

# PLANNING COMMITTEE

## AGENDA



**Wednesday 19 April 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 15<sup>th</sup> March 2023

#### 4. ITEMS REQUIRING DECISION

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

- |                |   |
|----------------|---|
| 1. H/2022/0350 | Land adjacent to Manor Farm, Dalton Piercy (page 1)                           |
| 2. H/2022/0475 | Chantry Cottage, 11 The Green, Elwick (page 35)                               |
| 3. H/2021/0096 | Land to North West of Highgate Meadows, Dalton Piercy (page 51)               |
| 4. H/2022/0299 | Land West of Wynyard Village and South of A689, Wynyard, Billingham (page 91) |
| 5. H/2022/0302 | Hart Moor Farm, North of the A179 (page 151)                                  |
| 6. H/2022/0428 | The Ghyll Lane House, The Green, Elwick (page 191)                            |
| 7. H/2022/0454 | 22 Grange Road, Hartlepool (page 207)   |

### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

## **5. ITEMS FOR INFORMATION**

- 5.1 Update on Current Complaints and Enforcement Actions – *Assistant Director (Place Management)*
- 5.2 Appeal at Old Yacht Club, Ferry Road, Hartlepool - *Assistant Director (Place Management)*
- 5.3 Appeal at 107 Park Road, Hartlepool - *Assistant Director (Place Management)*
- 5.4 Planning Appeal at 234 Stockton Road, Hartlepool - *Assistant Director (Place Management)*
- 5.5 Planning Appeal at land adjacent to Rossmere Lodge, Rossmere Way, Hartlepool - *Assistant Director (Place Management)*

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

## **7. FOR INFORMATION**

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting (date to be confirmed)



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **15<sup>th</sup> March 2023**

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

#### **Present:**

Councillor Paddy Brown (In the Chair)

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

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

Officers: Tony Hanson, Director of Neighbourhood and Regulatory Services  
Kieran Bostock, Assistant Director (Place Management)  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Jim Ferguson, Planning and Development Manager  
Daniel James, Planning (DC) Team Leader  
Helen Smith, Planning Policy Team Leader  
Aidan Dobinson Booth, Principal Planning Officer  
Peter Frost, Highways, Traffic and Transport Team Leader  
Rosie Bannens, Archaeologist (Planning)  
Chris Scaife, Countryside Access Officer  
Jane Tindall, Senior Planning Officer  
Alex Strickland, Legal Advisor  
Jo Stubbs, Democratic Services Officer

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

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

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

Councillor Melanie Morley declared a non-financial interest in planning application H/2022/0299 (Land South of Wynyard Village and South of A689) as she lives at Wynyard Village.

## 102. Confirmation of the minutes of the meeting held on 15<sup>th</sup> February 2023

Minutes approved

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

<b>Number:</b>	H/2021/0096
<b>Applicant:</b>	B MILLER WYNYARD HOMES HARBOUR WALK THE MARINA HARTLEPOOL
<b>Agent:</b>	GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL
<b>Date received:</b>	22/06/2021
<b>Development:</b>	Erection of 7no. bungalows (including 3no. dormer units), garages and associated infrastructure.
<b>Location:</b>	LAND TO NORTH WEST OF HIGHGATE MEADOWS DALTON PIERCY HARTLEPOOL

Councillor Mike Young moved that this item be deferred for a site visit. Councillor Veronica Nicholson seconded this. Members approved this unanimously.

<b>Decision:</b>	<b>Deferred for a site visit</b>
------------------	----------------------------------

---

<b>Number:</b>	H/2022/0299
<b>Applicant:</b>	ROBERTSON HOMES
<b>Agent:</b>	LICHFIELDS THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF
<b>Date valid:</b>	28/07/2022
<b>Development:</b>	Full planning permission for the erection of 143no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping
<b>Location:</b>	LAND WEST OF WYNYARD VILLAGE AND SOUTH OF A689 WYNYARD BILLINGHAM

Councillor Shane Moore moved that this item be deferred for a site visit. Councillor Mike Young seconded this. Members approved this unanimously

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

---

**Number:** H/2022/0350

**Applicant:** HARTLEPOOL WATER/ AWG PROPERTY LTD  
BORDERWAY ROSEHILL CARLISLE

**Agent:** H&H LAND AND PROPERTY LTD MR ANGUS  
HUTCHINSON BORDERWAY ROSEHILL  
CARLISLE

**Date received:** 05/10/2022

**Development:** Erection of 1no. dwelling and annex/car port  
(outline, all matters reserved except access)

**Location:** LAND ADJACENT TO MANOR FARM DALTON  
PIERCY HARTLEPOOL

Councillor Veronica Nicholson moved that this item be deferred for a site visit. Councillor Moss Boddy seconded this, Members approved this unanimously.

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

---

**Number:** H/2022/0475

**Applicant:** MR KARL BYERS 11 THE GREEN ELWICK  
HARTLEPOOL

**Agent:** ASP Service Ltd OFFICE 206 ADVANCED  
HOUSE WESLEY SQUARE HARTLEPOOL

**Date received:** 24/01/2023

**Development:** Erection of single storey front porch and  
replacement of existing windows and doors with  
uPVC double glazed units (Re-submission of  
H/2022/0216).

**Location:** CHANTRY COTTAGE 11 THE GREEN ELWICK  
HARTLEPOOL

A member queried whether the Village residents had been consulted on this application. The Planning (DC) Team Leader and Solicitor confirmed that all statutory requirements in terms of consultation had been fulfilled.

The Agent, Mr Loughrey, urged members to support this application which would provide a much needed upgrade to the property in terms of heat and long term maintenance. He felt it was unfair that officers had recommended refusal when the proposed upvc windows were virtually identical to those originally in place. The design of the porch had been amended following discussions with the Parish Council and was now more in keeping with nearby properties. A member queried whether Mr Loughrey could provide photographic examples of other properties in the area with similar amendments and alterations. Mr Loughrey advised he was unable to do this.

The Chair moved that this item be deferred for a site visit. Councillor Melanie Morley seconded this. Members approved this.

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

The Committee considered representations in relation to this matter.

---

<b>Applicant:</b>	WYNYARD HOMES HARBOUR WALK THE MARINA HARTLEPOOL
<b>Agent:</b>	GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL
<b>Date received:</b>	23/02/2022
<b>Development:</b>	Subdivision of plot 5 and the erection of 3 dwellings (1 pair semi-detached, 1 detached with detached garage), means of access, boundary enclosures and landscaping.
<b>Location:</b>	5 HIGHGATE MEADOWS DALTON PIERCY HARTLEPOOL

Members queried the officer logic around their recommendation going against the Neighbourhood Plan. The Planning and Development Manager acknowledged that the proposal was divergent in the Local Plan and Rural Plan however officers felt that the application was acceptable in principle.

Councillor Mike Young moved that the vote be put. Councillor Veronica Nicholson seconded this. A recorded vote was taken on the officer recommendation to approve.

For – Councillors Paddy Brown, Tom Feeney, Dennis Loynes,  
Andrew Martin-Wells, David Nicholson, Veronica Nicholson  
and Mike Young.

Against – Councillors Moss Boddy, Sue Little and Melanie Morley

Abstained - None

**Decision:** **Minded to APPROVE subject to the completion of a legal agreement under S106 of the Planning Act to secure the provision of two affordable dwellings (DMV), and subject to the following conditions (including tabled, updated conditions 6 and 7);**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans:  
1808.E.W.03 Rev A (Proposed Rear & Side Elevation Dwelling Type E),  
1808.E.W.02 Rev B (Proposed Front & Side Elevation Dwelling Type E),  
1808.E.W.01 Rev F (Proposed Ground Floor Plan Dwelling Type E),  
1808.D.W.03 Rev D (Proposed Rear & Side Elevation Dwelling Type D),  
1808.D.W.02 Rev D (Proposed Front & Side Elevation Dwelling Type D),  
1808.D.W.01 Rev J (Proposed Ground Floor Plan Type D),  
Received by the Local Planning Authority on 22nd February 2022.  
2210.P.01 Rev C (Proposed Site Layout, Landscaping & Garage Plans & Location Plan,  
Received by the Local Planning Authority on 20th April 2022.  
  
For the avoidance of doubt.
3. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the dwellings and buildings to be erected and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan 2018.

4. Prior to the commencement of the development hereby approved, a report shall be first submitted to and approved in writing by the Local Planning Authority that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the development's predicted energy supply.

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

5. No development shall take place until a scheme for the protection during construction works of all trees and hedges to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The existing hedgerow on the western side of the site as indicated on Dwg No: 2210.P.01 Rev C received by the Local Planning Authority on 20th April 2022 shall be retained. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s) and hedgerows.

6. The external finishing materials for the development hereby approved shall be carried out in accordance with the materials specification ('materials key') as detailed on Dwg No. 2210.P.01 Rev C (Proposed Site Layout, Landscaping & Garage Plans & Location Plan), received by the Local Planning Authority on 20th April 2022, unless an alternative similar scheme of materials is agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

7. The landscaping, tree and shrub planting shall be carried out in accordance with the landscape specification and information as detailed on Dwg No. 2210.P.01 Rev C (Proposed Site Layout, Landscaping & Garage Plans & Location Plan), received by the Local Planning Authority on 20th April 2022. 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.
8. Notwithstanding the submitted details and prior to above ground construction of the dwellings hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. The scheme shall make provision for hedgehog openings within the boundary fence where feasible. Thereafter the development shall be carried out in accordance with the approved details (including the provision of hedgehog openings) prior to first occupation of the dwellings or completion of the development (whichever is the sooner).  
In the interests of visual amenity and to provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 118 of the NPPF.
  9. Prior to the commencement of development above ground level, details of bird nest bricks to be installed integral to each of the completed dwellings (3no. in total), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, bird nest bricks shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the dwellings, whichever is the sooner, and shall be maintained for the lifetime of the development.  
To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.
  10. 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 interests of the amenities of the occupants of neighbouring properties.
  11. No construction/building works or deliveries shall be carried out except between the hours of 0800 and 1800 on Mondays to Fridays and between 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays.  
To avoid excessive noise and disturbance to the occupants of nearby properties.
  12. The dwellings hereby approved shall be used as a C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.  
To allow the Local Planning Authority to retain control of the development.
  13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected

within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

14. Notwithstanding the provisions of Part 1 the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) and garages hereby approved shall not be converted or extended, in any way, and no garage(s) or other outbuildings/incidental buildings (including sheds, summer houses etc) shall be erected without the prior written consent of the Local Planning Authority.

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

---

#### **104. Update on Current Complaints and Enforcement Actions** *(Assistant Director (Place Management))*

Members were updated on 6 complaints currently under investigation and 8 which had been completed.

##### **Decision**

That the report be noted

#### **105. Appeal at Seaton Hall Residential Home, 10 The Green, Seaton Carew** *(Assistant Director – Place Management)*

Members were advised that a planning enforcement appeal in respect of a listed building enforcement notice regards the installation of uPVC windows at ground floor level had been dismissed and the enforcement notice upheld. A copy of the inspector's decision was attached.

##### **Decision**

That the outcome of the appeal be noted.

#### **106. Planning appeal at land adjacent to the Raglan Quoit Club, Clarence Road, Hartlepool** *(Assistant Director – Place Management)*

Members were advised that a planning appeal had been submitted against the Council's decision to refuse a planning application for advertisement consent for the erection and display of a freestanding 48-sheet digital LED advertising unit at the Raglan Quoit Club. The application had been refused under delegated powers, a copy of the delegated report was attached.

### **Decision**

That the report be noted

## **107. Any Other Items which the Chairman Considers are Urgent**

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.

The Chair advised that this was the last Planning Committee meeting for the Senior Planning Officer and Legal Advisor. He expressed his thanks to both for their hard work.

Members were advised that given the large number of site visits which had been agreed at this meeting it was felt preferable to conduct these on a day separate to the next Committee meeting rather than on the morning of the meeting as was the usual practice. Members approved this action. The morning of the Monday prior of the meeting was identified as a suitable date. Members were reminded that they would need to make their own transport arrangements.

The meeting concluded at 10:35am.

CHAIR

**No:** 1.  
**Number:** H/2022/0350  
**Applicant:** HARTLEPOOL WATER/ AWG PROPERTY LTD  
BORDERWAY ROSEHILL CARLISLE CA1 2RS  
**Agent:** H&H LAND AND PROPERTY LTD MR ANGUS  
HUTCHINSON BORDERWAY ROSEHILL CARLISLE  
CA1 2RS  
**Date valid:** 05/10/2022  
**Development:** Erection of 1no. dwelling and annex/car port (outline, all  
matters reserved except access)  
**Location:** LAND ADJACENT TO MANOR FARM DALTON PIERCY  
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 by members at the last committee meeting of 15.03.2023 to allow members to undertake a site visit.

## BACKGROUND

1.2 The application site benefits from an extensive planning history. There have been no recent planning permissions on the site itself. The most relevant and recent planning applications in the vicinity are considered to be:

*In respect of adjacent property Manor Farm, to the east of the site:*

HOUT/1989/0623 - Outline application for residential development. Approved 04/10/1990.

HFUL/2004/0074 - Demolition of redundant agricultural buildings, alterations and conversion of outbuildings to 2 dwellings and construction of 5 new dwellings (to form 7 new dwellings in total) and provision of new access road and turning area. Approved 16/09/2004.

HLBC/2004/0075 - Listed Building Consent to demolish agricultural buildings and convert and alter farm buildings to form 2 dwellings and erection of 5 new dwellings. LBC Approved 16/09/2004.

H/2007/0393 - Alterations and erection of a breakfast room extension. Approved 09/07/2007.

H/2007/0394 – Listed Building Consent for alterations and erection of a breakfast room extension. LBC approved 09/07/2007.

H/2008/0093 - Demolition of existing barns and erection of two dwellinghouses and attached garages. Refused 23/05/2008.

H/2009/0430 - Demolition of redundant agricultural buildings, reconstruction of outbuildings to form two dwellings and construction of five new dwellings (to form seven new dwellings in total) and provision of new access road and turning area (resubmitted application). Approved 12/05/10.

H/2009/0489 – Listed Building Consent for demolition of redundant agricultural buildings, reconstruction of outbuildings to form two dwellings and construction of five new dwellings (to form seven new dwellings in total) and provision of new access road and turning area (resubmitted application). LBC approved 12/05/2010.

H/2012/0192 - Demolition of detached farm building. Demolition of conservatory and store rooms, sub division to two dwellings through conversion of annexe to living accommodation. Erection of sun room and study, provision of pitched roofs to dormer windows, provision of pitched roof to study and installation of window to rear elevation. Approved 27/06/2012.

H/2012/0193 - Listed building consent for the demolition of conservatory, detached farm building, store rooms, sub division to two dwellings through conversion of annexe to living accommodation. Erection of sun room and study, provision of pitched roofs to dormer windows, provision of pitched roof to study and installation of window to rear elevation. LBC approved 27/06/2012.

H/2012/0466 - Amendment to planning applications H/2012/0192 and H/2012/0193 to provide alterations to conservatory, installation of windows and alterations to door. NMA approved 25/09/2012.

H/2012/0475 - Listed building consent for amendment to application H/2012/0193 to provide alterations to conservatory, installation of windows and alterations to door. NMA approved 25/09/2012.

H/2013/0265 - Amendment to planning application H/2012/0192 to provide 3 roof lights to the rear of the building and alter the design of 2 doors to the annex (front and rear) and door to boot room. Approved 12/07/2013.

H/2013/0266 - Listed Building Consent for amendment to application H/2012/0193 to allow utility/bootroom to be erected on footprint of demolished conservatory, external store/WC to be erected on footprint of demolished store, annexe doors to be fitted with windows and shutters to give stable door effect, mezzanine floor to annexe to remain and various internal alterations. LBC approved 12/07/2013.

In respect of Leamont, west:

HFUL/1988/0089 - Earth moving works to landscape garden and siting of calor gas storage tank. Approved 18/04/1988.

H/2007/0867 - Erection of a rear dining room and store extension. Approved 21/01/2008.

## PROPOSAL

1.3 This application seeks outline planning permission for the erection of a detached dwelling and associated outbuilding (annex/car port), with all matters reserved (appearance, scale, layout and landscaping) except access.

1.4 Whilst the final details of the proposal (including appearance, scale, layout and landscaping) are reserved, the indicative proposals show a two-storey detached dwelling measuring approximately 11.7m in width by approximately 6.6m in depth. The proposed dwelling features an additional two-storey off shoot on the eastern side, measuring approximately 5.2m in width by approximately 4.5m in depth, and a single storey offshoot to the rear measuring approximately 5.2m in width by approximately 3.1m in depth. The proposed dwelling would feature a pitched roof design with a total height of approximately 8m, dropping to approximately 5.5m at eaves level. The proposed ridge height of the two storey off-shoot would be approximately 7.4m, whilst the proposed height of the single storey off-shoot element would be 4.4m at the ridge, dropping to approximately 2.4m at eaves level. In addition, the indicative design features 2no. chimneys on the main roof, and 1no. chimney on the roof of the single storey off-shoot, measuring approximately 1m in height and approximately 1.2m in height respectively. The indicative floor plans of the proposed dwelling feature a living room, open plan kitchen/living and dining space, utility room, study and W.C. at ground floor and 4no. bedrooms (2no. of which featuring an en-suite bathroom and 1no. with dressing room) and a bathroom in the first floor.

1.5 The proposals include the erection of a single storey outbuilding which is proposed to comprise an annex and car port. During the course of considering the proposals, amended plans of this element were received following concerns expressed by the case officer to the applicant in respect of the scale and design of this element (notwithstanding the outline status of the application). The amended indicative plans of the proposed outbuilding indicate a building approximately 12m in width by approximately 6.7m in depth, with a hipped roof design with a total height of approximately 4.6m dropping to approximately 2.5m at eaves level. The indicative plans of the outbuilding indicate it would accommodate a Home Office (with store,wc, and tea kitchen) and a car port accommodating two cars,

1.6 The proposals include vehicular access across the Village Green from the adopted highway to the south of the site, and a substantial private driveway is indicated on the submitted block plan.

1.7 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

1.8 The application site relates to a parcel of land to the west of Manor Farm (a Grade II Listed Building) and east of Leamont (a locally listed building), on the north side of the village green at Dalton Piercy. Access to the application site is taken across the village green at the south east portion of the application site.

1.9 Manor Farm adjacent to the east consists of a farmhouse and cottage with a range of traditional and modern agricultural buildings to the side and rear. Beyond Manor Farm to the east is Rose Cottage, also listed, and its associated garden. Beyond the main highway through Dalton Piercy and open green spaces to the front/south are additional residential properties. To the north are fields which a short distance away fall steeply down to a beck and border onto the Howls Site of Nature Conservation Importance (SNCI).

1.10 The application site has a varied topography, stepping up steeply to the rear/north. The boundary of the main application site is defined by a wall to the front and by a sporadic hedge running along the remaining eastern, western and northern boundaries.

## **PUBLICITY**

1.11 The application has been advertised by way of site notice, press advert and notification letters to 11 individual neighbouring properties. To date, there have been 5 objections (including two from the same property).

1.12 The concerns/objections raised can be summarised as follows:

- Privacy concerns from overlooking to a neighbouring property;
- Original location plan did not adequately identify recent approvals;
- Proposals would impact accessibility to neighbouring property;
- Tree protection;
- Difference in site levels;
- Loss of light;
- Loss of internet connection;
- Plans include an incorrect address;
- Disturbance caused by excavation;
- Large scale of proposed annex/car port which could be adopted as an additional dwelling in the future;
- Ancient wall damage or removal;
- Potential for damage to adjacent Grade II Listed Building
- Alterations to earthworks which can affect structural integrity;
- Parking concerns and additional traffic;
- Existing farm structures have planning approval to be converted into dwellings;
- Light pollution;
- It is understood that the listing for Manor Farm includes the adjacent village green boundary wall, and therefore Historic England should be consulted;
- Dalton Piercy Parish Council should be consulted.

1.13 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=155398>

1.14 The period for publicity has expired.

## CONSULTATIONS

1.15 The following consultation replies have been received:

**Head of Service for Heritage and Open Space:** The application site is located adjacent to a grade II listed building (Manor Farm) and a locally listed building (Leamont), both of which are heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 199, NPPF). Policy HE4 of the local plan states, "to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting".

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

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 proposal is an outline application for the erection of a single dwelling and annex/car port. The site itself has been a longstanding vacant plot in the centre of the village. It is proposed that the house will be located to the front of the site reflecting the character of the older properties within the village whereby dwellings are facing onto the village green with little or no front gardens. To the rear of the property is an annex and car port which is located to the centre of the site, accessed by a driveway which runs alongside the boundary of the plot. It is considered that the house is in a suitable location and of an appropriate design that it will not adversely impact on the significance of the adjacent heritage assets. The site is currently bounded by a stone wall, information on future boundary treatments and enclosures does not appear to be provide however to retain some consistency with the existing site, should permission be granted, consideration could be given to using similar materials for the boundary treatment, where needed in this instance.



Update 25/01/23 following amended plans in respect of the proposed outbuilding and the retention of part of the boundary wall, and additional plans to provide an illustrative street context:

Further to the amended plans which have been provided. No objections to the amended car port and home office. It is considered these works will not impact on the significance of the adjacent heritage asset.

The retention of the boundary wall, in part, to the front of the site is welcomed.

Update 27/02/23 in response to neighbouring objection:

I wouldn't consider the wall to be included in the listing. The starting point would be to look at the description, this is not a comprehensive guide of what is and isn't listed but a description so you can recognise the structure in the streetscape, if the wall had a value, I would have expected it to be included in this. You can see from below that it isn't mentioned and the description relates to the farm site only.

"Farmhouse and cottage, now one dwelling, Early C19. Roughcast on rubble, with mid C20 concrete tile roof, brick end stacks, stone gable copings and kneelers. 2 storeys, 2 windows, symmetrical; central doorway with narrow timber pilaster-and-entablature surround, door of 2 long panels, and overlight with glazing bars. Sash windows with glazing bars, painted stone sills and lintels. Dentilled brick eaves cornice. Slightly later rear pent extension forms a cat-slide with main roof. Lower, 2-storey cottage adjoining left gable, has door of 3 long panels to right, and one sash window with painted stone sill, to each floor to left. Single-storey outhouse, adjoining left gable of cottage, has boarded door. Extensions to right gable of farmhouse are not of interest."

I would accept that the wall does appear to be attached to the listed building and is pre-1948 therefore is part of the setting, it is relevant to note that Historic England's website guidance states,

"In general, a structure attached to a building, such as adjoining buildings or walls, will also be covered by the listing if the structure was ancillary to the principal building at the date of listing."

I don't believe this statement to be relevant in this instance as the wall relates to the adjacent parcel of land rather than Manor Farm itself.

In this instance consideration has been given to the impact on adjacent heritage assets and it is considered that they will not be adversely impacted.

**HBC Ecology:** I have assessed the appropriate submitted documents, including the Heritage, Design and Access Statement (July 2022), the Arboricultural Impacts Assessment and Tree Bat Roost Assessment (June 2022) and the Nutrient Neutrality Mitigation Assessment (August 2022). Useful photographs are provided within these documents.

I agree that the root plate of the cypress tree (growing in the neighbouring property) should be protected within the site by a Root Protection Zone as specified in the Arboricultural Impacts Assessment report. This should be conditioned.

The Arboricultural Impacts Assessment Tree Survey Plan is copied below for information (Appendix 1). I am satisfied that harm to bats is unlikely. I am satisfied that there will be no harm to any other protected or priority species. I am satisfied that the ash tree is in poor condition and that its removal will not cause harm to any species. The loss of scrub is likely to remove bird nesting sites for common species and this loss should be mitigated with the provision of integral bird nest bricks built into the new building.

The site is adjacent to open countryside which supports declining bat and bird populations, which could benefit from the provision of integral bat roost bricks and integral bird nest bricks. This will satisfy the NPPF requirement for biodiversity enhancement.

To meet current Ecology planning requirements, the following should be conditioned:

The dwelling should be built with 2no integral bird nest brick for either sparrows or starlings, to be >3m above ground level (house or garage) and 2no integral bat roost brick to be >3m above ground level (house or garage). The bricks should be in sunlight for part of the day, therefore a sunny location on the east or south facing side of the building is preferred.

The submitted Nutrient Neutrality report contains two errors. The current land use (stage 2) is given as 'agricultural' which is not an option in version 2.1 of the nutrient budget. I have replaced this with 'mixed' as the best fit. The post development land use has been divided into 'greenspace' and 'residential land' whereas gardens are automatically included within 'residential land' and so this should be the single land use type used in stage 3 of the nutrient budget calculator. The Nutrient Neutrality report provides evidence of how foul water will be dealt with.

I have completed a nutrient budget calculator version 2.1 (stage 4 conclusion shown below) and prepared a Habitats Regulations Assessment (HRA) for nutrient neutrality.

The proposed development is screened out at HRA stage 1 and no mitigation or further assessment is required.

**HBC Arboricultural Officer:** The proposed development falls outside of any conservation area and none of the surrounding trees are subject to a tree preservation order. The AIA mostly covers what is required for the proposed development however some parts of the AIA are incorrect and are not adhered to within the proposed plans.

1. Tree 2, a mature Cypress (*Cupressus* spp.) is outside the boundary of the proposed development on an adjoining property to the west. The AIA states that the tree is approximately one metre from the boundary fence which is correct. It also states that's the tree has an estimated Diameter at Breast Height (DBH) of 60cm. I

find this to be incorrect and after measurement of the tree, it measures at 260cm Circumference which equates to 82.7cm diameter. This means the current estimated Root Protection Area (RPA) is not enough and should have a radius of 993.1cm from the stem of the tree to provide adequate protection. This is more than 25% larger than the proposed RPA within the AIA. This may impact the development and protection measures will have to be put in place to mitigate this.

2. It is recommended that T2 is protected and the RPA is fenced off to provide that protection. However on the proposed site plan it shows works in the form of a gravel courtyard is to be undertaken within the RPA of T2. A method statement of works to be carried out within the RPA will need to be included within the current method statement as part of the AIA to show how this work will be undertaken and how protection measures will be put in place.

3. The trees that are to be removed from the site although singularly provide no arboricultural value, as a group they do. There is no objection to the removal of trees identified within the AIA, mitigation measures in the form of a planting scheme should be designed and implemented. This will help negate the impact of loss of trees within the site.

Update 01/12/2022 following receipt of Arboricultural Impact Assessment submitted by the applicant:

The AIA now provides all necessary information in relation to the protection of T2. The tree protection fencing is very close to the edge of the proposed development and it is critical that the fencing is erected in the correct position and not moved to suit the development. To make sure this happens I would think it would seem suitable to have a pre commencement meeting as part of a condition. This condition is pre written from the London Tree Officers Association:

- Condition: Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed Arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.
- Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990.

There is still the need to have sight of the planting scheme for the sight to mitigate the loss of trees. Again happy for this to be a condition. I would suggest the planting scheme is designed in collaboration with the free document from the Trees and Design Action Group (TDAG) Tree species selection for Green infrastructure – A

Guide for specifiers. Again I have attached a pre written condition from the London Tree Officers Association:

- Condition: Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include: a) a scaled plan showing trees and plants to be planted: b) proposed hardstanding and boundary treatment: c) a schedule detailing sizes and numbers of all proposed trees/plants d) Sufficient specification to ensure successful establishment and survival of new planting. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).
- Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with NE1 of Hartlepool Local plan 2018.

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

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

**Cleveland Police:** Police have no objections but advice doors and accessible windows are certified to the Pas 24 2016 to ensure a good level of security.

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

**Dalton Piercy Parish Council:** The design removes an ancient wall that abuts Dalton Piercy Village Green. This should not be allowed to happen.

The stone wall is a significant part of the character of Dalton Piercy and one of the few remaining structures that indicate the history of the village. It is part of the Village

Green ancient historical boundary wall which was utilised, along with the ancient gates at either entry to the village to enclose the green and keep animals in at night. There is already an existing farm gate in the wall, which the access track across the green affords an entry/exit point to the plot.

The Village Green is owned by the Parish Council.

A Deed of Easement, signed 15th March 2022 between DPPC and Anglian Water Ltd., (who own the land), grants access across the village green to the plot for one home. This easement document references our Village Design Statement (created in 2016): *'to ensure that the design of the Access Track takes due regard of the Village Design Statement'*

The ancient wall is referenced in the design statement as a historically significant part of the village.

Concerns were also about the proposed annex/garage building which it was felt could be considered a second home. The plan indicates this ancillary building is larger in length and width than the proposed main body of the proposed main house. This could have potential to break the Deed of Easement agreement in which DPPC granted access to one home.

Also village residents raised their concerns, which DPPC share, that the adjacent homes of Manor Farm and Leamount were built without modern building foundations. The land level at the southern most edge of the plot (abutting the Village Green) is significantly higher than the floor level of the neighbouring properties – it is at the same height as the ancient wall. The wall could be described as a 'retaining wall' at around 5ft high. Level access from the village green would require significant earth removal. Would this be at the detriment to the soundness of the neighbouring properties? And potentially cause structural damage? Should you require copies of the Deed of Easement and/or the village design statement DPPC would be happy to provide them.

Update 15/02/23 following receipt of additional plans (context street elevations)

Dalton Piercy Parish Council STRONGLY OBJECT to the above proposal.

I refer to our previous objection to this application and wish to state that our initial objections still stand. The design of the house itself is in keeping with the Village Design Statement and visually acceptable, given its siting between two listed dwellings. The added 'Annexe/car port' has also been amended somewhat, but clearly its size and design appears to suggest it is intended to potentially be a second dwelling at some point in the future.

However, the Parish is strongly objects to the proposal to remove a significant part of the village ancient boundary wall, (the length of the house itself) that abuts onto Dalton Piercy Village Green, (owned by DPPC). A Deed of Easement, dated March 22<sup>nd</sup> 2022, was signed between Dalton Piercy Parish Council and Anglian Water Ltd., to grant a defined easement across the village green and through an existing farm gate in the ancient wall, to facilitate access to their plot. Demolishing a large part of

the wall will breach this contract. The Deed also stipulates the easement is for one residence only. Any attempt to convert the 'Annexe' into another dwelling would also be in breach of the contract. See attached Deed of Easement.

The stone wall is a significant part of the historical character of Dalton Piercy and one of the few remaining surviving parts of the enclosing wall that can still be seen, indicating the history of the village. It is part of the Village Green ancient historical boundary wall which was utilised, along with gates at either entry to this medieval village, which were closed at night to keep cattle grazing on the green from straying. See attached Village Design Statement and Historic England Board photo.

The unnecessary demolition of the wall would be unthinkable!

There are still concerns from villagers that the adjacent homes of Manor Farm and Leamount were built without modern building foundations. The land level at the southern edge of the plot (abutting the Village Green) is significantly higher than the floor level of the neighbouring properties – it is at the same height as the ancient wall. The wall could be described as a 'retaining wall' at around 5ft high. Level access from the village green would require significant earth removal. Potentially a cause of structural damage to Manor Farm and Leamount?

**HBC Landscape Architect:** Defer to Heritage and Countryside comments.

**Rural Plan Working Group:** Thank you for consulting Hartlepool Rural Plan Group with regard the above application.

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

**POLICY GEN1 – DEVELOPMENT LIMITS**

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

**POLICY GEN 2 - DESIGN PRINCIPLES**

The design of new development should demonstrate, where appropriate:

1. how relevant village design statements and conservation area appraisals have been taken into account;
2. how the design of new housing scores against the Hartlepool Rural Plan Working Group's Checklist as set out in appendix 4;
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;
4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas;
6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;

7. how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water into fluvial water and;
8. how the design ensures that homes are flexible to meet the changing needs of future generations.

#### Dalton Piercy Village Design Statement

Within the village there are a number of infill plots for development that have been identified which will allow the village to grow whilst maintaining its historical layout. The village residents do not support any mass developments which either spoil its history or impact on the many special nature areas.

In addition any development which requires access across the village green will require the granting of an easement from the parish council.

One of the sites identified for future development is:

- The 'Water Board Land' between Leamount and Manor Farm.

#### Village Design Statement, Recommendations & Guidelines

High quality Development in keeping with surrounding;

Ensure well designed, high quality infill development which reflects the heritage and distinctive character of Dalton Piercy. That development is not out of keeping with the design of surrounding housing and protecting the amenities of surrounding occupiers. Giving regard to the historic farming and natural environment in terms of local features from the existing landscape and character of heritage assets such as listed buildings.

Ensure adequate provision for car parking in all new development.

Ensuring that the any development accommodates the impact of future climate change through actions such as the minimisation of hard landscaping and the village works to minimise the current flooding.

To ensure that sewage is managed in an adequate and environmentally friendly way respecting the natural water ways in the adjacent wildlife areas.

#### POLICY H1 - HOUSING DEVELOPMENT – JUSTIFICATION

8.26 Dalton Piercy: Infill is the only appropriate option; homes should be two and three bedroomed homes within curtilage parking as a preference. Access should be from within the village not from any fields/tracks surrounding the village.

The site of this application is within the Development Limits (village envelope) of Dalton Piercy and therefore accords with Hartlepool Rural Neighbourhood Plan (HRNP) policy GEN1.

The design as presented appears to reference the style of other properties, especially the adjacent listed Manor Farm. The would be in keeping with the character of the village and can be said to reinforce the character of the village by respecting the local vernacular building character and therefore is in accord with HRNP policy GEN2.

The site is one of those identified for infill development within Dalton Piercy by the Village Design Statement. The style of the new house, which is like that of adjacent farmhouses, can be said to reflect the heritage and distinctive character of Dalton Piercy and is not out of keeping with the design of surrounding housing. Regard has

been given to the historic farming environment in terms of local features and character of heritage assets such as listed buildings. While the proposal is for a four-bedroom house the application can largely be said to be in keeping with Dalton Piercy Village Design Statement.

The infill site with parking provided within the curtilage and accessed from within the village is as envisaged for Dalton Piercy. The application is not at odds with HRNP policy H1.

#### POLICY HA3 - PROTECTION AND ENHANCEMENT OF LISTED BUILDINGS

Works within the setting of a Listed Building should be of a design which is sympathetic to, and takes advantage of opportunities to enhance, the setting of the Listed Building. If appropriate design solutions that would avoid any harm cannot be provided, then the scheme will be not be supported

#### POLICY HA4 - PROTECTION AND ENHANCEMENT OF LOCALLY IMPORTANT BUILDINGS

In determining applications for planning permission that affect entries on the List of Locally Important Buildings, the effect of the application on the significance of the following will be assessed:

1. The historic or architectural importance of the building.
2. Features which contribute significantly to the character of the building.
3. Their contribution to the appearance of the locality.
4. Their scarcity value to the local area.
5. The scale, nature and importance of the proposed redevelopment, which should clearly demonstrate how it would conserve or enhance the site or setting of other buildings nearby.
6. The design and means of enclosure.

A balanced judgement will be made, having regard to the scale of any harm or the loss and the significance of the heritage asset.

This application is on a site between the listed Manor Farm and locally listed Leamont. The style of the design is very similar to the listed Manor Farm so its sympathy cannot be denied but being of so similar a façade might be said to lessen the unique contribution of the listed Manor Farm. The new buildings should sit well in the village being very much in the character of the village vernacular.

The existing rubble stone wall is an increasingly rare historical feature. Though much of this would be lost by the construction of the proposed building we would recommend that any approval be subject to a strongly enforced condition that as much as possible of the original wall is retained to provide the boundary either side of the new building. Also, in the event of this wall being damaged beyond repair, it must be reinstated in its original form.

This application is in keeping with the policies of the Rural Neighbourhood Plan outlined above and conforms to the Dalton Piercy Village Design Statement. The Group therefore have no objections to this application.

**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 1:2019, Section B5 for Dwellings.

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

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 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.

**Tees Archaeology:** We note that the site has previously been subject to archaeological evaluation, and that both the geophysical survey and trial trenching reports have been submitted. The evaluation has demonstrated that the site is of low archaeological potential; no further archaeological work is recommended and we have no objections.

**HBC Building Control:** I can confirm a Building Regulations application would be required for Erection of 1no. dwelling and annex/car port (outline, all matters reserved except access).

**HBC Waste Management:** Provision of Waste and Recycling Collection and Storage Facilities to new properties.

Developers are expected provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/ receptacles to enable the occupier to comply with the waste presentation and collection requirements in operation at that time.

Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council's waste collection service and vehicle load handling equipment.

**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. Please include our standard unexpected contamination and basic surface water conditions on any permission issued for proposals.

**HBC Estates:** No comments received.

**HBC Public Protection:** I would recommend the following:

- No external lighting shall be installed at the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and maintained in accordance with the approved details.
- The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Any deliveries/Collections to the site should be kept between these hours as well.

**Environment Agency:** No comments received.

**Anglian Water / Hartlepool Water:** No comments received.

**Northumbrian Water:** No comments received.

**HBC Parks and Countryside:** No comments received.

## **PLANNING POLICY**

1.16 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)

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

CC1: Minimising and adapting to climate change  
HE1: Heritage Assets  
HE4: Listed Buildings and Structures  
HE5: Locally Listed Buildings and Structures  
LS1: Locational Strategy  
NE1: Natural Environment  
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

### Hartlepool Rural Neighbourhood Plan (2018)

1.18 The following policies in the Hartlepool Rural Neighbourhood Plan (2018) are relevant to the determination of this application:

GEN1: Development Limits

GEN2: Design Principles

H1: Housing Development

HA1: Protection and Enhancement of Heritage Assets

HA3: Protection and Enhancement of Listed Buildings

HA4: Protection and Enhancement of Locally Important Buildings

NE1: Natural Environment

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

1.19 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:

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

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA060: Delivering a sufficient supply of homes

PARA079: Rural housing

PARA110: Considering development proposals

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA152: Meeting the challenge of climate change, flooding and coastal change

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

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

PARA174: Conserving and enhancing the natural environment

PARA189: Conserving and enhancing the historic environment  
 PARA194: Conserving and enhancing the historic environment  
 PARA195: Conserving and enhancing the historic environment  
 PARA199: Conserving and enhancing the historic environment -Considering potential impacts  
 PARA203: Conserving and enhancing the historic environment  
 PARA218: Implementation

**HBC Planning Policy comments:** The site is within the defined development limits of Dalton Piercy, as set by Hartlepool Local Plan 2018 policy LS1 and Hartlepool Rural Neighbourhood Plan 2016-2031 policy GEN1. Furthermore, as an infill windfall residential development, the proposal complies with HRNP policy H1, which sets a general presumption in favour of residential development on non-allocated sites within the development limits of villages. The site is also identified for future development in the Dalton Piercy Village Design Statement 2016.

The site has no further policy designations other than in respect of its proposed access, which is to be taken from an existing access serving Manor Farm, situated within the Village Green. This Green is designated as green infrastructure (Amenity Open Space) - NE2i) in the HLP and as an Accessible Green Space in the HRNP. HLP policy NE2 provides that the loss of green infrastructure components will be generally resisted; in this case, the loss would entail the hard surfacing of a small existing area of grass solely to form an access to the site. This is the only means by which to provide an access to the site, and the Village Green is characterised by many such accesses crossing it. Planning Policy are satisfied that the proposed access would not harm the overall amenity value and function of the Village Green as a valuable and historic green infrastructure component.

Previous officer advice for this site highlighted its sensitivity given the neighbouring buildings to either side and Village Green to the south, and indicated that a scheme for a single dwelling is most likely to be appropriate.

The principle of development as concerns the development of a single dwelling on the site is therefore acceptable.

It is noted that the description of development however includes an annexe/car port, with the illustrative site plan showing a large building for these uses set a distance from the dwelling, well back into the plot. HLP policy HSG12 deals with residential annexes and only allows for new (detached) buildings for such purposes in exceptional circumstances. Planning Policy have concerns about the approval of a detached annexe in principle (notwithstanding that the illustrative floor plan does not include any sleeping accommodation – this being typically associated with the term ‘annexe’) as part of the development, on the basis that the requirements of HSG12 have not been met. The illustrative uses for the building are ancillary in nature and therefore acceptable in principle – the description should be amended to exclude reference to an annexe.

Regard should be had to the Council’s Residential Design Guide SPD 2019, the Dalton Piercy Village Design Statement 2016 together with HLP policies QP3-7 and HRNP policy GEN2 in preparing any reserved matters scheme.

The site is positioned between grade II listed ‘Manor Farmhouse, adjoining cottage and outhouse’ and locally listed ‘Leamount’. As such, development of the site should have regard to statutory and policy requirements in relation to the protection of heritage assets (including their setting). Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBCA), HLP policies HE1, HE4 and HE5 and HRNP policies HA1, HA3, and HA4 policies are of relevance. Planning Policy trust that the Council’s Head of Service for Heritage and Open Spaces will comment on the whether the proposal (albeit as in outline at this stage) would give rise to any harmful impacts upon the historic environment.

## PLANNING CONSIDERATIONS

1.20 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the area (including adjacent designated and non-designated heritage assets), trees, neighbour amenity, ecology, highway safety and parking, flood risk, drainage and contaminated land. These, and any other planning and non-planning matters are considered in detail below.

### PRINCIPLE OF DEVELOPMENT

1.21 The application site is within the development limits to Dalton Piercy, as identified by Policy LS1 of the Hartlepool Local Plan Policies Map (2018) and Policy GEN1 of Hartlepool Rural Neighbourhood Plan (HRNP) (2018). Furthermore, as an infill windfall residential development, the proposal complies with HRNP Policy H1, which sets a general presumption in favour of residential development on non-allocated sites within the development limits of villages. As noted in the comments from the Rural Neighbourhood Plan Working Group (above), the site is also identified for future development in the Dalton Piercy Village Design Statement 2016. As such, a new dwelling in this location is acceptable in principle in terms of Policy RUR1 of the Hartlepool Local Plan (HLP) (2018) and Policies GEN1 and H1 of the HRNP (2018), subject to other relevant material planning considerations being found to be acceptable.

1.22 Whilst the application site is situated on unallocated white land, access would be taken from the Village Green, allocated as Green Infrastructure under Policy NE2i (Amenity Open Space) on the Hartlepool Local Plan Policies Map (2018), and Accessible Green Space on the Hartlepool Rural Neighbourhood Plan Map (2018). Policy NE2 (Green Infrastructure) of the HLP sets out that the council will safeguard green infrastructure from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure. In addition policy NE2 of the HLP states that the loss of green infrastructure components will generally be resisted but in exceptional circumstances green infrastructure will only be considered for other uses where:

- it can be demonstrated to be surplus to needs, or
- it has no other recreational, nature conservation or amenity function, or
- it is in an area where the local need has already been met elsewhere, or

- it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or
- it is too small or difficult to maintain.

1.23 The access over the Village Green would comprise a relatively small area of open space, sited on the edge of existing development and the land would remain open albeit that the access would cross it. It is of note that a significant amount of the land under this allocation (NE2i) would remain and the buffer and leisure benefits of the parcel of green infrastructure would remain and on balance the proposed crossing to facilitate the development is considered acceptable. It is noted in the comments by the Rural Neighbourhood Plan Working Group and Dalton Piercy Parish Council (above), that a Deed of Easement is required in order for the applicant to obtain a right of access. It is understood that this has been agreed in principle with Dalton Piercy Parish Council who are responsible for the village green.

1.24 The application includes the provision of a detached outbuilding, proposed to serve as an annex and car port. The submitted indicative floor plans indicate that the annex element would include a home office, store room, W.C. and tea kitchen. It is acknowledged that objections from members of the public as well as Dalton Piercy Parish Council have been received in this respect.

1.25 Policy HSG12 of the HLP (2018) states that annexes will be supported where development:

- 1) Is of a satisfactory scale, location and design in relation to the existing dwelling, its curtilage and surrounding properties, and;*
- 2) Is designed so that it will serve an ancillary function to the existing dwelling and is not of a form that would encourage its occupation as a separate dwelling when no longer required; and*
- 3) Does not deny the existing and future occupiers adequate private amenity space for normal domestic needs within the curtilage.*

1.26 The submitted plans and details indicate that that the proposed annex and car port outbuilding would be sited on the northern portion of the application site, approximately 32m from the front / village green at its closest point. The Council's Planning Policy team initially raised concerns in respect of the proposed annex, and the case officer requested that the applicant amend the description of this element to remove the annex. However the applicant was unwilling to amend the description, stating that an annex denotes a building that provides extra/ancillary floorspace which does not necessarily mean separate sleeping accommodation, and that the submitted plans make clear what the annex is intended to be used for. The applicant submitted amended indicative plans showing a reduction in scale of the proposed outbuilding. Following this, the Council's Planning Policy team have confirmed that the proposal would be acceptable in respect of the requirements of Policy HSG12 in that it is a satisfactory scale, location and design in relation to the proposed dwelling at the application site, is designed to serve an ancillary function to the proposed dwelling, and the development would provide an adequate amount of amenity space (including outdoor space and car parking) that would be in accordance with the Residential Design Guide SPD (2019) and relevant Policies of the HLP (2018)

(namely RUR1, QP4 and HSG12) and HRNP (namely GEN1 and GEN2 as well as the Dalton Piercy Village Design Statement). Notwithstanding the above, it is considered necessary to restrict any permission to prevent the development being formed into a separate dwelling and to ensure it is used only for ancillary purposes. This is considered to be necessary in order to enable the Local Planning Authority to retain control over the development and to prevent potential use of the extension as a separate dwelling. This can be secured by appropriately worded planning conditions.

1.27 Policies CC1 and QP7 of the Hartlepool Local Plan (2018) seek to ensure the provision of renewables and energy efficiency measures beyond Building Regulation requirements. However, it is of note that Building Regulations have been updated on 15<sup>th</sup> June 2022, and any forthcoming Building Regulation application will now be assessed under the new Regulations. The application is considered to be acceptable in this respect.

1.28 In view of the above, the Council's Planning Policy team have assessed the proposals and have confirmed the proposals are acceptable in principle, subject to consideration of other relevant planning matters.

#### CHARACTER & APPEARANCE OF THE AREA (INCLUDING DESIGNATED AND NON-DESIGNATED HERITAGE ASSETS)

1.29 The proposed dwelling, ancillary outbuilding and associated development would comprise an in-fill development located between Manor Farm (a Grade II Listed Building) and Leamont (a locally listed building). When considering proposals within the vicinity of a listed building attention should be paid to the desirability of preserving the setting of the asset in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1.30 Policy HE1 (Heritage Assets) of the HLP (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 (Listed Buildings) of the HLP states, "to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting". Policy HE5 (Locally Listed Buildings) of the HLP 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.

1.31 Policy HA3 (Protection and Enhancement of Listed Buildings) of the HRNP seeks to protect and/or enhance the setting of a listed building, whilst Policy HA4 (Protection and Enhancement of Locally Important Buildings) of the HRNP requires that a balanced judgement is made regarding any potential harm or loss to locally important buildings.

1.32 The NPPF (2021) also looks for local planning authorities to take account of the significance of a designated heritage asset and give, "great weight" to the asset's conservation (para 199, NPPF). 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.

1.33 The Council's Head of Service for Heritage and Open Space has confirmed that in principle there would be no objections to the proposed siting of the detached dwelling and associated outbuilding. It is not considered that the proposal would result in an adverse impact on the setting and significance of the adjacent heritage assets.

1.34 It is noted that the proposed dwelling would necessitate the partial removal of a boundary wall. The Dalton Piercy Village Design Statement identifies that this wall is part of the Village Green ancient historic boundary wall which was utilised, along with gates at either entry, to the medieval village. Dalton Piercy Parish Council have been consulted on the proposals and have objected to the proposed alterations to and loss of parts of the existing ancient stone wall to the front of the application site. The application has been amended during the course of consideration, and the applicant has sought to retain some of the existing boundary wall. A re-consultation was undertaken however Dalton Piercy Parish Council have sustained their objection.

1.35 In respect of the proposed design and siting of the detached dwelling, whilst it is acknowledged that the proposed location of the dwelling would necessitate the partial removal of the boundary wall, it is of consideration that the retention of the boundary wall would mean the proposed dwelling would need to be set back from the front of the application site. It is considered that the setting back of the proposed dwelling would be at odds with the adjacent Manor Farm and Leamont buildings, and would appear incongruous in this context. The Council's Head of Service for Heritage and Open Space, the Council's Planning Policy team and the Rural Neighbourhood Plan Working Group have made assessments/comments regarding the impact on the existing rubble stone wall, however consider the proposed siting of the proposed dwelling to be acceptable. The latter have requested a planning condition to ensure that as much as possible of the original wall is retained to provide the boundary either side of the new dwelling, and to reinstate the wall in its original form should it become damaged. In view of the above, and taking into account the above mentioned Village Design Statement, it is considered the proposal is acceptable in this respect, subject to a planning condition to safeguard the retained sections of the boundary wall during construction works.

1.36 An objection makes reference to the adjacent Grade II Listed Building at Manor Farm and queries whether the wall is listed. The Council's Head of Service for Heritage and Open Space has confirmed that the listing of the adjacent Manor Farm does not include the boundary wall to the front of the application site, and as noted above, it is not considered that the proposal would result in an adverse impact on the setting and significance of the adjacent heritage assets.

1.37 Policy QP4 (Layout and Design of Development) of the HLP (2018) and Policies GEN1 and GEN2 of the HRNP (2018) require, amongst other provisions, that proposals should be of an appropriate size, design and appearance sympathetic to the host property and the character of the surrounding area. 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.

1.38 It is anticipated that the proposed dwelling and outbuilding (annex and car port) would be comfortably accommodated within the application site, accessed by the proposed access driveway (as detailed above) on the southern side. The overall site context includes an open field flanked by locally listed and Grade II Listed buildings to the east and west, with additional outbuildings to the rear, and a mix of boundary treatments including the existing brick wall to the front and trees and other landscaping to the rear. It is of consideration that the proposed dwelling would be readily visible when travelling along Dalton Piercy or from other vantage points within the surrounding area. Notwithstanding this, design details are reserved, and it is anticipated that the design and scale of the proposed dwelling and proposed outbuilding could come forward that would be suitable and could be accommodated within the site without adversely affecting the character and appearance of the existing site or the surrounding area.

1.39 Final details of boundary treatments, external finishing materials, hard and soft landscaping will be required to be provided and considered as part of the reserved matters application.

#### Character and Appearance of the Surrounding Area Conclusion

1.40 In light of the above, it is considered that the impact of the development on visual amenity, the character and appearance of the area (including adjacent heritage assets) would be acceptable in respect of Policies HE1, HE4, HE3 and QP4 of the HLP (2018), Policies HA3, HA4, GEN1 and GEN2 of the HRNP (2018) and paragraphs 126, 130, 134 and 203 of the NPPF (2021).

#### TREES

1.41 The application site features trees and hedgerows throughout the parcel of land. Mature trees are also present along the adjacent boundary to the west (understood to be primarily within the curtilage of the residential properties to the west). An amended Arboricultural Impact Assessment (AIA) has been provided in support of the application which details that a mature Cypress tree within the boundary of Leamont (west) would be protected. This can be secured by planning condition, which is recommended accordingly.

1.42 The AIA concludes that the proposals would remove a group of trees. The submitted AIA concludes that suitable mitigation planting should be proposed, and this can be secured by a planning condition, which is recommended accordingly.

1.43 The Council's Arboricultural Officer has confirmed that the amended AIA is acceptable, subject to the recommended conditions being secured. The Council's Ecologist has also confirmed that the proposed tree retention details are acceptable, subject to a planning condition to ensure that this is undertaken to the satisfaction of the LPA.

1.44 It is noted that the submitted plans as part of the outline application do not include details of any proposed planting. Notwithstanding this, the reserved matters application will be expected to provide full details of hard and soft landscaping.

1.45 Subject to the above identified conditions the proposal is considered to be acceptable in respect to its impact on trees.

## NEIGHBOUR AMENITY

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

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

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

1.48 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.

1.49 It is acknowledged that a number of objections have been received from neighbouring occupants, primarily citing concerns regarding impacts on privacy, and in respect of noise, light and air pollution.

1.50 Given that the proposed dwelling is only in outline at this stage, full consideration of its scale, layout and appearance, and its relationship (and impacts) on neighbouring properties would form part of the consideration of the reserved matters application. Notwithstanding this it is considered that the development could be accommodated with acceptable impacts in respect to neighbouring amenity. This view is supported by the indicative submitted layout of the proposed main dwelling and outbuilding. These show the proposed dwelling sited with a separation distance of approximately 9.5m from Leamount to the west (which does not feature windows in the main side elevation), approximately 8.5m from Manor Farm to the east (which does not feature windows in the main side elevation). The indicative plans indicate that the proposed outbuilding would be sited approximately 26.8m from the rear extension serving Leamount to the west (at its closest point), and approximately 14m (oblique) from the rear of Manor Farm to the east. A substantial separation distance of approximately 195m would remain from the indicative proposal to neighbouring properties to the south.

1.51 It is acknowledged that objections have been received in respect of proposed light pollution and any disturbance from proposed construction and excavation

works. The Council's Public Protection section have been consulted on the proposal and have requested a planning condition restricting construction hours, and securing details of any proposed lighting, which are recommended accordingly. The Council also has statutory powers relating to the control of nuisance which can also be relied on should any statutory nuisance occur. In view of the above, 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.

1.52 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 for existing residential properties in the surrounding area.

1.53 In view of the above, it is considered that the proposed dwelling and ancillary outbuilding and associated works would not result in any significant adverse impact on the amenity or privacy of any neighbouring property (or users of 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 HLP (2018) and the provisions of the NPPF (2021).

## ECOLOGY

1.54 Policies NE1 of the HLP and NE1 of the HRNP requires that the natural environment be protected, managed and enhanced, whilst Policy NE4 of the HLP states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough.

1.55 Paragraph 174 of the NPPF (2021) states that planning decisions should contribute and enhance the natural and local environment including by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. This paragraph requires development to minimise impacts on and provide net gains for biodiversity.

1.56 The Council's Ecologist has undertaken a Habitats Regulations Assessment Stage 1 Assessment which has screened out further assessments or mitigation in respect of Nitrate pollution of the Teesmouth & Cleveland Coast SPA and Ramsar site. The Council's Ecologist has recommended the inclusion of planning conditions to secure measures aimed at biodiversity enhancement, by way of the inclusion of two bat boxes and two bird nesting boxes into the fabric of the proposed buildings. Subject to planning conditions that secure these measures, the proposals are considered to be in accordance with the relevant parts of policies NE1 of the HLP, NE1 of the HRNP (2018) and NPPF (2021).

1.57 Natural England has been consulted on the application has not offered any objections. Subject to the above referenced conditions, the proposal would not result in any significant adverse impacts on statutorily protected nature conservation sites or landscapes.

1.58 Subject to the abovementioned conditions, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the Policies NE1 and NE4 of the HLP (2018), Policies NE1 and NE2 of the HRNP (2018) and paragraph 174 of the NPPF (2021).

#### HIGHWAY SAFETY & PARKING

1.59 It is acknowledged that a number of neighbouring objections have raised concerns that the proposed access road would result in adverse impacts for highway and pedestrian safety. As noted above, the application indicates that localised access would be required across the Village Green. This is proposed by way of a tracked driveway. As noted above, the access over the Village Green requires the applicant to have secured a Dead of Easement with the relevant authority, Dalton Piercy Parish Council.

1.60 The Council's Highways, Traffic and Transport section have been consulted on the application and have not raised any objection to the application. The proposal is therefore considered to be acceptable in this regard.

1.61 In terms of public footpaths, the Council's Countryside Access Officer has been consulted in respect of the application and has confirmed that there is no impact upon any public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

1.62 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 & CONTAMINATED LAND

1.63 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.

1.64 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, subject to the inclusion of a planning condition to ensure that final details are satisfactory. A planning condition is duly recommended.

