

# PLANNING COMMITTEE

## AGENDA



**Wednesday 6 December, 2023**

**at 10.00 am**

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

### MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Darby, Feeney, Little, Martin-Wells, Morley, Oliver, V Nicholson, Thompson 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 November 2023 (to follow)

#### 4. **ITEMS REQUIRING DECISION**

##### 4.1 Planning Applications – *Assistant Director, Neighbourhood Services*

1. H/2022/0459 North East Corner, Whelly Hill Farm, Worset Lane, Hart (page 1)
2. H/2023/0303 18-25 The Front, Seaton (page 45)
3. H/2023/0264 7 Northbrook Court (page 65)

#### 5. **ITEMS FOR INFORMATION**

- 5.1 Update on Current Complaints and Enforcement Actions – *Assistant Director, Neighbourhood Services*
- 5.2 Planning Appeal at Flat 3, 24 Beaconsfield Street - *Assistant Director, Neighbourhood Services*

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

#### 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.

## **FOR INFORMATION**

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 10 January 2024 at 10.00 am.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

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

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

**Present:**

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Rob Darby, Tom Feeney, Sue Little, Melanie Morley, Veronica Nicholson, Karen Oliver and Mike Young.

Also Present: In accordance with Council Procedure Rule 4.2 Councillor David Nicholson was in attendance as substitute for Councillor Andrew Martin-Wells and Councillor Gary Allen was in attendance as substitute for Councillor Carole Thompson.

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Jim Ferguson, Planning and Development Manager  
Sarah Scarr, Coast, Countryside and Heritage Manager  
Daniel James, Planning (DC) Team Leader  
Aidan Dobinson Booth, Principal Planning Officer  
Peter Frost, Highways, Traffic and Transport Team Leader  
Helen Smith, Planning Policy Team Leader  
Catherine Guy, Public Health Registrar  
Laura Alderson, Senior Planning Officer  
Stuart Edwards, Flood Risk Officer  
Umi Filby, Legal Advisor  
Josh Fraser, Legal Advisor  
Jo Stubbs, Democratic Services Officer

### **36. Apologies for Absence**

Apologies were submitted by Councillors Andrew Martin-Wells and Carole Thompson.

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

Councillor Sue Little declared a personal interest in Planning Application H/2022/0181 (Land North of A689 Wynyard Park Estate)

### 38. Confirmation of the minutes of the meeting held on 11 October 2023

Minutes approved

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

<b>Number:</b>	H/2022/0181
<b>Applicant:</b>	C/O LICHFIELDS
<b>Agent:</b>	LICHFIELDS MR JOSH WOOLLARD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE
<b>Date received:</b>	16/05/2022
<b>Development:</b>	Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access. (Amended Description 02.02.23)
<b>Location:</b>	LAND NORTH OF A689 WYNYARD PARK ESTATE WYNYARD WOODS WYNYARD

The Principal Planning Officer noted an amendment to the report specifically an additional £40,000.70 being sought for Primary Education contribution. He also advised Members that the Wynyard Master Plan while useful as guidance for Members is not a development plan document and should therefore not be given the same weight as the Local Plan, as the Wynyard Master Plan has not been subject to public examination or consultation before its adoption. A member queried why this had not happened and was advised that as there was an overriding policy in place in terms of the Local Plan, it was not necessary. The Chair urged Members to consider the application based on the information before them.

A member commented on the reference in the report regarding there being a steady pipeline of housing in the Wynyard area. The Principal Planning Officer advised that this was a reference to there being an additional range of choice in housing which he deemed to be a good thing in the medium to longer term.

A member referred to the loss of agricultural land which would be caused by this development. The Principal Planning Officer advised that this land was spread across the site rather than being located together and was unlikely to

ever have come into agricultural use in the future. Agricultural specialists had confirmed this. The Principal Planning Officer acknowledged the applicant had commissioned the report, but noted that the writers were experts in the field giving their professional opinion.

It was confirmed that 30 conditions were proposed in the report dealing with various matters.

A member referred to the recent monies acquired to fund the Wynyard Garden Village and referenced its Vision document. The Planning Policy Team Leader indicated that while this should not be given any statutory weight it showed the possibilities for the growth of Wynyard Village in the future. Decisions needed to be based primarily on the Local Plan. The funding received had been to allow investigation and prepare technical reports but nothing would be in place until at least 2032

The Principal Planning Officer confirmed that in terms of sustainability conditions included car charging points and in particular that the additional infrastructure (such as a school and sport and play facilities) would make Wynyard Park sustainable.

Neil Westwick, representing the applicant, confirmed that they had been working with officers on the application and the report was comprehensive. He was present to answer any questions that Members had.

Keith Malcolm, representing the Parish Council, outlined their objections to the proposal. While they were not against the building of quality homes in the area they felt that there were insufficient amenities or facilities to accommodate these additional houses. Part of the land had originally been designated for community and recreational use and it should be kept for that purpose. There was no public transport service, no primary school, no GP or pharmacy, not even a post box and no safe crossing point to access services to the south. A pub and hotel had been approved but not yet built. Wynyard is an affluent area but is poor in terms of amenities. The nearby primary school in Stockton was heavily oversubscribed and a second primary school was planned but it would not be in place for some time. The Parish welcomed the provision for sport and education and noted there were places allocated for retail but needed confirmation that this would happen. The Parish Council were concerned at the absence of a site for secondary school provision and that the design of the sports hub had not taken account of the housing and that they would prefer that there be no housing in that area. Mr Westwick commented that the developer was happy that there was sufficient space between the pitches and future housing however this would need to be demonstrated at the reserved matters stage and if this was not the case it could be amended then.

A member queried how much employment land would be lost if this application was approved. Members were concerned that such employment land might be needed to support growth in the future. The Principal Planning Officer confirmed 32 hectares would be lost however he referred to the

Economic Development Manager's comments that changes since the last Employment Land Review 2014 (such as the impact of Covid 19, the rise of home working, and the move to a greener economy) meant it was likely that less employment land will be required than envisaged by the 2014 Review. A member asked that the developer consider local employment and apprenticeship opportunities. The Principal Planning Officer advised that it was inevitable that a development of this size would bring employment opportunities but it had not been included as part of the S106 obligations. Mr Westwick confirmed that the developer would be happy to do this as it was standard practice.

The Legal Advisor confirmed that Councillor Melanie Morley was unable to vote on this application as she had arrived during consideration of the application.

Councillor Mike Young moved the officer recommendation to approve based on the updated primary education contributions and with the additional obligation relating to local employment provisions. Councillor Veronica Nicholson seconded this. A recorded vote to approve the application, as per the officer recommendation, was taken:

For – Councillors PaddyBrown, Rob Darby, Tom Feeney, Sue Little, David Nicholson, Veronica Nicholson, Karen Oliver, Gary Allen and Mike Young

Against – Councillor Moss Boddy

Abstain - None

#### **Decision:**

**Minded to approve subject to the completion of a S106 Legal Agreement (including an update to the primary education contribution figure (£2,457,605.85); and an additional obligation to secure a local employment and training agreement), securing (18%) on site affordable housing of which 70% shall be for affordable rent and 30% intermediate tenure (in accordance with the Principal Planning Officer's report), additional land for a three form entry primary school if the need arises. If the need does not arise then the additional land will be safeguarded as open space, a financial contribution of £2,457,605.85 towards primary education, a financial contribution of (£1337.93 per dwelling) towards secondary education, financial contribution (£125 per dwelling) towards school transport, 500 metres squared of commercial floor space for a local centre, with parking and servicing to the east of the pub and hotel site used for a variety of uses,**

**Public open space opposite Musgrave Garden Lane (MGL) - Additional walking links in and around the POS opposite MGL along with dropped kerbs, tree planting, and seating and interpretation material, Play equipment on site D, Land to accommodate a Sports Hub (3G pitch, adult size grass pitch, changing facilities, parking and storage). a Kick around pitch - A fenced of grass area to be located in the southern element of the green wedge north and to be used for informal play and maintained by Wynyard Park, a financial contribution of (£992 per dwelling) towards east to west footway/cycleway, a financial contribution of (£250 per dwelling) towards Castle Eden Walkway, Woodland Footpath Connections – to Deliver and maintain the on-site footpaths which are set out within the Woodland Footpath Strategy, Five promotional events for Tees Flex over a two year period, a financial contribution of (£250 per dwelling) towards built sports facilities, a financial contribution of (£57.03 per dwelling) towards tennis provision within the borough, a financial contribution of (£4.97 per dwelling) towards bowling facilities in the borough, a financial contribution of (£250 per dwelling) towards SPA Coastal Mitigation, a financial contribution of (£100 per dwelling) to provide mitigation for farmland birds, a financial contribution of (£431.67 per dwelling) for highway infrastructure/highway works and a financial contribution (£482.50 per dwelling) for NHS provision, a local employment and training agreement and the following conditions;**

## **CONDITIONS AND REASONS**

1. Details of the appearance, landscaping, layout and scale (hereafter called the reserved matters) for each phase of the development shall be submitted to and approved in writing by the local planning authority before the development of that phase, and the development shall be carried out as approved.  
That your application is made in outline only.
2. Application for the approval of the reserved matters (referred to below) and the commencement of development, shall be as follows. The first reserved matters application shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later

than 2 years from the date of approval of the last reserved matters of that phase. Thereafter, all subsequent phased reserved matters applications shall be made to the Local Planning Authority not later than 10 years from the date of this permission and the development so approved shall be begun not later than the expiration of 2 years from the final approval of the last reserved matters relating to each phase.

3. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in general conformity with the following approved plans.

Drawing No. SD-00.00C (OS Location Plan)

Drawing No. 1595-WYN-SD-10.01 REVF Illustrative Masterplan(A)

1595-WYN-SD-10.02 REVF Illustrative Masterplan SCHEDULE(A)

1595-WYN-SD-20.01C Land Use

Drawing No 1595-WYN-SD-20.02C Building Heights

Drawing No 1595-WYN-SD-20.03C Connectivity

Drawing No. 1595-WYN-SD-20.04C Green Infrastructure

To ensure that the development as carried out does not vary from the approved plans.

4. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. Prior to or alongside the submission of the first "reserved matters" application, a Phasing Plan/Programme shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plans/Programmes shall identify the phasing of all development, infrastructure, landscaping, the means of access/pathways/cycleways, enclosures and gates, and public and amenity open space of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.  
To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.

5. The development permitted shall include no more than 1,200 dwellings unless otherwise approved in writing by the Local Planning Authority. More dwellings would result in a denser form of development which would adversely affect the character and appearance of the surrounding area.
6. Prior to above ground works of that phase, a schedule and/or samples of all surfacing materials and finishes for that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development of that phase shall not be carried out other than in accordance with the approved details.



To ensure a satisfactory appearance of the development and upon the surrounding area.

7. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 18.00 in 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.

8. Notwithstanding the submitted information and the measures outlined within the submitted Flood Risk Assessment, no development shall take place within each phase of development in relation to surface water drainage until a scheme for a surface water management system including detailed drainage/SUDS design for that phase has been submitted to and approved in writing by then 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 arrangement for adoption by any public authority or statutory undertaker of 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. In order to ensure satisfactory drainage.

9. Prior to works pertaining to foul water drainage in any phase, a detailed scheme for the disposal of foul water for that phase of 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. In order to ensure satisfactory drainage.

10. Prior to the commencement of each phase of development, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The CEMP shall include the routing of all HGVs movements associated with the construction phase, effective dust emission controls from the

site remediation and construction works which includes earth moving activities, the control and treatment of stock piles, details and location of parking for use during construction, measures to protect any existing footpaths and verges from vehicle movements, and 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 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 of each phase 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.

11. The development of each phase hereby permitted shall be landscaped in accordance with a fully detailed scheme which shall be submitted as part of the details of the proposed development as required Condition No. 1 above.  
In the reasons if amenity and to ensure a satisfactory standard of landscaping.
12. All planting, seeding or turfing comprises in the approved details of any landscaping of that phase shall be carried out in accordance with the approved programme of works for implementation. Any trees, plants or shrubs within a phase which within a period of 5 years from the date of the completion of that phase die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity and biodiversity enhancement.
13. No part of the residential development of that phase shall be first occupied until a vehicular and pedestrian access to the phase of development has been constructed to the satisfaction of the Local Planning Authority.  
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
14. In the event that contamination is found at any time when carrying out the approved development of any phase works must be halted on that phase affected by the unexpected contamination and must be reported immediately to the Local Planning Authority. An investigation and risk assessment 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 on that phase until a remediation scheme to deal with the contamination of that phase has been carried out in accordance with the details first submitted to and approved in writing by

the Local Planning Authority. This scheme shall evaluate options for the remedial treatment based on risk management objectives. Works shall not resume on that phase until the measures approved in the remediation have been carried out in full.

To ensure any contamination is appropriately dealt with.

15. No development of the phase or phases shall take place until plans of that phase of development showing the existing and proposed ground levels and levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter, that phase shall not be carried out other than in accordance with the approved details.

To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways having regard to amenity, access, highway and drainage requirements.

To ensure the land levels remain appropriate.

16. Clearance and removal of trees and vegetation in any phase shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site within that phase 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.

17. Notwithstanding the submitted details, prior to occupation of each phase of development, details of the proposed street lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the street lighting of that phase shall be provided in accordance with the approved details, prior to first occupation of any dwellings in that phase.

In the interest of biodiversity.

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

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

19. Notwithstanding the submitted details, none of the dwellings hereby permitted within that phase shall be first occupied until a scheme to ensure that 10% of the energy requirement for each dwelling in that

phase is provided from renewable sources has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development of that phase shall be carried out in accordance with the approved details.

In the interests of sustainability.

20. Notwithstanding the submitted details none of the dwellings hereby permitted in that phase 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 of the dwelling.

In the interests of sustainability.

21. No dwelling hereby permitted shall be first occupied until details of refuse and recycling bins to be provided at each property of that phase 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 refused and recycling bins are provided for residents.

22. Prior to first occupation of any dwelling hereby approved the off-site highway improvement works at the A689/ The Meadows roundabout as shown on drawing PR807/PH2/1 shall be completed as submitted to and approved in writing by Local Planning Authority.

To ensure the safe and efficient operation of the local highway network.

23. No apartments shall be occupied except by a person or persons over the age of 55 years.

That the apartments are not suitable for occupation by families with children.

24. When submitting the details pursuant to condition 1, this shall include an Arboricultural Impact Assessment, Arboricultural Method Statement and a Tree Protection Plan.

To ensure the protection of retained trees on the site.

25. 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.

26. Prior to the commencement of development on any phase of the development a scheme to provide bat mitigation features to provide long term roost sites for the local bat population within that phase including details of the features and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. These shall include bat nesting bricks to be built into 10% of buildings with the selection of buildings facing onto the larger open spaces to be prioritised. The bat mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

27. Prior to the commencement of each phase of the development a detailed scheme of noise insulation measures for the residential properties shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings". The approved scheme shall be implemented, and verification that the measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified in the scheme and shall be permanently retained thereafter unless some variation is otherwise agreed in writing by the Local Planning Authority.

To ensure an acceptable residential living conditions for future occupiers.

28. No part of the development hereby approved shall be occupied unless and until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways or its successors). The Travel Plan shall be developed to accord with the principles set out in the Framework Travel Plan [Land North of A689, Wynyard Park Estate, Wynyard Woods, Wynyard, Hartlepool – AMA, June 2023]. The Detailed Travel Plan shall

thereafter be implemented coincidentally with the phased occupation of the development;  
In the interests of sustainable travel.

29. Prior to first occupation of any dwelling hereby approved, the works to Wynyard Avenue/A689 Junction, as shown in principle on Andrew Mosely Associates drawing reference AMA/21173/SK003, are implemented to the satisfaction of the Local Highway Authority and are open to traffic;  
In the interests of highway safety.
30. Prior to first occupation of any dwelling hereby approved, the works to the A689/Hanzard Drive / The Wynyard Junction as shown in principle of Stockton-on-Tees Borough Council drawing reference A10958-03-04 shall be completed and implemented to the satisfaction of the Local Highway Authority and shall be open to traffic, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
31. Prior to first occupation of any dwelling hereby approved, the highway improvement scheme at the A19/A689 Wolviston junction, shown in principle on Drawing number 276864-ARP-ZZ-XX DR-CH – 0101 & Drawing Number 276864-ARP-ZZ-XX-DR-CH- 0102, shall be completed and implemented to the satisfaction of the Local Highway Authority (in consultation with National Highways or its successors) and is open to traffic.  
In the interests of highway safety.
32. Construction of no part of the development hereby approved shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways or its successors). Construction of the development shall thereafter be carried out in accordance with the agreed Construction Traffic Management Plan.  
Reason: To ensure that the A19 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, and in the interests of road safety.
33. Prior to first occupation of any of the dwellings within a particular phase a site waste audit shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the site waste audit and maintained thereafter.  
In the interests of ensuring waste is appropriately dealt with.
34. Alongside the reserved matters application for each phase of development hereby approved, a noise assessment for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Noise Assessment will identify a scheme of mitigation for

that phase. Prior to occupation of the phase of development, the scheme of mitigation shall be completed in accordance with the approved details and retained for the lifetime of the development. To ensure a satisfactory living environment for future occupiers.

The Committee considered representations in relation to this matter.

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**Number:** H/2023/0097

**Applicant:** COLETTE LACEY 13 EGERTON TERRACE  
GREATHAM HARTLEPOOL

**Agent:** SEAN MCLEAN DESIGN MR SEAN MCLEAN 22  
PORTRACK GRANGE ROAD PORTRACK  
STOCKTON ON TEES

**Date received:** 24/05/2023

**Development:** Erection of single storey extension to side and  
single storey wrap around extension to side and  
rear including demolition of existing sun lounge  
and replacement windows

**Location:** TALL TREES 13 EGERTON TERRACE  
GREATHAM HARTLEPOOL

A member requested an update on the condition of the trees. The Senior Planning Officer could not give details but tree protection measures were included in the conditions as was standard.

Collette Lacey spoke in support of the application specifically around the use of upvc windows. Many features of the original property had been black painted timber so she felt black upvc would fit well. There had been no objections from neighbours or other villagers and other nearby properties used upvc including the village hall. Additionally the window of the kitchen extension in question could not be seen from the roadside.

Councillor Mike Young moved the officer recommendation to approve. Councillor Paddy Brown seconded this. A recorded vote to approve the application, as per the officer recommendation, was taken:

For – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, David Nicholson, Melanie Morley, Veronica Nicholson, Karen Oliver, Gary Allen and Mike Young

Against – None

Abstain – None

**Decision:**

**Planning Permission Approved**

**CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number 2285/PL/01 (Location Plan), drawing number 2285/PL/03 (Proposed Site Plan), drawing number 2285/PL/04 (Existing and Proposed Floor Plans), received by the Local Planning Authority 27/03/2023; Tree Survey & Arboricultural Impact Assessment received by the Local Planning Authority 24/05/2023; drawing number TLP\_TCP\_TPP02 (Tree Location, Tree Constraints & Tree Protection Plan) and Arboricultural Method Statement (V1, document dated 14/07/2023) received by the Local Planning Authority 17/07/2023; and drawing number 2285/PL/06, Revision A (Proposed Elevations Flat Roof Option), received by the Local Planning Authority 07/09/2023.  
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s), as specified in the application form received by the Local Planning Authority 27/03/2023 and those stipulated on drawing number 2285/PL/06, Revision A (Proposed Elevations Flat Roof Option, received by the Local Planning Authority 07/09/2023), unless similar alternative materials are otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.
4. 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, the submitted scheme for the protection and retention of the retained trees (as identified on drawing number TLP\_TCP\_TPP02 (Tree Location, Tree Constraints & Tree Protection Plan) and within Arboricultural Method Statement (V1, document dated 14/07/2023) received by the Local Planning Authority 17/07/2023) shall be carried out in strict accordance with the approved document. 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). 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. If within a period of five years from the commencement of the development hereby approved, any tree that 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 tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2023/0148
<b>Applicant:</b>	MR DOUG HENNELLS 34 THE GREEN ELWICK HARTLEPOOL
<b>Agent:</b>	GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL
<b>Date received:</b>	22/06/2023
<b>Development:</b>	Proposed erection of a single storey flat roof extension to rear to provide restaurant area, conversion of existing storage area to provide 3no. letting rooms and retrospective application for replacement windows
<b>Location:</b>	MCORVILLE 34 THE GREEN ELWICK HARTLEPOOL

Officers were recommending refusal of this application as they felt it was detrimental to a locally listed building in a conservation area and would cause unacceptable harm to these heritage assets without providing a public benefit and due to the impacts on the amenity of a neighbouring resident.

