

PLANNING COMMITTEE

AGENDA



Wednesday 7 February 2024

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Darby, Feeney, Little, Martin-Wells, Morley, V Nicholson, Oliver, 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 10 January 2024 (to follow)

4. **ITEMS REQUIRING DECISION**

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

1. H/2023/0182 Hartlepool Old Boys RFC, Mayfield Park, Easington Road

5. **ITEMS FOR INFORMATION**

- 5.1 Update on Current Complaints and Enforcement Actions – *Assistant Director, Neighbourhood Services*
- 5.2 Linked appeals at Land near Sheraton Hall Farm, Land near Hart Moor Farm and Land near Hullam Farm - *Assistant Director, Neighbourhood Services*
- 5.3 Appeal at 9 Upper Church Street - *Assistant Director, Neighbourhood Services*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

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

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

- 5.4 Planning Appeal at Flat 3, 24 Beaconsfield Street - *Assistant Director, Neighbourhood Services*
- 5.5 Planning Appeal at 20 Watercress Close - *Assistant Director, Neighbourhood Services*
- 5.6 Appeal at The Bungalow, Low Throston House, Netherby Gate - *Assistant Director, Neighbourhood Services*
- 5.7 Planning Appeal at Land adjacent to car park Wiltshire Way/ grass verge Hart Lane - *Assistant Director, Neighbourhood Services*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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 13 March 2024



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

10th January 2024

The meeting commenced at 10.00 am 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, Carole Thompson 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

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services
Zoe Craig, Environmental Health Manager (Environmental Protection)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Brendon Colarossi, Team Leader (Construction Engineering)
Peter Frost, Highways, Traffic and Transport Team Leader
Scott Parkes, Consultancy Manager
Chris Scaife, Countryside Access Officer
Stephanie Bell, Senior Planning Officer
Kieran Campbell, Senior Planning Officer
Umi Filby, Legal Advisor
Jo Stubbs, Democratic Services Officer

49. Apologies for Absence

Apologies were submitted by Andrew Martin-Wells and Karen Oliver

50. Declarations of interest by members

None

51. Confirmation of the minutes of the meeting held on 6th December 2023

Minutes confirmed

52. Planning Applications *(Assistant Director, Neighbourhood Services)*

Number: H/2023/0182

Applicant: HARTLEPOOL OLD BOYS RFC EASINGTON ROAD
HARTLEPOOL

Agent: MR SIMON WATTS 10 NIGHTINGALE CLOSE
HARTLEPOOL

Date received: 11/09/2023

Development: Erection of balcony to first floor

Location: HARTLEPOOL OLD BOYS R F C MAYFIELD PARK
EASINGTON ROAD HARTLEPOOL

Councillor Tom Feeney proposed a site visit take place for this application as there have been concerns raised around potential noise impact and it would be beneficial to see the application site. Councillor Veronica Nicholson seconded this proposal.

A recorded vote to defer for a site visit was taken:

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

Against – None

Abstain – None

Decision: **Deferred for a site visit**

Number: H/2023/0057

Applicant: HARTLEPOOL BOROUGH COUNCIL VICTORIA
ROAD HARTLEPOOL

Agent: HARTLEPOOL BOROUGH COUNCIL SCOTT
PARKES CIVIC CENTRE VICTORIA ROAD
HARTLEPOOL

Date received: 11/07/2023

Development: Construction of new grade separated junction
comprising erection of bridge structure and of new

highway North of Elwick Village linking to the existing highway, with associated hard and soft landscaping, drainage features and ancillary works.

Location: LAND IN THE VICINITY OF ELWICK VILLAGE
AND THE A19 COMPRISING MULTIPLE
PARCELS OF LAND ELWICK HARTLEPOOL

Members had taken part in a site visit on Tuesday 9th January. The Senior Planning Officer gave details of a number of amendments that were made to the NPPF in December 2023 which were published after the committee papers had been distributed to members. These primarily related to paragraph numbers and the planning policy team confirmed that the changes did not impact upon their original comments on the proposal. Further, the reasons in conditions 6, 9, 12 and 13 would be modified to reflect amendments to the NPPF paragraph numbers. An additional response had also been tabled from the Bishop Auckland Cycling Club requesting suitable walking and cycling routes be included as part of the plans. The Senior Planning Officer confirmed that- such travel linkages had been considered as set out in the report and noted that Active Travel had raised no objection to the proposals.

A member noted the comment in the report that this application would go toward the Council meeting its housing needs. The Planning and Development Manager confirmed that the application did not include housing but the scheme was part of the infrastructure identified in the local plan to support the delivery of housing in the area. He noted that a previously approved application at High Tunstall required the bypass to be delivered to achieve the full quantum of housing it proposed. The member queried how the transport system would manage with these additional houses, The Assistant Director indicated that while this was not part of the current application under consideration approval of the High Tunstall Development required a contribution towards the improvements to the local road network.

The Agent, Consultancy Manager at Hartlepool Borough Council, was present and available to answer member questions

A member queried the lack of reference to a public right of way in the report. The Senior Planning Officer advised that there was no detail on this at the moment and it would be dealt with separately under a separate legal process. A member queried whether there were facilities for pedestrians or cyclists to safely use the planned bridge. The Consultancy Manager confirmed that there were no such facilities and no connections on either side of the A19. Members noted that people already tended to cross the A19 on foot despite there being no crossing in place. The Countryside Access Officer reiterated that there was currently no right of way access on the other side of the proposed bridge. Officers would consider diverting existing rights of way following consultation with landowners but they could not guarantee that these would directly link to the bypass infrastructure.

An objector, Andrea Downing, spoke against the proposal. Her business is located on Church Bank and the proposed closures would have a negative impact on deliveries. There was a weight restriction on the bridge at the bottom of Church Bank and it was not practical to use an alternative access route given the size and weight of some deliveries. It had been suggested that the bridge route might be made 1-way but there had been no indication of when this would happen or how. There were also concerns from other businesses in the vicinity that large vehicles would not be able to turn. The previous closure of the gap on the A19 had already impacted on businesses and this bypass would close access to businesses in this area and reduce their viability even more.

A member acknowledged the impact the previous A19 gap closure had on businesses but felt the risk to lives of the gap remaining open meant its closure had been warranted. They asked if deliveries always required heavy vehicles or could be done using smaller vehicles. Ms Downing advised that there were all types of deliveries depending on the size of the job, including a farm using a combine harvester. The Highways, Traffic and Transport Team Leader confirmed that engineers had assessed the matter and concluded that large commercial vehicles could access Church Bank, noting that they would expect the road to be quieter following the closure. However a traffic signal solution could be installed if necessary.

A member clarified that this closure would mean the only way to gain access to Ms Downing's business would be by going into Co Durham and back down. Ms Downing confirmed this was the case.

A member queried the cost impact this closure would have on these businesses. Ms Downing advised that if they lost clients and had to relocate this could result in the closure of 3 businesses. The Assistant Director acknowledged this but commented that there were also significant benefits in terms of visitors to the businesses who then travelled north. Officers considered overall the benefits of the proposal outweighed the impact on the businesses.

A member queried whether there would be an option to allow direct access only to those vehicles accessing the businesses and not as a general thoroughfare. The Assistant Director said this could not happen and the access must be closed under relevant design guides.

Councillor Veronica Nicholson moved the officer recommendation to approve. Councillor Sue Little seconded this. A recorded vote to approve the application, as per the officer recommendation, was taken:

For – Councillors Paddy Brown, Tom Feeney, Sue Little, David Nicholson, Melanie Morley, Veronica Nicholson, Carole Thompson and Mike Young

Against – Councillors Moss Boddy and Rob Darby

Abstain – None

Decision: **Planning Permission Approved subject to updated conditions 6, 9, 12 and 13 to reflect amendments to paragraph numbers of the NPPF .**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than five 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:
568-OD-001-SL(B) Rev B (Site Location Plan),
568-OD-009-CS1(B) Rev B (Typical Cross Sections 1),
568-OD-010-CS2(B) Rev B (Typical Cross Sections 2),
568-OD-003-SWD(B) Rev B (Surface Water Drainage Layout),
568-OD-004-AS(B) Rev B (Attenuation System for Surface and Ground Water),
568-OD-005-UC(B) Rev B (Underpasses and Culverts),
568-OD-007-LS(B) Rev B (Long Section from A19 to Elwick Road),
568-OD-008-CS(C) Rev C (Cross Section Location Plan),
568-OD-011-LP(A) Rev A (Landscape Proposals),
568-OD-GA(B) Rev B (Red Line Boundary) and 568-OD-014-OBR(A) Rev A (A19 Overbridge Elevation)
all received by the Local Planning Authority on 19/09/2023.
To define Planning Permission and for the avoidance of doubt.
3. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site and structures and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
To take into account the position of the structures and impact on the surrounding area in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan (2018).
4. 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 will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The scheme shall be

designed to treat and remove suspended solids from surface water run-off during construction works. All drainage run-off shall be discharged through interceptors. 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). The scheme shall be designed in consultation with the Environment Agency and the Local Lead Flood Authority. The approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the development being fully open to traffic or completion of the development (whichever is the sooner).

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

5. Prior to the channel realignment and culverting of the watercourse works being carried out on site, a scheme for mitigation and compensation for the impacts of realignment, loss of watercourse and riparian habitat along with a timetable for implementation, shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency. The scheme shall include the following:
 - o Details of mitigation and compensation for the impacts of channel realignment and loss of watercourses and associated bankside vegetation / riparian habitat;
 - o Finalised plans for the culvert including bed depths, which shall be to CIRIA guidance, have natural beds and be suitable for fish passage. Thereafter and following the written approval of the Local Planning Authority, the agreed mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements.

In order to compensate and mitigate disturbance to the watercourse and to prevent a net loss in river habitat and riparian vegetation.

6. Notwithstanding the submitted information, no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, detailing how otter and their associated habitat will be protected. The scheme shall consider the whole duration of the development and be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements:

- Details of how otter are to be protected during construction works; this may include a method statement detailing the requirement for a pre-construction survey for otter, and a species-specific method statement for vegetation removal;
- A detailed plan for the protection of otter during the operational phase of the scheme to further reduce the likelihood of otter roadkill, specifically around the proposed SuDS and balancing ponds between the slip roads and A19, and on Char Beck.

Thereafter, the proposed development shall be carried out in

strict accordance with the approved plan, both during the construction phase and once operational and shall be retained for the lifetime of the development.

In order to safeguard protected species both during construction and within the operational phase of the proposed development in accordance with paragraphs 180 and 186 of the National Planning Policy Framework (NPPF, 2023) which recognise that the planning system should conserve and enhance the environment.

7. Notwithstanding the development hereby approved, no development shall commence until a scheme of programmed works for the protection of migratory fish has been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency. The approved scheme shall demonstrate how during sensitive times between October and May inclusive, any works within proximity to controlled waters including the installation of new culverts, operation of new streams and the extension of existing culverts, would protect against the disturbance of spawning fish and/or their habitat and eggs. Thereafter and following the written agreement of the Local Planning Authority, the proposed development shall be carried out in strict accordance with the approved scheme during the construction phase of the development.

In order to prevent disturbance spawning fish and/or their habitat and their eggs.

8. 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, tree, hedge 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 with the plan 568-OD-011-LP(A) Rev A (Landscape Proposals), received by the Local Planning Authority on 19/09/2023, and shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a timetable and programme of the works to be undertaken, and be implemented in accordance with the approved details and timetable/programme of works. The scheme shall also include a Landscape and Ecological Mitigation Strategy based on the principles detailed in section 5.6 of the submitted Environmental Statement Volume 1 Main Text (Document reference: JXX-JBAU-00-00-RP-EN-0008 dated June 2023 and received by the Local Planning Authority 29/06/2023). 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 development hereby approved being fully open to traffic or completed (whichever is the sooner). Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of Policy NE1 of the Hartlepool Local Plan (2018) and the NPPF (2023).

9. 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 29/06/2023) a minimum of 148.15 Habitat Units, 160.99 Hedgerow Units (with trees) and 11.72 River Habitat Units habitat retention, creation and enhancement (as detailed in 'Headline Results' section of 'The Biodiversity Metric 3.1 - Calculation Tool', received by the Local Planning Authority on 29/06/2023 and the 'A19/ Elwick Road/ North Lane Junction and Elwick Road/ Hartlepool Western Link Project, Biodiversity Net Gain Feasibility Assessment, Final Report, June 2023' (Ref: JXX-JBAU-00-00-RP EN-0010-A1-C01-Biodiversity_Net_Gain_Assessment), received by the Local Planning Authority on 30/08/2023) 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 29/06/2023). The scheme shall include:
 - details of habitat retention, creation and enhancement sufficient to provide the delivery of the net gain proposed in the metric;
 - the provision of arrangements to secure the delivery of the net gain proposed in the metric (including a timetable for their delivery);
 - 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, 180 and 186 of the NPPF (2023) and Policy NE1 of the Hartlepool Local Plan (2018).

10. Prior to commencement of development, details of compensation, including an appropriate timetable for delivery, for ground-nesting farmland birds shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include: a) details of habitat creation sufficient to provide the delivery of the compensation; b) the provision of arrangements to secure the delivery of compensation

(including a timetable for their delivery); c) a management and monitoring plan (to include for the provision and maintenance of the compensation 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. The development shall be carried out in accordance with the approved details and thereafter retained. To ensure suitable provision of ecological compensation.

11. Prior to the commencement of development, a Landscape and Ecological Mitigation Strategy and timetable for implementation shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include the mitigation measures as detailed in section 5.6 of the submitted Environmental Statement Volume 1 Main Text (Document reference: JXX-JBAU-00-00-RP-EN-0008 dated June 2023 and received by the Local Planning Authority 29/06/2023) including the following requirements;

- Pre-commencement surveys shall be undertaken by an appropriately qualified ecologist prior to the start of vegetation clearance and construction activities on site. The pre-commencement surveys shall aim to confirm that the surveys undertaken during the assessment phase are still representative of the ecological status and there have been no changes, e.g. establishment of a badger sett. The pre-commencement surveys shall also programme vegetation clearance requirements;
- All vegetation clearance works will be carried out under the supervision of an Ecological Clerk of Works, and a precautionary system of work shall be put in place. Vegetation clearance shall follow a pre-confirmed method statement following the written agreement of the Local Planning Authority;
- Vegetation clearance shall be undertaken outside of the breeding bird season (typically March to September), or under the supervision of an experienced ornithologist during the season;
- New and extended culverts shall ensure that natural stream bed connectivity is maintained, and that channel erosion (bed and banks) is avoided downstream of the culvert outlets. Any natural stream bed material removed during in-channel works shall be replaced to maintain geomorphological continuity;
- All in-channel and temporary works shall be managed to prevent sediment discharge into the watercourses;
- A biosecurity procedure shall be prepared by the Contractor and implemented through the entire project construction programme;
- Any excavations left open overnight shall have a means of escape for wildlife that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°;
- Temporary works within streams to be undertaken in a dry environment, following dewatering of the channel. Fish-friendly pumps shall be used to ensure no entrainment of fish occurs. Dewatering works may also need to be supervised by appropriately experienced fisheries specialists, to undertake a licensed fish rescue if necessary;

- Bat mitigation measures shall be provided in accordance with those identified within section 5.6.13 of the aforementioned Environment Statement Volume 1. Thereafter the approved Landscape and Ecological Mitigation Strategy shall be implemented and maintained in accordance with the agreed details and timetable.

To ensure suitable provision of ecological mitigation measures.

12. Prior to commencement of the development hereby approved, full details of additional ecological enhancement measures, as set out within section 5.6.30 of the Environmental Statement Volume 1 Main Text (Document reference: JXX-JBAU-00-00-RP-EN-0008 dated June 2023 and received by the Local Planning Authority 29/06/2023) shall be submitted to and agreed in writing with the Local Planning Authority. The details shall also set out a timetable for implementation of the measures. The scheme shall include as a minimum details of:
 - Interlinking hedgerows to be enhanced through gapping up and tree establishment, particularly double hedgerows;
 - Wetland habitat to be created consisting of a series of nine surface and ground water attenuation ponds and SuDS systems spread across the site, with a meadow grass mixture for wet soils including species;
 - Wildflower grass verges to be created;
 - Tree management to be carried out to promote deadwood habitats and retain standing, over-mature trees;
 - Tree trunks from felling works to be left lying or logged and stacked on site as dead wood habitat;
 - New fish-free pools and ditches to be created to benefit amphibians and invertebrates;
 - All surface water drainage will be 'catch pits' instead of standard inspection chambers with a piped floor;
 - New hedges / restored habitats with field trees providing opportunities for bat roost sites and areas of good foraging habitat;
 - Lighting systems to be designed in accordance with Guidance Note 08/18 Bats and artificial lighting in the UK: Bats and the Built Environment series.
 - Underpasses for farm access shall also be available to mammals, with planting within 2m of the entrances to provide cover for mammals.
 - Mammal ledges shall be provided on the two new 600mm diameter culverts.

Thereafter and following the written agreement of the Local Planning Authority, the scheme shall be implemented in accordance with the agreed details and timetable for implementation.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 180 of the NPPF (2023).