1.65 Northumbrian Water have been consulted on the application and not offered any comments or objections.

1.66 In respect of contaminated land, the Council's Flood Risk Officer has confirmed no objections to the proposals subject to an unexpected contamination condition being appended, which is recommended accordingly.

1.67 Subject to the inclusion of the above mentioned planning condition, 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 HLP and paragraphs of the NPPF (2021).

## OTHER PLANNING MATTERS

### *Archaeology*

1.68 Local Plan Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology have been consulted on the proposals and have confirmed that the site has previously been subject to archaeological evaluation, and that both the geophysical survey and trial trenching reports have been submitted. Tees Archaeology have confirmed that the site is of low archaeological potential and no further archaeological work is required. The proposal is considered to be acceptable in this respect.

### *Safety and Security*

1.69 The Council's Community Safety section have been consulted on the proposal and have not provided any comments or objections, whilst Cleveland Police have been consulted on the proposal and have confirmed no objections, albeit advising that doors and windows are certified to recommended standards. An informative can relay this advice to the applicant and the proposal is considered to be acceptable in this respect.

### *Up to date location plans and consultation*

1.70 The submitted plans have been amended following an objection from the occupant of a neighbouring property that the originally submitted plans omitted recent development. It is of note that the submitted plans adequately identify the red line boundary of the application site. The application has been advertised in line with (if not exceeding) the requirements of planning legislation including neighbour letters, site notice and a press advert.

### *Proposals on adjacent land*

1.71 It is acknowledged that an objection raises concerns regarding previous approvals for the conversion of ancillary farm buildings to residential properties. It is noted from the planning history for adjacent properties (as detailed above) that these permissions have not been implemented and have now expired. The current application cannot consider the merits of other applications.

### *Levels and earthworks*

1.72 It is acknowledged that objections have been received in respect of the topography of the site and any works having the potential to undermine the structural integrity of the existing boundary wall at the application site and/or adjacent structures (beyond the curtilage of the application site). As noted above, full site levels will need to be provided by planning condition and as part of any reserved matters application.

## OTHER MATTERS

### *Fire Safety & Building Regulations*

1.73 Cleveland Fire Brigade have offered no objections to the proposals with advice on the requirement for access and water supplies access. 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 is recommended to reiterate this advice.

### *Non-planning matters*

1.74 Utility provision and boundary discussions are not material planning considerations and therefore cannot be considered as part of this application.

## CONCLUSION

1.75 The proposal is considered acceptable. It is acknowledged that the southern part of the application site (access onto the site) is allocated as green infrastructure (Amenity Public Space) in accordance with Policies LS1 and NE2(i) of the HLP (2018), however impacts are very limited and the majority of this open space will remain.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.76 There is no evidence of equality or diversity implications.

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

1.77 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.

1.78 There are no Section 17 implications.

## REASON FOR DECISION

1.79 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. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
  - (a) the expiration of five years from the date of this permission; or

(b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

To clarify the period for which the permission is valid.

2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with the plans and details Drwg. No. 2302-01 (Location Plan) received by the Local Planning Authority on 21<sup>st</sup> October 2022, and Drwg. No. LPFDP-CF-XX-DR-A-0503 Rev P9 (Site Plan), received by the Local Planning Authority on 31<sup>st</sup> January 2023.  
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 1 no. dwellinghouse (C3 use class).  
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with the layout shown on dwg. No. LPFDP-CF-XX-DR-A-0503 Rev P9 (Site Plan), received by the Local Planning Authority on 31<sup>st</sup> January 2023.  
To ensure a satisfactory form of development.
6. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for protection of the existing stone walls to the southern boundary, as annotated on drawing number LPFDP-CF-XX-DR-A-0503 Rev P9 (Site Plan), received by the Local Planning Authority on 31<sup>st</sup> January 2023 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site and retained for the duration of the construction period.  
In order to ensure that the historic interest of this feature is retained and in the interest of the visual amenity of the area.
7. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for the protection and retention of the retained trees (as identified in the 'Arboricultural Implications Assessment and Tree Bat Roost Risk Assessment, documented dated June 2022, received by the Local Planning Authority on 22<sup>nd</sup> November 2022 and as annotated on drawing entitled 'Appendix 4 - Tree Protection Plan', plan dated 18/11/22, received by the Local Planning Authority on 22<sup>nd</sup> November 2022) shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall include a dimensioned tree protection plan(s) (TPP). Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be

implemented on site (and thereafter retained until the completion of the development) and an on-site meeting shall be undertaken with the Local Planning Authority to confirm that all tree protection measures have been installed in accordance with the required and approved dimensioned tree protection plan. 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 retained trees that are found to be dead, dying, severely damaged or diseased 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.

8. Notwithstanding the submitted details and prior to the commencement of development, details of the existing and proposed site levels of the application site (including any proposed mounding and or associated earth retention measures) and finished floor levels of the hereby permitted development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

To ensure that the development safeguards the visual amenity of the area and the living conditions of the neighbouring residents.

9. Notwithstanding the submitted information, development of the dwelling hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details.

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

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be



carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Notwithstanding the submitted information and prior to the commencement of works above ground level, full details of a minimum of 2no. integral bat roosting box bricks (suitable for crevice roosting bats) and 2no. integral bird nesting bricks to be installed in a south or east facing sides of the buildings hereby approved at a height of a minimum of 3m (including the exact location, specification and design) shall be submitted to and approved in writing by the Local Planning Authority. The bat roost bricks and bird nesting bricks shall be installed prior to the first use of the development or completion of the development (whichever is the sooner). The bat roost bricks and bird nesting bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter for the lifetime of the development. To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.
12. The Reserved Matters application (referred to in conditions 2 and 3) for the development hereby approved shall be accompanied by a scheme for the provision, long term maintenance and management of all landscaping within the site. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the agreed scheme (as part of the Reserved Matters) shall be provided in accordance with the approved details and timetable. All planting, seeding or turfing comprised in the approved details of landscaping of the development hereby approved shall be carried out in the first planting season following the first use or completion of the development hereby approved (whichever is the sooner). Any trees plants or shrubs which within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
13. Notwithstanding the submitted information, the Reserved Matters application for the development hereby approved shall be accompanied by final details of all hard surfaces, hard landscaping, external finishing materials, boundary treatments and enclosures including all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings, and shall include a timetable for implementation. Thereafter, the development shall be carried out in accordance with the agreed details and timetable.  
To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers
14. Prior to the installation of any external lighting and/or floodlights associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing

by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

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

15. No construction/building works or deliveries associated with the development hereby approved shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
16. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the development hereby approved shall be used solely for C3 use as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended) and for no other purpose or use (including any other use within the C3 Use Class) and shall not be extended, sub-divided, converted or externally altered in any manner.  
To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development and to manage environmental impacts of the development.
17. Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the annex and car port hereby approved as shown on dwg. No. LPFDP-CF-XX-DR-A-0503 Rev P9 (Site Plan), received by the Local Planning Authority on 31<sup>st</sup> January 2023 shall not be converted, altered or extended in any way without the written approval of the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties and to accord with Policy RUR1 of the Hartlepool Local Plan (2018).
18. The use of the ancillary accommodation (annex and car port) hereby approved shall remain ancillary to the use of the dwellinghouse hereby approved. It shall not be used as a separate dwellinghouse (C3 Use Class), or for any other use. For the avoidance of doubt.
19. No part of the development hereby approved shall be occupied until vehicular access connecting the application site to the public highway has been constructed to the satisfaction of the Local Planning Authority and in accordance with the layout and materials as stipulated on dwg. No. LPFDP-CF-XX-DR-A-0503 Rev P9 (Site Plan), received by the Local Planning Authority on 31<sup>st</sup> January 2023.

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

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155398>

1.81 Copies of the applications are available on-line:

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

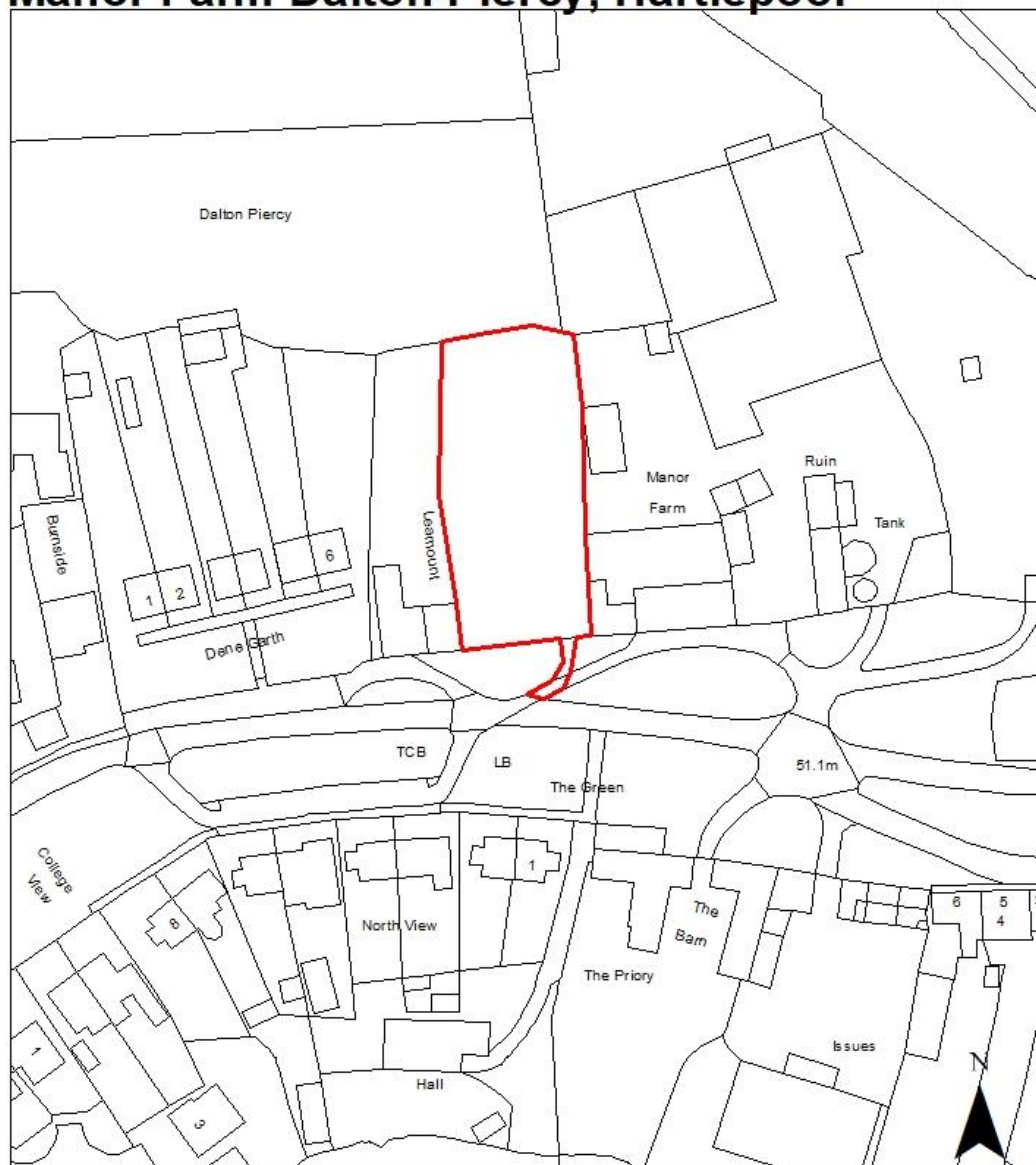
## **CONTACT OFFICER**

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

## **AUTHOR**

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

## Manor Farm Dalton Piercy, Hartlepool



Copyright Reserved Licence No100023390 (2023)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>02.03.2023</b>
	SCALE <b>1:1000</b>	
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG. NO <b>H/2022/0350</b>	REV



**No:** 2.  
**Number:** H/2022/0475  
**Applicant:** MR KARL BYERS 11 THE GREEN ELWICK  
 HARTLEPOOL TS27 3ED  
**Agent:** ASP Service Ltd OFFICE 206 ADVANCED HOUSE  
 WESLEY SQUARE HARTLEPOOL TS24 8BX  
**Date valid:** 24/01/2023  
**Development:** Erection of single storey front porch and replacement of  
 existing windows and doors with uPVC double glazed  
 units (Re-submission of H/2022/0216).  
**Location:** CHANTRY COTTAGE 11 THE GREEN ELWICK  
 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. This application was deferred by members at the last committee meeting of 15.03.2023 to allow members to undertake a site visit.

## BACKGROUND

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

HCON/1990/0615/90 – Conservation Area Consent for the demolition of rear offshoot and stables at 11 & 12 The Green. Approved 30/11/1990.

HFUL/1990/0614 – Alterations and extensions to create single dwelling unit at 11 & 12 The Green. Approved 30/11/1990.

HFUL/1990/0704 – Erection of 2no. detached houses with garages and detached garage. Approved 17/01/1991.

H/2022/0216 – Erection of single storey front porch canopy and replacement of existing windows and doors with new uPVC double glazed units. Refused 17/11/2022 for the following reason:

*In the opinion of the Local Planning Authority, it is considered that the replacement windows, the replacement doors and the proposed porch at the property would cause less than substantial harm to the designated heritage asset (Elwick Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018), Policies HA1 and HA2 of the Hartlepool Rural*

*Neighbourhood Plan (2018) and paragraphs 124, 130, 189 and 196 of the National Planning Policy Framework 2021.*

## **PROPOSAL**

2.3 Planning permission is sought for the replacement of the existing timber sash and case windows and timber doors, with new uPVC double glazed units and uPVC composite doors. The application also seeks planning permission for the erection of a pitched roof canopy over the entrance door.

2.4 This application is a re-submission following a refusal for a similar proposal (H/2022/0216, refused 17/11/2022).

2.5 During the course of this application the proposed pitched roof canopy was altered in its design, due to an objection and concerns raised by Elwick Parish Council relating to development on land designated as Village Green. Amended plans were received which removed the brick foundations of the proposed canopy, with timber supports affixing the proposed canopy to the front/south elevation of the main dwelling only. The applicant served notice on Elwick Parish Council as the proposed porch would overhang, but not physically encroach onto. (land under the ownership of the Parish Council). A period of re-consultation was carried out with all neighbours and consultees.

2.6 The proposed canopy now comprises a pitched roof canopy supported by timber curved beams affixed to the front/south elevation of the main dwelling, which would feature tiles to match existing.

2.7 The proposed development would involve the removal of the existing timber frame single glazed sliding sash windows, with the installation of uPVC double glazed mock sash windows with glazing bars to match existing design. The replacement windows consist on the front/south elevation 4no. two-pane windows, with the rear/north elevation featuring 1no. two-pane window and 2no. small two-pane windows. In addition to replacing the timber entrance door and frame on the front/south elevation and 2no. access doors on the rear/north elevation with uPVC composite doors.

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

## **SITE CONTEXT**

2.9 The application site comprises a single storey terraced cottage of 11 The Green (also known as Chantry Cottage) located within the Elwick Conservation Area, a designated heritage asset. To the front/south is Elwick Village Green, with the highway of The Green beyond. To the side/west is the attached property of 10 The Green and at the opposite side is an access leading to the properties to the rear of 12a & 12b the Green. Beyond the access to the side/east, is the property of 14 The Green (also known as Holmlea).

2.10 Immediately to the south of the front/south elevation of the application property is a section of grass which is Village Green. Straddling the front access door on the southern elevation of the main dwelling are 2no. conifer trees. These 2no. conifer trees are situated on Village Green.

## **PUBLICITY**

2.11 The application has been advertised by way of 12 neighbour letters, a site notice and a press advert. To date, no responses have been received.

2.12 Following an amendment to the proposed development, a further period of consultation was carried out with all neighbours. At the time of writing, no responses have been received.

2.13 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=156402>

2.14 The period for publicity has expired.

## **CONSULTATIONS**

2.15 The following consultation replies have been received:

**Head of Service (Heritage and Open Spaces):** This is a resubmission of a previously application which was refused. The proposed works to the property for the most part have, for the most part, not changed, apart from the porch which has been altered to a canopy and therefore the comments provided reflect this.

The application site is located in Elwick Conservation Area, which is recognised as a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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



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

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

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

The proposal is the replacement of existing timber sash windows and doors with uPVC double glazed windows in a mock sash style and uPVC composite doors to the front and rear of the property. In addition an open porch, later amended to a canopy, is proposed to the front elevation over the main door.

The property is located in the centre of the conservation area. In the [Building Recording Project](#) completed in 2013 it is noted that,

'While the farmhouses mark the wealthier occupants of the village those who provided labour had much smaller accommodation, either living within the main farm complex or in small cottages. Relatively few of these small cottages survive and none are untouched by extensive modernisation, however their basic character can still be seen at Elwick in Chantry Cottage, 11 The Green'.

Further to this it describes it as a,

'Single storey building adjoins ... Rendered, with a gabled roof of pan tiles. The gable end is somewhat higher than the roof, suggesting this house may once have been thatched. The main entrance is in the centre of the front elevation. This was originally two farm cottages (11 & 12 The Green) which were converted into one dwelling in the 1980's or 90s.'

The house appears to have replacement windows and doors, possibly installed when the property was converted to a single dwelling, these are in timber and of a traditional style. It is understood that the proposed replacement windows are uPVC mock sash style i.e. hinged at the top of the window.

Historic England's document, '[Traditional Windows; Their Care, Repair and Upgrading](#)' states, UPVC windows, 'are assembled from factory-made components designed for rigidity, thermal performance and ease of production. Their design, detailing and operation make them look different to traditional windows.' It further notes that the, 'different appearance and character' of such windows in comparison

to historic windows means they are, 'unsuitable for older buildings, particularly those that are listed or in conservation areas.'

The width, bulk of the framing and opening mechanisms of the proposed windows are unacceptable. The windows to the property would have been traditional double hung vertical sliding sash windows constructed in timber. The appearance of the windows that are proposed are vastly different to a sliding sash. They are top hung and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush.

Further to this a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

In relation to the replacement doors. It is proposed that composite doors are installed to the front and rear of the house. It is noted that the original doors no longer exist in the property and the doors are of a modern design. Composite doors are proposed, these have a smoother more regular surface finish and colour than timber, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. For this reason the doors are not considered to be appropriate for use within the conservation area.

Whilst there are a number of porches to properties within the conservation area these are predominantly to the more recent buildings, in addition these are all of a modern design. As noted above this house is one of the few remaining cottages which were traditionally located on The Green. Historic photographs show these had direct access to the public space to the front, without any porches or coverings over the door. This character, and in particular the streetscene of structures fronting the open space, contributes to the significance of the conservation area.

It is considered that the proposed windows, doors and canopy would cause less than substantial harm to the conservation area. No information has been provided in the submission to suggest that this harm would be outweighed by the public benefits of the proposal.

**Clerk to the Parish Council of Elwick:** Thank you for consulting Elwick Parish Council on this application. Councillors are keen to support the Conservation Area status of the village green, which this property abuts.

We would always prefer to see wooden window and door replacements in wood in an historic building, but we are also mindful that everyone needs to reduce the loss of heat through windows and doors to reduce fuel consumption and help meet Net Zero targets. We would therefore accept uPVC replacement windows, providing

these were windows with narrow profile framing in keeping with the village architecture.

Land ownership is not normally a substantive matter for planning decisions however, it impacts considerably on this application as it stands. We have therefore spoken with both the owner of the property, and his architect, in respect of his application, and we believe we have reached agreement on the windows, as stated above. We have also explained that the land to the front of the property, which the owner believed to be his, is in fact part of the Registered Village Green and as such, no structures may be built upon it. (The deeds of the property, held by the HM Land Registry, clearly show the boundary as being the front wall of the house, as does the map of the Registered Village Green). The Parish Council issues a Wayleave claim every year, to this household amongst many abutting the green, to ensure there can be no uncertainty over the ownership of the land, managed, on behalf of all residents of Elwick, by the Parish Council. To this end, we have suggested to the owner and architect, the requested porch be replaced with a canopy, attached to the wall of the house, and which would not require an encroachment onto the village green, but would still provide some protection from the weather. This suggestion was, we believe, accepted as a constructive compromise, and we fully expect the current planning application to be revised accordingly, before going before the Planning Committee.

**Rural Plan Working Group:** Thank you for consulting Hartlepool Rural Plan Group regarding the above application. The application site is within the development limits of Elwick village and within Elwick Conservation Area and subject to the article 4 direction in force in Elwick.

There was a previous application for this property, H/2022/0216, which was refused. We can see no material change from this previous application which would address the reasons for refusal. Our comments below remain the same.

Chantry cottage is a fine example of the single storey buildings which would have provided homes for the humble working villager. Originally two farm cottages (11 & 12 The Green) converted into one dwelling in the late 1900s. These simpler buildings are central to the character of villages like Elwick. The house appears to have replacement windows and doors, possibly installed when the property was converted to a single dwelling, these are in timber and of a traditional style. It is understood that the proposed replacement windows are uPVC mock sash style i.e. hinged at the top of the window.

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

#### POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

1. how relevant village design statements and conservation area appraisals have been taken into account;
3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building

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

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

The proposed alterations have not demonstrated how Elwick Village Design Statement or Elwick Conservation Area Appraisal has been taken into account. The Borough Council's Conservation Area Appraisal even shows a photographic example of the proposed mock sash window as an 'inappropriate alteration'.

The move away from the traditional style and material of window proposed fails to respect the local vernacular. The porch proposed is a further doubtful digression from the simpler character and sense of place.

#### POLICY HA1. — PROTECTION AND ENHANCEMENT OF HERITAGE ASSETS

Planning applications will be supported which:

1. preserve and enhance their physical character and facilitate new uses for buildings at risk.
2. ensure all heritage assets including Scheduled Ancient Monuments and the ridge and furrow landscape, within the Rural Plan area are conserved or enhanced through a constructive conservation approach;
3. ensure that the distinctive character of Conservation Areas, within the Rural Plan area, is conserved or enhanced through a constructive conservation approach;

The proposals contained in this application cannot be said to preserve or enhance the physical character of this cottage which is part of Elwick Conservation Area. The movement away from the proper period style offered by a wooden sash window fails to maintain the character. No enhancement can be provided by a mock casement window the detailing of which is not traditional and which when open destroys the mimicking sought. Upvc is a material which requires a very different construction which can only digresses from a constructive conservation approach. The use of composite doors and an external porch further removes this cottage from its elegantly simple contribution to the character of the conservation area.

#### POLICY HA2 - PROTECTION AND ENHANCEMENT OF CONSERVATION AREAS

In determining applications within Conservation Areas, or which affect the setting of a Conservation Area, particular regard will be given to the following:

1. The scale and nature of the development;
2. The design, height, orientation, massing, means of enclosure, materials, finishes and decoration proposed;
3. The retention of original features of special architectural interest such as walls, gateways and other architectural details;
7. Guidance provided in relevant Conservation Appraisals, Visual Assessments and Village Design Statements.

Elwick Village Design Statement. In particular, buildings are seriously affected by changes to such aspects as roof materials, gutter and downpipes, wall finishes, windows and dormers, doors and door surrounds. Even the simplest cottage or brick terrace is part of Elwick's local heritage and once its quality is destroyed, it is not easily recreated

The nature of the materials proposed, and the style of the new features is not complimentary to the protection and enhancement of the conservation area or the retention of original features. Even if the existing windows were replaced in the late 1900s, they were replacements that at that time sought to maintain original features. Elwick Village Design Statement highlights the importance of features such as windows and doors, even on the simplest cottage.

Heritage priorities for Elwick (as listed in appendix 5 of the Rural Neighbourhood Plan) include :- Review of the Article 4 directive in Elwick Conservation Area and encouragement to use more appropriately designed windows, doors, boundary features and other domestic features.

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

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

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

The proposal to replace the windows of this cottage with mock sash plastic windows, which it must be emphasized are casements with hinges at the top and not sash windows at all, is not in keeping with the above policies of the Rural Neighbourhood Plan or guidance provided by Elwick Village Design Statement which through extensive consultation represents the wishes of the communities they serve.

The loss of the period style of the sash windows and the use of non-traditional materials are contrary to the policies of Hartlepool Rural Neighbourhood Plan. The replacement of the solid wooden doors with plastic composite examples will again not be constructed in a traditional way and will represent a further departure from the qualities of the Conservation Area. The proposed porch is also a doubtful costly departure from the traditional features of the ordinary South Durham vernacular.

The aim of improving the thermal efficiency of the property is applauded but this can be achieved without the need for such a digression from the above policies and advice. For example, secondary glazing can offer an option which puts the quality and character of the conservation to the fore.

The proposals do not seem to have taken any guidance from the Village Design Statement provided by the local community or the Conservation Area Appraisal provided by the Borough Council. The proposals are not in line with the policies of the Rural Neighbourhood Plan as outlined above. The Rural Neighbourhood Plan Group therefore must tender an objection to this application.

**HBC Arboricultural Officer:** As the trees are protected by virtue of being within the Elwick conservation areas details of pruning to take place must be submitted to the LPA to enable an informed decision on the trees to take place. If this is not submitted and therefore not taken into account as part of your application then a separate Section 211 notice should be submitted to the LPA before any work to the trees can be carried out.

**HBC Landscape Architect:** Defer to Heritage and Countryside comments.

**Tees Archaeology:** Thank you for the consultation on this application. We agree with, and defer to, the comments made by Conservation (Heritage and Countryside).

**HBC Building Control:** I can confirm that a Building Regulation application will be required for 'replacement of existing windows and doors with uPVC double glazed units'.

**Civic Society:** no comment received.

**HBC Ecology:** I have no objection to the proposals. I note the comments from the Heritage and Conservation Officers. I would request that the following condition is added to the permission:

Condition: Should evidence of bats be confirmed during the proposed works to the property, works shall immediately cease and guidance be sought from a suitably licensed and qualified bat ecologist. The applicant shall follow the recommendations provided by the bat ecologist. A report shall be submitted to the LPA on completion of works. Reason: Preventing disturbance to a protected species (bats) and potential damage to a roosting site in conflict to the Wildlife and Countryside Act 1981 (as amended).

## PLANNING POLICY

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

### Local Policy

#### Hartlepool Local Plan 2018

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

SUS1: The Presumption in Favour of Sustainable Development;

LS1: Locational Strategy;

CC1: Climate Change;  
 QP4 : Layout and Design of Development;  
 QP5: Safety and security;  
 QP6: Technical Matters;  
 HSG11 : Extensions and alterations to Existing Dwellings;  
 HE1 : Heritage Assets;  
 HE3 : Conservation Areas.

### Hartlepool Rural Neighbourhood Plan 2018

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

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

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

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 001: Policies for England;  
 PARA 002: Planning Law;  
 PARA 003: NPPF as a whole;  
 PARA 007: Purpose of the planning system;  
 PARA 008: Sustainable development;  
 PARA 009: implementation of plans and relating to local circumstances;  
 PARA 010: Planning in a positive way;  
 PARA 011: Presumption in favour of sustainable development;  
 PARA 012: Status of the Development Plan;  
 PARA 038: Decision-making;  
 PARA 047 : Determining applications in accordance with the Development Plan;  
 PARA 055: Planning Conditions;  
 PARA 056: Planning Conditions;

PARA 124: Design;  
 PARA 126: High quality buildings and places;  
 PARA 129: Design principles;  
 PARA 130: Design;  
 PARA 132: Achieving well-designed places;  
 PARA 134: Refusing poor design;  
 PARA 159: Inappropriate development in areas at risk of flooding;  
 PARA 167: Determining applications in flood risk areas;  
 PARA 189: Importance of heritage assets;  
 PARA 195: Significance of a heritage asset;  
 PARA 196: Neglect or Damage to Heritage Asset;  
 PARA 197: Determining applications.

**HBC Planning Policy:** The application site is an unlisted building within Elwick Conservation Area. Planning Policy have no objection with regards to the proposal providing that the Council's Heritage and Countryside Manager is satisfied with the scheme's impact upon the character and appearance of the Conservation Area, which includes the installation of replacement mock uPVC sash units.

## PLANNING CONSIDERATIONS

2.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the existing dwelling and the Conservation Area, the impact on the amenity and privacy of neighbouring land users, impact on trees and ecology. These and any other planning matters are considered in detail below.

### IMPACT ON CHARACTER AND APPEARANCE OF EXISTING DWELLING AND THE ELWICK CONSERVATION AREA

2.21 When considering any application for planning permission that affects a conservation Area, the 1990 Act requires a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197 NPPF).

2.22 Further to this, at a local level, Policy HE3 of the Hartlepool Local Plan (2018) states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas. These requirements are reflected in the relevant policies (GEN2, HA1 & HA2) of the adopted Hartlepool Rural Neighbourhood Plan (2018).

2.23 As identified in the comments received from the Council's Head of Service (Heritage and Open Spaces) and echoed by the Hartlepool Rural Neighbouring Plan



Working Group, Elwick Conservation area is traditionally made up from properties featuring either horizontal sliding sashes (Yorkshire lights) or vertical sash windows. The application site is prominently located within the centre of the Conservation Area and the cottage is considered to benefit from its historic character, featuring timber window frames that are of a traditional sliding sash style.

2.24 The proposed replacement mock sash uPVC windows design, detailing and operation are considered to present very different to the traditional sliding sash windows. Small details such as the glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. Furthermore, the width, bulk of the framing and opening mechanisms of the proposed uPVC windows are considered to be significant differences from the existing traditional window frames. The Council's Head of Service (Heritage and Open Spaces) and the Hartlepool Rural Neighbouring Plan Working Group consider that the appearance of the proposed uPVC windows would negatively impact on the historic charm and character of the application property and the contribution it makes to the wider Conservation Area as a whole.

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

2.26 With respect to the proposed porch, during the course of the application Elwick Parish Council objected and raised concerns in respect of the proposed porch encroaching onto land designated as Village Green whilst the Hartlepool Rural Neighbourhood Plan Group also raised concerns in respect to the Porch. The applicant submitted amended plans removing the brick foundations of the proposed canopy and altered the design of the proposed canopy to ensure that it is supported by timber beams affixed to the main dwelling only. The amended plans were the subject of a re-consultation however no further comments were received from Elwick Parish Council.

2.27 Whilst it is acknowledged that a number of porches exist to the front of properties within the Conservation Area, the Council's Head of Service (Heritage & Open Space) notes that these are predominantly to the more recent buildings, in addition these are all of a modern design. The charm and character of the application site is considered to stem from its modest appearance and simplistic form. The application property is one of the few remaining cottages, which were traditionally located on The Green and properties fronting The Green would not have

historically featured porches or coverings over the door. This character, and in particular the street scene of structures fronting the open space, is considered to contribute to the significance of the conservation area. Therefore the Council's Head of Service (Heritage & Open Space) considers that the proposed porch would cause less than substantial harm to the conservation area.

2.28 The NPPF requires that works which would result in less than substantial harm be supported by justification in terms of the public benefit that would outweigh that harm. In light of the Council's Head of Service (Heritage and Open Spaces) comments that have identified that these proposed works would cause less than substantial harm, where no public benefits have been identified by the applicant as justification for the harm caused and the proposed development, it is therefore considered that the proposed development results in an unacceptable impact and is therefore recommended for refusal on these grounds.

### IMPACT ON AMENITY OF SURROUNDING NEIGHBOURING PROPERTIES

2.29 Policies HSG11 and QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

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

2.30 Given that the proposed works would replace existing windows and doors at the application property and would not introduce new openings, it is considered that these proposed changes would not result in any loss of privacy and amenity. Whilst considered not to be in keeping with the property and wider Conservation Area as detailed above, the proposed canopy to the front would be of a modest scale and a location situated at a distance from any immediate neighbouring property and the proposed development as a whole is considered not to result in any significant loss of amenity in terms of overbearing, overshadowing and loss of outlook and therefore would not warrant the refusal of the planning application on such grounds.

### IMPACT ON TREES

2.31 Immediately to the front/south of the application property are 2no. conifer trees, which straddle the front entrance door and are situated on land designated as Village Green. As the trees fall within a Conservation Area and have a stem diameter over 75mm, any works to them require the formal written agreement of the Local Planning Authority, in addition to informing relevant land owners (in this instance Elwick Parish Council).

2.32 The Council's Arboricultural Officer requested the submission of a statement detailing any works to be undertaken on these trees to allow for the proposed

development. The applicant submitted a statement detailing that approximately 30cm circumference from both of the trees would be removed to allow for the construction and installation of the proposed front porch. The Council's Arboricultural Officer stated that the removal of 30cm off the whole circumference of each tree is disproportionate to the access required to facilitate the proposed development, as such the proposed pruning works would have a detrimental visual impact on the trees. If the proposed development had been considered acceptable, an informative would have been attached to the decision notice advising that a separate Tree Works in a Conservation Area application (Section 211 Notice) is required. Given the works to the identified trees can be addressed through a separate application, it is considered that the impact of the proposed development on these trees would not form a second reason to refuse this application.

## ECOLOGY

2.33 The Council's Ecologist has confirmed no objections to the proposals but has requested a planning condition in the event evidence of bats is found during construction. Whilst these comments are noted, the advice can be relayed to the applicant by way of informative as is standard practice (had the application been deemed acceptable all in all respects) including the requirement to cease works immediately and for a suitably licensed and qualified bat ecologist to provide advice/undertake any necessary assessments.

## CONCLUSION

2.34 It is considered the proposed replacement windows, replacement doors and proposed porch would cause less than substantial harm to the designated heritage asset of the Elwick Conservation Area, by virtue of this design, detailing and use of materials. The works would detract from the character and appearance of the heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. It is therefore considered the proposal should be refused.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.35 There is no evidence of equality or diversity implications.

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

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

## REASON FOR DECISION

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

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

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

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156402>

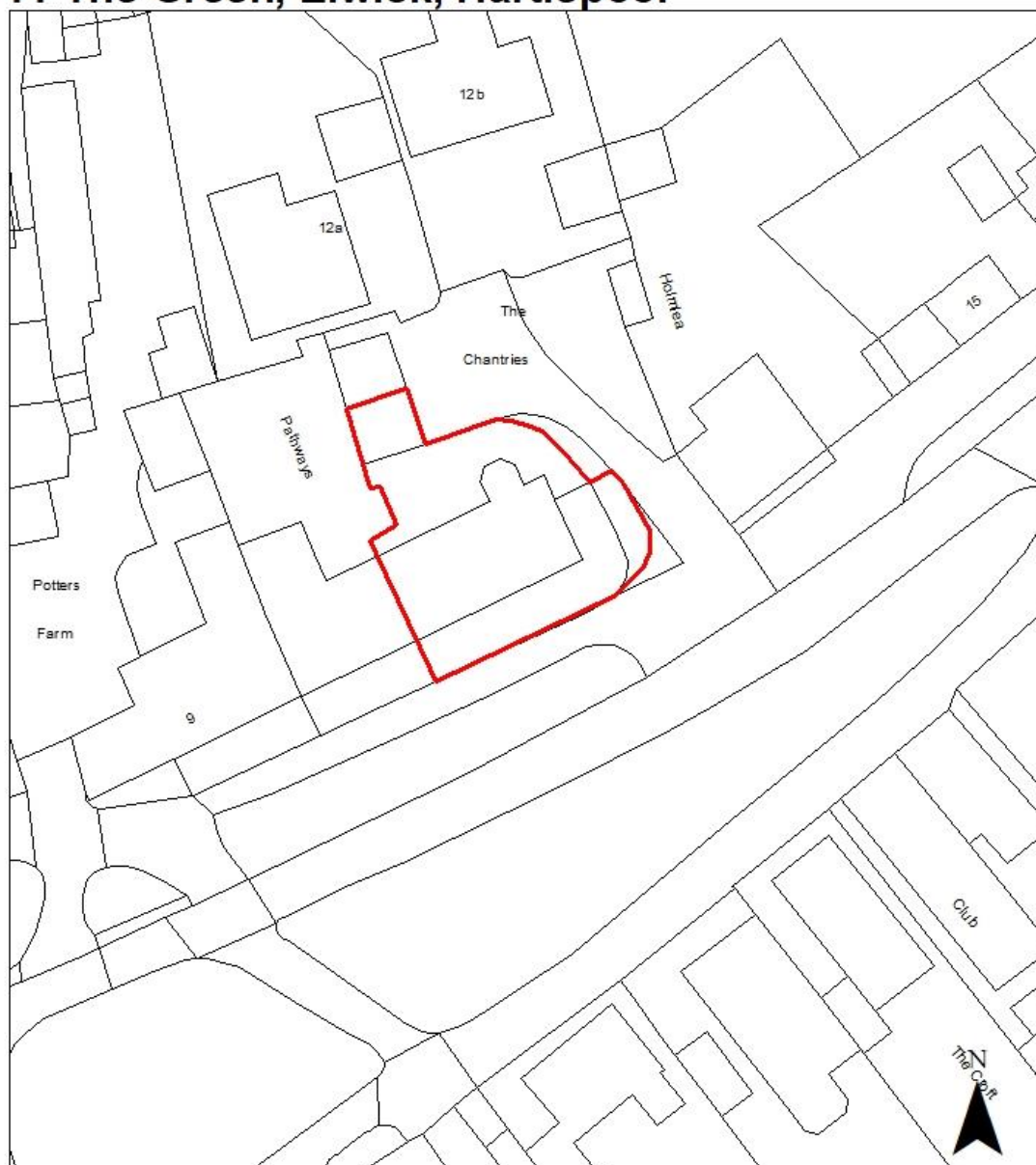
## **CONTACT OFFICER**

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

## **AUTHOR**

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

## 11 The Green, Elwick, Hartlepool



Copyright Reserved Licence No100023390 (2023)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>JB</b>	DATE <b>21.02.2023</b>
	SCALE <b>1:500</b>	
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0475</b>	REV

**No:** 3.  
**Number:** H/2021/0096  
**Applicant:** B MILLER HARBOUR WALK THE MARINA  
 HARTLEPOOL TS24 0UX  
**Agent:** GAP DESIGN MR GRAEME PEARSON EDENSOR  
 COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK  
 ROAD HARTLEPOOL TS26 0QE  
**Date valid:** 22/06/2021  
**Development:** Erection of 7no. bungalows (including 3no. dormer units),  
 garages and associated infrastructure.  
**Location:** LAND TO NORTH WEST OF HIGHGATE MEADOWS  
 DALTON PIERCY 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. This application was deferred by Members at the last committee meeting of 15.03.2023 to allow members to undertake a site visit.

## BACKGROUND

3.2 The following planning history is considered to be relevant to the current application site;

H/2015/0353 - Residential development comprising 31 two, three and four bedroom bungalows – approved contrary to officer recommendation 27/11/2017. The permission was subject to the completion of a S106 agreement which secured two Affordable Dwellings on site (plots 24 and 25) and £66,000 (towards a play area in Dalton village. However if no suitable site identified for a play area the money could be used for purposes of regeneration works on the village Hall in Dalton). The planning committee subsequently agreed that the planning obligation could be directed to the village hall.

H/2019/0094 - Section 73 application for the variation of condition 2 (approved plans) of planning approval H/2015/0353 for residential development comprising 31 two, three and four bedroomed bungalows to allow for amendments to the approved site layout (including alterations to the internal road layout, driveways, garage positions, landscaping, easements and dwelling positions), and amendments to the approved garages and house types (including amendments to finishing materials, layouts, fenestration and eaves/ridge heights) – approved 02/08/2019.

H/2022/0046 - Subdivision of plot 5 and the erection of 3 dwellings (1 pair semi-detached, 1 detached with detached garage), means of access, boundary

enclosures and landscaping – pending consideration by committee (forms part of the current committee agenda).

## **PROPOSAL**

3.3 Planning permission is sought for residential development comprising the erection of seven residential dwellings with associated access and landscaping. There are three house types which are three3 bed dormer bungalows, three 3 bed bungalows and one 2 bed bungalow. All dwellings are detached and will feature a detached garage.

3.4 Access is to be taken through the approved housing development to the south (H/2015/0353 & H/2019/0094 for 31 dwellings). To enable access to the new development 1no. bungalow has been removed from the original approved site layout (not constructed).

3.5 An informal pedestrian access link to the west of the site is to be provided which will link into an existing public right of way (PROW) to the south west, which extends to College Close. The developer has agreed to upgrade the existing PROW.

3.6 The application has been referred to the Planning Committee owing to the number of objections received (more than 2) in line with the Council's scheme of delegation at the request of a Ward Councillor.

## **SITE CONTEXT**

3.7 The application site is to the north west of previously approved housing development scheme which is under final stages of completion. (H/2015/0353 & H/2019/0094 refer). It extends to some 1.05 hectares and is currently in agricultural use. The site lies outside the limits to development in both the Hartlepool Local Plan and the Hartlepool Rural Neighbourhood Plan. There is a hedgerow boundary to the west, with a public footpath running along the western boundary (north to south) with agricultural fields beyond. To the north/north eastern boundary is adjacent to the Howls. A Local Wildlife Site (LWS) and area of Ancient Woodland as designated within the Hartlepool Local Plan, this area consists of trees and open ground. Access to the site is taken from the developing estates internal road to the south which in turn is taken from the adopted highway between 3 and 4 Dalton Heights. The site is approximately 1.3km from the A19.

## **PUBLICITY**

3.8 The application has been advertised by way of neighbour letters (72), site notice and press notice. To date, there have been 10 letters of objection (which include multiple letters from the same household) and 2 letters of support/comments. Following the submission of an updated layout plan, an additional 6 letters of objection have been received (and that were tabled before Members at the committee meeting of 15/03/2023), which has raised additional concerns which are included in the list below;

3.9 The concerns raised by those objecting are:

- Access road below standard
- Development to discharge untreated water into local watercourse
- Village too small for further development
- Road infrastructure is appalling
- Not sustainable development
- There is no 15m buffer zone between The Howls
- Encroach into the Green Gap
- Increase in traffic
- Outside limits for development
- Environmental risks
- No infrastructure to support large developments
- Affordable homes are needed not executive
- Out of character
- No bus service
- Impact on wildlife
- Impact on hedges and trees
- Nitrite pollution
- Increase in vandalism and anti-social behaviour

3.10 The two letters of support/comments raise the following;

- There is a shortage of bungalows
- New residents will help support the development of the village
- Only concern is the road from Dalton to Elwick needs improving with speed restrictions and repair
- Resident of the estate since 2021, very quiet and minimal traffic
- The traffic that goes through the village is cutting through from the A19.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=144145>

3.12 The period for publicity has expired.

## CONSULTATIONS

3.13 The following consultation replies have been received:

**HBC Traffic & Transport** – If the proposed development is carried out , 25 properties will be accessed from a single length shared surface carriageway. Although the HBC Design guide and specification allows up to 25 properties to be accessed from such a carriageway, these would generally be accessed via short cul de sacs. The proposed design would therefore not be in keeping with the design principles for Shared surfaces and would encourage vehicle speeds above the desired design speed for such a road. I would therefore have concerns for road safety particularly pedestrian safety.



I would therefore like to object to this proposal.

UPDATE 23/05/2022

Previous Comments still apply, the provision of road humps does not make the extension of the shared surface acceptable.

UPDATE 20/02/2023

I can confirm that the proposed upgrade of the Public Right of Way between the end of the site and College Close would be welcomed and would provide pedestrians an alternative traffic free route when exiting the shared surface section of carriageway. This would be sufficient to remove my objection to the proposed scheme. I can confirm that there are no further Highway or traffic concerns with this proposal.

The proposed PROW upgrade should be implemented by the developer through a Section106 agreement. Detailed plans showing the construction of the scheme should be submitted prior to the commencement of the development and the works implemented prior to the occupation of the site.

**Highways England** - Offer no objection

**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.

Effectively control dust emissions from the site remediation and construction works

No open burning on site at anytime

**HBC Ecologist** – Ecology Summary:

Further reassurances required:

Amended landscape plan showing:

A 15m buffer.

The whole northern tip to be a buffer.

The whole 15m width of buffer to be planted with thorn trees.

The whole northern tip to be planted with native-species broadleaved trees.

All recommended measures in the EcIA to be conditioned.

Biodiversity enhancement in the form of one integral bat roost and one integral bird nesting brick per dwelling.

A shadow HRA to assess 'nutrient neutrality'.

A financial contribution of £1,400 to mitigate recreational disturbance to the T&CC SPA/ Ramsar site

UPDATE 12/10/2022

Ecology summary: Objection

- No 15m buffer to ancient woodland in NW section.

- No 1.8m fence in NW section.
- Earlier comments not addressed.

An amended plan has been submitted. However, I am struggling to see how the plan has changed in terms of Ecology and request that these changes are pointed out to me.

The ancient woodland (also The Howls Local Wildlife Site) is protected by the Local Plan Policy NE1 and national planning guidance (UK protection of ancient woodland was updated on 14/01/2022 (see: <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions> )

There is a length of the site in the NW which is not shown as protected by a 15m buffer (the blue oval in the following figure). The ancient woodland is close enough to this boundary to require a 15m buffer (planted with thorn trees). There should also be a 1.8m close boarded fence as for the rest of the boundary.

Further, in my response dated 12/06/2022 I requested that the northern tip of the site also be a buffer (planted with trees). This is marked as the garden to dwelling number 34. This appears not to have been considered, or if it has, no justification of why it is undesirable has been provided.

I still require the recommended mitigation measures in the Ecological Impact Assessment (EclA) report to be conditioned, as well as Biodiversity enhancement in the form of one integral bat roost and one integral bird nesting brick per dwelling.

I still require a financial contribution of £1,400 to mitigate recreational disturbance to the Teesmouth & Cleveland Coast SPA/ Ramsar site to be secured to satisfy the Habitats Regulations. Nutrient Neutrality has been assessed and no mitigation is required.

#### UPDATE 19/10/2022

A revised 'Proposed Site Layout 7no Units' plan has been submitted and this addresses the points of my earlier objection. The plan now shows a complete buffer and a complete 1.8m tall fence between the site and the ancient woodland, and additional deciduous tree planting which will extend the wood. A snip of the plan is shown in Figure 1 for information. This amendment satisfies the LPA's Ecology requirements regarding the ancient woodland.

The recommended mitigation measures in the Ecological Impact Assessment (EclA) report should be conditioned, as well as Biodiversity enhancement in the form of one integral bat roost and one integral bird nesting brick per dwelling.

A financial contribution of £1,400 to mitigate recreational disturbance to the Teesmouth & Cleveland Coast SPA/ Ramsar site should be secured to satisfy the Habitats Regulations.

#### UPDATE 24/03/2023

*Summary of Habitats Regulations Assessment stage 1 screening*

After the above stage 1 screening, this project is assessed as not causing Likely Significant Effect for Nutrient pollution but causing Likely Significant Effect for increased recreational disturbance, triggering the need for a HRA stage 2 Appropriate Assessment for the latter.

The HRA stage 2 Appropriate Assessment has been prepared and submitted separately.

*Additional comment in respect of the proposed Public Right of Way upgrade;*

It will not make a difference to the HRA as the disturbance is not an issue.

**Natural England** – No objection - subject to appropriate mitigation being secured We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site
- Northumberland Coast Special Protection Area (SPA) and Ramsar site
- Durham Coast Special Area of Conservation (SAC)

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Financial contribution from the Hartlepool Coastal Mitigation scheme.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

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

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

**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/services/developers/>. We do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled “Preliminary Drainage Strategy Phase II”. This document reflects our pre-planning enquiry advice.

We request that the following approval condition be attached to any planning consent granted, so that the development is implemented in accordance with the named document:

**CONDITION:** Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Preliminary Drainage Strategy Phase II” dated “25th May 2021”. The drainage scheme shall ensure that foul flows discharge to the foul sewer to the South of the site and ensure that surface water discharges to the existing watercourse.

**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 developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

For Information Only

Please note that the site lies within drainage area 11-D28. This drainage area discharges to Seaton Carew Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

**HBC Waste Management** - Developers are expected to provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/ receptacles to enable the occupier to comply with the waste presentation and collection requirements in operation at that time.

Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council’s waste collection service and vehicle load handling equipment.

Please see our ‘Developer Guidance Waste and Recycling for new properties’ document which can be found at [www.hartlepool.gov.uk/usingyourbins](http://www.hartlepool.gov.uk/usingyourbins) for further information.

**HBC Head of Service for Heritage and Open Spaces** - The application site is located in Dalton Piercy. The access route passes a grade II listed building College Farm, which is recognised as a designated heritage asset. Policy HE1 of the Local

Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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

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

It is considered that given that the access is already established this development will not impact on the significance of the heritage asset.

**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.

Whilst the above is true; this is a good point to look to create access to link to the existing neighbouring public footpath (Public Footpath No.03, Dalton Piercy Parish).

Provision of access to existing public rights of way does then reduce the chance of unwanted access to neighbouring land, which might not have public or permissive access. That type of unregulated access could be classed as trespass and so would not be looked for. Properly planned and approved access to and from public rights of way, invites enjoyable discovery of local path networks and those further afield. This would provide much needed physical and mental health benefits to residents and visitors alike.

I would like to discuss this with the developer so that all options are considered.

#### UPDATE 23/02/2023

I am very pleased that the developer/applicant will be paying for and constructing/providing a full 2 metre wide surfacing of the link path and the public footpath, as shown on the attached plan.

They will need to come up with proper path construction specifications at the appropriate time but that is a future consideration.

#### UPDATE 14/03/2023

Following a site visit to the public footpath that will be improved, alongside the creation of a link path from the development to this footpath.

HBC has managed/maintained the side growth from the hedge and shrub plants, alongside this path since I first started in 1999. The most recent was with the help of

the Countryside volunteers some 5 or 6 years ago. They cut back the vegetation to clear the path so that there was a width of more than 2 metres. This was welcomed by villagers and other footpath users, alike. There is still continuous tree/shrub cover for the wildlife and very little has been removed or pruned.

I do not believe, if constructed correctly, that the improved and surfaced path will be detrimental to the surrounding vegetation and environment.

Any construction would be using correct materials that do not act detrimentally to the surrounding environment. It will be a raised path and the intention is not to excavate into the root zones of the trees and shrubs. This would be part of the remit for construction.

With regards to the Tree Preservation Order(s); any path works would look to maintain the trees health, along the route.

I have also seen where the best exit location from the development site, for the link path, to access onto the public footpath. It takes into account the fall of the land and the least damage to the hedge/shrubs. It would reduce the amount of small tree and shrub removal and allow for the least impact to the old hedge line.

**HBC Arboricultural Officer** – Following on from previous comments made by the previous HBC Arboricultural officer it was deemed acceptable that only a plan with RPA's shown that extend out of the buffer zone was needed for the application. This does not seem to have been provided. It is noted that on the latest site layout (2113.P.02) that there is a buffer zone of 15m for the ancient woodland. This buffer zone is within the rear gardens of the proposed properties and therefore as a condition we would need a tree protection plan as was given in decision notice H/2015/0353 condition 13., this essentially will consist of a temporary fence as per BS5837:2012 that extends all the way around the buffer zone that is installed at the very beginning of the development and removed as the very last thing. Ancient woodland includes the soils of the woodland and therefore an arboricultural method statement of any work within the buffer zone of the ancient woodland including the sections within the gardens would also be needed as a condition. They would also needed to supply and implement a Tree/landscape management plan for the newly planted trees.

To summarise with the following conditions being met I have no objections to the proposed development:

Condition: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the Ancient woodland, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) for all works within the ancient woodland buffer zone shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

a Specific issues to be dealt with within the TPP and AMS:

- i Details of construction within the RPA or that may impact on the retained trees and woodland.
- ii Full specification of boundary treatment works within the ancient woodland buffer zone.
- iii Specification for protective fencing to safeguard trees during demolition and construction phases and a plan indicating the alignments of the protective fencing.
- iv Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- v Arboricultural supervision and inspection by a suitably qualified tree specialist
- vi Reporting of inspection and supervision

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with NE1 of the Hartlepool Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990.

Condition Prior to the commencement of the development hereby approved a Landscape Management plan setting out how the trees and hedges within the site will be managed over a minimum period of 5 years has been prepared and has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved management plan.

Reason: To ensure the continued wellbeing of the protected species and habitats and in the interests of the amenity and environmental quality of the locality.

**HBC Engineering** – In response to your consultation on the above application: Contaminated land. We have no objection to proposals in this respect and ask that you include our standard unexpected contamination condition on any permission issued for proposals. I note that the Conclusions and Recommendations section 15 of the Phase 2 Ground Investigation Report submitted with the application states Ground gas protection measures are / are not required and Radon gas protection measures are / are not required, this is assumed to be a typing error as the relevant sections of the reports find no risk from radon or ground gas. To conclude the report appropriately can the applicant confirm this is the case.

Surface water management. We have no objection in principle to proposals in this respect and request that you include our detailed drainage condition, as shown below, on any permission issued for proposals:

Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the runoff from the undeveloped

site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document). To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

#### UPDATE 21/03/2023

If you wish you can add that surface water ecological matters will also be addressed along with surface water flow attenuation requirements as part of the assessment of design details to be provided to discharge the recommended surface water/sustainable drainage system (SuDS) planning condition, should the application be approved. Not only are SuDS required to address water quantity but also water quality and in this case some form of filter or treatment media will be required prior to surface water discharge into the watercourse.

**Tees Archaeology** - The trial trenching at Dalton Piercy for application H/2021/0096 has taken place, and I have received a report on the works (attached). A geophysical survey was previously carried out on site as part of H/2015/0353, which identified the remains of a prehistoric settlement; archaeological remains associated with this geophysical survey were uncovered during the trial trenching for both H/2015/0353 and current application H/2021/0096. The proposed development is in an area of known archaeology, and it would be reasonable for the planning authority to ensure that the developer records any archaeological remains that will be destroyed by the development (NPPF para 205). This should take the form of an archaeological strip, map and record exercise and can be secured via a condition, the suggested wording for which I set out below:

Recording of a heritage asset through a programme of archaeological works

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

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

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

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme



set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

**HBC Landscape Architect** - The soft landscape information proved is insufficient. 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, if used, should be provided.

**HBC Building Control** - I can confirm that a Building Regulation application will be required for the residential development

**Hartlepool Rural Working Group** – The Group strongly object to this application for reasons indicated below.

#### **POLICY GEN1 – DEVELOPMENT LIMITS**

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

This is not a site allocated in the Rural Neighbourhood Plan and lies outside the development limits. It is also outside the development limits of the Local Plan and thus contrary to Local Plan policies LS1 & RUR2.

The site is within the Green Gaps as shown on the HRNP policies map. There are no exceptional circumstances and the proposal further erodes the open countryside.

The proposed development is not essential for the purposes of agriculture, forestry or public infrastructure. Most importantly this development is not needed to meet the housing or social needs of the local rural community as identified in the housing survey carried out by the Rural Neighbourhood Plan.

For these reasons the application is contrary to HRNP Policy GEN1.

#### **POLICY GEN 2 - DESIGN PRINCIPLES**

The design of new development should demonstrate, where appropriate:

1. how relevant village design statements and conservation area appraisals have been taken into account;
2. how the design of new housing scores against the Hartlepool Rural Plan Working Group's Checklist as set out in appendix 4;

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;
4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas;
6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;
7. how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water into fluvial water and;
8. how the design ensures that homes are flexible to meet the changing needs of future generations.

The planning statement provided by the applicant makes no mention of Dalton Piercy Village Design Statement. The Village Design Statement was produced in consultation with residents of the village and seeks to ensure well designed, high quality infill development which reflects the heritage and distinctive character of Dalton Piercy. The Statement seeks development which is not out of keeping with the design of surrounding housing and protects the amenities of surrounding occupiers whilst also having regard to the historic farming and natural environment in terms of local features from the existing landscape. Whilst the application states “overall, Dalton Piercy contains few buildings of outstanding individual quality, though the simple, robust vernacular style of the majority of houses and cottages is of high importance to the character of the village” they have chosen to ignore this in favour of a suburban style of detached bungalows that owe no provenance to anything of the South Durham vernacular or Dalton Piercy village.