Graeme Pearson, the Agent advised that the development was vital for the survival of the business. The McOrville had suffered through a lack of investment and thousands had been spent by the applicant on updating it. They had not been aware that it was locally listed at the time of purchase and there had been no local objections to the plans. The McOrville needed to be profitable but to do this it would need to be extended. This application would also provide overnight accommodation and upgraded toilet facilities.

Councillor Mike Boddy moved the officer recommendation to refuse. Councillor Mike Young seconded this. A recorded vote to refuse the application, as per the officer recommendation, was taken:

For – Councillors Moss Boddy and Karen Oliver

Against - Paddy Brown, Rob Darby, Tom Feeney,  
Sue Little, David Nicholson, Melanie Morley, Veronica Nicholson,  
Gary Allen and Mike Young

Abstained – No

Members confirmed that they wished to approve this application, recording the following reasons for departing from the officer recommendation (i) they felt it would have an acceptable impact on heritage assets and (ii) the economic benefits of supporting the business. Councillor Mike Young moved approval of the application. Councillor Sue Little seconded this. A recorded vote to approve was taken:

For – Paddy Brown, Rob Darby, Tom Feeney, Sue Little, David Nicholson,  
Melanie Morley, Veronica Nicholson, Gary Allen and Mike Young

Against - Councillors Moss Boddy and Karen Oliver

**Decision:** **Planning Permission Approved with planning conditions delegated to Officers in consultation with the Chair.**

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2023/0237
<b>Applicant:</b>	MRS S BAXTER THE FRONT HARTLEPOOL
<b>Agent:</b>	STOVELL & MILLWATER LTD 5 BRENTNALL CENTRE BRENTNALL STREET MIDDLESBROUGH
<b>Date received:</b>	25/07/2023
<b>Development:</b>	Installation of Cabochon Lights to the top of the fascia signs to the front
<b>Location:</b>	73 THE FRONT HARTLEPOOL

Officers were recommending refusal of this application as they felt it would cause unacceptable harm to a conservation area.

A member queried why officers were recommending refusal when the proposed lighting would not impact on neighbouring properties and was

installed on other properties. The Planning Team Leader (DC) acknowledged this but confirmed all applications should be considered on their own merits. The proposed lighting would sit on top of the existing signage, rather than being an integral part of the design as was the case elsewhere, and would be a further detrimental change to the shop front. It was confirmed that the new lights would be in addition to the spot light on the property which had previously been approved. The Environmental Health Manager confirmed that it would not result in significant additional light pollution. Members could condition that the lighting be a single warm light colour if they wished.

Bradley Stovell, the Agent, urged Members to support the application. The proposal reflected the lighting installed on other premises in the area and would not impact detrimentally on the character and appearance of the area as other premises had already done this. He was happy to agree that the lighting would remain a warm white colour and happy to accept any other conditions deemed appropriate.

Councillor Sue Little moved the officer recommendation to refuse. Councillor Mike Young seconded this. A recorded vote to refuse the application, as per the officer recommendation, was taken:

For – Councillors Rob Darby, Karen Oliver and Gary Allen

Against - Moss Boddy, Paddy Brown, Tom Feeney, Sue Little, David Nicholson, Melanie Morley, Veronica Nicholson and Mike Young

Abstained – No

Members confirmed the following reason for departing from the officer recommendation, namely they felt it would have an acceptable impact on the character of the conservation area.

Councillor Mike Young moved approval of the application based on a condition being included that restricts the colour of the lights to a warm white colour. Councillor Sue Little seconded this. A recorded vote to approve was taken:

For – Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, David Nicholson, Melanie Morley, Veronica Nicholson, Gary Allen and Mike Young

Against – Councillor Karen Oliver

**Decision:** **Planning Permission Approved with planning conditions delegated to Officers in consultation with the Chair.**

The Committee considered representations in relation to this matter.

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#### **40. Update on Current Complaints and Enforcement Actions** *(Assistant Director, Neighbourhood Services)*

Members were updated in regard to 8 ongoing investigations and 13 which had been completed. No enforcement actions had been taken during the reporting period.

##### **Decision**

That the report be noted.

#### **41. Planning Appeal at Hart Moor Farm, North of the A179** *(Assistant Director – Place Management)*

Members were informed that a planning appeal had been submitted against the Committee's decision to refuse an application for the erection of a Synchronous Condenser with ancillary infrastructure and associated works at Hart Moor Farm.

##### **Decision**

That the report be noted

#### **42. Enforcement Notice Appeal at 15 Skelton Street** *(Assistant Director – Neighbourhood Services)*

Members were informed that an enforcement notice appeal had been submitted against the Council's decision to issue an Enforcement Notice in respect of the unauthorised erection of a high timber fence to the side of the property.

##### **Decision**

That the report be noted

The meeting concluded at 11.25am

CHAIR

**No:** 1.  
**Number:** H/2022/0459  
**Applicant:** 12 CONSTANCE STREET LONDON E16 2DQ  
**Agent:** GP PLANNING LTD MISS MAUREEN DARRIE ICON  
 INNOVATION CENTRE EASTERN WAY DAVENTRY  
 NN11 0QB  
**Date valid:** 02/02/2023  
**Development:** Proposed Construction, Operation and Maintenance of a  
 Battery Energy Storage System (BESS) Facility and  
 Associated Infrastructure  
**Location:** NORTH EAST CORNER WHELLY HILL FARM WORSET  
 LANE HART HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

1.3 Current pending applications (all to the south of the A179 and adjacent to the current application site):

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/2022/0470 - 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/2023/0181 - Construction and operation of a gas powered standby electricity generator and related infrastructure. Pending consideration.

1.4 Determined applications (including screening opinions) to the east of the application site, south of the A179:

H/2017/0287 – planning permission for a gas-powered electricity generator and related infrastructure, approved 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, approved November 2018.

H/2019/0208 – planning permission 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 was granted 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. This relates to current pending application H/2022/0423.

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. This relates to current pending application H/2022/0423.

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.

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. It was considered not to be development requiring an EIA development.

1.5 To the north of the application site (north of the A179):

H/2022/0302 - Erection of a Synchronous Condenser with ancillary infrastructure, and associated works including access and landscaping. Refused by the LPA in April 2023. This is currently subject to a pending appeal.

1.6 To the north 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 north west of the application site on the opposite side of the A179. All of the refused applications (including those within DCC) are awaiting appeal decisions following a Planning Inquiry, held in October 2023.

## PROPOSAL

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

1.8 In detail, the proposed BESS facility would comprise 28 linked battery cabinets, each measuring approximately 12m by 2.4m with a flat height of approximately 2.9m; 14 inverter units measuring approximately 6.1m by approximately 2.4m with a flat height of approximately 2.9m; 1 66KV transformer unit, measuring approximately 35.9m by approximately 25.4m, with a height of approximately 6.54m; 1 container containing a client switch gear, measuring approximately 10.9m by approximately 2.5m, with a height of approximately 2.4m; 1 auxilliary supply room measuring approximately 6.2m by approximately 3.2m, with a height of approximately 3.3m; one DNO control building measuring approximately 6.2m by approximately 3.2m, with a height of approximately 3.3m. The overall red line boundary site area is 1.68ha.

1.9 The battery cabinets and other containers would be finished in dark green (to which the applicant indicates in the submitted Landscape and Visual Assessment is "to help blend them with both the landscape and the secondary mitigation").

1.10 In addition, the proposals include the construction of internal access roads; non-compacted permeable gravel surfacing within the compounds; the erection of steel palisade fencing and gates around the substation and overall battery compound with a height of approximately 2.4m and a finishing colour of moss green; and the installation of 5no. CCTV cameras per compound mounted on timber posts with a height of approximately 3m; and the installation of underground cabling from each battery compound to the nearby Hartmoor Substation.

1.11 The proposals include the construction of 2 new access junctions to/from Worset Lane (east), one temporary (towards the north of the site) and one to be permanently retained (towards the south of the site).

1.12 The proposals include the installation of landscaping throughout the application site, to include woodland planting along the northern and western boundaries and to the north east corner, the planting of a new hedgerow along the length of the southern boundary and two sections along the northern boundary and a section along the eastern boundary, and other planting including wildflower meadow.

1.13 The applicant indicates in the submitted Planning, Design and Access Statement that the current proposal for BESS facilities comprises rechargeable batteries that convert electrochemical energy to electrical energy, and vice versa, as required. The Statement indicates National Grid uses a BESS as a 'balancing service'; assisting the operation of the grid in balancing electrical frequency at times of system stress. The Statement notes that BESS are passive energy infrastructure facilities spread throughout the UK, serving as localised resilience to changes in supply and demand. The BESS facilities are not composed of large turbines, or generators, and do not create energy.

1.14 The submitted supporting information goes on to state that the benefits of BESS facilities include provision of locally produced power during times of stress reduces the risk of power outages to the immediate locality and having a storage facility embedded in the local network means the area is less likely to experience power shortages and blackouts caused by the loss of inertia created by the increased input from renewable generation on the network.

1.15 In their supporting Planning and Sustainability Statement, the applicant states that the proposed development would have the capacity to import and export a minimum of 50MW of low carbon and renewable energy. The Infrastructure Planning (Electricity Storage Facilities) Order 2020 allows any capacity provided by the facility is to be disregarded for the purposes of determining whether the proposed development is a Nationally Significant Infrastructure Project (NSIP).

1.16 The submitted Planning and Sustainability Statement indicates that construction is expected to last for approximately 8-12 months and there would be, on average, approximately one LGV visiting the site per day. Once operational, the anticipated vehicle movements would be limited to engineer visits periodically.

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

1.18 The application has been referred to the Planning Committee due to the nature and location of the proposals.



## SITE CONTEXT

1.19 The application site is an area measuring approximately 1.68 hectares, situated immediately beyond the grass verge adjacent to the south of the A179 trunk road, to the north of High Volts Farm, west of the North Hartmoor National Grid substation (beyond the highway of Worset Lane) and a gas plant, a site for an approved BESS facility (H/2022/0263), and an approved solar farm (H/2020/0175). The application site currently comprises agricultural land.

1.20 Approximately 500m to the west are a number of buildings and features (including Whelly Hill Farm, Whelly Hill House), and Whelly Hill House Limestone Quarry Local Wildlife Site (LWS). Hart Moor House is approximately 900m to the north west (beyond the A179 trunk road), Tilery Farm is sited approximately 960m to the south east of the main section, East Grange Farm is sited approximately 500m to the north west (beyond the A179 trunk road), and Whangden Farm is sited approximately 860m to the west (beyond the A19 trunk road).

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

1.22 The residential street of Nine Acres is located approximately 800m north east of the application site. The village of Hart is located approximately 1.2km to the north east of the application site, whilst the village of Elwick is located approximately 1.55km south of the application site.

1.23 The northern boundary of the application site is delineated from the A179 by a hedgerow to the eastern extent. Beyond this is an embankment between the site and the A179 trunk road.

1.24 As noted above, planning applications are currently pending consideration within vicinity of the current application site including for the installation of a solar farm and solar electric forecourt (H/2022/0423) on the surrounding areas around the application site (extending westwards and southwards and a proposed synchronous condenser (H/2022/0470) to the west of the application site (both applications also being to the south of the A179).

## PUBLICITY

1.25 The application was advertised by way of notification letters to 3 individual neighbouring properties and local ward councillors, site notices and press advert. To date, one objection has been received. The concerns and objections raised can be summarised as follows:

- Shipping containers are not an appropriate design in the rural landscape

1.26 In addition, one response neither objecting nor supporting the proposals, has been received, which makes the following comments:

- More proposals of this nature should be expected.

1.27 During the course of consideration of the proposals, the applicant submitted a revised construction management plan, revised Biodiversity Net Gain calculations and proposed landscape mitigation. A re-consultation with neighbours and technical consultees was undertaken, which has since expired.

1.28 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=156300>

The period for publicity has expired.

## CONSULTATIONS

1.29 The following consultation replies have been received:

**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 basic surface water condition on any permission issued for proposals. For information with respect to any detailed design, I note that the surface water discharge rate is to be limited to 0.1l/s which is acknowledged to not be practicable using a throttle, the smallest rate being 3.5l/s. As such the applicant will need to fully explore the means of flow restriction. Furthermore it will be worth considering if the site can continue to be drained mainly by means of infiltration and existing drainage ditches with significantly less positive drainage on site. Positive drainage to a basin in the north east corner of the may represent a flood risk to highway during an extreme/exceedence event.

Update 27/04/2023 following receipt of amended construction management details:

In response to your consultation on the above amended application we have no further comments to make.

Update 11/10/2023 following receipt of amended landscaping and BNG details:

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

**HBC Ecology:** I have no comments on the LVIA. I note the comments from the HBC Landscape Team. The Badger and Breeding Bird Reports are acceptable to support the application. The BNG Calculator is unreadable in the current format covering 964 pages. Please can you submit the original excel spreadsheet or check that the pdf has been properly formatted. The BNG must be re-submitted before I can remove any outstanding concerns I have regarding this application.

Update 19/10/2023 following clarification:

I have received the BNG metric that presents a BNG value of 24% for the habitat units and 204% for the hedgerow units. The gain is achieved through the proposed hedgerow planting.

The actual increase in units is small (0.8 for habitats and 2.9 for hedgerows), despite this the proposals achieve the targets and is acceptable.

#### Conditions

A Biodiversity Net Gain Plan must be developed and submitted to the LPA for approval prior to the commencement of works. This Biodiversity Net Gain Plan shall detail how the Landscape Proposals will be implemented and how the increase in Biodiversity Units will be achieved. All proposed management requirements shall be detailed and presented in the Biodiversity Net Gain Plan.

#### Update 24/12/2023 following further clarification sought from the case officer:

There are three values that come from the BNG metric. One relates to Habitat (woodland, grassland, wetlands, etc), one relates specifically to hedgerows and one relates to Rivers / Watercourses. The values are calculated independently within the metric. The Environment Bill required a BNG of at least 10%. As mentioned the proposal achieve this target, but the actual changes in the gain (represented by the units is very small - as stated 0.8 and 2.9. The changes in the units is represented by the values calculated before and after the development proposal. 204% should very impressive, but it is actually a value inflated by the relatively low baseline.

The values are as stated:

The BNG metric that presents a BNG value of 24% for the habitat units and 204% for the hedgerow units.

*(for the purposes of the required planning condition)* I would reference the BNG Metric rather than the drawing. The drawing does not use the same habitat classifications as the BNG. We want the developer to agree to deliver the 24% gain for general habitats and the 204% gain for hedgerows. The drawing does really describe this. I am happy with this, we can ask the developer to produce drawings that were ecologically more informative, but as the landscape team is content with the drawings I did not wish to request this. Compliance with the metric is sufficient.

The Environment Act references at BNG of at least 10% and this is what we should reference.

**HBC Arboricultural Officer:** Within the application form it is stated that trees and hedges are on the proposed development site and that they might influence the development. Within the Topographical survey there are only hedges shown around the northern and eastern boundary of the site. I would want to see a tree protection plan compliant with BS5837:2012 that covers what protection will be put in place for the hedges around the boundary. This may be that the permanent fencing proposed is erected first in lieu of protective fencing but details of where that fencing is located in relation to the hedge line is still needed. The proposed planting needs more information too. There are species listed, size of the stock and the size of area to be planted however I would expect to see amounts of total species to be planted this

should then be split with percentages for each area, for example 200 oak total, 40% in area 1 and 60% in area 2 etc, etc. There should also be determined spacings and the mention and use of tree guards for the new planting. There also would need to be a maintenance plan in place for the planting and its associated aftercare however that could be dealt with as a condition.

Update 05/05/2023 following revised landscaping details:

The additional larger tree planting proposed is a welcome addition to the scheme. The Proposed site layout and LVIA mitigation plan both show a different layout to each other although the planting seems to be the same layout on both plans.

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

Update 28/04/2023 following receipt of amended construction details:

Natural England has previously commented on this proposal and made comments to the authority in our letter ref - 421633, dated 09 March 2023. The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Update 16/10/2023 following receipt of amended landscaping and BNG details:

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

**HBC Landscape Architect:** % mixes need to be applied to the mixes indicated. There will be impacts in the short to medium term while any landscape screen planting establishes. Colour on units, surface materials and enclosure should be part of any mitigation.

Update 06/10/2023 following amended landscaping details:

The planting proposals shown on the mitigation plan have been altered. The species mix shown is now acceptable and the planted buffer adjacent to the A689 has been extended as requested.

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

Update 18/05/2023 following receipt of updated construction details:

There are no highway objections to the proposed amendments.

Update 03/11/2022 (summarised)

*Following a discussion regarding the status of Hartlepool Local Plan Policy INF2 and whether the proposal would have any effect on any future proposals to widen the A179, HBC Highways have confirmed no objections to the proposals in this respect and that there are no proposals to do such works at the time of writing.*

**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.

**National Highways:** National Highways sent a holding response to this application on 28 February 2023.

We sought that a Construction Transport Management Plan (CTMP) was implemented.

I note that a CTMP has now been included. However we have the following issues with regards to this.

Paragraph 2.2.1 states “A number construction workers are forecast to be on site in the initial phase.” National Highway seek to understand the scale of this. Can information detailing the numbers of trips be provided please?

Paragraph 2.5.3 states “Vehicles travelling from the west along the A179 will not be permitted to turn right onto Worset Lane. Instead, they will traverse towards Hartlepool to the nearby roundabout and travel back westwards facilitating a safe left turn onto Worset Lane” Vehicles travelling west on A179 cannot turn right onto Worset Lane --- It's a left turn!! National Highways seek to ensure that no abnormal movements occur at the A19/A179 Junction. Please send information confirming this to be the case.

Paragraph 2.5.4 states “Similarly, vehicles exiting onto the A179 from Worset Lane will only turn left onto the A179” As stated we are concerned that a vehicle turning left will turn back and there are no suitable locations to U-turn. This is a local road issue however and it is a concern of yours and Durham's transport authorities

Paragraph 2.6.1 states “Appropriate signage will be erected to ensure that construction vehicles use only designated routes and means of access specified above.” Could further details of routes planned be provided. However before this

Paragraph 2.7.1 states “A management system will be put in place to control HGV's arriving at the site and ensure that there are no vehicles waiting on the public highway. Construction vehicle movements will be made by appointment only; drivers will be required to contact the site management in advance of their arrival to confirm that the delivery area is free and to allow staff to prepare for the delivery.” Could details of the numbers of work and travel to work trips be detailed please? It may be that levels of traffic are low enough to not raise concerns, however this is not made clear. If this information can be provided we can issue a final response. However in the mean time our current formal (NHPR) response expires 28 May 2023. I therefore attach a formal response extending this to allow time for the applicant to respond.



Update 24/08/2023 following receipt of revised construction details:

I have reviewed ['Amended Construction Management Plan'] now and the only outstanding issue is the first point Paragraph 2.2.1 states "A number construction workers are forecast to be on site in the initial phase." National Highway seek to understand the scale of this. Can information detailing the numbers of trips be provided please? However as this more directly affects the local network and the highway authority are satisfied I assume this is a matter for them to address. I therefore can now issue a no objection.

**Northern Gas Networks:** 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.

Update 25/04/2023 following receipt of amended construction details:

Our original response still applies (1400017608).

Update 16/10/2023 following receipt of amended landscaping and BNG details:

We do not object to this planning application however due to the presence of our high pressure gas main you MUST pass all the details below and all the safety info attached onto the applicant.

**Tees Archaeology:** We note the inclusion of an archaeological desk-based assessment and its conclusions. It is considered that the development area has some archaeological potential, although the significance of any deposits is unlikely to be high and their loss would be acceptable in planning terms. We recommend that the development is subject to archaeological monitoring during groundworks, to mitigate for any archaeological remains which may be present on site. This can be secured on the development by condition. I set out the proposed wording of this condition below:

Recording of a heritage asset through a programme of archaeological works

- A) No demolition/development shall take place until a programme of archaeological works including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

**HBC Head of Service for Heritage and Open Space:** This site does not impact on the significance of any listed or locally listed buildings, nor any conservation areas. No objections.

**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.

**Rural Plan Working Group:** The Group is deeply concerned at yet another application for electrical generation infrastructure in this location alongside the A179 at Hart. The cumulative effect of a 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 Synchronous Condenser (H/2022/0302)



- a Substation Hart Moor Farm (H/2022/0311)
- a Battery Energy Storage System facility (H/2022/0263)
- 63-hectare solar farm (H/2020/0175),
- a gas power generation plant (H/2017/0287)
- an energy Storage Facility including 2 sub-stations (H/2017/0540)
- a gas metering in kiosk with 66kv electrical transformer (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)

All the above to include associated works including security fencing.

The application states “the surrounding area, although rural, also contains significant industrial development in the form of the Hartmoor substation, the radio mast, wind turbines and other built developments which are at odds with the rural nature of the area and have a degrading effect on the local character. This is exacerbated by the pylons and OHL of varying scales”. Adding yet more developments of an industrial nature can only serve to further degrade the local character and the rural location.

