Conclusion

12. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'