While the planning statement suggests there is a shortfall of housing, especially the provision of bungalows in the Borough, there certainly is no such shortfall in Dalton Piercy – 31 currently under construction in a village of just some 75 homes. There is a distinct difference in the needs and types of housing between the rural and urban parts of the Borough. The Rural Neighbourhood Plan clearly identifies the needs of the rural communities, including the village of Dalton Piercy, and did so while resigned to the westward expansion of the town to meet the urban needs. This application represents yet further unwelcome imposition of an urban need on a rural community by a speculative developer.

The application fails to meet the design principles of HRNP policy GEN2.

#### **POLICY H1 - HOUSING DEVELOPMENT**

New housing development should provide a mix of house types and tenures on sites of five or more dwellings; the mix should have regard to the latest evidence of housing need applicable at the time. This application is for 7 bungalows so would be expected to comply with this policy. The application affords NO mix of house types or tenure on this site. Described in the application as additional to a development of 31 bungalows which also provided no variety, this only adds to the grave concern that housing need in the rural communities is being ignored.

The application is therefore not compliant with HRNP policy H1.

## POLICY H2 - AFFORDABLE HOUSING

1. Affordable housing will be required in applications for residential development that consist of a gross addition of six or more dwellings. For schemes of between 6 and 10 units, financial contributions in lieu of on-site provision can be made and any commuted sums received must be used for the provision of affordable housing within or adjacent to the villages in the plan area.
2. Developers will be required to deliver 18% affordable housing in a bid to contribute to the delivery of this. The affordable provision and tenure and mix will be negotiated on a site-by-site basis, having regard to the economic viability of the development and the most up-to-date evidence of housing need, aspiration and the local housing market. The affordable homes provided must be of a tenure, size and type to help meet identified local housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently for longer.
3. Market and affordable homes on sites should be indistinguishable and achieve the same high design quality.
4. It is expected that affordable housing will be delivered through on-site provision and where appropriate, be pepper-potted throughout the development. However in certain circumstances it will be acceptable for provision to be made off-site, preferably within the same village, where applicants can provide sound, robust evidence why the affordable housing cannot be incorporated on-site; and/or Hartlepool Borough Council and the Parish Council is satisfied that off-site provision will benefit the delivery of affordable housing in the Rural Plan area.
5. Other than in exceptional circumstances all affordable units will be delivered in partnership with a Registered Provider by means of a Legal Agreement, and appropriate provision to secure long term availability.
6. Where the scheme's viability may be affected, such that an adequate amount of affordable housing cannot be provided, developers will be expected to provide viability assessments which will be submitted as an open book viability assessment. There may be a requirement for the provision of 'overage' payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

No affordable housing is being provided by this extension to the 31 bungalow development. No evidence that the scheme's viability may be affected by providing affordable housing has been provided. The application is therefore contrary to HRNP policy H2.

## POLICY H4 HOUSING IN THE COUNTRYSIDE

Outside village envelopes, new housing will be supported only in exceptional circumstances:

1. where it is essential for a person employed in agriculture, forestry, or other use requiring a countryside location and where it is essential for the worker to live permanently at or near the place of work; or
2. where it would re-use existing rural buildings and where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; or
3. for the replacement of an existing dwelling by a new dwelling not materially larger than the dwelling it replaces; or
4. for new housing of an exceptional quality or innovative design that reflects the highest standard of architecture, significantly enhances its setting and is sensitive to the landscape character and heritage assets of the area.

Proposals for new housing development and the reuse of existing buildings should pay particular attention to design and landscape character so as to preserve and enhance the character and distinctiveness of the countryside.

There are no exceptional circumstances in this application that would warrant support for this proposal outside the village envelope. The proposed new properties display no signs of being of exceptional quality or innovative design, indeed they are rather ordinary suburban style bungalows. In no way do they enhance the setting or appear sensitive to the landscape character, particularly the adjacent Howls wooded valley and nature reserve.

The application is contrary to HRNP Policy H4.

#### POLICY NE1 - NATURAL ENVIRONMENT

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

1. Nature conservation sites of international and national importance, Local Wildlife Sites, Local

Geological Sites and Local Nature Reserves will be protected, managed and actively enhanced. Designated sites are identified on the Proposals Map.

a. Development that would affect internationally important sites will be permitted only where it meets all the relevant legal requirements.

b. Development that would affect nationally important sites will be permitted only where it meets all the relevant legal requirements

c. Development which would negatively affect a locally designated site will be supported only where the reasons for the development clearly outweigh the harm to the conservation interest of the site. Where development on a locally designated site is approved, compensatory measures will be required to maintain and enhance conservation interests. In the first instance compensatory measures should be as close to the original site as possible. Compensatory measures may include biodiversity offsetting where on-site compensation is not possible.

2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or wetland creation. Opportunities to de-culvert parts of Greatham Beck and its tributaries will be encouraged within the Neighbourhood Plan area.

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

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

The site of this application shares a significant boundary with a protected 'ancient woodland' which has taken hundreds of years to establish. This is the only substantial area of ancient woodland in the Borough of Hartlepool. This special habitat is home to a recorded 53 species of birds, including owls, woodpeckers, skylarks, warblers and spotted flycatcher. A number of small and large animals,

including voles, bats, stoats, hares, badgers and roe deer make their home here. Bats can be seen leaving their roosts to forage particularly during dusk in the summer and can also be seen nesting in many houses and trees in the village. Notable flowers to be found in the wood include early purple orchids, violets, lesser celandines and, particularly uncommon in this locality, twayblades. At the bottom of The Howls Dalton Beck runs downstream into a Site of Special Scientific Interest, just before the bridge at the eastern end of the village. In this habitat can be found the rare water vole and other amphibians such as newts, frogs and toads. Dalton Beck eventually becomes Greatham Beck which flows into Greatham Creek and the internationally important nature conservation sites at Seal Sands. Government guidelines state that “for ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you’re likely to need a larger buffer zone”. It also states, “you should avoid including gardens in buffer zones”. The application appears to only show a 5m buffer in the form of a hawthorn hedge plus a further 5m within the new gardens. Bearing in mind the risk of leachate of garden chemicals and invasive non-native garden plants this is entirely inadequate. How would this buffer within a garden be maintained/enforced? The plan oddly shows a gap in this inadequate garden buffer adjoining Bogle Beck in the north west corner of the site.

Considering the above this application is contrary to HRNP policy NE1

#### POLICY PO1: PLANNING OBLIGATIONS - CONTRIBUTIONS TOWARDS MEETING COMMUNITY INFRASTRUCTURE PRIORITIES

Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

Developer contributions will be determined on a site by site basis in accordance with Hartlepool Borough Council’s Supplementary Planning Document on Planning Obligations and due consideration should be given to priorities listed in Appendix 5. Where a developer deems a scheme’s viability may be affected they will be expected to submit an open book viability assessment. There may be a requirement for the provision of ‘overage’ payments to be made to reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

#### POLICY C1 - SAFEGUARDING AND IMPROVEMENT OF COMMUNITY FACILITIES

Community buildings, play areas, sports/recreation facilities, allotments and open spaces will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made. Recreation and associated facilities will be supported where the proposed facilities are of a type and scale appropriate to the size of the settlement.

Priority schemes include:

1. Improvements to Dalton Piercy Village Hall
2. A new equipped children’s play area at Dalton Piercy

Contributions will be sought from new housing development towards the improvement of leisure, community and recreation facilities and open spaces serving

the settlement where it is shown that the need for the facility, open space or the contribution towards the improvement of existing facilities is directly required as a result of the proposed development.

The Rural Neighbourhood Plan Group find it staggering that the development to which this application is suggested as an extension has not contributed to the replacement of Dalton Piercy village hall. This community facility is identified as a priority in the Neighbourhood Plan. As the only facility in a village without shop or pub, support of a replacement for the village hall which is currently a crumbling temporary wooden structure surely requires attention. For any development within a village to be acceptable that village must be able to offer facilities that will enable community cohesion and contribute to the sustainability of the village.

The developments at Highgate Meadows, Dalton Piercy, existing and proposed, fail to meet the social objective of sustainable development as set out in the NPPF. “A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural wellbeing”.

The proposed development fails to meet the requirement of HRNP policies PO1 & C1.

The proposed development is very clearly contrary to several policies contained in Hartlepool Rural Neighbourhood Plan and also Hartlepool Local Plan both of which were produced in consultation with the communities of Hartlepool and represent their aspirations. As such Hartlepool Rural Neighbourhood Plan Group strongly oppose this application.

**Dalton Parish Council** - Councillors at Dalton Piercy Parish Council strongly object to the above application.

Following a special meeting to allow Councillors the opportunity to discuss this application in depth, Councillors unanimously voted to object to H/2021/0096. This application for 7 extra houses is against guidance and still falls outside of the adopted Local and Rural Neighbourhood Plans.

There are **no** exceptional circumstances which would allow such development to go ahead. Numerous infill sites were identified by DPPC and are laid out in the Village Design Statement. This site does not form any part of that plan. Since the Dalton Piercy Village Design Statement was created in 2017, 31 houses at Highgate Meadows were approved contrary to the Design Statement and the now adopted Local and Rural Neighbourhood Plans. These houses increase the size of the village by almost 50%. A village that has no amenities other than a crumbling Village Hall which is in desperate need of replacement. With an influx of population our community needs a centre to create cohesion and a sense of place, now more than ever.

To date the new development has not contributed towards redevelopment of our Village Hall or any other community cohesion projects. This is quite shocking and certainly does not contribute towards a sustainable village community.

The proposed new houses – like the approved adjoining site – abut ‘The Howls’ nature reserve. This protected area, important to the Borough of Hartlepool as the only area of untouched ancient woodland, must be protected.

There are in-depth reports regarding the site and DPPC urge HBC to take on board the importance of this woodland valley, ensuring comments from HBC ecologists are taken on board. Protecting this habitat and the unique to the area flora and fauna it supports should be the number one priority. Unlike phase 1 of the site, this phase 2 also abuts ‘Bogglebeck’ another important wildlife corridor with ancient trees. This area must also be protected and DPPC would urge officers to look at this area separately and ensure its protection. According to the plans a 15m ‘buffer’ zone includes part of the dwelling’s gardens. This is against national policy and simply not acceptable.

Some comments at the meeting included, but were not limited to the following;

- HBC planning officers created an 11-page document laying out reasons why the original development application for the Highgate Meadows site should be refused. DPPC see no reason in which any of these issues have changed and this application should be refused.
- The proposed new dwellings further encroach on the ‘green gap’ between Dalton Piercy and Elwick and falls outside of the village envelope.
- The main access road to the site (from Dalton Heights) is still too narrow – issues identified with the developer which were supposed to be resolved are still not.
- Increased traffic pressure on the blind bend at College Farm is only going to be exacerbated.
- Dalton Road and Dalton Back Lane cannot support further traffic pressure. Fears of a serious accident are increasing. We hope a child/pedestrian/horse and rider/cyclist vs car collision does not come to fruition.
- When does this development stop? Does this design provide potential for even further development? This would be unacceptable.
- The homes seem to be quite high density with small gardens – very out of character with the rest of the village. The original development was approved after the density of dwellings was reduced.
- The additional houses are designed to solely rely on cars for access – Adding to carbon deficit and further reducing the green credentials of Hartlepool as a whole.

Dalton Piercy Parish Council fully support Hartlepool Rural Plan Group and all of their in-depth comments relation to this application and the policies it contradicts. In conclusion this application should be refused.

**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 1:2019, Section B5 for Dwellings.

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

**Northern Powergrid** - The enclosed Mains Records only give the approximate locations of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

**Northern Gas Works** - Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission.

**Tees Wildlife Trust** – Objection, Ancient woodland is irreplaceable. It is our richest wildlife habitat, having developed over centuries, and contains a high proportion of rare and threatened species; ancient woods are reservoirs of biodiversity, and because the resource is limited and highly fragmented, they and their associated wildlife are particularly vulnerable to development-induced changes.

Nationally, only 1.2% of land is now covered by ancient woodland habitat, a tiny fragment of the habitat which once covered much of the country. The situation in Hartlepool is significantly worse; there is only 41.2 hectares of ancient woodland left in the borough 'just 0.4% of the land area.

The National Planning Policy Framework (NPPF) (paragraph 175c1 ) states: 'When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists.



Government advises that ancient woodlands should have a buffer zone from development of at least 15 metres to avoid root damage.

Although the application has acknowledged the presence of ancient woodland on its eastern boundary and made provision for a buffer zone, it has failed to make any provision for the ancient woodland which extends along Bogle Beck on its western boundary. In this location, construction is proposed within 10 metres of the woodland.

On this basis, the application is contrary to the National Planning Policy Framework and other government advice and the application should be refused.

**Forestry Commission** - Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
  - Information on the importance and designation of ancient woodland
- Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover.

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 180).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

One of the most important features of Ancient woodlands is the quality and inherent biodiversity of the soil; they being relatively undisturbed physically or chemically.

This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Direct impacts of development that could result in the loss or deterioration of ancient woodland or ancient and veteran trees include:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understory (all the vegetation under the taller trees)
- damaging or compacting soil around the tree roots
- polluting the ground around them
- changing the water table or drainage of woodland or individual trees
- damaging archaeological features or heritage assets

It is therefore essential that the ancient woodland identified is considered appropriately to avoid the above impacts.

Planning Practice Guidance emphasises: 'Their existing condition is not something that ought to affect the local planning authority's consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management)'.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions and legal agreements in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that *“Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal”*.

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

This response assumes that as part of the planning process, the local authority has given due regard as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended. If there is any doubt regarding the need for an Environmental Impact assessment (Forestry), including for forest roads, please contact us. We would also like to highlight the need to remind applicants that tree felling not determined by any planning permission may require a [felling licence](#) from the Forestry Commission.

If you would like to see more information on the role of the FC in planning please see : <https://www.gov.uk/guidance/planning-applications-affecting-trees-and-woodland>

**Environment Agency** – No comments received.

## PLANNING POLICY

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

### Local Policy

3.15 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

HSG1: New Housing Provision

HSG2: Overall Housing Mix

HSG9: Affordable Housing

INF1: Sustainable Transport Network

INF2: Improving Connectivity in Hartlepool

INF4: Community Facilities

LS1: Locational Strategy

NE1: Natural Environment

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

RUR1: Development in the Rural Area

RUR2: New Dwellings Outside of Development Limits

SUS1: The Presumption in Favour of Sustainable Development

3.16 The following policies in the adopted Hartlepool Rural Neighbourhood Plan 2018 are relevant to the determination of this application:

C1: Safeguarding and improvement of Community Facilities

GEN1: Development Limits

GEN2: Design Principles

H1: Housing Development

H4: Housing in the Countryside

NE1: Natural Environment

PO1: Planning Obligations - Contributions Towards Meeting Community

Infrastructure Priorities

T1: Improvements to the Highway Network

T2: Improvement and Extension of the Public and Permissive Rights of Way Network

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

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

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

PARA034: Development contributions

PARA038: Decision making

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations  
 PARA057: Planning conditions and obligations  
 PARA060: Delivering a sufficient supply of homes  
 PARA063: Delivering a sufficient supply of homes  
 PARA064: Affordable housing in designated rural areas  
 PARA078: Rural housing  
 PARA079: Rural housing  
 PARA092: Promoting healthy and safe communities  
 PARA095: Promoting healthy and safe communities  
 PARA098: Open space and recreation  
 PARA100: Open space and recreation  
 PARA104: Promoting sustainable transport  
 PARA110: Considering development proposals  
 PARA124: Achieving appropriate densities  
 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  
 PARA169: Planning and flood risk  
 PARA174: Conserving and enhancing the natural environment  
 PARA179: Habitats and biodiversity  
 PARA183: Habitats and biodiversity  
 PARA185: Habitats and biodiversity  
 PARA218: Implementation

**HBC Planning Policy comments (summrised)** - The proposal is beyond the urban limits of the built up area and is not located within one of the Borough's villages envelopes. The proposal is within the countryside. The Borough Council seeks to protect the countryside from unnecessary development, in general, only permitting development in exceptional circumstances (for example to provide accommodation for an essential agricultural worker to live on site).

The 2018 Local Plan allocates sufficient land within the limits to development for housing growth over the next 15 years, policy LS1 sets out appropriate locations for housing. The site is not allocated for housing development. Planning Policy consider that the proposal does not accord with policy RUR1 (Development in the Rural Area). Policy RUR1 seeks to protect and enhance the rural area so that it's rural character and charm remains and is not lost to inappropriate development. Planning Policy consider that the proposal does not accord with policy RUR2. Policy RUR2 sets out that the council will only permit new dwellings outside development limits if there is clear justification demonstrated by six key criteria (established functional need, for rural based enterprise, need could not be met elsewhere, dwellings are of a size commensurate to the associated rural business, the proposal accords with other plan policies and, where relevant, the development would secure the future of a heritage asset).

Given the allocations within the Local Plan, the Borough Council considers that there will be limited need to add additional dwellings to the countryside. The Borough Council seeks to provide the majority of new homes within or adjacent to the urban limits of the Borough, this is because such areas are deemed to be the most

sustainable, offering options to walk or cycle and use public transport alongside easier access to convenience facilities such as shops. New dwellings in the villages have been limited to Elwick and Hart and no dwellings have been allocated within the open countryside as that area is deemed to be the most unsustainable in the Borough, with limited options to use sustainable transport and thus rely on the private car and in turn drive up carbon emissions in the Borough, which is contrary to the aim of policy CC1 (Climate Change).

In regards to the Hartlepool Rural Neighbourhood Plan, policies GEN 1, H1 and H4 are particularly relevant these policies define the limit to development and allocated green gaps where development is only permitted in exceptional circumstances (for example a dwelling for an essential agricultural worker). This proposal is beyond the limits to development, within the Green Gaps, and no relevant exceptional circumstances have been put forward to justify dwellings in this location.

In respect to housing need it is acknowledged that the Hartlepool Rural Neighbourhood Plan Group have stated that there is no need within Dalton Piercy for bungalows however a need in the wider Borough is evidenced by the Strategic Housing Market Assessment.

In respect to the Hartlepool Local Plan, as set out above, the proposals is contrary to policies LS1, RUR1, RUR2, and CC1. The objections of the Hartlepool Rural Neighbourhood Plan Group are noted, and it is considered the proposals are also contrary to relevant Rural Neighbourhood Plan policies (GEN1, H1 and H4).

The development would have been expected to contribute towards green infrastructure and other planning obligations, in accordance with relevant Local Plan and Rural Neighbourhood Plan policies and the adopted Planning Obligations SPD, had it been considered acceptable in principle.

## **PLANNING CONSIDERATIONS**

3.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan (the principle of the development), the impact on the visual amenity of the site and the character and appearance of the surrounding area, the amenity and privacy of neighbouring land users and future occupiers highways and pedestrian safety, ecology, nature conservation landscaping and trees, flood risk and drainage, and heritage assets and archaeology. These and all other planning and residual matters are considered in detail below.

## **PRINCIPLE OF DEVELOPMENT**

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

3.20 The National Planning Policy Framework (NPPF) is a material planning consideration in the determination of planning applications. The NPPF was updated in July 2021. The policies within the 2018 Hartlepool Local Plan (HLP) and 2018 Hartlepool Rural Neighbourhood Plan (HRNP) were found to be in accordance with the 2012 NPPF. The Council's Planning Policy section are of the view that the policies within the HLP and HRNP are significantly aligned with the 2021 NPPF and thus the Local Plan and Rural Neighbourhood Plan are paramount in determining this application. Notwithstanding the above, the relevant NPPF paragraphs have been applied to assist in determining this application.

3.21 As set out, objections have been received from Dalton Piercy Parish Council, the Hartlepool Rural Neighbourhood Plan Group and the Council's Planning Policy section. Concerns were raised that the proposals are contrary to the relevant policies of the HLP and HRNP.

#### *Development Limits and Sustainability*

3.22 Both the HLP and the HRNP set development limits, beyond which there is a presumption against development. Development limits are tightly drawn around the Borough's villages. The application site sits beyond the development limits of both the main urban area of Hartlepool and village of Dalton Piercy, and is therefore within the open countryside. The Borough Council seeks to protect the countryside from unnecessary development, in general, only permitting new housing development in exceptional circumstances that is to serve the rural area (for example accommodation of essential agricultural works that must live on site). The proposed development does not accord with any of the exceptional circumstances which might support dwellings in the countryside.

3.23 Policy LS1 (Locational Strategy) of the HLP stipulates that the development of Hartlepool will be based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built up area. The 2018 Local Plan allocates sufficient land within the urban limits for housing growth over the next 15 years, and policy LS1 sets out appropriate locations for housing. Given the allocations within the Local Plan, the Borough Council considers that there will be limited need to add additional dwellings to the countryside. The Borough Council seeks to provide the majority of new homes within or adjacent to the existing urban limits of the Borough because such areas are deemed to be the most sustainable, offering options to walk or cycle and use public transport alongside easier access to convenience facilities such as shops, as indicated in policy CC1 (Minimising and Adapting to Climate Change) of the HLP. No new dwellings have been allocated within the open countryside as this area is deemed to be the most unsustainable in the Borough with limited options to use sustainable transport and thus increasing reliance on the private car and in turn driving up carbon emissions in the Borough, which is contrary to the aim of HLP policy CC1.

3.24 Policy RUR1 (Development in the Rural Area) of the HLP stipulates that the Borough Council will seek to ensure the rural area is protected and enhanced, ensuring its rural landscape character is not lost, and that development outside the development limits will be strictly controlled. Criterion 1 of the policy states that development must be in accordance with the HRNP. The policy seeks to support

the rural economy, and Criterion 2 of the policy seeks to direct development to the rural villages or near to a village. Criterion 8 of the policy indicates development should where possible create and improve sustainable connectivity.

3.25 In view of the above, the Council's Planning Policy section consider the location of the site to be unsustainable, and that the site is isolated from services. Dalton Piercy village has very limited services there is no shop, school or church, though there is a village hall and some low skilled employment on the village farms and surrounding farms.

3.26 It is noted that paragraph 78 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. In view of the above however, the Council's Planning Policy section consider that, given the surrounding rural services are severely limited, the dwellings are likely to have a negligible positive impact upon the rural economy and community.

#### *Site Allocations / Designations*

3.27 The application site lies outside the development limits and has no designation or allocation on the HLP Policies Map, however it is located within the allocated 'Green Gaps' shown on the HRNP Policies Map, designated by policy GEN1 (Development Limits) of the HRNP.

3.28 Policy GEN1 of the HRNP stipulates that development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

3.29 The Hartlepool Rural Neighbourhood Plan Group (HRNPG) consider that there are no exceptional circumstances (i.e. for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community) identified in the application that would permit the development within the Green Gap and beyond development limits. The HRNPG consider that the application is inappropriate to the rural area and does not support the rural economy, agricultural diversification, rural tourism or leisure developments, as required by policy GEN1.

3.30 This view is shared by the Borough Council's Planning Policy section, who also note that adequate justification for the proposed dwellings has not been provided, whilst it is acknowledged that the proposed dwellings are an extension to existing development, the proposed dwellings encroach further into the Green Gap. In light of this it is considered that the additional dwellings in this location would compromise the integrity of the Green Gap and overall reduce the openness of the area between Dalton Piercy and Elwick to the north, contrary to policy GEN1 of the HRNP.

#### *New Dwellings Outside of Development Limits*

3.31 As established above, the proposals constitute new dwellings outside of development limits, in which case policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) of the HLP, the Borough Council's adopted New Dwellings Outside of Development Limits (NDODL) SPD (2015), policy H4 (Housing in the Countryside) of the HRNP, and paragraph 79 of the NPPF, are relevant.

3.32 Policy RUR1 seeks to support the rural economy and development in the rural area must be necessary for the viable operation of an acceptable rural based businesses. The policy also indicates that for new dwellings in the rural area, the development must meet the criteria set out in the New Dwellings Outside of Development Limits (NDODL) Supplementary Planning Document (SPD) and be in accordance with policy RUR2.

3.33 The need for new dwellings in the countryside is driven by many factors; one of the few circumstances in which residential development may be justified is when accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work. Policy RUR2 of the Local Plan allows for new dwellings in the countryside subject to the proposals being in accordance with criteria set out in the policy and expanded upon in the NDODL SPD. The SPD sets out further guidance on how to comply with policy RUR2. The SPD sets out when a justification test will be required and details what information the applicant will be required to submit as part of the justification test.

3.34 Policy RUR2 is considered to be the main consideration in the determination of this application. The policy sets out that the Borough Council will only permit new dwellings outside development limits if there is clear justification demonstrated by six key criteria; (1) established functional need, (2) for rural based enterprise, (3) need could not be met elsewhere, (4) dwellings are of a size commensurate to the business, (5) the proposal accords with other plan policies and (6) where relevant the development would secure the future of a heritage asset. These policy criteria are not optional, the policy clearly states "only permitting....if there is clear justification and it can be demonstrated".

3.35 The applicant has not submitted information with regards to how the proposal complies with the criteria in policy RUR2 and the NDODL SPD. Taking this into account and applying the relevant policy tests for new dwellings outside of development limits accordingly, in view of the submitted information, no evidence has been provided to demonstrate that the proposed dwellings are for essential rural workers, and are linked to an agricultural, forestry or other rural based enterprise. As the dwellings are not linked to a rural enterprise, whether they are commensurate to the size of the rural enterprise cannot be assessed. The Council's Planning Policy section consider that the proposals do not accord with other relevant Local Plan policies. As there are no heritage assets within the vicinity of the site, the sixth criterion is not applicable in this instance. In light of the above, the Council's Planning Policy section see no justification for the dwellings and thus consider that the proposal does not accord with policy RUR2. The proposal is therefore also considered to be contrary to policy RUR1 in this respect.



3.36 Similarly, policy H4 of the HRNP sets out that, outside village envelopes, new housing will be supported only in exceptional circumstances. Criterion 1 to 4 set out those circumstances (essential for agricultural employee, re use of existing buildings, replacement dwellings and exceptional quality or innovative design). As above, the Council's Planning Policy section are of the view that no justification has been put forward to show that the dwellings are for essential purposes. The proposal does not re-use existing buildings or provide a replacement dwelling (it increases an existing development, encroaching into the countryside) and there is no evidence to suggest they will be of exceptional quality or innovative design. Furthermore, it is considered that the dwellings would be unlikely to sustain rural services, firstly because there are severely limited services to maintain within Dalton Piercy and secondly there is no evidence to show that the residents would frequent Elwick village instead of the urban area. The proposals are therefore also considered to be contrary to HRNP Policy H4.

#### *Climate Change, Energy Efficiency and Renewable Energy*

3.37 NPPF section 14 (Meeting the challenge of climate change, flooding and coastal change) sets out how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

3.38 HLP policy CC1 (Minimising and adapting to climate change) requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. Where it can be demonstrated that this is not feasible, the provision of the equivalent energy saving should be made by improving the building fabric or a combination of energy provision and energy saving measures that equates to the equivalent of 10%. The policy also requires major developments include opportunities for charging electric and hybrid vehicles.

3.39 The ability of the scheme to mitigate its carbon emissions through the use of renewable energy technology and electric vehicle charging points is particularly important in this instance given its isolated location in the open countryside and resulting reliance on private cars for access to employment and services.

3.40 In addition to the above, where the design and layout of the development, construction methods and green infrastructure provision does not ensure greater energy efficiency through solar gain, passive heating and cooling, natural light and natural ventilation, the Borough Council will encourage the dwellings to be 10% more efficient than that required by the building regulations through building fabric improvements, in accordance with HLP policy QP7 (Energy Efficiency). The new 2022 building regulations do place a greater emphasis on energy efficiency of dwellings and given that the homes will be built to modern building regulation standards it is that the acknowledged that policy QP7 will be met and this application, had it been recommended for approval would not require an energy efficiency condition.

3.41 In view of the above, and whilst the principle of the development is ultimately considered to be unacceptable, final details of renewable energy provision and

electric vehicle charging points could be secured by planning conditions had the application been considered acceptable.

### *Planning Obligations*

3.42 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 (Planning Obligations), Rural Neighbourhood Plan policy PO1 (Planning Obligations - Contributions Towards Meeting Community Infrastructure Priorities), the adopted Planning Obligations SPD, and the requirements of consultees, the following developer contributions will be required based on the current submission, as set out below;

- Affordable housing (given that this site forms part of an existing development site (extension to this) (18% would equate to 1.26 dwellings)
- Play facilities - £250 per dwelling towards play in Dalton Piercy or the Village Hall (£1,500)
- Built sports - £250 per dwelling towards the Village Hall and/or Summerhill Country Park (£1,500)
- Tennis - £57.02 per dwelling towards provision the Village Hall and/or at Brierton Sports Centre (£342.12)
- Playing pitches - £233.29 per dwelling for the Village Hall and/or pitches at Rift House Recreation Ground (£1,399.74)
- Bowling green - £4.97 per dwellings for borough wide provisions (£29.82)
- Secondary school provision - (13.7 secondary school pupils per 100 dwelling (0.137) 6 dwelling likely to generate 0.822 secondary school places. (The cost of providing an additional secondary school place £14,102, and therefore the contrition from this development would be 0.822 x £14,102.00 which equates to £11,591.84).
- Provision of footpath link (west) to existing public right of way (Public Footpath No.03 Dalton Piercy Parish)(south west) including the upgrading of the PROW and maintenance
- £1,400 Ecological Mitigation in respect to the Special Protection Area(s) as identified through the Habitats Regulations Assessment HRA
- Long term management of surface water drainage infrastructure
- Long term management of any open space within the site

3.43 It is acknowledged that the developer has agreed to 2no. affordable dwellings being provided on the adjacent site (H/2022/0046), and has also agreed to all of the other obligations, which Planning Policy considers to be acceptable. The aforementioned contributions could have been secured by virtue of a Section 106 legal agreement, had the application been considered acceptable in all other respects.

### *Principle of Development Conclusion*

3.44 In conclusion, the principle of development in this instance is considered to be unacceptable for the reasons set out in detail above and the proposals are therefore

considered to be contrary to policies LS1, CC1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), policies GEN1, H1 and H4 of the Hartlepool Rural Neighbourhood Plan (2018), the New Dwellings Outside of Development Limits SPD (2015), the Planning Obligations SPD (2015) and paragraphs 78 and 79 of the NPPF (2021).

## VISUAL AMENITY OF THE SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

3.45 Objections have been received from Dalton Parish Council and the Hartlepool Rural Neighbourhood Plan Group with respect to the impact of the proposals on the visual amenity of the site and the character and appearance of the area.

3.46 Policy QP4 (Layout and Design of Development) of the HLP 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. Policy RUR1 (Development in the Rural Area) of the HLP stipulates that development in the rural area should reuse existing buildings or materials where possible, and enhance the quality, character and distinctiveness of the immediate area, villages and landscapes. Policy NE1 (Natural Environment) of the HLP requires all development ensures that the character, distinctiveness and quality of the Borough's landscape is protected and, where appropriate, enhanced.

3.47 Policy GEN2 (Design Principles) of the HRNP stipulates that, amongst other requirements, the design of new development should demonstrate, where appropriate, how the design helps to create a sense of place and reinforces the character of the village or rural area and how the design preserves and enhances significant views and vistas.

3.48 NPPF paragraph 127 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.

3.49 The Council's Strategic Gap Assessment (2017) considered the landscape value and capacity for change of the Strategic Gaps (HLP) and Green Gaps (HRNP) along the western edge of the development limits of Hartlepool. As above, the application site is located within the Green Gaps of Dalton Piercy allocated in the HRNP, and the application site sits within an area of undulating farmland which was assessed as having a high landscape value, with a strong sense of openness that positively contributes to the setting of nearby settlement areas and a very low/low capacity for change.

3.50 It is acknowledged that the site is located adjacent to a developing residential estate and the design of the new dwellings will be similar. However the site is located in countryside outside the limits to development and within the Green Gaps and represents therefore an unacceptable visual and physical intrusion into the

countryside to the detriment of the visual amenity of the site and the character and appearance of the area contrary to policies RUR1, RUR2, and QP4 of the HLP and policies GEN1 and GEN 2 of the HRNP.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

3.51 Paragraph 127 of the NPPF requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

3.52 Policy QP4 (Layout and Design of Development) of the HLP 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. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development. Policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses. The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019).

3.53 The following minimum separation distances must therefore be adhered to:

- Principal elevation (i.e. any elevation containing a habitable room window) to principal elevation - 20 metres.
- Gable elevation (i.e. those containing a blank or non-habitable room window) to principal elevation - 10 metres.

3.54 Due to officer concerns with the proposed layout (the relationship between plots 32 and 14) an acceptable amended layout plan was submitted. The proposed layout of the properties within the proposed scheme complies with the separation distances identified within Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (SPD), to include distances in excess of 10m where primary elevations face side elevations and in excess of 20m where primary elevations face each other from the dwellings proposed, and therefore internal relationships between plots are considered to be acceptable. It is anticipated that appropriate boundary treatments will be provided between rear gardens, final details of which could be secured by a planning condition, which would have been recommended accordingly had the application been considered acceptable in all other respects. Taking account of the above considerations regarding overlooking, light, outlook, overbearing appearance and private amenity space, it is considered the proposed development is acceptable in terms of amenity and privacy for all existing and future occupants of nearby and neighbouring properties (Highgate Meadows).

3.55 HBC Public Protection have been consulted and recommended a condition on working hours and dispatches and deliveries from the site, had the proposal been acceptable in all other respects a suitable condition could have been imposed on the development.

3.56 Notwithstanding the aforementioned concerns with respect to the principle of the development, the application is considered to be acceptable with respect to the impact on neighbouring properties and future occupiers, subject to the identified conditions, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF in this respect.

## HIGHWAY AND PEDESTRIAN SAFETY

3.57 The access to the development will be taken from the public highway between 3 and 4 Dalton Heights, which in turn links into the internal estate road of Highgate Meadows. Each of the properties is to be served by a detached double garage.

3.58 Objections have been received from neighbouring properties citing concerns including the development having extremely poor vehicular access. This application does not include any alterations to the vehicular access to the site, which was approved by virtue of planning permission H/2015/0353 and no such issues have been raised by HBC Traffic & Transportation. Concerns are also raised that the scheme will exacerbate existing access/parking problems and the impact on the existing network in terms of capacity.

3.59 Initial concerns were raised by HBC Traffic and Transport, due to approx. 25 properties being accessed from a single length shared surface carriageway. Although the HBC Design guide and specification allows up to 25 properties to be accessed from such a carriageway, these would generally be accessed via short cul de sacs. The concern raised was that the proposed design would therefore not be in keeping with the design principles for shared surfaces and would encourage vehicle speeds above the desired design speed for such a road to the detriment of pedestrian safety.

3.60 Amended plans were duly submitted, which included the provision of speed humps, however these measures did not address the objection to make the extension of the shared surface acceptable. Following further discussion between officers and the applicant however further amended plans were submitted which will provide an alternative pedestrian access which includes a 2m wide footpath from the development, linking into the existing Public Right of Way (PRoW) No.3 Dalton Piercy Parish (west – south/west). The applicant has agreed to provide the link including the upgrading of the PRoW for a length of approximately 340 metres. This footpath will finish at College Close, allowing pedestrian a safe access from vehicle traffic.

3.61 HBC Traffic and Transport were consulted on the amended plans and welcome the link and upgrading of the PRoW. They considered these amendments are sufficient to remove their objection to the proposed scheme and confirm that there are no further Highway or traffic concerns with the proposal. Had the proposal been considered acceptable the improvement works could have been secured

through a section 106 agreement, requiring detailed plans showing the construction of the scheme and its completion prior to the occupation of the site.

3.62 Highways England have been consulted on the application and raised no objection to the proposal in respect to impacts on the strategic road network.

3.63 The NPPF indicates that account should be taken of whether improvements can be undertaken within the transport network that cost-effectively limits the significant impacts of development. It goes on to advise that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council's Traffic and Transport section do not consider that the traffic movements associated with an additional dwellings within the village would result in a severe residual impact.

3.64 Notwithstanding the aforementioned concerns with respect to the principle of the development, the application is considered to be acceptable with respect to the impact on highway and pedestrian safety, subject to the identified planning obligations and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF in this respect.

## ECOLOGY, NATURE CONSERVATION, LANDSCAPING AND TREES

3.65 Concerns have been raised from residents and Tees Wildlife Trust with regard to the potential impact the development will have on wildlife and the nearby ancient woodland 'The Howls' which bounds the site. Concerns have also been raised with regard to nitrate pollution in surface water being discharged into the adjacent watercourse.

3.66 HBC Ecologist raised concerns regarding the lack of buffer being provided between the ancient woodland in the NW section of the site, including no fencing being provided. The woodland at the Howls is classed as Ancient Semi-Natural Woodland and is also designated as a Local Wildlife Site. There are several potential effects from the proposed development, however there are mitigation measures that can be taken to protect the Ancient Woodland and enhance biodiversity. A buffer zone area is required to be maintained between the ancient woodland and any development boundary, this can vary dependant on the type of development. In this instance it has been recommended that a 15m buffer zone be provided which includes a 5m 'no build' area within the rear garden boundaries of plots 33 -36 (inc) and plot 38 and a 10m zone from the rear boundary fence to the tree line with a new hawthorn hedge planted along the length of this boundary. An ecological Impact assessment has been submitted (EIA) which details further mitigation measures, including biodiversity enhancement in the form of bat roost and bird nesting bricks being provided for each dwelling. An amended plan has been submitted detailing landscaping and indicating the requested buffer between the dwellings and the ancient woodland. The Council's Ecologist has been consulted on the proposal and raises no objections subject to conditions securing the mitigation measures, which would have been recommended accordingly had the application been considered acceptable in all other respects.

3.67 The Council's Arboricultural Officer has been consulted and raises no objection to the proposal, however notes that there will be a requirement for tree protection measures including an Arboricultural Method Statement (AMS) for all works within the ancient woodland buffer zone, and a landscape management plan, these details could be secured by appropriate planning conditions, which would have been recommended accordingly had the application been considered acceptable in all other respects.

3.68 The Council's Landscape Architect has been consulted and considers that insufficient landscape information as being provided. However, these details could be secured by appropriate planning conditions, which would have been recommended accordingly had the application been considered acceptable in all other respects.

3.69 The impact of the development on the Teesmouth and Cleveland Coast SPA & Ramsar site has also been considered in respect to indirect impacts arising from future residents travelling to and using the protected area for recreation and nitrate pollution impacts arising from the development.

#### *1) Recreational impacts on designated sites*

3.70 A Habitats Regulations Assessment (HRA Stage 1 screening) has been undertaken by the Council's Ecologist as the competent authority. This assessment concludes that there will be an increase in recreational disturbance. The development is not covered by the Hartlepool Local Plan Mitigation strategy and Delivery Plan, and triggers the requirement of HRA Stage 2 (Appropriate Assessment) which concludes that a financial contribution of £1,400 will be required to fund the Hartlepool Coastal Mitigation Scheme. The applicant has confirmed agreement to this. In turn, Natural England have confirmed they have no objection to the application subject to a suitable legal agreement to secure the financial contribution. This could have been secured in a s106 legal agreement had the application been considered acceptable in all other respects

#### *2) Nitrate Pollution*

3.71 During the course of the consideration of the application on 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities in the catchment of the Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area. Given the application would involve residential development it is considered the proposals are 'in scope' for further assessment. A Nutrient Budget Calculator (NNBC) has been undertaken, which concludes that the application does not result in a net increase in nitrates as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works. A HRA Stage 1 Screening Assessment was duly completed by the Council's Ecologist which confirms there would not be a Likely Significant Effect on the designated sites in terms of nitrate pollution.

3.72 It has subsequently been confirmed that surface water will be attenuated and discharged to a nearby watercourse. Current Natural England guidance advise is that where a development is below EIA thresholds (less than 150 dwellings etc), discharges its foul water to Seaton Carew (or Billingham) STW and incorporates SUDS then any surface water impacts on nitrate pollution can be screened out. Not only are SuDS required to address water quantity but also water quality and in this case some form of filter or treatment will be required prior to surface water discharge into the watercourse, which could have been secured by appropriate condition had the application been recommended for approval. Therefore the impacts of the development remain acceptable.

3.73 Notwithstanding the aforementioned concerns with respect to the principle of the development, the application is considered to be acceptable with respect to the impact on Ecology, Nature Conservation, Landscape Features and Tree Protection, subject to the identified conditions and the completion of a s106 securing the required planning obligations and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF in this respect.

#### FLOOD RISK AND DRAINAGE

3.74 The application is supported by a Flood Risk Assessment. The application site is in Flood Zone 1 (low risk of flooding from rivers or the sea).

3.75 Objections have been received citing concerns with the discharge of untreated water to the local watercourse.

3.76 Foul water is to the public sewers whilst surface water (attenuated) will discharge to a nearby watercourse.

3.77 The Council's Flood Risk Officer has been consulted on the application and has confirmed that they would have no objection to the proposals subject to a standard planning condition to secure surface water management details and a planning obligation to ensure the long term management of any infrastructure, which would have been recommended accordingly had the application been considered acceptable in all other respects.

3.78 In addition, Northumbrian Water (NWL) has not raised any concerns or objections with respect to the application subject to a condition, however has confirmed that a sewerage rising main runs along the western boundary of the site and may be affected by the proposed development and that NWL do not permit a building over or close to NWL apparatus. NWL has also confirmed that there may be assets that are the responsibility of Northumbrian Water that are not yet included on NWL records, advising that care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. A suitable informative note is therefore recommended to make the applicant aware of this.

3.79 No representations have been received from Environment Agency.

3.80 Notwithstanding the aforementioned concerns with respect to the principle of the development, the application is considered to be acceptable with respect to the



impact on flood risk and drainage, subject to the identified conditions and planning obligation, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF in this respect.

## HERITAGE ASSETS AND ARCHAEOLOGY

3.81 The application site is not within or adjacent to a conservation area, however the site uses an established access which runs alongside a designated heritage asset (College Farm, grade II listed building). The Council's Head of Service for Heritage and Open Spaces has been consulted and has confirmed that the proposal would not impact on any listed buildings or locally listed buildings situated in Dalton Piercy.

3.82 Tees Archaeology has been consulted and confirmed that the proposed development is in an area of known archaeology. Tees Archaeology raise no objections to the scheme but advise that it would be reasonable to request that the developer records any archaeological remains that will be destroyed by the development, (archaeological strip, map and record exercise) this would be in line with NPPF paragraph 205 and can be secured by a planning condition, and this would have been recommended accordingly had the application been considered acceptable in all other respects.

3.83 Notwithstanding the aforementioned concerns with respect to the principle of the development, the application is considered to be acceptable with respect to the impact on heritage assets and archaeology, subject to the identified conditions, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF in this respect.

## OTHER PLANNING MATTERS

### *Land Contamination*

3.84 HBC Engineers have been consulted and have advised that they have no objection to proposals in respect of contaminated land. (It is noted within their comments that within the supporting documents there appears to be a typing error, an updated report has been received correcting the error and its contents noted). They have however requested a standard condition to deal with any unexpected contamination discovered during the works, which would have been recommended accordingly had the application been considered acceptable in all other respects.

### *Public Rights of Way*

3.85 The Council's Countryside Access Officer has confirmed that 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. The applicant has agreed to provide a link into the existing PRoW, and also to upgrade the PRoW which it is envisaged will improve accessibility to the public rights of way network (as considered under the Highway Safety section above). These works would be at the developer's expense. Had the proposal been otherwise considered acceptable

these works (and the final design to take account of/consider the HBC Countryside Access Officer's comments which do not affect the recommendation of this report) could have been secured by a S106 agreement. Concerns have been raised by residents that the proposed footpath link from the development to the existing PRow will have a detrimental impact upon the existing trees and hedges. The Council's Countryside Access Officer has visited the site and considers that there will not be any significant impact from any improvement works to the existing PRow as detailed in his comments above. Furthermore, the Council's Ecologist has confirmed that such proposals would not affect the aforementioned Habitat Regulations Assessment(s) that have been undertaken and raises no concerns in respect to disturbance. The proposal is therefore considered to be acceptable in this respect.

### *Waste Management*

3.86 The layout plan indicates sufficient space for the storage of bins within plot boundaries. No objection or concerns have been received from the Council's Waste Management section.

## RESIDUAL MATTERS

### *Fire Safety and Access*

3.87 Cleveland Fire Brigade has been consulted and has provided advice in respect of the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. An informative note to make the applicant aware of this advice would have been recommended accordingly had the application been considered acceptable in all other respects, however these are principally Building Regulations matters and therefore this would be dealt with through the Building Regulations process accordingly.

### *Utilities*

3.88 Northern Powergrid has been consulted and has not raised any concerns or objections in respect of the proposals, however has provided a Mains Record for the applicant's information and has provided advice in respect of any works in proximity to Northern Powergrid apparatus. This information has been forwarded to the applicant and an informative note to make the applicant aware of this advice would have been recommended accordingly had the application been considered acceptable in all other respects.

3.89 Northern Gas Networks has been consulted and has not raised any concerns or objections in respect of the proposals, however has provided a Mains Record for the applicant's information and has provided advice in respect of any works in proximity to Northern Powergrid apparatus. This information has been forwarded to the applicant and an informative note to make the applicant aware of this advice would have been recommended accordingly had the application been considered acceptable in all other respects.

### *Agricultural land*

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

#### *Building Regulations*

3.91 The Council's Building Control section has confirmed that a Building Regulation application is required for the works as described and an informative note to make the applicant aware of this would have been recommended accordingly had the application been considered acceptable in all other respects.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.92 There is no evidence of equality or diversity implications.

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

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

3.94 There are no Section 17 implications.

### **REASON FOR DECISION**

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

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

1. In the opinion of the Local Planning Authority, the development would result in new dwellings outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018) where new housing is allowed in only exceptional circumstances. The proposed housing does not meet any of those exceptional circumstances. Further the site is located in an area that has very limited sustainable transport links and local services. It is considered that the proposal does not constitute sustainable development. The proposal is therefore contrary to policies LS1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), the Council's New Dwellings Outside Development Limits SPD (2015), policies GEN1, H1 and H4 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 79 and 80 of the NPPF (2021).
2. In the opinion of the Local Planning Authority, it is considered that by virtue of the location of the proposed development outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural

Neighbourhood Plan (2018) the development would result in unacceptable visual and physical intrusion into the countryside to the detriment of the visual amenity of the site and the character and appearance of the area and that the proposal would not enhance its location and setting, contrary to policies LS1, RUR1, RUR2 and QP4 of the Hartlepool Local Plan (2018), policies GEN 1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 79 and 80 of the NPPF (2021).

3. In the opinion of the Local Planning Authority, it is considered that by virtue of the location of the proposed development in the Green Gaps identified by the Hartlepool Rural Neighbourhood Plan (2018), the proposed dwelling would compromise the integrity of the Green Gaps by failing to preserve or enhance the open character and distinctiveness of the countryside and as such would be detrimental to the visual amenity of the application site as a whole and the character and appearance of the surrounding rural area, contrary to policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraph 130 of the NPPF.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=144145>

3.97 Copies of the applications are available on-line:

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

## CONTACT OFFICER

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

## AUTHOR

3.99 Jane Tindall  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: 01429 523741  
E-mail: [developmentcontrol@hartlepool.gov.uk](mailto:developmentcontrol@hartlepool.gov.uk)



**No:** 4.  
**Number:** H/2022/0299  
**Applicant:** ROBERTSON HOMES  
**Agent:** LICHFIELDS THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF  
**Date valid:** 28/07/2022  
**Development:** Full planning permission for the erection of 143no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping  
**Location:** LAND WEST OF WYNYARD VILLAGE AND SOUTH OF A689 WYNYARD BILLINGHAM

---

## PURPOSE OF REPORT

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

## BACKGROUND

1.2 The application was deferred for a site visit by Planning Committee at its meeting on 15<sup>th</sup> March 2023.

1.3 The following applications represent the relevant planning history:

H/2022/0382 – (Land West of Wynyard Village and South of the A689 Wynyard Billingham, TS21 3JG) Erection of 51no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping.  
 Pending consideration.

H/2021/0282 – (Land North of Duchy Homes, Wynyard Park) Outline planning application with all matters reserved except for access (Amended site location plan and reduction in the number of proposed dwellings from 29no. to 25 no.)  
 Permitted 18/01/22.

H/2021/0157 – (South of Wellington Gardens, Wynyard) Erection of 9 residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works.  
 Permitted 02/08/21.

H/2019/0473 – (Land at Wynyard Park) Residential development comprising erection of 186 dwellings and associated works including access and landscaping.  
 Permitted 03/02/21.

H/2019/0226 (Land to the North of Hartlepool Road (A689) Residential development comprising 243 houses including associated access link road connection, infrastructure and open space.  
Permitted 20/10/21.

H/2016/0501 – (Land at Wynyard Woods West) Variation of condition 2 of planning application H/2015/0386 for the erection of 64 dwellings, access and associated works for the substitution of house types and alterations to layout.  
Permitted 15/02/17.

H/2015/0386 – (Land at Wynyard Woods West) Erection of 64 dwellings  
Permitted 01/04/16.

H/2014/0176 - (Land at Wynyard Woods West) Outline application for erection of 134 dwellings, provision of landscaping bund, access and other associated works.  
Minded to grant subject to a S106 legal agreement never signed.

## **PROPOSAL**

1.4 Full planning permission for the erection of 143no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping.

1.5 The application has been referred to Planning Committee, as there has been more than 2 objections in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

1.6 The application site measures 11.23 hectares in area and is located to the west of Wynyard Village, south of the A689. The site is currently undeveloped arable land. A tree belt runs along the northern and western boundaries of the site. The site would be accessed via Stoney Wood Drive, which provides access to the Dere Street Homes and Cameron Hall developments to the east and south respectively. The site is bound to the north by the A689 beyond which is the wider Wynyard Park, to the west by the Castle Eden Walkway, to the south and east by residential development.

1.7 Whilst it is noted that this proposal sits within the development limits of Wynyard (LS1 and Rur2) the south eastern portion of the site where meets Stoney Wood Drive is designated as a Green Wedge according to policy NE3 of the Local Plan.

## **PUBLICITY**

1.8 The application was advertised by way of a site and press notice. To date, there have been 76 objections and 1 general comment.

The concerns raised are:

Contrary to the development plan

Wynyard is too big

Loss of privacy

Loss of light

Loss of green space  
 Increased traffic resulting in increased noise  
 Increased traffic detrimental to highway safety  
 Contrary to the Wynyard Masterplan  
 Appearance and density of housing on Stoney Wood Drive  
 Parking issues and obstruction on roads causing safety issues.  
 Lack of public services to existing residents including GP, shops, school places.  
 Improvements on services and infrastructure before further housing.  
 Too high a density  
 Over development  
 Adverse impact on wildlife  
 Adverse impact upon the character and appearance of the site and its surroundings.  
 Not enough trees proposed.  
 Over development  
 Insufficient public transport  
 Unsustainable development  
 Lack of cycle routes  
 Lack of green space  
 Lack of water pressure  
 Difficult to access for emergency vehicles.  
 No need for any more housing

There is no evidence of any commerce or services such as shops, doctors, dentist etc. Been a resident in close proximity to this development we were of the impression that a deer run wide open space way to Castle Eden Walkway. We were told this by Robertson's sales team when we bought our house. We are aware that the owners of the present Robertson's homes are having long delays getting jobs done 1-2 years for some. They need to finish the homes that are already built before they start anymore developments in this area.

I have a major objection to what appears to be a complete disregard by the applicant to the Wynyard Masterplan 2019 (as adopted by HBC) specifically in reference to the Green Infrastructure Framework section of that document.

Section 4.32 of the submitted Planning Statement is as follows and references the Wynyard Masterplan 2019:-

4.32 Local Plan Policy HSG6 requires development at Wynyard Park 'to accord with an approved masterplan.' As such, taking the policy wording into account and following endorsement of the Wynyard Park Masterplan by the Council, we consider the Masterplan to be a material planning consideration in the determination of planning applications at Wynyard Park.

However, the existing Deer Run (from Wynyard Care Home to Stoney Wood Drive) is, according to the Wynyard Masterplan, to be extended to the north of Stoney Wood Drive (between the existing Charles Church and Dere Street developments) for a significant distance to the north-west and continue west with a broad tree lined corridor to create amenity access to the Castle Eden Walkway. This does not appear to be the case with the submitted plans and is totally unacceptable.



### Lack of Green Space

The existing housing offer at Wynyard is focussed primarily on the executive housing market with a significant proportion of homes generally being large detached dwellings set in an attractive large plot. Both Local Plans recognise the unique character Wynyard Village and seek to maintain the lower density executive housing nature of the development in that part of the settlement.

The proposed plan will not allow for low density of housing. As you enter Stoney Wood Drive through Coppice Lane and through the Dere Street development you will then enter this new planning application area and then Charles Church and the existing Robertson development with no space or green space between any of these on the right hand side. This also ties in to the above point regarding the Deer run which is meant to extend between Charles Church and Dere street development.

Robertson homes have had a huge number of issues and residents on the existing site have been left with homes with huge problems. Perhaps a survey of existing residents on Robertson's and customer satisfaction should be proposed before they are allowed to do the same to another 143 home owners.

The new school building is able to accommodate 420 pupils (Key Stage 1 and 2) plus a 39 place nursery.

As of 2019, no secondary school provision has been secured within the Wynyard area. Furthermore, given the executive housing nature of Wynyard Village a number of students in the area attend private schools within the Borough.

There are a large number of Wynyard residents who are currently not able to secure spaces at Wynyard Primary for their children. With a second primary school not due until at least 2024 and on the other side. There is a serious lack of education facilities. Bellway are still progressing their phase 2, Robertson's original development still has homes to complete and also Charles Church to finish. The provision for education needs to be expanded before further development of homes.

### Further lack of community facilities

There are no GP surgeries within Wynyard, with the nearest practices located in Sedgefield and Billingham.

We need community facilities in that area not more houses. A secondary school, community centre and retail outlets are paramount rather than this existing housing.

Wynyard contains one area ('The Stables') identified as a 'Local Centre' a type of centre that serves a small catchment and typically includes a small supermarket convenience store and a range of other small shops, services and community facilities.'

Due to the expansion so far of Wynyard there is already huge pressure on these facilities and the need for more, and as such adding further homes is increasing that pressure.

The 143 homes is also not the complete number for this site as per the proposed plan. Is there a planning reference for the homes outside of the red box backing the Dere street development?

Over development. This will cause high density housing which is against the Wynyard Design.

Lack of green space, not in keeping with the Wynyard Masterplan. The master plan shows a larger green area running adjacent to Coppice Lane, allowing for a complete deer run from the site of the play park to the side of the road where the new proposed plan is. The new proposed plan shows a much needed reduced green deer run which has been replaced with houses. In the master plan houses would be set back from the road and a green area maintained, however the new plan shows houses crammed right up to the main road Coppice Lane.

I would have lost amenity as the view from the front of my house would be obscured by houses, rather than green space.

Lack of infrastructure, there is only one road in to our development (Robertson Homes Phase 1) and this is narrow and acts as a building site during the day for Dere Street, and I would be the case of Robertson's were to build the proposed site.

Health and safety issues. There are a number of existing health and safety issues that pertain to Dere Street using Coppice Lane/Stoney Wood Drive as a live building site. I have had near misses with construction equipment, the road is a mess, paths often closed and we are scared to walk to school. I have reported this before to Hartlepool Council. I am concerned that this will become the same with Robertson's as they will need to use the road as they build, like Dere Street have, this will be unsafe and also a disturbance, children unable to walk to school and safety vehicles such as fire engines unable to pass, this is in particular worse when building houses right up to the boundary of the road as they have drawn them without green space in front as expected.

Access – we will all have only one small road to get to our houses, and everyone will have to pass through Wynyard Woods. The road system is not set up to cope with the number of cars and as we don't have public transport most houses have at least two cars. Traffic will build up as will noise and risk for pedestrians.