The supporting documents go on to state that “many of the approved and proposed developments are related to electricity infrastructure and sustainable electricity generation. This is in part due to the existing substation and other developments around Worset Lane and the degraded character in the local area making it more likely for development to be approved than other less degraded areas”. This suggests that a downward spiral can be expected – once degraded there can be no reversal or halt to the decline – and we can expect that Hartlepool’s countryside can only expect to see continued decline and destruction.

The cumulative effect is of grave concern as the character, appearance and visual amenity of the rural area around Hart and along the A179 approach to Hartlepool is being significantly impacted. Abandon hope all who enter here?

## 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. 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.

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.

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 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.

Local Plan policy NE4 Ecological Networks states the Borough Council will seek to maintain and enhance ecological networks throughout the Borough. One priority section of the network highlighted in the policy is the Rural west from Wynyard to Thorpe Bulmer and Crimdon Denes. The application site is within this section as indicated on the map, diagram 8. This proposal, if added to those already approved, would create a barrier of development cutting across this wildlife corridor.

Main road and rail corridors are considered an integral part of the green infrastructure network, and a particularly high standard of landscaping, tree planting and design will be required from developments adjoining the main communication corridors which include the A179 from the A19 to the town centre. The application site is on this main corridor and would add to an increasingly degraded countryside on entering Hartlepool from the north.

We expect any new planting proposed will be in line with Policy NE1 and secured by conditions that ensure the landscaping is implemented on site no later than the first planting season following completion. Also, the replacement of any tree or shrub which may die, be removed or seriously damaged, is assured.

We also expect a condition for the removal of the Battery Energy Storage facility and the restoration of the site to countryside. These conditions to be enforced in the event the facility is inoperative for a period of 6 months or longer the development shall be removed, and the site restored within 18 months.

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.

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.

The application seeks to justify this industrial intrusion into the countryside by quoting assessments of the landscape character and condition as being of low value and the adjacent existing development, being of industrial character, is at odds with the rural character and lowers the existing value of the landscape. The application also suggests the site is identified as having limited conservation interest though it provides an opportunity for re-establishing field patterns and hedgerows as part of a wider green infrastructure network. As a setting for residents and walking routes the application describes the site as of low cultural value at present. This is the only environment that we have. It seems we are being told that our surroundings and Hartlepool's rural setting only deserves to be further degraded. Surely this is an argument to halt the decline and for long overdue improvement and enhancement to be made.

In Policy RUR1 of Hartlepool Local Plan the Borough Council promises it will seek to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. That development outside the development limits will be strictly controlled. The Borough Council will seek to support the rural economy – of which farming is the principal economic activity. Yet more agricultural land is lost at a time when food security is of grave concern. Proposals in the rural area, it is stated, must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land-based businesses. This includes 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. This application does not meet these requirements and is undoubtedly prejudicial to continued agricultural use.

Hartlepool Rural Neighbourhood Plan Group strongly oppose this application as being contrary to the policies of the Hartlepool Rural Neighbourhood Plan and Hartlepool Local Plan as stated above.

*Updated comments received 10/05/2023 following amended construction and landscaping details:*

Thanks for consulting the Rural Neighbourhood Plan Group regarding the above. The amendments do not alter our previous response to this application.

**Hart Parish Council:** No comments received.

**Health and Safety Executive:** Your development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.  
**HBC Building Control:** No comments received.

**Environment Agency:** Whilst we have No Objections to this application, we would like to draw the applicant's attention to the following informative comments:

Energy storage will play a significant role in the future of the UK energy sector.

Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market.

The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK.

Currently, DEFRA does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.

Although these are a source of energy to the National Grid, they do not result in the direct impact to the environment during normal operations, however, the potential to pollute in abnormal and emergency situations should not be overlooked. Applicants should consider the impact to groundwater from the escape of firewater/foam and any metal leachate that it may contain. Where possible, the applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. In particular, proposals should avoid being situated near to rivers and sensitive drinking water sources.

An important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation.

This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators of battery storage facilities should be aware of the Producer Responsibility Regulations. Under these

Regulations, industrial battery producers are obliged to:

- take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator;
- keep a record of the amount of tonnes of batteries placed on the market and taken back;
- register as a producer with the Secretary of State;
- report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

Putting aside the take back obligations under the producer responsibility regime, batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.

The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only. Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

Update 27/04/2023 following receipt of amended construction details:

We previously responded to this application on 24 February 2023, providing no objections with informative comments. The additional information submitted as part of this consultation does not alter our previous position or comments, which still apply.

Update 06/10/2023 following receipt of amended landscaping and BNG:

Thank you for re-consulting us on the above application which we received on 06 October 2023.

Environment Agency Position

We originally responded to this application on 24 February 2023, providing no objections with informative comments. The additional information submitted as part of this consultation does not alter our previous position or comments, which still apply.

**Durham County Council:** The only comments we have received in response to application H/2022/0459 are from our Highways team and these are as follows:

It is not considered that the proposal would have any material impact on DCCs local road network. By their nature, solar farms only generate nominal levels of traffic once operational. The main traffic generation would be during the construction phase, and it is advised that a Construction Management Plan be conditioned should the application be minded to grant, which should include construction traffic routes.

On that basis I can advise that Durham County Council has no objections to the proposal.

**HBC Estates:** Update 27/04/2023 following confirmation of land ownership:

The Council own title CE95245, which is adjacent to CE63963. The applicant should be mindful of this.

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

**HBC Economic Development:** No objections from Economic Growth

**Rambles Association:** No comments received.

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

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

There should be adequate dust suppression facilities available to the site during construction if any dust issues arise.

There should be no open burning at any time on the site.

Update 02/05/2023 following revised construction details:

I have no further comments to make on this application.  
I still require the previous conditions I sent.

**CPRE:** No comments received.

**RSPB:** No comments received.

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

**DEFRA:** No comments received.

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

**Northern Power Grid:** Plan provided, no objections raised.

**HBC Emergency Planning Officer:** No comments received.

**PLANNING POLICY**

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

### Local Policy

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

CC1: Minimising and Adapting to Climate Change  
 CC2: Reducing & Mitigating Flood Risk  
 CC3: Renewable and Low Carbon Energy Generation  
 CC5: Large Scale Photovoltaic Developments  
 HE1: Heritage Assets  
 HE2: Archaeology  
 LS1: Locational Strategy  
 NE1: Natural Environment  
 NE2: Green Infrastructure  
 NE4: Ecological Networks  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 QP7: Energy Efficiency  
 RUR1: Development in the Rural Area  
 SUS1: The Presumption in Favour of Sustainable Development

### Hartlepool Rural Neighbourhood Plan (2018)

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

GEN1: Development Limits  
 GEN2: Design Principles  
 NE1: Natural Environment  
 NE2: Renewable and Local Carbon Energy

### National Planning Policy Framework (NPPF)(2023)

1.33 In September 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019 and 2021 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 155: Meeting the challenge of climate change, flooding and coastal change

PARA 158: 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

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

**1.35** The site is located within the Borough's rural area, as defined by the HLP and Hartlepool Rural Neighbourhood Plan (HRNP). HLP Policy RUR1 seeks to ensure the rural area is protected and enhanced to ensure that its natural habitat,



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

1.36 Similarly, HRNP Policy GEN1 provides that in the countryside outside the Development Limits and outside the Green Gaps (as is the case with the application site), development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network. This policy, as well as a number of other policies within the HRNP, 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).

1.37 Within the context of the rural area designation, HLP Policy CC3 provides that support and significant weight will be given to the achievement of wider environmental and economic benefits from low carbon energy infrastructure. Such proposals however need to satisfy a range of criteria including in respect of visual and landscape impact, amenity, ecology and heritage. HRNP Policy NE2 similarly supports the development of renewable and low carbon energy schemes providing that any adverse impacts are considered and mitigated.

1.38 Paragraphs 152 and 155 of the National Planning Policy Framework recognise the importance of the planning regime in transitioning to a low carbon future in a changing climate, including by supporting increased use and supply of

renewable energy and supporting infrastructure. Paragraph 158 states that when determining such planning applications, local planning authorities should:

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

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

1.40 Given the nature of the proposed development as type of (supporting) renewable energy (public) infrastructure and its benefits as detailed in the supporting documentation in relation to continuing to ensure a secure and reliable supply of electricity as the UK transitions to a low carbon economy, Planning Policy are open to supporting this type of the development in this rural location, providing that by virtue of its siting, scale, appearance and screening, it does give rise to unacceptable impacts. Planning Policy note that this area adjacent to Worset Lane, south of the A179 already has a cluster of buildings and infrastructure around Hartmoor substation, and so the visual and landscape impact of the proposal is to be considered within this context. HBC Landscape Architect's view on the proposal will be of particular importance when assessing and balancing the degree of visual and landscape impact in this area of development restraint against the scheme's benefits.

1.41 HLP Policy INF2 of the Hartlepool Local Plan (2018) safeguards land alongside the A179 for the potential future duelling of the road. HBC Traffic & Transportation Team's views should be sought to confirm if the proposal would give rise to any conflicts with this potential future highway widening.

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

## **PLANNING CONSIDERATIONS**

1.43 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 (2023), 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 public rights of way (PRoW), ecology and nature conservation, flood risk and drainage and archaeology. These and any other planning and residual matters are considered in detail below.

## PRINCIPLE OF DEVELOPMENT

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

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

1.46 The main aim of Policy RUR1 of the Hartlepool Local Plan (2018) is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled. Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses including the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a scale and nature that is suitable to a rural location. Policy RUR1 of the HLP also notes in the pre-amble that other appropriate uses include those relating to public infrastructure or to meet the social needs of the local community.

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

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

1.48 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.

1.49 Given that the proposed development for a BESS facility is not considered to be “essential” as per the requirements of Policy GEN1 of the HRNP, it is considered to fall within “other development” for the purposes of this policy, and therefore the scheme will only be considered acceptable if “it respects the character of the local countryside and does not have a significant impact on visual amenity”. The visual impacts of the proposed BESS facility will be considered in greater detail in the sections of this report below.

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

1.51 When considering the criteria of HLP Policy RUR1, it is acknowledged that the proposal would be in general conformity with the requirements of the HRNP (2018) (subject to the consideration in terms of visual amenity); it is not possible to be located within or nearer to a village; it is not possible to re-use existing buildings or materials; impacts on neighbour amenity are mitigated as detailed in the section below; it is acknowledged as detailed in the section below that the design of the scheme is such that it would limit visual impacts; it is considered to be similar in character and appearance to existing or approved energy related infrastructure in the surrounding area (south of the A179); the proposal includes appropriate access as detailed in the section below; subject to mitigation the proposal would not have such a detrimental impact on the landscape character or heritage assets as to warrant refusal (as detailed below); and the application site is not identifiable as ‘best and most versatile’ agricultural land (Grades 1-3a).

1.52 In view of the above, it is considered that overall, the proposal is considered to be appropriate development (supporting public infrastructure) in the rural area, which would therefore be in general conformity with the requirements of Policy RUR1 of the HLP (2018), and Policy GEN1 of the HRNP (2018). The Council’s Planning Policy section support this view.

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

1.54 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. In March 2023, the government published its policy paper 'Powering Up Britain', which sets out how the government will enhance the country's energy security, seize the economic opportunities of the transition, and deliver on the net zero commitments.

1.55 Policy CC1 of the HLP (2018) seeks to minimise, mitigate and adapt to climate change. The principles of this policy, among other things, encourage the reduction, reuse and recycling of materials. It is of note that the proposed development would store energy and it is considered that this would assist in reducing energy waste.

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

1.57 Whilst there are no specific policies of support in the HLP to development constituting supporting infrastructure (for renewable or low carbon infrastructure), the HRNP (2018) Policy NE2 (Renewable and Low Carbon Energy) does support 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 HRNP seeks to protect, manage and enhance the area's natural environment.

1.58 At a national level, Paragraph 152 of the NPPF (2023) states that the planning system "should support the transition to a low carbon future", offering general support to renewable and low carbon energy and associated infrastructure.

1.59 Paragraph 155 of the NPPF (2023) recognises the importance of the planning regime in delivering renewable energy. This paragraph sets out that the planning system should support the transition to a low carbon economy and, in particular, support renewable and low carbon energy infrastructure.

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

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

*applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

1.61 The NPPF (2023) as a whole also seeks to ensure that adverse impacts upon the landscape and visual amenity are addressed satisfactorily and that any negative impacts can be made acceptable.

1.62 As noted above, the proposal is not considered to constitute renewable or low carbon development in its own right, and therefore the ‘tests’ of paragraph 158 of the NPPF are not relevant, however the applicant has set out in their submitted Planning Statement (as referenced in the ‘Proposal’ section of this report) why the proposal is considered necessary, which Officers accept in this instance, particularly given that the proposal is considered to broadly comply with the provisions of the relevant policies of the HLP (RUR1) and HRNP (GEN1 and NE2) where any impacts arising from the proposal are considered to be acceptable as set out in detail in the sections below.

1.63 It is acknowledged that the proposed BESS facility would comprise ancillary, supporting infrastructure which would complement the existing electricity substation, and would support the provision of electricity. However, the proposals are not, of themselves, considered to be low carbon or renewable energy infrastructure. Notwithstanding this, in weighing up the significant weight of the policies in favour of low carbon and renewable energy against the main policies of restraint (RUR1 of the HLP and GEN1 of the HRNP), it is considered that the benefits (of providing ancillary infrastructure to assist in the delivery of low carbon energy) would significantly and demonstrably outweigh any identifiable harm to the visual amenity of area (which is discussed in further detail below and to which the proposal is, on balance, considered to be acceptable in such respects), and therefore the principle of development would be acceptable in this instance.

1.64 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. It is noted that the proposals, whilst extending northwards up to the edge of the current field boundary, do not extend beyond this or include the grass verge that is present adjacent to the current A179 highway. No objections have been received from HBC Planning Policy or HBC Highways in this respect as it is considered there is sufficient space to accommodate any widening should this be required in the future. It is understood from HBC Highways that there are no proposals at the time of writing to widen the A179 in the short or medium term.

1.65 In conclusion, it is considered, on balance, that the proposal is acceptable in principle when assessed against the requirements of Policy RUR1 of the Hartlepool Local Plan (2018), Policies GEN1 and NE2 of the Hartlepool Rural Neighbourhood Plan (2018) and the relevant paragraphs of the NPPF (2023). It is therefore considered that the principle of the development is acceptable in this instance subject to the consideration of the material planning considerations below.

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

1.66 As noted above, the application site is outside the limits to development. Policy RUR1 (Development in the Rural Area) of the HLP (2018) 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. Similarly, Policy GEN1 of the HRNP (2018) states that whilst development in the open countryside outside Development Limits will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community, particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to respect the countryside character and does not impact on visual amenity or the local highway network.

1.67 Policy CC3 of the HLP (2018) recognises the importance of environmental and economic benefits of renewable and low carbon energy generation, subject to the proposal satisfactorily addressing any identified impacts (including cumulative impacts) arising from the proposal (as above, it is acknowledged that HLP Policy CC3 does not specifically account for proposals for the storage of energy but does support the achievement of wider environmental and economic benefits from low carbon energy infrastructure). Policy NE2 of the HRNP (2018) recognises the benefits of renewable and low carbon energy schemes (including ancillary buildings and infrastructure), and lends support to such schemes provided that any impacts on the surrounding landscape, built, heritage and cultural assets and townscapes, be considered.

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

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

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

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

1.70 Paragraph 130 of the NPPF (2023) stipulates that planning policies and decisions should ensure that developments:

- Will function well and add to the overall quality of the area,
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,

- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, amongst other requirements.

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

1.72 A more recent description of the local landscape is contained in the Strategic Gap Assessment (2017). The Strategic Gap Assessment (2017) classifies the landscape in the area which includes the application site as Undulating Semi-Rural Farmland, which is described (in the Strategic Gap Assessment, 2017) as being of a ‘good’ landscape condition, with ‘high’ value, and ‘medium-high’ sensitivity.

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

1.74 It is noted that the proposed BESS development would be adjacent to and within close proximity of existing (and approved) energy related development, including a large solar farm to the south east (beyond Worset Lane), and the wider site context includes additional existing and recently approved energy related infrastructure, including a gas powered energy generation plant and a number of substation/transformer structures, as well as a telecommunications mast and electricity pylons. There are also other live planning applications within the vicinity pending consideration.

1.75 The proposed development would be partially visible from a number of vantage points, including, when travelling along the A179 from Hartlepool toward the west and the A19 or from the A19 toward Hartlepool, when exiting the village of Hart to adjoin the A179 junction, and when travelling north along Worset Lane toward the A179, however views of the proposed development would be partially screened by the intervening vegetation, landform, built development and by the proposed landscaping proposals. Furthermore, it is considered that when travelling along the A179 trunk road from the east (A19 interchange) the proposed BESS facility would be primarily read in the context of adjacent and approved energy related development, including the existing gas plant which is located to the west of the proposed development (beyond the highway of Worset Lane) and the existing Hart Moor substation.

1.76 The applicant’s submitted Landscape and Visual Assessment concludes that the proposed development would result in ‘localised slight adverse landscape effects’ and ‘localised moderate visual effects’ which would reduce as mature planting establishes, however that such impacts would reduce very quickly with



distance from the site. The proposals are not therefore considered to have significant, wide ranging impacts on the locality more broadly.

1.77 The Council's Landscape Architect has been consulted on the application and has noted the conclusions from the submitted Landscape and Visual Assessment, advising that the proposed landscaping (as amended/enhanced through the course of the application) would be acceptable in this instance, which can be secured by planning condition and is recommended in this instance.

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

1.79 As noted above, the initial comments of the Council's Landscape Architect advised that a visually recessive colour of the proposed structures should be considered. It is acknowledged that the submitted Landscape and Visual Assessment indicates that the containers and boundary fencing would be finished in dark green. The Council's Landscape Architect has subsequently confirmed that the application is acceptable subject to the proposed colour scheme being implemented. A planning condition can secure final finishing details of the structures, and is considered necessary accordingly.

1.80 It is acknowledged that owing to the topography of the land, the site is slightly higher than the A179 trunk road to the north. However, overall, it is considered that whilst the nature, siting and scale of the proposed development, in combination with other existing energy/utility related development in the vicinity (on the south side of the A179), would both in isolation and cumulatively have a limited adverse impact on the visual amenity of the area, the character of the open countryside and the approach into and out of Hartlepool. It is also acknowledged that the proposed development would be read in the overall context of the above mentioned development.

1.81 The Hartlepool Rural Neighbourhood Plan Group have raised concerns in respect to the installation of any lighting would add to light pollution in the 'darker' area between the lights of the A19 and the urban area of Hartlepool. The application has confirmed in the submitted Planning Statement that no permanent external lighting is required to facilitate the proposals. This can be controlled by planning condition, which is recommended accordingly.

1.82 In conclusion, whilst it is acknowledged that there could be partial views to the proposed development from surrounding vantage points, it is considered that the design of the proposals together with the landscaping mitigation proposed, would be such that there would be no unacceptable adverse visual impact on the character and appearance of the open countryside as to warrant a reason to refuse the application in this instance.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.83 The application site is to the south of the A179 trunk road and west of Worset Lane. As such, there are limited sensitive neighbouring land users, such as

residential properties, around the vicinity of the application site. A separation distance of approximately 900m would remain to Hart Moor House (to the north west, beyond the A179 trunk road), approximately 960m to Tilery Farm (to the south east), approximately 500m to East Grange Farm (to the north west, beyond the A179 trunk road), and approximately 860m to Whangden Farm (to the west, beyond the A19 trunk road) would remain between the proposals and these closest properties.

1.84 The residential street of Nine Acres is located approximately 800m north east of the application site. The village of Hart is located approximately 1.2km to the north east of the application site, whilst the village of Elwick is located approximately 1.55km south of the application site.

1.85 It is considered that the substantial separation distances outlined above are such that the proposal would not result in any impacts on the amenity of any neighbouring land user in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

1.86 An Environmental Noise Assessment has been submitted in support of the planning application, which concludes that the proposed development conforms to British Standards and NPPF (2023) requirements in respect to noise levels. The Council's Public Protection section has been consulted and has raised no objections subject to conditions controlling hours of construction and dust suppression facilities. These can be secured by appropriate separate planning conditions. Matters of open burning, as requested by HBC Public Protection, can be controlled through separate environmental legislation and this can be relayed to the applicant via an informative.

1.87 In view of this and given the proposed landscaping and re-vegetation and significant separation distance to neighbouring properties, and in the context of the existing, proposed and approved infrastructure in this location, it is considered that the proposal would not result in undue noise, light pollution or other disturbance to neighbouring land users.