13. Prior to the commencement of development, details for the erection of 30no. bat boxes and 30no. bird nest boxes (suitable for swallows, house martins, tawny owls, little owls, starlings, house sparrows and tree sparrow) including the exact location, specification, design, and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird nest boxes shall be made of woodcrete material (or similar) and shall be positioned on suitable infrastructure such as beneath bridges and in underpasses

(20no. bat boxes and 20no. bird nest boxes) and in mature trees (10no. bat boxes and 10no. bird nest boxes). Thereafter and following the written agreement of the Local Planning Authority, the bat and bird nest boxes shall be installed strictly in accordance with the details and timetable for implementation so approved and shall be maintained as such thereafter for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 180 of the NPPF (2023).

14. 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 agreed scheme for the protection and retention of the retained trees (as identified in the Arboricultural Method Statement described as 'B:- Alternative fencing detail', by Elliots Consultancy Ltd, dated April 2023, received by the Local Planning Authority on 29 June 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, a site meeting shall take place with the Council's Arboricultural Officer to determine how the tree protection measures are going to be implemented on site (in respect of the proposed culvert works) and thereafter 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. Any trees that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the existing trees, the visual amenity of the area and in the interests of protected species

15. 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 fully open to traffic until

the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

16. Notwithstanding the submitted information, and prior to the commencement of development, a site specific Waste Audit which shall identify the amount and type of waste which is expected to be produced by the development of the site, both during the construction phase and once it is in use, shall be submitted to and agreed in writing with the Local Planning Authority. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy, and shall include a timetable for implementation. Thereafter, the site shall be carried out in accordance with the agreed details. To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring land users, and to ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
17. No development hereby permitted (as shown on drawing number PR568/OD/GA (B)) shall commence until a detailed Construction Design Plan and working Method Statement relating to site earthworks has been submitted to and approved by the Local Planning Authority (in consultation with the Highway Authority for the A19). Construction of the development shall then be carried out in accordance with the agreed Construction Design Plan and working Method Statement. To mitigate any adverse impact from the development on A19 in accordance with DfT Circular 01/2022.
18. Prior to the commencement of any excavation works and landscaping works within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH), geotechnical submissions shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
19. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until such time as: the design, materials and construction methods to be adopted have been subject to the full requirements of the Design Manual for Roads and Bridges standard CG300 'Technical Approval of Highway Structures'; have been given Technical Approval by a competent, independent Technical Approval Authority appointed by the applicant; and the Technical Approval has been agreed with the Local Planning Authority (in consultation with the Highway Authority for the A19).

- To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
20. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until, a drainage survey in line with DMRB CS 551 Drainage Surveys has been undertaken and a detailed surface water drainage design shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19) and subsequently implemented as approved. The SUDS is to be installed according to the approved SUDS plan and maintained in perpetuity. The design shall give due regard to the requirements of DfT Circular 01/2022 and shall include a maintenance Method Statement and schedule. Surface water drainage shall be implemented in accordance with the agreed design and shall be maintained as such thereafter.
- In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the Trunk Road drainage asset in accordance with DfT Circular 01/2022.
21. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until, a Landscape Management Plan, Planting Schedule and details of implementation and future maintenance shall be submitted to and approved in writing to the Local Planning Authority (in consultation with the Highway Authority for the A19). Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter.
- In the interest of the safe and efficient operation of the Strategic Road Network and to protect the highways soft estate. National Highways Planning Response (NHPR 22-12) December 2022
22. No development hereby permitted (as shown on drawing number PR568/OD/GA (B)) shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A19.
- To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
23. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until a boundary treatment plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). The plan shall include as a minimum: a) details of the fencing location, type, construction method and maintenance; and b) details for management of existing boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a Method Statement for any works required to address the removal, retention and management of trees

along this boundary. All works shall be undertaken in accordance with the agreed plan and maintained in perpetuity as such thereafter.
For reasons of safety, liability and maintenance in accordance with paragraph 57 DfT Circular 01/2022.

24. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until detailed design has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
25. No development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) shall commence until a Stage 2 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) has been submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19.
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.
26. Prior to the development hereby permitted within the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) opening for traffic, a Stage 3 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) shall be submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19. National Highways Planning Response (NHPR 22-12) December 2022.
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.
27. Within 18 months from the date at which the area of works relevant to the Highway Authority for the A19 (as shown on drawing number PR568/OD/GA/NH) have opened for traffic, a Stage 4 Road Safety Audit in accordance with DMRB GG119 (including a completed Road Safety Audit Decision Log) shall be submitted to and approved in writing, unless agreed otherwise, by the Local Planning Authority in consultation with the Highway Authority for the A19.
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022 and DMRB GG119.
28. Prior to the development hereby permitted (as shown on drawing number PR568/OD/GA (B)), a Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.
To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.
29. Prior to the commencement of the development hereby permitted, a Traffic Monitoring Strategy to monitor traffic flows on the A19 mainline

and A19 slip roads (as shown in principle on drawing PR568/OD/GA/NH) must be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19).

To monitor highway safety and to mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

30. Prior to the scheme opening for traffic, the agreed Traffic Monitoring Strategy must be implemented to the satisfaction of the Local Planning Authority (in consultation with the Highway Authority for the A19).

To ensure highway safety and to mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

31. Notwithstanding the submitted details, prior to above ground construction of the ramped slip road and overbridge (and any other structures to be erected) hereby approved, precise details of the materials to be used and their colour in the construction of the external walls and railings shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details.

To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity.³²

Notwithstanding the submitted details and prior to above ground construction of the development hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Such details shall include the creation of migration corridors between boundary enclosures to enable hedgehog migration. Thereafter the development shall be carried out in accordance with the approved details prior to the development being fully open to traffic or completion of the development (whichever is the sooner).

In the interests of visual amenity, the privacy of future occupiers and neighbouring land users and to ensure that the development provides migratory routes for ecology.

33. Notwithstanding the proposed details within the submitted plans and prior to the implementation of such works on site, details of proposed hard landscaping and surface finishes (including access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed in accordance with the agreed details prior to the development being fully open to traffic or completion of the development (whichever is the sooner).

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

34. Prior to any piling activities being undertaken (as may be required) as part of the proposed development hereby approved, details of such piling works and an associated appropriate controlled waters risk assessment shall be first submitted to and agreed in writing with the

Local Planning Authority, thereafter the development shall be carried out in strict accordance with the approved details.

In order to appropriately control the development including consideration of any impacts on controlled waters through contamination.

35. Prior to the commencement of development hereby approved, a scheme of measures to effectively control dust emissions from the site during construction shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall address control of dust from site surfaces and roadways, earth moving activities, control and treatment of stock piles and offsite dust monitoring. Thereafter, the agreed scheme and measures shall be implemented prior to the site becoming operational and shall be maintained for the duration of the construction period development.
In the interests of neighbouring amenity and land users.
36. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.
To ensure that any site contamination is addressed.
37. Prior to the installation of any external lighting and/or floodlights associated with development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining land users, ecology of the area and highway safety.
38. No construction/demolition/excavation works shall take place at the site or deliveries and collections to and from the site shall be carried out except between the hours of 8:00 and 18:00 Monday to Friday, and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.
To ensure the development does not prejudice the amenity of surrounding land users and their properties.

The committee considered representations on this item.

Number:	H/2023/0096
Applicant:	DUCHY HOMES
Agent:	LICHFIELDS THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE
Date received:	23/03/2023
Development:	Section 73 application to vary condition 1 (approved plans) of planning permission H/2021/0372 (Section 73 application to vary condition 1 (approved plans) of planning permission H/2020/0048 for approval of reserved matters relating to the erection of 162 no. residential dwellings pursuant to outline planning permission H/2014/0428) to allow for house type substitutions and associated amendments.
Location:	LAND SOUTH OF ELWICK ROAD HIGH TUNSTALL HARTLEPOOL

Members attention was drawn to a tabled additional objection. The Planning Team Leader advised that the comments raised had already been considered and satisfactorily addressed within the report. The Senior Planning Officer gave details of a number of amendments that were made to the NPPF in December 2023 which were published after the committee papers had been distributed to members. These primarily related to paragraph numbers and the planning policy team confirmed that the changes did not impact upon their original comments on the proposal.

A member queried where the lost parking spaces were located. The Planning Team Leader advised that they were scattered around the site while the Highway, Traffic and Transport Team Leader confirmed that the loss related to visitor parking spaces and each property should have sufficient parking for their needs. He was unsure how many visitor spaces would be lost but retaining these was not an essential requirement.

Councillor Mike Young moved the officer recommendation to approve. Councillor Veronica Nicholson 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, Carole Thompson and Mike Young

Against – None

Abstain – None

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details:
 2133.02 (Location Plan),
 Energy Reduction document (dated 24th June 2021) received 9th August 2021 by the Local Planning Authority;
 2133.BT.01 (1800mm HIGH CLOSE BOARDED TIMBER FENCE WITH 1200mm HIGH STOCK PROOF FENCE) received 25th August 2021 by the Local Planning Authority;
 003-13.04.21 (STANDARD CONSTRUCTION DETAILS) received 9th September 2021 by the Local Planning Authority;
 drawing number Issue - 04 - 12.02.23 (HOUSE TYPE PORTFOLIO - Duchy Series 2.1, GARAGES- Duchy Series 2.1),
 2133.01 REV. S (Proposed planning layout), received 2nd March 2023 by the Local Planning Authority;
 R/2502/11F (POS DETAILS),
 R/2502/1-1G (LANDSCAPE MASTERPLAN),
 R/2502/1-10G (POS MASTERPLAN),
 R/2502/2F (LANDSCAPE DETAILS Shrub Beds S1-S16),
 R/2502/3F (LANDSCAPE DETAILS Shrub Beds S17-S38),
 R/2502/4G (LANDSCAPE DETAILS Shrub Beds S39-S56),
 R/2502/5F (LANDSCAPE DETAILS Shrub Beds S57-S74),
 R/2502/6F (LANDSCAPE DETAILS Shrub Beds S75-S100),
 R/2502/7F (LANDSCAPE DETAILS Shrub Beds S101-S123),
 R/2502/8F (LANDSCAPE DETAILS Shrub Beds S124-S145),
 R/2502/9F (LANDSCAPE DETAILS Shrub Beds S146-S161), received 23rd May 2023 by the Local Planning Authority;
 drawing number 2133.03 REV. W (Boundary and finishes plan), received 23rd October 2023 by the Local Planning Authority;
 112, revision P3 (Section 38 Section 278 Agreement Phase 1),
 119, revision P4 (Section 38 Agreement Planning Drawing),
 206, revision P4 (Section 278 Agreement),
 2133.30, revision K (Surface Treatment Plan),
 31, revision C7 (External Works Layout Sheet 1),
 32, revision C7 (External Works Layout Sheet 2),
 33, revision C7 (External Works Layout Sheet 3),
 129, revision P4 (Section 104 Agreement Planning Drawing),
 ELWICK-SPP-001, revision C (SANGS Phasing Plan),
 ELWICK-CMP-001, revision C (Construction Phasing Plan),
 ELWICK-EASE-001, revision D (Easements & Buffers Layout),
 ELWICK-EEP-001, revision C (Ecological Enhancement Plan),
 ELWICK-HEDG-001, revision C (Hedge Retention Layout), received 20th November 2023 by the Local Planning Authority; and

drawing number 2133.04, revision B (Street Scenes), received by the Local Planning Authority 5th December 2023.

For the avoidance of doubt.

2. Notwithstanding the submitted details, the final details of the treatment of the Green Wedge and areas of soft landscaping shall be agreed by virtue of conditions 5 and 19 of outline planning permission H/2014/0428, respectively, and shall include details of additional planting of native trees and hedgerow species along the eastern margins of the gas main easement and a timetable for implementation. The development shall thereafter be carried out in accordance with the approved details.
For the avoidance of doubt and in the interests of visual amenity and ecology.
3. Notwithstanding the submitted details, the final details of bat and bird mitigation features shall be agreed by virtue of conditions 25 and 26 of outline planning permission H/2014/0428, respectively, and shall include a minimum of 17no. bat boxes and more specific details on the model of bat and bird boxes to be installed. The development shall thereafter be carried out in accordance with the approved details.
For the avoidance of doubt and in the interests of ecology.
4. The development hereby approved shall ensure that the 'SuDS techniques' referenced in paragraphs 3.7 - 3.14 (inclusive) of the submitted 'Briefing Note' (by Lichfields, ref 63531/01/NW/JWoo, document dated 30/05/2023), date received by the Local Planning Authority 04/07/2023, are implemented in accordance with the approved surface water scheme (previously agreed through the partial discharge of condition 18 of the associated outline planning permission (H/2014/0428) under discharge of conditions approval D/2021/0088, decision dated 27/09/2022).
To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development and to manage environmental impacts of the development in respect to nitrates.

Number:	H/2021/0271
Applicant:	MR WILLIAM ELLIOTT HART LANE HARTLEPOOL
Agent:	ASP ASSOCIATES JONATHAN LOUGHREY 8 GRANGE ROAD HARTLEPOOL
Date received:	13/09/2021
Development:	Erection of a new three bedroom detached dwelling incorporating an existing single storey double garage within the floor area and erection of a new detached single storey garage. The proposals also include the creation of a new access drive from the main private access from

Hart lane and erection of a new boundary wall to separate the site from the existing plot (partially retrospective)

Location: HAZELBANK HART LANE HARTLEPOOL

The Senior Planning Officer gave details of a number of amendments that were made to the NPPF in December 2023 which were published after the committee papers had been distributed to members. These primarily related to paragraph numbers and the planning policy team confirmed that the changes did not impact upon their original comments on the proposal.

Members were advised that this application was part-retrospective as a number of elements had already been constructed, specifically the detached garage and main structure of the dwelling. The applicant had been informed that continued works were undertaken at their own risk and could be subject to enforcement action.

A member queried what vehicular and pedestrian access was being sought when it appeared that the site already had it. The Planning Team Leader advised that the current access was for construction traffic only and needed to be laid out properly. This was a standard condition.

There had been a number of objections relating to flooding however the flood risk officer had no concerns on this matter following a site visit. Satisfactory drainage proposals had been submitted.

The Agent, Jonathan Loughrey, spoke in support of the application. It had originally been submitted in September 2021 and there had been a number of amendments since then. The applicant had tried to reduce the impact on nearby dwellings, had agreed with water and drainage conditions and done all that was asked of him. Mr Loughrey had advised his applicant not to commence the building work without planning permission but he had done so in any case given how long the process had taken.

A member expressed her despondence about this blatant disregard for law and due process in planning, noting that if members refused to support this application it would need to be brought down. The Planning and Development Team Leader confirmed that this was the risk the applicant had taken. Members queried whether a stop notice had been put on the development. The Planning Team Leader indicated that it had not as Officers did not feel it expedient to take enforcement action. Had officers believed they would not be in a position to support the development then enforcement action could have been taken but this had not been the case. Commencing building was not a criminal offence and there had been no grounds to issue a stop notice. The Solicitor confirmed that while any development without planning permission was unauthorised and at risk of enforcement this had to be weighed up with the public interest. Retrospective permission could be applied for under the legislation and any enforcement action could be appealed against on the ground that planning permission should be granted,

which may result in costs against the Council. Members were concerned that the applicant may disregard any conditions in the same manner. The Planning and Development Manager acknowledged this was a possibility but enforcement action could be taken if felt expedient. The Solicitor confirmed this was not a material planning consideration. She acknowledged the concerns of members but advised members should not take the circumstances of this application into account and focus on the application proposal itself.

The Planning and Development Manager acknowledged members' concerns but advised that there needed to be a legitimate planning reason to refuse this application other than concern that the applicant had proceeded without planning permission in place. The law allows for retrospective applications and officers considered that this development was acceptable as set out in the report and would therefore struggle to defend a refusal on appeal without a planning reason.

Councillor Tom Feeney moved the officer recommendation to approve. Councillor Veronica Nicholson seconded this. A recorded vote to approve the application, as per the officer recommendation, was taken:

For – Councillors Paddy Brown, Rob Darby, Tom Feeney, Sue Little, David Nicholson, Veronica Nicholson, Carole Thompson and Mike Young

Against – None

Abstain – Councillors Moss Boddy and Melanie Morley

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans and details:
Dwg. No. 2170/P/7 Rev B (Proposed Block Plan), and Dwg. No. 2170/P/6 Rev B (Proposed Site & Drainage Plans), both received by the Local Planning Authority on 21st February 2023;
Dwg. No. 2170/P/5 Rev C 'Proposed Elevations', 'Tree Protection Plan (AIA TPP) - Retained Trees Shown on Proposed Layout With Protective Measures Indicated' and Tree Protection Plan (AMS TPP) - Retained Trees Shown on Proposed Layout With Protective Measures Indicated', all date received by the Local Planning Authority on 13th April 2023;
Dwg. No. 2170/P/9 Rev A 'Proposed Garage' received by the Local Planning Authority on 4th July 2023;
Dwg. No. 2170-SLP (Site Location Plan, scale 1:1250) received by the Local Planning Authority on 1st September 2023;

Dwg. No. 2170/P/8 Rev B (Proposed Boundary Treatment Plans), Dwg. No. 2170/P/4 Rev C (Proposed Floor Plans) received by the Local Planning Authority on 28th November 2023;

Dwg. No. 1080/C/10 (Proposed Roof Plan) received by the Local Planning Authority on 7th December 2023.

For the avoidance of doubt.