Noise – again I have lived in Wynyard 8 years and have always lived on a building site, I cannot escape noise and disturbance. I work from home and this is very disruptive.

No facilities, again we are adding 143 new family homes with no family resources, no buses, no secondary school, a bursting primary school with waiting lists, no community centre, no GP, Wynyard is totally forgotten. More strain is put on existing amenities.

Wildlife – I was particularly concerned about the presence of crested newts, how will these be protected, have Natural England been consulted?

The land is the only remaining field for local wildlife. As the study shows they have seen a lot of different species of animals and some of those are protected animals. Just because concessions were made for the Bellway development regarding the wildlife habitat loss I would hope it has not set a precedent.

Border issues – this site falls on a border between Stockton and Hartlepool, it is easy to over develop as one does not involve the other, a story of life in Wynyard. I live across the road from the proposed site, but was not consulted due to being in a different council.

Investment zones, as Hartlepool may become an investment zones, I am concerned that that environmental issues may be overlooked in this planning case.

The deer run, green space access to castle Eden should be fulfilled as planned.

Robertson Homes have been terrible with the current site in Wynyard, people are still waiting for their homes to be finished, why would building another site be beneficial. The land they are intending to build on we questioned before we moved to Wynyard, we were told it was a deer reserve and could not be built on, why has this suddenly changed.

Concerns on sewerage and drainage as this has been an ongoing issue on the estate.

The current proposal should be modified to allow a wider section of country park to buffer between this new development and the Wynyard Woodland walkway. This should be scaled in terms of the same width as that existing to the west.

The continued use of internal Wynyard Woods roads for heavy construction traffic also remains an issue and this development should consider an alternative access on the A689 which would be relatively easy to add to the development given its location. It is time that long suffering residents of Wynyard Woods and its associated roads are given respite from significant mud, dust and heavy vehicle noise which has been present for years.

The area does not have the required road structure to support this.

There is no infrastructure.

Complete disruption to the existing occupants of Wynyard

High traffic

Destruction of green belt.

This was never in the original Wynyard plans.

I strongly object to this plan. The details of the plan do not conform to my understanding of the master plan. The near total absence of green space and long meadows that characterise Wynyard are not included in this plan. They also appear to be building on the land that was not assigned for building. In fact, before moving here we had enquired with the council about fields around Stony Drive and were told that if there was to be any future construction it would be in the field that is along the remaining woodland. While it is unfortunate that the Council is keen to build anywhere there is vacant land, the character of the village needs to be maintained

and any building in these remaining fields needs to be in harmony with the open green spaces that characterise the village. This plan is the opposite of that.

I would also strongly advise the Council to revisit the sustainability of that number of houses. There are already significant problems with the existing infrastructure, especially water pressure and water drainage issues. I do not see anything in these plans that seek to address in any meaningful or tangible way sustainability regarding local infrastructure.

Relatedly, I am very concerned about the ability of the existing roads and local amenities to support that number of houses. There is not local GP (Sedgefield is the closest), no post office in Wynyard, very limited public transportation options, and I do not see any additional schools in the plans.

The plans need to be majorly changed to (1) respect the green requirements for open meadows and wildlife protection needs. And (2) address transportation pressures, utility requirements, the risks posed by increased traffic, and the high pressures being placed locally without the resources to support community needs.

In particular, the planning proposal needs to be amended to respect the Masterplan's principle and areas that were actually approved for some future construction. This application does neither of these things.

We strongly object to this proposed additional development on the grounds that we understood that the green belt would be protected for all parties, including wildlife. This was never part of the master plan and there was an understanding that there would be green space between the different developments. There is a current lack of infrastructure available and building more housing would impact on these limited resources. As there is only one road into the proposed building site, the amount of construction traffic would be horrendous, with filthy roads, additional rubbish, dust and noise adding to the misery of local house owners. The local environment would be greatly affected and a real impact on wildlife would result. It is time to consider that the quality of life for the current residents versus profit.

This is a highly over ambitious plan to tarnish the philosophy of Hartlepool Council to make Wynyard a model green village. I am surprised to see this highly greedy plan to eat up whatever green land is left in this particular location in an already densely populated estate with lots of new houses built in the vicinity. It will also compromise the welfare of the current residents in the willow drive with increased noise pollution and spoiling their mental peace. I object to this plan and intend to move to court if the plan goes ahead.

Health and safety issues.

During the building phase the only access appears to be via a single T-junction onto Stoney Wood Drive and onto Coppice Lane and The Wynd, in fact through a large part of the existing Wynyard residential area. For 143 new homes the traffic, including large heavy vehicles, will be very significant. This is surely a physical risk for existing residents though the existing narrow streets. The streets will surely also be very muddy and inevitably choked with the vehicles of the many and various

contractors. The scale and duration will not only be a risk to physical health but also be a major factor for the mental health of existing residents.

The above concern is exacerbated by the plans for the construction which show development up to the edges of the site in all directions. There is no obvious area set aside for construction vehicles and delivery services so, inevitably Coppice Land and Stoney Wood Drive will become part of a building site at least as bad as we see the Dere Street Homes development going on this year.

After building is complete the traffic will be very significant via a single T-junction and other streets of Wynyard. There is no on-site infrastructure for schools, post office, shops, doctor, dentist etc. Everything needed will be via personal car transportation. School run time will inevitably be chaotic and stressful and consequently dangerous. Roads and junctions will be blocked with a tail-back. Both physical and mental health issues to be considered.

Surely there must be an alternative plan to open up an access to this new development directly from the A389, near the existing foot bridge to the north east of the site. To continue with only the requested single access will be creating a situation waiting for the inevitable disaster.

#### Access to the Castle Eden Walkway

Many people are using the existing walkway from Stoney Wood Drive, near the Robertson's Sales Suite and 1 Beck Close to the Castle Eden Walkway along the southern edge of the site.

There is no evidence in the application that this access is to be kept open to the public. To the contrary, all plans are showing the development of the site right up to the treeline and old fencing. As a minimum there is no evident claims of keeping this access open.

In the spirit of Wynyard overall development surely such public access routes must be retained and respected despite the clear commercial interests of a developer to use every square yard for this own benefit.

Such access is essential for the quality of living and, indeed the mental health of the residents of existing and future developments.

The Wynyard Master Plan (November 2019) defines the relevant area of the current planning application as Zone WV-E.

The Master Plan for this zone indicated 'low density development of executive dwellings.'

The definition of an Executive Dwelling is a building with over 2000 sq ft (198 sq m) of space and a double or triples garages with driveways for at least two cars.

The existing Willow Drive development which is alongside the proposed development area fits this category by providing large houses and plots in an attractive setting.

The Robertson proposal does not comply with the requirements by aiming for 140+ 2-storey houses and completely removing the existing green space that runs all the way from the established Wynyard Woods housing and contributes to the unique character of the development.

The density of the proposed development would also significantly increase the number of residents and associated volume of traffic, demands for doctors, schools, etc. which again would impact the current standards of living in the Wynyard Village community.

We urge Hartlepool Council to consider the value of the existing green space to the current residents and wildlife above the potential huge profits sought by the developers.

It is extremely disappointing that no one was notified of this planning application within the immediate area via post or signage on lamppost. It is only by chance through social media that we became aware and notified who also had no clue. It has not allowed a fair appraisal for the planning application as most who will be impacted until after the 21 days from posting. I hope that the council will take into account when assessing the proposal. As also mentioned above the drawings do not represent the area as it currently stands with the full Dere Street development. Leading to guess work as to where things exactly sit in line with our properties.

We were all informed there would be some development but behind the brown wooden fence, this proposal is taking the whole land and backing onto our existing homes right up to Stoneywood Drive. This is not the idea of Wynyard a luxury and low density. I urge the Council to object to this plan and ask the developers to resort to the original agreed development area, giving green space between developments.

The Wynyard Masterplan (November 2019) defines the relevant area of the current planning application as Zone WV-E.

The Master Plan for this Zone indicates Low Density Development of Executive Dwellings. The definition of an Executive dwelling is a building with over 2000 sq ft (198 sq m) of space and double or triple garages with driveways for at least two cars.

The existing Willow Drive development which is alongside the proposed development area fits this category by providing large houses and plots in an attractive setting.

The Robertson proposal does not comply with this requirement by aiming for 140 plus 2 storey houses and completely removing the existing green space that runs all the way from the established Wynyard Woods housing and contributes to the unique character of the development.

The density of the proposed development would also significantly increase the number of residents and associated volume of traffic, demands for doctors, schools etc. which again would impact the current standard of living in the Wynyard Village community.

I wish to raise the strongest possible objection to this blatant disregard of the Wynyard Masterplan and the destruction of the green space for the Wynyard community. There is already a lack of green space and amenities (schools, shops, medical care, etc. in Wynyard and this development will further compound the problem. The deer run is a core value of this local community which contributes to the wellbeing of residents, wildlife and the surrounding environment. The destruction of such a vital part of this ecosystem would have more damage to the local area than you may believe.

Where is the consideration for the existing residents.

I wish to raise the strongest possible objection to this blatant disregard to the Wynyard Masterplan and the destruction of the green space for the Wynyard Masterplan and the destruction of the green space for the Wynyard community. There is already a lack of green space and amenities (schools, shops, medical care, etc) in Wynyard and this development will further compound the problem. The deer run is a core value of this local community, which contributes to the wellbeing of residents, wildlife and the surrounding environment. The destruction of such a vital part of this ecosystem would have more damage to the local area than you may believe.

Where is the consideration for existing residents? The increased building traffic will present a danger to our children and families on their home roads this has gone on long enough. The noise pollution, air pollution and general dirt/dust in area is getting intolerable.

How can the council approve this? This development plan goes completely against the ethos of the out promised plan for low density executive dwellings, and it will be to the detriment of the entire community wishing to enjoy Wynyard and the access to the Eden walkway.

I object to these plans entirely. The Council must reject this bid.

We bought into the Wynyard Master plan specifically because of the assurance that the green open spaces known as Deer Run would be preserved.

I feel even more disappointed that none of our street were informed by post of this application so that we could raise our objections in good time. This neighbouring development will impact our daily living for the next few years it is goes ahead. Surely it would have been courteous to let us know the intensions. Or is this common practice when builders and developers are trying to obtain planning permission. The less people that know the less objections will be received ensuring a done deal.

And finally do we really need another 143 houses squeezed onto that section of land not enough schools, doctors, supermarkets or transport systems to support the growth? Or is it greed over need? I strongly object.

The Hartlepool Local Plan repeatedly stresses the importance and centrality of sustainability across multiple areas. I see no grounds for viewing the proposed development as sustainable in any measure.

There is not sustainable transport network in Wynyard that reliably and usefully connects residents to the major employment areas in the region, or even local shops and amenities. Wynyard is very much a commuter village. Excluding those of school age or who are retired, and assuming that not everybody works at home, it is reasonable to assume that a significantly large proportion of residents of Wynyard need to commute to work. There has already been a very sizeable increase in housing and thus the local population – and another development of over 100 properties will place even more strain on transportation infrastructure that it either unable to cope with the constant increasing pressures or does not actually exist.

The development proposal is assuming that all transpiration trips are made by car. There is a limited bus network in the area and for those who commute further afield (Darlington, Durham, Hartlepool, Middlesbrough, Newcastle, etc.) there are no train stations nearby and the primary (if not the only) option is either single vehicle occupancy journeys or taxi. With the current financial situation facing the country, and the well-known political matter pertaining to under-investment in the Northeast of England when compared to the South, we can safely assume that there will be no large-scale infrastructure projects in the future to improve the already poor public transportation infrastructure and services in the region. Single occupancy journeys will be the norm.

As a result, we can safely assume that the development will yield at least 200 (if not much more) regular journeys at peak times, as it is highly likely that each household will have two cars (at least). The local roads are not suitable for the large increase in traffic and that the housing developments in Wynyard are producing. All journeys in and out of Wynyard that matter for the purpose of this proposal rely on Coppice Lane and Wynyard Woods. Currently, the increase in vehicular use of Coppice Lane in particular is already noticeable created considerable safety concerns (people drive too fast). These are not commuter roads, but residential roads with residential driveways accessing the road. There is also an appalling lack of pedestrian crossings. Coppice Lane in particular, and sections of Wynyard Woods, are not designed to safely and sustainably function as commuter roads. This development t will place undue pressure on these roads in ways that are dangerous to pedestrians, residents and drivers, and it unsustainable.

I would expect that the developers would counter that Stoney Wood Drive will eventually connect to an additional exit/entry point to Wynyard Woods, thus ostensibly alleviating traffic along Coppice Lane and North side of Wynyard Woods. However, the reality is that most people will drive the shortest route, and the amount of traffic that this development will produce will transform Coppice Lane and Wynyard Woods into a major thoroughfare of traffic, posing risks to residents, making it difficult to access/exit your driveway, and possibly even making it hard to turn into/out of Willow Road, Black Spruce Wood or Coppice Lane, it would also very quickly produce traffic congestion. The roads are simply not wide enough to easily accommodate any parked vehicles with a regular flow of traffic. More traffic is also likely to increase driver anxiety, which can also lead to increased driving speeds, and



we know that the majority of traffic incidents (accidents) tend to happen close to home. A major increase of traffic will likely pose a risk of significant harm to existing residents by dramatically changing the nature of local residential roads into a significant commuter thoroughfare. In the context of commuting, it is important to note that there are no other entry points to the A689 that residents of this development can access. This development will transform Coppice Lane and Wynyard Woods into a mini-commuting highway.

Moreover, there are remarkably few local amenities. There is no local post office. There is only a small Co-op. No butcher. Wynyard Hall Care and the Glass House restaurant can only be easily accessed by car (there is no pedestrian route from the village, and the final section to the café/restaurant not having any pedestrian access along the road at all – it is surprising the Council has not pushed for pedestrian access to the Hall from the Village). There is also no local sports pitch or athletic leisure centre. The list goes on. Consequently, almost every journey will require transportation by car to one of the larger villages/towns nearby, further stressing Coppice Lane and Wynyard Woods and the A689. The traffic increase that this development will produce could be the final straw that breaks the back of the local infrastructure, which I consider is already strained. The parking at the local Co-Op for example was not built to cope with the increasingly large number of residents and people are now parking unsafely in that parking lot in absence of any alternative.

This application does not conform to the Wynyard Master Plan, approved by both Stockton and Hartlepool Councils. What is the point of having a Master Plan if it is then completely disregarded?

The proposal is for a single road from Stoneywood Drive into the development of 143 houses, with another 51 houses to be developed at a later date. Given the size and style of the houses proposed it is not unreasonable to assume an average of 1.75 cars per household (especially as Hartlepool Councils own planning guidelines require a minimum of 3 car parking spaces for houses with 4 or more bedrooms and poor public transport links) - a total of 340 cars. Even if only half that number (170 cars) are trying to exit this proposed development at one time such as rush hour or school run, that will lead to significant congestion at the access point. There will be significant traffic coming from the Charles Church Development making exit from the development onto Stoneywood Drive/Coppice Lane extremely difficult, inevitably leading to frustration, dangerous manoeuvres and ultimately accidents. It will also cause further knock-on congestion as the vehicles try to exit Coppice Lane onto Wynyard Woods. All the vehicles from the Charles Church development, existing Robertson Homes development and Dere Street Homes as well as the new proposed developments will then need to exit Wynyard Woods onto The Wynd to access the A689. The road system and junctions are just not set up for this volume of traffic at peak hours.

The existing work at Dere Street has caused major problems with construction and delivery vehicles blocking Coppice Lane on a regular basis. The amount of mud on the roads actually makes driving on the road dangerous, I have skidded on more than one occasion. The safety issues mean that this application should be rejected.

The amount of waste that the builders leave on the roadside is an environmental disgrace, with obvious impact on local wildlife.

When we bought our property in 2022 we were categorically assured by a representative of Robertson Homes that the land subject to this application would not be built on as it would contravene the Wynyard Master Plan, and it was intended to form a corridor for wildlife to transit. If Hartlepool Council is serious about maintaining its environment and wildlife it should reject this application.

There is a total lack of sustainability to this proposal. Currently there is one primary school for the whole of Wynyard, which is oversubscribed. There is one shop and one pub/restaurant and no doctors surgery. There is no secondary school to serve both parts of Wynyard, meaning that children are bussed or driven out of the area to schools in surrounding towns. This is not environmentally friendly or sustainable in the medium term as the population of schoolchildren grows. Both parts of Wynyard are significantly under-resourced in terms of local amenities. This application should be rejected on the basis of lack of amenities.

The application talks about sustainability, and even mentions public transport. Apart from the Tees Flex I am not aware of any public transport serving Wynyard Village. The lack of good public transport and local amenities forces people to travel out of the village by car. This is not sustainable in any timeframe.

Currently there is a footpath from Stoneywood Drive, opposite 1 Beck Close, to the Castle Eden Walkway. It would appear from the application from Robertson Homes that this footpath will be eliminated by the development. If Hartlepool Council is serious about encouraging healthy exercise then this footpath should be maintained.

There is a lack of sustainable amenities for teenagers in Wynyard. There are a few small play areas for younger children, but a woeful lack of amenities such as basketball/football courts for older children and teenagers. Given the demographic that will be expected to purchase these proposed houses there will only be more teenagers who have nothing to do.

The application mentions that facilities/amenities are available in Wolviston. That is clearly incorrect. Wolviston is a small village with limited facilities. It is at least a 7 minute drive from the proposed development, and significantly longer at peak hours. To suggest that residents can access services in Wolviston is, putting it mildly, disingenuous at best.

Contrary to the Wynyard Masterplan

Adverse impact on highway safety

Insufficient car parking

Construction traffic blocking existing roads

Mud and dust on the roads making driving dangerous.

Rubbish and construction waste dumped by the roadside..

Lack of facilities

It is not sustainable

Insufficient public transport

Lack of access routes to the countryside

Sick of successive applications submitted for the same site.

Adverse impact upon the character and appearance.

The following section taken from my original objection to the development has not been changed in the revised plans at all and therefore it is still contrary to the Wynyard Masterplan 2019 with the access to the walkway far too narrow and the houses much too close to Stoney Wood Drive... "However, the existing Deer Run (from Wynyard Care Home to Stoney Wood Drive) is, according to the Wynyard Masterplan, to be extended to the north of Stoney Wood Drive (between the existing Charles Church and Dere Street developments) for a significant distance to the north-west and continue west with a broad tree lined corridor to create amenity access to the Castle Eden Walkway. This does not appear to be the case with the submitted plans and is totally unacceptable." I suggest the planning committee take a close look at the Masterplan and compare it with this application.

I would request that an access route be provided direct from the A689 through a new access road - Wynard Woods and Coppice Lane cannot accommodate additional traffic.

In addition the current Robertson estate in Wynard which is north from the proposed development already has access issues with the Dere Home development which seems to have taken over the entire area with considerable contractor parking leading to difficulties in leaving the estate - this has been raised with Dere Homes on a number of occasions and I am ready to raise a HSE action if matters do not improve in the New Year

In short all construction traffic and contractor parking should be directly off the A689 as opposed to ploughing through the village

Whilst I would welcome anyone to enjoy the natural beauty of the Wynyard estate we are now reaching physical capacity in a number of critical areas including but not limited to access to village - currently the two points of access of the A689 are already running at full capacity and the additional access route is essential for a development traffic & construction noise c contractor parking retail - currently there is room for only one retail unit and no space allocated for any other retail / commercial developments health - given influx of further families the health care provision must be augmented as there is no local surgery.

The amendments do not overcome my previous concerns.

Original objections still stand, houses still overcrowded and lack of bike path/walkway that is not a mud pit to castle Eden walkway.

The access via Coppice Lane is an on-going mess due to the never-ending earth movement done by Dere Street Homes mixed with traffic of the existing residential areas. In addition we now see significant deforestation, I believe in the areas marked WV-D, with the corresponding traffic including massive log-bearing vehicles using the only access via Stoney Wood Drive/Coppice Lane and on to the very same roundabout via inhabited areas.

I'm aware that this is a subjective comment, but I despair at the lack of consideration and respect towards existing residents, and what appears to be an imminent disaster regarding access routes to the new and future developments via increasingly over-crowded developments going well beyond the masterplan.

1 general comment has been received raising the following issues;  
The updated application shows a path along the southern edge of the site. This is a really positive improvement. The cross-section refers to a grass surface. Please, please put an aggregate surface so that the many walkers do not get bogged down in the mud, and please, please put the path as one of the first scheduled items of the development rather than waiting until the end.

1.9 Background papers can be viewed by clicking on the following link <http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet> and then typing the application reference number H/2022/0299 into the relevant search box. The background papers can be viewed by clicking on the 'attachments' link.

1.10 The period for publicity has expired.

## CONSULTATIONS

1.11 The following consultation replies have been received:

### HBC Traffic and Transport

This development does not form part of the National Highways Mini-Infrastructure study. The developer has indicated that the development H/2014/0176 has been identified in the Mini-infrastructure study and has been allocated 134 Houses which can come forward prior to the identified Mitigation Measures on the A19 / Wolviston junction being completed. This application has since been superseded by H/2015/0386, which is for 64 dwellings leaving a surplus 70 properties which can be constructed prior to the mitigation scheme being delivered.

The developer as agreed a £70k contribution to help fund identified improvements to the A689 / The Meadows roundabout, this contribution is most welcome.

Further to my previous comments, I can confirm that the developer has amended the plans to splay the drive crossings and construct the crossings to the Councils Tarmac specification. I can therefore confirm that there are no highway or traffic concerns with this application.

### HBC Public Protection

I have no objections to this application subject to the following conditions:

There should be a 4 metre high earth bund created to the northern edge of the site as detailed in section 8 sub section 8.2.1 of the accompanying Noise Report to protect the dwellings from noise generated by traffic on the A689.

The glazing and ventilation referred to in 8.5.1 and Table 7 of the Noise report must be installed to the identified properties.

The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on

a Sunday or Public Holidays. Any deliveries or collections at the site must also be limited to these hours as well.

No open burning shall be permitted on site at any time.

Adequate dust suppression facilities must be on site during construction work.

I would require the provision of a wheel washing facility to the entrance/exit of the site.

### **HBC Engineering Consultancy**

In response to your consultation on the above amended application we have no objection in principle to proposals in respect of surface water management or contaminated land. Please include our standard unexpected contamination condition and the condition shown below on any permission issued for proposals,

Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. 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.

### **HBC Ecologist**

I have noted the comments from Graham Megson of 31/10/2022.

Graham noted that the Biodiversity Metric 3.1 report and LEMP were outstanding. In addition, an Amphibian (GCN) Method Statement was requested by Graham needed. In addition, Graham stated that compensation measures for some species were needed. The Biodiversity Net Gain report has now been submitted (February 2023). I have reviewed these documents what are satisfactory.

I am happy to condition the amphibian method statement, but I would like to see this as a pre-commencement condition (as it will need to describe the mitigation required during site clearance) which should be submitted as a pre-commencement condition for review by the LPA in advance of any vegetation clearance on site. Although the report acknowledges that Great Crested Newt is known to be present within the

wider area of the site the records search suggests breeding ponds lie **beyond** 500m of the site. A pre-commencement condition is therefore suitable (Condition 1):

1. No part of the development hereby approved shall take place until a plan detailing the mitigation to reduce adverse impacts on amphibians and particularly Great Crested Newt showing the vegetation to be cleared/removed has been submitted to and approved in writing by the Local Planning Authority. The submitted details will include a timetable of when the vegetation shall be removed. Thereafter, the development shall take place in accordance with the approved details.

**Reason:** In the interests of Great Crested Newt and conservation of common amphibians.

I am happy that any remaining mitigation measures can be incorporated into a pre-commencement Construction Environmental Management Plan (CEMP) – Condition 2:

2. No part of the development hereby approved shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out as a minimum site-specific measure to control and monitor impacts in relation to construction traffic, noise, vibration, dust and air pollution, land contamination, disturbance to ecology and ground water. Thereafter, the development shall be carried out in accordance with the approved CEMP.

**Reason:** To safeguard the amenities of residents and to minimise the disruption caused to ecology.

The details presented in the BNG Plan (February 2023) need to be incorporated within a Biodiversity Net Gain Plan, which should be submitted as a pre-commencement condition for review by the LPA in advance of any activities on site – Condition 3.

3. Notwithstanding Condition 1, (approved plans condition not these conditions) no part of the development hereby approved shall take place until full details presented in the Biodiversity Net Gain Plan including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

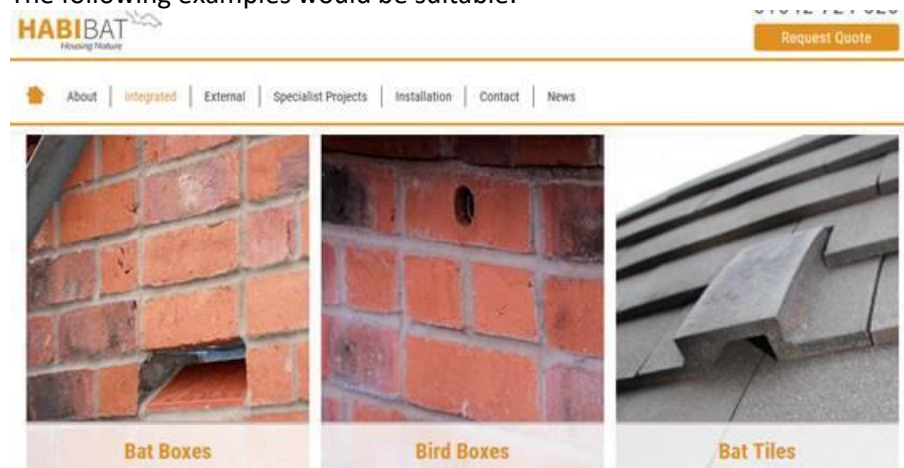
**Reason:** In the interests of biodiversity.

To satisfy the NPPF (2018) paragraph 170 d) requirement for Biodiversity Enhancement the following should be conditioned (Condition 4):

4. The site is adjacent to open countryside which supports declining bat and bird populations, which could benefit from the provision of integral bat roost bricks and integral bird nest bricks. Each dwelling should be built with two integral bird nest brick for either sparrows or starlings, to be >3m above ground level (house or garage) or two integral bat roost brick to be >3m above ground level (house or garage). The bricks should be in sunlight for part of the day, therefore a sunny location on the east or south facing side of the building is preferred.

**Informative**

The following examples would be suitable:



I have no further issues regarding this application with the recommendation of the fore mentioned conditions.

**HRA**

I have prepared a Habitats Regulations Assessment (HRA) for Nutrient Neutrality and Recreational disturbance and the findings are as follows.

Nutrient Neutrality and Recreational disturbance Likely Significant Effect (LSE) considered.

<b>LSE</b>	<b>Yes/ No</b>
Nutrient Neutrality	Yes
Recreational disturbance	Yes

European Sites screened in.

<b>Site</b>	<b>Screened in</b>
Teesmouth and Cleveland SPA and Ramsar Site	Yes
Northumberland SPA	No
Durham Coast Special Area of Conservation (SAC)	No
Castle Eden Dene SAC	No
Others (specify if applicable)	No

Proposal directly connected with or necessary to the management of the site for nature conservation.	No
--	----

Site relationship with T&CC SPA and Ramsar Site

Within river catchment	Yes
Waste-water Treatment Works - Seaton Carew	No
Waste-water Treatment Works - Billingham	Yes
Area (Ha)	11.23
Existing land use	Cereals
Planned land use	Residential urban land
Additional kg of Total Nutrients to mitigate	0

Distance by road to closest N2K site boundary (if applicable)	9.5 km
Increase in number of dwellings (if appropriate)	143
Cost/dwelling for distance (if applicable)	£50
Cost/dwelling for SANGS (if applicable)	£100
Total cost/dwelling (if applicable)	£150
Total cost for development	£21,450

Outstanding LSE (not mitigated)	No
HRA stage 2 Appropriate Assessment required	No

### **HBC Arboricultural Officer**

The Arboricultural Impact Assessment provides all the necessary information needed in relation to the impact on the trees on the site. There is one small area of conflict with the RPA in the south west corner of the development where the property boundary/fence is within the RPA of the trees to be protected in tree group 1. This is however minimal and will not have an adverse effect on the development. The protective fencing within appendix 7 of the AIA has been moved within the RPA in this location to adjust for the boundary issue.

The trees selected within the planting scheme are bio-diverse and provide good benefits to the site. A condition should be added that if within a period of five years from the date of the planting of any tree, or any tree planted as a replacement for it, is removed uprooted, destroyed, dies or becomes in the opinion of the Local Planning Authority seriously damaged, or defective, another trees of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

### **HBC Landscape Architect**

No landscape and visual issues with the proposed amendments.

### **HBC Countryside Access Officer**

The 'Amended Plans Informal Footpath Routes', shows the route of the path that Dere Street Homes installed earlier this year. The cross section drawing of the 'proposed footpath' is exactly the one used by Dere Street Homes, when they submitted plans of their required installation/creation of this new footpath. Are Robertson homes stating that they are going to install a new path on top of the one already installed earlier this year, or are they suggesting that they will, instead, improve the existing surface with an aggregate one, for the benefit of the walking public.

This point does need to be cleared up and I suggest that the agent and or the developer contact me to discuss this further.

The applicant has also added link paths from their roads and pavements to link to this path and directly, in one instance, to the Castle Eden Walkway. These are very welcome and show that the developer is looking to provide sustainable routes directly to the Walkway as well as to the informal footpath, as shown in the amended plans.



They have also shown the widths in metres along the route of the informal footpath and all of them, including the most restricted narrow points are above what is required for the path including some extra room on either side of the path.

As requested above, a meeting with the agent and developer would assist in clearing up the above points raised, rather than a simple email reply.

### **HBC Waste Services**

Developers are expected provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/ receptacles to enable the occupier to comply with the waste presentation and collection requirements in operation at that time.

Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council's waste collection service and vehicle load handling equipment.

Please see our 'Developer Guidance Waste and Recycling for new properties' document which can be found at [www.hartlepool.gov.uk/usingyourbins](http://www.hartlepool.gov.uk/usingyourbins) for further information.

### **HBC Economic Growth Manager**

We have reviewed the proposed applications and have no concerns from an Economic Growth Perspective.

### **Tees Archaeology**

Thank you for the consultation on this application. The site has already been evaluated and was found to be of low archaeological potential. We have no objections to the proposed development and no further archaeological work is needed.

### **Cleveland Fire Brigade**

No representations regarding the development as proposed.

However, Access and Water Supplies should meet the requirements as set out in:

Approved Document B. Volume 1:2019, Section B5 for Dwellings

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 greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol1, 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.

### **Cleveland Police**

Police have no objections though development is located in a lower than average crime rate we would always recommend that doors and accessible windows are to a good level of security doors and windows certified to PAS24 2016 would provided this it also important to have good lighting to all roads and footpaths lighting that complies with BS 5489 would ensure this. It is also important that any rear /side boundaries to open land deter intrusion to rear gardens boundaries require to be a min of 1.8m with no climbing aids.

### **Northern Powergrid**

No objections to make providing that our rights are not affected and will continue to enjoy rights to access to the apparatus for any maintenance, replacement or renewal works necessary.

### **Northern Gas Networks**

No objections to these proposals, however there may be apparatus in the area that may be at risk during constructions works and should the planning application be approved, then we require the promoter of the works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

### **North East and North Cumbria Integrated Care Board**

I am writing in response to the above planning application currently being evaluated by you. Please see below for the required contribution should the scheme be approved.

Local surgeries are part of CCG wide plans to improve GP access and would be likely beneficiaries of any S106 funds secured.

Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. Please be advised that we would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld by developers.

In calculating developer contribution, we use the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development for ease of calculation.

We use NHS Property Services build cost rate £3,000 per square metre to calculate the total financial requirement.

This reflects the current position based on information known at the time of responding. The NHS reserves the right however to review this if factors change before a final application is approved.

Total contribution being sought £69,069.

### **Wynyard Parish Council**

Wynyard Parish Council (Hartlepool) note the recent amendments made by the developer following the initial stages of this application. However it appears that no changes have been made to the overall number of properties for this development and as expected the attached neighbouring site which was shown on the application for a further 51 properties has now been submitted under a separate application - H/2022/0382.

In line with the views expressed by residents who attended our October meeting, further residents attended our November meeting to express their similar concerns. Wynyard Parish Council (Hartlepool) wish to reiterate both residents and our concerns regarding this amended application and the link associated with the attached neighbouring planning application H/2022/0382 for which we have submitted comment separately.

1) Over development - This parcel of land was initially subject to a previous planning application (H/2014/0176) which approval was recommended for a maximum of 134 dwellings, with additional restrictions. This new application is for 143 dwellings on a smaller section of the total site with a planned separate application (H/2022/0382) for a further 51 dwellings. This would make the total number for the whole of the planned site to 194 dwellings - an increase of 60 dwellings on the previously recommended maximum for the total site!

This is in contravention of the Wynyard Master Plan which was approved by both Hartlepool and Stockton Borough councils.

2) Increased Traffic Flow - The above development will add significant vehicle movement onto Stoney Wood Drive, Coppice Lane, Wynyard Woods and ultimately The Wynd and A689 traffic controlled roundabout. Whilst traffic assessments documents have been submitted these appear to be very conservative and suggest a minor increase in additional traffic flow. Our view is that upon completion with an average of two cars per dwelling this will mean a further potential 298 vehicle movements at peak times onto an already busy route. This does not take into account increased construction traffic movements during the construction phases.

3) Sustainability - Wynyard Park and Wynyard Village are currently served by one Primary school, a small convenience store, a pharmacy and a public house. Whilst plans have been or are being submitted for a further public house, local centre shopping/retail area and an additional primary school on the Wynyard Park area, these are not yet in place and may not be for a further 2-3 years. therefore any new planning applications of this magnitude should be withheld until all public amenities have been completed. Whilst it is noted in the amended application that the developer is making contributions to S106 obligations it would suggest that these may be used across the borough and not secured for Wynyard Village. WPC(H) strongly object to S106 obligations potentially being denied to the area and wish to ensure that amenities such as a General Practice, Post Office, Recreational/sports facilities for all age groups, Community Centre and Secondary School be secured

under S106 agreements with specific timeframes for completion across Wynyard Village as a whole.

4) H&S - Due to its location within Wynyard Village, construction traffic will have to navigate its pathway through a significant route of Wynyard which is already occupied and regularly used by parents and children en-route to school or other public amenities. Significant problems are already being experienced by residents and have been repeatedly reported to Hartlepool Planning dept due to construction traffic accessing existing building development areas. This development will add to the concerns and continue to increase H&S issues being raised - consideration must be given to significantly reducing the amount of construction traffic or an alternative access route be it permanent or temporary be identified.

No specific information has been provided regarding fencing around SUDs ponds - in view of recent events in Solihull regarding the deaths of children, WPC(H) would request that appropriate fencing to restrict access to these areas is included in any new planning applications.

5) Open spaces & Public access route - Access to Castle Eden walkway and Cycle Path is currently via a route at the North and South boundaries of this proposed development. At the North this runs parallel with the A689 and then runs South along the West boundary. The development proposes a 4m sound bund - Recent neighbouring developments also have installed a 4m sound bund, and during the construction phase this completely obliterated the pathway. This pathway has only recently been restored, therefore a condition to retain the public pathway must be maintained throughout the phases of development.

We are happy to see that the developer has agreed to provide a suitable access/pathway on the Southern pathway of the site to Castle Eden, however confirmation that this will installed and maintained throughout construction and completion phases must be conditional on any planning approval. This also should be a requirement for the Northern pathway - adjacent to the proposed sound bund.

This development whilst showing an open space in addition to the suds pond, does not provide anything in-terms of amenities such as children play/recreational facilities. This area also being totally surrounded by housing and no thorough fares effectively restricts it to the residents of the development and not accessible to the wider Wynyard community.

6) Wildlife - It is clear that Wynyard Estates and Wynyard Park make use of the fact that deer and other wildlife are key in the overall well-being of a Village status and ethos by the use of deer on its logos and signage. The removal of open grasslands, safe routes and habitats for wildlife surely goes against the aims and objectives of the land owners and the residents of Wynyard Village as a whole.

WPC(H) submit our comments and trust Planning Officers and Committee reject this application:

1) with a view to seeking a significant reduction in housing numbers in any future planning applications for this site

2) ensure their contribution of S106 funding is secured and specific timeframes for provision of amenities as outlined above on Wynyard Village as a whole are implemented.

3) ensure appropriate fencing to restrict access around SUDS ponds.

### **Elwick Parish Council**

This planning application is not relevant to Elwick PC, as it now falls within the Wynyard PC's purview.

### **Hartlepool Rural Neighbourhood Plan Group**

Whilst the application site is outside the Rural Neighbourhood Plan area there is concern that the increasing development direction that it taking place at Wynyard is having a negative impact upon the rural area between Wynyard and Hartlepool.

The Rural Neighbourhood Plan Group are very concerned that as development at Wynyard continues the negative impact on the rural area from increasing traffic, particularly along the A698 dual carriageway cutting the community in half. Improvements which are designed to be in keeping with the rural setting are required that will alleviate these unacceptable conditions. We would draw your attention to the traffic improvements sought in Policy T1 of the Rural Neighbourhood Plan.

There is also a great need to improve public transport to reduce the level of carbon emissions from the ever increasing number of vehicles that must be used by Wynyard residents to access basic amenities such as medical, educational, retail etc. The limited facilities currently proposed will have little impact in making Wynyard less dependent on the car.

### **Stockton-on-Tees Borough Council**

The Highways, Transport and Design Manager objects to the proposals for the following reasons;

- due to their unknown impact on the local highway network in particular the key junctions along the A689 road corridor.
- Due to the detrimental impact, they may have on the delivery of Stockton Borough Council's Local Plan.

### **Highways Comments**

The Highways, Transport and Design Manager has reviewed the information provided in support of the proposed development and has issues regarding the submitted Transport Assessment (TA).

Whilst it is acknowledged that the site in isolation on the local highway network of the proposals cannot be viewed in isolation as they form part of a much wider development which, should all the current applications be approved, will result in Hartlepool Borough Council local plan allocation within the Wynyard area being increased from 732 to circa 2260 dwellings.

Therefore, an assessment on the impact on the local highway network of the proposals, within the context of the wider development proposals within the Wynyard

area, is required and until this work has been undertaken and submitted for consideration the Highways, Transport and Design Manager objects to the proposals due to their unknown impact on the local highway network in particular key junctions along the A689 road corridor.

The impact of the full proposals on the local highway network should be assessment using the strategic highways model and the following key junctions along the A689 corridor:

- A689 /The Meadows / The Wynd signalised roundabout
- A689 / Hanzard Drive / The Wynd roundabout (\*)
- A689 / Wynyard Avenue roundabout (\*)
- A689 / Wolviston services roundabout
- A689 / A1185 / Wolviston Road roundabout
- A689 / A19 grade separated junction

It is accepted that the junctions of the A689 with both Hanzard Drive and Wynyard Avenue (marked with an \* above) are both subject to improvements which have been secured against application 14/2993/EIS and 13/0342/EIS however, the required s278 Agreements have not yet been entered into by the respective landowners.

Should the development be recommended for approval a Grampian condition should be imposed preventing any dwelling from being occupied until the required improvement works along the A689 road corridor including the improvements at the A689 road corridor including the improvements at the A689/A19 interchange are complete.

Based on the current Local Plan, as set out in the Hartlepool Borough Council Local Plan Policy HSG6, the current level of housing identified within this area of Wynyard Park is 732 dwellings the majority of which have already been approved. Therefore, the current proposals alongside other live applications (H/2022/0181 and H/2022/0255) would represent an increase of circa 1,530 dwellings over and above what has previously been considered and accepted, as detailed within the A19/A689 MINI-INFRASTRUCTURE STUDY.

It is therefore considered that the TA does not provide sufficient information or take account of sites and local plan allocations which are already reliant upon the proposed junction improvements coming forward and that increasing the level of housing over and above what was previously agreed figure of 4,415 dwellings could prejudice the delivery of the identified Local Plan Allocations within the Borough of Stockton-on-Tees.

Taking the above into account the Highways, Transport and Design Manager also objects to the proposals due to the detrimental impact they may have on the delivery of Stockton Borough Council's Local Plan.

#### Landscape & Visual Comments

There are no landscape and visual comments on the proposals.

### Flood Risk Management

The Lead Local Flood Authority have reviewed the information submitted to support the above application and are unable to comment as the information pertaining to flood risk has not been supplied.

### Northumbria Water

In making our response to the local planning authority Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within our network to accommodate and treat anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our 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 construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://nwl.co.uk/developers.aspx>.

At this time the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We therefore request the following condition:

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

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

### National Highways

We have reviewed the amended plans submitted in support of this application and would offer the following comments.

#### Planning Context

HBC has previously confirmed that the following planning context applies to planning application H/2022/0299:

1. The proposed development is not allocated for housing within the adopted Hartlepool Local Plan.
2. However, the proposed development is located within a consented outline planning application boundary for 134 dwellings.
3. Within this outline consent also lies an approved planning application for 64 dwellings (Planning reference H/2014/0176).
4. The buildout schedule that has been agreed with HBC and Stockton-On-Tees Borough Council (SBC) includes the delivery of 70 dwellings before the required A19/A689 improvements, as part of the outline consented planning boundary.

### Amended plans

The covering letter for the amended plans explains the following the regards to highways:

- “The Council’s Planning policy Team state that the 70 dwelling on site could be occupied prior to the delivery of the A19/A689 improvement works.”, and
- “The applicant would be agreeable to a Grampian condition which prevents the occupation of more than 70 dwellings until the A19/A689 improvement works have been commenced.”

The amendments relate to matters that are not relevant to National Highways (e.g. greenspace, internal site layout. Housing mix, energy and S106 obligations).

### Recommendation

On the basis of the above, National Highways’ position is unchanged.

For reference, we previously recommended that the following planning condition should be attached to any grant of planning permission for this application:

#### Recommended Condition

Prior to the occupation of the 74th dwelling, the off-site highway improvement works at the A19/A689 Wolviston junction, shown indicatively on Drawing number 276864-ARP-ZZ-XX-DR-CH-0101 & Drawing Number 276864-ARP-ZZ-XX-DR-CH-0102, shall be completed as submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

### **Natural England**

The advice provided in our previous response applies equally to this **amendment** although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

### **Forestry Commission**

As a Non-Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather, we are providing information on the potential impact that the proposed development would have on woodland.

In 2021, the National Planning Policy Framework (NPPF) was updated, including a strengthening of protections for irreplaceable habitats such as ancient woodland. Paragraph 180c of the NPPF requires that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. This policy applies to both ancient semi-natural woodland (ASNW) and plantations on ancient woodland sites (PAWS).



Development, including both construction and operational activities, can affect ancient woodland habitat, not just through direct loss of the habitat but also indirectly, for example through fragmentation of habitat, damage arising from increased recreational pressure, and increased pollution. For more information on the impacts of development on ancient woodland and how to assess these, please see the joint Forestry Commission/Natural England standing advice 'Ancient woodland, ancient trees and veteran trees,' advice for making planning decisions and the assessment guide included within it.

The standing advice also provides information on mitigation, including the use of buffers. Proposals in proximity to ancient woodland should have a buffer zone of at least 15m from the boundary of the woodland to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, for example the effects of air pollution from increased traffic, the proposal is likely to require a large buffer zone. We would be keen to engage with the Local Planning Authority in relation to any mitigation and compensation strategies particularly in relation to mitigating any potential impact on the adjoining area of Ancient Woodland to the South West of the proposed development site called Brierley Wood.

In relation to the presence of non-ancient woodland within the proposal area, we would like to draw your attention to paragraph 131 of the NPPF which states that planning policies and decisions should ensure that existing trees are retained wherever possible. We would therefore suggest that a woodland and landscape UK Forestry Standard compliant management plan is developed and implemented for non-ancient woodland surrounding the proposed development. We note the immediate area surrounding the proposed development is currently a woodland buffer and was covered by Woodland Planning Grant 38549 if you would like more detail on this scheme, please do not hesitate to contact us.

Areas of woodland that have already been felled are still considered to be woodland for the purposes of any planning proposal, and when calculating baseline values. We note immediately to the south of the proposed development site there are several areas that have been felled in accordance with a Forestry Commission felling licence (FL 022/007/16-17) and looks like there has been development taking place since felling. If you would like more information on this felling licence, please do not hesitate to contact us. If you would also like to make you aware of the Town and Country Planning (Environmental Impact Assessment) presence of a felling licence on land does not prohibit the application for, or granting of, planning permission.

## **PLANNING POLICY**

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

**HARTLEPOOL LOCAL PLAN (ADOPTED MAY 2018)**

1.13 The following policies are relevant to this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Flood Risk
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG6	Wynyard Housing Developments
HSG9	Affordable Housing
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green wedges

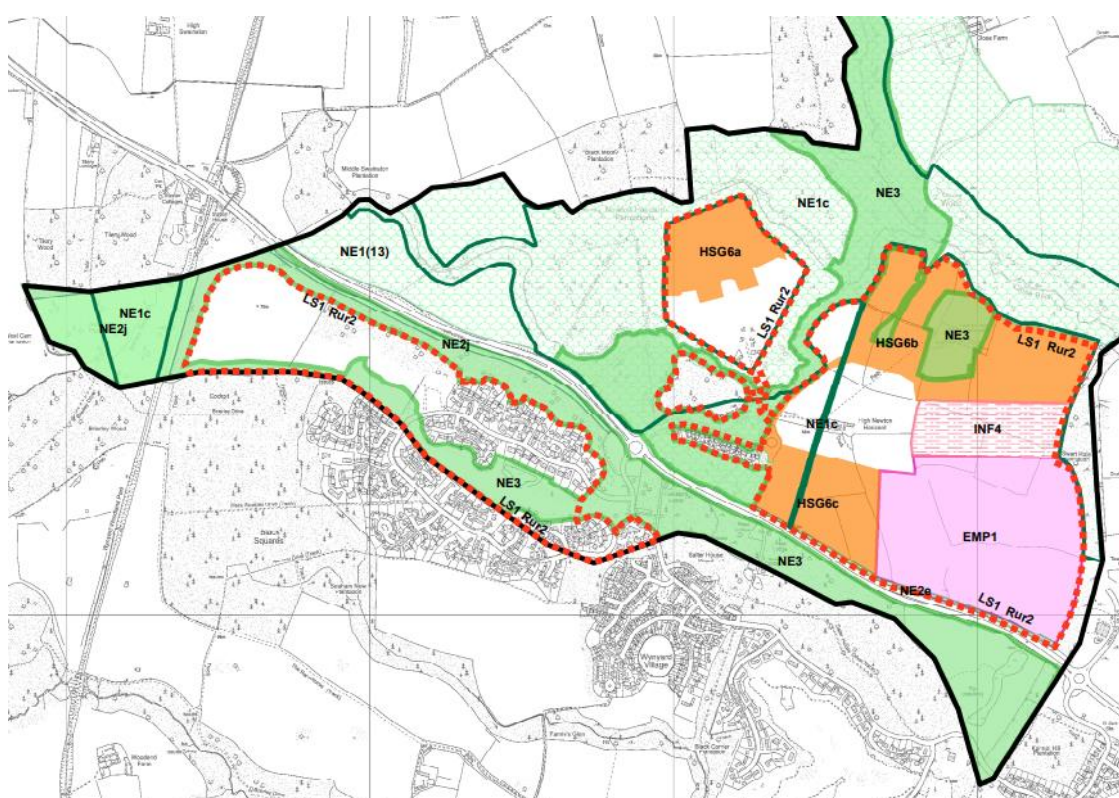


Figure 1: Extract from Local Plan Policies Map

1.14 The application site mainly comprises 'white land', and is entirely within the defined development limit (LS1 and Rur2). The southern part of the site however comprises part of a Green Wedge (NE3).

### **WYNYARD MASTERPLAN (ADOPTED NOVEMBER 2019)**

1.15 Local Plan policy HSG6 requires that development at Wynyard should be in accordance with an endorsed masterplan. Wynyard Masterplan was produced by Hartlepool and Stockton Borough Councils in consultation with Wynyard Park in order to guide development to a high standard in pursuit of the vision for a sustainable settlement at Wynyard. The Masterplan was endorsed by Members as a commitment to residents for the future direction of the community, was adopted in November 2019 and is a material planning consideration.

1.16 The Masterplan contains a number of principles in support of its vision; these principles are categorised under the headings of Land Use, Place Making, Movement and Green Infrastructure element. The Masterplan's Strategic Framework gives a spatial context to these elements and includes the mapping of residential parcels, pedestrian/cycle routes and public open/green space.



Figure 2: Extract from Wynyard Masterplan Strategic Framework

1.17 The Masterplan defines the application site (together with adjoining land to its north east subject of application H/2022/0382) as Character Zone WV-E, with development anticipated to respond to the following constraints and opportunities:

- Development should be designed to respond positively to the adjacent Castle Eden Walkway
- Low density development of executive dwellings.

## **RELEVANT SPDs AND OTHER DOCUMENTS**

### **Green Infrastructure SPD and Action Plan 2020**

1.18 Green Infrastructure (GI) is important for the people who live, work in and visit the borough, and is also critical for a multitude of species which are present and are at risk of displacement due to development.

1.19 The council's Green Infrastructure Supplementary Planning Document (SPD) is split into two documents; the SPD itself and the accompanying Action Plan. This document provides information regarding the importance of GI within the borough and details the council's GI vision and what GI can be found within the borough, highlighting where there are any gaps which need to be addressed. The Action Plan builds upon this, setting out specifically where improvements are needed to enhance the GI network within the borough.

1.20 With regards to Wynyard and specifically Wynyard Village south of the A689, the existing and planned extended Green Wedge so as to adjoin onto the Castle Eden Walkway to the west is a key feature of the community, providing an attractive setting for the housing and an important amenity, including for dog walking. The SPD links to the Wynyard Masterplan and advises that the Wynyard Masterplan sets out a green network within the area which will be delivered by developments as they come forward; this green network includes Green Wedges.

### **Residential Design SPD (2019)**

1.21 The Residential Design (SPD) sets out the Council's design aspirations for new residential development. The SPD contains guidance and best practice relating to several aspects of design including space standards, density, local distinctiveness, accessibility, safety and energy efficiency.

1.22 The SPD was created to act as a tool for developers, officers and decision makers in a bid to drive up design standards and move away from creating generic "anywhere estates" that can lack identity. The SPD is a material consideration when determining planning applications and Planning Policy will have regard to the SPD while assessing the design of the proposal.

### **Planning Obligations SPD (2015)**

1.23 The SPD provides parties with information and guidance concerning the local authority's approach towards securing planning obligations associated with development within the borough. New development often puts pressure on already over-stretched infrastructure and it is generally expected that developers will mitigate or compensate for the impact of their proposals by way of 'Planning

Obligations' which will be used to address community and infrastructure needs associated with development.

1.24 Planning Policy have set out below what planning obligations should be secured towards local infrastructure in the interests of mitigating the impacts of the proposal and contributing towards sustainable development.

### **HARTLEPOOL RURAL AREA NEIGHBOURHOOD PLAN**

1.25 The proposal is not within the Hartlepool Rural Plan area.

### **WYNYARD NEIGHBOURHOOD PLAN**

1.26 The Wynyard Neighbourhood Plan was drafted prior to 2020 and to date has not been amended and publically consulted upon. The Wynyard Neighbourhood Plan, holds no weight with regard to decision making for this proposal.

### **ADOPTED TEES VALLEY MINERALS AND WASTE DPD**

1.27 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.

1.28 The following policies in the TVMW are relevant to this application:

<b>Policy</b>	<b>Subject</b>
MWP1	Waste Audits

### **Summary of local policy framework**

1.29 Planning Policy are of the view that the Hartlepool Local Plan, the Wynyard Masterplan, the aforementioned SPDs and the Tees Valley Minerals and Waste DPD should be considered when determining this application.

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

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



Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits.

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

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

Para	Subject
002	Determination in accordance with the development plan
003	The NPPF should be read as a whole
007	Achieving sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	The presumption in favour of sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
038	Decision making
047	Determining applications
055	Use of conditions or planning obligations
056	Planning conditions should be kept to a minimum
057	Planning obligations tests
058	Contributions and viability
060	Significantly boost the supply of homes
065	Major development and affordable housing
073	Planning for larger scale development
075	Five year supply of deliverable housing sites
078	Housing in rural areas
092	Promoting healthy and safe communities
093	Social, recreational and cultural facilities to meet needs
095	Sufficient choice of school places should be available to meet the needs of existing and new communities
098	Access to a network of high quality open spaces and opportunities for sport and physical activity
100	Protect and enhance public rights of way and access
104	Considering transport issues from an early stage
106	Promoting sustainable transport
110	Promoting sustainable transport
112	Promoting sustainable transport
113	Travel Plans and Transport Assessments
124	Achieving appropriate densities
125	Area-based character assessments, design guides and codes and masterplans
126	Achieving well-designed places
130	Achieving well-designed places

131	Tree-lined streets
132	Design quality through evolution of proposals
134	Permission should be refused for development of poor design
152	Planning system contribution to low carbon future
154	New development addressing climate change
157	Decentralised energy and energy efficiency
167	Ensuring flood risk does not occur elsewhere
169	Major development should incorporate SUDS
174	Contribute to and enhance the natural environment
180	Biodiversity principles
183	Ground conditions
185	Impacts of pollution on health, living conditions and the natural environment, and the potential sensitivity of the site or the wider area
218	Implementation of NPPF

## CONSIDERATION OF PROPOSAL

### UPDATED COMMENTS FOLLOWING RECEIPT OF ADDITIONAL AND AMENDED PLANS / INFORMATION 14/12/2022

#### Principle of development

1.33 The application site comprises part of a larger application site (H/2014/0176 - Outline application for erection of up to 134 dwellings, provision of landscaping bund, access and other associated works) which was recommended for approval but never granted planning permission due to the required section 106 agreement not being agreed.

1.34 Notwithstanding that this permission was not issued, this recommendation resulted in the majority of the H/2014/0176 site being included within the development limits of the Hartlepool Local Plan as defined on the Local Plan Policies Map (policies LS1 and Rur2). The parts of the site not included were at its periphery and designated as Green Wedge (policy NE3). The main part of the site as within the development limits is classified as 'white land', where the principle of residential development is established with reference to the quantum of development subject of H/2014/0176.

1.35 H/2014/0176 included an indicative phasing and density plan which showed the eastern part of the site being developed first, followed by the southwestern and then potentially finally the north-western. A low density of approximately 10 dph across the eastern and southwestern phases produced the figure of 134 dwellings.

1.36 Full permission was granted in April 2016 for the eastern part of the H/2014/0176 site (H/2015/0386 - Erection of 64 dwellings, access and associated works). This permission was later varied by H/2016/0501 and H/2019/0061 and is nearing completion as Wynyard Rise (Dere Street Homes).

1.37 Condition 11 of H/2015/0386 and H/2016/0501 requires that '*Prior to the commencement of development a scheme to secure improved pedestrian*

*access onto the Castle Eden Walkway (CEW) , together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved’.* This condition has not been formally discharged to date, however it is understood that the HBC Countryside Access Officer is satisfied with the works that have been carried out by Dere St Homes pursuant to this as amounting to a first phase towards the provision of an appropriately surfaced, secured and signposted access/path suitable for year round use.

1.38 This requirement relates to the access route shown on the Wynyard Masterplan Strategic Framework (see Figure 2 above) as linking the CEW and Stoney Wood Drive; this access route, within a wider area of public open space (Green Wedge) as per the Strategic Framework, is fully located within the red line of the current proposal. Amended site layout plan SD10.01A now shows this path.