1.88 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.

#### HIGHWAY & PEDESTRIAN SAFETY & PUBLIC RIGHTS OF WAY

1.89 The application has been supported by a Transport Statement, including an outline Construction Traffic Management Plan (CTMP). The Council's Highways, Traffic & Transport section and National Highways have been consulted on the application and have confirmed that they have no objections to the application. Although National Highways requested that details of specific trips be provided, they confirmed that it was ultimately a matter for the local highways authority and when this information was provided, the Council's Highways, Traffic & Transport team confirmed this was acceptable. National Highways did not offer any further comments or objections.

1.90 A planning condition securing that construction is undertaken in line with the requirements of the CTMP, is recommended accordingly.

1.91 In terms of the long term aspirations for the widening of the A179 (as identified under Policy INF2 of the HLP), as detailed above, the proposals do not extend beyond the existing field boundary or include the grass verge that is present adjacent to the current A179 highway (understood to be in HBC ownership). It is also understood from HBC Highways that there are no proposals to widen the A179 in the short or medium term at the time of writing. No objections have been received from Highways, Traffic & Transport team or the HBC Planning Policy in this respect, it is considered there is sufficient space to accommodate any widening should this be required in the future.

1.92 The Council's Countryside Access Officer has been consulted on the application and has advised that the application site would not affect any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to the proposed development of this site.

## ECOLOGY & NATURE CONSERVATION

### *Biodiversity Net Gain*

1.93 The NPPF (2023) requires development to provide net gains for biodiversity. In particular, paragraph 170 (d) states that planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Net gain should be appropriate to the scale of the development and should be conditioned.

1.94 Paragraph 174(d) of the NPPF (2023) states that Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

1.95 Paragraph 180 (a) of the NPPF (2023) states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

1.96 A BNG Metric 3.1 has been submitted to support the application. The BNG shows an on-site baseline of 3.36 Habitat Units and 1.44 Hedgerow Units, and an on-site net change of 23.86% Habitat Units and 204.10% Hedgerow Units. The Council's Ecologist has had regard to the supporting Landscaping Plan, Preliminary Ecological Appraisal and 'Biodiversity Metric 3.1' and has confirmed that although the increase in units is small (as the baseline units are small), the increase of 24% for the habitat units and 204% for the hedgerow units, is acceptable.

1.97 The Council's Ecologist has confirmed that the gain is achievable through the proposed hedgerow planting. The Council's Ecologist has confirmed that a Biodiversity Net Gain Plan is required to be developed and submitted to the LPA for approval prior to the commencement of works. This Biodiversity Net Gain Plan is required to detail how the landscape proposals will be implemented and how the increase in Biodiversity Units will be achieved. All proposed management requirements will need to be detailed and presented in the Biodiversity Net Gain Plan. A planning condition is necessary in this respect. Subject to this, the proposal is considered to be acceptable in terms of biodiversity net gain.

#### *Ecological Enhancement*

1.98 Ecological enhancement (as per the provisions of the NPPF) is additional to BNG and is aimed at providing opportunities for protected and priority species, which are not otherwise secured under the purely habitat based BNG approach.

1.99 Policy NE1 of the Hartlepool Local Plan (2018) 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 (2023) requires that planning permission be refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated or compensated for, whilst development on land near a SSSI should only be permitted where the benefits outweigh its likely impact.

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

1.101 The application includes a supporting Landscape Visual Assessment and supporting Mitigation Plant Schedule and Landscape Mitigation Plan, which indicates planting throughout the application site to include hedgerow planting along the southern, eastern and parts of the northern boundaries, woodland planting along the northern boundary, and wildflower planting within the application site. The Council's Ecologist, Arboricultural Officer and Landscape Architect have confirmed that these details are acceptable. It is considered prudent that a planning condition can secure the planting and the application is considered to be acceptable in this respect, subject to this requisite planning condition.

#### *Ecological Mitigation*

1.102 The submitted Preliminary Ecological Appraisal in support of the proposals concludes that pre-construction survey work and mitigation is required, in the form of any excavations being left open with escape ladders or planks installed overnight and that they are inspected prior to the start of work. Such measures would also allow for escape of smaller mammal species such as brown hare and hedgehog.

1.103 The application also includes a Topographical Survey which details the existing trees and hedges around the application site, to include a section of hedgerow along the northern and eastern boundaries of the application site,

woodland compartments, mix of grassland and scrub habitat throughout the site, as well as 12 artificial bird nesting boxes. The installation of these can be secured by planning condition, which is recommended accordingly.

1.104 The Council's Arboricultural Officer has had regard to the submitted plans and has confirmed a tree protection plan compliant with BS5837:2012 that covers what protection will be put in place for the hedges around the boundary is required. This can be secured by planning condition which is considered necessary in this instance.

1.105 The submitted Breeding Bird Survey and Badger Survey Report concludes that there was no evidence of badger, and there are no significant breeding bird constraints, albeit notes that a biodiversity management plan would be required to allow for hedgerow and wildflower creation within the development area, to reduce ploughing pressures within the application site and to install bird boxes locally to enhance the biodiversity value of the site for these species.

1.106 The Council's Ecologist has confirmed that the Badger and Breeding Bird Reports are acceptable to support the application. This can be secured by a planning condition, which is considered necessary in this respect. A planning condition is additionally recommended to ensure that construction activities avoid or mitigate against ecological harm, in the form of a Construction Ecological Management Plan (CEMP).

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

#### Ecology Conclusion

1.108 For the reasons set out above, and subject to the required planning conditions in respect of BNG and Ecological Enhancement and Mitigation, the proposal is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the Policies NE1 and NE4 of the Hartlepool Local Plan (2018), Policies NE1 and NE2 of the Rural Neighbourhood Plan (2018) and paragraph 180 of the NPPF (2023).

#### FLOOD RISK & DRAINAGE

1.109 The application site 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 and Drainage Impact Assessment are required as area of the proposal exceeds 1 hectare, and has been submitted accordingly in respect of the proposed development. The proposals detail the provision of an attenuation storage pond in the north east corner of the application site.

1.110 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

planning condition to ensure that a satisfactory scheme for surface water management is produced and agreed with the LPA. The Council's Flood Risk Officer has advised that the applicant will need to fully explore the means of flow restriction as well as whether the site can be drained mainly by means of infiltration and existing drainage ditches with concerns that 'positive drainage' to a basin in the north east corner (as indicated on the plans) may represent a flood risk to highway during an extreme/exceedance event.

1.111 Ultimately, the Flood Risk Officer is satisfied that a scheme can come forward subject to the final details being agreed by way of a pre-commencement planning condition and his advice has been relayed to the applicant for further consideration (which is also secured as an informative). Subject to this, the proposal is considered to be acceptable in this respect.

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

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

#### ARCHAEOLOGY & OTHER HERITAGE ASSETS

1.114 Policy HE2 'Archaeology' of the HLP requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology has considered the proposals including the submitted Historic Environment Desk-Based Assessment and trial trenching which shows that archaeological remains are present to the south east of the application site, and has advised that subject to archaeological monitoring during groundworks, to mitigate for any archaeological remains which may be present on site, which is secured by a planning condition, the proposal is considered to be acceptable in this respect.

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

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

#### OTHER PLANNING MATTERS

##### *Fire Safety*

1.117 On 14 August 2023, the National Planning Practice Guidance (NPPG) 'Renewable and Low Carbon Energy' was updated in respect of BESS facilities. The NPPG advises that applicants engage with the relevant local fire and rescue service before submitting an application to the Local Planning Authority, to ensure that matters relating to the siting and location of BESS systems can be considered, in

particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access. The NPPG also advises applicants consider guidance produced by the National Fire Chiefs Council (entitled 'Grid Scale Battery Energy Storage Systems planning – Guidance for FRS').

1.118 Cleveland Fire Brigade have been consulted by the LPA on the proposals (from the outset of the original consultation) and have provided standard comments in respect of the proposed development.

1.119 Owing to the updated NPPG (which was published after this current application was made valid on 02/02/2023), Cleveland Fire Brigade were contacted by the case officer requesting any additional comments, however at the time of writing no further comments have been received. The applicant has confirmed that they are aware of the guidance and the site operator will build the site in full accordance with any requirements at the time, including the provision of a water tank, if required.

1.120 Notwithstanding this, the LPA have fulfilled their requirements in this respect and this is a matter to be considered under a separate regime to planning (under the Fire and Rescue Services Act 2004), and an informative note can be appended to the decision notice to relay the above fire safety advice to the applicant.

#### *Agricultural Land Classification*

1.121 The site is classified as predominantly Grade 2 (very good) to 3 (good to moderate) on Natural England's Agricultural Land Classification Map – North East Region 1: 250 000. It is noted that a site specific Agricultural Land Quality and Soil Report (prepared by Askew Land and Soil Ltd, dated 28<sup>th</sup> November 2022) has been submitted by the applicant in support of the application, which classifies all of the site as Grade 3b (moderate). The Council's Planning Policy section accept this finding, and therefore on the basis that land is not identifiable as best and most versatile agricultural land (Grades 1-3a), it is considered that its development would not conflict with Policy NE1(criteria 9) of the Hartlepool Local Plan (2018) or provisions of the NPPF (2023), which seeks to preserve this resource.

1.122 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. A suitable planning condition (as is standard on such proposals) is recommended to secure the removal of the development and the suitable restoration of the site.

#### *Contaminated land*

1.123 The Council's Flood Risk Officer has confirmed no objections in respect of contaminated land. The application is considered to be acceptable in this respect.

#### *Other Matters*

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

1.125 The Environment Agency has not provided any objections in respect of this application, however they have provided advice in respect of waste legislation for batteries, which can be relayed to the applicant via an informative.

1.126 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.

## RESIDUAL MATTERS

1.127 Both Northern Powergrid and the National Grid have been consulted on the application and no concerns or objections have been received. Northern Gas Networks has been consulted and has confirmed that they have no objections to the proposed development.

1.128 The Council's Estates team have confirmed that the land adjoining the application site to the north is within the ownership of the Council. An informative can be appended to relay this to the applicant.

## CONCLUSION

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

1.130 In conclusion, it is considered, on balance, that the proposal is acceptable in principle when assessed against the requirements of Policy RUR1 of the Hartlepool Local Plan (2018), Policies GEN1 and NE2 of the Hartlepool Rural Neighbourhood Plan (2018) and the relevant paragraphs of the NPPF (2023). It is acknowledged that there would be a visual impact, however this is considered to be localised and is considered to be acceptable in the context of the adjacent development and proposed mitigation.

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

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.132 There is no evidence of equality or diversity implications.

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

1.133 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.

1.134 There are no Section 17 implications.



## REASON FOR DECISION

1.135 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. GPP/RE/WLH/22/05 Rev 3 (Site Location Plan, at a scale of 1:1250),  
 Project ID. Q4295 'DNO Control Building Elevations',  
 Project ID. Q4295 'Security Fence Elevations',  
 Project ID. Q4295 'Inverter Container Elevations',  
 Dwg. No. 1666-0207-41 Issue 1 (Welfare Elevations),  
 Project ID. Q4295 '66KV Transformer Elevations',  
 Project ID. Q4295 'Auxiliary Supply Room Elevations',  
 Project ID. Q4295 'Client Switchgear Elevations',  
 Project ID. Q4295 'Site View A Elevations Page 2',  
 Project ID. Q4295 'Site View B Elevations Page 3',  
 Project ID. Q4295 'Site View C Elevations Page 4',  
 Project ID. Q4295 'Site View D Elevations Page 5',  
 received by the Local Planning Authority on 13<sup>th</sup> December 2022;  
  
 Dwg. No. 1666-0207-41 (Spares and Communications Container Elevations),  
 Project ID. Q4295 'CCTV Elevations',  
 Project ID. Q4295 Revision 2 'Battery Container Elevations',  
 Dwg. No. GPP/RE/WLH/22/05 Rev 1 (Vehicle Access into Temporary Construction Entrance),  
 No. GPP1000-001 Sheet A1 Rev – (Topographical Survey),  
 received by the Local Planning Authority on 23<sup>rd</sup> January 2023;  
  
 Project ID. Q4295 'Inverter Container Floor Plan',  
 Project ID. Q4295 'Spares & Comms Floor Plan'  
 received by the Local Planning Authority on 2<sup>nd</sup> February 2023;  
  
 Dwg. No. 484-UW-P-021 Rev I (Mitigation Plan) and 'Mitigation Plant Schedule' (Rev C), received by the Local Planning Authority on 11<sup>th</sup> September 2023; and  
  
 Dwg. No. PP/RE/WLH/22/04 Rev 5 (Proposed Site Layout Plan) received by the Local Planning Authority on 10<sup>th</sup> November 2023.  
 For the avoidance of doubt.
3. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long

term maintenance and management of all soft landscaping and tree and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity to the plan 'Mitigation Plan' (Dwg. No. 484-UW-P-021 Rev I) and document 'Mitigation Plant Schedule' (Rev C), both received by the Local Planning Authority on 11<sup>th</sup> September 2023, and shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the installation of the BESS facility hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.

4. Notwithstanding the submitted details and prior to the erection of the temporary construction entrance, as detailed on Dwg. No. PP/RE/WLH/22/04 Rev 5 (Proposed Site Layout Plan, received by the Local Planning Authority on 10<sup>th</sup> November 2023), details of the temporary construction entrance shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for the installation and thereafter removal of the temporary construction entrance (such removal shall be prior to the first operation/use of the development hereby approved). The scheme shall thereafter be completed in accordance with the approved landscaping details and timetable as required by condition 3 of this permission.  
In the interests of visual amenity and to which the permission is based.
5. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

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

In the interests of protecting archaeological assets.

6. No development shall commence unless and until a Biodiversity Net Gain Plan scheme ("the scheme") to ensure that the approved development provides the delivery of the Biodiversity Net Gain (BNG) as stated in the BNG Metric (The Biodiversity Metric 3.1 – Calculation Tool, received by the Local Planning Authority on 17/10/2023) a minimum of 0.8 Habitat Units and 2.9 Hedgerow Units of habitat creation or habitat uplift (including hedgerow creation) as detailed in 'Headline Results' section of 'The Biodiversity Metric 3.1 – Calculation Tool', received by the Local Planning Authority on 17/10/2023) and the subsequent management of habitats in the condition stated in the BNG Metric has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the compensation, shall be measured in accordance with the biodiversity metric 3.1 (The Biodiversity Metric 3.1 – Calculation Tool, received by the Local Planning Authority on 17/10/2023). The scheme shall include:

- a) details of habitat creation or habitat uplift sufficient to provide the delivery of the net gain proposed in the metric;
- b) the provision of arrangements to secure the delivery of the net gain proposed in the metric (including a timetable for their delivery);
- c) a management and monitoring plan (to include for the provision and maintenance of the net gain proposed in the metric for a period of at least 30 years or the lifetime of the development (whichever is the longer).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.

To provide biodiversity management and biodiversity net gain in accordance with The Environment Act 2021, and paragraphs 8, 174 and 180 of the NPPF (2023) and policy NE1 of the Hartlepool Local Plan (2018).

7. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - Risk assessment of potentially damaging construction activities,
  - Identification of "biodiversity protection zones",
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),
  - Any excavations left open with escape ladders or planks are installed overnight and that they are inspected the following day prior to the start of work,
  - The location and timing of sensitive works to avoid harm to biodiversity features,

- The times during construction when specialist ecologists need to be present on site to oversee works,
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person,
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless any variation is otherwise agreed in writing by the Local Planning Authority. In the interests of avoiding or mitigating ecological harm.

8. 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 buildings to be erected and any proposed mounding and/or earth retention measures (including any bunds or attenuation storage ponds, where required) 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 the adjacent landscape in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan (2018).
9. Prior to the commencement of development, a scheme for dust suppression measures during site remediation and construction works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details. In the interest of the amenity of neighbouring properties and land users.
10. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the protection measures to the hedges to the northern boundary of the application site identified in the 'Topographical Survey' (Drw. No. GPP1000-001 Sheet A1 Rev -, prepared by Latitude Surveys, received by the Local Planning Authority on 23<sup>rd</sup> January 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.
11. Notwithstanding the submitted information, the development 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.

12. Notwithstanding the submitted information and prior to above ground construction, final details of the external finishes to the BESS facility structures hereby approved shall be submitted to and approved by the Local Planning Authority, colour treatments and samples (or high quality photographs) of the desired materials being provided for this purpose. The finishing materials shall include dark green finish to the battery storage containers. The approved finishes shall be implemented and retained thereafter for the lifetime of the development hereby approved. In the interests of visual amenity.
13. The development hereby approved shall be carried out in accordance with the submitted 'Construction Traffic Management Plan' (CTMP) by GP Planning LTD, dated March 2023 (date received by the Local Planning Authority on 26<sup>th</sup> April 2023). In the interests of highway safety.
14. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be implemented prior to the BESS facility being brought into operation/use. In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.
15. This permission does include any fixed or permanent external lighting to serve the development hereby approved without the prior written approval of the Local Planning Authority. In the interests of visual and neighbour amenities and for the avoidance of doubt.
16. The means of enclosure as indicated on Dwg. No. PP/RE/WLH/22/04 Rev 5 (Proposed Site Layout Plan, received by the Local Planning Authority on 10th November 2023) for the development hereby approved shall be carried out in accordance with the submitted details Project ID. Q4295 (Security Fence Elevations, received by the Local Planning Authority on 13th December 2022) and shall be painted/finished in a moss green colour. The agreed means of enclosure shall be erected prior to the first operation/use or completion (whichever is the sooner) of the development hereby approved. No other fences or boundary enclosures shall be erected without the prior approval of the Local Planning Authority. In the interests of visual amenity.

17. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 8.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.  
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
18. When the BESS facility hereby approved ceases its operational use, which shall be no later than 40 years from the commencement of development, all containers, support structures, means of enclosure and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its current use as agricultural land in accordance with a scheme and timetable to be first submitted and agreed in writing by the Local Planning Authority. Thereafter the scheme for restoration shall be carried out in accordance with the agreed details and timetable. The developer shall notify the Local Planning Authority in writing of their intended commencement date on site no later than 1 week prior to works starting for the purposes of calculating the time limit for this condition.  
The application has been assessed in accordance with the details submitted by the applicant and, taking into account the benefits of the production of renewable energy. At the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.
19. Prior to the commencement of development above ground level, details of 12no. bird nesting boxes to be installed, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird nesting boxes shall be installed strictly in accordance with the details so approved prior to the completion or first operation/use (whichever is the sooner) of the development hereby approved, 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.