2. Prior to the commencement of any further works at the site and within 1 month from the date of this decision notice, details of all external finishing materials shall be submitted in writing to the Local Planning Authority, 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 and completed prior to the occupation or completion (whichever is the sooner) of the development hereby approved.
In the interests of visual amenity.
3. Notwithstanding the submitted information and prior to the commencement of any further works at the site or any further equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, the agreed protection measures as identified in the 'Arboricultural Impact Assessment For Trees at Hazelbank, Hartlepool' by All About Trees (document issued 21/03/2023) and associated Tree Protection Plan (AIA TPP) - Retained Trees Shown on Proposed Layout With Protective Measures Indicated', and the 'Arboricultural Method Assessment For Trees at Hazelbank, Hartlepool' by All About Trees (document issued 21/03/2023) and associated Tree Protection Plan (AMS TPP) - Retained Trees Shown on Proposed Layout With Protective Measures Indicated' (all documents and plans date received 13/04/2023 by the Local Planning Authority), 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. Any retained trees that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the existing trees and the visual amenity of the area.
4. Notwithstanding the proposals detailed in the submitted plans and within 1 month from the date of this decision notice, a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree planting within the site shall be submitted in writing to the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all garden areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall make provision for biodiversity enhancement in the form of tree planting. Thereafter and following the

written approval of the Local Planning Authority, 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 first occupation or completion (whichever is the sooner) of the development hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, 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.

5. Prior to the commencement of any further works at the site and within 1 month from the date of this decision notice, full details of a minimum of 1 no. integral bat roosting box brick (suitable for crevice roosting bats) or 1 no. integral bird nesting brick to be installed in a south or east facing sides of the dwelling hereby approved at a height of a minimum of 3m (including the exact location, specification and design) and 1 no. integral bat roosting box bricks (suitable for crevice roosting bats) or 1 no. integral bird nesting bricks to be installed in a south or east facing sides of the garage hereby approved at a height of a minimum of 3m (including the exact location, specification and design) shall be submitted in writing to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the bat roost bricks and bird nesting bricks shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the development (whichever is the sooner). The bat roost bricks and bird nesting bricks shall thereafter 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.

6. Notwithstanding the proposals detailed in the submitted plans and within 1 month from the date of this decision notice, details of all walls, fences, access gates and other means of boundary enclosure (including to each boundary) shall be submitted in writing to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be completed in accordance with the agreed details prior to the occupation or completion (whichever is the sooner) of the development hereby approved. Other than the approved boundary enclosures, no additional fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwellinghouse (as defined by condition 2).

In the interests of visual amenity and the amenity of the occupiers of the site.

7. Notwithstanding the proposals detailed in the submitted plans and within 1 month from the date of this decision notice, details of all hardstanding areas including those for the driveway and car parking

areas shall be submitted in writing to the Local Planning Authority. The scheme shall ensure that all hardstanding is constructed from porous/permeable materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be completed in accordance with the agreed details prior to the occupation or completion (whichever is the sooner) of the development hereby approved.

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

8. The 3no. roof lights in the south facing roof slope (serving a bathroom, cupboard and en suite) as annotated on Dwg. No. 2170/P/4 Rev C (Proposed Floor Plans, received by the Local Planning Authority on 28th November 2023), shall be fixed (or limited to a maximum 30 degree opening) and shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscurity or equivalent prior to the occupation or completion (whichever is the sooner) of the development hereby approved, and shall thereafter be retained at all times while the roof light exists. The application of translucent film to the windows would not satisfy the requirements of this condition. In the interests of the amenities of the occupants of neighbouring properties.
9. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
10. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

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

11. Prior to the occupation or completion (whichever is the sooner) of the dwelling hereby approved, the 2no. proposed ground mounted solar panels as annotated on Dwg. No. 2170/P/7 (Proposed Block Plan, received by the Local Planning Authority on 21st February 2023) shall be installed in accordance with the manufacturers specification ('heliomotion' brochure received by the Local Planning Authority 03/03/2023), unless an alternative, similar scheme is otherwise agreed in writing with the Local Planning Authority.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.
12. The curtilage associated with the dwellinghouse hereby approved shall be in accordance with red line denoted on Dwg. No. 2170-SLP (Site Location Plan, scale 1:1250, received by the Local Planning Authority on 1st September 2023). The approved curtilage shall be retained and not be extended at anytime, for the lifetime of the development hereby approved.
For the avoidance of doubt and to which the permission is based.
13. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays and between 9.00 and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To avoid excessive noise and disturbance to the occupants of nearby properties.
14. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the development hereby approved shall be used solely as a single dwellinghouse (with associated detached garage) in C3 use (dwellinghouse) as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended) and for no other purpose or use (including any other use within the C3 Use Class) and the dwellinghouse and garage shall not be extended, sub-divided, converted or externally altered in any manner. The garage hereby approved shall remain ancillary to the residential (C3) use of the main dwellinghouse at all times.
To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development and to manage environmental impacts of the development.

The committee considered representations on this item.

Number:	H/2023/0336
Applicant:	WILDSTONE ESTATES LIMITED BARTHOLOMEW LANE LONDON
Agent:	STANTEC UK LTD MR JUSTIN KENWORTHY 7 SOHO SQUARE LONDON
Date received:	20/09/2023
Development:	Advertisement consent for the installation of 1no. digital advertising screen (D-Poster)
Location:	LAND ON SOUTH SIDE OF STOCKTON ROAD GREATHAM HARTLEPOOL

The Senior Planning Officer gave details of a number of amendments that were made to the NPPF in December 2023 which were published after the committee papers had been distributed to members. Members were advised that amendments to the NPPF had no significant effects in respect to the consideration of the application other than the word 'beautiful' had been added to the title of chapter 12 of the NPPF and that relevant paragraph (141) in the reasons for refusal would be amended as required. The planning policy team confirmed that the changes did not impact upon their original comments on the proposal.

Members were advised that as the application had been called in by the Secretary of State as part of an appeal for non-determination of the application, the Planning Team Leader advised that officers were presenting members with a recommendation in the event that the LPA were able to determine the application and that this would assist officers as part of contesting the appeal.

Councillor Moss Boddy moved the officer recommendation to refuse. Councillor Mike Young seconded this. A recorded vote 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, Carole Thompson and Mike Young

Against – None

Abstain – None

Decision: **Minded to Refuse – Members confirmed that they would support the recommendation of Officers as set out in the committee report to refuse the application (subject to updated references to the December 2023 NPPF in the two proposed reasons for refusal). The application is currently subject to an appeal for non-determination and therefore cannot be determined by the LPA.**

53. Development Management Performance – First and Second Quarter 2023-24 (*Assistant Director – Neighbourhood Services*)

Members were updated on the performance of the Development Management Service for the first and second quarter of 2023/24. All major, applications, non-major applications had been dealt with within the statutory periods or agreed time extensions. There had been no county matters. Two appeals had been part dismissed and part allowed by the Planning Inspectorate (one an enforcement appeal on the same site), one appeal had been allowed and one dismissed. However none of the allowed, or part allowed appeals, were taken into account as part of the performance criteria. The authority's performance far exceeded current Government performance criteria in terms of the speed and quality of decision making.

Decision

That the report be noted.

54. Update on Current Complaints and Enforcement Actions (*Assistant Director (Neighbourhood Services)*)

Members were informed of seven investigations currently underway and seven which had been completed. There had been one enforcement action namely the serving of a section 215 notice. Members were advised that this was used when officers felt the untidiness of a site was having an impact on the general area.

Decision

That the report be noted

55. Any Other Items which the Chairman Considers are Urgent

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

Planning Application H/2023/0057 (A19/Elwick) had been approved earlier in the meeting. Members asked that work commence on this as soon as possible. The Assistant Director confirmed that now approval had been granted officers would look to commence the detailed design and discharge the conditions placed as part of the approval. They would also liaise with the landowners in a bid to secure the land. This process would take months to a year to complete.

The meeting concluded at 11:50am.

CHAIR

No: 1.
Number: H/2023/0182
Applicant: HARTLEPOOL OLD BOYS RFC EASINGTON ROAD
HARTLEPOOL TS24 9BA
Agent: MR SIMON WATTS 10 NIGHTINGALE CLOSE
HARTLEPOOL TS26 0HL
Date valid: 11/09/2023
Development: Erection of balcony to first floor
Location: HARTLEPOOL OLD BOYS R F C MAYFIELD PARK
EASINGTON ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 This item was previously listed for the Planning Committee meeting on 10/01/2024, however it was deferred by Members to allow Members to carry out a site visit prior to the determination of the application.

1.3 The following planning applications are considered relevant to the current proposals:

H/1974/0141 – Extension of existing club house including a sports hall and recreation hall, approved 01/07/74.

H/1977/0675 – Residential development, approved 17/01/78.

H/1978/0145 – Equipment store, approved 25/04/78.

H/1978/0375 – Housing development, approved 06/06/78.

H/1980/0152 – Internal alterations and new entrance lobby, approved 01/04/80.

HFUL/1996/0101 – Erection of an aerial tower with 2 omni antennae, 1 dish antenna and 3 radio equipment cabins and chain link security fencing to compound, withdrawn.

H/2006/0207 – Display of 4 illuminated advertisement hoardings and 1 rugby themed sign, approved 13/06/06.

H/2006/0519 – Erection of a 20 metre monopole with 3 antennae, 2x 60mm dishes, equipment cabinets and fencing, approved 06/09/06.

H/2007/0381 – Extension to lounge, approved 28/06/07.

H/2008/0014 – Provision of replacement floodlights, approved 05/03/08.

H/2008/0341 – Display of 1x96 sheet and 1x48 sheet advertising hoardings (retrospective application), approved 14/01/09.

H/2008/0462 – Installation of additional telecommunications equipment including additional antennas and cabinet, permitted development 20/08/08.

H/2013/0246 – Erection of an equipment store room and three replacement training lights, approved 05/08/13.

H/2016/0109 – Replace existing floodlights on first team pitch and erection of additional 12m columns and floodlights to training area, approved 03/06/16.

H/2019/0305 – Proposed upgrade to existing telecommunications site, replacement tower on 6.9 x 6.9m concrete base with new extended compound and associated works, approved 08/08/19.

H/2021/0447 – Installation of 6no new lighting masts with LED lighting to provide lighting for 1st team pitch, approved 10/02/22.

H/2022/0192 – Display 1no illuminated 48-sheet digital advertisement display (3m height x 6m length), approved 04/07/22.

H/2022/0364 – Installation of new container for use as changing facility and reciting of existing equipment store, approved 13/02/23.

PROPOSAL

1.4 Permission is sought for the erection of a balcony to the eastern and southern elevation, wrapping around the corner, it would serve the existing function room at the first floor of the building. The balcony would span a width of approximately 19.7m and approximately 6.4m in depth at the largest extent. It is proposed to include a glass balustrade at approximately 1.1m along the majority of the eastern elevation and the northern return elevation. However to the southern elevation and for a span of approximately 2.3m it is proposed to include a steel privacy screen at a height of approximately 1.8m.

1.5 The application has been referred to planning committee at the request of a local ward councillor in agreement with the Chair of committee, in line with the Council's Scheme of Delegation.

SITE CONTEXT

1.6 The application site is within the grounds of Hartlepool Old Boys RFC, Mayfield Park, Easington Road. To the east of the site is an area of incidental open space (albeit this land is allocated in the Local Plan for development of approximately 20 dwellings (Policy HSG3)), beyond which is the highway of

Easington Road, a dual carriageway with grassed central reservation. To the north of the site is the West View Cemetery, which is locally listed. To the south of the site there are dwellings on Jones Road and to the west are dwellings on Annandale Crescent.

1.7 The main building on the site, the club house, is located in the north west corner of the site, adjacent to the open space and Easington Road, to the south of the building is car parking. The remainder of the site west of this is primarily playing pitches.

PUBLICITY

1.8 The application has been advertised by way of neighbour letters (75). To date, there have been two objections received from the same address, following re-consultation on amended plans. The concerns raised are:

- Noise and potential to worsen existing situation.

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

https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2023/0182

1.10 The period for publicity has expired.

CONSULTATIONS

1.11 The following consultation replies have been received:

HBC Public Protection – I have no objections to this application subject to the following: No speakers or tannoy/public address system shall be installed on the outdoor balcony area.

Updated Comments Received 22/01/2024 – Our original comments stand however; considering the proposal for the first-floor balcony, the licensing team has decided to request a full application for the variation of the premises licence, aligning with the proposed changes. They plan to reach out to the applicant this week for further discussions on this matter.

Currently, the existing licence covers the balcony in use, stating that it cannot be used after 9pm, except in cases of emergencies, this is in accordance with the licensing objective addressing public nuisance. The plan for the full licence application is to incorporate the same condition for all first-floor balconies.

HBC Building Control – I can confirm that a Building Regulation application is required for Erection of balcony to first floor.

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

Cleveland Police – I've had a look at the proposals. There is nothing really much that I can add. If CCTV is considered for covering this area, choose cameras that can record in colour in all lighting conditions.

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 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2. Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 2 Section B5 Table 15.2.

Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

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

PLANNING POLICY

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

Hartlepool Local Plan

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

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP6: Technical Matters

HSG3: Local Plan Sites

NE2: Green Infrastructure

National Planning Policy Framework (NPPF)(2023)

1.13 In December 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and September 2023 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: Use of Planning Conditions and obligations

PARA056: Planning conditions and obligations

PARA128: Achieving appropriate densities

PARA131: Achieving well-designed places

PARA132: Achieving well-designed places

PARA224: Implementation

PLANNING CONSIDERATIONS

1.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, impact on the character and appearance of the site, and impact on neighbour amenity and privacy.

PRINCIPLE OF DEVELOPMENT

1.15 The application site is an existing sports club with associated club house building, the proposed balcony would serve the existing function room to the first floor of the building. The site is allocated in the Hartlepool Local Plan 2018 as Green Infrastructure (Policy NE2 (2d)), namely outdoor sport including playing fields. The proposed development would see the alteration of an existing building, above an area of existing hard standing, it would not result in the loss of any playing pitch or green infrastructure. As such, it is considered the proposals would be acceptable in principle in relation to the requirements of policy NE2.

1.16 The site is adjacent to an area of land that is currently incidental open space but is allocated in the Local Plan for future housing development (HSG3). As the

proposed balcony is primarily to the east of the existing building, and therefore the existing building would sit between the proposed development and the adjacent land, it is considered it would not have an impact that would prejudice the future development of that site. It would not, for example, create any overlooking of the land to the west that would create an amenity issue for future occupiers. As such, it is considered the proposals are acceptable in respect to policy HSG3.

1.17 In principle, it is considered the proposed development is acceptable, subject to a detailed assessment of the other material considerations identified below.

CHARACTER & APPEARANCE

1.18 The existing club house building on the site is a modest, functional two-storey building of a buff brick finish with a flat roof. The proposed balcony would have a modern appearance finished in steel and glazing, which would be a departure from the current design of the building, however this is not considered to be detrimental to the character or appearance of the building. Given the position of the proposed extension, views of it would not be possible from Easington Road and therefore it is considered there would be no appreciable impact on the character of the wider area as a result of the proposals. The proposed development is therefore considered to be acceptable in relation to its impact on the character and appearance of the site.

NEIGHBOUR AMENITY & PRIVACY

1.19 The proposed balcony would be approximately 63.7m north of the neighbouring properties to the south on Jones Road at the closest point, with the club's car park located between the two. Although a substantial separation, the applicant was made aware of concerns regarding the perception of overlooking by those using the balcony in respect of neighbouring properties to the south. Revised plans were therefore submitted to include a solid privacy screen across the southern elevation of the balcony and a return of approximately 2.3m along the eastern elevation. At approximately 1.8m in height this would effectively prevent views being taken towards dwellings on Jones Road but would still allow those using the balcony to look out over the playing pitches to the east. This amendment is considered sufficient to address any potential for overlooking or the perception of it.

1.20 Concerns have been raised by a neighbouring occupier regarding the potential for noise nuisance as a result of people using the proposed balcony. The Council's Public Protection service have been consulted on the application and confirmed they have no objections subject to a condition to prevent the use of speakers or a tannoy system on the balcony, which is duly recommended. The premises are already subject to restrictions regarding keeping doors and windows closed during regulated entertainment (except in an emergency) and in relation to use of an existing balcony to the south of the building after 9pm as part of their premises licence.

1.21 Since the publication of the original committee report, HBC Public Protection have commented that HBC Licensing will be contacting the applicant, advising them that the license will need to be varied to accommodate the new balcony area and to

ensure the existing restrictions would apply to the proposed development (as this matter can be dealt with the licensing legislation). In line with guidance and good practice, it is not necessary to repeat this as a planning condition. While the concerns of the neighbouring occupier are noted, given the advice from HBC Public Protection, it is considered such concerns would not warrant refusal of the application. Should noise nuisance be an issue in future, HBC Public Protection have powers to address that under statutory nuisance legislation or through licensing. In light of the above assessment, the proposals are considered to be acceptable in relation to potential noise impacts.

1.22 The closest neighbouring dwellings to the west of the site (Cranesbill Avenue) are approximately 129m away with the dual carriageway of Easington Road in between, at such a separation and given the proposal is to the east of the existing building and therefore largely screened by the building, it is considered there would be no significant negative impact in terms of amenity or privacy for neighbouring occupiers to the west.

1.23 The closest neighbouring dwellings to the east of the site (Annandale Crescent) are approximately 257m away with the existing sports pitches in between, at such a significant separation it is considered there would be no significant negative impact in terms of amenity or privacy for neighbouring occupiers to the east.