1.39 The significant encroachment of the proposal southwards and eastwards into land earmarked for public open space in the Wynyard Masterplan Strategic Framework (see Figures 2 and 3) between the CEW and Stoneywood Drive (this serving as the final section of the continuous generously spaced Green Wedge as extending from the CEW across to The Wynd) remains a major concern. Squeezing this ‘open space’ to little more than the width of the path, as is proposed, is unacceptable. This would be inconsistent with the width, character and overall amenity associated with the Green Wedge as extends to the east, thereby failing to deliver on this fundamental element of Masterplan Strategic Framework. The proposal does not therefore comply with the Masterplan in this important respect, and so in turn, does not comply with Local Plan policy HSG6. Figure 3 below indicates with a yellow line where the approximate division of development / open space should be in order to provide an appropriate size of Green Wedge.

1.40 As noted above, the proposal also appears to encroach on the (lesser) size of the designated Green Wedge as is shown on the Local Plan Policies Map (NE3). Furthermore, whilst the majority of the application site is within ‘white land’ on the Policies Map, this designation as such was with reference to H/2014/0176, an outline application for much lower density / unit numbers than is now proposed (see following section).

1.41 Members endorsed the Masterplan and committed to its delivery, the Masterplan assisted in setting a framework for residents and have a level of expectation on what should be achieved. Members have not withdrawn the Masterplan and thus its aims should still to be achieved. The importance of the provision of the Green Wedge as per the Masterplan is highlighted in many of the third party representations on the proposal.





Figure 3: Yellow line indicates approximate division of housing development and public open space (Green Wedge) as set by Wynyard Masterplan Strategic Framework

1.42 The agent's letter of 1 December 2022 accompanying the amended / additional plans argues that the Council should accept the proposal's trading of a much narrower Green Wedge than the Masterplan's Strategic Framework provides for, in favour of what is stated to be a similar amount of total green space to be provided elsewhere across the application site. Whilst Planning Policy reject this argument, in any event, no plan(s) have been submitted as would be necessary in order to illustrate/evidence the stated figures through a comparison exercise.

1.43 Planning Policy note that the proposed central green space is, by definition, not Green Wedge (as is defined by paragraph 16.54 of the Local Plan). Green spaces within a development site, such as this, are to be provided as appropriate to achieve good quality urban design in addition to, not as an alternative to, strategic Green Wedges. In this respect, the Masterplan Strategic Framework does not seek to dictate how a development parcel is laid out, rather it defines the extent of such parcels in relation to their boundaries with non-developed land, e.g. Green Wedges as strategic open space.

1.44 The letter presents a narrative which compares the proposal's arrangement of green space as favourable versus that of the Masterplan Strategic Framework. This muddles the important distinction between green spaces within a development parcel, and the provision of strategic green spaces, e.g. Green Wedges as beyond the limit of the development parcels. The Masterplan Strategic Framework does not seek to define how a development parcel is laid out (including open spaces, e.g. SuDS, within it), and therefore such a comparison with the proposal is not valid. It shall be noted that if the application proposed a number of dwellings consistent with its allocation, then the density of development would be significantly lower than that proposed as a result. The

letter's assertion that 'the Masterplan shows development set up against the existing woodland to the west' is therefore unfounded.

1.45 The latest layout shows that Green Wedge's width as proposed would be just 5.5m at its narrowest, widening to a maximum of 12-14m in places. The *narrowest point* of the existing Green Wedge to the east, to which the proposal would connect and form part of, is approximately 34 metres, as shown in Figure 4 below. The proposal is therefore harmfully out of character to this key landscape feature of Wynyard Village. Whilst the proposal provides sufficient width for the access path, this is not sufficient for its planned purpose as open space; it is at odds with the remainder of the existing Green Wedge as a spacious, open undeveloped finger of land running across the settlement. The importance of maintaining the Green Wedge's minimum existing width of open space fully across to the CEW to the west is reflected in its size as is set by the Masterplan Strategic Framework (see Figure 2).



Figure 4: Narrowest point of existing Green Wedge

1.46 The issue of the proposed quantity/density of development as significantly exceeding that established by H/2014/0176 is considered further below.

#### Layout and Density

1.47 Wynyard Masterplan sets out a Placemaking Framework which defines Character Zones, for which approximate numbers of dwellings are given (Figure 22). The application site comprises part of Zone WV-E, as referred to above, for which 134 dwellings are assigned as a committed development. This quantity of dwellings is however an error; it has been transferred from H/2014/0176, yet H/2015/0386 reduced this to 70 (134 minus 64). The current proposal is for 143 dwellings across only part of WV-E, whereas the whole of WV-E has been classed as a commitment for no more than 70 dwellings since the outset of highway modelling work (thereby in consistency with the amount of units

originally set by H/2014/0176). The number of dwellings proposed in this application is therefore significantly in excess of that which has been set by previous applications and transport modelling to date.

1.48 In December 2022 a full application was received for the remaining part of WV-E: H/2022/0382 Erection of 51no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping. As a result, taking H/2022/0299 and H/2022/0382 together, a total of 194 dwellings are proposed across WV-E. This amounts to 124 more dwellings than the quantum of development set by H/2014/0176 as a commitment.

1.49 The proposed density is greater than that of the H/2014/0176 indicative phasing and density plan and greater than that of the adjacent Dere St Homes development. Nevertheless, higher densities than those stated for Character Zones in the Masterplan have been proposed and accepted elsewhere across Wynyard on a case-by-case basis. Putting aside the significant concern over the proposal's non-compliance with the Masterplan Strategic Framework as explained above, Planning Policy are otherwise of the view that parts of the scheme where within both the allocated development parcel as per the Masterplan and 'white land' as per the Policies Map generally presents a good quality low-medium density layout, including gently curving roads and a good sized public open space (not an element of Green Wedge) at its centre, onto which dwellings address. The large SuDS and CEW beyond is also suitably fronted by dwellings, however it is however disappointing that the dwellings either turn their back on / are side on to the squeezed Green Wedge to the south. Consideration should be given to re - orientating the dwellings so that some front onto a widened Green Wedge which complies with the Masterplan Strategic Framework, to provide natural surveillance. If this is not possible then the application should ensure that low rise open fencing should be erected along the boundaries adjacent to the Green Wedge, as is a typical approach applied across Wynyard.

1.50 Given that significant amendment (reduction) is still required to the proposal in order to make it compliant with the Masterplan Strategic Framework and therefore local plan policy, Planning Policy do not have any more detailed comments on the current layout.

1.51 Should the proposal be amended to maintain the Masterplan Strategic Framework's required width of Green Wedge along its southern boundary, assuming no changes to density and house types, this would appear to result in the loss of approximately 25 units. This would mean the number of units would still be well above that previously allocated. However, Planning Policy do not have an in principle objection to such an increase, in the interests of developing parcel WV-E in an sensitive yet more efficient manner than originally foreseen by H/2014/0176.

#### Play provision

1.52 It is not necessary to secure formal play facilities on this development site; facilities have been secured in short walking distance to the east (adjoining

Wynyard Woods) and south (adjoining Stoney Wood Drive – within Stockton borough).

1.53 The additional population will however place significantly more demand on these facilities. Given that HBC do not own these facilities, or other land in the locality where play equipment could be provided, it would be most appropriate for the development to directly provide for a betterment of the existing nearby facility adjoining Wynyard Woods - see Planning Obligations section below.

### Highways

1.54 As referenced above, the A19/A689 mini-infrastructure study accounted for 70 dwellings for this site together with that subject of application H/2022/0382, on the basis that this was the remaining figure once H/2015/0386 (64) is subtracted from H/2014/0176 (134), meaning on the basis of this work, 70 dwellings from this total development parcel could be occupied from this prior to the delivery of identified highway improvement works at the A19 / A689. As set out above, applications H/2022/0299 and H/2022/0382 however propose a total of 184 dwellings for the parcel.

1.55 Planning Policy trust that all highway matters will be addressed to both National Highways and the local highway authority's satisfaction prior to a permission being issued in respect of any application at development parcel WV-E for in excess of the existing commitment of 70 units.

### Connectivity

1.56 Additional plan 'Dere Street Informal Footpath Overlay WYL-ENG-010 B' identifies the route between Stoney Wood Drive and the Castle Eden Walkway as a 'proposed footpath'. The routing and construction details on this additional plan have simply been repeated from the details informally put forward by Dere St Homes in relation to condition Condition 11 of H/2015/0386 and H/2016/0501.

1.57 Planning Policy support the HBC Countryside Access Officer's latest comments of 15 December 2022 in which clarification is requested as to the applicant's intentions with respect to this path, which is not yet fully realised. It is expected that the applicant shall upgrade this path from the purely grass surface shown on WYL-ENG-010 B, in order to provide for easier usage all year round in wetter conditions; details of this are required, together with maintenance and long term management arrangements, fencing such to prevent vehicular access and signage.

1.58 It is positive that the amended layout now includes links from within the development onto both this path and directly towards the CEW, however notwithstanding this, the layout remains fundamentally unacceptable for the reasoning set out above.

### Housing Mix and Affordable Housing

1.59 The scheme provides for detached 4,5 and 6 bedroom dwellings, a mix similar to the adjacent Dere Street Homes development of 64 units, albeit with comparatively smaller building footprints and plot sizes, and therefore to a higher density. The proposed mix and density also reflects that of the existing 39 unit Robertson development to the south east of Stoney Wood Drive, within Stockton borough.

1.60 Opposite the existing Robertson development (and therefore to the south of the proposal) is a 137 unit Charles Church development of predominately 4 and 5 bedroom dwellings, however this does include a significant number of 3 bedroom properties fronting onto Stoney Wood Drive. More modest sized general market housing has also been introduced in some other areas across Wynyard.

1.61 Given the scale of the proposal and considerable increase in unit numbers proposed versus that previously allocated for this site, Planning Policy are disappointed that the scheme does not include any 3-bedroom dwellings. It is however noted that the adjoining proposal H/2022/0382 mainly comprises of 3 bedroom bungalows, and so on this basis the overall mix across the development parcel is, on balance, considered acceptable.

1.62 Policy HSG9 of the Local Plan requires on-site affordable housing at 18% in respect of proposals of 15 dwellings or more. The applicant however seeks to meet the affordable housing requirement in the form of a financial contribution for off-site provision, in lieu of on-site provision.

1.63 The agent's letter of 1 December 2022 provides further justification for this proposed approach. Notwithstanding the stated density of 12.2 dwelling per hectare, which is calculated on the basis of the red line boundary, Planning Policy do not consider the proposal to constitute executive housing, as is described in Table 10 of the Local Plan. This is due to the limited separation between dwellings and their moderately sized curtilages, as partly evidenced by back-to-back distances which in many cases only slightly exceed the 20 metres minimum distance stipulated by Local Plan policy QP4.

1.64 Nevertheless, it is accepted that the housing product proposed is similar to that subject of H/2019/0365, for which Planning Policy did not seek on-site provision taking into account the mix, size and density proposed. A contribution towards the delivery of affordable housing off-site in the borough is therefore considerable in this instance.

### Energy

1.65 Local Plan policy CC1 requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. Whilst the agent's letter of 1 December 2022 states that all plots are intended to have Photovoltaic Arrays, a specification and schedule of plots is



requested pre-determination in order to avoid the need for a condition which required the submission of such details.

CC1 also requires that major developments include opportunities for electric vehicle charging.

### Planning obligations

1.66 Within the wider Wynyard site, and identified throughout the Wynyard Masterplan, there is a variety of infrastructure which is required in order to make the development sustainable and provide facilities to the local residents. Appendix 1 (Infrastructure Delivery Plan) and Appendix 2 (Infrastructure Delivery Schedule) of the Wynyard Masterplan set out what infrastructure is required across the Wynyard area to make Wynyard into a sustainable community. This will be secured through developer contributions and delivery of the infrastructure through the developers/landowners.

1.67 It is noted that some requirements relate to land which may not be in the applicant's ownership or control, however these are required to be secured and the relevant landowner will need to be party to any relevant part of the legal agreement. The associated legal agreement will need to include suitable clauses that are likely to be based upon timescales and require occupation restrictions/triggers relating to various stages in the procurement process (e.g. reservation of land, marketing, submission of planning application to agreed spec, commencement/completion of development and opening of the facility).

1.68 Notwithstanding that the number of dwellings proposed is considered unacceptable for the reasoning detailed above, in the interests of providing sustainable development in accordance with Local Plan policy QP1 Planning Obligations and the Planning Obligations SPD methodology, the following developer contributions would be required based on 143 units:

**Affordable housing** = £1,378,664.26

**Primary education** = £422,966.25

**Secondary education** = £276,399.20

**Health** = £69,069 as requested by NHS North East & North Cumbria towards the provision of future services in vicinity

**Green infrastructure** Update: No GI contribution would be sought provided that the applicant agrees to the making of appropriate hard surfacing improvements to the existing natural 'path' running along and within the southern end of the application site, as connecting CEW and Stoney Wood Drive. This would need to be secured by condition.

**Built sports facilities** £250 per dwelling - secured towards new facilities and/or maintenance of existing facilities in the locality or within the borough as a whole = £35,750

**Tennis courts** £57.02 per dwelling - secured towards new tennis courts and/or maintenance of existing courts in the locality or within the borough as a whole = £8,153.86

**Playing pitches** £233.29 per dwelling - secured towards new pitches and/or maintenance of existing pitches in the locality within the borough as a whole= £33,360.47

**Bowling greens** £4.97 per dwelling - secured towards new bowling greens and/or maintenance of existing greens in the borough as a whole = £710.71

**Recreational disturbance to European Sites mitigation** = £21,450

**Off-site biodiversity measures** - TBC

In addition, a section 106 agreement should include:

- 1) **Play** - A scheme for off-site physical works commensurate with a £35,750 contribution (£250 per dwelling) should be submitted for approval such to improve the existing play facility adjacent to Wynyard Woods. This could include more natural play equipment located near to the facility within the Green Wedge e.g. wooden balance beams, stepping stones etc
- 2) Submission of an **incidental open space plan** in order to secure appropriate arrangements for the maintenance and long term management for those landscaped open spaces within the site which do not form part of a dwelling (to include the larger central open space)
- 3) Submission of **Local Employment and Training Agreement** to give opportunities within the development for local workers as well as training and apprentice opportunities. The economic development team will give further information on this element.

1.69 Notwithstanding that the number of dwellings proposed is considered unacceptable as for the reasoning detailed above, Planning Policy accept that a **phased/triggered** approach to the payment of contributions is often appropriate for large-scale development. The applicant's proposed payment profile is not however acceptable in that it seeks to withhold payment of any contributions until over half of the proposed units are occupied. This is not consistent with the general approach that has been agreed to date for larger-scale sites at Wynyard within Hartlepool borough and Planning Policy do not consider this to be acceptable. As with other large-scale developments, a bespoke payment schedule is to be agreed for each category of contribution, with the starting point for such discussions being that the development has an impact upon existing infrastructure from the occupation of its first completed unit. Planning Policy are happy to discuss this further once the application has been amended such to be acceptable in principle.

## PLANNING CONSIDERATIONS

2. The main issues for consideration are the appropriateness of the proposal in terms of the policies held within the Development Plan and in particular the principle, impact on the character and appearance of the site and surroundings, impact on neighbours, whether sufficient living conditions would be provided for future occupiers and the impact on highway safety.

## PRINCIPLE OF DEVELOPMENT

3. Local Plan Policy LS1 identifies sites at Wynyard for approximately 732 new dwellings in accordance with policy HSG6. This site is not included as one of the sites identified by policy HSG6. Policy HSG6 (5) states that a multifunctional strategic green wedge is defined on the policies map. Planning permission will only be given for developments which relate to the use of land within the green wedge as parkland or other amenity, recreational or landscaped open space, or for allotments or wildlife purposes. Policy HSG (6) states that a landscape buffer, including a corridor along the A689 will be created. No built incursion into the landscape buffer will be permitted other than for uses intrinsically linked to its use as a landscape buffer.

3.1 The Wynyard Masterplan (WMP) was adopted by the Council in 2019 following the adoption of the Local Plan in 2018. However, it is not a Development Plan Document (DPD) and cannot be given full weight in the same way as the Local Plan. Although it is a material consideration to be taken into account in the determination of this application. Furthermore, the WMP acknowledge itself that it should not be seen as a rigid blueprint for development and design, but rather a document that sets out the context and development principles within which individual projects come forward.

3.2 Planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Here the development plan is the Hartlepool Borough Local Plan 2018. The proposal would involve development within the green wedge contrary to policy NE3. Although the green wedge would be reduced in terms of its depth and towards the eastern and southern ends of the site, a green wedge would still be provided. The Wynyard Masterplan acknowledges itself that it should not be seen as a rigid blueprint.

3.3 The site is not designated for any particular purpose (white land) in the Local Plan and is within the development limits. Although not specifically allocated for housing in the Local Plan, it is identified as such within the Wynyard Masterplan. The Local Plan and the Wynyard Masterplan both identify a green wedge to the southern, northern and western extent of the site. The proposal would encroach within the green wedge to the south and would be contrary policies NE3, and HSG6. A green wedge would still be provided albeit reduced and on balance, it is considered that the principle of residential development on this site is acceptable.

## 5-YEAR HOUSING LAND SUPPLY

4. Paragraph 74 of NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing.

4.1 The Council has published a Housing Delivery Report 2020, which concludes that the Council is able to demonstrate a five year housing land supply.



4.2 The requirement to provide a five year housing land supply is a minimum rather than a maximum. Providing additional housing above and beyond this is acceptable subject to it be sustainable. All this does is increase the range of choice of housing.

4.3 The proposal would provide a welcome and valuable boost to the Council's housing land supply position, as it is not allocated as such for housing in the Local Plan.

## CHARACTER AND APPEARANCE

5. Paragraph 131 of NPPF states, 'Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change' It goes on to state that decisions should ensure that new streets are tree-lined (unless in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). Opportunities should be taken to incorporate trees elsewhere into developments, secure measures to ensure long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

5.1 Paragraph 134 of NPPF makes it clear that development that is not well-designed especially where it fails to reflect local design policies and government guidance on design should be refused.

5.2 The application site is within Zone WV-E of the Wynyard Masterplan, which states that development should be designed to respond positively to the adjacent Castle Eden Walkway and expects a low density development of executive dwellings.

5.3 Table 10 of the Local Plan defines Executive Housing. The proposed development is considered to be of a high quality design and all of the dwellings will be detached and have 4 or more bedrooms. The dwellings would be set in large generous plots with attractive woodland views to the west and south. The density of the proposed development is 12.2 dwellings per hectare and falls within the definition of Executive Housing set out in Table 10 of the Local Plan.

5.4 The Residential Design SPD (2019) contains guidance on issues such as density, local distinctiveness, accessibility, safety and energy efficiency. The provision of the green space and SUDS pond also help create the sense of an attractive spacious low density development. The SUDS pond would also have houses facing onto it ensuring natural surveillance.

5.5 The dwellings to the south and eastern edge of the site are set back from the frontage in recognition of the green wedge. They are front facing towards Stoney Wood Drive and help to define this part of the street and provide for a sense of arrival. The primary access route is curved leading towards a central area of open space, which has dwellings facing onto it and so is well overlooked.

5.6 The new homes will be two storeys in terms of height. The proposal would still provide a low density of approximately 12 dwellings per hectare. It is accepted that this is higher than less than 10 dwellings per hectare which is characteristic of

executive dwellings and is what is sought by the WMP, but it is still a low density. An average density of 30 dwellings per hectare and this is well below that and considered to be appropriate. It would be viewed within the context of the rest of Wynyard which is characterised by generally low to medium density developments and would not adversely affect the character and appearance of the area.

5.7 Policy HSG2 seeks to ensure an overall balanced housing stock that meets local needs and aspirations and will give significant weight to housing need as identified within the most up-to-date Strategic Housing Market Assessment (SHMA). The proposal does provide a range of house types albeit at the larger end, however as the site was identified as being appropriate for executive housing in the Wynyard Masterplan, this is seen as appropriate.

5.8 In terms of a mix of dwellings, it is proposed that there would be 46 x 4 bed, 61 x 5 bed and 36 x 6 bed. The applicant argues that this site needs to be seen in context. There is a pending application on land immediately to the north that proposes 32 x 3 bed dwellings as part of a 51 new dwellings and therefore a mix and range of dwellings would be provided. This would be the case if application H/2022/0382 is approved, but it is still pending. Members cannot attach any weight to this, as it has not been determined. However, the proposed mix on this site is considered to be acceptable.

5.9 The Residential Design SPD also places a large emphasis on ensuring that any scheme has local distinctiveness and architectural interest. This scheme achieves both.

5.10 The site lies within the National Character Area (NCA) 23: Tees Lowland and within Local Landscape Character Area: Lowland Plain. There would be an inevitable change in local landscape character brought about by the housing development. However it would be seen as part of the wider Wynyard Park area which is currently undergoing extensive development and it is considered that it would not have an adverse impact.

## RESIDENTIAL AMENITY

6. When assessing the scheme against the main characteristics highlighted within the Residential Design SPD, it must be ensured that each house benefits from sufficient daylight, sunlight and privacy alongside appropriate parking and in curtilage amenity space.

6.1 Policy QP4 of the Local Plan sets out separation distances between windows. These require a separation distance of at least 20m between habitable room windows and a separation distance of at least 10m between habitable room and non-habitable room windows and/or gable end. The following properties would not meet the minimum distances and therefore conflict with policy QP4.

Plots	Actual Distance (m)	Required Distance (m)	Difference (m)
80-81	19.4	20	-0.6
79-82	18.7	20	-1.3

6.2 These plots are set at an angle and not directly back to back and on balance, it is considered to be acceptable. However the proposal does not fully comply with policy QP4 and this weighs against the proposal.

6.3 The applicant has undertaken a Noise Assessment. This concludes that the dominant source of noise is from traffic associated with the A689 (Hartlepool Road). Mitigation is proposed in the form of a 4m high acoustic bund along the northern boundary of the site. Alongside enhanced glazing and ventilation to some properties to the north all internal noise levels will achieve guidance levels. With the acoustic bund, all gardens will achieve noise levels below upper guideline criteria.

6.4 The applicant has also submitted an Air Quality Assessment. This acknowledges that during construction, there is the potential for dust to be generated, however this can be controlled during the construction phase by a Construction Environmental Management Plan to protect existing neighbouring residential occupiers.

6.5 With regard to the operational phase, the report finds that the primary impact of the proposed development on air quality would derive from the vehicle movements, arriving and departing from the site, but that these would avoid having a significant impact upon air quality.

6.6 HBC Public Protection have been consulted and do not object subject to conditions.

6.7 Subject to conditions, it is considered that the proposal would provide a satisfactory living environment for future occupiers.

#### HIGHWAY SAFETY AND PARKING

7. The Council's Traffic and Transportation Team has been consulted and states this development does not form part of the National Highways Mini-Infrastructure study. The developer has indicated that the development H/2014/0176 has been identified in the Mini infrastructure study and has been allocated 134 Houses which can come forward prior to the identified Mitigation Measures on the A19 / Wolviston junction being completed. This application has since been superseded by H/2015/0386, which is for 64 dwellings leaving a surplus 70 properties, which can be constructed prior to the mitigation scheme being delivered.

7.1 The developer has agreed a £70,000 contribution to help fund identified improvements to the A689 / The Meadows roundabout. This contribution would be secured via a S106 agreement.

7.2 The Council's Traffic and Transportation Team confirm that the developer has amended the plans to splay the drive crossings and construct the crossings to the Council's Tarmac specification. They confirm that there are no highway or traffic concerns with this application.

7.3 There is remaining capacity within the strategic road network, to allow a proportion of this site to be able to come forward prior to the off-site highway works at the A19/A689 junction works being completed. When taking into account other developments that are likely to come forward it has been agreed with National Highways that if Members were minded to grant planning permission a Grampian condition would be imposed to allow up to 73 dwellings on this site to be built before the necessary highway improvement works must be complete. Originally National Highways wanted this limited to 70 dwellings, but the applicant has asked National Highways whether they would be willing to allow 73 units to come forward prior to the completed improvement works to the A19? National Highways have said that they would have no problem with the slight increased threshold, as in their view it would have a very insignificant impact on the Strategic Road Network.

7.4 The Countryside Access Officer states that the proposal would provide improve access to the Castle Eden Walkway. A new link would be located next to the western SUDS pond and would be secured by the S106 legal agreement. The applicant has also agreed to improve the surfacing in relation to the existing footpath access to the Castle Eden Walkway to an aggregate surface to cater for the increased use brought about by the additional residents. This will bring benefits to the walking public and provide an all year round link for residents and visitors to use. This will be secured by a condition.

7.5 The proposal would not have an unacceptable impact on highway safety or have a residual cumulative impact that would be severe and would comply with policies INF2, QP3 and the advice in NPPF.

## ECOLOGY

8. The Teesmouth & Cleveland Coast SPA & Ramsar sites encapsulated the coastal and estuarine areas to the east and south of the Borough. This is a protected area designed for its important ecological features (particularly Bird species and assembles)

8.1 Nitrate enrichments is mainly caused by farming activities and discharges from existing sewage treatment works however there is concern that this will be exacerbated by new development.

8.2 Natural England have advised that as the Competent Authority and also as the Local Planning Authority that the nutrient impacts of any in-scope development on the SPA and whether those impacts may have an adverse effect on its integrity that requires mitigation.

8.3 As this is a proposal is for new dwellings, it is within scope and therefore needs to be assessed for its likely impact. The applicant has submitted a Nutrient Neutrality Statement and a Nutrient Neutrality Budget Calculator. HBC's Ecologist has concluded following a Stage 1 Screening, this project is assessed as not causing Likely Significant Effect. European Site features will not be adversely affected and a HRA Stage 2 Appropriate Assessment is not required. Natural England have been consulted and do not object.

8.4 The proposal will result in a biodiversity net gain of approximately 13%, which accords with the advice in NPPF. The Habitat Regulations Assessment also concludes that the proposal would avoid causing recreational disturbance to protected sites providing a contribution of £21,450 is secured.

8.5 HBC's Ecologist does not object subject to conditions and S106 contributions to mitigate the impact of the development.

### TREES AND LANDSCAPING

9. Policy NE1 seeks amongst other matters to increase the tree cover.

9.1 There are five district areas of landscaping proposed. The main access is set back from Stoney Wood Drive with tree planting near the entrance to the site. The main arterial estate road through the development would be tree lined in accordance with the advice paragraph 131 of NPPF.

9.2 At the centre of the development is a large area of open space, which would act as a focal point to the development and provide residents with an opportunity to enjoy the outdoors.

9.3 The western boundary is bordered by the exiting public right of way (Castle Eden Walkway). The sustainable urban drainage system pond for the site would be located in this area providing a buffer between the built development and the public right of way.

9.4 No trees are required to be removed to facilitate development and the applicant's Arboricultural Impact Assessment recommends a series of mitigation measures to ensure that trees next to the site are protected.

9.5 Neither the Council's Arboriculturalist or Landscape Architect object. Details of landscaping and tree protection can be secured by a condition.

### FLOOD RISK AND DRAINAGE

10. A Flood Risk Assessment (FRA) has been submitted to accompany this planning application. This concludes that the site is at low risk of flooding.

10.1 The Environment Agency surface water flood maps show an area centrally along the western site boundary considered to be at risk from surface water flooding. This area is consistent with a low spot identified on the topographic survey. This area of surface water flooding will be eliminated post development throughout the site collecting surface water run-off from impermeable areas and conveying it to the detention basin.

10.2 Finished floor levels will be raised locally to a minimum of 300mm above the maximum water level of the proposed detention basin. In addition, proposed site levels will be designed to direct surface water away from dwelling entrances where

possible. Post development, then risk of surface water flooding to properties can be considered low throughout the site.

10.3 HBC's Engineering Consultancy has no objection in principle. Northumbrian Water have no objection subject to a condition.

### ARCHAEOLOGY

11. The Tees Archaeologist has been consulted and states the site has already been evaluated and was found to be of low archaeological potential. Tees Archaeology have not objected to the proposed development and no further archaeological work is needed.

### PLANNING OBLIGATIONS

12. Where up to date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

12.1 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

12.2 The Local Plan identifies a number of elements of infrastructure to be delivered at Wynyard in order to develop a sustainable community including green space, community facilities such as school, playing pitches, local centre and play areas.

12.3 The WMP and associated Infrastructure Delivery Plan and Schedule give further information on the required infrastructure and delivery timescales which will be tied to development as schemes on sites come forward. In order to be in accordance with policy QP1 of the Local Plan, the proposal is expected to contribute towards the required facilities in the area.

12.4 Policy QP1 seeks planning obligations where viable and deemed to be required to address the impacts arising from development.

12.5 Policy HSG9 seeks 18% affordable housing on sites where 15 or more new dwellings are proposed.

12.6 The Council's Planning Obligations Supplementary Planning Document (SPD) (2015) is a material consideration in determining of planning applications and if development proposed does not comply, the SPD may be used as a basis for the refusal of planning permission.

12.7 The Council is seeking the following contributions:

- Affordable Housing: **£1,378,664.26** towards an off-site contribution.
- Primary School: There is a requirement to secure an accessible, fully serviced primary school site on the WP site, alongside securing the community use of facilities. There is also a requirement for the developer to pay a financial contribution of **£422,966.25** which will be allocated towards the new school.
- Secondary Education: There is the requirement to secure an accessible, fully serviced site for a secondary school (if this is required in the future). There is also a requirement for the developer to pay a financial contribution of **£276,399.20** towards secondary education.
- Highways Contribution: **£70,000** contribution towards improvements to the Wynd/The Meadows/A689 as part of a comprehensive scheme to deal with additional traffic created by this and other developments within the vicinity.
- Health Facilities: The masterplan requires the delivery of Health Facilities. There is a requirement to safeguard land. The CCG has noted that they wish to see land safeguarded for a potential future GP service and have requested a contribution of **£69,069** from this development.
- Green infrastructure £250 per dwelling – secured towards provision of Green Wedge between Castle Eden Walkway and Stoney Wood Drive as per Wynyard Masterplan = **£35,750**.
- Play Provision £250 per dwelling - secured towards expansion / improvement of existing facilities in the borough = **£35,750**.
- Built sports facilities £250 per dwelling - secured towards new facilities and/or maintenance of existing facilities in the borough = **£35,750**.
- Tennis courts £57.02 per dwelling - secured towards new tennis courts and/or maintenance of existing courts in the borough = **£8,153.86**
- Playing pitches £233.29 per dwelling - secured towards new pitches and/or maintenance of existing pitches in the borough = **£33,360.47**
- Bowling greens £4.97 per dwelling - secured towards new bowling greens and/or maintenance of existing greens in the borough = **£710.71**

## RENEWABLE ENERGY

13. Policy QP7 seeks to ensure high levels of energy efficiency in all development.

13.1 Policy CC1 requires that major development must secure, where feasible and viable a minimum of 10% of their energy from decentralised and renewable or low carbon sources.

13.2 Policy MWP1 of the Tees Valley Minerals and Waste DPD requires applications for major development to be accompanied by a Waste Audit.

13.3 HBC Waste Services states that developers are expected to provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/receptacles to enable the occupier to comply with the waste presentation and collection requirements. A condition can be attached to require the applicant to provide the necessary rubbish and recycling bins prior to first occupation.

13.4 In order to comply with policy CC1, the applicant has confirmed that they intend to provide a photovoltaic arrays a specification and schedule can be conditioned. Policy CC1 also requires that major developments include opportunities for electric vehicle charging, which can also be secured by condition.

## LOCAL FINANCIAL CONSIDERATIONS

14. Paragraph 11 of National Planning Practice states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received or will or could receive, in payment of Community Infrastructure Levy.

14.1 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus is material in making this development acceptable in planning terms. HBC does not currently seek Community Infrastructure Levy.

## CONCLUSIONS AND PLANNING BALANCE

15. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

15.1 Here the development plan is the Hartlepool Local Plan 2018. The application site is within the development limits of Wynyard (LS1 and Rur2), but not allocated for housing in the Local Plan and therefore is a departure. The proposal would



encroach into an area of designated Green Wedge contrary to policies NE3 and HSG6. This would result in harm, as the Green Wedge would be reduced in size.

15.2 The majority of the site is identified for housing in the Wynyard Masterplan (2019). However, this is not a Development Plan Document (DPD) and cannot be afforded significant weight. The Wynyard Masterplan itself acknowledges that it should not be seen as a rigid blueprint.

15.3 Although the Council can demonstrate a 5-year supply of housing, this is a minimum requirement and not a maximum. Approving additional housing above this minimum provides additional choice in the market for housing, which is a benefit of this scheme. The proposal would also provide a substantial off-site affordable housing contribution, which is a material consideration of significant weight in favour of it.

15.4 Overall, it is considered that the proposed development would represent high quality design, although 4 plots would not meet the minimum separation distances contrary to policy QP4. These units would be set at an angle to each other and not directly back-to-back and on balance would provide an acceptable residential living environment for future occupiers.

15.5 Subject to conditions, the proposal would avoid having an adverse impact upon neighbouring properties and be acceptable in terms of drainage. It would provide a net gain in terms of biodiversity. The proposal would provide on-site renewable energy to help make it sustainable and S106 contributions are sought in order to mitigate the impact of the development to make it acceptable in planning terms. The benefits of the proposal outweigh the harm that would be caused.

15.6 Overall, and on balance it is recommended that planning permission should be granted subject to a S106 legal agreement and conditions.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

16. There is no evidence of equality or diversity implications.

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

17. 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.

17.1 The final scheme will be designed with the reduction of crime and anti-social behaviour in mind.

## **REASON FOR DECISION**

18. 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 completion of a S106 Legal Agreement securing off-site affordable housing contribution: (£1,378,664.26), a primary education contribution (£422,966.25), a secondary education contribution (£276,399.20), highways contribution (£70,000) health facilities (£69,069), play provision (£35,750), built sports facilities (£35,750), mitigation for recreation disturbance to protected sites (£21,450) Tennis courts, (£8,153.86), playing pitches (£33,360.47) bowling greens, (£710.71), improved link to Castle Eden Walkway, Open Space Management Plan and a Local Employment and Training Plan.
1. The development hereby approved shall be carried out in accordance with the following plans and reports:
    - a. Drawing No. SD-00.01A, (OS Location Plan)
    - b. Drawing No. SD10.01E (Proposed Site Layout)
    - c. Drawing No. SD10.02E (Boundary Treatments Plan)
    - d. Drawing No. SD10.03F (Surface Treatments Plan)
    - e. Drawing No. SD10.04E (Adoption Plan)
    - f. Drawing No. WYL-ARC-009 B (Wynyard Plot Separation Distances)
    - g. Drawing No. WYL-ARC-011 A (Bund Sections)
    - h. Drawing No. WYL-ENG-010B (Informal Footpath Overlay)
    - i. Drawing No. 18-GU-Mk11-B-011 (Guimard 18 MkII) Proposed Floor Plans
    - j. Drawing No. 18-GU-Mk11-B-012 (Guimard 18 MkII) Proposed Elevations
    - k. Drawing No. 18-NA-G-11 (Naysmith Grand 18) Proposed Floor Plans
    - l. Drawing No. 18-NA-G-12 (Nasmyth Grand 18) Proposed Elevations
    - m. Drawing No. 18-NE-GR-11 (Newman Garden Room 18) Proposed Floor Plans
    - n. Drawing No. 18-NE-GR-12 (Newman Garden Room 18) Proposed Elevations
    - o. Drawing No. 18-ST-GR-12 Rev A (Stewart Garden Room 18) Proposed Elevations
    - p. Drawing No. 18-ST-GR-11 (Stewart Garden Room 18) Proposed Floor Plans
    - q. Drawing No. 18-EV-GR-11 (Everett Garden Room 18) Proposed Floor Plans
    - r. Drawing No. 18-EV-GR-12 Rev A (Everett Garden Room 18) Proposed Elevations
    - s. Drawing No. 18-HU-GR-12 Rev A (Hutton Garden Room 18) Proposed Elevations
    - t. Drawing No. 18-HU-GR-11 (Hutton Garden Room 18) Proposed Floor Plans
    - u. Drawing No. 18-LA-GR-12 Rev A (Lawrie Garden Room 18) Proposed Elevations
    - v. Drawing No. 18-LA-GR-11 (Lawrie Garden Room 18) Proposed Floor Plans
    - w. Drawing No. 18-LA-G-12 Rev A (Lawrie Grand 18) Proposed Elevations
    - x. Drawing No. 18-LA-G-11 (Lawrie Grand 18) Proposed Floor Plans
    - y. Drawing No. 18-LE-GR-12 Rev A (Leonardo & GR 18) Rev A Proposed Elevations

- z. Drawing No. 18-LE-GR-11 (Leonardo & GR 18) Proposed Floor Plans
- aa. Drawing No. 18-LE-G-12 Rev A (Leonardo Grand 18) Rev A Proposed Elevations
- bb. Drawing No. 18-LE-G-11 (Leonardo Grand 18) Proposed Floor Plans
- cc. Drawing No. 18-LI-GR-12 (Linton Garden Room 18) Proposed Elevations
- dd. Drawing No. 18-LI-GR-11 (Linton Garden Room 18) Proposed Floor Plans
- ee. Drawing No. 18-MU-GR-11 (Murray Garden Room) Proposed Floor Plans
- ff. Drawing No. 18-MU-GR-12 Rev B (Murray Garden Room) Proposed Elevations
- gg. Drawing No. 18-MI-GR-12 Rev A (Mitchell Garden Room 18) Proposed Elevations
- hh. Drawing No. 18-MI-GR-11 (Mitchell Garden Room 18) Proposed Floor Plans
- ii. Drawing No. 18-MI-G-11 (Mitchell Grand 18) Proposed Floor Plans
- jj. Drawing No. 18-MI-G-12 (Mitchell Grand 18) Proposed Elevations
- kk. Drawing No. 18-MA-G-11 (Mackintosh Grand 18) Proposed Floor Plans
- ll. Drawing No. 18-MA-G-12 (Mackintosh Grand 18) Proposed Elevations
- mm. Drawing No. 18-MA-GR-11 (Mackintosh GR 18) Proposed Floor Plans
- nn. Drawing No. 18-MA-GR-12 Rev A (Mackintosh GR 18) Proposed Elevations
- oo. Drawing No. 201 Rev P2 Engineering Appraisal Sheet 1
- pp. Drawing No. 202 Rev P2 Engineering Appraisal Sheet 2
- qq. 22010 - 203 - P2 - Engineering Appraisal, Sheet 3
- rr. 22010 - 204 - P3 - Engineering Appraisal, Sheet 4
- ss. 22010 - 205 - P3 - Engineering Appraisal, Sheet 5
- tt. 22010 - 206 - P3 - Engineering Appraisal, Sheet 6
- uu. 22010 - 207 - P2 - Engineering Appraisal, Sheet 7
- vv. 22010 - 208 - P3 - Engineering Appraisal, Sheet 8
- ww. Drawing No. N1203-ONE-ZZ-XX-DR-L-0001 Rev P01 (Softworks General Arrangement)
- xx. Drawing No. N1203-ONE-ZZ-XX-DR-L-0201 Rev P02 (Detailed Planting Plan (Sheet 1 of 6))
- yy. Drawing No. N1203-ONE-ZZ-XX-DR-L-0202 Rev P02 (Detailed Planting Plan (Sheet 2 of 6))
- zz. Drawing No. N1203-ONE-ZZ-XX-DR-L-0203 Rev P02 (Detailed Planting Plan (Sheet 3 of 6))
- aaa. Drawing No. N1203-ONE-ZZ-XX-DR-L-0204 Rev P02 (Detailed Planting Plan (Sheet 4 of 6))
- bbb. Drawing No. N1203-ONE-ZZ-XX-DR-L-0205 Rev P02 (Detailed Planting Plan (Sheet 5 of 6))
- ccc. Drawing No. N1203-ONE-ZZ-XX-DR-L-0206 Rev P02 (Detailed Planting Plan (Sheet 6 of 6))
- ddd. Flood Risk Assessment and Drainage Strategy by Coast Consulting Engineers dated April 2022.
- eee. Travel Plan by Bryan G Hall dated August 2022
- fff. Ecological Appraisal by OS Ecology dated July 2022.
- ggg. Noise Assessment by NJD Environmental Associates dated June 2022.
- hhh. Arboricultural Impact Assessment by Elliot Consultancy Ltd dated May 2022

iii. Air Quality Assessment by NJD Environmental Associates dated July 2022

For the avoidance of doubt.

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

To clarify the period for which the permission is valid.

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

In the interests of visual amenity.

4. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 18.00 on Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure that the development does not adversely affect neighbours living conditions.
5. Notwithstanding the submitted information and the measures outlines with the submitted Flood Risk Assessment, no development in relation to surface water drainage shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water: detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system through its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

The needs to be pre-commencement to prevent increased risk of flooding from any sources in accordance with the NPPF and to ensure future maintenance of the surface water drainage.

6. Prior to works pertaining to foul water drainage, a detailed scheme for the disposal of foul water from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter, the development shall take place in accordance with the approved details. This needs to be pre-commencement to ensure that the site is appropriately constructed to prevent the increased risk of flooding in accordance with the advice in NPPF.
7. A Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The CEMP shall also set out as a minimum site specific measures to control and monitor impacts in relation to construction traffic, noise, vibration, dust and air pollution, land contamination, disturbance to ecology and ground water. Thereafter, the development shall be carried out in accordance with the approved CEMP. This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area.
8. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, programme of the works to be undertaken, and implementation in accordance with the approved details and programme of works.

In the interests of visual amenity and biodiversity enhancement.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved programme of works for implementation. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and biodiversity enhancement

10. No part of the residential development shall be occupied until a vehicular and pedestrian access to the proposed development has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highways and pedestrian safety and in the interest of the visual amenities of the surrounding area.

11. Prior to first occupation of the dwellings hereby approved, a compliance report to confirm that the energy demand of the development and its CO2 emissions (measured by the Dwelling Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.

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

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

To ensure that the site is suitable for its intended use.

13. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitable qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In the interests of breeding birds.

14. Notwithstanding the submitted details none of the dwellings shall be first occupied until details of the proposed street lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the street lighting shall be provided in accordance with the approved details.

In the interests of biodiversity.

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

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

16. No part of the development hereby approved shall take place until an Amphibian Method Statement (particularly focussing on Great Crested Newts) has been submitted to and approved in writing by the Local Planning Authority. The submitted details will include a timetable of when the vegetation shall be removed. Thereafter, the development shall take place in accordance with the approved details.  
Reason: In the interests of Great Crested Newt.

17. Notwithstanding condition 1, (approved plans condition not these conditions) no part of the development hereby approved shall take place until full details presented in the Biodiversity Net Gain Plan including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

In the interests of biodiversity.

18. No dwelling hereby permitted shall be first occupied until two integral bird nest bricks for either sparrow or starlings to be more than 3m above ground level to be provided on the house or garage of that dwelling, or two integral bat roost bricks to be more than 3m above ground level on the house or garage of that dwelling. The bricks should be sunlight for part of the day and therefore must be located on the east or south facing side of the dwelling or garage.  
In the interests of biodiversity.

19. None of the dwellings hereby permitted shall be first occupied unless and until the 4m high earth bund shown on Drawing No. 3 of page 10 of the Noise Assessment produced by NJD Environmental Associates dated June 2022 and Drawing No. WYL-ARC-011 A (Bund Sections) has been constructed in accordance with these details.

To protect the dwellings from noise generated by traffic from the A689.

20. No dwelling hereby permitted shall be first occupied until the glazing and ventilation specification as identified in section 8.5.1 of the Noise Assessment produced by NJD Environmental Associates dated June 2022 has been provided. Thereafter, it will be maintained and retained as such  
To ensure a satisfactory living environment.

21. There shall be no open burning permitted on site at any time.  
To protect neighbouring residential occupiers from smoke and fumes.
22. Prior to the first occupation of any of the dwellings hereby permitted a scheme to secure improved pedestrian access including its surfacing onto the Castle Eden Walkway (CEW), together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.  
To improve access to the countryside.
23. Prior to the occupation of the 74<sup>th</sup> dwelling, the off-site highway improvement works at the A19/A689 Wolviston junction, shown indicatively on Drawing number 276864-ARP-ZZ-XX-DR-CH-0101 & Drawing Number 276864-ARP-ZZ-XX-DR-CH-0102, shall be completed as submitted to and approved in writing by the Local Planning Authority in consultation with National Highways  
To ensure the safe and efficient operation of the strategic highway.
24. Notwithstanding the submitted details, none of the dwellings hereby permitted shall be first occupied until a detailed specification and schedule of photovoltaic arrays to be provided to ensure that 10% of the energy requirement for each dwelling is provided from renewable sources has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.  
In the interests of sustainability.
25. Notwithstanding the submitted details none of the dwellings hereby permitted shall be first occupied until details of a vehicle charging point for each dwelling has been submitted to and approved in writing by the Local Planning Authority. The vehicle charging points shall be installed and available to use prior to first occupation.  
In the interests of sustainability.
26. No dwelling hereby permitted shall be first occupied until details of refuse and recycling bins to be provided at each property has been submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be provided to each dwelling prior to first occupation.  
To ensure satisfactory refuse and recycling bins are provided for residents.

#### **INFORMATIVE 01 – STATEMENT OF PROACTIVE ENGAGEMENT**

The Local Planning Authority in arriving at its decision to support this application has without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable



development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

## **BACKGROUND PAPERS**

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

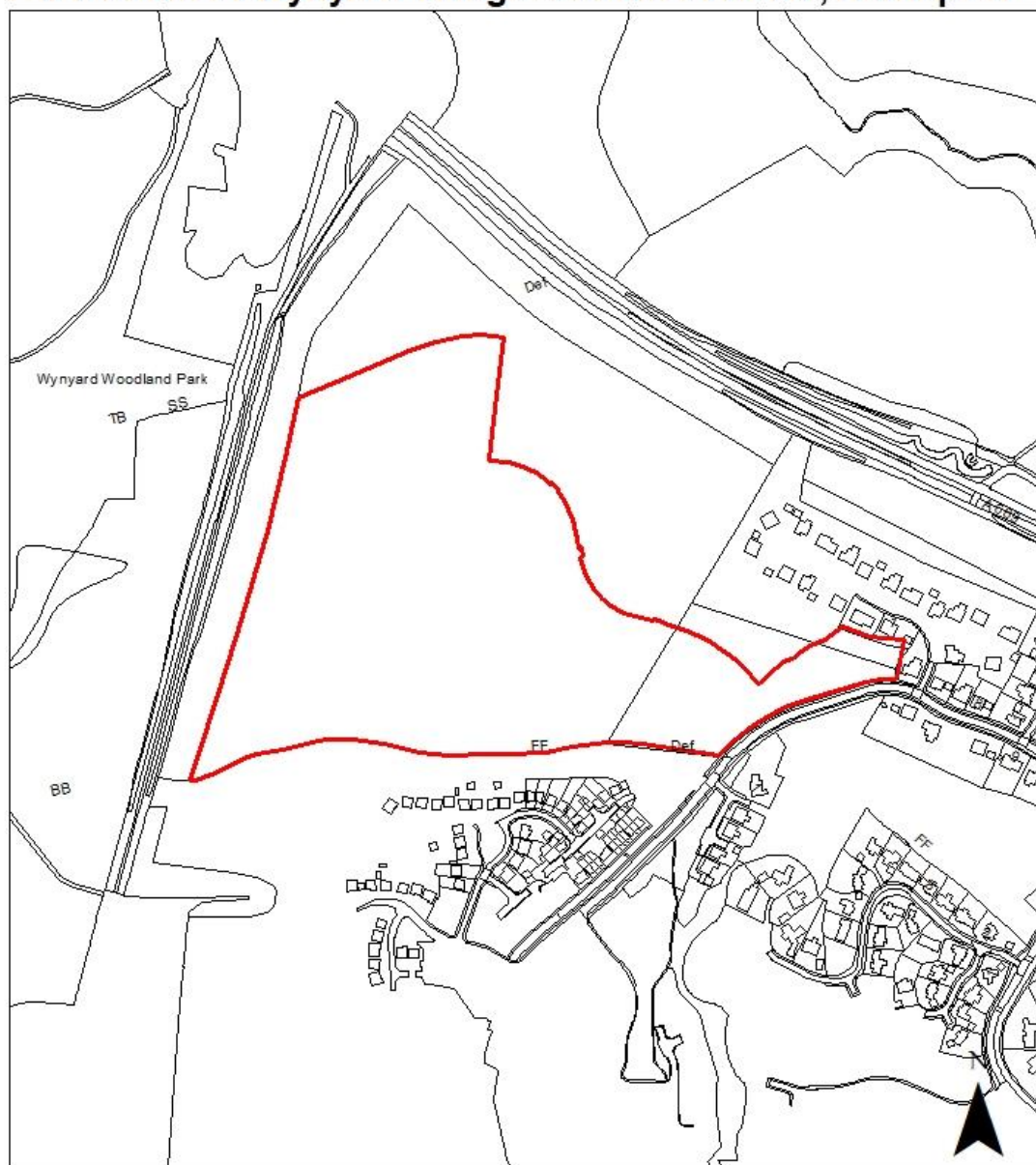
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

## **CONTACT OFFICER**

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

## **AUTHOR**

Aidan Dobinson Booth  
Principal Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: 01429 523856  
E-mail: [aidan.dobinson-booth@hartlepool.gov.uk](mailto:aidan.dobinson-booth@hartlepool.gov.uk)

**Land South of Wynyard Village & South of A689 , Hartlepool**

Copyright Reserved Licence No100023390 (2023)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>27.02.2023</b>
	SCALE <b>1:5000</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0299</b>	REV

**No:** 5.  
**Number:** H/2022/0302  
**Applicant:** CONRAD ENERGY  
**Agent:** LICHFIELDS MISS RACHEL DODD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF  
**Date valid:** 15/09/2022  
**Development:** Erection of a Synchronous Condenser with ancillary infrastructure, and associated works including access and landscaping  
**Location:** HART MOOR FARM NORTH OF THE A179 HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

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

### To the east of the application site (north of the A179):

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 and south west of the application site. The proposed substation would be to the east of the application site and north of the A179. All of the refused applications (including those within DCC) are the subject of ongoing linked appeals.

### To the south of the A179:

H/2017/0287 – planning permission for a gas-powered electricity generator and related infrastructure 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. 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, 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. 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 to the south east (east of Worset Lane) in August 2021.

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. It was considered not to be development requiring an EIA.

+

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 the A179 to the south 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/2022/0198 – EIA screening opinion in relation to the proposed development of a Battery Energy Storage System (BESS facility) to the south east (east of Worset Lane). It was considered not to be development requiring an EIA development.

+

H/2022/0263 – the proposed Battery Energy Storage System (BESS facility) to the south east (east of Worset Lane) was approved in January 2023.

Current pending applications (all to the south of the A179):

H/2022/0423 - Erection of a Solar Electric Forecourt with ancillary commercial uses, and associated electrical infrastructure, a solar photo voltaic (PV) farm. Energy storage, new access, car parking, landscaping and associated works. Pending consideration.

H/2022/0459 - Proposed Construction, Operation and Maintenance of a Battery Energy Storage System (BESS) Facility and Associated Infrastructure. Pending consideration.

H/2022/0470 - Installation and operation of a Grid Stability Facility consisting of Synchronous Compensators and associated Electrical Infrastructure, underground cabling, access tracks, drainage, temporary construction compounds, ancillary infrastructure and demolition of existing buildings. Pending consideration.

H/2023/0041 – EIA Screening opinion in relation to the Installation and operation of a Grid Stability Facility consisting of Synchronous Compensators and associated Electrical Infrastructure, underground cabling, access tracks, drainage, temporary construction compounds, ancillary infrastructure and demolition of existing buildings. Pending consideration.

## PROPOSAL

5.3 This application seeks full planning permission for the proposed erection, operation and maintenance of a Synchronous Condenser with associated infrastructure and works including access and internal access tracks, internal landscaped/grassed areas, and soft landscaping, on land to the north of the A179 in Hartlepool.

5.4 In detail, the proposed Synchronous Condenser would comprise a main building which would measure approximately 29.7m in length by approximately 19.8m in width, with a hipped roof design with a total height of approximately 12.1m and eaves height of approximately 11.1m; an outdoor cooler sited to the north of the proposed main building; a generator circuit breaker, auxilliary transformer, start up transformer, main transformer, excitation container, AC/DC distribution container, inverter container, container, 2 battery containers, firewall, and substation connection would be situated to the eastern extent; and a welfare building and multicontainer building would be to the south west of the application site.

5.5 In addition, the proposals include the construction of internal compound access roads; the erection of steel palisade fencing and gates around the substation and overall compound with a height of approximately 2.4m; and the installation of CCTV and lighting around the main building and overall compound.

5.6 The proposed development would be accessed from the existing farm access which is currently blocked with vegetation. The submitted Design and Access Statement indicates that the proposed access would be extended and would comprise a tarmacked surface.

5.7 The proposals include the installation of landscaping throughout the application site, to include native hedgerow planting along the northern and eastern boundaries, native woodland planting to the north and north eastern areas of the application site, wildflower and grass seeding to the southern boundary and grass across the proposed development (between plant, building and hardstanding areas).

5.8 The submitted Design and Access Statement indicates that the Hartmoor Substation (located to the south of the A179) has been identified by National Grid as part of a Pathfinder Project including the proposed application, comprising an energy stability project required for energy generation (as a result of the decline in fossil fuel generation).

5.9 The submitted information indicates that the purpose of the proposal is *“to provide grid network stabilisation in connection with an increasing % of electricity generation from renewable sources in pursuit of the UK’s 2050 ‘net zero’ carbon emission target. A Synchronous Condenser improves stability on the electricity grid network to maintain voltages within desired limits. It is plant in itself, although it does not generate emissions or energy. The facility comprises a flywheel that spins in order to regulate the frequency and voltage of the electricity network. In doing this, it enables increased use of renewable energy generation, the supply of which into the grid fluctuates and does not provide the ‘inertia’ that is inherent in traditional coal- and gas-fired power stations (which are now operating less frequently or being decommissioned)”*.

5.10 The submitted Planning, Design and Access Statement advises that the proposals would be connected to the existing Hartmoor substation (to the south of the A179) via underground cabling which the applicant indicates would be permitted development and therefore does not form part of the current application.

5.11 The submitted Transport Statement indicates that the construction phase would be expected to last for 16 months, during which time peak numbers of vehicles are expected to include 40 light and 8 heavy duty vehicles per day, which would be expected to arrive at intervals throughout the working day. The submitted Planning and Sustainability Statement indicates that once operational, traffic is expected to include, on average, approximately two visits per week.

5.12 The submitted Planning, Design and Access Statement also indicates that the proposed development would operate for a temporary time period of 35 years. Following cessation of operation, the proposed compound would be decommissioned and the site returned to agricultural use.

5.13 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**

5.14 The application site is an area measuring approximately 2.5 hectares, situated to the north of the A179 trunk road. The application site comprises agricultural land and is primarily surrounded by further agricultural fields. The application site is bound to the south by the A179 trunk road, to the west by a farm track which provides access to Hart Moor Farm which is located to the north of the application site, and to the east by further adjacent agricultural fields.

5.15 Beyond the main trunk road of the A179 (to the south), existing and recently approved energy related development is sited approximately 500m to the south

west. As noted above, planning applications are pending consideration for the installation of a solar farm and solar electric forecourt (H/2022/0423), a grid stabilisation facility (H/2022/0470) and a proposed battery energy storage facility (H/2022/0459) to the south of the application site (south of the A179).

5.16 The southern boundary of the application site is delineated from the A179 by a hedgerow and a row of mature trees. Beyond the track to Hart Moor Farm to the west lies a collection of permissive pathways. Additional permissive pathways and bridleways are sited to the north and north east of the surrounding area.

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

## **PUBLICITY**

5.18 The application has been advertised by way of site notices, press advert and letters to individual neighbouring properties and local ward councillors. A re-consultation was undertaken following the receipt of the applicant's 'rebuttal statement' in respect of the concerns raised from technical consultees, the case officer, and members of the public.