## BACKGROUND PAPERS

1.136 Background papers can be viewed by the 'attachments' on the following public access page:  
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156300>

1.137 Copies of the applications are available on-line:  
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

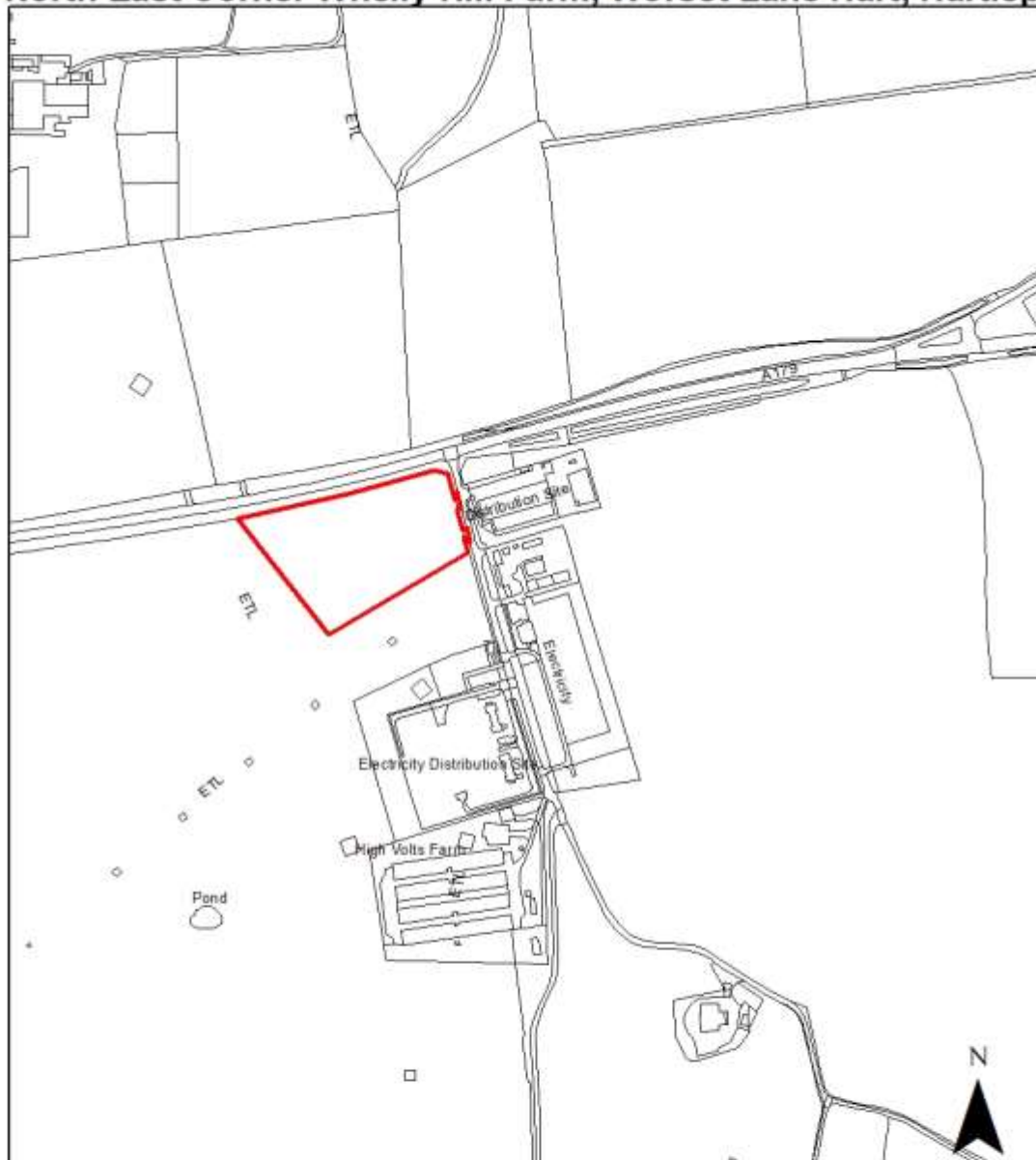
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**North East Corner Whelly Hill Farm, Worset Lane Hart, Hartlepool**

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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>01.11.2023</b>
	SCALE <b>1:5,000</b>	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0459</b>	REV





<b>No:</b>	2.
<b>Number:</b>	H/2023/0303
<b>Applicant:</b>	RUBICON LTD THE FRONT HARTLEPOOL TS25 1BS
<b>Agent:</b>	BARTLETT ID MR SIMON BARTLETT
<b>Date valid:</b>	06/09/2023
<b>Development:</b>	Section 73 to vary conditions 2 (approved plans) and 9 (opening hours) and remove conditions 6 (terrace opening hours) and 8 (no music to be played) of planning application H/2022/0194 (Change of use of first floor from a nightclub (Sui Generis use class) and residential flat (C3 use class) to restaurant/bar with live music venue (Sui Generis use class); and installation of an entrance feature and alterations to the first floor front elevation to create a vertical circulation up to first floor and creation of first floor terrace, re-decoration of existing aluminium entrance doors and windows to front elevation, and reparation and re-decoration of existing render, rainwater goods and eaves/verges to front elevation) to amend the design from an open topped roof terrace to an enclosed space, installation of roof windows, minor changes to doors and windows to front, play music and vary the opening hours of the first floor to between 8am and 12.30am daily
<b>Location:</b>	18 TO 25 RUBICON PASTIMES THE FRONT HARTLEPOOL

## PURPOSE OF REPORT

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

## BACKGROUND

### RELEVANT PLANNING HISTORY

2.2 The application site has benefitted from an extensive planning history, the most relevant of which are considered as follows:

H/1974/0199 - Discotheque and Restaurant on first floor. Approved 23/07/1974.

HO/1976/0130 - Conversion into amusement centre, snack bar and retail shop with three self contained flats above. 06/05/1976.

HO/1977/0605 – Proposed conversions. 02/03/1977.

H/1980/0728 - New front to 23 & 24, illuminated letter to fascia. Approved 20/11/1980.

H/1981/0906 - Incorporate covered area to snack bar. Approved 26/01/1981.

HFUL/1987/0067 - Single-storey rear extension to amusement arcade. Refused 04/02/1987.

HFUL/1987/0106. Erection of a new shop front. 13/04/1987.

H/2011/0412 - Erection of a single storey extension to the rear to provide party room, toilets and storage, internal and external alterations to provide 3 level soft play facility and cafe including raising height of soft play area and infilling internal yard area. Approved 08/12/2011.

H/2015/0525 - Change of use from amusement arcade (sui generis) to bowling alley (D2) including two single storey extensions and external alterations including a remodelled entrance and alterations to the roof. Approved 21/03/2016.

H/2015/0526 - Display of three illuminated signs and one non-illuminated sign. Approved 16/02/2016.

H/2022/0194 – Change of use of first floor from a nightclub (Sui Generis use class) and residential flat (C3 use class) to restaurant/bar with live music venue (Sui Generis use class) including associated external works. Approved 11/11/2022.

H/2022/0473 - Section 73 application to vary condition 6 (opening hours) of planning application H/2022/0194 (Change of use of first floor from a nightclub (Sui Generis use class) and residential flat (C3 use class) to restaurant/bar with live music venue (Sui Generis use class) including associated external works) to allow the outside terrace/seating area to be open until 11pm. Refused 06/04/2023 for the following reason:

*1. In the opinion of the Local Planning Authority, the proposed variation of condition 6 of planning permission H/2022/0194 to allow an extension to the opening hours to 11pm of the outside terrace/seating area would result in a potential unacceptable impact upon the amenities of the area including on existing and future occupiers of nearby residential properties in relation to noise disturbance associated with customers using the first floor outside terrace/seating area. As such, the application is considered to be contrary to Policies QP4, QP5 and QP6 of the Hartlepool Local Plan (2018) and paragraphs 92b, 130 and 185a of the National Planning Policy Framework (2021).*

H/2023/0268 - Advertisement Consent to display 1no. internally illuminated fascia sign, 1no. halo illuminated fascia sign, 1no. internal neon pink LED signs, 2no. vinyls to upper windows, vinyls to lower entrance doors/windows, 1no. internally illuminated hanging sign and 1no. menu board. Pending consideration.

## PROPOSAL

2.3 The proposal has been made under a Section 73 application for variation of conditions 2 (approved plans) and 9 (opening hours) and to remove conditions 6 (terrace opening hours) and 8 (no music to be played) of planning approval H/2022/0194 (*for the Change of use of first floor from a nightclub (Sui Generis use class) and residential flat (C3 use class) to restaurant/bar with live music venue (Sui Generis use class) including associated external works*).

2.4 The proposals seek to amend (and extend) the design from an open topped roof terrace to an enclosed space and make other external alterations including to the roof (installation of roof lights) and vary the opening hours of the first floor to between 8am and 12.30am daily.

2.5 In terms of alterations (and variation of condition 2, approved plans), the application seeks to amend the approved design of the terrace to the front to an 'enclosed' area, with a roof and glazed sliding doors. The proposed balcony would extend across the full width of this section of the building, across the southern most section which was previously proposed to be a 'void' above the ground floor entrance. The proposed glazing would comprise 6no. full length sliding glazed panels, flanked by 1no. full length fixed panel on each side. A ballustrade railing would sit in front of the sliding doors to facilitate use of the balcony when the sliding doors are open.

2.6 The proposed amendments also include the installation of 4 x large non-opening, glazed roof lights within the roof of the main building with 2 towards the front, 2 towards the rear (each measuring approximately 4.9m x 1.2m x 40cm in height), some internal reconfiguration of the layout of the ground floor (to the entrance and lobby to accommodate a staircase and lift) and first floor of the building, as well as other minor changes approved by virtue of approval H/2022/0194.

2.7 The changes also comprise minor changes to fenestration and other detailing in the front of the building including the addition of brass handles to all of the doors at ground floor level (to serve both the ground and first floor uses), and the installation of a row of strip lighting to the front of the unit.

2.8 The proposed floor plans also include details of a small area comprising the second floor of the building, which the submitted plans indicate would serve ancillary uses serving the main first floor uses of the building.

2.9 In terms of the variation and removal of other planning conditions attached to H/2022/0194, conditions 6 and 8 of the parent planning consent read as follows:

*6. The outside Terrace/seating area to the premises hereby approved shall only be open for use by the public/customers from 9am until 8pm or sunset, whichever is the sooner each day. The seating areas shall not be used beyond these times.  
In the interests of the amenities of the occupants of neighbouring properties.*

*8. No music shall be played or relayed to the outside Terrace/seating area hereby approved.  
In the interests of the amenities of the occupants of neighbouring properties.*

2.10 The submitted cover letter indicates that the proposed sliding doors along with static/fixed windows are proposed to ‘enclose’ the previously open balcony area. The submitted information indicates that there would be no smoking/vaping areas proposed and there would be no ‘live music’ in this area but that they would propose to play ‘background music at a set DB level’. The submitted information indicates that applicant subsequently considers that the conditions can be removed.

2.11 The submitted cover letter indicates that the previously proposed open roof has been removed from the scheme, and therefore seeks to justify the removal of this condition, albeit there would not be any live music proposed.

2.12 Condition 9 of the parent planning consent reads:

*9. The first floor of the premises (annotated as ‘Entertainment Area’ on Dwg. No. 21750-0311 Rev P-00 (Proposed First Floor Plan) received by the Local Planning Authority on 30th May 2022) shall only be open to the public between 10:00am and 11:00pm, seven days/week including Sundays and Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.*

2.13 The application seeks the variation of the proposed opening hours to between 8am and 12.30am daily, including Sundays and Bank Holidays.

2.14 The submitted plans indicate the signage which are subject to a separate, pending application for advertisement consent, H/2023/0268.

2.15 Additional plans have also been received in the form of a sectional elevations drawing to demonstrate how the proposed glazed doors to the front would open/operate, the existing floor plans for the second floor, and a rear elevation drawing. Other changes include a reduced amount of proposed LED strip lighting in a warm orange colour (that will now only apply to the front of No. 25) and to the proposed signage (considered under a separate application, H/2023/0268). Further consultation has been undertaken accordingly as discussed below.

2.16 The application has been referred to be determined in the planning committee at the request of a local ward councillor, in line with the Council’s Scheme of Delegation.

## **SITE CONTEXT**

2.17 The application site relates to a large commercial premises, encompassing Nos. 18-25 The Front, Seaton. The host property is situated on the western side of The Front, within the Seaton Carew Conservation Area. As noted above, the property benefits from a recent planning approval (H/2022/0194) for use as a restaurant/bar with live music venue (Sui Generis use class), which includes external alterations to the host property to allow the installation of an entrance feature spanning ground and first floors, and the creation of a first floor terrace to the front.

The case officer noted during the site visit that works had not yet begun in respect of the development.

2.18 The host property adjoins Nos. 16 and 17 The Front to the north (understood to be within the same ownership). To the south, the host property adjoins No. 26 The Front (a commercial property) at first floor, with an access to the rear (Charles Street) at ground floor. To the rear, beyond the back lane, are residential properties of Nos. 1-8 Major Cooper Court. To the front, beyond the main highway of The Front, is an area of public open space, whilst Nos. 70/71 The Front is situated to the south east.

## **PUBLICITY**

2.19 The application has been advertised by way of letters to 15 individual neighbouring properties and to local ward members, site notice and press advert. To date, one objection has been received, raising concerns in respect of noise and disturbance.

2.20 During the course of considering the proposals under both this application and the separate advertisement consent application (H/2023/0268), comments from the Council's Head of Service for Heritage and Open Spaces raised concerns with some elements of the proposals (as detailed above). It was also considered that further details (and understanding) of the glazed sliding doors to enclose the balcony were required. Amended and additional plans were received and a re-consultation has been undertaken in respect of these additions and amendments.

2.21 The period for publicity (an additional 14 day consultation in respect of the aforementioned amended/additional plans) is outstanding at the time of writing and expires on 1<sup>st</sup> December 2023 to which any additional comments received will be considered and tabled before Members at the committee.

2.22 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=159369>

## **CONSULTATIONS**

2.23 The following consultation replies have been received:

**HBC Head of Service for Heritage and Open Spaces** – The application site is located in Seaton Carew 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.'

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18<sup>th</sup> century and large villas dating from the 19<sup>th</sup> century.

To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs, and the impact of the Longscar site a substantial vacant space on the boundary of the conservation area.

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is a Section 73 to vary conditions 2 (approved plans) and 9 (opening hours) and remove conditions 6 (terrace opening hours) and 8 (no music to be played) of planning application H/2022/0194 (Change of use of first floor from a nightclub (Sui Generis use class) and residential flat (C3 use class) to restaurant/bar with live music venue (Sui Generis use class); and installation of an entrance feature and alterations to the first floor front elevation to create a vertical circulation up to first floor and creation of first floor terrace, re-decoration of existing aluminium entrance doors and windows to front elevation, and reparation and re-decoration of existing render, rainwater goods and eaves/verges to front elevation) to amend the design from an open topped roof terrace to an enclosed space, installation of roof windows, minor changes to doors and windows to front, play music and vary the opening hours of the first floor to between 8am and 12.30am daily

With regard to the varying of conditions to change the opening hours etc. there are no objections to these proposals as it is considered they will not impact on the significance of the conservation area.

The main element of works will be the creation of a new entrance to the section of the building which has already been altered. The new entrance will provide a feature to the front of the property and incorporate a glazed section at first floor level. This part of the building has a modern appearance and therefore it is considered that these elements of the work will have a neutral impact on the conservation area.

Along with the element which will be extensively altered it is proposed that the glazing on the upper floors of the remaining building is covered with tinted vinyl. With regard to the new element it is accepted that the use of logos on vinyl will emphasise the entrance and reinforce the band of the unit. There is however generally active frontages within the conservation area at both ground and first floor levels. The use of tinted vinyl would significantly alter the appearance of the property, it is therefore considered that such works would cause less than substantial harm to the significance of the conservation area. A more appropriate solution would be to apply the logos only to the element of the building which will be extensively altered and retain the remaining windows without any cover.

A further element of the proposal is the installation of a 'line of dimmable orange ip rated led lighting track' to the whole of the frontage of the buildings. The 'Shop Front and Commercial Frontages Design Guide SPD' states that,

*'Where possible illumination should be integrated into the design of the shop front. In all cases the size and number of fittings should be kept to a minimum to avoid unnecessary visual clutter or obtrusive additions.'*

The installation of such lighting would be out of keeping with the character of the conservation area. This part of the conservation area comprises individual properties which have over time been brought into a single use, works to unify these with the introduction of single signs stretching across the frontage of buildings have eroded the character and harmed the significance of the area. It is considered that these works would continue the erosion of the character of the area, emphasising the buildings as a single unit, causing less than substantial harm to the significance of the area.

Whilst the principle of a new frontage to part of these buildings is acceptable, some of the works alongside this to facilitate this would cause less than substantial harm to the significance of the conservation area, no information is provided to demonstrate that these would be outweighed by the public benefit of the proposal.

Update 14/11/2023 following receipt of additional sectional and illustrative drawings:

I think given the existing signs on the building this is probably acceptable and would have a neutral impact on the significance of the area, therefore I would have no objections to this.



**HBC Public Protection** – I have no objections to the variation and happy to remove conditions 6, 8 and 9 that I put on the original application H/2022/0194 the other conditions I requested on H/2022/0194 should be attached again if they are not valid.

Update 27/10/2023 following discussion regarding conditions:

Please be advised that the premise licence granted has a condition stating the doors and windows being closed when regulated entertainment is being provided so I won't require any further conditions from a planning perspective.

Any issues that may arise once this premise is operating will be addressed under Licensing/Nuisance provisions.

Update received 01/11/2023 following further discussion regarding the Licensing application:

I write regarding the above application and H/2022/0194 that was granted permission with the limited hours requested by myself, I'm aware planning refused the previous application to amend the hours owing in part to my previous comments and concerns about the open terrace. However since this application, an amended scheme enclosing the terrace has been submitted and the Licensing Team have issued a licence for the premises which permits later opening until 12:30am and numerous controls in place to control noise emissions and potential nuisance so I am satisfied that the application is okay in terms of my previous comments/concerns and the licensing conditions will allow control of the impacts or a means to address anything that could arise in the future.

**Cleveland Police** – I have liaised with licensing dept., who confirm that the license is in place. Nothing to add from me.

**HBC Economic Regeneration** – No comments received.

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

**Tees Archaeology** – We have no comments to make on this application.

**HBC Traffic and Transport** - The proposed changes to the conditions are acceptable from a highway's point of view.

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

**Cleveland Fire Brigade** – No comments received.

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

**HBC Countryside Access Officer** – No comments received.

**HBC Estates** – no comments received.

**HBC Community Safety** – No comments received.

**Civic Society** – No comments received.

**PLANNING POLICY**

2.24 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

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

HE3: Conservation Areas

HE7: Conservation At Risk

LS1: Locational Strategy

LT3: Development of Seaton Carew

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

RC16: The Local Centres

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2023)

2.26 In September 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019 and 2021 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

2.27 **HBC Planning Policy comments:** In April the Council refused H/2022/0473 *Section 73 application to vary condition 6 (opening hours) of planning application H/2022/0194 (Change of use of first floor from a nightclub (Sui Generis use class) and residential flat (C3 use class) to restaurant/bar with live music venue (Sui Generis use class) including associated external works) to allow the outside terrace/seating area to be open until 11pm* for the following reason:

1. *In the opinion of the Local Planning Authority, the proposed variation of condition 6 of planning permission H/2022/0194 to allow an extension to the opening hours to 11pm of the outside terrace/seating area would result in a potential unacceptable impact upon the amenities of the area including on existing and future occupiers of nearby residential properties in relation to noise disturbance associated with customers using the first floor outside terrace/seating area. As such, the application is considered to be contrary to Policies QP4, QP5 and QP6 of the Hartlepool Local Plan (2018) and paragraphs 92b, 130 and 185a of the National Planning Policy Framework (2021).*

2.28 I note that Public Protection have commented on the current application that they *'have no objections to the variation and happy to remove conditions 6, 8 and 9 that I put on the original application H/2022/0194 the other conditions I requested on H/2022/0194 should be attached again if they are not valid'*. I also note that the Police have no objection to the current application.

2.29 I note the application statement from Bartlett ID. I would recommend that we consider a condition requiring closure of the proposed first floor frontage sliding doors by earlier than the 23:30 time proposed. Why do they need to be able to be open until this late, particularly given our climate and that vaping/smoking is not allowed in this area. I would also seek Public Protection's views on this as they do not appear to have commented on this specifically. A newly worded condition may also be required as concerns the noise level of music, both in terms of when the doors are open and when they are closed. Again Public Protection need to advise on this. On these points it may also be worth looking into the license that the Police refer to as having been granted.

2.30 Planning Policy do not therefore have an in principle objection to this s73 as concerns the formation of an enclosed space to the front (albeit with sliding doors). It

is however important that we carefully consider the restrictions to impose upon this variation through amended/new conditions, and it appears that this currently requires further consideration.

Updated comments received 09/11/2023 following discussion with the Council's Public Protection team:

2.31 Further to my comments on 24/10/23, I understand that a license (with conditions) has been granted which allows for a 00:30 closing time, and that Public Protection have no objection to the removal/amendment of conditions as appropriate to reflect this and the associated revised scheme.

2.32 Hartlepool Local Plan policy RC16: The Local Centres includes a requirement that 'Businesses will not be permitted to operate between the hours of 11.30pm and 7am'. As such, it needs to be acknowledged that the proposed closing time will be in breach of this requirement. There is however considered to a reasonable case for a departure from this policy in this particular case, given the nature of the proposed use and central location of the site within the Seaton Carew commercial frontage.

## **PLANNING CONSIDERATIONS**

2.33 The principle of development has been established through the extant planning permission H/2022/0194 to which this application seeks to vary conditions 2 (approved plans) and 9 (opening hours) and remove conditions 6 (terrace opening hours) and 8 (no music to be played).

2.34 As such, the main planning considerations with respect to this application are the impacts on the amenity of the surrounding neighbouring occupiers, the impact on the character and appearance of the building and wider surrounding area (including the impact on designated heritage assets), and safety and security. These and any other relevant material planning considerations will be considered in the sections below.

### **IMPACT ON AMENITY OF SURROUNDING NEIGHBOURING OCCUPIERS**

2.35 Policy QP4 of the Hartlepool Local Plan (2018) 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.

2.36 Policy QP6 of the Hartlepool Local Plan (2018) states that development is expected to be incorporated into the borough with minimal impact. Among other criteria, proposals must ensure that the effects on, or impact of, general disturbance including noise, vibration, dust, fumes, smell, air and water quality are investigated and satisfactorily addressed.

2.37 Policy RC16 of the Hartlepool Local Plan (2018) allows the use of certain businesses (including bars and restaurants) within a local centre provided that they do not adversely affect the character, appearance, function and amenity of the property and surrounding area.