1.24 The closest neighbouring dwellings to the north west (John Howe Gardens) are approximately 137m away at the closest point. At such a separation and given the proposal is to the east and south of the existing building and therefore largely screened by the building itself, it is considered there would be no significant negative impact in terms of amenity or privacy for neighbouring occupiers to the north west.

1.25 The site is bounded to the north by West View Cemetery, given the location of the balcony to the south east corner of the existing building it is not considered it will significantly affect users of the cemetery.

1.26 Given the above assessment, it is considered the proposed development would be acceptable in relation to the privacy and amenity of neighbouring occupiers.

OTHER PLANNING MATTERS

1.27 The proposals would see no alterations to the site's existing access and parking arrangements, and HBC Traffic and Transport have confirmed there are no concerns with the proposals. As such, the application is considered to be acceptable in relation to highway safety and parking.

1.28 Cleveland Fire Brigade have highlighted that they would encourage the applicant to consider the installation of an automatic fire suppression system, such as sprinklers. While this is noted, it is beyond the scope of the planning system to require this and therefore this matter cannot be attributed weight in the determination of the application.

1.29 Cleveland Police have raised no objections to the application but have made recommendations in relation to CCTV, which could be relayed to the applicant via an informative.

CONCLUSION

1.30 The proposed development would support the operation of an existing sport and leisure facility without any loss of green infrastructure (i.e. no loss of playing pitches). The proposed design of the balcony is considered to be acceptable and includes measures to protect the privacy of neighbouring occupiers. Although concerns have been raised about potential noise nuisance, no objections have been received from HBC Public Protection and this is considered not to warrant refusal of the application. The proposals are considered to be acceptable in relation to other material planning considerations. As such, the officer recommendation is to approve subject to the conditions identified below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.31 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.32 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.

1.33 There are no Section 17 implications.

REASON FOR DECISION

1.34 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 planning 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: Location Plan at scale of 1:1250, received by the Local Planning Authority 01/08/23, and drawing number 2301.P01, revision B (Proposed Site Plan), drawing number 2301.P02, revision B (Proposed Plans), drawing number 2301.P03, revision B (Proposed Elevations), received by the Local Planning Authority 06/11/23.
For the avoidance of doubt.
3. No speakers or tannoy/public address system shall be installed or used on the outdoor balcony area at any time.

In the interests of the amenity of neighbouring occupiers.

4. Prior the balcony hereby approved being brought into use or its completion (whichever is the sooner), the 1.8m high 'steel privacy screen' along the 'Proposed East Elevation', 'Proposed South Elevation' and 'Proposed North Elevation' as detailed on drawing number 2301.P03, revision B (Proposed Elevations, received by the Local Planning Authority 06/11/2023) shall be installed and thereafter maintained and remain in situ for the lifetime of the development hereby approved.

In the interests of the privacy of neighbouring occupiers.

BACKGROUND PAPERS

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

https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2023/0182

1.36 Copies of the applications are available on-line:

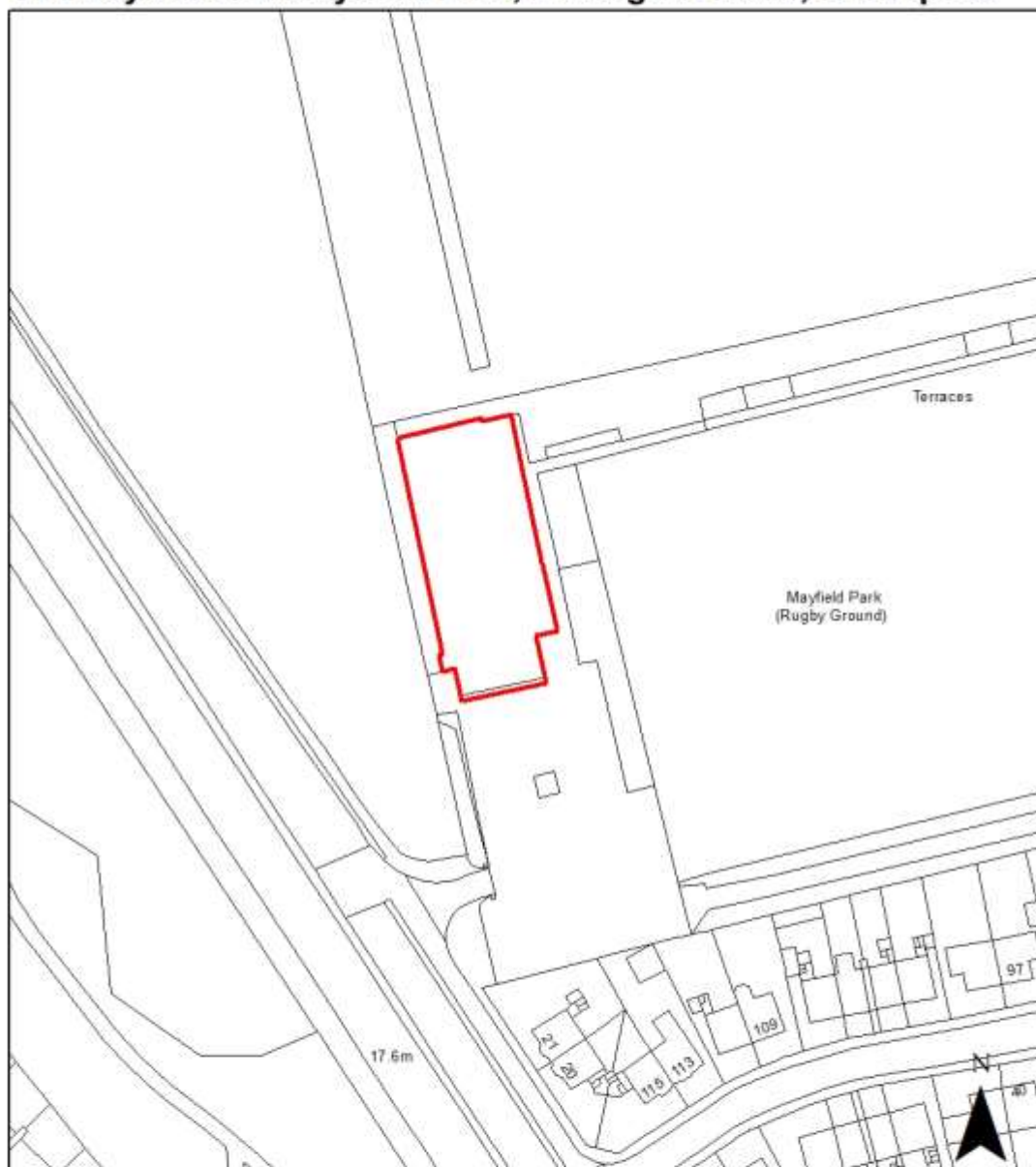
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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Old Boys R.F.C. Mayfield Park, Easington Road, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 12.12.2023
	SCALE 1:1,000	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2023/0182	REV

POLICY NOTE

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

HARTLEPOOL LOCAL PLAN POLICIES

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

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

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

MINERALS & WASTE DPD 2011

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

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

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

MATERIAL PLANNING CONSIDERATIONS IN DECISION MAKING

Material Planning Consideration	Non Material Planning Consideration
<i>Can be used as reasons to make a decision to grant or refuse a planning application</i>	<i>To be ignored when making a decision on a planning application</i>
<ul style="list-style-type: none"> Local and National planning policy 	<ul style="list-style-type: none"> Political opinion or moral issues
<ul style="list-style-type: none"> Visual impact 	<ul style="list-style-type: none"> Precedent (individual merits of each case)
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Applicants personal circumstances
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Problems arising from construction period
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Loss of trade / business competition
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Loss of a view
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Alternative proposals
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Retention of existing use
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> There is a better site for the development
<ul style="list-style-type: none"> Crime and the fear of crime 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Economic impact 	<ul style="list-style-type: none"> Changes from previous approved schemes
<ul style="list-style-type: none"> Planning history or previous decisions made 	<ul style="list-style-type: none"> Building Regs (fire safety, land stability etc.)
<ul style="list-style-type: none"> Economic viability of the scheme 	

PLANNING COMMITTEE

07 February 2024



Report of: Assistant Director (Neighbourhood Services)

Subject: UPDATE ON CURRENT COMPLAINTS AND
ENFORCEMENT ACTIONS

1. PURPOSE OF REPORT

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

1. The siting of a residential caravan at a livery yard on Dalton Piercy Road.
2. The erection of a lodge and the siting of two residential motorhomes at an agricultural property at land off Dalton Piercy Road.
3. The erection of a bungalow at the rear of a commercial premises on Dalton Back Lane.
4. The excavation of foundations at a residential property in Manor Fields, Wynyard.
5. The display of an advertising sign on the fence at the side of a residential property in Powlett Road.
6. The incorrect positioning of a dwelling at a residential development site at land at The Fens, Hart.
7. The erection of a masonry sub-station in the incorrect location at the Fish Quay.
8. Engineering works to infill a reservoir at land off Hart Lane.
9. The untidy condition of the site of a former public house on Eaglesfield Road.

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

1. The erection of railings at the front of a residential property in Kingsley Avenue. Permitted development rights apply in this case.
 2. The display of an advertising sign on land at The Green, Elwick. The advertising sign has now been removed.
 3. Non-compliance with surface water conditions at residential and school development sites at land off Seaton Lane. No evidence of non-compliance was established.
 4. The erection of a first floor extension over terrace to the side of a residential property in Manorside, Wynyard. The development benefits from a valid planning approval.
- 1.3 No enforcement actions have been taken within this reporting period.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

7th February 2024



Report of: Assistant Director – Neighbourhood Services

Subject: LINKED APPEALS AT LAND NEAR SHERATON HALL FARM (APPEAL C), LAND NEAR HART MOOR FARM (APPEAL D), AND LAND NEAR HULAM FARM (APPEAL E)
APPEAL REF: APP/H0724/W/22/3299842, APP/H0724/W/22/3299848, & APP/H0724/W/22/3299857
construction of underground electricity cables and associated infrastructure to connect Sheraton Hall Solar Farm to the primary proposed substation – Durham County Council ref: DM/20/03722/FPA (H/2021/0312); construction of underground electricity cables, substation and associated infrastructure to connect to Hart Moor Substation (H/2021/0311) & construction of underground electricity cables, substation and associated infrastructure to connect Hulam Solar Farm to the existing substation near Hart – Durham County Council ref: DM/19/03959/FPA (H/2021/0313) respectively.

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of five linked planning appeals (of which two are within the jurisdiction of Durham County Council (DCC) and three are within the jurisdiction of Hartlepool Borough Council (HBC) as referenced above) that has been determined in respect of five applications for the erection of a solar farm (at Sheraton Farm, within the boundary of DCC), the erection of a substation at Land Near Hart Moor Farm, the installation of cables between the proposed substation and an approved solar farm at Hulam Farm and the linked appeal solar farm at Sheraton Farm.
- 1.2 The appeals were allowed following an Inquiry held in October 2023. A copy of the Inspector's decision (dated 06/12/2023) is attached. (**Appendix 1**).

- 1.3 The associated costs application was dismissed. A copy of the Inspector's decision is attached (**Appendix 2**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of these appeals.

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Appendix 1.



Appeal Decisions

Inquiry held on 15 November 2022 & 10, 11, 12, 16, 17, 18 October 2023

Site visits made on 13 & 17 October 2023

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2023

Appeal A Ref: APP/X1355/W/22/3299829

Land at Sheraton Hall Farm, Sheraton, Durham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lightsource SPV 206 Limited against the decision of Durham County Council.
 - The application Ref DM/20/03722/FPA, dated 15 December 2020, was refused by notice dated 10 December 2021.
 - The development proposed is installation and operation of a solar farm together with all associated works, equipment and necessary infrastructure.
-

Appeal B Ref: APP/X1355/W/22/3299836

Land near Sheraton Hall Farm, Sheraton, Durham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lightsource Development Services against the decision of Durham County Council.
 - The application Ref DM/21/02333/FPA, dated 29 June 2021, was refused by notice dated 10 December 2021.
 - The development proposed is construction of underground electricity cables and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm (DM/20/03722/FPA) to the primary substation.
-

Appeal C Ref: APP/H0724/W/22/3299842

Land near Sheraton Hall Farm, Sheraton, Durham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lightsource Development Services against the decision of Hartlepool Borough Council.
 - The application Ref H/2021/0312, dated 29 June 2021, was refused by notice dated 4 March 2022.
 - The development proposed is construction of underground electricity cables and associated infrastructure to connect Sheraton Hall Solar Farm to the primary proposed substation – Durham County Council ref: DM/20/03722/FPA.
-

Appeal Decisions APP/X1355/W/22/3299829, APP/X1355/W/22/3299836, APP/H0724/W/22/3299842, APP/H0724/W/22/3299848, APP/H0724/W/22/3299857

Appeal D Ref: APP/H0724/W/22/3299848**Land near Hart Moor Farm, Hart, Hartlepool, TS27 3BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lightsource Development Services against the decision of Hartlepool Borough Council.
 - The application Ref H/2021/0311, dated 29 June 2021, was refused by notice dated 4 March 2022.
 - The development proposed is construction of underground electricity cables, substation and associated infrastructure to connect to Hart Moor Substation.
-

Appeal E Ref: APP/H0724/W/22/3299857**Land near Hulam Farm, Castle Eden, Durham**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lightsource Development Services against the decision of Hartlepool Borough Council.
 - The application Ref H/2021/0313, dated 29 June 2021, was refused by notice dated 4 March 2022.
 - The development proposed is construction of underground electricity cables, substation and associated infrastructure to connect Hulam Solar Farm to the existing substation near Hart – Durham County Council ref: DM/19/03959/FPA.
-

Decisions**Appeal A**

1. The appeal is allowed and planning permission is granted for the installation and operation of a solar farm together with all associated works, equipment and necessary infrastructure on land at Sheraton Hall Farm, Sheraton, Durham, in accordance with the terms of the application, Ref DM/20/03722/FPA, dated 15 December 2020, subject to the conditions in the schedule attached to this decision.

Appeal B

2. The appeal is allowed and planning permission is granted for the construction of underground electricity cables and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm (DM/20/03722/FPA) to the primary substation on land near Sheraton Hall Farm, Sheraton, Durham, in accordance with the terms of the application, Ref DM/21/02333/FPA, dated 29 June 2021, subject to the conditions in the schedule attached to this decision.

Appeal C

3. The appeal is allowed and planning permission is granted for the construction of underground electricity cables and associated infrastructure to connect Sheraton Hall Solar Farm to the primary proposed substation – Durham County Council ref: DM/20/03722/FPA on land near Sheraton Hall Farm, Sheraton, Durham, in accordance with the terms of the application, Ref, H/2021/0312 dated 29 June 2021, subject to the conditions in the schedule attached to this decision.
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Appeal D

4. The appeal is allowed and planning permission is granted for the construction of underground electricity cables, substation and associated infrastructure to connect to Hart Moor Substation on land near Hart Moor Farm, Hart, Hartlepool, TS27 3BQ, in accordance with the terms of the application, Ref, H/2021/0311 dated 29 June 2021, subject to the conditions in the schedule attached to this decision.

Appeal E

5. The appeal is allowed and planning permission is granted for the construction of underground electricity cables, substation and associated infrastructure to connect Hulam Solar Farm to the existing substation near Hart – Durham County Council ref: DM/19/03959/FPA on land near Hulam Farm, Castle Eden, Durham, in accordance with the terms of the application, Ref, H/2021/0313 dated 29 June 2021, subject to the conditions in the schedule attached to this decision.

Applications for costs

6. A written application for costs was made by the appellant following the adjournment of the inquiry in November 2022. This is the subject of a separate Costs Decision.

Preliminary Matters

7. Prior to the opening of the inquiry, I wrote to all the main parties raising the following questions and sought legal submissions on them:
 - i) Whether any of the five appeals could be considered to be an extension to the consented Solar Farm at Hulam (reference DM/19/03959/FPA) by reason of being functionally linked;
 - ii) Whether development consent would be required in accordance with the Planning Act 2008 for the resultant generation capacity; and
 - iii) Whether there are implications related to these issues for any grant of planning permission for the above appeals and the inquiry next week.
8. All the parties submitted legal submissions as requested. Durham County Council and Hartlepool Borough Council took the view that, notwithstanding the fact that they validated and determined the planning applications the appeals did not fall to be determined under the Town and Country Planning Act (TCPA). Instead, they argued, a Development Consent Order should be sought by the appellant for this development under the Planning Act 2008 as an extension to the solar farm at Hulam, which already has planning permission. The appellant took the contrary view.
9. I opened the inquiry, as planned, on 15 November 2022. After some discussion with the main parties around the various legal submissions, I took the decision in the afternoon of the first day to grant an adjournment for a limited time. This was to allow the Councils to issue a challenge within a short time frame.

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10. The case was heard in May this year and the judgement issued in June. The judge found that the project does not require development consent (under the Planning Act 2008) and even if it did that would not deprive the LPAs of jurisdiction to grant planning permission, nor deprive the SoS jurisdiction to entertain the appeals. The inquiry was resumed on 10 October 2023 and my formal decisions are set out above, with the reasons for them, below.
11. To allow for the completion of the Section 39 Agreement and the re-drafting of several planning conditions, the inquiry was adjourned and closed in writing on 17 November 2023.
12. One of the Council's reasons for refusal in relation to appeal A was in relation to the loss of best and most versatile (BMV) agricultural land. However, the Council did not seek to defend this reason for refusal at the inquiry. I shall consider this issue later in my decision.
13. I shall deal with the appeals in the following order, appeal A, which is for the solar arrays, then appeal D for the substation and then I will deal with the underground cabling, appeals B, C & E.