5.19 To date, there have been objections received from 4 members of the public (including repeat objections from the same individual).

5.20 The main concerns and objections raised can be summarised as follows:

- The proposal would be more appropriately located in brownfield land or industrial areas
- Concerns regarding the cumulative impacts
- Saturation of similar proposals in the surrounding area
- Similar proposals have been refused due to adverse impacts on the character and appearance of rural area
- Impacts on local village
- Impacts on wildlife
- Insufficient traffic measures
- Insufficient proposed landscaping
- Impacts on visual amenity will be a detriment to tourism
- Oil filled radiators risk of spillage, environment and fire hazard
- 16 months construction period
- Contravenes local planning policies
- Application should include a plan showing adjacent proposed and approved development
- Loss of agricultural land which impacts on food production
- Visual impact, particularly to users of nearby pathways and community forest

5.21 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=154735>

5.22 The period for publicity has expired.

## CONSULTATIONS

5.23 The following consultation replies have been received:

**HBC Flood Risk Officer:** In response to your consultation on the above amended application we have no objection in principle in respect of contaminated land or surface water management. Please include our standard basic surface water condition and unexpected contamination condition on any permission issued for proposals.

I will take this opportunity to inform the applicant that whilst we have no objection to proposals in principle in respect of surface water management as detailed design can be controlled by the use of planning condition, should it be proposed to drain the site into highway drain as shown on the Illustrative Outline Surface Water Drainage Strategy this will lead to an objection to the discharge of condition as it is unknown whether the highway drainage can cope with this additional flow and as such flood risk is increased. This objection to discharge of condition can be overcome by using an alternative route for surface water disposal or by providing a survey to demonstrate the highway drainage disposal route is satisfactory, any necessary repair/upgrade, and commuted sum to fund ongoing inspection and maintenance of the relevant highway drainage assets for the life of the development.

**HBC Ecology:** My pre-app Ecology response was on 08/06/2022.

I have assessed the submitted Preliminary Ecological Assessment report, prepared by A1 Ecology Ltd and dated July 2022. I am satisfied with the report and support its findings and recommendations.

I have studied the submitted Landscape Mitigation Plan (Drawing 03 Revision A). This shows sufficient biodiversity mitigation for the proposed scheme and should be conditioned. Copied as Appendix 1 for reference.

The mitigation measures in section 7.2 of the Preliminary Ecological Assessment report are supported and should be approved under Informatives or Conditions as worded below.

### Breeding birds Informative

Breeding birds and their nests are protected by the Wildlife & Countryside Act (1981) as amended. It is an offence to damage or destroy the nest of a breeding bird whilst it is being built or in use. In practice the bird breeding season is mainly confined to the period from March to August inclusive, but it should be noted that some species will breed outside this period. If bird's nests that are actively being built or used are found, then work should be suspended within a 10m circumference until the birds have finished breeding.



#### Brown hare Informative

Should vegetation clearance of the site be planned to commence during the brown hare breeding season (March to August inclusive) a suitably qualified ecologist should be commissioned to survey for the presence of leverets. If a leveret is found, then work should be suspended within a 10m circumference until the animal has naturally left its form.

#### Badger condition

Any excavations left open overnight will have a means of escape for mammals that may become trapped, in the form of a ramp at least 300mm in width and angled no greater than 45°.

I am satisfied that the potential badger setts are assessed as being inactive, that they are outside of the red line boundary, that they will not be directly impacted by construction or operational works and that the condition above will prevent harm. No further survey is required.

**HBC Traffic and Transport:** Traffic should be restricted to turning left out of the site. During the construction phase temporary signage should be put in place which warns motorists of slow moving vehicles/ site access.

A construction management plan should be put in place which details the proposed Traffic Management, site parking, control of mud on the highway.

#### Update 04/04/2023 following clarification sought from case officer:

The left in requirement and site signage should be included in a traffic management plan. It would just be during construction.

This wouldn't impact any future road widening proposals, I would therefore be ok with this.

**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.

Whilst this statement is true, there is, immediately to the west, a small collection of permissive paths within the adjoining wooded area, which forms part of the Hart Moor Farm public access realm.

There is a need for this area of permissive public access to be maintained and managed so that full benefit, for the public, can be achieved.

With this in mind, I would expect the applicant to contribute, via a s106 contribution, to the management and maintenance of this valuable access area.

The benefit to the applicant would be the making available, to future employees, recreational access for their health and wellbeing, as well as improved accessibility to other users who stop at the layby for rest and recuperation.

I would require the applicant to contact me to discuss the works that would be required to bring the paths into a more accessible provision for all users.

**HBC Landscape Architect:** With regard to the above application:

A Landscape and Visual appraisal has been produced. Cumulative impacts have however not been assessed.

Cumulative impacts of the numerous developments along the A179 road corridor, and potential impacts on the approach to the town, are considered critical. Evidence provided for the recent appeal APP/H0724/W/22/3299848 considers these impacts and their significance.

Update 24<sup>th</sup> March 2023:

With regard to the above, and LVIA has been produced and I would make the following points:

- The conclusion states that “power related infrastructure is an established characteristic of the baseline landscape”. It is considered that this is not the baseline characteristic of land to the North of the A179.
- Any mitigation planting would not be effective in the short- medium term.
- No wire frames have been produced to place the development within the existing landscape context.
- Impacts on the complex of permissive paths directly to the west and north of the site have not been assessed.

Reference should be made to the Hart Substation proof of evidence (APP/H0724/W/22/3299848) with regard to the local value of the landscape and potential cumulative effects.

It is considered that there will be negative landscape and Visual Impacts and these will be particular impactful to users of the permissive path system.

**Northern Gas:** No objection.

**Natural England:** No comments received.

**Tees Archaeology:** The Design and Access Statement states that “A Geophysical Survey is currently being prepared and will form part of this submission to support Policy HE2 of the Local Plan. The survey will ascertain the potential for archaeological remains and identify any further works required”. Until the geophysical survey is submitted, the archaeological potential of the development site and the need for any further archaeological work is undetermined. As such, I will refrain from commenting further until the results of the geophysical survey have been submitted.

Update 03/03/2023 following submission of geophysical survey from the applicant:

The geophysical survey indicates that the proposed development site is of low archaeological potential, and as such, further archaeological work is not necessary.

**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:** Offer no objection.

**HBC Arboricultural Officer:** The proposed development falls outside of any conservation area and none of the surrounding trees are subject to a tree preservation order.

The arboricultural report dated July 2022 is a comprehensive document which provides all the necessary points including, impact assessment, tree survey, tree protection/retention plan and method statement. The loss of 2 no. trees for access and 6 no. trees that are already fallen is minimal and will have little impact on the site. The mitigation planting proposal offered is adequate and when established will provide more benefit than what is already there.

The landscape and visual appraisal report dated 27 July 2022 provides the necessary information in regards to mitigation for tree loss although small. One point that draws attention is: “Any dead or dying plants or failed seed areas would be replaced to ensure the woodland achieves its primary purpose as an effective visual barrier.” This is something that would sometimes be included as a condition and as there is no specific end date and can be perception based I would like confirmation on how long after this is intended to carry on for and suggest it is at least a period of ten years to allow the trees to reach sufficient height to fulfil its role as a visual screen.

I have no objections to the proposed plans.

**Hartlepool Rural Plan Working Group:** The Group is deeply concerned at the number of applications that appear to be attracted to the long established Hartmoor Substation. There is a cumulative effect of the staggering 170 hectares of energy and associated infrastructure proposals is transforming the rural area between Hart and the A19 into an industrial landscape. The Group are strongly opposed to further developments of this nature and therefore strongly object to this latest application based on the following policies.

## POLICY GEN1 – DEVELOPMENT LIMITS

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

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. There is no designation other than for continued agricultural use. It is becoming clear that the presence of the High Volts Substation is acting as a magnet for new electric plant. The alarming cumulative effect of this proposal with other applications in addition to the existing wind turbine and major High Volts Substation are: -

- a Substation Hart Moor Farm (H/2022/0311)
- a Battery Energy Storage System facility (H/2022/0263)
- a 63-hectare solar farm (H/2020/0175),
- a gas power generation plant (H/2017/0287)
- plus additional facilities H/2017/0540, H/2019/0208
- Hulam Farm solar farm (just over the boundary in Durham County)
- Sheraton Hall solar farm (just over the boundary in Durham County)
- Plus 85 hectare solar farm and electric vehicle charging station for which screening & scoping applications (H/2020/0162 & H2021/0404)

The cumulative effect is of grave concern as the character, appearance and visual amenity of the rural area around Hart and Sheraton is being significantly impacted. The proposed single synchronous condenser is to feed into Hartmoor 275kV substation to reach the wider national grid network.

The applicant claims the most important consideration for the location is the proximity to the Grid Supply Point at Hartmoor substation “as a greater distance from the substation leads to a reduction in the effectiveness of the technology and associated costs which could mean funding for the scheme could not be obtained”. The application site is however quite some distance from the substation and on the opposite side of the A179 road. An even better solution therefore would be for this new plant to be included within or directly adjacent the existing substation north of the A179. The added benefit being to avoid adding to the sprawl of such developments, which are ugly, intrusive and industrial in character, ever further into the countryside. A location abutting the existing substation would also permit an opportunity to use screening for the new facility to assist in reducing the current visual impact of the existing substation and associated plant.

How is the Synchronous Condenser to be connected to the existing substation. Will this link be underground?

## POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

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

Ugly, intrusive and of an industrial character – by their very nature these types of developments are alien to the character of the rural area. No effort is taken to make a utilitarian design more acceptable or attractive, resorting instead to leaning heavily on screening provided by the existing woodland to the west and roadside trees to the south along the A179. The application does suggest adding a “robust landscaping scheme” to the north and east (DRaW (UK) Ltd drg. 03), however, the indicative elevations suggest this planting to be very low and the new structures to be very exposed and visually intrusive (CONRAD Energy drg. HART-SYNCO-EL-007). The robustness of this landscaping needs to be clarified and the height, using larger trees, ensured by condition.

The application in no way helps create a sense of place or reinforce the character of the rural area by being individual or respecting the local vernacular, quite the contrary. The apparent claim that a warehouse-style unit, the size of which is appropriate given the rural surroundings and will ensure that the appearance of the development is in keeping with the surroundings, is outrageous.

Unfortunately planning proposals are all too frequently considered as being seen only in daylight and during summer months. The visual intrusion of this application is permanent and will exist and become worse when the trees are bare in winter and lights are on at night. While planting screening schemes are always welcome they are only fully effective for half the year. This will be a new location for intrusive industrial plant in the open countryside.

Any lighting proposed for this lighting will add to light pollution. Although not a dark sky area this site lies in a ‘darker’ area between the lights of the A19 and the urban area of Hartlepool. Lighting needs to be kept to the very minimum.

#### POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY

The development of the rural economy will be supported through:

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

New specialist retail businesses, including farm shops, garden centres and similar outlets selling goods grown or manufactured in the locality, will be supported where

such developments would provide support for the rural economy, and could not reasonably be expected to locate within the village envelope or Hartlepool urban area by reason of the products sold, or their links to other uses on the site.

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

Improvements to technology and communications infrastructure will be supported to facilitate the development of businesses in the area. All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

The proposed Synchronous Condenser does not meet any of the options outlined by this policy. It offers nothing to the economy of the Rural Area and therefore cannot be supported.

#### POLICY NE1 - NATURAL ENVIRONMENT

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

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

We would expect any new planting proposed will be in line with Policy NE1. Should the Council, unfortunately, be minded to approve this application we would expect a condition to ensure the landscaping is implemented on site no later than the first planting season following completion. Also, the replacement of any tree or shrub which may die, be removed or seriously damaged, is assured.

A wildflower meadow is part of the proposals. This will require ongoing maintenance. The required maintenance should also be a condition should approval unfortunately be forthcoming.

We would also expect a condition for the removal of the synchronous condenser and the restoration of the site to countryside. These conditions to be enforced in the

event the condenser is inoperative for a period of 6 months or longer the development shall be removed and the site restored within 18 months.

Developing on both sides of the A179 is going to increase the difficulty of the desired widening/dualling of the A179 aspired to in the Rural Neighbourhood Plan and part of policy INF2 of Hartlepool Local Plan.

The proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development and village envelopes as defined by Policy GEN1 of the Hartlepool Rural Neighbourhood Plan and Policy RUR1 of the Hartlepool Local Plan. The proposed use is not supported and does not constitute a sustainable form of development.

Due to size, siting and design, the proposal would have a detrimental visual impact on the open countryside and A179 main approach into Hartlepool and would have an unacceptable industrialising/urbanising effect on this part of the rural area, contrary to Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan and Policies RUR1 and QP4 of the Hartlepool Local Plan.

Hartlepool Rural Neighbourhood Plan Group strongly oppose this application and recommend Hartlepool Borough Council refuse this application.

#### Update 16<sup>th</sup> March 2023

Multiple applications for unsightly plant south of the A179 keep repeating the claim that the landscape there being already spoiled by existing facilities excuses further unsightly additions. This serves to warn against allowing 'a foot in the door' north of the A179. The Neighbourhood Plan Group therefore, in reflecting the serious concerns expressed during consultations about the need to protect the rural area from increasing pressures, objection in the strongest terms to this application. No new information has been provided that would lessen our concerns or address the planning policies this proposal is at odds with. The Group is deeply concerned at the number of applications that appear to be attracted to the long established Hartmoor Substation. There is a cumulative effect of the staggering 170 hectares of energy and associated infrastructure proposals is transforming the rural area between Hart and the A19 into an industrial landscape. The Group are strongly opposed to further developments of this nature and therefore strongly object to this latest application based on the following policies.

#### POLICY GEN1 – DEVELOPMENT LIMITS

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan. 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. There is no designation other than for continued agricultural use. It is becoming clear that the presence of the High Volts Substation is acting as a magnet for new electric plant.

The alarming cumulative effect of this proposal with other applications in addition to the existing wind turbine and major High Volts Sub-station are: - a Substation Hart Moor Farm (H/2022/0311) a Battery Energy Storage System facility (H/2022/0263) a 63-hectare solar farm (H/2020/0175), a gas power generation plant (H/2017/0287) plus additional facilities H/2017/0540, H/2019/0208 Hulam Farm solar farm (just over the boundary in Durham County) Sheraton Hall solar farm (just over the boundary in Durham County) Plus 85 hectare solar farm and electric vehicle charging station for which screening & scoping applications (H/2020/0162 & H2021/0404)

The cumulative effect is of grave concern as the character, appearance and visual amenity of the rural area around Hart and Sheraton is being significantly impacted. The proposed single synchronous condenser is to feed into Hartmoor 275kV substation to reach the wider national grid network.

The applicant claims the most important consideration for the location is the proximity to the Grid Supply Point at Hartmoor substation “as a greater distance from the substation leads to a reduction in the effectiveness of the technology and associated costs which could mean funding for the scheme could not be obtained”.

The application site is however quite some distance from the substation and on the opposite side of the A179 road. An even better solution therefore would be for this new plant to be included within or directly adjacent the existing substation north of the A179. The added benefit being to avoid adding to the sprawl of such developments, which are ugly, intrusive and industrial in character, ever further into the countryside. A location abutting the existing substation would also permit an opportunity to use screening for the new facility to assist in reducing the current visual impact of the existing substation and associated plant. How is the Synchronous Condenser to be connected to the existing substation. Will this link be underground?

## POLICY GEN 2 - DESIGN PRINCIPLES

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

Ugly, intrusive and of an industrial character – by their very nature these types of developments are alien to the character of the rural area. No effort is taken to make a utilitarian design more acceptable or attractive, resorting instead to leaning heavily



on screening provided by the existing woodland to the west and roadside trees to the south along the A179. The application does suggest adding a “robust landscaping scheme” to the north and east (DRaW (UK) Ltd drg. 03), however, the indicative elevations suggest this planting to be very low and the new structures to be very exposed and visually intrusive (CONRAD Energy drg. HART-SYNCO-EL-007). The robustness of this landscaping needs to be clarified and the height, using larger trees, ensured by condition.

The application in no way helps create a sense of place or reinforce the character of the rural area by being individual or respecting the local vernacular, quite the contrary. The apparent claim that a warehouse-style unit, the size of which is appropriate given the rural surroundings and will ensure that the appearance of the development is in keeping with the surroundings, is outrageous. Unfortunately planning proposals are all too frequently considered as being seen only in daylight and during summer months.

The visual intrusion of this application is permanent and will exist and become worse when the trees are bare in winter and lights are on at night. While planting screening schemes are always welcome they are only fully effective for half the year. This will be a new location for intrusive industrial plant in the open countryside. Any lighting proposed for this lighting will add to light pollution. Although not a dark sky area this site lies in a ‘darker’ area between the lights of the A19 and the urban area of Hartlepool. Lighting needs to be kept to the very minimum.

#### POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY

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

New specialist retail businesses, including farm shops, garden centres and similar outlets selling goods grown or manufactured in the locality, will be supported where such developments would provide support for the rural economy, and could not reasonably be expected to locate within the village envelope or Hartlepool urban area by reason of the products sold, or their links to other uses on the site. The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure. Improvements to technology and communications infrastructure will be supported to facilitate the development of businesses in the area. All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

The proposed Synchronous Condenser does not meet any of the options outlined by this policy. It offers nothing to the economy of the Rural Area and therefore cannot be supported.

#### POLICY NE1 - NATURAL ENVIRONMENT

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

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

We would expect any new planting proposed will be in line with Policy NE1. Should the Council, unfortunately, be minded to approve this application we would expect a condition to ensure the landscaping is implemented on site no later than the first planting season following completion. Also, the replacement of any tree or shrub which may die, be removed or seriously damaged, is assured. A wildflower meadow is part of the proposals. This will require ongoing maintenance. The required maintenance should also be a condition should approval unfortunately be forthcoming.

We would also expect a condition for the removal of the synchronous condenser and the restoration of the site to countryside. These conditions to be enforced in the event the condenser is inoperative for a period of 6 months or longer the development shall be removed and the site restored within 18 months.

Developing on both sides of the A179 is going to increase the difficulty of the desired widening/dualling of the A179 aspired to in the Rural Neighbourhood Plan and part of policy INF2 of Hartlepool Local Plan. The proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development and village envelopes as defined by Policy GEN1 of the Hartlepool Rural Neighbourhood Plan and Policy RUR1 of the Hartlepool Local Plan.

The proposed use is not supported and does not constitute a sustainable form of development. Due to size, siting and design, the proposal would have a detrimental visual impact on the open countryside and A179 main approach into Hartlepool and would have an unacceptable industrialising/urbanising effect on this part of the rural area, contrary to Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan and Policies RUR1 and QP4 of the Hartlepool Local Plan.

Hartlepool Rural Neighbourhood Plan Group strongly oppose this application and recommend Hartlepool Borough Council refuse this application.

**Hart Parish Council:** No comments received.

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

**Health and Safety Executive:** The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

**Durham County Council:** As you are aware, we are currently challenging the ability for the Sheraton and Hulam solar farms, associated cables and substation to be determined under the TCPA due those developments being functionally linked and tipping over the threshold for Nationally Significant Infrastructure Projects. As the proposed development would not provide additional generating capacity, or have any direct connection to the proposed Lightsource developments, I do not think this adversely impacts the joint position of Durham and Hartlepool Councils on this matter. The proposed development would not have any impacts that would cause harm to Durham and we therefore have no objections.

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

Construction works or deliveries shall only be carried out 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.

There should be no open burning at any time on the site.

**Northern Power Grid:** Plan attached.

**Anglian Water:** No comments received.

**HBC Building Control:** No comments received.

**Environment Agency:** No comments received.

**HBC Estates:** No comments received.

**HBC Economic Development:** No comments received.

**Ramblers Association:** No comments received.

**CPRE:** No comments received.

**RSPB:** No comments received.

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

**DEFRA:** No comments received.

**HBC Emergency Planning Officer:** No comments received.

**National Grid:** No comments received.

## **PLANNING POLICY**

5.24 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

5.25 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 & Mitigating Flood Risk

CC3: Renewable and Low Carbon Energy Generation

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)

5.26 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)

5.27 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:

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

**5.28 HBC Planning Policy comments:** NB: Planning Policy note that the location of the proposed development has moved approximately 400 metres to the west from that of the pre-application enquiry earlier this year (I/2022/0084). The site description in the supporting statement (3.0) does not appear to have been updated to reflect this change in location.

**5.29** The proposed development would connect via underground cabling to Hartmoor substation, located approximately 1km to the southeast off Worset Lane. Its purpose is to provide grid network stabilisation in connection with an increasing % of electricity generation from renewable sources in pursuit of the UK's 2050 'net zero' carbon emission target.

**5.30** The Hartlepool Local Plan Policies Map (2018) identifies the application site as unallocated 'white land' which is located beyond the development limits as defined by Policy LS1 of the Hartlepool Local Plan (2018). The application site is also located beyond the development limits as defined by Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (2018).

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

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

5.32 Neighbourhood Plan 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. This policy, as well as a number of other policies within the Neighbourhood Plan, namely GEN2, NE1 and NE2 require careful consideration be given to a number of other material planning considerations (similar to the above Local Plan requirements).

5.33 It should be noted that the Neighbourhood Plan forms part of the adopted statutory development plan for the area (in correction of the supporting statement – 6.21).

5.34 With respect to the requirements of RUR1, the proposals do not relate to the efficient or continued viable operation of agriculture, horticulture, forestry or equine uses. Whilst the proposal could be considered to support public infrastructure (as per the policy GEN1 list of acceptable uses), Planning Policy have concerns over its adverse visual and landscape impact, such that it would not respect the character of the countryside, and so therefore contravene the requirements of the Neighbourhood Plan (criteria 1). Emphasis is placed upon the openness of the landscape to the north of the A179, notwithstanding the extent of roadside screening, and assessment of impact is also expected to result in conflict with the requirements of criteria 4, 5, 6 and 9.

5.35 It shall be noted that the application site is Grade 3 (good to moderate) on Natural England's Agricultural Land Classification Map – North East Region.

5.36 In view of the above, it is considered that overall, the proposal would not comply with the requirements of Local Plan policy RUR1.

5.37 Neighbourhood Plan policy GEN1 explains that development in the countryside will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy, cannot be accommodated within existing settlements and that particular care will be needed 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.

5.38 Neighbourhood Plan policy NE2 requires that development of renewable and low carbon energy schemes, together with any ancillary buildings and infrastructure (of which this proposal would constitute), are 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 the surrounding landscape, among other criteria. The rural area is under a new pressure of energy related development, and ancillary requirements such as the proposal may often be overlooked. It is considered that the needs of agricultural land and the natural environment are paramount and considering policies GEN1 and NE2 together, particular care is 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.

5.39 In view of the above, it is considered that overall, the proposal would not comply with the requirements of Neighbourhood Plan policy GEN1, as it is not considered that the proposed development in this location is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community, and that it would harm the countryside character. Notwithstanding the above, it is acknowledged that local and national planning policy support in principle the development of acceptable renewable energy, together with supporting infrastructure, again critically subject to the consideration of relevant criteria.

5.40 Local Plan policy CC3 (Renewable and Low Carbon Energy Generation) 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.

5.41 Neighbourhood Plan policy NE2 (Renewable and Low Carbon Energy) supports the development of renewable and low carbon energy schemes providing that any adverse impacts on the surrounding landscape are considered, weighing the benefits against any adverse impacts individual and cumulatively. Neighbourhood Plan policy NE1 (Natural Environment) seeks to protect, manage and enhance the area's natural environment.

5.42 Paragraphs 152 and 155 of the NPPF (2021) recognise the importance of the planning regime in delivering renewable energy, setting out that the planning system should support the transition to a low carbon future and that plans should provide a positive strategy for energy from renewable and low energy sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts). Paragraph 158 provides that in determining applications for renewable and low carbon development, approval should be given if the impacts are (or can be made) acceptable.

5.43 Notwithstanding this, it is considered that policies RUR1 and GEN1 must be given considerable importance and weight, and with this in mind, Planning Policy are of the overall view that the planning balance of policy support and benefits of the proposal weighed up against policy constraint and adverse impacts favours refusal of this application.

5.44 Policy INF2 of the Hartlepool Local Plan (2018) safeguards land alongside the A179 for the potential future duelling of the road. In this case however, the proposal is set sufficiently away from the road, and no objections have been received from HBC Planning Policy or HBC Traffic & Transport in this respect. Therefore it is considered there is sufficient space to accommodate any widening should this



development come to fruition in the future, and so the proposal does not conflict with INF2.

## PLANNING CONSIDERATIONS

5.45 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

### *Development in the rural area*

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

5.47 Given its location, Policy RUR1 (Development in the Rural Area) of the HLP (2018) and Policy GEN1 of the HRNP (2018) are particularly relevant.

5.48 The main aim of Policy RUR1 of the HLP (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-ambles that other appropriate uses include those relating to public infrastructure or to meet the social needs of the local community.

5.49 Policy RUR1 lists a number of criteria which any development should comply with, where relevant:

1. Be in accordance with the Hartlepool Rural Neighbourhood Plan;
2. Where possible be located in or near to the villages;
3. Where possible re-use existing buildings and/or materials;

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

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

- In terms of the criteria of Policy RUR1 of the HLP (2018), in respect of criterion 1, it is of note that the proposals are outside the Development Limits of the HRNP (2018). It is acknowledged that the proposal could be considered to support public infrastructure, however it is not considered to respect the character of the countryside (for the reasons detailed below), and therefore it is considered that the proposal contravenes the requirements of the HRNP (2018).
- In respect of criterion 2, the proposal is not situated within an existing village, being sited approximately 1.5km from the edge of the village of Hart to the east.
- In respect of criterion 3, it is of note that the proposals would not re-use existing buildings or materials.
- In respect of criterion 4, and as considered in detail below, it is considered that the proposals would result in a significant detrimental impact on the amenity of the local area by way of visual intrusion.
- In respect of criterion 5, it is considered that the proposals would not enhance the quality, character and distinctiveness of the immediate area, villages and landscapes.
- In respect of criterion 6, it is considered that the proposed siting, scale and design of the structures, particularly the main building, would not be in keeping with other buildings.

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

5.51 In view of the above, it is considered that the proposal would not comply with the requirements of Policy RUR1 of the HLP (2018) contravening the general principles as well as criteria 1, 2, 3, 4, 5, 6, 8, 9 and 10 of this policy. The Council's Planning Policy section support this view. It is also of note that the Rural Plan Working Group have objected to the proposal.

5.52 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.

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

5.54 It is considered that whilst the proposal could be considered to comply in principle with HRNP Policy GEN1 given that it is considered to be appropriate development (public infrastructure) in the rural area, Policy GEN1 of the HRNP, as well as a number of other policies within the HRNP (2018), namely GEN2, EC1, 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.

5.55 Policy EC1 (Development of the Rural Economy) of the HRNP (2018) states that the development of the rural economy will be supported through:

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

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

5.57 HRNP Policy EC1 sets out that development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure. Whilst improvements to technology and communications infrastructure will be supported to facilitate the development of businesses in the area, all proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

5.58 It is considered that the proposed Synchronous Condenser does not meet any of the options outlined by Policy EC1 of the HRNP, given that it would not contribute to the economy of the Rural Area.

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

5.60 In view of the above considerations, it is considered that the principle of the proposed development is in conflict with a number of key policies of both the HLP and HRNP.

*Classification of the land*

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

*Planning policies relating to renewable energy development*

5.62 Notwithstanding the above, it is acknowledged that local and national planning policy give significant support to the development of renewable energy infrastructure.

5.63 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.

5.64 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 that seek to regulate the frequency and voltage of the electricity network, this policy supports the achievement of wider environmental and economic benefits from low carbon energy infrastructure.

5.65 It is understood that the proposed development would increase resilience by evening out the existing electricity network from Hartmoor substation, however the proposed development does not in itself constitute a proposal for the generation of energy from renewable and low carbon sources.

5.66 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.

5.67 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.

5.68 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.*

5.69 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.

5.70 Notwithstanding this, it is considered that Policies of the HLP (2018) and HRNP (2018), particularly Policy RUR1 and Policy GEN1 respectively, must be given considerable importance and weight.

#### *Balance of policies*

5.71 In weighing up the balance of policies in favour of renewable and low carbon energy related infrastructure against the main policies of constraint (Policy RUR1 and HRNP Policy GEN1), emphasis is placed on balancing any identified potential harms of a proposal against the prospective benefits of renewable and low carbon development. It should be re-emphasised that whilst the proposals would support existing energy infrastructure, they do not in their own right constitute renewable energy.

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

#### *5.73 Benefits*

- The submitted information indicates the proposed development is intended to support the stabilisation of energy as the UK moves toward a net zero target (albeit, the development is not a renewable energy scheme in itself) (environmental)
- The proposed development would provide additional grass, wildflower and native woodland mix planting (environmental)

#### *5.74 Adverse impacts*

- The proposed development would have a detrimental impact on visual amenity and the character of the rural area, both in isolation and when taken cumulatively with developments to the south of the A179, contrary to national and local planning policies (environmental)

- The proposed development would have a potential detrimental impact on the appearance of a main approach into the town, contrary to local planning policy (economic + environmental)
- The proposed development is not a renewable energy scheme in itself (environmental)
- Loss of agricultural land and associated potential ecological impacts (environmental + economic)

#### *Need for the proposed development*

5.75 Despite the details included within the applicant's submitted Planning, Design and Access Statement that the proposal is intended as a response to the National Grid identifying the Hartmoor substation as being a suitable location for grid stabilisation projects as part of the Pathfinder 3 project, Officers maintain doubts regarding the actual need for the proposed development in the location proposed. During the course of considering the proposals, the case officer requested that the applicant submit evidence regarding the need for the development in terms of further justification that the application site has been identified by the National Grid as being a suitable location for the proposed development. To date, the applicant has not submitted any justification for the proposals or evidence from the National Grid as to the suitability of the location of the application site for the proposed development.

#### Principle of Development Conclusion

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

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

5.77 The proposal is outside the limits to development of Policy LS1 of the HLP and Policy GEN1 of the HRNP. Policy RUR1 (Development in the Rural Area) of the HLP 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.

5.78 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 stabilisation 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.

5.79 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.

5.80 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;

5.81 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.

5.82 The HBC Landscape Assessment (2000) describes the topography of the application site and surrounding area as:

*The north western part of the Borough lies at the foot of the Durham plateau, and contains the highest land within the Borough, generally between 90-150 metres AOD, permitting excellent views across the surrounding landscape, the coastline and the Tees Estuary. (p.10)*

5.83 Within 7.4 ‘Undulating Farmland’ section of Chapter 7: Landscape Evaluation of the HBC Landscape Assessment (2000), parts of the farmland is described as being “extremely visually attractive, with surviving examples of ridge and furrow evident in some locations.” The appraisal goes on to list the positive and negative factors of this area.



*Positive factors:*

- Appropriate and aesthetically pleasing sense of scale and enclosure created by hedgerow boundaries and field patterns.
- Boundary hedgerows and tree belts create visual interest and provide a rich tapestry of varied field patterns that contribute positively to the overall character and value of the landscape.
- Generally pleasant view across sprawling, largely unspoilt rural landscape; natural landscape division between urban area and outlying settlements.

*Negative factors:*

- Removal of hedgerows, and subsequent field enlargement, in some locations disrupts aesthetic sense of scale and enclosure, and introduces barren, industrial element into the rural landscape.
- Industrial farm buildings extremely prominent in many areas, with little or no attempt to ameliorate visual impact.

5.84 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 approved and/or 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.

5.85 It is of note that the proposed development would be situated to the north of the A179 trunk road, whilst the southern side (south east of the application site) of the A179 comprises existing and recently approved energy related infrastructure in this area, including a number of transformer structures, as well as a telecommunications mast and electricity pylons. Land immediately to the south of the application site and the A179 remains as open farm land (other than the buildings associated with Whelly Hill Farm). It is therefore considered that the proposal represents further non-agricultural development in this location, which is exacerbated by its proposed siting to the north of the A179.

5.86 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 travelling along the A19 and exiting at the A19 junction (from the north) and along the A179 toward the town centre, and when exiting the village of Hart to adjoin the A179 junction. It is also considered that views will be achieved from the private tracks toward Hart Moor Farm and from permissive pathways and bridleways sited to the west and north of the application site.

5.87 It is acknowledged that landscape mitigation is proposed in the form of hedgerow planting to the north and eastern boundaries, and native woodland planting, primarily to the northern and eastern sections of the application site. The proposals also include proposed wildflower and grass seed planting throughout the application site area. It is acknowledged that the Council's Arboricultural Officer has confirmed no objections in respect of the proposed planting, however it is of note that landscaping can only be controlled/protected for a period of 5 years by way of a planning condition.

5.88 Whilst it is acknowledged that some views of the proposed development would be partially screened by the intervening vegetation, landform, and by the proposed landscaping proposals, it is considered that the proposed development in this location would result in an incongruous set of industrial features within the existing appropriate and aesthetically pleasing sense of scale and enclosure created by hedgerow boundaries and field patterns. The proposed main building would be located within the central part of the field enclosure forming the application site, with the assorted energy structures around this.

5.89 It is considered that the proposed structures would be to the detriment of the existing rich tapestry of varied field patterns that contribute positively to the overall character and value of the landscape in this location, which consists of generally pleasant views across an extensive, largely unspoilt rural landscape and a natural landscape division between urban area and outlying settlements.

5.90 In respect of the proposed planting, whilst it is considered that this may eventually soften the above identified impacts of the proposed infrastructure within the landscape, it is also considered that the proposed landscaping would emphasise the discordant nature of the proposals in the context of the prevailing landscape character, resulting in conspicuous planting in this location.

5.91 The applicant's submitted Landscape and Visual Impact Assessment (LVIA) considers that the application site is not subject to any statutory landscape designations, that power related infrastructure is an established characteristic of the landscape, the local landscape is less sensitive to development than the pre-application advice suggests, the proposals would be less visually intrusive than the existing and recently approved infrastructure to the south of the A179, and that the proposed landscape mitigation measures would assist landscape and visual assimilation that would, in time, fully mitigate any adverse effects identified. The applicant's submitted LVIA concludes that overall the proposals would be compliant with the salient parts of planning policy relating to landscape and visual issues.

5.92 In response, the Council's Landscape Architect has been consulted on the application and has commented that in respect of the submitted LVIA, the conclusion "power related infrastructure is an established characteristic of the baseline landscape" is not considered to accurately reflect the baseline characteristic of land to the North of the A179. Furthermore, the Council's Landscape Architect considers that any proposed mitigation planting would not be effective in the short to medium term. The Council's Landscape Architect also commented that it is disappointing that wire frames have not been produced to place the development in the existing landscape context, and that impacts on the complex of permissive paths adjacent to the west and north of the application site have not been sufficiently assessed through the submitted LVIA.

5.93 Finally, the Council's Landscape Architect has highlighted the local value of the landscape and potential cumulative impacts that would arise from the proposed development together with other nearby proposed and approved energy related infrastructure.

5.94 The Council's Landscape Architect has confirmed overall that the proposed development would result in adverse landscape and visual Impacts and these will be particular impactful to users of the permissive path system.

5.95 Overall, it is considered that the nature, siting and scale of the proposed development would result in a detrimental impact on the visual amenity of the area, the character of the open countryside and the approach into and out of the town and would result in an industrialising / urbanising effect on the open countryside.

5.96 The proposal is therefore considered to be unacceptable in terms of the impact on the character of the area and is contrary to provisions of Policies QP4 and RUR1 of the Hartlepool Local Plan (2018), Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 11, 130 and 174 of the NPPF (2021).

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

5.97 The application site is to the north of the A179 trunk road. 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 Hart Moor Farm (approximately 380m to the north east), Hart Moor Cottages (approximately 400m to the north east), East Grange Farm (approximately 250m to the north west), Whelly Hill Farm (approximately 270m to the south) and High Volts Farm (approximately 850m to the south east). A residential street of Nine Acres is sited approximately 1.3km to the east.

5.98 Given the aforementioned separation distances and intervening boundary treatments as well as the separation of the A179 from the nearest property to the south, it is considered that there would not be an adverse loss of amenity and privacy for such neighbouring properties in terms of loss of outlook, any overbearing impact or overlooking to such an extent as to warrant refusal of the application.

5.99 The Council's Public Protection section has been consulted and has not objected subject to the proposal, subject to conditions controlling hours of construction. Had the application been considered acceptable overall, this could have been secured by planning condition.

5.100 In view of this and given the significant separation distance to neighbouring properties, it is considered that the proposal would not result in undue noise, odour, light pollution or other disturbance to neighbouring land users.

5.101 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

5.102 The application has been supported by a Transport Statement. National Highways have also been consulted on the proposal and have confirmed no objections. The Council's Traffic & Transport section have been consulted on the application and have confirmed that they have no objections to the application, subject to a planning condition securing the submission of a Construction Traffic Management Plan that would include a requirement for construction traffic to turn left out of the access/egress road. Had the application been considered acceptable in all respects, a planning condition would have been recommended to ensure the above noted details are provided and controlled.

5.103 The Council's Countryside Access Officer has been consulted on the application and has advised that whilst 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 above mentioned existing collection of permissive paths sited to the west of the application site which forms part of the Hart Moor Farm public access realm should be maintained and managed.

5.104 The Council's Countryside Access Officer has commented that should there be an opportunity for any possible Green Infrastructure contributions to be considered, then improvements to an existing permissive pathways, to the west, would be encouraged, as it would benefit users of the proposed development and other users that use the walkways, giving 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. Had the application been considered acceptable in all respects, the proposals would have been considered acceptable in this respect.

5.105 Overall, subject to the inclusion of appropriate planning conditions as identified above, the proposal is considered acceptable in respect of highway and pedestrian safety.

## ECOLOGY & NATURE CONSERVATION

5.106 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.

5.107 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.

5.108 The submitted Arboricultural Impact Assessment in support of the proposals concludes that the proposed loss of trees would result in a minor impact, whilst the

proposed protection of retained trees and new planting would result in an overall positive impact over the long term when the new trees would be established. Had the application been considered acceptable, this could have been secured through a condition. The Council's Arboricultural Officer has confirmed no objections in respect of the proposed loss of trees and replacement planting.

5.109 The submitted Preliminary Ecological Assessment in support of the proposals concludes that pre-construction investigation and mitigation is required, in order to protect breeding birds, brown hare and badger.

5.110 The Council's Ecologist has been consulted on the application and has advised that the scheme shows sufficient biodiversity mitigation through the proposed landscaping scheme and had previously confirmed (during the pre-application assessment) that the application did not require a biodiversity metric calculation in this instance. Had the proposal been considered acceptable in all respects, the required measures as detailed in the submitted Preliminary Ecological Assessment and proposed biodiversity mitigation could have been secured by appropriately worded planning conditions.

5.111 Natural England has been consulted on the application and have not provided any comment or objections to the proposed development.

5.112 Overall, it is considered that the proposal would not result in significant adverse impacts on statutorily protected nature conservation sites or landscapes. Had the application been considered acceptable in all respects, the recommendations outlined in the Preliminary Ecological Assessment and Arboricultural Impact Assessment and as detailed in the comments by the Council's Ecologist and Arboricultural Officer could have been secured by planning condition, and the proposal is considered acceptable in this respect.

## FLOOD RISK & DRAINAGE

5.113 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.

5.114 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, subject to the inclusion of a basic surface water management planning condition. Notwithstanding this, the Council's Flood Risk Officer has advised that the proposed drainage design on the submitted Illustrative Outline Surface Water Drainage Strategy is not acceptable, albeit it could be controlled by planning condition if the application was recommended for approval. Had the application been considered acceptable overall, a planning condition would have been recommended accordingly along with an informative to relay the Flood Risk Officer's advice to the applicant.

5.115 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, which could have been relayed to the applicant by informative note, had the application been considered acceptable.

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

#### ARCHAEOLOGY & OTHER HERITAGE ASSETS

5.117 Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology has considered the proposals including the submitted Geophysical Survey and have advised that the Geophysical Survey indicates that the application site is of low archaeological potential and as such further archaeological work would not be required.

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

5.119 The application is therefore considered to be acceptable with respect to the impact on heritage assets and archaeology, had the proposals been considered acceptable in all respects.

#### OTHER PLANNING MATTERS

5.120 It is acknowledged that an objection has raised that the proposal would result in a loss of agricultural land and impact upon food security. It is of note that a significant proportion of the application site is classified as 'Very Good' (Class 2), of the Agricultural Land Classification (ALC) Map, with the site occupying an area of land measuring approximately 2.5 hectares, comprising land classified from Class 2 to Class 3b of the ALC Map. As noted above, this contravenes the requirements of Criterion 10 of Policy RUR1 of the HLP.

5.121 The Council's Flood Risk Officer has confirmed no objections in respect of contaminated land, subject to the inclusion of an unexpected contaminated land condition. Had the application been considered acceptable overall, a suitable planning condition would have been recommended in this respect.

5.122 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 35 year operational life and had the application been considered acceptable overall, a suitable planning condition would have been recommended to secure its removal and the suitable restoration of the site.

5.123 The Tees Valley Minerals Development Plan Document requires details with respect to the management of waste from the site once the building is operational. Had the application been considered acceptable, this could have been controlled by way of a planning condition.

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

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

## RESIDUAL MATTERS

5.126 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.

5.127 Cleveland Fire Brigade have provided generic comments in respect of the proposed development. This is a matter for the Building Regulations regime, however had the application been considered acceptable in all respects, an informative note could have been appended to the decision notice relay this to the applicant.

## CONCLUSION

5.128 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. Notwithstanding this, taking into account the proposed siting, site context and cumulative impact of the proposal together with other energy related infrastructure in the immediate vicinity, on balance, it is considered that the benefits of the proposal would not be so substantial as to outweigh the requirements of Policy RUR1 (of the Hartlepool Local Plan) and GEN1 of the Rural Plan, and therefore it is considered that the principle of the development is not acceptable in this instance.

5.129 It is further considered that the proposed development by virtue of its poor design, scale and siting, would constitute an unsympathetic form of development to the application site to the north of the A179, resulting in a significant adverse impact on the character and appearance of the rural area with unspoiled sequential views across the countryside and coastline, when viewed together with the existing electricity and telecommunications infrastructure in this part of the countryside.

## EQUALITY AND DIVERSITY CONSIDERATIONS

5.130 There is no evidence of equality or diversity implications.

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

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

5.132 There are no Section 17 implications.

### **REASON FOR DECISION**

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

### **RECOMMENDATION – REFUSE**, for the following reasons:

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

### **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=154735>

5.135 Copies of the applications are available on-line:

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

### **CONTACT OFFICER**

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



**AUTHOR**

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

## Hart Moor Farm, Hartlepool



Copyright Reserved Licence No100023390 (2023)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>20.02.2023</b>
	SCALE <b>1:5,000</b>	
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0302</b>	REV

**No:** 6.  
**Number:** H/2022/0428  
**Applicant:** MR DEREK COOPER THE GREEN ELWICK  
HARTLEPOOL TS27 3DS  
**Agent:** GAP DESIGN MR GRAEME PEARSON EDENSOR  
COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK  
ROAD HARTLEPOOL TS26 0QE  
**Date valid:** 20/12/2022  
**Development:** Erection of single storey side/rear extension at ground  
floor with extended patio area, a garden equipment store  
below proposed extension and balcony above proposed  
extension.  
**Location:** THE GHYLL LANE HOUSE THE GREEN ELWICK  
HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

6.2 The following planning history is considered to be relevant to the application site;

HFUL/2000/0452 – Demolition of existing dwelling and erection of new detached house with integral garage. Approved, 08/11/2001.

HFUL/2004/0461 – Erection of a changing room extension in connection with outdoor swimming pool. Approved 26/05/2004.

H/2018/0087 – Variation of condition no.9 (removal of permitted development rights) of planning application HFUL/2000/0452 (erection of new detached dwelling) to allow permitted development rights to be reinstated. Approved 03/07/2018.

## PROPOSAL

6.3 Planning permission is sought for the erection of single storey side/rear extension at ground floor with extended patio area, a garden equipment store below the proposed extension and balcony above the proposed extension.

6.5 The application proposes the erection of a single storey side/rear extension, which would project from the existing southern elevation by approximately 6m, covering a width of approximately 8m. The roof of this proposed extension would facilitate a balcony, which would be accessible from the first floor of the existing main dwelling and the proposed balcony would be enclosed on all sides by an

approximately 1.1m high glazing with brick piers approximately 1.2m in height. The overall height of the proposed extension would be approximately 4m from the existing given ground level (including the brick pillars to enclose the proposed balcony above).

6.6 At ground level, the proposed extension would feature on its rear/south-east elevation a glazed access door and a large four-pane window, the side/south-west elevation would feature a four-pane set of bi-fold doors which would open onto a proposed terrace/patio (approximately 8m in width and approximately 3.2m in length) and the side/north-east elevation would feature two sets of two-pane windows, all windows and doors are proposed to serve a garden room/habitable room. The proposal includes the installation of a terrace which would project off the rear/south-east elevation by approximately 3.3m and cover a width of approximately 6.5m. The works would follow the existing terraced levels with existing steps and levels beyond to remain.

6.7 Due to the difference in levels across the application site, which step down from east (front) to west (rear), in two levels, the proposed single storey side/rear extension includes a lower ground level. This would comprise a small room situated to the western part below the proposed extension, measuring approximately 6m in width and approximately 2m in length, featuring an access door on its west elevation, proposed to serve a garden store/non-habitable room.

6.8 Following the comments and request for a tree survey and arboricultural impact assessment by the Council's Arboricultural Officer, the applicant submitted a report to seek to address these comments which is considered in further detail within the report. No further consultations were undertaken, other than to the Council's Arboricultural Officer, given the nature and detail of the information.

6.9 Amended plans were received during the course of the application to address a number of anomalies on the submitted plans. No further period of consultation was issued in such instances owing to the nature and scale of the changes which are not considered to prejudice any neighbours.

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

## **SITE CONTEXT**

6.11 The application property comprises a detached, two-storey, north facing dwelling, situated down a private access lane off the highway of The Green, within the village of Elwick, in the Rural West ward of Hartlepool. The application site sits outside of the Elwick Conservation Area (approximately 22m to the north). Adjacent the application site to the north is the neighbouring property of Fairways, to the east is a public right of way and beyond that is the neighbouring property of Ghyll View. To the west is the rear garden of the Spotted Cow public house and to the south are agricultural fields.

6.12 The application property is situated on a number of levels with terracing that runs from west to east with 2 sets of steps to account for the change in levels. The host dwelling features an existing single storey rear/south-west offshoot, which features a balcony above and a swimming pool to the west. The application site is surrounded by a number of mature trees to the east, west and south.

## PUBLICITY

6.13 The application has been advertised by way of neighbour letters (5) and a site notice. To date, there have been no responses.

6.14 Background papers can be viewed via the 'click to view attachments' link on the following public access page:  
[https://edrms2.hartlepool.gov.uk/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2022/0428](https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0428)

6.15 The period for publicity has expired.

## CONSULTATIONS

6.16 The following consultation replies have been received:

**HBC Arboricultural Officer:** Lane house is just outside of the boundary of Elwick conservation area and there are no TPO's affecting or abutting the site. On the application form it states that there is no trees on the site that are within falling distance. Upon visiting the site they're are trees to the south and East of the property. The trees to the south are at a much lower level than that of the proposed development and will not be affected at all. The trees to the east of the site on the fence line are close to the proposed development and although may not be affected by the development itself, may be affected by the works surrounding the development and therefore should have some form protection. The applicant would be expected to provide the following:

- Tree survey
- Tree retention/ removal plan
- Tree protection plan shown on a site plan. Including RPA's and protection fencing.
- Arboricultural impact assessment (if the trees are affected)

### Update 27/03/2023 in response to received arboricultural document:

I've had a look at the arboricultural information provided by We Care Tree Care Arboricultural Services, it's important to note that the information supplied does not include the BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations compliant documents and information requested as part of my previous comments. As mentioned in previous comments the trees to the south which are at a lower level are of no concern and only the trees to the north closer to and on the same level of the proposed extension are in question. The information supplied does however provide a basic level of information which is enough to inform

the LPA of the trees on the northern boundary's location and impact in relation to the proposal. The risk to the trees can come from more than just the building of the extension, including storage of materials and compaction to roots which may be caused by during the development. This should be mitigated by the applicant by a tree protection plan (TPP), this TPP can be provided prior to the decision being made or as a condition if deemed suitable. The condition would read similar to the following:

"No development shall take place until a scheme for the protection during construction works of all trees shown to be retained (as detailed in Lane House – Arboricultural Information provided by We Care Tree Care Arboricultural Services, date received by the Local Planning Authority on 24/03/2023), in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.  
In the interests of the health and appearance of the existing trees and the visual amenity of the area."

Update 04/04/2023 in response to tree protection measures:

I've had a look at the amended plan and I'm happy with the proposed tree protection measures, they provide the details needed for the pre commencement condition and so the condition can be worded to control them to adhering to the details on that plan and the arboricultural information.

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

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

In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

Policy HE3 of the Local Plan has regard for the setting of conservation areas.

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

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

The proposal is the erection of a single storey side/rear extension at ground floor with extended patio area, a garden equipment store below the proposed extension and balcony above it.

The house is substantial modern dwelling. It is considered that the additional are within the character of the host dwelling and therefore will not impact on the significance of the setting of the conservation area.

**Rural Plan Working Group:** Thank you for consulting Hartlepool Rural Plan Group regarding the above application. The application site is within the development limits of Elwick village. The property is adjacent to but outside Elwick Conservation Area and is not subject to the article 4 direction in force in Elwick.

The property which is the subject of this application is a relatively modern addition to the village. Although adjacent to the Conservation Area the location is such that it is not obviously visible from the heritage area. The proposed extension is modest in scale compared to the host building and is intending to use materials to match the existing property. The Rural Neighbourhood Plan Group therefore has no objection to this application.

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

**HBC Landscape Architect:** While there are no landscape and visual issues with the proposed development, a construction phase tree protection methodology should be provided.

**Tees Archaeology:** Thank you for this consultation, we have no comment on this.

**Clerk to the Parish Council of Elwick:** Thank you for consulting Elwick Parish Council on this application. Parish Councillors have no objection to the proposals but would reiterate, and support, the comments of the HBC Arborculturist, regarding the protection of the trees to the side of the property.

**HBC Building Control Manager:** I can confirm that a Building Regulation application is required for Erection of single storey side/rear extension at ground floor

with extended patio area, a garden equipment store below proposed extension and balcony above proposed extension.

**Civic Society:** no comment received.

## PLANNING POLICY

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

### Local Policy

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

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

### Hartlepool Rural Neighbourhood Plan 2018

6.19 The following policies in the adopted Rural Plan 2018 are relevant to the determination of this application:

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

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

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



doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

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

## **PLANNING CONSIDERATIONS**

6.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the application property and the surrounding area (including the adjacent Conservation Area), the impact on neighbour amenity, the impact on trees and any other material planning considerations.

### **IMPACT ON THE CHARACTER AND APPEARANCE OF THE APPLICATION PROPERTY AND THE SURROUNDING AREA (INCLUDING THE ADJACENT CONSERVATION AREA)**

6.22 When considering any application for planning permission that affects a conservation Area, the 1990 Act requires a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197 NPPF).

6.23 Further to this, at a local level, Policy HE3 of the Hartlepool Local Plan (2018) states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a

constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas. These requirements are reflected in the relevant policies (GEN2, HA1 & HA2) of the adopted Hartlepool Rural Neighbourhood Plan (2018).

6.24 As identified in the comments received from the Council's Head of Heritage and Open Spaces above, the application property is located outside of the Elwick Conservation Area, which is situated approximately 22m to the north. The application property is a substantial modern dwelling and the proposal is for an extension to the side/rear with associated works. The Council's Head of Heritage and Open Spaces considers that the proposed development is in keeping with the character of the host dwelling and will therefore not impact upon the setting of the conservation area. The proposal is therefore acceptable in this respect.

6.25 The proposed extension would project off the south side/rear elevation of the main dwelling and would not extend beyond its east or west elevations or above the roof of the main dwelling. The application property is bounded on its east boundary by a row of trees (approximately 3m-5m high) and a close board timber fence (approximately 1.9m high). Owing to the relationship to neighbouring properties and boundary treatment screening, the proposed extension and associated works would not be readily seen when viewing the principal elevation of the application property, or from the surrounding street scene or conservation area.

6.26 In terms of views to the proposal from the south and the wider rural area, the proposed development would be read against the backdrop of the existing main dwelling, as such it is considered that the proposed development would not have any adverse impacts on the wider rural area or views from the south.

6.27 The proposed extension, including the balcony above and store room at the lower ground level are considered to be of a relatively modest scale, design and layout, which respect the proportions of the host dwelling and the application site as a whole. This view is furthered through the proposed use of finishing materials and fenestration which would match existing on the main dwelling. The application includes the installation of a patio area to the south of the proposed extension, which is considered to be a modest addition to the host dwelling. There are no substantial proposed changes to the existing terracing/levels to the side and rear of the host dwelling. Therefore it is considered that owing to the scale, use of matching materials and overall design, the proposed extension would not result in an adverse impact on the character and appearance of the application property or the surrounding area, including the adjacent conservation area.

6.28 The Council's Landscape Architect has raised no landscape and visual issues with the proposed development. The Hartlepool Rural Plan Group have also commented on the application and consider the proposed extensions to be of a modest scale compared to the host building, which would use materials to match existing, as such they have no objection to the application.

6.29 Overall, the proposed scheme is considered to be acceptable with respect to its impact on the character and appearance of the existing property and surrounding

conservation area, including according with Policies HE1, HE3, QP4 and HSG11 of the Hartlepool Local Plan, Policies GEN2, HA1 and HA2 of the Hartlepool Rural Neighbourhood Plan (2018) and the relevant paragraphs of the NPPF (2021).

## IMPACT ON NEIGHBOUR AMENITY

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

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

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

### Impact on Fairways and Levenvale (north)

6.32 Immediately adjacent to the application site to the north is the neighbouring residential dwelling of Fairways. This neighbouring property is a two-storey, detached property that is situated further west from the main rear/south-west elevation of the application property. The rear/west elevation of this neighbouring property features at lower ground floor level a set of French doors, with glazing either side (serving a living room/habitable room) and a two-pane window (serving a kitchen-diner/habitable room). At ground floor, the rear/west elevation features a four-pane window and a two-pane window (both serving a living room/habitable room). At first floor, the rear/west elevation features a three-pane dormer window (serving a bedroom/habitable room). The side/south elevation at ground floor features 2no. small single pane windows (both understood to be secondary living room windows with the main fenestration serving the living room on the rear/west elevation). (The windows were identified by the case officer on site visit which correlate with the most recent planning history for this neighbouring property, which was for a single storey rear extension and dormer windows to front, reference H/2012/0196, decision date 15/06/2012). The boundary treatments at ground floor level along the north boundary of the patio comprise an approximate 1.2m high brick wall. The boundary treatments at the lower ground floor level along the north boundary comprise an approximate 0.6m high retaining wall and an approximate 1.4m high close board timber fence, resulting in an overall approximate 2m high boundary treatment.

6.33 The proposed extension and proposed balcony would have an oblique separation distance to the shared boundary of approximately 10m, an oblique separation distance of approximately 10.9m to the nearest window (side/south ground floor elevation) of Fairways (as a result of the neighbouring property's rear

elevation projecting further west of the host property) and approximately 11.5m to the immediate outdoor private amenity space serving Fairways.

6.34 In terms of privacy, the proposed extension would feature a balcony above its roof, which would be enclosed by an approximate 1.1m high glazing with pillars on its west, south and east elevations. Due to the separation distances and elevated position of the proposed balcony and associated low boundary enclosures, the case officer raised concerns that the proposed balcony had the potential to result in a loss of privacy and a perception of overlooking towards this neighbouring property's private rear amenity space and windows in its side/south elevation (which are understood to serve a habitable room).