Proposed variation to Condition 9 (hours of use of the first floor) and removal of Condition 6 (hours of terrace) and Condition 8 (no music to be relayed to the proposed balcony area)

2.38 Previous controls were applied through the parent permission H/2022/0194, primarily in respect of the use of the open balcony (including hours of use and no music to be played) and the hours of the approved premises. 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 onto the area closest to the front (the first floor balcony) late into the evening, and the potential for noise breakout from within the building via the doorway onto the outside terrace.

2.39 The proposed amendment to the first floor outside terrace/seating area approved by virtue of H/2022/0194 incorporates the area into the first floor of the building, and includes glazed sliding doors. The area (first floor terrace) extends further to the south, and is sited adjacent to the adjoining neighbouring property at 26 The Front (south), which is a commercial property.

2.40 As was considered through approval H/2022/0194, a separation distance of approximately 26.1m would remain to the closest elevation of Nos. 16 and 17 (a commercial property, understood to be within the same ownership as the host property). To the south east (beyond the main highway), a separation distance of approximately 26.5m would remain between the first floor of the building and the closest neighbour at 70/71 The Front.

2.41 The applicant seeks to remove the restrictions imposed by conditions 6 (opening hours of the balcony) and 8 (no music to be played in the balcony), and amend the restrictions imposed by condition 9 (hours of use of the first floor), given that the design of the proposal has been amended to incorporate a closed area in place of the approved open roof terrace, albeit with openable elements (in the form of the glazed sliding doors).

2.42 It is acknowledged that the proposed sliding glazed doors would still need some form of control and it is noted from the comments from the Council's Public Protection team (set out above) that this would be controlled by Licensing (and the premise License), primarily through a condition stating the doors and windows are to be closed when regulated entertainment and therefore HBC Public Protection do not require any conditions to be updated or re-applied from a planning perspective, which is consistent with the national Planning Practice Guidance which states that planning conditions "requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate".

2.43 Furthermore, owing to the amended design of the balcony (to an 'enclosed' balcony albeit with openable/sliding doors), HBC Public Protection have confirmed that they are satisfied that the proposed amendments to the scheme as well as the controls that can be imposed and enforced through the premise license (separate to

planning) that would allow for the use of the premises between 8am and 00.30am (rather than from 10am to 11pm as controlled by condition 9 of H/2022/0194) and that there would be no need to include the previous planning conditions restricting the hours use and playing of music to the balcony (conditions 6 and 8 of H/2022/0194).

2.44 It is acknowledged that the proposed enclosure of the space would assist in reducing the above mentioned potential impacts in terms of increased noise and disturbance, to which HBC Public Protection afford great weight as a mitigating factor and why, in addition to the controls that will be contained on any premise license, that they agree that the conditions (6 and 8 of H/2022/0194 relating including hours of use and music to be played in the balcony, respectively) can be removed. Furthermore, as noted above, the use of the building (including hours of use and music to be played) are understood to be covered by the Licensing regime. HBC Public Protection have further advised that any issues that may arise once this premise is operating will be addressed under Licensing/Nuisance provisions.

2.45 Policy RC16 of the Local Plan permits hours of operation in local centres (such as The Front, Seaton Carew) until 1130pm. As noted in the comments by HBC Public Protection, a Licensing application has been received which would allow the premises to open between 8am and 00.30am, in line with the submitted planning application.

2.46 Although the proposed hours are contrary to the requirements of Policies of the Hartlepool Local Plan (in particular Policy RC16), consideration is given to the location of the application property being within an established commercial area (albeit with residential elements), as well as the former use (existing approved use) for part of the establishment as a nightclub. In view of this, as well as HBC Public Protection's comments whereby they confirm that they are satisfied that controls can be implemented through the premise license as well as the amended design of the proposed balcony, it is considered that the proposed variation of condition 9 (hours), and the removal of conditions 6 (hours of terrace) and condition 8 (no music on terrace) of H/2022/0194, are on balance, acceptable in this instance and would not warrant a refusal of the application.

*Other Amenity matters (variation of approved plans to include balcony enclosure and roof lights)*

2.47 The proposals through this Section 73 application would involve the extension of the balcony element across the full width of this section of the building, as well as the installation of roof lights. However, given that the proposed balcony would be a modest increase in the balcony approved under H/2022/0194, and would not project past the front elevation of the main part of the building (or the ground floor of the building), it is considered that there would be no significant adverse impacts in terms of overbearing, overshadowing/loss of light, outlook or overlooking related matters for any neighbouring property or neighbouring land users.

2.48 The proposed roof lights would be sited on the southern side of the roof, beyond the front elevation of the building. They would comprise 4no. roof lights, sited approximately 6m from the boundary with No. 26 The Front, albeit owing to the

layout of adjoining properties within the street scene, the roof of the host property extends beyond that of the adjacent neighbour at No. 26. In view of this relationship it is considered that there would be no adverse impacts on the amenity or privacy of this neighbour or any other neighbour to the front or rear in terms of overbearing, overshadowing/loss of light, outlook or overlooking.

2.49 The Council's Public Protection team have advised that any other relevant/original planning conditions (from H/2022/0194) should be re-applied in respect of controlling noise and disturbance which in this instance relates to a) the requirement for a scheme of sound proofing being implemented between the proposed entrance feature and first floor terrace and adjoining neighbouring properties, and b) a condition to control the hours of demolition/construction, and the hours of deliveries. It is duly recommended that these two planning conditions are re-applied accordingly.

2.50 In terms of the second floor of the building, submitted floor plans detail that this would be used for storage, staff room and kitchen chiller space. Given that such uses are considered to be ancillary to the main use of the premises as a bar and entertainment space, it is considered that this would not result in any additional adverse impacts on the amenity and privacy of neighbouring land users than as originally considered through H/2022/0194, in terms of overbearing impression, overshadowing/loss of light, outlook or overlooking. A planning condition can ensure the use of this floor remains ancillary to the main use, and is recommended accordingly.

2.51 Whilst it is acknowledged that an objection has been received from a member of the public with regards to the potential impacts that may result from further late night opening, given that no objections have been received from HBC Public Protection and in view of the above considerations, it is considered that the proposed amendments, including the minor amendments to the ground floor front elevation, are acceptable in this instance.

#### Neighbour Amenity & Privacy Conclusion

2.52 In view of the above, it is considered that the principle of development for the proposed variation of planning conditions 2 (approved plans) and 9 (use of the first floor of the building) and the removal of conditions 6 (opening hours) and 8 (music) to allow the first floor terrace approved by virtue of H/2022/0194 to be amended to enclose the space and utilise glazed sliding doors, other alterations including the installation of roof lights, and for the use to operate from 08.00 until 00.30, 7 days a week and for the restrictions of playing music to be removed, is acceptable in this instance for the reasons given above. It is considered that the amendments would not result in any significant adverse impact on the amenity of nearby properties 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  
(INCLUDING IMPACT ON DESIGNATED HERITAGE ASSETS)**

2.53 As noted above, the application site is situated within the Seaton Conservation Area. 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).

2.54 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.’

2.55 The external amendments by virtue of the current application include the enclosing of the first floor terrace approved by parent permission H/2022/0194 and the installation of 4no. roof lights, as well as some minor changes to fenestration and other detailing in the front of the building.

2.56 The Council’s Head of Service for Heritage and Open Spaces has been consulted on the proposals and initially raised concerns in respect of some elements of the proposed changes – namely the installation of LED lighting which appeared to extend across the full breadth of properties along this section of the street, the tinting to windows, and the installation of a hanging sign (under consideration through advertisement consent application H/2023/0268). These elements of the proposal have now been amended (across both applications where relevant) and the Council’s Head of Service for Heritage and Open Spaces has confirmed that the proposed alterations (including those seeking to amend the opening hours conditions) would result in a neutral impact on the significance of the Seaton Carew Conservation Area, and therefore has confirmed no objections to the proposal.

2.57 Given the modest scale and design of the alterations which would seek to complement the glazing within the remaining sections of the host property (as approved), and taking into account that the proposed balcony would not project further than the front of the building whilst the proposed roof lights would be primarily screened from view from the main street by the front fascia of the building itself (as well them being set back from the front), it is considered that there would be no adverse impact on the physical character of the host building at the application site, including any impact on Seaton Carew Conservation Area in this respect. The Council’s Head of Service for Heritage and Open Space has been consulted on the proposals and supports this view in respect of these elements.

2.58 Overall, it is considered that the proposed amendments are acceptable in respect of the impact on the character and appearance of the application site and surrounding area, including the impact on the Seaton Carew Conservation Area.



## CRIME, FEAR OF CRIME & ANTI-SOCIAL BEHAVIOUR

2.59 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour.

2.60 Policy QP5 of the Hartlepool Local Plan (2018) seeks to ensure that all developments are safe and secure, by creating safe environments and reducing crime and fear of crime to seek to ensure that residents and visitors are protected from undue health impacts, noise and disturbance and reducing crime, fear of crime and anti-social behaviour using a number of measures.

2.61 Given the proposed hours of operation of the first floor terrace would extend into later hours, Cleveland Police were consulted on the application and have advised that given the position on the associated premises License (as noted in the sections above), they would have no objections to the proposed amendments. HBC Community Safety were consulted on the application and raised no comments to the proposed amendment of the hours of use of the first floor terrace.

2.62 For the reasons set out above, and taking into account that the proposed amendments to enclose the balcony would address the previously identified potential impacts considered through parent application H/2022/0194, it is considered that the proposal would not result in an adverse impact on the amenities of the area in terms of safety and security so significant as to warrant a reason to refuse the application in this instance.

## OTHER PLANNING MATTERS

2.63 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 proposed amendments are therefore considered acceptable in terms of vehicular parking provision and highway safety related matters.

2.64 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 proposed amendments are therefore considered acceptable in this respect.

2.65 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 proposed amendments are therefore considered acceptable in respect to these matters.

## CONCLUSION

2.66 It is considered that the proposed amendments to vary conditions 2 (approved plans) and 9 (use of the building), and removal of conditions 6 (hours) and 8 (music) of planning approval H/2022/0194 to allow for alterations of the first floor terrace to an enclosed space with glazed sliding doors, and other external alterations including the installation of 4no. roof lights, would not result in any significant adverse impact upon the occupiers of nearby residential properties in relation to

associated noise impacts, character of the application site or safety and security, or on the character and appearance of the application site, street scene and conservation area.

2.67 Whilst it is acknowledged that the proposed extension to the hours of operation are contrary to the provisions of Policy RC16 of the Local Plan, the variation is considered to be acceptable in this instance for the reasons set out above. As such it is considered that the proposed amendments would be acceptable overall when considered against the relevant policies of the Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2023). It is therefore considered the proposal should be conditionally approved.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.68 There is no evidence of equality or diversity implications.

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

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

2.70 There are no Section 17 implications.

## **REASON FOR DECISION**

2.71 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 consideration of any additional comments received following the expiry of the publicity period and subject to the planning conditions below:

1. The development to which this permission relates shall be begun not later than 10/11/2025.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Dwg. No. 21750-0101 Rev P-01 (Site Location Plan) received by the Local Planning Authority on 6th July 2022; Dwg. No. 21750-0006 Rev C (Roof Works / Sky Lights) received by the Local Planning Authority on 6<sup>th</sup> September 2023; Dwg. No. 21750-0332 Rev P-00 (Existing & Proposed Sectional Elevations), Dwg. No. 21750-0330 Rev I (Existing Front Street Elevations and Proposed Front Street Elevations), Dwg. No. 21750-002 Rev G (Proposed Ground/First & 2<sup>nd</sup> Floor Plans Licensing), Dwg. No. 21750-0331 Rev P-00 (Rear Elevation) received by the Local Planning Authority on 8<sup>th</sup> November 2023, document entitled 'The Gatsby – Seaton Carew Upper LED Illumination Notes' (not to scale) received by the Local Planning Authority on 13<sup>th</sup> November 2023.

For the avoidance of doubt.

3. Prior to the first use or completion (whichever is the sooner) of the development hereby approved, a scheme demonstrating appropriate noise insulation between the commercial units at ground floor and first floor and the adjoining property (first floor of No. 26 The Front) shall be first submitted and thereafter approved in writing by the Local Planning Authority. Prior to the first use or completion (whichever is the sooner) of the development hereby approved, the agreed noise insulation scheme shall be implemented and thereafter retained for the lifetime of the development hereby approved.  
In the interests of the amenities of the occupants of nearby properties.
4. Notwithstanding the submitted details and prior to the commencement of development, details of all external finishing materials (including the proposed lighting as set out in condition 8) for the proposed development hereby approved shall be first submitted to and approved by the Local Planning Authority, 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.
5. Any Construction/Demolition 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 the amenities of the occupants of neighbouring properties.
6. The first floor of the premises (annotated as 'Entertainment Area' on Dwg. No. 21750-002 Rev G (Proposed Ground/First & 2<sup>nd</sup> Floor Plans Licensing, received by the Local Planning Authority on 9<sup>th</sup> September 2023) shall only be open to the public between 8am and 12.30am, seven days/week including Sundays and Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
7. The second floor uses as shown on Dwg. No. 21750-002 Rev G (Proposed Ground/First & 2<sup>nd</sup> Floor Plans Licensing, received by the Local Planning Authority on 9<sup>th</sup> September 2023) shall remain ancillary to the main use of the first floor of the building in line with the other planning conditions of this permission.  
For the avoidance of doubt and amenities of area.
8. Notwithstanding the requirements of condition 4, the LED COB lighting as shown on Dwg. No. 21750-0330 Rev I (Existing Front Street Elevations and Proposed Front Street Elevations, received by the Local Planning Authority on 8<sup>th</sup> November 2023) and as detailed in the document entitled 'The Gatsby – Seaton Carew Upper LED Illumination Notes' (received by the Local Planning Authority on 13<sup>th</sup> November 2023) shall not flash or blink.  
In the interests of visual amenity including the character and appearance of the conservation area.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159369>

2.73 Copies of the applications are available on-line:

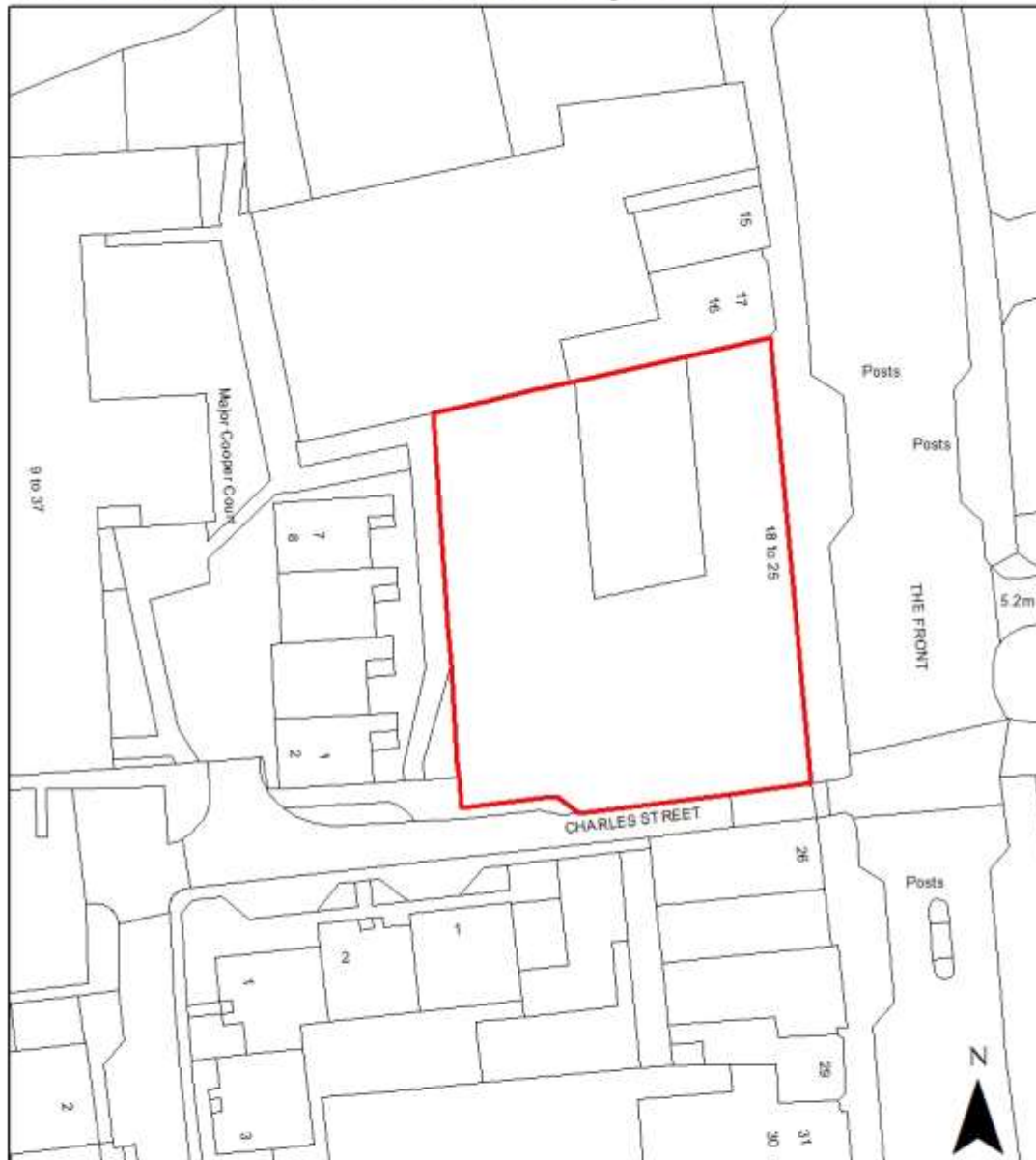
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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**18-25 The Front, Seaton, Hartlepool**

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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>01.11.2023</b>
	SCALE <b>1:500</b>	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2023/0303</b>	REV



**No:** 3.  
**Number:** H/2023/0264  
**Applicant:** MR STUART ELLIOTT NORTHBROOK COURT  
HARTLEPOOL TS26 0DJ  
**Agent:** ELDER LESTER ARCHITECTS MR RUSSELL TAYLOR  
REEDS MILL ATLAS WYND YARM TS15 9AD  
**Date valid:** 27/07/2023  
**Development:** Part first floor extension including 5no dormer windows  
and roof lights and part two-storey extension to create  
additional level, conversion of garage to habitable room,  
erection of canopy to front door, erection of chimney,  
application of render and external alterations  
**Location:** 7 NORTHBROOK COURT HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 None.

## PROPOSAL

3.3 This application seeks planning permission for a part first floor extension including the introduction of 5no. dormer windows and roof lights, a part two-storey extension to create an additional level, conversion of garage to habitable room, erection of canopy to front door, erection of chimney, application of render and other external alterations.

3.4 In detail, the proposed roof would raise the eaves level of the host property by approximately 1m, and the ridge height of the host property by approximately 2.1m (to approximately 7.2m), and an eaves height of approximately 3.6m, to accommodate the first floor of the host property. The proposed extension would be sited to the northern extent of the host property, and would primarily replace the existing off-shoot. The proposed extension would measure approximately 7.4m in length/projection and approximately 6.4m in width, which is an increase of approximately 0.2m in length and approximately 0.7m in width on the footprint of the existing off-shoot. The proposed extension would have a pitched roof design with a ridge height of approximately 6.5m, dropping to approximately 3.6m at eaves level.

3.5 The proposal includes the installation of 3no. dormer extensions on the southern elevation (rear), 1no. dormer extension on the northern elevation and 1no. dormer extension on the eastern elevation (front). The dormers would extend from

the eaves/elevation of the host property (as proposed to be extended) and would each measure approximately 2.4m in width by approximately 3m in projection, with a height of approximately 2.6m. Each of these proposed dormer extensions would feature a 3-pane window.

3.6 In addition to the dormers, the proposed scheme would introduce 2no. windows at ground floor in the north facing side elevation, 3no. windows and 1no. access door flanked by full length windows in the east facing elevation (front), 1no. set of 5-pane bi-fold doors and 2no. windows in the south facing elevation, and 1no. access door and 5no. windows in the west facing rear elevation.

3.7 The proposed canopy to the front (east) would measure approximately 3m in width by approximately 1.1m in depth. The canopy would feature a pitched roof with a total height of approximately 3.4m, dropping to approximately 2.4m at the pillars and would comprise a timber coloured structure set on low level brick walls (with an approx. height of 0.5m) and tiled roof.

3.8 The proposal includes the installation of a chimney feature in the west facing elevation (rear). The proposed chimney would have a total height of approximately 6.9m, a projection of approximately 0.5m and a maximum width of approximately 1.6m.

3.9 The proposal includes the installation of 2no. window lights in the west facing roof slope, 2no. windows in the south facing roof slope, 2no. roof lights in the north facing roof slope. The dwelling (as proposed to be amended) would accommodate an open plan living, dining and kitchen area, toy room, en-suite bedroom, snug, boot/utility room and W.C. at ground floor, and 3no. bedrooms (1no. of which features an en-suite and dressing room) and bathroom at first floor for the occupants of the host property.