Main Issues

14. In relation to appeal A, C, D & E:
 - the effect of the proposal on the character and appearance of the surrounding area.

In relation to appeal B:

- whether the proposal is necessary in relation to appeal A.

Reasons

The sites, the surrounding area and the proposals

Appeal A

15. It is common ground that appeal A relates to approximately 77 hectares of agricultural land to the south of the hamlet of Sheraton and west of the A19 dual carriageway and that the site lies within the administrative area of Durham County Council. It comprises two groups of land parcels, one to the north of the B1280 and one to the south.
16. The northern parcels of land lie within an irregular triangle of land defined by the A19 to the east, the B1280 to the south and an unnamed minor road to the north which links these two roads. This rural lane serves a number of properties to the immediate west of the A19 and provides access to Sheraton Hall Farm (within the same ownership as the application site).
17. To the south of the B1280, two separate parts of the site are located adjacent to Roper's Wood, a plantation woodland, with Hurworth Burn Road also providing some physical separation between the individual fields. Coal Lane defines the southernmost boundary of this part of the site.

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18. The site and the surrounding area form part of a rolling open landscape within this part of Durham and west of the well-defined urban edge of Hartlepool, approximately 4 km east of the site. A series of existing field boundaries, hedgerows and vegetation are present around and across the proposed appeal site. Hedgerows are typically around 1.5m high across the appeal site although some are already much closer to 3m.
19. Approximately 15 hectares of the southwestern part of the site is within a designated Area of Higher Landscape Value (AHLV) although not all of this area would contain built form (such as the woodland), representing approximately 30 percent of the total site area. The AHLV is a designated landscape as defined by Paragraph 174 of the Framework. There are no public rights of way within the site, although there are a number in the vicinity.
20. Planning permission is sought for the construction of a 49.9 MW solar farm for a temporary period of 40 years. The proposed layout was subsequently amended during the determination of the planning application with a significant reduction in the site area, through the exclusion of the northernmost field and the scheme being offset from the B1280 in the field to the south of the lane.
21. The proposed development would consist primarily of solar photovoltaic panels (fitted on a metal framework with pile driven foundations) aligned in rows, or arrays, within each of the site's fields. Other infrastructure would include seven switchgear substations spaced around the adjoining internal access roads, and 14 inverters and 14 transformers adjoining the switchgear substations.
22. Within the northern part of the site there would be a compound area including a Distribution Network Operator (DNO) substation, a customer substation, an auxiliary transformer, storage building, monitoring and communications building with associated weather station and communications equipment and a composting toilet. The solar panels would be a maximum height of 3 metres above ground level, with their lower edge 1.4 metres off the ground.

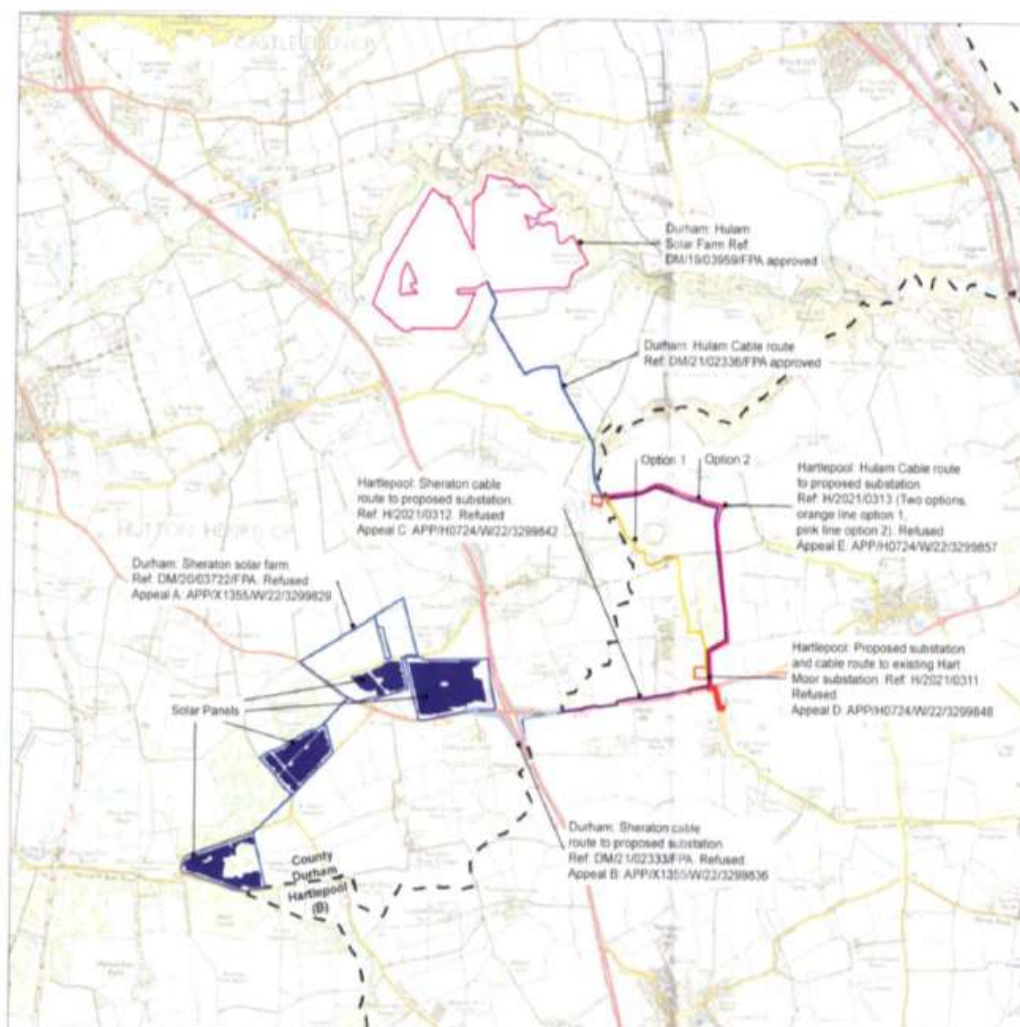
Appeal D

23. The proposed development comprises the erection of a substation on land near Hart Moor Farm, approximately 70m north of the A179, and an underground cable connection between the proposed substation and the existing Hart Moor Substation. The proposed substation would be housed in a building located close to the northern boundary of the A179, a busy main road linking the A19 to Hartlepool. To the south of the appeal site, on the opposite side of the A179, is Hart Moor Substation a national grid substation which this proposed substation would be connected to. The proposed substation and underground 66kV cable connections would lie within the open countryside, approximately 3 km west of the urban edge of Hartlepool town. The site lies within the administrative area of Hartlepool Borough Council.

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24. The proposed co-located substation would have a floor area of approximately 17m x 5.5m and a height of 6.3m. It would serve both the proposed Sheraton Solar Farm and the Hulam Solar Farm to the north, which already has planning permission, along with a substation. Other renewable energy development has recently been granted in the vicinity of the proposed substation on the southern side of the A179.
25. To the west of the appeal site on the northern side of the A179, set back slightly from the A179, planning permission has been approved for a synchronous condenser and so this general area close to 2 major, busy roads, the A19 dual carriageway and the A179 contains a significant amount of energy related infrastructure and has planning permission for more.
26. The proposed co-located substations would connect Sheraton Solar Farm to the Northern Power Grid (NPG) distribution network. Without part of the proposed substation, Sheraton would not have a 66kV connection point to the NPG Hart Moor Substation, therefore part of the substation is required to enable transmission of energy generation from the Sheraton Solar Farm to the network. It was determined in agreement with the DNO that the optimal technical solution for connecting the Hulam site would also be through a co-located substation here, close to the NPG Hart Moor Substation.
27. The proposed development is linked to the approved Hulam Solar Farm within Durham Council as well as the proposed Sheraton Solar Farm within Durham Council (appeal A).
Appeals B, C & E
28. These appeals relate to underground cabling associated with the 2 solar farms (Hulam and Sheraton). Two options (Option 1 and Option 2) were originally proposed for the cable route within Hartlepool Borough Council, however during the course of the inquiry it was agreed that only planning permission was being sought now for option 1.
29. The plan on the following page shows the relationship of the different appeals as well as the location of the Hulam Solar Farm.

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Policy context

30. It is worth recording that the main parties agree that the most important policies in the development plans are up to date, and the so-called 'tilted balance' is not engaged.

Durham County Council (appeals A & B)

31. The development plan comprises the adopted County Durham Plan 2020 (CDP). It is agreed that the most important policies for dealing with these appeals are Policy 33 dealing with renewables and Policy 39 dealing with landscape.
32. Policy 33 offers support to renewable and low carbon energy development in appropriate locations. Policy 39 seeks to protect the landscape from unacceptable harm and expects development proposals to incorporate appropriate mitigation measures. In terms of AHLV's the policy seeks to ensure development is only permitted where it conserves and where appropriate enhances the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm. It

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also requires development proposals to have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

Hartlepool Borough Council (appeals C, D & E)

33. The development plan in this area comprises the adopted Hartlepool Local Plan 2018 (HLP) and the Rural Neighbourhood Plan 2018 (RNP). It is agreed that the most important policies in relation to these appeals are Policies RUR1 and QP4 in the HLP and Policies NE2, GEN1 and GEN2 in the RNP.
34. Policy RUR1 is a criteria-based policy that seeks to strictly control development in rural areas. It does support the rural economy where it is 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.
35. The relevant criteria are, it requires development in rural areas to be in accordance with the Hartlepool Rural Neighbourhood Plan and any other neighbourhood plan; where possible be located in or near to the villages, not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion; through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes, taking into account relevant design guides and statements; be in keeping with other buildings in terms of siting, size, materials and colour; not have a detrimental impact on the landscape character or heritage assets; and avoid areas of best and most versatile agricultural land, those areas classed as grades 1, 2 and 3a in the Agricultural Land Classification.
36. Policy QP4 is a criteria-based policy whose overall aim is to ensure all developments are designed to a high quality and positively enhance their location and setting.
37. Policy NE2 provides support for renewable energy and low carbon schemes subject to consideration of among other things, the surrounding landscape and subject to appropriate mitigation measures to address any effects identified.
38. Policy GEN1, among other things, seeks to control development in the countryside but is supportive of essential public infrastructure.
39. Policy GEN2 sets out general design principles.

Character and appearance

Appeal A

40. Given their nature and scale, it is inevitable that large scale solar farms may result in landscape harm. In this context, national and development plan policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme.

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41. The Framework at paragraph 174, indicates that the intrinsic character and beauty of the countryside should be recognised. That said, the Framework does not seek to protect, for its own sake, all countryside from development; rather it concentrates on the protection of valued landscapes.
42. The appeal site comprises agricultural fields and is entirely rural in appearance, as is much of the surrounding area. The area contains sporadic dwellings and farmsteads. The main urbanizing effect is the busy A19 dual carriageway, immediately to the east of field 2.
43. A useful starting point in dealing with the effect of the proposal on the character and appearance of the area is to consider the way in which it is described in character appraisals. The site is within National Character Area (NCA15): Durham Magnesium Limestone Plateau, but the appeal site displays very few characteristics described in NCA15.
44. The County Durham Landscape Character Assessment 2008 (CDLCA) is a local level assessment which it is agreed is most relevant to this case. It is broken down into County Landscape Areas, below that Broad Character Areas and then below that Local Landscape Types. Most of the site sits within the Sheraton Broad Character Area. The relevant characteristics in this case are the gently undulating landscape, a predominantly arable landscape with old pre-enclosure hedgerow networks, locally heavily fragmented and a few hedgerow trees, the busy A19 in prominent cuttings and embankments, and the occasional small broadleaved woodlands on prominent hill-tops and large ancient woodlands in incised denes.
45. Most of the appeal site is located within the Plateau farmland: Open arable local landscape type, which is described as, open, flat or rolling arable farmland on the heavy clays and brown earth of the limestone plateau with field boundaries consisting of low hawthorn hedges with few hedgerow trees. It says that field sizes are large and field patterns are often heavily disrupted by field amalgamations.
46. The south-western part of the site falls within the Tees Lowland broad landscape character type which contains a number of key characteristics found on the appeal site. This is then broken down into three broad character areas. The south-western part of the site lies within the Embleton Broad Character area, and this is most relevant here as it is described as "Gently rolling or flat wooded farmland. A patchwork of improved pasture and arable fields bounded by a fragmented network of old hedges, clipped low in places; tall and overgrown in others. There are few hedgerow trees. Broadleaved woodlands lie in incised steep sided denes of the branching Amerston Beck, and mixed plantations are scattered across the area. The Hurworth Burn Reservoir lies on the River Skerne in the north. Isolated farms are connected by narrow winding lanes and farm tracks. The area is crossed by the Castle Eden walkway on a disused railway line".
47. The broad character area is broken down further into local landscape types. The most relevant type is the Plain farmland: wooded pasture and local landscape type, this is described as, "wooded gentle rolling or gently undulating farmland of improved and semi-improved pasture on the heavy clay soils of the Tees plain. Fields are often large and bounded by low, clipped, often gappy thorn hedges or wire fences with scattered, locally

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abundant hedgerow oak, ash and sycamore. Field patterns are sub-regular, occasionally preserving the curving alignment of medieval strip fields. Older pastures may preserve relics of medieval rigg and furrow and deserted or shrunken medieval villages. Small field ponds are common”.

48. I saw when I visited the site that the landscape is characterised by gently rolling or gently undulating farmland. The boundary hedges varied in height and density with some containing trees. Some fields have been amalgamated to make larger fields to suit modern farming practices. I also saw pockets of woodland scattered across the landscape. My experience of this landscape reflected that set out in the most relevant landscape assessment.
49. The woodland and topography help to contain local views and along with extensive rows of hedgerow provide a sense of landscape enclosure. Nevertheless, there are areas where the views are more far reaching across the landscape. This was clear to see during my site visit when I viewed the appeal site from various roads, public footpaths and residential dwellings.
50. I saw that some hedgerows were much taller than others. The Council say that the traditional height is 1.5m, with farmers regularly cutting them low. It is alleged by the Council and local residents that the hedgerows close to the fields proposed to contain the solar arrays have been allowed to grow closer to the 3m height proposed as part of this scheme. Whilst the tradition might have been to keep hedgerows cut back, the CDLCA is critical of this practice as it says this reduces their landscape and wildlife value, among other things. It is likely therefore that taller hedges, like those proposed as part of the mitigation scheme in this case could become more commonplace in this and other areas in the future. This in turn could lead to a more enclosed landscape, regardless of the proposal.
51. The site is criss-crossed with a network of country lanes and public footpaths, many of which I walked during my site visit. These would remain and be largely unaffected by the proposal.
52. I shall deal first with the land parcels to the north of the B1280. Field 2 contains the largest concentration of solar arrays and is the least sensitive to change. It is bounded by the B1280 to the south and the A19 dual carriageway to the east and is bisected by 2 existing electricity pylons. The A19 here is particularly dominant as it contains the slip road to the A19 north when travelling from the B1280 or the A179 road from Hartlepool.
53. The B1280 road rises to the intersection over the A19 close to these fields. To the north of the site the unnamed lane which passes in front of Sheraton Hall Farm also comes close to this field. Boundary landscaping and an existing tree belt would be enhanced with further planting and hedgerows would be allowed to grow to a height of 3m. Overall, this field has the capacity to absorb the solar arrays with minimal harm due to its topography, existing and proposed screening, and the presence of the A19 and large pylons.
54. Turning now to field 1 which is a much smaller area to the west of field 2 but separated by an existing mature tree belt. The solar arrays would be set well back from the B1280. They would abut the lane leading to Sheraton Hall

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Farm, but be well screened from users of the lane by existing and proposed boundary landscaping in the form of hedgerows and trees. New landscaping along the B1280 would screen out the distant views of them. The solar arrays would be visible from some places, but they would be glimpsed views seen in the context of the Sheraton Hall Farm complex which contains large modern farm buildings as well as a farmhouse. In addition, field 1 is part of a larger field that contains 5 electricity pylons.

55. Field 4, slightly further south-west, would contain another area of solar arrays. These would be within part of a field system to the north of Hurworth Burn Road. To the east of these is a sizeable area of mature woodland which would screen views from the west. To the north of the site there are some more smaller areas of woodland which would filter and soften the views from this direction. The views from here would also be reduced because of the topography and folds in the landscape. This stretch of Hurworth Burn Road is bounded by dense hedgerows of a height that would provide good screening. This mitigating effect would reduce to some degree in winter when there would be some filtered views through the hedgerow.
56. A public footpath runs along the boundary of the site, adjacent to Roper's Wood, but I saw when I visited the site the entrance to it has been fly tipped and the footpath is overgrown and impassable. That is not to say however, it would not be brought back into use over the next 40 years. If it were, the solar panels would be along a short stretch of the footpath and at the other side of it would be woodland, so users would not be walking with solar panels on both sides which would be far more harmful.
57. Turning to the most southwestern parcel, field 3, which it is agreed is within the AHLV and therefore the most sensitive area to change of the appeal site. This part of the site is farthest away from the A19 corridor and has a more rural character. The roughly triangular shaped field has an area of mature woodland within it and the solar arrays would be wrapped around 3 sides of it. The areas to the north and south of the woodland are of limited size and therefore the number of arrays in these areas would be limited.
58. The area to the west of the woodland would be most visible in the landscape due to the land rising slightly here, the gappy nature of the hedgerows in places and the fact that the road wraps around it.
59. The solar arrays would be visible from the roads bounding the site. Visibility would be greater in the early years of the development whilst the gapping up of hedges and the growth of existing hedgerows to 3m takes place.
60. Any harm would reduce as the new hedgerows mature and the existing hedgerows grow taller and denser. This would take around 5 to 10 years for the full effect of the mitigation to be felt and it is likely there would be some residual effects during the winter months. However, this is a very small part of this landscape and the AHLV.
61. To summarise, in the early part of the life of the development there would be some locations where the magnitude of change in the landscape would be high. This would be notable from some roads particularly where the hedges are currently well below 3m high and/or contain considerable gaps in them. Elsewhere the essential character would be changed, but at a more

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moderate level because of the retained and strengthened landscape features which would also be a positive legacy of the proposal even after its decommissioning. Also, the existing field patterns would be retained and the topography unaltered.