6.35 As a result, the officers concerns were raised with the applicant's agent and it was requested that the glazing/screening on the west elevation of the proposed balcony be increased in height to approximately 1.8m and be obscurely glazed, to screen potential views towards this neighbouring property to the north. The applicant's agent did not wish to provide amended plans to increase the height of the glazing, commenting that the host property is already served by existing balconies and a 'loggia' (partially enclosed first floor balcony) and its established relationship to the neighbouring property. The application has therefore been considered accordingly.

6.36 Notwithstanding the officer concerns, consideration is given to the existing balcony situated to the west/rear elevation of the main host dwelling above a single storey rear extension and therefore sits above the adjacent boundary and rear garden to Fairways, as well as the 'loggia' on the west and south first floor elevations at the application property, which in effect create a partially enclosed balcony that also appears to offers views towards the rear and side elevations (and rear garden area) of Fairways.

6.37 As such, it is a material planning consideration that such an identified potential impact and relationship is considered to already exist between the two properties. It is also of consideration that the proposed balcony would be situated further away than the existing balcony and loggia from this neighbouring property and would be at a similar elevated position as the existing 'loggia' (albeit the proposal would have a lower enclosure and be more 'open'), therefore it is considered that the existing overlooking that is presently achievable towards this neighbouring property is unlikely to be worsened to an unacceptable degree that would warrant a reason to refuse the application. Finally, consideration is given to the oblique separation distances that would remain between the two properties.

6.38 On balance, and in view of the above, it is considered that the proposed balcony would not result in an unacceptable loss of privacy in terms of direct overlooking or a perception of overlooking for existing and future occupiers of Fairways as to warrant a reason to refuse the application in this instance.

6.39 In terms of the proposed extension, this would feature glazed windows and doors on its west, south and east elevations. The proposed windows on the west elevation would have an oblique relationship with the identified windows and immediate private outdoor amenity space of the neighbouring property of Fairways,

in addition to partial screening provided by the existing boundary treatments along the shared boundary.

6.40 In addition to these windows and doors on the west elevation, the application includes a store room at lower ground floor level which would feature an opening proposed to serve a store room (considered non-habitable room). It is considered that this opening would have an oblique relationship with the identified windows and immediate private outdoor amenity space, in addition to being screened by intervening boundary features. Furthermore it would serve a non-habitable room. In terms of the proposed windows on the south and east elevations these would not achieve views towards this neighbouring property as result of the screening provided by the existing host dwelling.

6.41 Therefore and in view of the above, the proposed extension, including the lower ground floor extension, it is considered that these elements would not result in any adverse loss of privacy for the neighbouring property in terms of overlooking and a perception of overlooking.

6.42 In terms of the proposed patio which would project to the south and be accessed from the proposed extension and set of external steps, this element would be set away (to the east) of the side/west elevation of the proposed extension and away from the shared boundary to Fairways. As such, and taking account the presence of the existing single storey extension serving the host property and the existing boundary treatment, it is considered that the proposed patio element would not result in an adverse loss of privacy in terms of overlooking or a perception of overlooking on this neighbouring property.

6.43 In terms of amenity considerations of overbearing, overshadowing and loss of outlook, the proposed development would project to the south of the main host dwelling and would not project beyond its west or east elevations, or above its roof. In turn the proposals would not project beyond the front (east) or rear (west) elevations of Fairways (north). Furthermore, in addition to this oblique relationship, the proposed development would have a separation distance to the shared rear boundary of approximately 10m. Therefore, it is considered that the proposed development would not result in an adverse impact on the amenity of this property in terms of overbearing, overshadowing and loss of outlook for this neighbouring property.

6.44 Beyond the neighbouring property of Fairways to the north, is the residential dwelling of Levenvale. A separation distance of approximately 23.7m would remain between the proposed extension and the side/south boundary of Levenvale. Due to this satisfactory separation distance, the screening provided by the host dwelling and the neighbouring property of Fairways (and its intervening garden), it is considered that the proposal would not result in an adverse impact on the amenity and privacy of the existing and future occupants of Levenvale in terms of overbearing, overshadowing, loss of outlook and overlooking.

#### Impact on Ghyll View and The Ghyll (east)

6.45 To the east of the application site are the neighbouring properties of Ghyll View and The Ghyll, both detached, west facing dwellings. A separation distance from the nearest element of the proposed extension (with balcony above) to the front/west elevation of The Ghyll of approximately 34m would remain. A separation distance from the proposed extension (with balcony above) to the front/west elevation of Ghyll View of approximately 40m would remain.

6.46 In addition to this satisfactory separation distance which accords with the requirements of Policy QP4 and the Residential Design Guide SPD, the proposed development would be partially screened by the row of mature trees along the application properties east boundary whilst any views would primarily be across the access and driveways serving these properties as opposed to their private rear garden/amenity areas. Due to these reasons, it is considered that the proposed development would not result in an adverse impact on the amenity and privacy of the existing and future occupants of Ghyll View and The Ghyll in terms of overbearing, overshadowing, loss of outlook and overlooking.

#### Impact on the Spotted Cow public house (west)

6.47 To the west of the application site is the Spotted Cow public house, whose car park adjoins the rear/west boundary of the application site. The main building of the Spotted Cow is situated to the north, adjacent to the highway of The Green, as such has a separation distance to the proposed extension of approximately 50.5m. In light of this satisfactory separation distance, which accords with the requirements of Policy QP4 and the Residential Design Guide, the proposed development is considered that it would not result in an adverse impact on the amenity and privacy of the Spotted Cow public house in terms of overbearing, overshadowing, loss of outlook and overlooking.

#### Impact on land users to the south

6.48 To the south of the application site are agricultural fields and areas of woodland. The proposed development would remain within the curtilage of the application site and would not extend beyond its boundaries. Therefore it is considered that the proposed development would not result in an adverse impact on the amenity and privacy of the existing and future land users to the south in terms of overbearing, overshadowing, loss of outlook and loss of privacy.

### IMPACT ON TREES

6.49 The application site benefits from a number of trees to the east, south and west, within and outside of its curtilage. During the course of the application, the Council's Arboricultural Officer requested a number of documents and plans to consider the potential impact of the proposed development upon these existing trees, particularly those to the east at the same level as the proposed development, as the trees to the south are at a lower level and are not considered to be affected by the proposed development. This requirement was echoed by the comments of the Council's Landscape Architect and supported by Elwick Parish Council's comments.

6.50 The applicant provided a brief document identifying the trees within and surrounding the application site, although this did not go into any detail of how the trees would be protected during the works for the proposal. The Council's Arboricultural Officer confirmed that these details provided a basic level of detail and was satisfied that tree protection measures could be secured by a pre-commencement planning condition.

6.51 However, the applicant's agent subsequently provided an amended site plan indicating the tree protection zone, which would be enclosed by a protective fence. The Council's Arboricultural Officer reviewed the plan illustrating the tree protection zone and confirmed that the protection measures are acceptable. In light of this, a planning condition is recommended, ensuring that these protection measures are adhered to during the construction of the proposed development.

6.52 Subject to this condition, the proposed development is considered acceptable in terms of its impact on trees.

#### OTHER PLANNING MATTERS

6.53 Tees Archaeology have been consulted on the application and have no comments to make on the proposed development. The proposal is therefore considered to be acceptable in this respect.

6.54 The Council's Flood Risk Officer has been consulted on the application and has confirmed that he has no objections to the proposals in respect of surface water management or contaminated land. Therefore, the application is considered acceptable in respect of such matters.

#### CONCLUSION

6.55 In summary, the application is considered to be acceptable with respect to the abovementioned material planning considerations and in broad accordance with policies HE1, HE3, QP4 and HSG11 of the Hartlepool Local Plan Policies GEN2, HA1 and HA2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 11, 126 and 129 of the NPPF (2021). The application is therefore recommended for approval, subject to the planning conditions below.

#### EQUALITY AND DIVERSITY CONSIDERATIONS

6.56 There is no evidence of equality or diversity implications.

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

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

6.58 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – APPROVE for the following reasons:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and details: Dwg no. 2140.P.01 Rev B (in so far as the Location Plan at a 1:1250 scale only) received by the Local Planning Authority on 20th December 2022; and Dwg no. 2140.P.01 Rev D (Existing and Proposed Plans and Elevations, Block Plans & Location Plan) received by the Local Planning Authority on 3<sup>rd</sup> April 2023.  
For the avoidance of doubt.
3. Prior to any equipment, machinery or materials being brought onto the site for the purposes for the development, the tree protection measures identified in Dwg no. 2140.P.01 Rev D (Existing and Proposed Plans and Elevations, Block Plans & Location Plan) received by the Local Planning Authority on 3<sup>rd</sup> April 2023, 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.
4. The external materials used for this development shall match those of the existing dwelling.  
In the interests of visual amenity.

## BACKGROUND PAPERS

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

[https://edrms2.hartlepool.gov.uk/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2022/0428](https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0428)



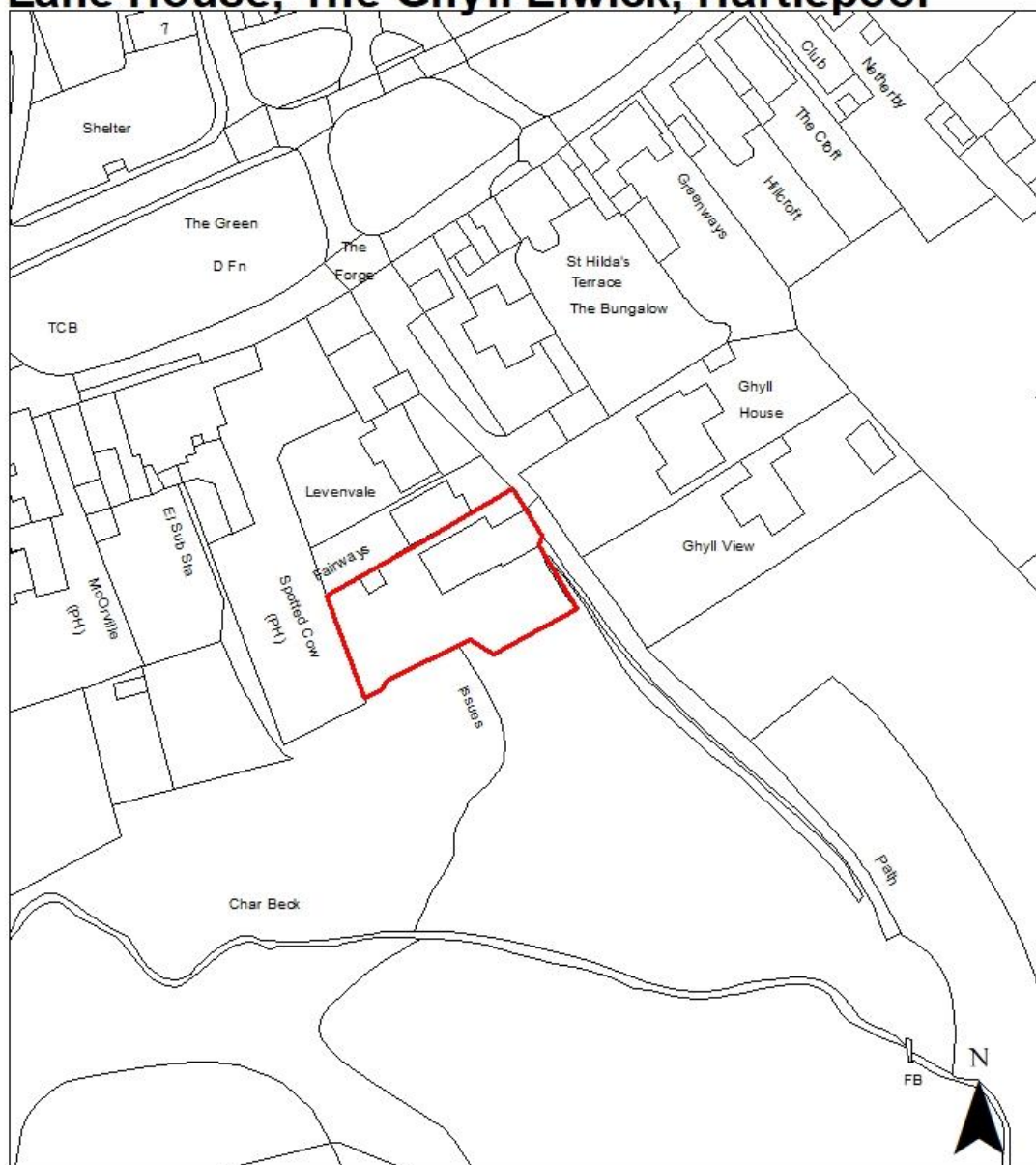
## CONTACT OFFICER

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

## AUTHOR

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

## Lane House, The Ghyll Elwick, Hartlepool



Copyright Reserved Licence No100023390 (2023)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>03.04.2023</b>
	SCALE <b>1:1000</b>	
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0428</b>	REV

**No:** 7.  
**Number:** H/2022/0454  
**Applicant:** MRS S CAWTHORNE GRANGE ROAD HARTLEPOOL  
TS26 8JB  
**Agent:** JOHN TAYLOR ARCHITECTS LTD MR JOHN TAYLOR  
THE STUDIO 64 HIGH WEST ROAD CROOK DL15 9NT  
**Date valid:** 27/01/2023  
**Development:** Proposed conversion/change of use from children's  
nursery to four residential units (1 x 1 bedroom, 2 x 2  
bedroom and 1 x 3 bedroom apartments)  
**Location:** 22 GRANGE ROAD HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

7.2 The following applications are considered relevant to the current proposals:

H/2007/0681 – Alterations and change of use from doctors surgery to provide 5 self-contained studio apartments, refused by the LPA on 31.10.2007 on the grounds of the impacts on car parking in area.

The application was subsequently allowed at appeal on 21/08/2008 (appeal ref APP/H0724/A/08/2070532), the Inspector commenting “that the site is sustainable in transportation terms, and may well suit families without access to private cars”. It is understood that this permission was not implemented.

It is further understood that the use of the building changed from a doctor’s surgery to a children’s nursery circa 2010 which was a permitted change of use.

H/2010/0401 - Rebuild rear wall due to partial demolition of single storey off shoot, installation of patio doors and window and provision of astro turf to rear yard, approved 19.08.2010.

H/2010/0502 - Provision of railings on top of existing front boundary wall, re-surfacing of the front garden with Astro turf and the provision of fencing to provide a bin store (amended description), approved 16.11.2011.

H/2016/0302 - Change of use of roof space to additional classroom, confirmed 26.07.2016 as being permitted development.

H/2019/0384 - Change of use from children's nursery to four residential units. Approved 20/12/2019. It is understood that this permission was not implemented and therefore lapsed in December 2022.

## **PROPOSAL**

7.3 Planning permission is sought to change the use of the property from a children's nursery to four self-contained residential flats at 22 Grange Road. It is proposed that there would be a two-bedroom and a one-bedroom flat on the ground floor, a three-bedroom flat on the first floor and a two-bedroom flat on the second floor.

7.4 The proposal will include internal works to facilitate the proposed residential accommodation. In terms of external alterations, the proposal includes the replacement of existing rooflights with 3no. emergency escape rooflights which are to be of similar appearance to the existing rooflights (2 would be replaced to the front to serve the living room and bedroom 1, and 1 to the rear to serve bedroom 2 as verbally confirmed by the applicant's agent). The amended submitted plans indicate that there is an area for waste storage at the rear of the property within an enclosed yard area.

7.5 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**

7.6 The application site is a mid-terraced property located on the northern side of Grange Road, to the west of the junction with Grosvenor Street. The application property is currently in use as a children's nursery. The surrounding properties are predominantly residential and comprise 2 and 3 storey terraced dwellings. The property is situated within the Grange Conservation Area.

## **PUBLICITY**

7.7 The application has been advertised by way of neighbour letters (16), site notice and press notice. To date, five objections have been received.

7.8 The objections/concerns raised can be summarised as follows:

- Issues of parking,
- Proposal has been rejected before,
- Noise nuisance,
- Rented flats would be detrimental to the area,
- Loss of privacy,
- Issues during works to property.

7.9 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=156242>

7.10 The period for publicity has expired.

## CONSULTATIONS

7.11 The following consultation replies have been received:

**HBC Traffic & Transport** - The site does not provide any off street parking, a resident permit scheme is in operation on the opposite side of the road which residents would be able to apply. The current use as a nursery would generate more parking demand and traffic movements than the proposed use.

The site is located close to the town centre and within walking distance of public Transport. It is anticipated that in general residents would exhibit low car ownership levels.

There are therefore no objections to this proposal.

**HBC Head of Service (Heritage and Open spaces)** - The application site is located in the Grange Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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

The Grange Conservation Area. It is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

The proposal is the change of use of a property which is currently used as a childrens nursery to four residential units. In order to facilitate these works three rooflights are proposed. The application has previously been submitted and approved in its current form.

It is considered that the proposal will not impact on the significance of the designated heritage asset. No objections.

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

The working hours for all construction/building activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.

The delivery and despatch of goods to and from the site shall be limited to the hours of 8am and 6pm on Mondays to Fridays, 9am and 1pm on Saturdays, and at no time on Sundays or Public Holidays.

Adequate sound insulation measures should be provided and maintained to the proposed residential units to ensure a good internal noise level in habitable rooms not exceeding 30dB LAeq8hr (between the hours of 23.00 - 7.00hrs).

All windows should be well sealed when closed and ventilation should be available via window or wall mounted sound attenuated vents that will provide sufficient ventilation whilst not compromising sound insulation.

Specification for glazing to habitable rooms should meet the requirements of the table below

#### Glazing Configuration

(Glass/Cavity/Glass Level dB(A)	Noise Reduction Range dB(A)	Resultant Internal Noise
10mm/200mm/6mm (Secondary)	~48 ~26	Very Good Internal Noise
16.8mm/16mm/16.8mm (both Optilam)	~45 ~29	Good Internal Noise
6mm/150mm/4mm (secondary)	~42 ~32	Good Internal Noise

Sound attenuated ventilation units to provide adequate ventilation without recourse to open windows to noisy facades should be incorporated. This will require trickle vents to provide a sound reduction of 48dB (Dne w) or better.

Prior to the development being brought into permitted end use, a scheme which outlines the proposed sound insulation measures and scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the individual flats and adjoining properties to be implemented between these dwellings shall be submitted to and approved in writing by the Local Planning Authority.

ProPG: Noise and Planning document specifically addresses schemes with incompatible room design which have the potential to cause disturbance. The

approved scheme shall be completed prior to the end use of the development and shall thereafter be retained.

No open burning shall take place at any time on site.

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

**HBC Ecology – Received 13/03/2023**

Please find the HRA for the proposed development – no LSE at Stage 1.

A nutrient neutrality statement was submitted by the applicant which I agree with. There is no need to consider this within the HRA based on the result.

Given the nature of the development and its location, there will be no adverse impact on the designated site.

Report title or other information source description	Report title or other information source description
Bat Assessment	Submitted to satisfaction

*Are any of the above impacts likely to result in significant effects?*

No – This proposal is to convert an existing nursery into 4No self-contained residential units, however the proposal are 1.7km of the nearest section of the Ramsar site and in an existing urban area. The footprint of the building will not increase.

**Habitats Regulations Assessment (Stage 1, Screening) – in respect of nutrient neutrality (conclusion of Stage 1 Assessment)**

Based on the assessment of available information it can be concluded that there are not likely to be significant effects on the National Site Network.

**HBC Community Safety –** No comments received.

**Cleveland Police** - These type of premises have the potential to have an increased risk of crime and disorder which can have an adverse impact on nearby residents the key to such risk is linked to the type of residents who reside there. It is important therefore to carrying out vetting of proposed tenants and good management of the premises is put in place.

Secure access control should be in place to the main entrance it is important that all entrance doors including internal flat doors deter unauthorised entry doors and accessible windows that are certified to PAS24 2016 would provide this Secure bin storage and mail delivery needs to be provided Security lighting to all entrance doors should be provided along with CCTV to entrance doors and any assessable windows

**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 1 Section B5 Table 13.1. & AD B Vol 2 Section B5 Table 15.2.

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

**HBC Building Control** - I can confirm that a Building Regulation application will be required for 'conversion/change of use from children's nursery to four residential units (1 x 1 bedroom, 2 x 2 bedroom and 1 x 3 bedroom apartments)'.

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

## PLANNING POLICY

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

### Local Policy

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

HE1: Heritage Assets

HE3: Conservation Areas

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

SUS1: The Presumption in Favour of Sustainable Development

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

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



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

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

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA189: Conserving and enhancing the historic environment

PARA194: Conserving and enhancing the historic environment

PARA195: Conserving and enhancing the historic environment

PARA197: Conserving and enhancing the historic environment

PARA199: Conserving and enhancing the historic environment -Considering potential impacts

PARA218: Implementation

**7.15 HBC Planning Policy** – No objection to the proposal.

## **PLANNING CONSIDERATIONS**

7.16 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, the amenity of neighbours, highway safety and parking, the impact of the character and appearance of the surrounding area including the conservation area, ecology and any other planning matters. These and any other matters are set out in detail below.

## **PRINCIPLE OF DEVELOPMENT**

7.17 Although close to the town centre, the area immediately surrounding the application site is predominantly residential in character. As such, the proposed change of use to flats would be in keeping with the wider area and would be located within a sustainable location close to shops and services. Furthermore, HBC

Planning Policy have raised no objections to the proposal, confirming that the provision of the new flats would go towards meeting the required need for this type of dwelling in the town centre in line with the Council's Strategic Housing Market Assessment.

7.18 It is noted a previous planning application for the same development was approved at Planning Committee in 2019. This permission was not implemented and recently lapsed albeit this remains a material planning consideration to the assessment of this application.

7.19 As such the principle of development is considered to be acceptable subject to the scheme satisfying other material planning considerations as set out below.

#### IMPACT ON AMENITY OF NEIGHBOURING PROPERTIES + FUTURE OCCUPIERS

7.20 Objections received raise concerns regarding the impact on the privacy and amenity of neighbouring properties including in terms of noise disturbance.

7.21 In response, a children's nursery is considered to have the potential to be a relatively intensive use with regular comings and goings, and that it has the potential to be disruptive to amenity in an area that is predominantly residential in character. By comparison, flats, as proposed, are considered to be a less intensive use and therefore it is considered that the proposed conversion would be unlikely to give rise to any significant noise and disturbance issues.

7.22 Furthermore, the Council's Public Protection team have raised no objection to the scheme subject to conditions to secure adequate soundproofing and to limit hours of construction. With respect to their detailed recommended planning condition for sound insulation (and other associated measures to include treatment to windows), it is considered that such a worded condition (and requirement) with reference to different sound levels (and measures to windows) would fail to meet the 'tests' of a planning condition as set out in the NPPF (2021), namely that it is not precise or reasonable. It could also be argued that such a condition is not 'necessary' either given that such measures would ordinarily be considered through the requirements of a building regulations application (including requirements for any ventilation to windows etc). As such, a precise and simplified planning condition to secure details of sound insulation measures between the proposed flats and adjoining properties is recommended and is considered to satisfy the request of HBC Public Protection. Such wording is also consistent where such a condition has recently been applied to similar applications in the Borough. Subject to the identified planning conditions, it is considered that the proposal would not result in an adverse loss of amenity for existing neighbouring properties or future occupiers of the proposed flats in terms of noise disturbance.

7.23 Whilst the proposal does not include any notable external alterations (other than replacement rooflights), the proposal would change the use and nature of a number of existing rooms in the building to habitable rooms (such as bedrooms and living rooms) to serve the proposed flats; such windows are primarily located in the front and rear elevations of the buildings. With respect to the windows in the front

elevation (south) these would achieve the minimum separation distance of approximately 20m (as required by Policy QP4 and the Council's Residential Design Guide Supplementary Planning Document) from the properties to the south of the site (9-11 Grange Road) with the presence of a busy highway in between and is therefore acceptable to achieve an acceptable level of amenity and privacy for existing properties and future occupiers.

7.24 With respect to windows in the rear/north elevation, the proposed ground floor windows would primarily look onto and be enclosed by the boundary wall. Windows in the main first floor rear elevation and upper floor (second) roof would be positioned approximately 12m from the single and two storey off shoot extensions to the rear of No's 79 and 81 Milton Road (north) and approximately 16m from the main rear elevations of these properties with the presence of an alleyway in between. A two storey element also projects beyond the rear of the main building that would continue to serve as a non-habitable room/area at first floor level (proposed to be communal storage). This element features 2 windows in the north/rear elevation and is located approximately 9m from the two storey off shoots serving the aforementioned neighbouring properties. Such distances would be contrary to the required 20m distance as set out in Policy QP4 of the Local Plan and the Council's Residential Design Guide SPD (primarily the distance to the windows in the main rear elevation of the neighbouring properties as it is understood that there are no windows in the gable ends of the off shoot elements to the rear of both neighbouring properties).

7.25 Notwithstanding this, in view of the establishing siting of the building (and windows), the aforementioned remaining separation distances to neighbouring properties that are a characteristic of this area (i.e. back to back terraces), and that it is understood that there are no windows in the rear (south) elevations of the off shoot elements serving 79 and 81 Milton Road, it is considered, on balance, that the proposals would not result in a significant adverse impact on the privacy of neighbouring properties in terms of overlooking as to warrant a refusal of the application.

7.26 The existing projecting two storey extension to the rear of the host property features a single window in the first floor side elevation. This would primarily look onto the blank two storey side elevation of No 24 Grange Road and given that the window would continue to serve a non-habitable room (communal storage, previously used as toilets), it is not considered that the proposal would result in an adverse loss of privacy for the neighbouring property.

7.27 As noted above, the proposals do not include any proposed external alterations other than replacement rooflights (to serve habitable and non-habitable rooms of the proposed upper floor flat). The submitted information indicates that this would be the replacement of 3no. rooflights with 3no. emergency escape rooflights. Given the established siting of the building, the position of the existing and replacement rooflights within the roof (on a like for like scale and siting) and relationship to adjoining properties, in addition to the aforementioned separation distances and relationships to the properties to the front and rear, it is considered that the proposals would not adversely affect existing separation distances to adjacent properties or result in an unacceptable loss of amenity or privacy for

surrounding properties in terms of outlook, overbearing, overshadowing and overlooking.

7.28 Furthermore, it is considered that there would be no direct views between windows serving the three flats themselves. The site also features an enclosed rear yard that would provide access to all three of the proposed flats thereby providing external amenity space.

7.29 In view of the above considerations, it is considered that the proposal would not result in a significant adverse loss of amenity and privacy for neighbouring land users or future occupiers of the flats in terms of loss of outlook, overbearing, overshadowing and overlooking.

#### HIGHWAY SAFETY AND PARKING

7.30 The existing use of the premises as a day nursery is likely to generate higher vehicle trips and demand for parking than the proposed four residential units, as noted by HBC Traffic and Transport. As such, the proposed development is unlikely to worsen any existing highway safety or parking concerns in the area. In addition, the site is within a short walking distance of the town centre and associated services and public transport links and therefore any future occupants would not be reliant on the use of a car.

7.31 As such, it is considered the proposed development would not have a significant impact on highway safety or parking, this is reflected in the response of no objections from the Council's Traffic and Transport team. The proposed development is therefore considered to be acceptable in this respect.

#### CHARACTER + APPEARANCE OF THE CONSERVATION AREA + EXISTING BUILDING

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

7.33 At a local level, Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

7.34 The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

7.35 As identified in the comments received from the Council's Head of Service for Heritage and Open Spaces above, the principle of the proposed change of use is not considered to be detrimental to the character of the conservation area. Whilst the

proposal includes the replacement of existing rooflights, it is considered there would not be any impact on the character and appearance of the conservation area and the Council's Head of Service for Heritage and Open Spaces has confirmed no objections to the proposal. Furthermore, the proposed use as flats is considered to be appropriate for this location and would not adversely affect the character and appearance of the existing building and the surrounding area. The proposed development is considered to be acceptable in this respect.

## ECOLOGY

7.36 The Council's Ecologist has been consulted on the application and has raised no concerns or objections to the proposed development. The Council's Ecologist has completed a stage 1 Habitat Regulation Assessment (HRA) to consider any Likely Significant Effects (LSE) on the Teesmouth & Cleveland Coast SPA (and Ramsar) arising from nitrate enrichment and increased recreational disturbance.

7.37 The HRA Stage 1 screened out any LSE from nutrients and recreational disturbance and no further assessment is required. The Council's Ecologist has also confirmed that the submitted bat information is acceptable. Overall, the proposal is considered to be acceptable in respect to ecology matters.

## OTHER PLANNING MATTERS

7.38 Cleveland Police have been consulted on the application and whilst not objecting, they have made some recommendations to improve security, which have been relayed to the applicant and can be secured as an informative. No objections or comments have been received from HBC Community Safety and Engagement.

7.39 The Council's Flood Risk Officer has raised no objections or requirements to the proposal with regards to drainage or contaminated land.

7.40 Comments have been received from neighbouring properties regarding the storage of waste. The existing property (and proposed flats) would be served by an enclosed yard area to the rear which can accommodate waste storage facilities, for both waste and recycling, which has been indicated on a submitted plan. The Council's Waste Management team have been consulted and no response or objections have been received. However, as details have been given for waste storage these details can be secured by appropriate condition.

## RESIDUAL MATTERS

7.41 With respect to objector concerns regarding the proposed flats being rented rather than owner occupied and that this would have a detrimental impact on the wider area this is not a material planning consideration nor is property devaluation.

7.42 With respect to the request from HBC Public Protection to condition no open burning, this is a matter that can be controlled through separate environmental legislation and is therefore not recommended in this instance.

7.43 Cleveland Fire Brigade has been consulted and has provided advice in respect of the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. An informative note to make the applicant aware of this advice has been recommended accordingly although these are principally Building Regulations matters and therefore this would be dealt with through the Building Regulations process accordingly.

## CONCLUSION

7.44 The proposed development would see the change of a property currently in commercial use to a residential use in a broadly residential area. In principle, this use is considered to be acceptable. It is considered that the proposals would be acceptable in all planning respects for the reasons detailed in the report and as such the officer recommendation is to approve subject to the conditions identified below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

7.45 There is no evidence of equality or diversity implications.

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

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

## REASON FOR DECISION

7.47 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: 22 52 02 (Proposed Plans & Elevations) received by the Local Planning Authority on 30/11/2022; Site Location Plan @ 1:1250 scale received by the Local Planning Authority on 04/01/2023; and Dwg No: 22 52 03 Rev A (Existing and Proposed Block Plan) received by the Local Planning Authority on 10.03.2023.  
For the avoidance of doubt.
3. Prior to the development hereby approved being occupied, a scheme demonstrating suitable sound insulation measures between the proposed individual flats and adjoining properties (No's 20 and 24 Grange Road) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and following the

written agreement of the Local Planning Authority, the sound insulation scheme as approved shall be implemented in full prior to the occupation or completion (whichever is the sooner) of the development hereby approved, and retained thereafter during the lifetime of the development.

In the interests of the amenities of the occupants of neighbouring properties and future occupiers.

4. The proposed waste storage provisions that are to serve the residential use hereby approved shall be implemented in accordance with the layout and details shown on plan Dwg No: 22 52 03 Rev A (Existing and Proposed Block Plan received 10th March 2022 by the Local Planning Authority) and shall be provided prior to the development hereby approved being brought into use and shall thereafter be retained for the lifetime of the development.

For the avoidance of doubt, to ensure a satisfactory form of development and in the interests of the visual amenity of the area.

5. Notwithstanding the submitted information and prior to the occupation or completion of the development hereby approved (whichever is the sooner), details of the replacement rooflights shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed details shall be installed prior to the occupation or completion of the development (whichever is the sooner) and maintained for the lifetime of the development.

For the avoidance of doubt, in the interests of the character and appearance of the conservation area and to ensure a satisfactory form of development.

6. 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.

In the interests of visual amenity.

7. The development hereby approved shall be used as 4no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.

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

## **BACKGROUND PAPERS**

7.48 Background papers can be viewed by the 'attachments' on the following public

access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156242>

7.49 Copies of the applications are available on-line:

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

## CONTACT OFFICER

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

## AUTHOR

7.51 Jane Tindall (and Daniel James)  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: 01429 523741  
E-mail: [developmentcontrol@hartlepool.gov.uk](mailto:developmentcontrol@hartlepool.gov.uk)



## 22 Grange Road, Hartlepool



Copyright Reserved Licence No100023390 (2023)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b> <b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN <b>JB</b>	DATE <b>03.04.2023</b>
	SCALE <b>1:1000</b>	
	DRG.NO <b>H/2022/0454</b>	REV

## **POLICY NOTE**

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

### **HARTLEPOOL LOCAL PLAN POLICIES**

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

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

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

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

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

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

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

## ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

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

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

# PLANNING COMMITTEE

19 April 2023



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

**Subject:** UPDATE ON CURRENT COMPLAINTS AND  
ENFORCEMENT ACTIONS

---

## 1. PURPOSE OF REPORT

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

1. The conversion to flats of a listed residential property in Elwick Road.
2. Earthworks including the laying of a footpath and installation of underground cabling at a sports ground on Jesmond Gardens.
3. The change of use to a house in multiple occupation of a residential property in Park Road.
4. The erection of a high fence at the front of a residential property in Wynyard Mews.
5. Non-compliance with a landscaping condition at a residential development site at land off Dalton Heights.
6. The erection of a fence resulting in the obstruction of a walkway at a residential property in Wiltshire Way.
7. The construction of an external staircase at the rear of a commercial premises at The Front.
8. Non-compliance with the approved plans at a householder development at Serpentine Gardens.

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

1. Non-compliance with the construction management plan (relates to mud on the road) at a residential development site at land west of Middle Warren. The site is operating in accordance with the approved construction management plan.
  2. The replacement of a roof and the siting of a static caravan at a residential property in Egerton Terrace. Permitted development rights apply in this case.
  3. The erection of an outbuilding at the rear of a residential property at Hill View. Permitted development rights apply in this case.
  4. The installation of festoon lighting at South Crescent and Albion Terrace. Permitted development rights apply in this case.
  5. The installation of uPVC windows at a residential property at The Front. Permitted development rights apply in this case.
  6. The change of use to a waste transfer station of a nursing home on Brierton Lane. It was found that no material change of use had occurred. The skip and refuse subject to the complaint have now been removed.
  7. The display of signage at a light industrial premises on Brenda Road. A retrospective advertisement consent application has since been approved.
  8. Non-compliance with the approved plans at a householder development at Larkspur Close. A retrospective planning application seeking to regularise the development has since been approved.
  9. The display of advertising signs and flags at an area of land west of Wynyard Village. The advertising signs and flags have since been removed.
  10. The erection of an outbuilding in the rear garden of a residential property in Cath Hill Close. Permitted development rights apply in this case.
  11. Development not built in accordance with the approved plans (relates to separation distances and plot size) at a residential development site at Musgrave Garden Lane. The complaint would more accurately be considered a query in relation to the annotation of plans. No evidence of a breach of planning control has been established.
  12. The change of use to a house in multiple occupation of a residential property in Grange Road. Permitted development rights apply in this case.
- 1.3 No enforcement actions have been taken within this reporting period.

**2. RECOMMENDATION**

- 2.1 Members note this report.

**3. CONTACT OFFICER**

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

**AUTHOR**

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

## PLANNING COMMITTEE

19<sup>th</sup> April 2023



**Report of:** Assistant Director - Place Management

**Subject:** APPEAL AT OLD YACHT CLUB, FERRY ROAD,  
HARTLEPOOL, TS240AE  
APPEAL REF: APP/H0724/W/22/3309272  
Planning application for demolition of the existing  
structure and the construction of artificial nesting  
structures for kittiwakes and associated infrastructure  
(H/2022/0009).

---

### 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 planning permission for demolition of the existing structure and the construction of artificial nesting structures for kittiwakes and associated infrastructure (H/2022/0009).
- 1.2 The appeal was allowed. A copy of the Inspector's decision is attached. **(Appendix 1)**

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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

**4. AUTHOR**

4.1 Stephanie Bell  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523426  
E-mail: [Stephanie.Bell@hartlepool.gov.uk](mailto:Stephanie.Bell@hartlepool.gov.uk)



## Appendix 1

# Appeal Decision

Site visit made on 17 January 2023

**by Susan Hunt BA (Hons) MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 13 March 2023

---

**Appeal Ref: APP/H0724/W/22/3309272**

**The Old Yacht Club, Ferry Road, Hartlepool TS24 0AE**

- 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 Eleni Antoniou of Orsted Hornsea Project Three (UK) Ltd against the decision of Hartlepool Borough Council.
  - The application Ref H/2022/0009, dated 26 January 2022, was refused by notice dated 28 June 2022.
  - The development proposed is demolition of the existing structure and the construction of artificial nesting structures for kittiwakes and associated infrastructure.
- 

## Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing structure and the construction of artificial nesting structures for kittiwakes and associated infrastructure at The Old Yacht Club, Ferry Road, Hartlepool TS24 0AE in accordance with the terms of the application, Ref H/2022/0009, dated 26 January 2022, subject to the conditions attached.

## Procedural Matters

2. The appeal site lies in close proximity to the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. It is incumbent upon the competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of its interest features. I accepted additional information<sup>1</sup> submitted by the Appellant on the matter, on which I consulted Natural England under Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and gave the Council an opportunity to comment. I deal with matters relating to the Habitats Regulations later in this decision.
3. As the proposal potentially affects the setting of listed buildings and the Headland conservation area (CA), I have had special regard to section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The appeal submission includes a Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990. The UU was completed on 20 December 2022 and relates to long term maintenance and management of the proposed Artificial Nesting Structures (ANS) and landscaping. The Council were given the opportunity to comment and I make further reference to the UU later in this decision.

---

<sup>1</sup> Comments on Hartlepool Borough Council's Statement of Case and Representations (December 2022): Appendix I NIRAS Review of HRA in the context of a noise and visual assessment

## Main Issues

5. The main issues are:

- i) Whether the proposed development would result in the unacceptable loss of employment land, and whether the presence of additional kittiwake would have adverse effects on existing and future industrial activities on surrounding land uses at Hartlepool Port;
- ii) Effects on living conditions and local amenity with particular reference to noise from additional kittiwake; and
- iii) Effects on the character and appearance of the area including the setting of nearby heritage assets.

## Reasons

### Background

- 6. The Appellant's Nationally Significant Infrastructure Project for the Hornsea Project Three Offshore Wind Farm (Hornsea Three) was granted a Development Consent Order (DCO) by the Secretary of State in December 2020. The DCO includes a requirement to compensate for potential collision mortality of kittiwake (black-legged kittiwake *Rissa tridactyla*) associated with the Flamborough and Filey Coast Special Protection Area (SPA). The required compensation comprises four coastal ANS of at least two different designs to ensure that potential effects from Hornsea Three are offset. Two of the ANS are proposed at the appeal site.
- 7. The Appellant's evidence explains that having multiple structures in distinct geographical regions aims to reduce the risk of random events or unforeseen circumstances in a particular local area which could affect colonisation or productivity. One site comprising two ANS in Hartlepool, and two nearshore ANS off the coast of Suffolk, would offer the most robust chance of success throughout the lifespan of the Hornsea Three project.
- 8. Following a detailed site selection process<sup>2</sup> the appeal site was identified as being an ecologically suitable location for accommodating the ANS, primarily due to its proximity to the coast and existing kittiwake colony. This is located on a pontoon bridge at the Hartlepool Royal National Lifeboat Institution (RNLI) lifeboat station, immediately adjacent to the appeal site.
- 9. The appeal site comprises a former yacht club building, car park and areas of grass and scrub on raised coastal headland at Hartlepool docks to the end of Ferry Road. It is situated opposite the Headland area of Hartlepool, and adjacent to industrial land associated with the docks.

<sup>2</sup> Appendix C: Site Selection Narrative Report (December 2022) and Response to Objections 8 April 2022 (footnote 2, page 8): Hornsea Three Response to the Secretary of State's Minded to Approve Letter Annex 3 to Appendix 2: Kittiwake Artificial Nest Provisioning: Site Selection and the Pathway to Securement [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003238-HOW03\\_30Sep\\_Appendix%20Annex%203%20Site%20Selection%20and%20Pathway%20to%20Securement%20\(06543753\\_A\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003238-HOW03_30Sep_Appendix%20Annex%203%20Site%20Selection%20and%20Pathway%20to%20Securement%20(06543753_A).pdf)



*Port Activity and Employment*

10. Hartlepool Port is allocated in the Hartlepool Local Plan 2018 (HLP) under policy EMP4a for specialist industrial use. Such specialist uses include port related industrial development and renewable energy manufacturing. The Enterprise Zone Local Development Order referred to in the policy has lapsed and been replaced by the Port of Hartlepool Freeport customs zone. Whilst the appeal site is located within the wider employment allocation it lies outside the boundary the Freeport. The triangular shaped site has a peripheral location on the edge of the allocation, separated from the larger areas by Ferry Road.
11. The Appellant's evidence indicates that the 0.34ha site represents around 0.32% of the total land within the allocation, and 0.57% of the total available employment land in the borough. Having regard to these figures and the Employment Land Review 2014 (ELR) which identifies a substantial surplus of employment land in Hartlepool, the loss of the site to non-employment uses would have a negligible effect on employment land availability. Nonetheless, I acknowledge that the specialist industrial nature of the port can require vacant land to be brought forwards at short notice.
12. Concerns have been raised from PD Teesport (PDT) regarding the potential for additional ecological designations arising from the presence of additional kittiwake populations at the ANS, which could result in additional environmental constraints affecting the current and future operations at and investment within the Port.
13. The designation thresholds indicate around 3,800 breeding pairs of kittiwake and this far exceeds the ANS when at full capacity. Nonetheless, paragraph 181 c) of the Framework states that sites required as compensatory measures for adverse effects on habitats sites (in this case the Flamborough and Filey Coast SPA) should be given the same protection. Whether or not the ANS becomes a designated site, or as a compensatory measure has the same protection as a designated habitat site, this need not necessarily be an obstacle to existing operations and future development at the port. There are already designated sites in its surroundings, which have not prevented its employment allocation nor Freeport status.
14. The Appellants have provided detailed information regarding the behaviour of kittiwake. The birds are relatively tolerant to disturbance from human activities and can be found at operational ports around the UK including at their existing colonies around Hartlepool docks, which have been steadily growing over time. I understand that an additional kittiwake ANS wall at Lowestoft harbour, also part of an employment allocation, has recently been granted planning permission, providing 432 nests as a compensatory requirement for numerous offshore wind farm DCOs following the success of existing ANS there. I am satisfied that the evidence regarding kittiwake behaviour and their existence in high activity areas demonstrates that they can co-exist in areas of human disturbance. Whilst PDT are concerned that the mere presence of the kittiwake ANS may put off future developers, without evidence to substantiate this I am satisfied that the ANS on the appeal site would not result in a significant constraint to current and future port operations and investment.
15. Concerns have been raised that the compensation measures would not provide any economic benefits to the area given that the compensation measures have no connection with any local development. However, I do not consider that the

proposed development could be disconnected with the wider national economic benefits which would result from the development of Hornsea Three. The Appellant has provided information in relation to the supply chain for their wind farm projects, which include a number of businesses in the north east<sup>3</sup>. They also indicate that the offshore wind sector and associated supply chain is one of the key sectors that PDT is looking to attract to the port.

16. Similarities to the 'agent of change' principle in paragraph 009 of the planning practice guidance (PPG) on noise and paragraph 187 of the Framework have been put to me by PDT. However, there is insufficient evidence to persuade me that existing businesses would have unreasonable restrictions placed on them, particularly given the existing designations which affect the wider area. Paragraph 009 of the PPG specifically relates to existing businesses that may cause noise and other sources of nuisance and the likelihood that they could have a significant adverse effect on new residents/users. This is not directly comparable to the potential situation before me, where the presence of kittiwake might result in a future ecological designation. Furthermore, the evidence before me does not suggest that the existing and future industrial and port uses would result in complaint by the operators of the ANS.
17. Locally, a level of employment would arise during the demolition/construction phase. Whilst I acknowledge that operational employment would be limited to maintenance, there would overall be limited economic benefits related to employment. Consequently, I find the comments that the proposed development would not result in any economic benefits are unfounded.
18. To conclude on this main issue, the proposed development would result in the loss of employment land allocated for specialist industrial use and would therefore conflict with policies LS1 (part 12) and EMP4(a) of the HLP. However I find that the scale and peripheral location of the appeal site in relation to the overall supply of employment land means that such loss would not be unacceptable. Whether or not it is ultimately designated or protected as a habitats site in its own right, I find that the presence of additional kittiwake ANS is unlikely to result in significant adverse economic consequences on surrounding land uses at Hartlepool Port, including on existing industrial activities and future investment. The proposed development would result in some limited local economic benefits, but the wider economic, social and environmental benefits connected with Hornsea Three would assist in achieving the objectives of the National Planning Policy Framework (the Framework).

#### *Living Conditions and Local Amenity*

19. The nearest residential properties are located in the Headland area of Hartlepool, separated from the appeal site by the dock. Numerous dwellings along Town Wall directly front the site of the proposed development across the water. A number of residents of this area have raised objections to the proposals, largely in relation to noise and disturbance from seabirds as well as the deposition of guano. There are existing amenity issues related to the preponderance of herring gulls in the locality.

---

<sup>3</sup> Annex A Orsted UK Supply Chain Map April 2022



20. A Noise Impact Assessment (NIA) was submitted with the application and updated for the appeal submission<sup>4</sup>. The original desk-based assessment was produced during the winter months of 2021 and I note that this approach was agreed with the public protection team, who had no objections to the proposals overall. The nearest noise sensitive receptors (NSR) were identified at Town Wall, 220m northeast from the proposed ANS, and at Queen Street, 339m to the west.
21. The updated NIA provides the results of a noise survey taken in August 2022 towards the end of the breeding season. The assessment was informed by an additional kittiwake survey count of the existing colony at the RNLI bridge in July 2022. The timing of the survey is considered to be appropriate, given that in late summer there would be a higher frequency of change-over between adult kittiwake in attending to nests, and noise from the kittiwake would be more prevalent. I am also satisfied that the sound monitoring took place with due regard to BS 7445-2 1991 'Description and Measurement of Environmental Noise'.
22. The updated NIA notes the range of other noise in the vicinity of the site and NSRs, including cargo unloading, HGV's, container handling and other general port activity, together with the sound of various vessels and highway traffic. Other bird calls were noted to be clearly audible, from various gull species. The assessment notes that kittiwake (who have a distinctly different call to herring gulls) were audible during lulls of these other noise sources and intermittently during the night time at the Town Wall NSR only, and not from Queen Street. Importantly, the NIA confirms that the kittiwake were observed to only emit sound when at their nesting sites; foraging bird sounds came from other gull species.
23. The NIA extrapolates the noise created from the existing nests to the increased numbers expected from the ANS over time, from 10% occupancy up to 100%. The highest change in ambient sound levels when experienced at the Town Wall NSR was assessed to be less than the 3dB threshold of perceptibility set out in the Institute of Environmental Management and Assessment (IEMA) 'Guidelines for Environmental Noise Impact Assessment', representing the situation at full occupancy. The NIA also explains that that the predicted maximum sound levels from kittiwake calls is at least 11dB below the existing sound levels experienced at the NSRs. Other sounds include gull species, which are 6 to 10 dB louder than the kittiwakes and the dominant source of disturbance for local residents. The kittiwake sounds would also be 8 to 10dB below other sources of sound resulting from the port and other activities. Overall the impact of change to noise levels, is predicted to be less than 3dB at 100% occupancy of the ANS. The NIA states that this effect would be negligible and unlikely to be perceptible according to the IEMA Guidelines. Consequently, I would agree with the conclusions of the NIA that significant adverse effects are not anticipated.
24. The Council have questioned whether the original desk-based NIA was deficient, however the approach was agreed with the public protection team, and the updated NIA provides more detailed empirical evidence which substantiates the original findings. I note that no specific comments have been provided by the public protection team regarding the NIA update.

---

<sup>4</sup> Orsted Statement of Case Appendix 11: Assessment of Construction Noise on Designated Sites (NIRAS, December 2022)

Appeal Decision APP/H0724/W/22/3309272

---

25. The evidence indicates that the introduction of purpose built ANS is expected to alter the distribution of existing nesting kittiwake across the town over time. Kittiwake nesting sites around Hartlepool Headland and the Port area<sup>5</sup>, are predicted to decline over time as current nesting pairs die and new first-time breeding birds are attracted to nest on the ANS. Hence, noise levels from kittiwakes which currently nest relatively close to residential properties are likely to decrease, which would be of benefit in terms of effects on living conditions.
26. A number of third parties have also referred to the propensity of seabird guano in the area which may be exacerbated by the expected increase in kittiwake. The Appellant's response adequately deals with this matter, in stating that accumulation of guano is only likely to be a major issue at or below the ANS. Kittiwake remain in their breeding colonies and fly directly out to sea to feed, and do not travel inland in urban areas to forage for food as other gull species do. Furthermore, the provision of the ANS would, over time, attract the existing nesting kittiwake away from the Headland and therefore decrease guano levels in residential and industrial areas. I am therefore satisfied that any guano issues created by other seabirds would not be worsened by the presence of additional kittiwake at the ANS.
27. The effects of the use of the proposed ANS by additional kittiwake, in terms of both noise and deposition of guano, would not have a significant adverse effect on living conditions and local amenity in compliance with policy QP4 of the HLP which at point 9) seeks to ensure developments should not negatively impact upon the amenity of occupiers of nearby properties, and policy QP6 which at point 8) seeks to ensure that effects of noise are investigated. In turn, the proposals would not conflict with paragraph 185 of the Framework which requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

#### *Character and Appearance*

28. The former yacht club building is a low, flat roofed brick and render building which has some degree of architectural merit when viewed from the Headland, and I find that it appropriately reflects the marine character of the port. However on closer inspection from Ferry Road and the foreshore it fails to enhance the locality and is in poor condition having been vacant for a number of years. Adjacent to the site a small number of fishing cabins remain. The appeal site's location on raised coastal headland enjoys panoramic views towards the historic Headland area of Hartlepool and further afield to the Cleveland hills beyond distant industrial and marine structures at Teesside. Behind the site lie large areas of vacant hardstanding, and substantial warehouse buildings associated with the port.
29. The redevelopment of the appeal site therefore has the potential to affect the setting of a range of heritage assets as well as the character and appearance of the wider area as a whole. The submitted Landscape and Visual Assessment (LVA) includes a description of national and local landscape areas. I would agree with the Appellant's assessment of landscape character as described in section 4.3 of the LVA and note that there are no landscape designations.

---

<sup>5</sup> Appendix E of Appellant's comments – Existing kittiwake colony in Hartlepool



30. The LVA also includes an assessment of the zone of visual influence (ZVI) which indicates that the proposed ANS buildings would not extend more than 1km from the site boundary, encompassing the Town Wall and old pier area of Headland, and parts of Hartlepool marina/waterfront. Other views are screened by large structures associated with the port.
31. Views of the appeal site are particularly prominent from the Headland. Here, there are a range of designated heritage assets. These include listed buildings, a range of coloured Georgian townhouses concentrated around the central area of Town Wall, and the Headland Conservation Area (CA). The Town Wall itself is a Grade I listed building (ref. 1250535) and scheduled monument (SM). Further to the east, the Heugh coastal artillery battery is also designated as a SM (ref. 1020801). Further inland but clearly visible behind the dwellings which line the Town Wall is the Grade I listed Church of St Hilda (ref. 1263355) which forms a landmark feature on the skyline of the Headland. The CA Appraisal notes that the open views towards Hartlepool's harbour and its industrial buildings offer an exciting and interesting view, reinforcing its strong relationship with the area. It notes the spectacular and characteristic view of the colourful town houses along the Town Wall which can be appreciated from the harbour and marina.
32. The character of the area of Headland overall is shaped by its geographical peninsula location, and reflected in its historic defence role and its more recent function as supporting the fishing and commercial ports of Hartlepool. Sensitive receptors who would be potentially affected by the visual effects of the proposed development include the residential occupiers of dwellings which line the Town Wall, and recreational users including those who enjoy the views around the perimeter of the peninsula and visitors to the heritage assets. The LVA includes six viewpoints, which I am satisfied are representative of sensitive visual receptors both on the Headland and the Middleton jetty/foreshore area immediately adjacent to the site (viewpoint 4), although I note that this particular viewpoint is private land.
33. The ANS would consist of two structures. One tower, whose design is derived from lighthouses, watchtowers and castles that are often seen along the coastline, and one structure based on traditional fisherman's huts, commonly found along the northeast coast. The design approach has been appropriately explained in the Design and Access Statement (DAS) both in relation to the function of the buildings as ANS and their visual appearance. The proposed structures would be of a high quality of design, and I acknowledge the efforts made to reflect the marine heritage of the area. The use of materials would be appropriate for this coastal location, including timber cladding and glass, and the use of one way reflective glass would provide visibility of the nesting spaces. Maintenance of the structures would be important given the use of glass and this would be appropriately secured for the lifetime of the development in the submitted UU.
34. The landscape design approach has also been appropriately explained in the DAS. This includes car park surfacing, perimeter fencing and planting. It is proposed to seed areas with a coastal species of grass and wildflower mix, and coastal scrub planting to the northern boundary. The planting would not only enhance the visual appearance of the site but would result in biodiversity benefits. As with the buildings, the landscape would require ongoing maintenance and this is also appropriately secured in the UU.

35. Views of the structures, in particular the tower, would be prominent from the Headland. However I agree with the overall LVA assessment of effects on visual receptors at each of the six viewpoints that magnitude of change would be low or negligible, with positive effects to local residents or visitors of the Headland in particular. The high quality design of the ANS would add to the diversity and richness of this marine environment. I do not agree that the tower would be excessive in height; there are a number of tall structures in the vicinity of the site including warehousing and cranes which form an industrial back drop to the port. The height of the tower would create a symbolic feature at the entrance to the port, reminiscent of a lighthouse.
36. In relation to designated heritage assets, to which I am obliged to have special regard to<sup>6</sup>, there would be no direct impacts on their significance. The assets are sufficiently distanced from the appeal site and are separated by the entrance to the dock. The character and appearance of the CA is distinctly different to the appeal site, and the surroundings in which it is experienced would not be adversely affected. There would not be any harm to the marine and defence heritage of the area, from which many of the heritage assets have gained their significance. Rather, I have previously found that the visual effects would be positive, and this would in turn enhance the appreciation of many of the assets. Overall, I find that the effects on the setting of all the aforementioned heritage assets would be neutral.
37. Taking the above issues into consideration I find that the proposed development would not have an adverse effect on the character and appearance of the area, and that the setting of nearby heritage assets would be preserved. The proposed development would not conflict with HLP policy QP4 which seeks to ensure that all developments are designed to a high quality and positively enhance their location and setting, with an appropriate layout, scale and form, and which reflects and enhances the distinctive features, character and history of the local area. I also find that the proposals are in conformity with sections 12 and 16 of the Framework in relation to achieving high quality design and in respect of the historic environment.

### **Other Matters**

38. The appeal site lies outwith but in close proximity to the Teesmouth and Cleveland Coast SPA and Ramsar site, and immediately adjacent to the Teesmouth and Cleveland Site of Special Scientific Interest (SSSI). An Ecological Appraisal was provided to inform considerations of likely significant effects. The appraisal found that the habitats present would be unsuitable for use by species associated with the SPA, Ramsar and SSSI sites and that any direct functional link is considered unlikely. Natural England provided comments on the planning application, which led the Council to conclude there would be no likely significant effect on the Teesmouth and Cleveland Coast SPA and I agree with this conclusion.
39. The Appellant has since submitted a review of the HRA<sup>7</sup>. This considers whether the findings would refine the conclusions of the HRA as undertaken by the Council, regarding the time period for demolition and construction works required for the proposed kittiwake ANS given the delay to their programme. The Appellants seek to amend condition 12 put to me by the Council which

---

<sup>6</sup> Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>7</sup> Appendix I: Review of HRA in the context of a noise and visual assessment (NIRAS, December 2022)



limits demolition and piling works between March and August. The HRA review indicates that the potential effects on qualifying features of the SPA during the period of construction are not significant, and this would be irrespective of the time of year, whether alone or in combination with other projects. The Appellant's proposed amended wording reflects advice from Natural England to avoid such activities during the early kittiwake breeding season between April and July.