3.10 The application form and submitted plans indicate that the proposed dormer bungalow would be primarily finished in a white/cream render finish with brick details.

3.11 The application has been referred to be determined in the planning committee due to the number of objections (more than 3) received.

## **SITE CONTEXT**

3.12 The application site relates to a modern north facing bungalow within a residential street (Northbrook Court) in Hartlepool. The application site is set back (to the south and west) from the main street of Northbrook Court, accessed by a long driveway to the north east corner of the application site, and being bounded to the north by No. 8, to the north east by No. 9, and to the east by No. 6 Northbrook Court. To the south and rear are open fields, with Briarfields allotments to the west, and a public footpath runs in an L-shape from Elwick Road (to the east and to the north). Between the application site and the public footpath, open fields and allotments is a substantial boundary of trees, a number of which are within the application site.

3.13 The host property is served by gardens to the eastern and western sides and to the rear. All boundaries comprise trees and landscaping, predominantly with a



substantial height (over 2m), and a boundary fence with a height of approximately 1.4m is present between the host property and No. 6 to the east and between the host property and No. 8 to the north.

3.14 It was noted by the case officer during the site visit that site levels are such that No. 8 is raised by a modest amount in relation to the host property, whilst the neighbour at No. 6 is set at a slightly lower level.

3.15 The street scene of Northbrook Court is generally characterised by bungalows of a relatively uniform design to the south, west and inner section of the cul-de-sac, and larger, two storey detached dwellings of a range of designs and scales to the northern and eastern sections of the cul-de-sac. A small number of these properties have been altered through the application of render.

## PUBLICITY

3.16 The application was advertised by way of notification letters to three individual neighbouring properties and two site notices. To date, three objections have been received, raising the following concerns:

- Covenants on Northbrook Court mean its distinctive character is maintained (no walls to the front, no overextended properties, no business use), and the proposal would impact on the character of the street scene
- Site history for unsuccessful change of use of the property to a care home
- The proposals, if approved, would set a precedent
- Impact upon privacy of neighbouring properties
- Proposed dormers not sympathetic with the other properties in the street scene

3.17 In addition, one response, offering no objections to the proposal, has been received.

3.18 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=158853>

3.19 The period for publicity has expired.

## CONSULTATIONS

3.20 The following consultation responses have been received in respect of the application:

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

**HBC Ecology:** I agree with the findings of the submitted Preliminary Roost Assessment report (for bats) undertaken by Falco Ecology and dated July 2023. The likelihood of harm to bats and birds is negligible. The report states that 'An integrated

bat box will be positioned within the apex of the south aspect gable wall. This will provide a biodiversity net gain'.

This will satisfy Ecology planning requirements, including NPPF (2023) paragraph 170 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Condition:

The building should include 1no integral bat box, built into the apex of the southern gable wall as illustrated in Section 8.1 of the Preliminary Roost Assessment report.

**HBC Countryside Access Officer:** There are no landscape and visual objections to the proposed development.

**HBC Arboricultural Officer:** There are a number of trees within the garden of 7 Northbrook Court which are protected by TPO8 and TPO48. T1 as labelled within the AIA is T34 within TPO8. T1 is proposed to be pruned back by 1-1.5 metres to a suitable growing point to facilitate the development. There is no objection to this work being carried out and can be approved as part of this application but it should be conditioned that this proposed work is the only work to be carried out and that the work is to be carried out in accordance with BS3998:2010 Tree work: Recommendations.

1.The tree work to which this permission relates to shall be solely limited to a crown reduction of a maximum of 1.5 metres on the west side of the canopy to facilitate the development. The tree works agreed shall be completed no later than two years from the date of this permission.

To clarify the period for which the permission is valid.

2. All tree work shall comply with BS 3998:2010 'Tree work - Recommendations', paying particular regard to section 7 'Pruning and related work'. In the interests of the health and appearance of the preserved tree(s). The rest of the AIA provides all the relevant information regarding the proposed development and should be adhered to throughout including Appendix 7 to the AIA which provides the tree and ground protection needed.

**HBC Building Control:** A Building Regulation application will be required for 'Part first floor extension including 5no dormer windows and roof lights and part two-storey extension to create additional level, conversion of garage to habitable room, erection of canopy to front door, erection of chimney, application of render and external alterations'.

**HBC Public Protection:** I would request that the chimney is constructed to be at least 1 metre above the eaves, which it does appear to be on the plans.

**HBC Estates:** No comments received.

## PLANNING POLICY

3.21 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

3.22 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;  
QP4: Layout and Design of Development;  
HSG11: Extensions and alterations to Existing Dwellings.

### National Planning Policy Framework (NPPF)(2023)

3.23 In September 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019 and 2021 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 007: Purpose of the planning system;  
PARA 011: Presumption in favour of sustainable development;  
PARA 038: Decision-making;  
PARA 047: Determining applications in accordance with the development plan;  
PARA 124: High quality buildings and places;  
PARA 127: Design principles;  
PARA 130: Achieving well-designed places;  
PARA 170: Ecology and biodiversity.

## PLANNING CONSIDERATIONS

3.24 The main planning considerations with respect to this planning application are the impact of the proposal on the character and appearance of the application site and surrounding area, and the impact on the amenity and privacy of existing and future occupiers of neighbouring properties, the impact on trees, highway safety and

car parking, and the impact on ecology. These and any other planning matters are considered below.

## IMPACT ON CHARACTER AND APPEARANCE OF THE EXISTING DWELLING AND SURROUNDING AREA

3.25 Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and alterations to Existing Dwellings) 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.

3.26 It is acknowledged that objections from neighbours raise concerns that the proposed dormers would not be in-keeping with the character and appearance of other properties throughout the street of Northbrook Court.

3.27 As noted above, the host bungalow is of a modest scale which features a projecting off-shoot with a lowered ridge height and hipped roof design, being located within a section of the street scene of Northbrook Court characterised by bungalows of a uniform character. It is considered that the proposed alterations would result in a notable change to the character and appearance of the existing host bungalow, in particular the 2no. dormers to the north and east elevations which would extend upwards from the raised eaves of the application property and would therefore project in line with these elevations, as well as the proposed extension which would feature a pitched roof design and gable elevation to the northern extent, removing the hipped roof offshoot, that is characteristic of these properties.

3.28 It is for these reasons that the case officer requested that the applicant consider amending the proposal, with suggested alterations including to lower the ridge height of the proposed works, to lower the eaves height of the proposed extension element, and to amend the design of the proposed 2no. dormers to the front to smaller dormers to be set within the slope of the roof rather than extending from the principal elevation. It is considered that some or all of these amendments would have assisted in reducing the identified impacts on the character and appearance of the street scene. However, the applicant confirmed that they were unwilling to amend the proposals and the application is to be considered accordingly.

3.29 Notwithstanding the above, consideration is given to the siting of the detached host property, which is sited along a private driveway at a distance of approximately 40m from the main/adopted highway (to the east) of Northbrook Court, and the substantial screening around the perimeter of the application site which includes trees and hedges along all boundaries. Furthermore, it is of note that when viewed from the northern section of the street scene of Northbrook Court, the ground levels of the application property (as proposed to be extended) are lower in relation No. 8 (adjacent to the north), and would be substantially screened by the siting of a detached garage serving No. 8 (to the north). Such matters are considered to further assist in reducing any unacceptable visual intrusion into the street scene.

3.30 In view of the above site context, it is considered that the proposed installation of 2no. dormers to the front (1no. of which on the north facing elevation

and 1no. of which on the east facing two storey extension to the side element), and raising of the ridge height, would not, on balance, result in a design of property that would be so overly dominant within the street scene or unsympathetic to the host property or surrounding properties as to warrant a reason to refuse the application in this instance.

3.31 The proposed porch canopy would be of a relatively modest scale to the front (east) elevation of the host property (as proposed to be extended), although it is not a common feature within the street scene. Notwithstanding this, consideration is given to the modest overall height (under 4m), and the position of the host property, including the substantial separation distance to the main highway of Northbrook Court (to the east and north, beyond other driveways to residential bungalows). In view of this relationship, and taking into account the screening in the form of trees and hedges throughout the application site, it is considered that this element of the proposals would not be so unacceptable to the character of the host property or the wider area as to warrant a reason to refuse the application.

3.32 It is acknowledged that the proposed chimney would be of a notable scale (relative to the surrounding bungalows where such a feature is not present, albeit chimneys are present to the two storey dwellings in the street scene), however consideration is given to the position of the chimney which would be on the western elevation, and therefore partially screened from the front of the street scene (including areas to the east and north of Northbrook Court). On balance, it is considered that this element of the proposal would respect the proportions of the host property (as proposed to be extended).

3.33 In terms of the character and appearance of the street scene, it is of note that in addition to the bungalows to the southern and western sections of the cul-de-sac of Northbrook Court, the street includes some two storey dwellings of a mixture of scales and designs. In view of this, it is considered that the proposed dormer bungalow (including the proposed 5no. dormer windows) would not be unduly out of character for the area that would result in an unacceptable visual impact. Given the position of the host dwelling which is substantially set away from the main street of Northbrook Court (to the east and to the north), it is considered that views from the main road and wider street scene would be limited.

3.34 In terms of views from the public footpaths and areas of open green space to the south and west and from the allotments to the west, as noted above, the application site benefits from substantial screening around the rear garden areas (to the south and west), and therefore the proposal would ultimately be read in the context of the host dwelling and surrounding properties, and it is considered to be acceptable in this respect.

3.35 The submitted drawings detail that the proposed dwelling would be finished in a light coloured render material. Whilst the original properties within the street scene are primarily finished in a red brick material (as original), it is of note that a number of properties feature alterations including the application of a white/light coloured render including to the garage element to the side of a bungalow at No 5 (east). In this context, the original uniformity of the properties has been amended by these incremental and contemporary alterations. Ultimately, the host property and

the wider street scene are not located within a sensitive area (such as a conservation area). In the above context including the location of the host property in the corner of the cul de sac, it is considered that the application of render would not result in the introduction of an incongruous feature that would warrant a refusal of the application. Nonetheless, it is considered necessary to obtain final finishing materials, and a planning condition can secure this, and is necessary in this instance.

3.36 Overall and on balance, it is considered that the proposal would not result in an unsympathetic design, appearance and scale to the host dwelling and application site as a whole or result in an unacceptable adverse impact on the character and appearance of the existing dwelling and surrounding area as to warrant a refusal of the application.

#### IMPACT ON AMENITY AND PRIVACY ON NEIGHBOURING PROPERTIES

3.37 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.

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

3.39 One objection has been received from the occupant of a neighbouring property, citing concerns with respect to an impact on the privacy of neighbouring properties.

#### Impact on No. 6 Northbrook Court (east)

3.40 The neighbouring bungalow adjacent to the east is a north facing bungalow which is set further south than the host property. It was noted by the case officer during the site visit that this neighbour features 1no. obscurely glazed window in the west facing side elevation, which the neighbour verbally confirmed to the case officer serves a bathroom (classed as a non-habitable room). In addition, the neighbour features 2no. windows in the northern/front elevation of the main part of the bungalow, which the neighbour confirmed to the case officer serve bedrooms (habitable rooms).

3.41 A separation distance of approximately 13.8m would remain from the nearest element (raising of eaves height and front and rear dormers) of the proposal to the boundary and approximately 14.4m to the side elevation (oblique) of the neighbour at No. 34 to the north. Owing to the position of the plots, the host property is sited approximately 7m further north than this neighbour. As such, it is of note that the

main views from the above mentioned bathroom window in the eastern side of No. 6 would be toward the boundary between the two neighbouring properties, whilst the position of the host property (which would not project any further to the east or south than the existing host bungalow) would be at an oblique angle from this window.

3.42 With respect to the impact on the windows in the north facing principal elevation of the neighbouring bungalow at No. 6, as noted above, the application property benefits from a substantial private driveway. The relationship between the two neighbours would remain substantially unchanged save for the proposed increase in ridge and eaves height (by approximately 2.1m at the ridge and approximately 1m at the eaves) and installation of dormers (of which 3no. would be on the south elevation, 1no. on the north elevation and 1no. on the east elevation). The proposed extension to the northern side would not extend the footprint of the existing host property, save for a small extension to the western/rear elevation, which would not have an aspect toward No. 6 (east).

3.43 It is therefore of consideration that the host property does not sit directly west of this neighbouring property but is offset and the separation distance would remain relatively unchanged (and satisfactory). Consideration is given to the proposed alterations which would not extend the host property further to the east, north or south than the existing host bungalow. Furthermore, the proposed dormers would not project beyond the main front or rear elevations or the ridge of the roof of the host property (as proposed to be extended).

3.44 In view of the above, it is considered, on balance, that the additional increase in the ridge and eaves height of the host dwelling, extension to the side, and other associated works (including the installation of 5no. dormers and the canopy to the front) would not have any unacceptable impacts on the amenity of this neighbouring property in terms of overshadowing, any overbearing effect or poor outlook.

3.45 In terms of privacy, it is noted that the proposal would feature the addition of windows and a dormer in the proposed extension element, within the east facing principal elevation. No windows are proposed in the eastern gable end elevation of the main property (as proposed to be extended), which can be secured by planning condition, which is necessary in this instance. In terms of the proposed dormer in the front (east facing) elevation, consideration is given to the relationship between the two neighbours, separation distance of approximately 22m to the boundary and 23.7m to the side/front corner of No. 6 (with substantial screening in the form of trees), and as such it is considered that there would be no direct views toward any windows in this neighbour from this dormer. It is considered that the position of the remaining dormers (1no. on the north facing elevation and 3no. on the south facing elevation) would not allow for any direct views to be achieved to any windows in the neighbour at No. 6 or their private rear garden amenity space.

3.46 Given the separation distances that exceed the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and the Residential Design Guide SPD (2019), as well as the above mentioned boundary treatment (including the provision of trees along the driveway to the host property) that would assist in screening the proposed ground floor windows and dormer to the eastern elevation, it is considered that there

would be no direct views towards the identified windows in front, side or rear elevations of No. 6, or the private garden amenity space of this neighbour from any of the proposed dormers, windows or roof lights in the host property. In light of this, it is considered that the proposal would not result in any adverse loss of privacy for No. 6 in terms of overlooking.

3.47 Furthermore, HBC Public Protection have raised no objections to the proposals in respect to the siting of the chimney which would achieve the requirements of being sited 1m above the nearest windows.

#### Impact on 8 Northbrook Court (north)

3.48 The neighbouring bungalow adjacent to the north is an east facing bungalow which is set further west than the host property. It was noted by the case officer during the site visit that this neighbour features 1no. obscurely glazed window in the south facing side elevation, although the case officer was unable to establish definitively what room for the occupants this window serves, it is understood to serve a bathroom (based on the layout of the host property and that of No. 6). It is considered that all other windows in other elevations of No. 8 face away from the application property. A detached garage is sited along the boundary with the application site (to the north east and beyond the front elevation of No. 8). It was also noted by the case officer during the site visit that the grounds levels are such that the host property is sited lower than the levels of the neighbour at No. 8.

3.49 A separation distance of approximately 4.8m to the boundary and approximately 5.8m to the side elevation of the neighbour at No. 8 to the north would remain from the proposed two storey extension to the side of the host property. Owing to the position of the plots, the neighbour at No. 8 extends approximately 8m further west than the host property. Whilst it is considered that the main views from the above mentioned bathroom window in the southern side of No. 8 are toward the boundary between the two neighbouring properties, the position of the host property (which would only project approximately 0.7m to the west than the existing bungalow) is such that light and outlook could still be achieved toward the western extent from this identified bathroom window. It is of further consideration that the bathroom window in the side of No. 8 serves a non-habitable room.

3.50 With respect to the impact on the window in the south elevation of the neighbouring bungalow at No. 8, as noted above, the relationship between the two neighbours is established. It is considered that the proposed increased roof and eaves height and installation of dormers (of which 3no. would be on the south/rear elevation would be primarily obscured from No. 8 to the north, 1no. on the north elevation and 1no. on the east elevation) are a modest addition to the host property overall (in neighbour amenity terms). The proposed extension to the northern side would primarily respect the footprint of the existing host property, save for a small extension to the western side, and would not extend beyond the front (east) or rear (west) elevations of No. 8. Consideration is given to the established relationship between the two neighbours, screening in the form of landscaping along the boundary, and separation distance would primarily remain unchanged (albeit this element is increasing), and the host dwelling (as proposed to be extended) would remain relatively modest in scale (with only 1.5 storeys rather than a full 2 storey



gable). Furthermore, the proposed dormers would not project beyond the main elevations or the ridge of the roof of the host property (as proposed to be extended).

3.51 In view of the above, it is considered, on balance, that the additional increase in the ridge and eaves height of the host dwelling, two storey extension to the side, and other associated works (including the installation of 5no. dormers and the canopy to the front) would not have any unacceptable impacts on the amenity of this neighbouring property in terms of overshadowing, any overbearing effect or poor outlook as to warrant a refusal of the application.

3.52 In terms of privacy, it is noted that the proposal would feature the addition of windows and a dormer in the north facing elevation, at a separation distance of approximately 12.4m to the boundary and approximately 13.4m to the side/front corner of No. 8. No windows are proposed in the northern elevation of the proposed extension element, which can be secured by planning condition, which is necessary in this instance. In terms of the proposed dormer in the north facing elevation of the main host property, consideration is given to the oblique relationship between the two neighbours, separation distance noted above, and screening in the form of trees, and as such it is considered that there would be no direct views toward any windows in the front, rear and side elevations of this neighbour from this dormer.

3.53 Given the relationship between the two neighbours and the position of windows and doors in the application property (as proposed to be extended), as well as the above mentioned boundary treatment that would assist in screening the proposed ground floor windows and dormers to the identified windows of this neighbour, it is considered that there would be no direct views towards any windows in the front, side or rear elevations of No. 8, or the private garden amenity space of this neighbour from any of the proposed dormers, windows or roof lights in the host property. In light of this, it is considered that the proposal would not result in any adverse loss of privacy for No. 8 in terms of overlooking.

#### Impact on 9 Northbrook Court (north east)

3.54 A separation distance of approximately 15.3m to the boundary and approximately 23.6m to the side/rear corner of No. 9 to the north east would remain between the proposals and the nearest elevation (west/rear) of this neighbour. It was noted by the case officer during the site visit that a row of mature trees are present along the driveway serving the host property, which separates this neighbour from the application site. It was also noted by the case officer during the site visit that the grounds levels are such that the host property is sited lower than the neighbour at No. 9.

3.55 In view of the satisfactory separation distances, screening in the form of trees and landscaping, and established position of the plots, all of which would primarily remain unchanged, it is considered that the proposed increased roof and eaves height and installation of dormers (of which 3no. would be on the south elevation which would be obscured from No. 9 to the north east, 1no. on the north elevation and 1no. on the east elevation) would not significantly reduce the outlook or light toward any of the windows in the rear elevation of No. 9. Furthermore, it is

considered that there would be no unacceptable overlooking toward any of the windows in No. 9 or their private rear garden amenity space.

3.56 On balance, it is considered that the proposals would not result in any adverse impacts on the amenity or privacy of this neighbouring property in terms of overshadowing, any overbearing effect, poor outlook, or overlooking.

#### Impact on open green space, public footpaths and allotments to the south and west

3.57 As noted above, an open, grass area interspersed with pathways is situated along the southern and western boundaries, separated by substantial landscaping to the application site. Given the modest scale of the proposal, boundary treatment and separation distances, it is considered that no element of the proposal would result in any adverse impacts on the amenity or privacy of land users to the south or west, in terms of loss of outlook, overshadowing, overbearing impression or overlooking.

#### TREES AND LANDSCAPING

3.58 There are a number of trees within the garden of 7 Northbrook Court which are protected by TPO8 and TPO48. The applicant has submitted a supporting Arboricultural Impact Assessment, identifying the trees and indicating any works to be carried out to affected trees (as a result of the proposal) within the application site. As noted in the comments from the Council's Arboricultural Officer (set out in full above), T1 is proposed to be pruned back by 1-1.5 metres to a suitable growing point to facilitate the development. The Council's Arboricultural Officer has confirmed no objections to this work being carried out subject to a planning condition that this proposed work is the only work to be carried out and that the work is to be carried out in accordance with statutory guidance in relation to tree works. Planning conditions can be appended to secure this, and are recommended accordingly. Subject to the inclusion of these conditions, the application is considered to be acceptable in this respect.