62. Overall, I find that the area of the site within the AHLV is of high sensitivity as a result of its high value and medium susceptibility to change would result in a major/moderate adverse landscape effect. In the area around the other fields a medium magnitude of change combined with a medium sensitivity would result in a moderate adverse effect upon the landscape character of the site on completion. This would result in some moderate harm to the character of the landscape here. The effect in all areas would diminish over time as the landscaping takes effect. It is agreed that this would be around 5 years from the completion of development and that by year 10 the mitigation effects would be greater, even in the winter months as the hedgerows increase in density.
63. Turning to the visual impact, it is clear that the most noticeable parts of the development would be on the edges of the site. Only one of the fields where there would be solar arrays is abutted by a public footpath and this is currently unusable. Therefore, it would be mainly cyclists and horse riders who would have a high sensitivity to the adverse impacts when viewed from the roads.
64. Some would view them more favourably given their purpose is to deliver green energy. However, the proposal would introduce regular and regimented rows of solar panels along with their associated infrastructure such as inverters, fences and compounds. These are not typical features in a rural landscape and their visual impact would not be completely mitigated. In my judgement it would be of moderate adverse impact reducing over time to a moderate minor impact.
65. Other people likely to see the proposal are those travelling along the roads adjacent to the fields in vehicles. To some degree their sensitivity would be less as they would be likely to be travelling at greater speed and therefore see them for shorter periods and have more glimpsed views. As such the visual impact of the development would be less likely to be perceived as unfavourable. The impact for these people would be likely to be minor.
66. In longer distance views from the extensive network of public footpaths, it would be possible to see some areas of solar panels in the distance. However, these views would mostly be visually fragmented by trees and hedgerows, particularly during the summer months. Views from public footpaths would be limited due to the location of the development in relation to them and the naturally undulating landscape.
67. In terms of all receptors the harm would reduce over time as the landscaping matures and this is likely to take around 5 years, with more effects felt up to 10 years post construction as the landscaping becomes denser as well as taller. The mitigation would reduce in the winter months and again the reduction would be greater in the early years due to the landscaping being sparser.

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68. The farms and dwellings to the east of fields 3 and 4 would see more of the solar panels because of their elevated position. They would however be viewed over some distance and the area of woodland in field 3 would effectively screen a large amount of the solar panels in that field and the existing and proposed boundary landscaping would effectively mitigate field 4.
69. In particular Sheraton Hall Farm lies close to the north-eastern parts of the site. Direct views into the site would be limited in part by field boundary hedgerows. During construction and at Year 1, the proposed solar panels would be clearly noticeable on the skyline to the south, however, sloping land on the adjacent field would remain as agriculture and most of the panels would be obscured by the topography.
70. The proposed panels would be seen in the context of the nearby powerlines with associated large-scale pylons. By year 5, a new tree-lined boundary hedgerow would have matured, screening most views towards the proposals to the south, and new tree and hedgerow planting, as well as infill hedgerow planting, would have matured along the boundary to the northernmost fields. However, views towards the solar development would remain to the north, due to the development being located on rising land.
71. Sheraton Grange Farm is situated on locally elevated land with views likely from northward facing windows looking towards north-eastern parts of the site and in particular from the private garden area belonging to the farmhouse. The western parts of the site adjacent to Hurworth Burn Road are also visible from the garden area. During construction and at Year 1, prior to mitigation planting being visually effective, views towards the proposed development would be greater albeit broken up by surrounding woodland tree belts. Once the proposed planting has matured, then the impact would be greatly reduced although there would be more visibility in winter.
72. From the properties at Sheraton West Grange, a range of barn conversions, the field adjacent to Hurworth Burn Road is visible as it rises from the road, as well as glimpses of the south westernmost field over intervening field boundary hedgerows. These properties at Sheraton West Grange are approximately 800m from the central parcel and 1km from the southwestern parcel. Whilst some solar panels would be visible from some windows in these dwellings and from the garden to the front, the views would be over some distance and over time mitigated by the proposed landscaping.
73. From Ivy Cottage and Hawthorn Cottage which are located at the junction between the B1280, and Hurworth Burn Road there may be some limited views in the early years of the development, but these would reduce over time as the proposed mitigation planting matures.
74. There are numerous other properties in the wider area, that may be able to obtain glimpsed views, but I consider that overall, the proposal would not have an adverse impact on the visual amenity of local residents.
75. The fact that the submitted study which is not contested by the Council concludes that there would be no adverse impact from glint or glare adds

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weight to this finding. There would therefore be a minor visual impact from these longer distance views.

76. Overall, I find that any harm to the character and appearance of the surrounding area would be limited and localised. The proposal would accord with CDP Policy 33. In terms of Policy 39 the proposal would not conserve the special qualities of the landscape in the AHLV. I shall consider later in my decision whether this harm is clearly outweighed by the benefits of the proposal and this whether the proposal accord with this policy.

Appeal D

77. A useful starting point in dealing with the effect of the proposal on the character of the area is to consider the way in which it is described in character appraisals. At a national level the site and its surroundings are within NCA 15, the details of which are set out above in relation to appeal A.
78. More relevantly, the Hartlepool Landscape Assessment 2000 (HLA) identifies the site as falling within the Undulating Farmland Landscape Type, which the assessment assigns a high amenity value with a medium to low visual quality and a medium to low landscape quality.
79. The Strategic Gap Assessment 2017 (SGA) seeks to refine the character types identified within the HLA. The SGA locates the site within the Undulating Semi-Rural Farmland Landscape Character Area. This is described as the most common and widespread area within the vicinity of the strategic gap, but it does not locate the appeal site within a Strategic Gap.
80. The landscape value is assessed as high, stating that the landscape positively contributes to the setting of nearby settlements, includes several local landscape designations and is widely accessible via public footpaths. The area within which the site is located does include multiple public footpaths, and areas illustrated as designated in the Hartlepool Local Plan Policies Map such as Local Wildlife Sites and Natural and Semi- Natural Green Space. I agree with the appellant that the 'high value' assigned by the 2017 assessment is unjustified in this case since in the area around the site, there is an absence of any distinctive features other than areas of woodland which are commonplace. The landscape here does not exhibit any distinctive features or strong aesthetic qualities or distinctive views.
81. Indeed, the site is subject to local visual detractors associated with the existing Hart Moor Substation, the overhead electricity pylons and transmission lines, and the visual and audible presence of traffic on the A19 and A179. Whilst there are views of the sea from this site there are many more places where it can be viewed from. As such, I find that the appeal site is located within an area that would more closely align with the definition given for a landscape of moderate value.
82. The SGA categorises the landscape character sensitivity for the landscape character areas as 'medium-high' noting that the characteristics of the Undulating Semi-Rural Farmland Landscape Character Area are generally in a good condition, but that the area includes some detracting elements, including overhead cables, timber utility poles, pylons and roads. From my

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visit to the site, it is clear that the area around the appeal site contains a number of these detracting elements and therefore I consider the sensitivity of the landscape character is medium, rather than high. Under the description of medium sensitivity, Table C of the SGA provides the following definition, "A landscape capable of accepting limited change. Proposed change could be accommodated with some adverse effects on landscape".

83. Landscape Visual Sensitivity for the area is also assessed as "medium-high" with the SGA noting that "Views across the landscape are available from Public Rights of Way and are widely of farmland, trees and hedgerows. The footpaths are not considered to attract high visitor numbers and are not set amongst a landscape of national significance or particular rarity. Some views are longer distance, but occasionally comprise visibility of the Hartlepool settlement and industrialised areas beyond. The character area also has some intervisibility between adjacent character areas."
84. Whilst existing views are available across parts of the area from public footpaths, whose users are classified as high sensitivity visual receptors the public footpaths close to the site are not considered to attract high numbers of visitors.
85. On the basis of the evidence before me I find that the Undulating Semi-Rural Farmland Landscape Character Area in the vicinity of the site is of medium value and susceptibility, which results in a medium sensitivity. The landscape in the location of the cable route is already influenced by the A179, pylons crossing nearby land and the substation south of the A179. Once operational the cable would be buried underground and not visible, resulting in no change to the local landscape character. The proposed substation would give rise to a moderate magnitude of change during the operational phase, resulting in a moderate adverse level of effect on the site itself, with the character beyond the site remaining unchanged during the operational phase.
86. In terms of the effects of the proposed substation on the landscape character of the site, it is influenced by numerous large pylons and associated powerlines in the locality and is not covered by any national or local landscape designations. The value of the site is therefore assessed as medium and the susceptibility of the landscape character to the proposals is considered to be medium, resulting in a medium sensitivity. Once operational the proposed substation would give rise to a moderate magnitude of change, whereas the cable would result in no change to the character of the site.
87. Turning now to the effect on general visual amenity, for the residents of Hart Moor Farm and associated dwellings these properties already overlook a large-scale pylon and have views towards the substations located to the south of the A179, as well as being able to see wind turbines on the skyline. Once the new tree-lined hedgerows along site boundaries have matured the views from the properties towards the proposed substation would be filtered.
88. For the residents of the properties of Nine Acres those on the western side of the culs de sac have views towards the proposal which would be filtered in part by garden vegetation and by intervening field boundary hedgerows. From the upper floor windows of the properties there would be greater views

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of the substation compound, but this would be seen in conjunction with intervening vegetation, and in the context of existing large scale pylons dominating the skyline.

89. Once the proposed mitigation has matured, including infilling gaps in existing hedgerows and the allowance for the hedgerow to mature above 3m in height, the visual effects would reduce, particularly during the winter months. Views from dwellings on the western edge of Hart Village and Burns Close would be across a greater distance, thereby reducing the impact further.
90. Vehicles travelling along a short section of the A179, would get oblique views of the substation, which would sit lower than and be set back from the road. Although most views towards the proposed development would be obscured by the field boundary hedgerow adjacent to the A179, some glimpsed transient views would be possible towards the proposed substation, in particular to the southeast of the site.
91. However, the proposed substation would be seen in the context of the existing electricity pylons. The footpath leading from Nine Acres, across to the community woodland would provide views of the substation when walking it in a westerly direction. Whilst this is a relatively short footpath the substation would be clearly seen, although over time as the landscaping matures the views would become more filtered.
92. As with many views in this area the substation would be seen in the context of large electricity pylons. For people on the public footpath between Hart and Middlethorpe Farm, there would be no views towards the proposed development along most of this public footpath due to intervening field boundary vegetation or intervening landform.
93. However, limited oblique glimpsed views towards the proposed development would be possible over a limited stretch of the route, where the path is at its highest. Any view of the proposed development would be seen in the context of numerous pylons, masts, wind turbines on the skyline, in the context of development in Hart and, in the context of the infrastructure south of the A179.
94. As set out above this appeal relates to a substation and cabling. The substation would be located in a dip in the landscape thereby reducing its visual impact somewhat. The character and appearance of the area of the countryside here is very different to that at the other side of the A19. There is more built development in the form of housing with the village of Hart to the west and slightly further away the large town of Hartlepool. Linked to the proximity of the Hart Moor Substation, the area close to the site contains several large electricity pylons.
95. The A179 is a very busy, fast road carrying traffic between Hartlepool and the A19. All of this contributes to the area having a far less rural character and appearance. Whilst I accept the area to the south of the A179 contains much more industrial type development and has planning permission for more, it is closely linked to the area around the appeal site. Moreover, other large-scale development close to the appeal site on the north side of the A179, has planning permission in the form of a synchronous condenser.

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96. Whilst the building housing the substations would need to be larger because it would also contain the substation for the Hulam solar farm, it would negate the need for another separate, albeit smaller substation to the north of the appeal site. Nevertheless I find that it is not 'essential' public infrastructure as required by RNP Policy GEN1. The building would be large and impossible to completely screen using landscaping, because of its scale and mass. However, the harm would be reduced by its location on lower ground, the presence of some mature landscaping which would be enhanced and the other large-scale infrastructure and busy main road.
97. The proposal would conflict with HLP Policy RUR1 and QP4. It would accord with RNP Policy NE2, but conflict with policies GEN1 and GEN2.

Appeals B, C and E

98. These appeals all relate to cabling and whilst there would be some short-term limited harm to the character and appearance of the countryside whilst the trenches are dug and the cabling laid, the cabling would quite quickly be buried under ground with very limited evidence of it above ground. As such I find that the cabling once laid and covered over would not harm the character and appearance of the area and accord with the relevant LP policies. Moreover if I find that appeal A is acceptable then the cabling would be necessary.

Other Matters

Renewable Energy

99. The Government recognises that climate change is happening through increased greenhouse gas emissions. One of the ways in which they are seeking to reduce reliance on energy production from fossil fuels is to significantly boost the amount of energy that is generated through renewable energy, including solar energy. The Climate Change Act 2008, as amended sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero by 2050.
100. A material consideration in the determination of planning proposals is, National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs EN-1 and EN-3 do not specifically refer to solar generated power, but they do reiterate the urgent need for renewable energy electricity projects to be brought forward. Draft updates to NPSs EN-1 and EN-3 identify, as part of the strategy for the low-cost decarbonisation of the energy sector, solar farms which they see as providing a clean, low cost and secure source of electricity. However given they are at a draft stage I have afforded them only limited weight.
101. Durham County Council declared a climate emergency in 2019 and made a pledge to make County Durham carbon neutral by 2050. Durham County Council's Climate Emergency Action Response Plan outlines the measures the Council will take to meet this pledge. This includes actions and priorities to tackle both the Council's and County Durham's contribution to climate change.
102. The December 2020 Energy White Paper: Powering our Net Zero Future (WP) reiterates that setting a net zero target is not enough, it must be

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achieved through, amongst other things, a change in how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under key policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.

103. Sheraton Solar Farm would have a generation capacity of up to 49.9 MW and would generate enough electricity to power the equivalent of 16,330 houses. This would result in approximately 20,558 fewer tonnes of carbon dioxide emissions from energy generation in the UK each year. The Council's acknowledge that this a substantial benefit of the proposals that attracts significant weight.
104. There are no physical constraints limiting early development of this site and a grid connection offer is in place. Therefore, the scheme could make an early and significant contribution to the objective of achieving the statutory Net Zero target set for 2050 and the commitment to reducing emissions in the shorter term also. Taking all of this into account, this benefit attracts significant weight.

Ecology and Biodiversity

105. The proposals are supported by a Biodiversity Management Plan which sets out the measures to provide enhanced biodiversity. The proposed development would provide an overall Biodiversity Net Gain (BNG) of 22.23% in area derived units and 25.56% in linear derived units.
106. I also note that neither the Council nor Natural England have raised any objections to the proposal, subject to relevant planning conditions and a Section 39 agreement (Wildlife and Countryside Act). The appellant has entered into a Section 39 agreement with Durham County Council which requires the submission of a Biodiversity Scheme and Management Plan to the Council for its approval.
107. In this regard I find that the BNG and the s39 agreement is a benefit of the scheme that attracts significant weight.
108. Hurworth Burn lies to the west of appeal site A. There are concerns that birds flying between the Burn and the coast to the east would mistake the solar arrays for bodies of water and fly into them, causing the birds harm. I have very limited evidence before me that this is more than a perceived risk.

Loss of agricultural land and land quality

109. This was a reason for refusal in relation to appeal A, but as set out above the Council have not sought to defend it. The framework at paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of BMV agricultural land. It is common ground between the main parties that the appeal site is not BMV agricultural land.

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110. Whilst the proposal would result in the loss of arable land for food production, this would be for a temporary period, albeit a long one. It could still be used for sheep to graze and therefore it would not be completely redundant as farming land.
111. Taking all of this into account I find that the proposal is acceptable in this regard and would accord with the relevant policies in the CDP.

Ground water pollution

112. Local residents have raised concerns about possible contamination of ground water as a result of chemicals leaching out of the solar panels. The appellant's technical note advises that they would carry out adequate appropriate desktop and site-based Pre-Engineering Studies to provide the information necessary to ensure compliance with respect to contamination and ground water risk. The appellant advised at the inquiry that the panels are sealed units which prevents leakage of potentially harmful chemicals from them.

Glint and glare

113. The appellant has submitted a glint and glare assessment which concludes that the impact would not be significant, and this was not disputed by the Council. Highways England have requested a planning condition in respect of this matter if the appeal is allowed to ensure that the solar arrays would not have an adverse impact on highway safety on the A19 trunk road. This would provide further reassurance on this matter.