40. As part of my duty as competent authority under Regulation 63(3) of the Habitats Regulations I consulted Natural England on this additional information, to which they responded that the proposed amendment to the construction period does not affect their previous advice that the proposed development is not likely to have significant effects on the Teesmouth and Cleveland Coast SPA and Ramsar site, either alone or in combination with other plans or projects. I would agree with this assessment and as such an appropriate assessment is not required. The proposed works are not likely to have significant effects, even if they take place during the overwintering period, therefore the condition as put forward by the Appellant is appropriate.
41. The site selection for the four ANS for kittiwake compensation required by the Hornsea Three DCO has been fully documented<sup>8</sup>, with search zones encompassing both the coasts of the North East and East Anglia. The selection of sites has taken place in consultation with the Statutory Nature Conservation Bodies and as presented to the Offshore Ornithology Engagement Group. I am satisfied that the approach to final selection of Hartlepool has been robustly carried out in accordance with the Kittiwake Implementation and Monitoring Plan.
42. PDT refer to representations made to Hornsea Four offshore wind farm, which would also require compensation measures to offset impacts to the kittiwake population associated with the Flamborough and Filey Coast SPA. They raise concerns that future applications may be made for additional ANS. However the Hornsea Four DCO is currently undetermined therefore the weight I attach to these comments is limited. I acknowledge that the requirement for kittiwake compensation is an issue which affects numerous offshore wind farm developments and I am satisfied that the matter has not been considered by the Appellant in isolation.
43. The potential for herring gulls to attack the kittiwake has been considered and accommodated for in the ANS, with predator mitigation built into the design. Furthermore, there is limited evidence that the presence of large number of herring gulls have any strong influence on the breeding success of kittiwake as demonstrated in other locations including Lowestoft.
44. I note that the immediate area around the site and wider port comprises private land and that there are no public right of ways within or alongside the development, although I acknowledge that the foreshore and Middleton Pier do attract visitors and that the RNLI station is open to the public. The Appellants have confirmed that the site would not be publicly accessible, albeit there would be educational visits restricted to supervised tours. Interpretative boards are proposed to provide information about the ANS as well as stating that

---

<sup>8</sup> Appendix 8.2: Response to Objections (section 3.2) and Appendix C: Site Selection Narrative Report (December 2022)

public access to the site is not permitted, and this would be secured by condition 8.

45. The former yacht club site is in the ownership of the Appellant, but I understand that the access is in the ownership of PDT. Matters regarding compulsory purchase powers (in relation to Hornsea Three's powers as a generating station under the Electricity Act 1989) do not form part of this appeal and use of the access is a civil matter. Notwithstanding this, I am satisfied that such matters would not provide a significant obstacle to progression of the proposals.
46. Other potential uses for the former Yacht Club have been suggested by third parties, citing previous alternative uses, but I have considered the appeal on the basis of the proposals before me and I am not aware of any planning applications for alternative proposals (aside from the employment land allocation).
47. The wider implications for the Hornsea Three project, and its associated benefits, cannot be detached from my considerations. Without the compensation in accordance with the requirements of Part 1 of Schedule 14 of the DCO, the wind farm could not be commissioned and a significant amount of renewable energy could be removed from the UK Government's targets for 50GW of offshore wind capacity by 2030.
48. There is limited evidence before me to indicate that there has been a lack of engagement from the Appellant with local business and residents. I understand that some local residents may have protected characteristics. Whilst I have already acknowledged there are impacts on living conditions relating to existing seabird populations, there is limited information before me regarding how such persons would be specifically affected by the proposed development. I am satisfied that reasonable steps have been taken by the Appellant and the Council in publicising the proposals, with consultation carried out as required by the Town and Country Planning (Development Management Procedure) Order 2015.

### **Conditions and Legal Agreement**

49. I have considered both the wording and reasons for the conditions suggested by the Council in accordance with the tests set out in paragraph 56 of the Framework. I have made some minor amendments in the interests of clarity and consistency. All pre-commencement conditions have been accepted by the Appellant in writing and are consequently compliant with the necessary legislation<sup>9</sup>. In addition to the standard time limit condition [1], a condition requiring the development to be carried out in accordance with the plans is necessary to ensure that it is implemented as approved [2].
50. An Ecological Management Plan condition [3] is required to secure biodiversity enhancement, and a method statement is required to avoid impacts to sheltering hedgehogs [4] as set out in the ecological appraisal. Details of soft landscape works would be appropriately secured by condition [5] in the interests of area character and biodiversity.
51. I have imposed a condition requiring details of existing and proposed levels [6], given that the site is situated on raised land which varies in levels, in the

---

<sup>9</sup> The Town and Country Planning (Pre-commencement Conditions) Regulations 2018



Appeal Decision APP/H0724/W/22/3309272

---

interests of area character and appearance. Details of lighting [7] are required so their visual and ecological effects can be assessed. Condition [8] secures provision of an interpretation board as previously discussed.

52. Condition [9] requires further details of welfare facilities and car parking as shown on the site layout plan, and condition [10] requires details of boundary enclosures. I have slightly amended condition [11] in relation to materials to make it more concise. These conditions are imposed in the interests of character and appearance.
53. I have already discussed the re-wording of condition [12] relating to timing of demolition and piling in the previous section of this decision, regarding the Habitats Regulations. I have not imposed the condition [previously 13] which requires hard landscaping to be carried out in accordance with the submitted plan, as this would duplicate condition [2] regarding approved plans. Decommissioning of the site is dealt with in condition [13], which I have slightly reworded to make it more concise and delete reference to 'its former condition' given that it would not be possible to put the site back to its current condition and use as a yacht club. Submission of a scheme would be appropriate, in the interests of area character and biodiversity.
54. In respect of the UU, I have already discussed the obligations in the main issues above. I note that the Council have raised no concerns regarding the UU and I am satisfied that the obligations meet the tests in paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

### **Conclusion**

55. For the above reasons and having regard to all other matters raised I conclude that, subject to the attached schedule of conditions and the obligations in the planning agreement, this appeal should be allowed.

*Susan Hunt*

INSPECTOR

**Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed below:
  - HOW3-LDA-0100 Rev P05 (Site Location Plan)
  - HOW3-LDA-0102 Rev P07 (Site Layout Plan)
  - HOW3-LDA-0700 Rev P06 (Elevations)
  - HOW3-LDA-0701 Rev P06 (Elevations)
  - HOW3-LDA-0200 Rev P06 (Ground Floor Plan)
  - HOW3-LDA-0204 Rev P07 (Roof Plan)
  - HOW3-LDA-0203 Rev P07 (Third Floor Plan)
  - HOW3-LDA-0202 Rev P07 (Second Floor Plan)
  - HOW3-LDA-0201 Rev P07 (First Floor Plan)
  - HOW3-LDA-0180 Rev P06 (Proposed Site Sections)
  - 7628\_PL\_401 (Softworks Typologies Layout and Reference Plan)
  - 7628\_PL\_201 (Hardworks Layout and Reference Plan)
  - 7628\_PL\_1-1 Rev P02 (Illustrative Landscape Masterplan)
  - HOW3-LDA-0130 Rev P05 (Demolition Plan)
- 3) Prior to the commencement of development (including any demolition), an Ecological Management Plan (EMP) and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority, the detail of which shall be in general conformity with the Softworks Typologies Layout and Reference Plan (7628\_PL\_401). The content of the EMP shall include the following:
  - a) Description and evaluation of features to be managed, including retained habitats and habitats to be created;
  - b) Broad aims of management, to include mitigation for loss of hedgehog hibernacula/shelters and grassland habitat used by priority butterfly species and enhancement for invertebrates in general;
  - c) Specific actions to achieve the management aims at part (b) of this condition, including the type and/or design of habitat features to be created/installed;
  - d) Appropriate management options for achieving aims and objectives relating to vegetated habitats;
  - e) Prescribed arrangements for the ongoing management of the site for biodiversity, including maintenance of the habitats and features;
  - f) An annual work plan and details of the body or organisation responsible for implementation of the EMP; and
  - g) Ongoing monitoring and remedial measures.

- 4) Prior to the commencement of development (including any demolition), a method statement for the avoidance of impacts to sheltering hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:
- a) purpose and objectives for the proposed ecological measures;
  - b) working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant);
  - g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and timetable, and any features created shall be retained in that manner thereafter.

- 5) Prior to the commencement of development details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) Planting plans;
  - b) Sizes, types, numbers/densities and species of plants;
  - c) Written specifications including cultivation and other operations associated with plant and grass establishment;
  - d) The proposed layout and surfacing of any parking and circulation areas;
  - e) A scheme of management and maintenance; and
  - f) An implementation programme and timetable for the works to be undertaken.

The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme, and shall be managed and maintained in accordance with the approved scheme for the lifetime of the development 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.

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



- 7) Prior to the commencement of development (including any demolition), a low-level lighting scheme to be adopted during and post development (Low Level Lighting Scheme) shall be submitted to and approved in writing by the Local Planning Authority. The Low Level Lighting Scheme shall include details of the positions, angle, type and height of lighting. The approved Low Level Lighting Scheme shall thereafter be implemented in full as approved.
- 8) Prior to the above ground construction of the development hereby approved, details of one or more interpretation boards providing information on the proposed nesting structures including construction materials and finish, and a timetable for installation, shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation board(s) shall thereafter be provided and retained in accordance with the approved details and agreed timetable.
- 9) Notwithstanding the submitted details and prior to the erection of the temporary welfare facilities and buildings and installation of the associated car parking/hard standing (drawing number HOW3-LDA-0102 Rev P07 site layout plan), details of such welfare facilities shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for the erection and thereafter removal of the temporary welfare facilities, such removal to be within 12 months of the agreed installation date as submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and timetable including the removal of the temporary Welfare Facilities.
- 10) Prior to the commencement of development (including any demolition), full details of all means of boundary enclosure including size, siting and finishing materials, including a timetable for installation, shall be submitted to and approved by the Local Planning Authority. The boundary enclosure(s) shall thereafter be installed and maintained in accordance with the approved details.
- 11) No development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved sample details.
- 12) No demolition and piling works associated with the development shall be undertaken during the months of April, May, June and July in any given year.
- 13) When the artificial nesting structures hereby approved cease their operational use and cease to be required in accordance with the terms of The Hornsea Three Offshore Wind Farm Order 2020, all structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored in accordance with a scheme and timetable to be first submitted to and agreed in writing with the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved scheme and timetable.

## PLANNING COMMITTEE

19<sup>th</sup> April 2023



**Report of:** Assistant Director - Place Management

**Subject:** APPEAL AT 107 PARK ROAD, HARTLEPOOL,  
TS26 9HR  
APPEAL REF: APP/H0724/Z/23/3314195  
Advertisement consent for the upgrade of existing 48  
sheet advert to support digital poster (displaying  
multiple static adverts on rotation) (H/2022/0355).

---

### 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 advertisement consent for the upgrade of existing 48 sheet advert to support digital poster (displaying multiple static adverts on rotation) at 107 Park Road, Hartlepool (H/2022/0355).
- 1.2 The appeal was allowed. A copy of the Inspector's decision is attached. (**Appendix 1**)

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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

**4. AUTHOR**

4.1 Angela Hall  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523741  
E-mail: [Angela.Hall@hartlepool.gov.uk](mailto:Angela.Hall@hartlepool.gov.uk)



## Appendix 1



---

## Appeal Decision

Site visit made on 27 February 2023

**by C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

---

**Appeal Ref: APP/H0724/Z/23/3314195**

**Adjacent 107 Park Road, Hartlepool TS26 9HR**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Clear Channel UK against the decision of Hartlepool Borough Council.
  - The application Ref H/2022/0355, dated 8 September 2022, was refused by notice dated 15 November 2022.
  - The advertisement proposed is described as the upgrade of an existing 48-sheet advert to support digital poster with illuminated 48-sheet D-poster (digital) display.
- 

### Decision

1. The appeal is allowed, and express consent is granted for the upgrade of an existing 48-sheet advert to support digital poster with illuminated 48-sheet D-poster (digital) display, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following 9 additional conditions:
  1. The development hereby approved shall be carried out in accordance with the following plans and details: Dwg No T4733 A4 050 (Location Plan); Dwg No T4733 A4 051 (Proposed Site Plan); Dwg No T4733 A4 060 Proposed Elevations and Dwg No D48-WM (Standard Specifications) received by the Local Planning Authority on 8th September 2022.
  2. The intensity of the luminance of the display unit hereby approved shall be no greater than 2500 cd/sqm between sunrise and sunset and shall be no greater than 300 cd/sqm during the hours of darkness defined as the hours after dusk and before dawn. The illumination of the advertisement shall not at any time be intermittent.
  3. The display unit shall be equipped with a light sensor and control mechanism and a photocell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
  4. The display shall include a mechanism to freeze the image in the event of malfunction or default to a black screen to avoid any flashing error message or pixilation.
  5. Images displayed on the approved display unit shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) with no flashing images and a smooth instant change into the next static image and the complete screen shall change. There shall be no visual effects, including swiping or other animated transition methods between successive displays on the sign.

Appeal Decision APP/H0724/Z/23/3314195

---

6. Advertisements shall be a series of static images, which shall not feature any flashing, animation, video or full motion images, images that resemble road signs or traffic signals and moving or apparently moving images of any kind.
7. The use of message sequencing for the same product is prohibited and the advertisement shall not include features or equipment which would allow interactive messages and advertisements to be displayed.
8. The advertisement displayed shall be silent and any audio capability that the display unit has shall be disabled for the duration of its period of display.
9. The existing 48-sheet hoarding sign and any associated infrastructure shall be removed from the site following the erection of the digital advertisement display sign hereby approved as soon as reasonably practicable and to the satisfaction of the Local Planning Authority.

#### **Preliminary Matter**

2. The Council has cited the National Planning Policy Framework and Policies QP4 and QP8 of the Hartlepool Local Plan in its decision notice. Whilst I have had regard to these as material considerations, the control of advertisements is exercisable only with respect to public safety and amenity. Consequently, these have not, themselves, been decisive in my determination.

#### **Main Issue**

3. In this case the Council has no objection over public safety. The evidence before me and the observations made during my site inspection do not cause me to dispute the Council's assessment in that regard. The main issue is therefore the effect of the appeal proposal on amenity, with particular regard to the character and appearance of the host building and existing street scene.

#### **Reasons**

4. The appeal site is an existing commercial property with flats above, situated towards one end of Park Road, nearest to Hartlepool's town centre. This site does not fall within the context of any designated heritage assets. By virtue of its use, the host property has a predominantly commercial character and appearance. This is further emphasised by the existing poster hoarding which is attached to its exposed side elevation. The host property is located at a transitional point where the dwellings and adjoining residential streets which line this key linear gateway route into the town centre change to a prevalence of local businesses and facilities, some with living accommodation above, and their associated signage. Consequently, the appeal site's context has a mixed-use, urban character and appearance.
5. The proposed digital advertising hoarding would replace the existing poster hoarding. It would be sited in a similar position at first floor level and be of similar dimensions. Alike its predecessor, its main receptors would be pedestrians and road users.
6. The host gable elevation is devoid of any notable architectural features which could be obscured by the appeal proposal. Furthermore, by virtue of its size, landscape orientation and positioning relative to the existing eaves height, the resulting ratio of exposed wall to advertisement coverage would be



proportionate to its host. Moreover, it would be read against the remaining bulk of the host gable.

7. The appeal proposal would be of an LED lit digital poster format which would display multiple advertisements on rotation. The proposed digital display would present static images only and changes between advertisements would take place without rapid changes, sequencing, fading, swiping, or merging of images. Such measures would ensure that any effect of transitioning of imagery is momentary. Diagnostics software would report any faults and turn the content black pending repair. I am satisfied that all of these matters could be controlled by appropriately worded conditions to achieve a display format which would not be jarring with the surrounding well-frequented, mixed-use context.
8. The appeal proposal's illumination would heighten its presence during hours of darkness. It would however be controlled by light sensors to vary the brightness of the screen according to the ambient lighting conditions up to 300cd/m<sup>2</sup> at night. This level would not significantly increase luminance in the area above that level currently provided by the existing street lighting and externally illuminated poster hoarding. In view of this, and given its orientation and separation distances involved, the appeal scheme would pose no notable risk of light to filter into nearby residential properties.
9. Therefore, I am satisfied that there would be no perceivable differential in lighting levels from the appeal proposal to any of its receptors and an appropriate level of light omission would arise for this particular street scene at all times of the day.
10. Indeed, the design and appearance of the appeal proposal would provide a contemporary advertising solution for the site which facilitates an advertisement which visually, because of the display controls proposed, would not be significantly dissimilar to the poster format that currently exists within this street scene and forms part of its character and appearance.
11. The balance between the commercial and residential characteristics of this area changes according to the direction of travel along Park Road. The orientation of the host gable means that the appeal proposal would be experienced upon approach in one direction when travelling towards the town centre, against a predominantly commercial backdrop. Crucially, although its presence would be clearly visually evident both day and night within this street scene, the proposed hoarding would be experienced within the context of the existing commercial premises and their associated signage which surround the appeal site and advertisements which are housed within the bus shelter diagonally opposite. Furthermore, the presence of the appeal proposal would be confined to localised vantage points on approach along this route as far back as the junction with Osbourne Road, after which its visibility would be obscured by other buildings along this road.
12. Overall, whilst visually prominent this would be for a relatively short time in passing. Following my assessment of its design, scale, and siting, I do not find that the particular appeal proposal would represent an overly assertive form of advertising. Neither do I find that it would have an unacceptable domineering visual effect so as to unduly disturb the existing character and appearance of its host and wider context.

Appeal Decision APP/H0724/Z/23/3314195

---

13. The installation of a digital display should reduce the number and frequency of maintenance visits to the site. Concerns regarding access for and the effect of the proposed installation and future maintenance on the physical integrity of a neighbouring property are not matters which fall within the scope of this appeal and would not be prejudiced should this appeal succeed.
14. For these reasons, the appeal proposal would not be harmful to amenity, with particular regard to the character and appearance of the host building and existing street scene.

#### **Conditions**

15. In addition to the standard conditions for advertisements, including the 5-year display period, the appellant is accepting of conditions which would control the nature, luminance, frequency, and quality of the content to be displayed. These are necessary in the interests of safeguarding existing levels of amenity and public safety. Conditions specifying the approved plans and removal of the existing poster display are necessary in the interests of clarity and amenity, as is a condition to ensure that no sounds are played as part of the advertisement display.
16. The appellant has also indicated that they are accepting of conditions which limit the time during which the display panel is operational. However, in the absence of me finding any harm, that condition is unnecessary and therefore unjustified.

#### **Conclusion**

17. For the reasons given above, I conclude that the display of the proposed advertisement would not be detrimental to either public safety or the interests of amenity subject to the conditions set out in paragraph 1 of this Decision. Consequently, the appeal should be allowed.

*C Dillon*

INSPECTOR

## PLANNING COMMITTEE

19<sup>th</sup> April 2023



**Report of:** Assistant Director – Place Management

**Subject:** PLANNING APPEAL AT 234 STOCKTON ROAD,  
HARTLEPOOL, TS25 5DE  
APPEAL REF: APP/H0724/W/23/3317885  
Section 73 planning application to remove condition  
15 (hours of use restriction) of planning approval  
H/2021/0573 (Demolition of existing kiosk building and  
forecourt canopy and erection of a roadside service  
facility, including a petrol filling station (sui generis)  
with ancillary retail shop, associated access, car  
parking and landscaping arrangements) to allow 24-  
hour operation of the roadside service facility  
(H/2022/0440).

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a Section 73 planning application to remove condition 15 (hours of use restriction) of planning approval H/2021/0573 (Demolition of existing kiosk building and forecourt canopy and erection of a roadside service facility, including a petrol filling station (sui generis) with ancillary retail shop, associated access, car parking and landscaping arrangements) to allow 24-hour operation of the roadside service facility (H/2022/0440).
- 1.2 The planning application was refused under delegated powers on 12<sup>th</sup> January 2023 for the following reason:
  1. *In the opinion of the Local Planning Authority, the proposed removal of condition 15 of planning permission H/2021/0573 and to allow an extension to the opening hours to 24 hours of the fuel filling station, including kiosk and ancillary development (approved as part of planning permission H/2021/0573), would result in a significant adverse impact upon the occupiers of nearby residential properties in relation to noise impacts associated with customers visiting the application premises, noise from vehicles, including the slamming of doors and the potential noise from delivery vehicles at the fuel station premises. It is further considered that the application site is not located within the designated late night uses area. As such it is considered to be*

*contrary to Policies RC17, QP4 and QP6 of the Hartlepool Local Plan (2018) and paragraph 185a of the National Planning Policy Framework (2021).*

- 1.3 A copy of the officer's delegated report is appended at **Appendix 1**.

**2. RECOMMENDATIONS**

- 2.1 That Members note this report.

**3. CONTACT OFFICER**

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

**4.0 AUTHOR**

- 4.1 Stephanie Bell  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523426  
E-mail: [Stephanie.Bell@hartlepool.gov.uk](mailto:Stephanie.Bell@hartlepool.gov.uk)

**Appendix 1****DELEGATED REPORT****Application No** H/2022/0440

**Proposal** Section 73 planning application to remove condition 15 (hours of use restriction) of planning approval H/2021/0573 (Demolition of existing kiosk building and forecourt canopy and erection of a roadside service facility, including a petrol filling station (sui generis) with ancillary retail shop, associated access, car parking and landscaping arrangements) to allow 24-hour operation of the roadside service facility.

**Location** 234 STOCKTON ROAD HARTLEPOOL**PS Code:** 16

<b>DELEGATION ISSUES</b>  <b>1) Publicity Expiry</b>	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	23/12/2022 10/01/2023 N/A 28/12/2022 12/01/2023
<b>2) Publicity/Consultations</b>  <b>Publicity</b>  This application was advertised by way of 16 neighbour notification letters and a site notices. To date, one objection has been received, raising the following concerns: <ul style="list-style-type: none"> <li>- Public safety</li> <li>- Highway safety – high traffic counts, busy junctions, traffic lights cause tailbacks</li> <li>- Spillage/contamination, car wash contaminating the waterway</li> <li>- Request committee site visit</li> </ul> In addition, two responses of no objection have been received.  <b>Consultations</b>  The following consultation responses were received;		

**HBC Public Protection:** The application seeks to remove condition 15 (hours of use restriction) of planning approval H/2021/0573. The application site is located within a wider residential area and is situated on Stockton Road.

I am minded to agree with Planning Policy regarding late night use in this area. Policy RC17 restricts 24 hour uses to within certain areas and seeks to protect the amenity of nearby residential properties from adverse impacts such as noise and disturbance.

It is reasonable to summarise that some site activities do have the potential to create noise and disturbance should they occur during sensitive hours. Unfortunately a number of these activities the operator will struggle to control due to the nature of the disturbance; such as the banging of car doors, people noise from customers on the forecourt and music from vehicles. Noise of this nature during sensitive hours would likely impact surrounding residential properties and cause sleep disturbance for those residents living there.

It is for this reason Public Protection are of the view this application should be refused.

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

**HBC Engineering Consultancy:** In response to your consultation on the above application we have no objection to proposals in respect of flood risk and ask that you include our standard basic surface water condition on any permission issued for proposals.

We have no objection in principle to proposals in respect of contaminated land however the Preliminary Risk Assessment submitted with the application finds significant risk of potential contaminants and recommends further and intrusive investigation including survey of existing fuel station storage assets. As such please can you include our standard (updated) non-residential contaminated land condition on any permission issued for proposals to allow hazards, risks and any necessary remedial measures to be determined.

**HBC Landscape Architect:** No Landscape and Visual issues with the removal of condition.

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

**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.

**HBC Arboricultural Officer:** I have no comments from an arboricultural point of view to the variation of condition 15 to the approved planning application H/2021/0573.



**Cleveland Fire:** 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.

**Tees Archaeology:** There are no archaeological concerns regarding the proposed amendment.

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

**HBC Estates:** No comments received.

**HBC Ecology:** No comments received.

**HBC Economic Development:** No comments received.

**Northumbrian Water:** No comments received.

**Cleveland Emergency Planning:** No comments received.

**Environment Agency:** No comments received.

**HBC Community Safety:** No comments received.

**Cleveland Police:** No comments received.

**National Highways:** No comments received.

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

<b>3) Neighbour letters needed</b>	Y
------------------------------------	---

<b>4) Parish letter needed</b>	N
--------------------------------	---

## **5) Policy**

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

In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government’s Planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system. The

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

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

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA218: Implementation

#### Hartlepool Local Plan 2018

LS1: Locational Strategy

QP4: Layout and Design of Development

QP6: Technical Matters

RC7: Late Night Uses Area

RC21: Commercial Uses In Residential Areas

SUS1: The Presumption in Favour of Sustainable Development

**HBC Planning Policy comments:** Planning Policy do not support the S73 application to alter condition 15 to allow for 24 hour opening.

The use is bound by a residential property to the north and is within a wider residential area. Residents should expect a good level of peace and quiet at times when they are likely to be sleeping i.e. 11pm to 7am, but residents should especially benefit from peace and quiet throughout the night.

Operating 24 hours in this locations would likely give rise to noise disturbance that is wholly unacceptable within a residential area and thus contrary to policy RC21 which sets out that businesses will not be permitted to operate between the hours of 6pm and 8am.

Due to the busy Stockton Road and the level of daytime/evening disturbance attributed to it HBC have been flexible and allowed the business to operate until 11pm, however beyond that time the Stockton Road does operate with low traffic volumes and does not give rise to significant noise disturbance.

Allowing the use to operate for 24 hours will likely increase the traffic flow along this route, lead to noise disturbance as customers open and close doors, talk on the forecourt and walk to and from the use.

Planning Policy are of the view that the current operations hours should be adhered too and that this application be refused.

## **6) Planning Consideration**

### **BACKGROUND**

The following applications are of relevance:

HFUL/2003/0099 - Use of premises for car sales. Approved 28/04/2003.

H/2009/0082 - Change of use to car valeting centre. Approved 01/05/2009.

H/2009/0601 - Display of advertisements (retrospective application). Approved 22/12/2009.

H/2021/0573 – Demolition of existing kiosk building and forecourt canopy and erection of a roadside service facility, including a petrol filling station (sui generis) with ancillary retail shop with associated access, car parking and landscaping arrangements. Approved 05/08/2022.

### **SITE & SURROUNDINGS**

The application site comprises a car valeting centre situated to the north west of the A689 trunk road (Stockton Road), albeit planning permission was granted by virtue of H/2021/0573 for the erection of a roadside service facility, including a petrol filling station (sui generis) with retail kiosk and ancillary development. The case officer noted during the site visit that this development had not been implemented.

The application site is bounded by J R M Motors to the rear, with access taken from the western side of the application site (whilst access is also achieved to 2no. further commercial premises), bounded by Tees Valley North Scout Centre to the south west, and by 232 Stockton Road (a residential property) to the east / north east. Other residential properties extend to the north. Beyond the main highway of the A689/Stockton Road are residential and commercial properties.

## PROPOSAL

The proposal has been made under a Section 73 application for variation/removal of condition 15 (hours of use restriction) of planning approval H/2021/0573 (for the demolition of existing kiosk building and forecourt canopy and erection of a roadside service facility, including a petrol filling station (sui generis) with ancillary retail shop, associated access, car parking and landscaping arrangements) to allow 24-hour operation of the roadside service facility. Condition 15 of the parent planning consent reads:

*The fuel filling station, ancillary kiosk building and associated development hereby approved shall only be open to the public between the hours of 07:00 and 23:30 Monday to Sunday including Public and Bank Holidays.*

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

The removal of the planning condition would enable the use to operate 24 hours per day, seven days a week.

No operational development is proposed as part of the planning application.

## MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this application are the principle of development, the impacts on the amenity of the surrounding neighbouring occupiers, the impact on the character and appearance of the building and wider surrounding area, and highway safety related matters. These and any other relevant material planning considerations will be considered in the sections below.

## PRINCIPLE OF DEVELOPMENT & IMPACT ON AMENITY OF SURROUNDING NEIGHBOURING OCCUPIERS

The application site is unallocated white land, in accordance with Policy LS1 of the Hartlepool Local Plan Policies Map (2018), however the use of the application site for a fuel filling station and associated kiosk and ancillary development has been established by virtue of the parent application H/2021/0572 whereby a condition appended to that approval restricted the opening hours to between the hours of 07:00 and 23:30, seven days a week.

The applicant seeks to operate 24 hours, seven days per week (including bank holidays). Policy RC17 (Late Night Uses) of the Hartlepool Local Plan (2018) sets out that businesses seeking to operate beyond 11.30pm should be located within the area allocated under Late Night Uses within the town centre. The application site is not located in this area. The Council's Planning Policy section have been consulted in respect of the proposal and consider that the proposed opening hours (24 hours) would have the potential to result in an adverse impact on the amenities of the surrounding area and to have the potential to result in a degree of disturbance, especially given that the area is residential in nature. The Council's Public Protection team have been consulted on the application and support this view.

In view of the above, it is considered that the proposed opening hours would be contrary to Policy RC17 of the Hartlepool Local Plan (2018) and therefore the principle of development is not acceptable.

As considered through H/2021/0572, the application site is located within a predominately residential area, whereby although commercial units are sited to the rear (west) of the application site, the application site bounds a residential property at 232 Stockton Road, to the north east, with additional residential dwellings continuing to the north. No. 232 Stockton Road is therefore located at approximately 5.6m from the proposed kiosk building. Adjoining No. 232 Stockton Road is No. 230 Stockton Road, at a distance of approximately 12.9m from the proposed kiosk building. It is noted that additional residential dwellings are located to the north, north east, north west and west of the application site, as well as beyond the highway of Stockton Road to the east.

Planning policy QP4 states 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.

As the proposals through this Section 73 application would not involve any operational development, it is considered that there would be no associated impacts in terms of overbearing, overshadowing/loss of light, outlook or overlooking related matters for any neighbouring property or neighbouring land user than as originally considered through H/2021/0573.

The proposed removal of the planning condition 15 controlling the operating hours would allow 24 use of the fuel filling station facility and associated kiosk and ancillary development, 7 days a week. Consideration of potential associated impacts from the increased use of the facility at more sensitive hours includes the potential for increased noise and disturbance from associated comings and goings of people on foot and by vehicle, and noise generated by the operation of the fuel filling station and associated development (including retail kiosk) itself, again similar concerns are shared by HBC Public Protection.

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.

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”*.

It is acknowledged that the parent planning permission H/2021/0573 included the erection of an acoustic fence with a height of approximately 2m along the north / north-east boundary between the application site and the closest neighbouring properties at 230-232 Stockton Road. Notwithstanding this, whilst it is acknowledged that no objections have been received from neighbouring properties with regards to any potential impacts that may result from further late night opening, objections have been received from HBC Public Protection in addition to HBC Planning Policy who consider that noise from the banging of car doors, people noise from customers on the forecourt and music from vehicles during sensitive hours would likely impact surrounding residential properties and cause sleep disturbance for those residents living there.

In view of the above, it is considered that the principle of development for the proposed removal of planning condition 15 to allow the fuel filling station, kiosk and ancillary development to operate 24 hours a day, 7 days a week is not acceptable in this instance. It is considered that the proposal would be contrary to the provisions of Policies RC17, QP4 and QP6 of the Hartlepool Local Plan (2018) and paragraph 185a of the NPPF (2021), as it is considered would have the potential to result in a significant adverse impact on the amenity of nearby properties (particularly Nos. 230 and 232 Stockton Road which are adjacent to the north and north east of the application site) in terms of noise and general disturbance, so significant in this instance as to warrant a refusal of the application.

#### IMPACT ON THE CHARACTER OF THE BUILDING & SURROUNDING AREA

As the nature of the application is to vary the hours of operation at the application site only, it is acknowledged that no external alterations are proposed and consequently there will be no impact on the physical character of the host building and paraphernalia at the application site in this respect.

Notwithstanding the above, it is recognised that character is not something that is purely physical and the nature of how a use operates can impact on the character of a site and wider surrounding area. The proposed use of the fuel filling station, kiosk and ancillary development would allow for increased comings and goings at times where they currently would not have any associated activity. As noted above, the application site is not located within a town centre or within a late night uses area (as allocated by Policy RC17 of the Hartlepool Local Plan, 2018), where commercial activity may be expected to operate at later times, and it is of note that the proposed amendment would intensify the operation of the application site at certain times of the day (i.e. during night-time hours). Whilst it is considered that the variation of hours would not materially affect the approved use of the application site (or the associated approved buildings), as noted above, the proposed opening hours would have the potential to result in a detrimental impact on the character of the street scene to some extent, adding to the unacceptability of the scheme overall.

#### HIGHWAY SAFETY & PARKING RELATED MATTERS

It is acknowledged that a neighbour objection has raised concerns regarding highway safety, including traffic and the proximity of the application site to junctions. The Council's Traffic and Transport section have been consulted on the application

for the proposed changes to the operating hours, and have raised no objection, consistent with their previous view on the original planning permission. The proposal (extension to opening hours) therefore is considered acceptable in terms of vehicular parking provision and highway safety related matters.

#### CRIME, FEAR OF CRIME & ANTI-SOCIAL BEHAVIOUR

Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour. Given the hours of operation would extend into later hours, where natural surveillance would be reduced at a night time, Cleveland Police and HBC Community Safety were consulted on the application and have raised no objections or comments to the proposed development. Consequently, the proposed development raises no issues in respect to anti-social behaviour and crime and the proposed development is considered acceptable in this respect.

#### OTHER PLANNING MATTERS

It is acknowledged that a neighbour objection raises concerns around contamination. The application is only to amend condition 15 of H/2021/0573 in respect of hours, however the Council's Flood Risk Officer was consulted on the application and confirmed no objections in respect of surface water drainage and contaminated land. The proposal is therefore considered acceptable in this respect.

The Council's Ecologist, the Council's Arboricultural Officer, Tees Archaeology, and the Council's Countryside Access Officer were consulted on the application and raised no concerns. The proposal is therefore considered acceptable in these respects.

#### CONCLUSION

It is considered that the proposed extension to the operating hours by the removal of condition 15 from planning approval H/2021/0573 would have the potential to result in a significant adverse impact upon the occupiers of nearby residential properties in relation to associated noise impacts. It is further considered that the application site not located within the designated late night uses area. As such it is considered that the proposed amendment would be contrary to Policies RC17, QP4 and QP6 of the Hartlepool Local Plan (2018) and paragraph 180a of the NPPF (2021). It is therefore considered the proposal should be recommended for refusal.

#### **7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

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

There are no Section 17 implications.

#### **9) Alternative Options Considered**

No

<b>10) Any Declared Register of Interest</b>	
No	
<b>11) Chair's Consent Necessary</b>	N
<b>12) Recommendation</b>	
REFUSE, for the reason below:	
<b>REASONS</b>  <p>1. In the opinion of the Local Planning Authority, the proposed removal of condition 15 of planning permission H/2021/0573 and to allow an extension to the opening hours to 24 hours of the fuel filling station, including kiosk and ancillary development (approved as part of planning permission H/2021/0573), would result in a significant adverse impact upon the occupiers of nearby residential properties in relation to noise impacts associated with customers visiting the application premises, noise from vehicles, including the slamming of doors and the potential noise from delivery vehicles at the fuel station premises. It is further considered that the application site is not located within the designated late night uses area. As such it is considered to be contrary to Policies RC17, QP4 and QP6 of the Hartlepool Local Plan (2018) and paragraph 185a of the National Planning Policy Framework (2021).</p>	
<b>INFORMATIVE</b>	
<b>1.0 Statement of Proactive Engagement</b>	
<p>The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, unfortunately, it is not possible to address the key constraint in this instance.</p>	

**Author of Report: Stephanie Bell**

**Signed: S. Bell**

**Dated: 11/01/2022**

**Signed: DJAMES**  
Planning Team Leader DC

**Dated: 12/01/2022**



## PLANNING COMMITTEE

19<sup>th</sup> April 2023



**Report of:** Assistant Director – Place Management

**Subject:** PLANNING APPEAL AT LAND ADJACENT TO ROSSMERE LODGE, ROSSMERE WAY, HARTLEPOOL, TS25 5EF.  
APPEAL REF: APP/H0724/W/23/3318173  
Planning application for the erection of 1no. three bedroom dwelling and associated works including new access from the highway (H/2022/0418).

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a planning application for the erection of 1no. three bedroom dwelling and associated works including new access from the highway (H/2022/0418).
- 1.2 The planning application was refused under delegated powers on 14<sup>th</sup> February 2023 for the following reasons:
  1. *In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic and cramped form of development, resulting in a detrimental visual impact on the character and appearance of the host property (Rossmere Lodge) and the surrounding area, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 126 and 134 of the NPPF (2021) 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 amenity for the host property of Rossmere Lodge, in terms of loss of outlook, overbearing and overshadowing to habitable room windows and the immediate garden area serving the host property, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraph 130 of the NPPF (2021).*
- 1.3 A copy of the officer's delegated report is appended at **Appendix 1**.

**2. RECOMMENDATIONS**

- 2.1 That Members note this report.

**3. CONTACT OFFICER**

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

**4.0 AUTHOR**

- 4.1 Stephanie Bell  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523426  
E-mail: [Stephanie.Bell@hartlepool.gov.uk](mailto:Stephanie.Bell@hartlepool.gov.uk)

**Appendix 1****DELEGATED REPORT**

<b>Application No</b>	H/2022/0418
<b>Proposal</b>	Erection of 1no. three bedroom dwelling and associated works including new access from the highway.
<b>Location</b>	ROSSMERE LODGE ROSSMERE WAY HARTLEPOOL

**PS Code:** 13

<b>DELEGATION ISSUES</b>	Neighbour letters:	20/12/2022
	Site notice:	21/12/2022
<b>1) Publicity Expiry</b>	Advert:	N/A
	Weekly list:	25/12/2022
	Expiry date:	20/01/2023
	Extended date:	14/02/2023
<b>2) Publicity/Consultations</b>		
<b>PUBLICITY</b>		
The application was advertised by site notice and neighbour notifications (1). 1 letter of no objection has been received.		
<b>CONSULTATIONS</b>		
The following consultation responses were received.		
<b>HBC Building Control</b> - I can confirm that a Building Regulation application will be required for 'Erection of 1no. three bedroom dwelling'.		
<b>HBC Community Safety</b> – No objection to the proposal.		
<b>HBC Traffic and Transport</b> – There are no highway or traffic concerns.		
<b>HBC Head of Service (Heritage and Open Spaces)</b> - The application site is located adjacent to Rossmere Park which is recognised as a locally listed building and therefore 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 significance of the site is described as, Linear park located off Stockton Road between Rossmere Road and Braemar Road. Formerly the site of a brick factory with associated clay pit, the site was acquired by the then local authority in the early 1950s when the surrounding housing was largely being built to create a public park. The factory buildings were cleared and the clay pit partly filled in to create a small lake with an island.

The park is orientated east/west with the lake located at the east end near the main entrance (with other entrances on the north and south sides). The park provides informal lake side and woodland walks. The west end of the park is occupied by more formal play areas. The Park has the feel of a late 19th century park similar to Ward Jackson Park in Hartlepool with extensive bird life.

From this it can be concluded that the significance of the park lies in the historic and amenity value derived from the space.

The proposal is the erection of a dwelling with the garden of a property which lies adjacent to the park.

It would appear that the site is very small and therefore the dwelling lies closely to the boundary which demarcates the public and private spaces. In addition there is vegetation within this area creating a barrier between the two. It is proposed that this is removed.

Whilst in principle it is considered that the proposal will not effect on the setting of the heritage asset by virtue of the fact it is the continuation of an existing row of properties. It is requested that where possible planting is retained or replaced to ensure that the impact is minimized on the barrier of vegetation which contributes to the setting.

It is considered that the proposal will not impact on the significance of the non-designated heritage asset; no objections.

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

**HBC Ecology** - The site is close to countryside which supports declining birds such as swift, house sparrow, tree sparrow and starling, which could benefit from the provision of integral bird nest bricks.

To meet current Ecology planning requirements, the following should be conditioned:

The building should include 1 integral bird nest brick located in south or east facing walls (where possible) and at a minimum height of 3m above ground level.

For an example see: <https://cieem.net/swift-bricks-the-universal-nest-brick-by-dick-newell/>

#### Habitats Regulations Assessment

This application requires a Habitats Regulations Assessment (HRA) stage 1 screening and stage 2 Appropriate Assessment (AA), which I have completed (HBC LPA is the competent authority).

I have assessed the possible adverse impacts on European nature conservation sites through Nutrient pollution. The budget calculator (submitted separately) shows a result of 0kg nutrients, and no mitigation is required. A nutrient budget statement forms part of the submitted ELG Planning Statement prepared on 10/10/2022 also concluded 0 kg of nutrient output.

Increased recreational disturbance triggers the requirement for a HRA stage 2 Appropriate Assessment. This is attached separately with the HRA stage 1 screening document embedded in it as an appendix.

Following the HRA process, no mitigation measures are required, and the development would be lawful in this respect.

**Natural England** - Thank you for your consultation on the above dated and received by Natural England on 29 November 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

No objection - AA concludes 'No Adverse Effect On Integrity' and Natural England concurs with this conclusion. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

**Tees Archaeology** - Thank you for the consultation on this application. We note the inclusion of a heritage statement, which determines that the site is of low

archaeological potential due to it previously being part of a brick and tile making site. We agree with this conclusion; no archaeological work is required.

**HBC Landscape Architect** - The proposed development will introduce new built form into the garden area of Rossmere lodge. While there will be some impact on Rossmere park, some screening will be provided by the existing hedge. Should any development proceed, this hedge should be protected to maintain the screening function.

Impacts on Rossmere Way will result from the new built form, parked vehicles and new vehicle and pedestrian access across the roadside verge. There will be further potential impacts from domestic paraphernalia associated with external space. The existing verge functions to define the various entrances into the park and proposed parking and hard surfacing will negatively impact the entrances and setting of the park.

**HBC Arboricultural Officer** - There are no TPO's or conservation areas associated with the site however there is TPO 155 at Rossmere cottage to the west but not affected by this development. There are no trees that require removal but there is however a privet hedge to the south which requires removal. There will need to be some replanting put in place to mitigate the loss of 35 metre of hedge (approximately). Details of a planting scheme should be submitted but could be included as a condition. There is a good free document from the Trees & Design Action Group; Tree Species Selection for Green Infrastructure. This will give guidance of what to tree to plant in a number of varying conditions. It is essential that the right tree be planted in the right location to allow the tree to establish successfully but to also stop any future problems with property boundaries and maintenance issues. Any tree planting schemes associated with the site should be designed using the guide.

**HBC Waste Management** - Developers are expected provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/ receptacles to enable the occupier to comply with the waste presentation and collection requirements in operation at that time.

Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council's waste collection service and vehicle load handling equipment.

Please see our Developer Guidance Waste and Recycling for new properties document which can be found at [www.hartlepool.gov.uk/usingyourbins](http://www.hartlepool.gov.uk/usingyourbins) for further information.

**HBC Estates** - The access to this site appears to be adopted as well as owned by the Council

**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 1:2019, Section B5 for Dwellings.

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

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** – No comments received.

<b>3) Neighbour letters needed</b>	Y
------------------------------------	---

<b>4) Parish letter needed</b>	N
--------------------------------	---

## **5) Policy**

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

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

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  
 PARA047: Determining applications  
 PARA055: Planning conditions and obligations  
 PARA056: Planning conditions and obligations  
 PARA060: Delivering a sufficient supply of homes  
 PARA124: Achieving appropriate densities  
 PARA126: Achieving well-designed places  
 PARA130: Achieving well-designed places  
 PARA134: Achieving well-designed places  
 PARA152: Meeting the challenge of climate change, flooding and coastal change  
 PARA154: Meeting the challenge of climate change, flooding and coastal change  
 PARA157: Meeting the challenge of climate change, flooding and coastal change  
 PARA218: Implementation

#### Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change  
 HSG1: New Housing Provision  
 LS1: Locational Strategy  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 QP7: Energy Efficiency  
 SUS1: The Presumption in Favour of Sustainable Development

**HBC Planning Policy** - Planning Policy have concerns with this proposal with reference to the requirements of Local Plan policy QP4 . The site appears to be over developed, harming the character of the area. In addition, the amenity for both the donor and proposed house looks compromised.

## **6) Planning Consideration**

### PLANNING HISTORY

The following history is considered relevant to the current application site;

H/FUL/2003/0468 – Erection of a detached dormer bungalow and detached garage – approved 21/08/2003. This relates to the host property as built on site.

H/FUL/2001/0198 - Erection of a detached house and detached garage – approved 06/06/2001.

H/OUT/2000/0380 - Outline application for the erection of 4 dormer bungalows – refused 24/01/2001.

### SITE AND SURROUNDINGS



The applications site is located within the garden area to the east of Rossmere Lodge, which is located on the south side of Rossmere Way, which connects to Stockton Road/A689 to the east and Catcote Road to the west. The area is predominately residential in character with a mix of bungalow, 2 storey dwellinghouses and 3 storey flats. Rossmere Way is the bus route to the area known as 'Owton Manor'. To the south/east of the site is an area of open space. To the south of the site is Rossmere Park, which is recognised as a locally listed building and therefore consider a heritage asset. Whilst there are residential properties within the site, the nearest residential property to the application site, is the host dwelling to the west.

## PROPOSAL

The application seeks planning permission for the erection of 1no. three bedroom dormer bungalow and associated works which will included 2no. new access points, 1 for pedestrian and 1 for vehicle access.

The proposal would measure approximately 9.8m in width x 8.8m in length x 8.4m in height (to the ridge line) and approximately 2.6m to the eaves height. The proposal would include a central front entrance with overhanging porch/portico, and will feature 2no. large windows either side (of entrance door) serving a living room and kitchen dining (habitable rooms). The rear elevation (south) will feature 3no. windows which will serve living room, kitchen dining (habitable rooms) and utility (non-habitable room). The eastern facing elevation will feature bi-folding doors across the breadth of the side elevation. At first floor (within the roof space) there will be three bedrooms, a family bathroom and ensuite connected to the master bedroom. The proposal includes the provision of 2no. projecting pitched roof dormer windows on the front facing roof slope (north) which serve bedrooms (habitable room) and a single velux window which serves a landing, on the rear roof slope (south) there is a single projecting pitched roof dormer window which serves a bedroom (habitable room) and a double flat roof dormer which will serve a bathroom and ensuite (non-habitable rooms).

The proposed materials include red facing brick to all elevations, dark grey roof tiles and anthracite windows, doors and other detailing.

The proposed dwelling will be accessed from a new pedestrian access created between the existing public footpath and the application site and a vehicle access which will include a mix of tarmac and block paving finishing at the eastern end of the site. A lawn area for private amenity space is proposed to the side of the dwelling (east). Due to the constraint of the site there is limited amenity space to the rear and front of the proposed dwelling.

## MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this application relate to the principle of development, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring properties and the impact on highway safety, drainage, ecology and archaeology. These and any other planning matters are considered below.

## PRINCIPLE OF DEVELOPMENT + IMPACT ON CHARACTER AND APPEARANCE OF HOST PROPERTY AND SURROUNDING REA.

The application site is a side garden of a residential property, within a residential area. The land is allocated as white land in the Hartlepool Local Plan (2018) and within limits to development. The site whilst predominately residential in character is within walking distance to a variety of local facilities and amenities (shops, schools and community buildings) and is served by public transport, so is deemed to be a sustainable location. The principle of residential development is broadly acceptable within this area, subject to set criteria regarding the impact upon the surrounding area.

The application site is located adjacent to Rossmere Park which is recognised as a locally listed park and therefore a non-designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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 (Locally Listed Buildings and Structures) 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.

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

The National Planning Policy Framework 2021 (NPPF) sets out the Government's commitment to good design. Paragraph 126 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

As noted above, the application site is an area of residential garden within the curtilage of Rossmere Lodge, which is adjacent to Rossmere Park which is a Locally Listed park. The area is predominately residential in character, comprising single storey dwellings (bungalows), two storey dwellings and three storey apartment blocks. The properties have private amenity space to the front and rear. The apartment blocks which are opposite (north) across the adopted highway of Rossmere Way are set in open areas with open grassed areas.

The proposed development would introduce a large dormer bungalow within a residential garden area, which is currently enclosed by approximately 1.8m high close boarded timber fence. This area retains a notable level of openness within the street scene, as there are unrestricted views across the fence line. The proposal

would seek to replace part of the existing boundary treatment with a rail fence which is indicated on the submitted plans, this would increase the visual impact of a large dormer bungalow upon the street scene, which is considered to appear cramped, when viewed from vantage points within Rossmere Road and alongside of the host dwelling.

As noted above Rossmere Park is a Locally Listed park and therefore considered a non-designated heritage asset. The proposed dwelling will be set away from the shared boundary with the park to the rear approximately 1.3m reducing to 0.6m (due to the shape of the site), this will introduce a large structure which will be visible from vantage points within the park, also of consideration is the site sits in an elevated position to that of the park and is considered given the close proximity to the boundary fencing would have a dominating and incongruous impact. The Head of Service for Heritage and Open Spaces has been consulted and comments that whilst in principle the proposal will not affect the setting of the heritage asset, given it is the continuation of an existing row of properties, had the proposal being acceptable a request for the existing planting between the rear boundary of the application site and the park be retained or replaced to ensure that the impact is minimised on the barrier which contributes to the setting.

Notwithstanding the comments in relation to the park, in terms of the visual impact upon the wider street scene of Rossmere Way, it is considered that introducing an additional dwelling into the space would create a dominating and incongruous feature within the street scene, and it would appear to be cramped within a tight space, whilst there will be amenity space to the side of the proposed property, the property will be close to the adopted highway. The introduction of additional hard standing to create a pedestrian access and vehicle access across the existing green highway verge would have a detrimental impact upon the feeling of openness when viewing from prominent vantage points within the street scene. It is also considered that the proposed access and driveway does not read well with the main dwelling's position, being located at the opposite end of the site and adjacent to the pedestrian entrance to the park. These concerns are echoed by the Council's Landscape Architect, as discussed in further detail below.

HBC Planning Policy considers that the proposal would result in a detrimental impact to the existing host dwelling and the occupiers of the proposed new dwelling. It is considered that there would be a significant impact upon the street scene in terms of the visual impact and cramped appearance within the proposed site contrary to the requirements of Policy QP4 and the provisions of the NPPF.

Furthermore, the Council's Landscape Architect has highlighted the adverse visual impacts on the entrances and setting of the park that would potentially result from the new built form, parked vehicles and new vehicle and pedestrian access across the roadside verge, and potential impacts from domestic paraphernalia associated with external space. It is further considered that the provision of additional planting would not address the concerns or impacts on the wider street scene of Rossmere Way.

In light of the above, it is considered the introduction of a large structure within the garden area of an existing residential property would result in an unsympathetic and

cramped form of development that would introduce an incongruous feature into the application site and the wider surrounding street scene, and would be contrary to Policy QP4 of the Hartlepool Local Plan (2018) and the provisions of the NPPF and this would warrant a reason to refuse the application.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

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

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

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

The nearest neighbouring property is the host property to the west, known as Rossmere Lodge. This property features a summer room to the side elevation (east) which is understood to be part of the original to the host property. The summer room has a number of windows (habitable room) which will look towards the gable wall of the proposed dwelling. Whilst it is acknowledged that the side elevation (west) of the proposed dwelling does not feature any windows nor would any direct views be achievable between the front and rear elevations of the proposal towards the main principal elevations of Rossmere Lodge, it is considered that the proposal does not meet the criteria as specified within the Council's adopted Residential Design Guide SPD, which states;

- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

This requirement is not only to protect privacy but also to prevent any undue overbearing, overshadowing and loss of outlook impacts. The host property (Rossmere Lodge) would have a separation of approximately 4.4m from the blank gable of the proposed dwelling. The proposal will also feature boundary treatment along the western shared boundary with the host dwelling, which supporting document indicates will be 1.8m high close boarded timber fence. It is considered that this separation between the host dwelling and the proposed dwelling falls significantly below the required separation distances contained within the Residential Design Guide SPD. As a result, it is considered that the proposed development would have an unacceptable impact upon these windows (and adjacent rear garden area) and have a dominating, overbearing and poor outlook for the occupiers of the existing and future occupiers of the host dwelling in conflict with the requirements of Policy QP4 and the Council's Residential Design Guide SPD and therefore would warrant a second reason for refusal.

The properties to the north opposite the application site are separated by adopted highway and are set back from the public highway. These properties are three storey flats, with the side gable elevation looking onto Rossmere Way. There is approximately in excess of 30m between windows in the side elevation of the flats and the application site. It is considered that there is satisfactory separation distance with the proposed development, in accordance with Policy QP4 and the Residential Design Guide. It is therefore considered that the proposed development would not result in an adverse impact on the amenity and privacy of the flats in terms of overbearing, overshadowing, loss of outlook and overlooking.

#### HIGHWAY SAFETY AND CAR PARKING

The Council's Highways and Transport section have been consulted and raise no concerns or objection with regard to the proposal. The proposal is considered acceptable with regard to highway safety and car parking.

#### ECOLOGY

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

#### SURFACE WATER DRAINAGE AND CONTAMINATED LAND

The application site is located outside of Flood Zones 2 and 3. No objections have been received from the Council's Flood Risk Officer. If the scheme had been considered acceptable, a condition would have been attached relating to the disposal of surface water and an unexpected contamination condition.

#### OTHER PLANNING MATTERS

HBC Arboricultural Officer has been consulted and raised no concerns or objection. Had the proposal been acceptable in all respects, a planning condition requesting full surface details and boundary treatments would have been required, including the retention and protection of existing hedgerows.

#### CONCLUSION

Having regard for the above policies identified within the Hartlepool Local Plan (2018), and relevant paragraphs of the NPPF (2021), it is considered the proposed development by virtue of its siting, scale and design would result in an unsympathetic design to the detriment of the visual amenity of the street scene and upon the amenity of the host property in terms of overbearing, overshadowing and loss of outlook. It is further considered that the proposed development would result in an unacceptable loss of amenity for the host property of Rossmere Lodge, in

terms of loss of outlook, overbearing and overshadowing to habitable room windows and the immediate garden area serving the host property. Therefore the proposal is recommended for refusal.

## 7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

## 9) Alternative Options Considered

No (given the constraints of the site)

## 10) Any Declared Register of Interest

No

## 11) Chair's Consent Necessary

N

## 12) Recommendation REFUSE for the reasons below;

### REASONS

1. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic and cramped form of development, resulting in a detrimental visual impact on the character and appearance of the host property (Rossmere Lodge) and the surrounding area, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 126 and 134 of the NPPF (2021) 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 amenity for the host property of Rossmere Lodge, in terms of loss of outlook, overbearing and overshadowing to habitable room windows and the immediate garden area serving the host property, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraph 130 of the NPPF (2021).

### INFORMATIVE

#### 1. Statement of Proactive Engagement

**The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals,**

**issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However it is has not been possible in this instance to address or overcome the identified impacts.**

**Author of Report: Jane Tindall**

**Signed: JT Tindall**

**Dated: 14/02/2023**

**Signed: S. Bell**

**Dated: 14/02/2023**

Senior Planning Officer