#### ECOLOGY

3.59 The proposed development would result in an extension to the main dwelling that would result in alterations to the roofline and is close to greenspace which supports declining bat populations. A Preliminary Bat Assessment has been submitted by the applicant which concludes that there would be a negligible risk to bats, a bat box is recommended to be installed. The Council's Ecologist agrees with the findings and has confirmed that they have no objections in respect of ecological matters, subject to the inclusion of a bat box, as identified within the submitted Preliminary Bat Assessment. A planning condition is recommended to ensure the installation of an integral bat roost brick be incorporated into the proposals, to achieve an ecological enhancement for the proposed development, in line with NPPF (2023) requirements. Subject to this condition, the application is considered acceptable in terms of ecology.

## HIGHWAY SAFETY AND CAR PARKING

3.60 The submitted plans indicate that the additional upper floor will provide 3 bedrooms with a bedroom at ground floor and a 'toy room' (formerly a bedroom, which would/could be classed as a bedroom). The proposals would result in the loss of the existing garage however the host dwelling would continue to be served by a substantial driveway. The Council's Traffic and Transport section have had regard to the proposal and have confirmed that they would have no concerns in respect of highway or pedestrian safety or parking. The proposal is considered to be acceptable in this regard.

## RESIDUAL MATTERS

3.61 The Council's Estates section been consulted on the proposals and have not offered any comments or objections. The proposal is considered to be acceptable in this regard.

3.62 An objection has been received commenting that the host property is subject to restrictive covenants. An objection has raised concerns regarding alleged historic applications or aspirations of the host property. However, these are not material planning considerations and therefore have not been given any weight in the consideration of the application. Furthermore, 'precedent' is not a material planning consideration.

## CONCLUSION

3.63 On balance, whilst it is of note that the proposal would represent a notable change to the character and appearance of the existing bungalow, the proposal is considered to be acceptable with respect to the abovementioned material planning considerations when considered against Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 11, 126 and 130 of the NPPF (2023). The application is therefore recommended for approval, subject to the planning conditions below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.64 There is no evidence of equality or diversity implications.

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

3.65 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.

3.66 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – APPROVE, subject to the conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and details: Site Location Plan (scale 1:1250), Dwg. No. 2315-004 (Existing and Proposed Block Plans, at a scale of 1:200), Dwg. No. 2315-003B (Proposed Elevations), and Dwg. No. 2315-002B (Proposed Floor Plans) received by the Local Planning Authority on 27<sup>th</sup> July 2023.  
For the avoidance of doubt.
3. Notwithstanding the submitted information, details of all external finishing materials associated with the development hereby approved shall be submitted to and approved by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter and following the written agreement of the Local Planning Authority, the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
4. Prior to the commencement of development above ground construction of the development hereby approved, details of a minimum 1no. integral bat roost brick to be installed in a south or west facing sides of the development hereby approved at a minimum height of 3m above ground level including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The bat roost brick shall be installed prior to the first use or completion of the development (whichever is the sooner). The bat roost brick 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.
5. 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, the approved scheme for the protection and retention of the retained trees (as identified within the Arboricultural Impact Assessment provided by Elliott Consultancy Ltd, dated July 2023, received by the Local Planning Authority on the 27<sup>th</sup> July 2023) shall be implemented on site (and thereafter retained until the completion of the development). No materials or equipment shall be stored or placed within the identified Construction Exclusion Zone as shown on the Tree Protection Plan (Appendix 7, Dwg. No. ARB/AE/3170/TpP, as identified within the Arboricultural Impact Assessment provided by Elliott Consultancy Ltd, dated July 2023, received by the Local Planning Authority on the 27<sup>th</sup> July 2023). 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. If within a period of

five years from the commencement of the development hereby approved, 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 tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

6. The tree work to which this permission relates to shall be solely limited to a crown reduction of a maximum of 1.5 metres on the west side of the canopy of the tree identified as A1 in the submitted Tree Protection Plan (Appendix 7, Dwg. No. ARB/AE/3170/TpP, as identified within the Arboricultural Impact Assessment provided by Elliott Consultancy Ltd, dated July 2023, received by the Local Planning Authority on the 27<sup>th</sup> July 2023) to facilitate the development. The tree works agreed shall be completed no later than two years from the date of this permission. All tree work shall be carried out in accordance with the submitted Arboricultural Impact Assessment (provided by Elliott Consultancy Ltd, dated July 2023, received by the Local Planning Authority on the 27<sup>th</sup> July 2023) and shall comply with BS 3998:2010 'Tree work - Recommendations', paying particular regard to section 7 'Pruning and related work'.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting the Order with or without modification), no additional windows (other than those approved) shall be inserted in the eastern elevation of the dwelling as extended/alterd (facing No. 6 Northbrook Court) and no additional window(s) shall be inserted in the northern elevation of the dwelling as extended/alterd (facing No. 8 Northbrook Court) hereby approved without the prior written consent of the Local Planning Authority.

To prevent occurrences of overlooking, in the interests of privacy.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=158853>

3.69 Copies of the applications are available on-line:

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

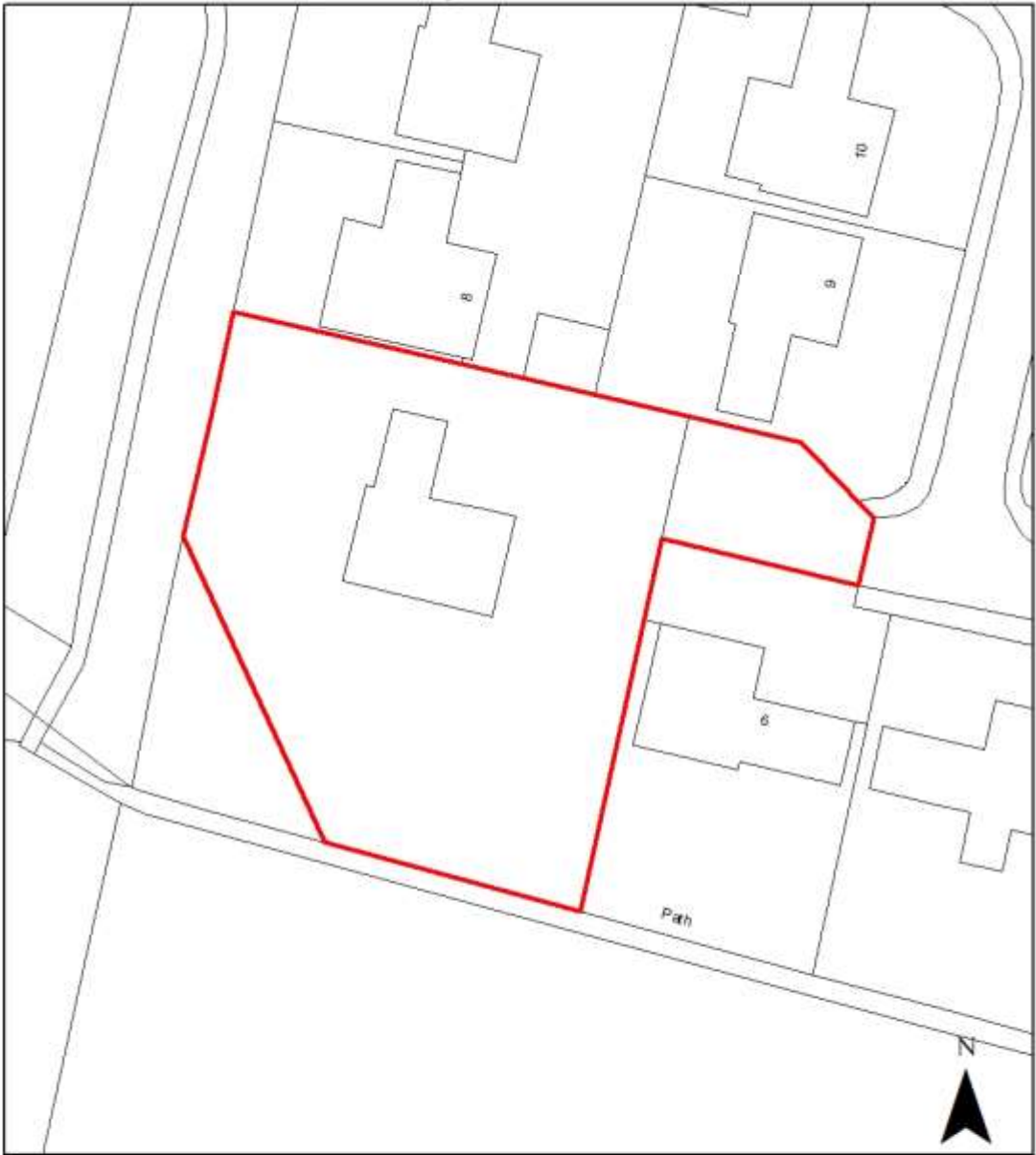
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<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>14.11.2023</b>
	SCALE <b>1:500</b>	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2023/0264</b>	REV





## **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

06 December 2023



**Report of:** Assistant Director (Neighbourhood Services)

**Subject:** UPDATE ON CURRENT COMPLAINTS AND  
ENFORCEMENT ACTIONS

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## 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. Failure to discharge pre-commencement conditions at a residential development site at land west of Wynyard Village and south of A689.
2. The erection of an extension at the rear of a residential property in Muir Grove.
3. The cladding of the exterior of four residential properties in Lister Street.

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

1. Fly-tipping and an untidy site at a former filling station on Stockton Road. Re-development works are now underway at the site.
2. Alterations to a front door at a residential property in Grange Road. The alterations are minor and decorative and do not require planning permission.
3. Running a beauty treatments business at a residential property in Burwell Walk. It is considered that the business does not lead to a material change of use requiring planning permission.
4. The occasional use of land west of Clarence Road as a car park. Permitted development rights apply in this case.

5. The erection of an extension at the side of a residential property in Manor Fields, Wynyard. The extension has since been removed.
  6. The creation of a driveway at the front of a residential property in Burke Place. The driveway has been in place for in excess of 4 years and is therefore exempt from enforcement under planning legislation.
  7. Running a beauty treatments business at a residential property in Southbrooke Avenue. It is considered that the business does not lead to a material change of use requiring planning permission.
- 1.3 No enforcement actions have been taken within this reporting period.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

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### **AUTHOR**

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## PLANNING COMMITTEE

06<sup>th</sup> December 2023



**Report of:** Assistant Director – Neighbourhood Services

**Subject:** PLANNING APPEAL AT FLAT 3, 24  
BEACONSFIELD STREET, HARTLEPOOL, TS24  
0NX  
APPEAL REF: APP/H0724/W/23/3330638.  
Retrospective application for replacement of 4 timber  
windows for 4 uPVC windows in first floor flat (Two at  
the front, one in the side and one to the rear)  
(H/2022/0374).

### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse an application for the 'Retrospective application for replacement of 4 timber windows for 4 uPVC windows in first floor flat (Two at the front, one in the side and one to the rear)' (H/2022/0378).
- 1.2 The planning application was refused under delegated powers on 17<sup>th</sup> August 2023 for the following reason:
- 1.3 *In the opinion of the Local Planning Authority, it is considered that the replacement windows to front side and rear cause less than substantial harm to the designated heritage asset (Headland Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the immediate building and as a consequence, to the wider 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, HE3 and HE7 of the Hartlepool Local Plan (2018), and paragraphs 130, 189, 194, 195, 197, 199, 202, and 207 and 196 of the National Planning Policy Framework 2021.*
- 1.4 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**

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**4.0 AUTHOR**

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**Appendix 1****DELEGATED REPORT**

<b>Application No</b>	H/2022/0374
<b>Proposal</b>	Retrospective application for replacement of 4 timber windows for 4 uPVC windows in first floor flat (Two at the front, one in the side and one to the rear).
<b>Location</b>	24 BEACONSFIELD STREET HARTLEPOOL

**PS Code:** 21

<b>DELEGATION ISSUES</b>	Neighbour letters:	04/08/2023
	Site notice:	09/08/2023
	Advert:	16/08/2023
	Weekly list:	07/08/2023
	Expiry date:	11/08/2023
	Extended date:	18/08/2023
<b>2) Publicity/Consultations</b>		
<b>Publicity</b>		
The application has been advertised by way of 16 neighbour letters, a press notice and a site notice. To date, a single letter of support has been received for the works.		
<b>Consultations</b>		
The following consultation responses have been received;		
<b>HBC Head of Service for Heritage &amp; Open Spaces:</b> The application site is located in the Headland 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.'

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

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

The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier type of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. Front doors are two or four panelled set in a doorcase which may be of a simple design or may be more decorative with fluted Doric columns. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

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

This is a retrospective application for the replacement of 4 timber, sliding windows, for 4 uPVC windows in first floor flat (two at the front, one in the side and one to the rear).

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.’

UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. Therefore both UPVC windows will differ significantly in appearance both at the outset and critically as they age from elements constructed in wood.

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 this instance, timber sliding sash windows have been replaced with UPVC top hung casements. These differ significantly in appearance from a traditional sliding sash window. On a traditional window the lower sash is set back from the top one, providing a depth to the window and allowing for a slender frame. In this instance,

- the frame is flatter and wider than a tradition window,
- the upper window is slightly smaller than the lower one, providing space around the light rather than sitting within the frame.
- the central meeting rail does not come together, as can be seen on a sash window, but the upper light sits slightly above it.
- the detailed window elements, such as the horns, are not an integral part of the frame but appear as an addition.

These details mean that the window differs significantly from a timber sliding sash.

It is considered that the proposal will cause less than substantial harm to the designated heritage asset (NPPF, 202) due to the loss of traditional timber windows which contributed to its significance. It is acknowledge that elsewhere, within close proximity, others have installed windows in modern materials, how this does not in itself lessen the harm caused in this instance. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

**Tees Archaeology:** Thank you for the consultation. We have no comment to make on this application.

**HBC Landscape Architect:** I Defer to Heritage and Conservation.

**HBC Building Control:** A Building Regulation application would be required if windows are fitted by a company NOT registered with a Competent Person Scheme.

**The Civic Society:** No comments received.

**Headland Parish Council:** No comments received.

**Cleveland Fire Brigade:** No comments received.

<b>3) Neighbour letters needed</b>	Y
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<b>4) Parish letter needed</b>	N
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## **5) Policy**

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

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

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

#### Hartlepool Local Plan 2018

HE1: Heritage Assets  
 HE3: Conservation Areas  
 HE7: Heritage at risk  
 HSG11: Extensions and alterations to existing dwellings  
 LS1: Locational Strategy  
 LT1: Leisure and Tourism  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 SUS1: The Presumption in Favour of Sustainable Development

**HBC Planning Policy Comments:** Planning policy has concerns with the type of windows being used to replace the original ones. The could have an adverse affect on the appearance of the conservation area. The views of the Heritage and Open Spaces manager will be paramount.

### **6) Planning Consideration**

#### **BACKGROUND**

There is no recent planning background associated with this retrospective planning application.

#### **SITE & SURROUNDINGS**

The application site relates to the 2 ½ storey residential flatted building of 24 Beaconsfield Street, where the applicant's flat (3) is located within the first floor of the building. The application site is a prominently located, dual aspect building facing towards the respective highways Moor Parade at the front (east) and Beaconsfield Street at the side (north) and is located within the Headland Ward and is located within the Headland Conservation Area that is subject to an Article 4 Direction.

#### **PROPOSAL**

The proposal seeks retrospective planning permission for the replacement of four timber framed windows with 4 uPVC casement windows within the first floor flatted building. Two windows have been replaced within the front, one within the side and one within the rear elevation.

#### **PLANNING CONSIDERATIONS**

The main planning considerations with respect to this application are the impact on the character and appearance of the existing building and the wider Headland Conservation Area, the impact on the amenity of neighbouring occupiers, the impact on archaeology and any other relevant planning matters.

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

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 heritage asset. 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).

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

The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture. With reference to the window detail within the Headland, both the standard and level of detail are considered to contribute to the Headland's unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar and horns are also evident on sash windows to add decoration and strength. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor.

The planning application is for a retrospective development for the replacement of four timber sliding sash windows, with four uPVC top hung casement windows within the first floor residential flatted property. Two of the replaced windows are within the front elevation, one is within the side elevation and one is to the rear. The Council's Head of Service for Heritage and Open Spaces has provided comments that the replaced uPVC casement windows differ significantly from the traditional sliding sash windows. The Head of Service for Heritage and Open Spaces has explained that on a traditional window, the lower sash is set back from the upper sash, which provides a depth to the window, whilst allowing for a slender frame. In

the case of the windows installed, the frame is flatter and wider than a traditional window; the upper window is slightly smaller than the lower one, which in turn provides space around the light rather than sitting within the frame. In addition, the central meeting rail does not come together, as would be seen within a traditional sash window, but the upper light sits slightly above it. Furthermore, the detailed window elements on the windows installed, such as the horns are not an integral part of the frame but appear as an addition.

Having regard to the windows installed when compared to the replaced traditional sliding sash windows, and having regard to the detailed comments of the Council's Head of Service for Heritage and Open Spaces, which are echoed by the Planning Policy section, it is considered that the windows differ significantly. As a result, noting the installed windows are located within a building serving a number of separate residential properties, they are considered to jar with those existing traditional windows that make up the rest of the building, creating an inconsistent and untidy appearance to the building as a whole. Situated at a dual aspects facing towards the respective highways Moor Parade at the front (east) and Beaconsfield Street at the side (north), within the Article 4 Headland Conservation Area, the application building is considered to be highly prominent.

The presence of other uPVC windows within the conservation area is not disputed, rather it is unsympathetic alterations such as this that have resulted in the conservation area be classed as 'at risk' and more pressing need to ensure future developments are appropriate. Notwithstanding the fact all applications should be determined on their own particular merits, the presence of poor quality developments elsewhere is not considered sufficient reason to warrant causing further harm to the character and appearance of the conservation area.

The Headland Conservation Area is considered to be at risk due to the cumulative loss of traditional details such as timber windows and doors. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported, although in this instance, having regard to the above considerations, the development as carried out is considered to cause threat to the integrity of the heritage asset of the Headland Conservation Area.

It is considered that the proposal will cause less than substantial harm to the designated heritage asset (NPPF, 202) due to the loss of traditional timber windows which contributed to its significance. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal. Consequently the proposed works as carried out are considered to be unacceptable and are recommended for refusal of the planning application accordingly.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

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.

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

The replacement windows do not significantly alter the outlook or change the function of the rooms that the windows serve within the residential property and it is therefore considered that the proposed development would not lead to any significant loss of privacy/overlooking related matters for the surrounding neighbouring properties and there are no concerns or objections to the proposed development in this respect. As the proposed retrospective works are limited to the changes to the windows installed, it is considered that they would not create any undue impacts in terms of overbearing or loss of light/overshadowing impacts and there are no concerns in respect to loss of residential amenity in this respect.

#### ARCHAEOLOGY

Tees Archaeology have considered the application and consider that the proposed development would not have an impact on the nearby heritage assets. The proposal is therefore does not raise any objections in this respect.

#### OTHER PLANNING MATTERS

The Council's Landscape Architect and the Council's Planning Policy section have both commented that the views of the Head of Service for Heritage and Open Spaces would be key considerations with respect to the determination of the proposed development, which is duly noted and the necessary weight has been attributed to such comments accordingly.

Building Control have confirmed that a Building Regulations application would be required for the proposed works if not installed through a Competent Person Scheme. In the event of a planning approval, an informative could be relayed to the applicant for awareness.

#### CONCLUSION

It is considered that proposals for the changes to the windows at the front, side and rear within the first floor level of the application site causes less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development as carried out detracts from the character and appearance of the Headland Conservation Area, contrary to policies HE1, HE3 and

HE7 of the Hartlepool Local Plan (2018), and paragraphs 130, 189, 194, 195, 197, 199, 202, and 207 of the National Planning Policy Framework 2021.

## **7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

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

There are no Section 17 implications.

## **9) Alternative Options Considered**

No.

## **10) Any Declared Register of Interest**

No.

## **11) Chair's Consent Necessary** Yes.

## **12) Recommendation**

**REFUSE** for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the replacement windows to front side and rear cause less than substantial harm to the designated heritage asset (Headland Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the immediate building and as a consequence, to the wider 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, HE3 and HE7 of the Hartlepool Local Plan (2018), and paragraphs 130, 189, 194, 195, 197, 199, 202, and 207 and 196 of the National Planning Policy Framework 2021.

## **INFORMATIVE**

### **1.0 Statement of Proactive Engagement**

**The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, it is not possible to address this key constraint (impact on the setting of the conservation area) in this instance.**

**Author of Report: Kieran Campbell**

**Signed: K. CAMPBELL**

**Dated: 17/08/2023**

**Signed: DJAMES**

**Dated: 17/08/2023**

Planning Team Leader DC

I consider the scheme of Officer/Chair delegation to be appropriate in this case

**Signed: Cllr Paddy Brown**

**Dated: 17/08/2023**

Chair of the Planning Committee