Access and highway safety

114. It is agreed between the main parties that the proposal would not result in harm to access or highway safety subject to relevant planning conditions. Having visited the sites and the surrounding area on a number of occasions I share this view. Whilst it is inevitable there would be some disruption during the construction phase due to construction vehicles this would be short lived and is not a reason to not allow the proposal. Moreover, placing the cables in private land rather than in the public highway would substantially reduce the disruption.

Historic heritage

115. A Settings Impact Assessment was submitted alongside the planning applications. The Councils have raised no objections in this regard, including in respect of the effect of the proposals on Sheraton Medieval Settlement. In terms of archaeology the Council agree that this could be dealt with through a planning condition should the appeal be allowed. This would ensure that any below ground remains are fully investigated and protected where appropriate. I concur with these assessments.

Residential amenity

116. The construction of the development would all cause disruption and noise nuisance for local residents and those using the local road network to some degree. The appellants say that construction would take around a year and so whilst this is not a short period of time if you are a local resident living

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with the inconvenience this harm would be limited. Working hours could be controlled by a planning condition if I were to allow the appeal. This would prevent work being undertaken in anti-social hours.

Planning Balance

117. A material consideration is the time limited nature of the proposals. I acknowledge that 40 years is a long time and that the proposed 40-year life of the solar farm is significantly more than a generation. Thus, in coming to my conclusion I have these factors/concerns uppermost in my mind.
118. Both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits. This is a planning judgement. Here, through a combination of topography, existing screening and landscape mitigation, the adverse effect on landscape character and visual impact would be limited and highly localised, even around the AHLV. Moreover, as the existing and proposed planting matures, adverse effects, would be progressively mitigated and once decommissioned there would be no residual adverse landscape effects.
119. Rather the scheme would leave an enhanced landscape consistent with the objectives of development plan policy. In these circumstances, whilst there would be some localised harm to landscape character and some visual harm in conflict with some of the relevant development plan policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the limited harm. As such the proposal would accord with CDP policy 39.

Conditions

120. Many of the conditions I have imposed are the same across all of the appeals and the reasons for imposing them are also the same. Where conditions are unique to certain appeals I will deal with these separately.
121. In addition to the standard time condition and a condition to ensure the development is carried out in accordance with the approved plans, I have imposed a number of conditions related to the fact that planning permission is granted for a temporary period of 40 years from the date of first export of electricity and to ensure that this is enforceable. Accordingly, conditions relating to decommissioning and restoration works are also necessary.
122. I have imposed a condition to limit the export capacity of the solar farm to 49.9 MW because this is the threshold for the case to be considered under the TCPA as set out above. Several conditions are necessary to protect the living conditions of local residents and users of the public highways.
123. Conditions are necessary to ensure the proposal is carried out in accordance with the submitted flood risk assessment to ensure the proposals do not increase flood risk.

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124. Landscaping is an important part of the mitigation of appeals A and D and therefore I have imposed conditions to control the design, implementation and maintenance of this.
125. In respect of appeal A, a condition is necessary to control the final appearance of the solar panels and other associated infrastructure. In relation to appeal D I have imposed a condition to control finished floor levels given the uneven land levels where the substation will be constructed and one to control the external materials of the substation building.

Conclusions

- 126.** Overall, I conclude the proposed solar farm would make a material and early contribution to the objective of achieving the decarbonisation of energy production and that to allow the proposed solar farm would not conflict with the objectives of relevant development and national planning policy when read as a whole.
127. For the reasons given above I allow the appeals.

Louise Crosby

INSPECTOR

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ANNEX A – SCHEDULE OF CONDITIONS:

Appeal A

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development.
3. The development hereby permitted shall cease on or before the expiry of a 40-year period from the date of first export of electricity.
4. The Local Planning Authority shall be given at least seven days prior written notification of the date of first export of electricity.
5. The development hereby approved shall not be carried out except in complete accordance with the following approved plans reference:

Landscape Proposals Sheet 1 of 2 - P20-2238.005D

Landscape Proposals Sheet 2 of 2 - P20-2238.006D

Panel Elevation 3 Landscape 20/20 - PNL_3L_20/20

Sheraton Hall Farm Layout - SRT_01

UK EPD Auxiliary Transformer 00 - UK_EPD_AUX

UK EPD CCTV Camera 00 - UK_EPD_CAM

UK EPD Customer Substation 00 - UK_EPD_CSS

UK EPD DNO Substation 00 - UK_EPD_DNO

UK EPD Fence 00 - UK_EPD_FNC

UK EPD Gate 00 - UK_EPD_GNC

UK EPD Inverter 00 - UK_EPD_INV

UK EPD Monitoring House/Communication Building 00 -UK_EPD_MH/CB

UK EPD GRP Cabinet - DNO Meter 00 - UK_EPD_MTR

UK EPD Road Cross Section - UK_EPD_RCS

UK EPD Storage 40 Container - 00 UK_EPD_S40

UK EPD Switchgear 00 - UK_EPD_SWG

UK EPD Transformer 00 - UK_EPD_TLT

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UK EPD Toilet 00 - UK_EPD_TFM

Site Location Plan - SRT_SLP_00

6. The export capacity of the development shall not exceed 49.9 MW (AC).
7. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;
 - Details of methods and means of noise reduction;
 - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
 - Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact;
 - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 - Designation, layout and design of construction access and egress points;
 - Details for the provision of directional signage (on and off site);
 - Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 - Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
 - Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
 - Routing agreements for construction traffic;
 - Details of the erection and maintenance of security hoarding;
 - Details of construction and decommissioning working hours;
 - Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
 - Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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8. Construction operations shall only take place within the following hours:

07.30 to 19.00 Monday to Friday

07.30 to 12.00 Saturday

No operations including the maintenance of machinery and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

9. The development shall be carried out in accordance with the submitted flood risk assessment (L491-DOC03 FRA: December 2020). The mitigation measures detailed within the flood risk assessment shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.
10. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and treated or untreated waste is not transferred onto the public highway.
11. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to the Local Planning Authority for approval in writing in consultation with Highways England.
12. Prior to the commencement of development, a mitigation plan to avoid 'Glint and Glare' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation plan.
13. Notwithstanding the detail in the approved plans set out in condition No.5, prior to the commencement of development of any above-ground structure, precise details of that structure shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include the colours and finishes. The development shall be carried out in accordance with agreed details.
14. Prior to the commencement of development, a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' shall be submitted to the Local Planning Authority for approval in writing. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.
15. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

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16. The landscaping proposals detailed in Condition 5 shall be carried out prior to the end of the first available planting season following the date of first export of electricity. The established landscaping shall be managed and maintained in accordance with the Section 39 (Wildlife and Countryside Act) Agreement associated with this development.
17. A scheme for the restoration of the site, including the dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 40 years from the date of first export of electricity. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby granted expires.
18. In the event the site does not export electricity to the grid for a continuous period of 12 months after the date of first export, a scheme of early decommissioning works ("the Early Decommissioning Scheme") and ecological assessment report detailing site requirements in respect of retaining ecological features ("the Early Ecological Assessment Report") shall be submitted no later than 3 months after the end of the 12 month non-electricity generating period to the local planning authority for its approval in writing. The Early Decommissioning Scheme and the Early Ecological Assessment Report shall be implemented in full thereafter.

Appeal B

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development.
3. The development hereby permitted shall cease on or before the expiry of a 40 year period from the date of first export of electricity.
4. The Local Planning Authority shall be given at least seven days prior written notification of the date of first export of electricity.
5. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Block Plan Site – P20-2110_08

Location Plan – P20-2110_05

Initial Design Layout – UK_SRT-CR_LP1-IDL

6. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;

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- Details of methods and means of noise reduction;
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact;
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

7. Construction operations shall only take place within the following hours:

07.30 to 19.00 Monday to Friday
07.30 to 12.00 Saturday

No operations including the maintenance of machinery and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

8. The development shall be carried out in accordance with the submitted flood risk assessment (L491-DOC03 FRA: December 2020). The mitigation measures detailed with the flood risk assessment shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

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9. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and treated or untreated waste is not transferred onto the public highway.
10. All HGV movements accessing the site from Bellows Burn Lane from the south are to utilize the A19/B1281 interchange and return on the A19 South for further exit onto Bellows Burn Lane. All HGV movements leaving Hulam Farm at the A19/Bellows Burn Lane junction are required to turn left and head south to further turn on to the A19/A171-B1280 interchange in order to head north and eliminate the need to use gaps in the central reservation.
11. Prior to the commencement of development, a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' shall be submitted to the Local Planning Authority for approval in writing. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.
12. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.
13. A scheme for the restoration of the site, including the dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 40 years from the date of first export. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby granted expires.
14. In the event the site does not export electricity to the grid for a continuous period of 12 months after the date of first export, a scheme of early decommissioning works ("the Early Decommissioning Scheme") and ecological assessment report detailing site requirements in respect of retaining ecological features ("the Early Ecological Assessment Report") shall be submitted no later than 3 months after the end of the 12 month non-electricity generating period to the local planning authority for its approval in writing. The Early Decommissioning Scheme and the Early Ecological Assessment Report shall be implemented in full thereafter.

Appeal C

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development.
3. The development hereby permitted shall cease on or before the expiry of a 40

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year period from the date of first export of electricity.

4. The Local Planning Authority shall be given at least seven days prior written notification of the date of first export of electricity.
5. The development hereby approved shall be carried out in accordance with the plans and details:

Drawing UK_SRT-CR_LP1-IDL_02 'UK_Sheraton Hall Cable Route_LP1-IDL_02 - Initial Design Layout_02'

Drawing P2110_08, 'Block Plan Project 2: Sheraton Cable Route'

Drawing P2110_06 Rev A, 'Site Location Plan Project 2: Sheraton Cable Route' (insofar as this approved scheme solely relates to the cable route denoted as 'Cable Route Option 1')

6. 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; and
 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.
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:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";

Appeal Decisions APP/X1355/W/22/3299829, APP/X1355/W/22/3299836, APP/H0724/W/22/3299842, APP/H0724/W/22/3299848, APP/H0724/W/22/3299857

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

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

8. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works. This shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. Thereafter, the development shall be carried out in accordance with the agreed details.
9. Notwithstanding the submitted details, a detailed scheme of soft landscaping within the vicinity of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the above ground construction of the development hereby approved. The scheme must specify sizes, types and species, indicate the proposed layout, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out prior to the end of the first planting season following the completion of the development or first export of electricity whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
10. The scheme for the disposal and management of surface water associated with the development hereby approved shall be carried out solely in accordance with the submitted 'Sheraton Hall Solar Farm Cable Route Flood Risk Assessment', reference L491-DOC04 FRA Cable Route / June 2021 (date received by the Local Planning Authority 7th July 2021). 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

Appeal Decisions APP/X1355/W/22/3299829, APP/X1355/W/22/3299836, APP/H0724/W/22/3299842, APP/H0724/W/22/3299848, APP/H0724/W/22/3299857

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).

11. Construction operations shall only take place within the following hours:

07.30 to 19.00 Monday to Friday
07.30 to 12.00 Saturday

No operations including the maintenance of machinery and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

12. A scheme for the restoration of the site, including the dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 40 years from the date of first export. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby granted expires.
13. In the event the site does not export electricity to the grid for a continuous period of 12 months after the date of first export, a scheme of early decommissioning works ("the Early Decommissioning Scheme") and ecological assessment report detailing site requirements in respect of retaining ecological features ("the Early Ecological Assessment Report") shall be submitted no later than 3 months after the end of the 12 month non-electricity generating period to the local planning authority for its approval in writing. The Early Decommissioning Scheme and the Early Ecological Assessment Report shall be implemented in full thereafter.
14. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for the protection and retention of the retained landscape features shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site (and 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. Any trees that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

Appeal D

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

Appeal Decisions APP/X1355/W/22/3299829, APP/X1355/W/22/3299836, APP/H0724/W/22/3299842, APP/H0724/W/22/3299848, APP/H0724/W/22/3299857

2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development.
3. The development hereby permitted shall cease on or before the expiry of a 40 year period from the date of first export of electricity.
4. The Local Planning Authority shall be given at least seven days prior written notification of the date of first export of electricity.
5. The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing P20-2110.100 Rev D 'Detailed Landscape Proposals' date received 01/02/2022 by the LPA

Drawing P20-2110_07 Rev C, 'Site Location Plan', date received 03/02/2022 by the LPA

Drawing SUB_CSR (GBR_Hart Moor Substation_EPD_05)

Drawing SUB_ELEV (GBR_Hart Moor Substation_EPD_05)

Drawing SUB_FP (GBR_Hart Moor Substation_EPD_05) all plans date received 17/10/2022 by the LPA.

6. 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; and
 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

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analysis, publication and dissemination of results and archive deposition has been secured.

7. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a) **Measures to control surface water runoff during construction;**
 - b) Pre-works survey for badger;
 - c) Measures to ensure mammals have a means of escape from any excavations left open over night;
 - d) Reinstatement of short sections of hedgerow impacted by construction/access; and
 - e) Avoidance of hedgerow removal during the bird breeding season, or pre-clearance checks by a suitably experienced ecologist.

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.

8. Prior to the commencement of works, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways. The CTMP shall be comprehensive and shall address the following matters:
 - Keeping pedestrians and vehicles apart;
 - Minimising vehicle movements;
 - Consideration of people on site;
 - Turning vehicles;
 - Visibility; and
 - Signs and instructions.

Thereafter and following the written approval of the Local Planning Authority, the development shall be solely carried out in accordance with the CTMP.

9. Prior to above ground construction, final details of the external finishes to the development hereby approved shall be submitted to and approved by the Local Planning Authority, samples (or high-quality photographs) of the desired materials being provided for this purpose. The approved finishes shall be implemented and retained thereafter.
10. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. The agreed scheme shall be implemented prior to occupation of the proposed development and/or the site being open to the public.
11. Prior to the end of the first planting season following the following the completion of the development hereby approved or first export of electricity

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whichever is the sooner, all planting, seeding or turfing comprised in the landscaping and tree and shrub planting hereby approved shall be implemented in accordance with the following plans and details; DRWG No: P20-2110.100 Rev D (Detailed Landscape Proposals) received by the Local Planning Authority on 1st February 2022. Thereafter the landscaping hereby approved shall be maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. 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.

12. The scheme for the disposal and management of surface water associated with the development hereby approved shall be carried out solely in accordance with the submitted 'Drainage Strategy', reference L474-DOC06 FRA Substation / June 2021 (date received by the Local Planning Authority 6th July 2021). 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).

13. Construction operations shall only take place within the following hours:

07.30 to 19.00 Monday to Friday
07.30 to 12.00 Saturday

No operations including the maintenance of machinery and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

14. A scheme for the restoration of the site, including the dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 40 years from the date of first export of electricity. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby granted expires.
15. In the event the site does not export electricity to the grid for a continuous period of 12 months after the date of first export, a scheme of early decommissioning works ("the Early Decommissioning Scheme") and ecological assessment report detailing site requirements in respect of retaining ecological features ("the Early Ecological Assessment Report") shall be submitted no later than 3 months after the end of the 12 month non-electricity generating period to the local planning authority for its approval in writing. The Early Decommissioning Scheme and the Early Ecological Assessment Report shall be implemented in full thereafter.

Appeal Decisions APP/X1355/W/22/3299829, APP/X1355/W/22/3299836, APP/H0724/W/22/3299842, APP/H0724/W/22/3299848, APP/H0724/W/22/3299857

16. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for the protection and retention of the retained landscape features shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site (and 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. Any trees that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
17. 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 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.

Appeal E

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development.
3. The development hereby permitted shall cease on or before the expiry of a 40 year period from the date of first export of electricity.
4. The Local Planning Authority shall be given at least seven days prior written notification of the date of first export of electricity.
5. The development hereby approved shall be carried out in accordance with the plans and details:

UK Hulam Castle Eden Cable Route_LP1-IDL_03

Site Location Plan, drawing P20-2110_05 Rev C, date received by the Local Planning Authority PA16/11/2021.

6. 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;

Appeal Decisions APP/X1355/W/22/3299829, APP/X1355/W/22/3299836, APP/H0724/W/22/3299842, APP/H0724/W/22/3299848, APP/H0724/W/22/3299857

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; and
 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.
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:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless any variation is otherwise agreed in writing by the Local Planning Authority.
8. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site.

Appeal Decisions APP/X1355/W/22/3299829, APP/X1355/W/22/3299836, APP/H0724/W/22/3299842, APP/H0724/W/22/3299848, APP/H0724/W/22/3299857

9. Notwithstanding the submitted details, a detailed scheme of soft landscaping within the vicinity of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the above ground construction of the development hereby approved. The scheme must specify sizes, types and species, indicate the proposed layout, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out prior to the end of the first planting season following the completion of the development hereby approved or first export of electricity whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
10. The scheme for the disposal and management of surface water associated with the development hereby approved shall be carried out solely in accordance with the submitted 'Flood Risk Assessment', reference L474-D0C05 FRA Cable Route & Substation/June 2021 (date received by the Local Planning Authority 7th July 2021). 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).
11. Construction operations shall only take place within the following hours:

07.30 to 19.00 Monday to Friday
07.30 to 12.00 Saturday

No operations including the maintenance of machinery and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.
12. All development related HGV movements, from the South of Hulam Solar Farm are to utilise the A19/B1281 interchange and return on the A19 South for further exit onto Bellows Burn Lane. All development related HGV movements leaving Hulam Solar Farm at the A19/Bellow Burn Lane junction are required to turn left and head south to further turn on to the A19/A171-B1280 interchange in order to head north and eliminate the need to use gaps in the central reservation.
13. A scheme for the restoration of the site, including the dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 40 years from the date of first export of electricity. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby granted expires.

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14. In the event the site does not export electricity to the grid for a continuous period of 12 months after the date of first export, a scheme of early decommissioning works ("the Early Decommissioning Scheme") and ecological assessment report detailing site requirements in respect of retaining ecological features ("the Early Ecological Assessment Report") shall be submitted no later than 3 months after the end of the 12 month non-electricity generating period to the local planning authority for its approval in writing. The Early Decommissioning Scheme and the Early Ecological Assessment Report shall be implemented in full thereafter.
15. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for the protection and retention of the retained landscape features shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site (and 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. Any trees that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

Appeal Decisions APP/X1355/W/22/3299829, APP/X1355/W/22/3299836, APP/H0724/W/22/3299842, APP/H0724/W/22/3299848, APP/H0724/W/22/3299857

ANNEX B – APPEARANCES AND DOCUMENTS

FOR THE APPELLANT:

Mr Hardy LLB(Hons), BCL(Hons)
(Oxon) of CMS Cameron McKenna
Nabarro Olswang LLP

Instructed by Lightsource BP

He called:
Frances Horne CMLI

Director, Pegasus Planning Group

Nigel Cussen BSc(Hons), DipTRP,
MRTPI

Senior Planning Director, Pegasus Group

Alex Smethers, BA(Hons), MSc,
MRICS FAAV

Senior Development Manager, Lightsource
BP

FOR DURHAM COUNTY COUNCIL:

Mr Barrett of Counsel, instructed by Neil Carter, Solicitor, Durham County Council

He called:

Stephen Laws BA(Hons) DIPLA CMLI Glencamp Landscape Architects

Gordon Halliday MA MPHIL MRTPI on behalf of Durham County Council

FOR HARTLEPOOL BOROUGH COUNCIL:

Mr Robson of Counsel, instructed by Hartlepool Borough Council

He called:

Stephen Laws BA(Hons) DIPLA CMLI Glencamp Landscape Architects

Daniel James BA(Hons) MSc MRTPI Planning Team Leader, Hartlepool Borough
Council

INTERESTED PARTIES:

Mrs Booth on behalf of Mr Irvine – local resident

Mr Cowan - CPRE Durham and Durham Bird Club

Mr Booth - local resident

Ms N Perryman (MRTPI) – Acting on behalf of the following group of local residents:
Nicol, Neil and Susan Perryman, Alan Frost and Julie Berton, Gary Thompson,
Kenny and Paula Thompson, Katherine Hutchinson and Jeff and Martin Hutchinson

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DOCUMENTS

- Doc 1 - Plan P20-2238-012 Solar arrays
- Doc 2 - Plan P20-2238-10 Combined sites
- Doc 3 - P20-2238-13 Inspector's Site Visit Itinerary Plan
- Doc 4 - Revised Site Visit Itinerary
- Doc 5 - Statement by Mr Irvine
- Doc 6 - The County Durham Landscape Strategy
- Doc 7 - Documents relating to the synchronous condenser application
Ref: DM/22/01679/FPA
- Doc 8 - Hartlepool Borough Council Finance and Policy Committee Agenda of 25 April 2022
- Doc 9 - Hartlepool Borough Council Finance and Policy Committee Minutes and Decision Record of 25.04.22
- Doc 10 - Farm Tenancy Renewal
- Doc 11 - Draft Section 39 Agreement
- Doc 12 - Screening directions
- Doc 13 - Revised Statements of Common Ground

DOCUMENTS SUBMITTED FOLLOWING THE ADJOURNMENT OF THE INQUIRY

- Doc 14 – Completed Section 39 Agreement
- Doc 15 – Schedules of conditions with tracked changes in relation to Appeals A & B
- Doc 16 – Schedules of conditions with tracked changes in relation to Appeals C, D & E

Appendix 2



Costs Decisions

Inquiry opened and adjourned on 15 November 2022 and resumed on 10 October 2023

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2023

Appeal A

**Costs application in relation to Appeal Ref: APP/X1355/W/22/3299829
Sheraton Hall Farm, Sheraton, Durham**

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Lightsource Development Services for a partial award of costs against Durham County Council.
 - The inquiry is in connection with an appeal against the refusal of planning permission for installation and operation of a solar farm together with all associated works, equipment and necessary infrastructure.
-

Appeal B

**Costs application in relation to Appeal Ref: APP/X1355/W/22/3299836
Sheraton Hall Farm, Sheraton, Durham**

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Lightsource Development Services for a partial award of costs against Durham County Council.
 - The inquiry is in connection with an appeal against the refusal of planning permission for construction of underground electricity cables and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm (DM/20/03722/FPA).
-

Appeal C

**Costs application in relation to Appeal Ref: APP/H0724/W/22/3299842
Land near Sheraton Hall Farm, Sheraton, Durham**

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Lightsource Development Services for a partial award of costs against Hartlepool Borough Council.
 - The inquiry is in connection with an appeal against the refusal of planning permission for construction of underground electricity cables and associated infrastructure to connect Sheraton Hall Solar Farm to primary proposed substation – Durham County Council reference – DM/20/03722/FPA.
-

Appeal D

**Costs application in relation to Appeal Ref: APP/H0724/W/22/3299848
Land near Hart Moor Farm, Hartlepool, TS27 3BQ**

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Lightsource Development Services for a partial award of costs against Hartlepool Borough Council.
-

Costs Decision APP/X1355/W/223299829, APP/X1355/W/223299836, APP/H0724/W/223299842
APP/H0724/W/223299848, APP/H0724/W/223299857

- The inquiry is in connection with an appeal against the refusal of planning permission for construction of underground electricity cables, substation and associated infrastructure to connect to Hart Moor substation on land near Hart Moor Farm, Hartlepool, TS27 3BQ.
-

Appeal E

Costs application in relation to Appeal Ref: APP/H0724/W/22/3299857 Land near Hulam Farm, Castle Eden, Durham

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Lightsource Development Services for a partial award of costs against Hartlepool Borough Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for construction of underground electricity cables, substation and associated infrastructure to connect Hulam Solar Farm to the existing substation near Hart – Durham County Council Ref – DM/19/03959/FPA.
-

Decision

1. The application for an award of costs is refused.

Background

All Appeal cases

2. I wrote to the main parties on 9 November 2022 seeking legal submissions on the following points:
 - i) Whether any of the five appeals could be considered to be an extension to the consented Solar Farm at Hulam (reference DM/19/03959/FPA) by reason of being functionally linked.
 - ii) Whether development consent would be required in accordance with the Planning Act 2008 for the resultant generation capacity.
 - iii) Whether there are implications related to these issues for any grant of planning permission for the above appeals and the Inquiry next week.
3. The main parties responded accordingly. Durham County Council and Hartlepool Borough Council were of the view that, notwithstanding the fact that they validated and determined the planning applications, that the appeals before me and referenced above did not fall to be determined under the Town and Country Planning Act (TCPA). Instead they argued a Development Consent Order (DCO) should be sought by the appellant for this development under the Planning Act 2008 as an extension to the solar farm at Hulam, which already has planning permission. I do not intend to rehearse the main parties' planning arguments here but suffice to say the appellant took the opposite view that the appeals are valid and should be determined as such without delay.
4. It was put to me at the inquiry by the Councils that they would seek to challenge through the High Court this matter at the decision stage, but to get to this point would require around 7 days of Inquiry time (including the site visit) and time spent by me writing the decision. All of this would come at considerable expense to the public purse. An alternative approach, which the Councils introduced as their favoured way forward was for the Inquiry to be adjourned in order to allow them to judicially review the decision that the applications and appeals were valid. This would require the Court to determine

whether the appeals are valid and should continue to be determined under the TCPA or if consent can only be given for the development by way of the grant of a DCO in accordance with the Planning Act 2008.

5. Following the opening of the inquiry and hearing legal submissions from all three main parties on the above points I took the decision to grant an adjournment to allow the Councils to issue a challenge within a certain time frame. In my view the Councils preferred approach had the benefit of potentially preventing wasted time and public expense and this was the basis on which I adjourned the inquiry on the afternoon of 15 November.
6. The challenge was lodged in December 2022 in the High Court in London.

Reasons

All Appeal cases

7. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
8. The appellant argues that when the Councils produced a joint initial submission on 11 November 2022, this was the first time in the application and appeal process, they indicated that they believed that all the schemes were functionally linked and that they all should be treated as extensions to Hulam Solar Farm. This was repeated in the Councils joint response to the appellant's legal submissions dated 14th November 2022.
9. However, the appellant argues that no mention was made in either the initial joint submission or the further joint response of the potential for the Councils to request an adjournment of the inquiry so that an application for judicial review could be made.
10. The first occasion on which the Councils requested that the appeal hearing be adjourned so that judicial review proceedings could be brought was at end of the morning session on 15th November 2022 in response to my initial decision that the inquiry would go ahead.
11. The appellant argues that the Councils behaved unreasonably in seeking to have the 6 day inquiry adjourned on the first day. The appellant says they attended the inquiry with a full team, having spent the preceding days preparing for the opening of the inquiry session, attending final preparation meetings, site visits and travelling.
12. The appellant argues that the proper course of action in this case was for the Councils to agree that the inquiry should proceed as planned, subject to the possibility that, in the event planning permission was granted, a statutory challenge based on absence of jurisdiction should have been brought pursuant to section 288 of the TCPA. This course of conduct was resisted by both Councils.
13. I wrote to the main parties as set out above, less than a week before the inquiry opened. This gave the main parties little time to consider my questions and the implications for the inquiry. Indeed, responses to the questions were

received by the PINS on the Friday before the inquiry and cross copied. I also confirmed on Friday 11 November that the inquiry would go ahead as planned.

14. Comments were made by the main parties on the opposing parties submissions on the following Monday (the day before the inquiry opened). The Councils did not in any of their written submissions say that they would seek a judicial review should the inquiry continue.
15. Nevertheless, in my view this could have only come on the day before the inquiry when most of the preparatory work the appellant refers to would have been done anyway. The site visits and travelling needed to be done on the Monday and because of the time of year site visits had to be carried out by a certain time to allow good visibility, something that is important for cases such as this where long distance views are being considered. This means travelling earlier in the day than in summer for example. Moreover, the inquiry was eventually resumed and so some of the site visit preparatory work will not have been wasted.
16. Turning to the time spent at the inquiry hearing, my opening and then dealing with legal submissions and the open discussion that took place about the best way to proceed. It was quite a unique situation we all found ourselves in with little precedent on the most appropriate way to proceed. These discussions were in my view an important part of the process that eventually led to my decision to adjourn the inquiry. Given the limited time available on the day before the Inquiry, it would have been impossible to cover all this ground in writing, especially given there were 2 Councils involved and thus 3 main parties and the parties and me were travelling to the venue.
17. Whilst I sympathise with the appellant's frustration over the matter, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Louise Crosby

INSPECTOR

PLANNING COMMITTEE

7th February 2024



Report of: Assistant Director – Neighbourhood Services

Subject: APPEAL AT 9 UPPER CHURCH STREET,
HARTLEPOOL, TS24 7ET
APPEAL REF: APP/H0724/W/23/3327600
Removal of Dormer. (H/2022/0401).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an application for planning permission for the removal of dormer at 9 Upper Church Street, Hartlepool (H/2022/0401).
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. (**Appendix 1**)

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1



Appeal Decision

Site visit made on 24 November 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/H0724/W/23/3327600

9 Upper Church Street, Hartlepool TS24 7ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darab Rezai against the decision of Hartlepool Borough Council.
 - The application Ref H/2022/0401, dated 20 October 2022, was refused by notice dated 23 February 2023.
 - The development is removal of dormer.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The dormer has been removed. Therefore, I have considered the appeal on a retrospective basis. However, in the description of the development above, I have removed the reference to it being retrospective given this is not an act of development.
3. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. I have had regard to the revised Framework in my decision.

Main Issue

4. The main issue is whether the development has preserved or enhanced the character or appearance of the Church Street Conservation Area (CA).

Reasons

5. Buildings within the CA include those which were built for municipal, banking, commercial and social purposes. Examples include the landmark buildings of the Grand Hotel on Victoria Road, the Yorkshire Bank building and Christ Church. These buildings illustrate the historic development of this part of Hartlepool. Many buildings within the CA exhibit traditional and ornate detailing. The formal open space and the statues within it to the surrounds of Christ Church provide a focal point within the CA. These features of historic and architectural interest contribute positively to the character and appearance of the CA and its significance. There is no disagreement between the appeal parties that the CA is on Historic England's heritage at risk register.
6. The appeal site is a mid-terraced property. Within the short terraced row it forms a part of, there are 3 other properties of a similar scale and appearance. The host property is traditionally designed, constructed of brick with a slate roof covering. Its front elevation features a first floor bay window with a sliding

sash window adjacent to it. The roofscape features chimneys. The terraced properties of the similar appearance adjacent to the appeal site include dormers to their roof slopes. The host property and the terraced properties beside it provide examples of the traditional built form and composition of their period of construction. For this reason, together with the degree of consistency exhibited in their appearance, the host property and the terrace it forms a part of contribute positively to the character and appearance of the CA and its significance.

7. Prior to the removal of the one on the host property, all four of the terraced properties had a dormer on the front roof slope. Owing to the similar appearance of these dormers, they collectively contributed to the design cohesion exhibited by the terraced row. The three which remain incorporate side glazing, as did the one which has been removed. The dormers represent examples of the type of traditional gabled dormers which serve attic accommodation. As set out within the Church Street Conservation Area Character Appraisal Management Plan, such dormers formed a part of the architectural character of buildings of this period within the CA.
8. The original purpose of such dormers was to provide light and ventilation and the attic space within the host property may not have been occupied for many years. Even so, their presence and appearance have architectural and historic interest. Therefore, I find that such dormers are features of merit which contribute positively to the significance of the CA. That many other properties within the CA do not have dormers does not diminish the value of those which are present.
9. The removal of the dormer on the host property has resulted in the loss of a feature which enriched the architectural character of the building and wider terrace and has eroded the design cohesion of the terrace. This has caused harm to the character and appearance of the host building and street scene and it follows that the removal of the dormer has failed to preserve or enhance the character or appearance of the CA.
10. The harm to the designated heritage asset would be less than substantial. Even so, having regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, this harm is a matter of considerable importance and weight in my decision.
11. Although as a part of the works undertaken the replacement roof slates are appropriate, this has not provided sufficient mitigation for the harm which has resulted from the dormer's removal. Given the harm I have identified I also cannot agree with the appellant that the development has resulted in an appropriate treatment to areas of the building above the shop frontage. Although it has been put to me that the dormer was in a deteriorating state and visually unappealing, the evidence before me in this regard is not compelling. The evidence that it was not viable for the dormer to be repaired or replaced is also not substantive or convincing. Furthermore, the alleged detriment that the dormer was placing upon the day to day running of the restaurant is not clear to me. Therefore, I cannot agree with the appellant that a benefit to the business has materialised from the development which outweighs the harm to the heritage asset.
12. Having failed to preserve or enhance the character or appearance of the CA, I find that the development conflicts with Policies HE1, HE3, HE7 and QP4 of the

Hartlepool Local Plan. In summary and amongst other matters, these policies set out that the retention, protection and enhancement of heritage assets which are at risk is a priority, that development proposals should preserve or enhance the character and townscape of conservation areas and seek to retain features of architectural interest. The harm to the CA has not been clearly or convincingly justified whilst no public benefits have been put to me which would outweigh the less than substantial harm to the significance of the CA. The development is therefore contrary to the advice to this end at paragraphs 206 and 208 of the Framework. The development is also in conflict with advice at paragraphs 128, 135 and 195 of the Framework. Amongst other matters these paragraphs state that development should secure well-designed, beautiful and attractive places which are sympathetic to local character and history. They also set out that heritage assets should be conserved in a manner appropriate to their significance.

Conclusion

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In my main issue, I have identified that the development has failed to preserve or enhance the character or appearance of the Church Street Conservation Area. I have identified conflict with development plan policies and with paragraphs within the Framework as a result of these effects.
14. My attention has been drawn to a number of other development plan policies and content within the Framework. Whilst the development may not conflict with all development plan policies or those within the Framework, I have nevertheless identified harm, that some policy conflict would arise and overall, I conclude that the proposed development would conflict with the development plan as a whole. I have had regard to other considerations material to the appeal including the Framework but there are no considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. The appeal is therefore dismissed.

H Jones

INSPECTOR

PLANNING COMMITTEE

7th February 2024



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 the outcome of a planning appeal that has been determined in respect of 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 appeal was dismissed. A copy of the Inspector's decision is attached at **Appendix 1**.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1



Appeal Decision

Site visit made on 4 December 2023

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2024

Appeal Ref: APP/H0724/W/23/3330638

Flat 3, 24 Beaconsfield Street, Hartlepool, Cleveland TS24 0NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lucy Cumming against the decision of Hartlepool Borough Council.
 - The application Ref H/2022/0374, dated 27 September 2022, was refused by notice dated 17 August 2023.
 - The development proposed is replacement of 4 timber windows for 4 uPVC windows (2 at the front, 1 at the side, 1 at the back).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has already been carried out and so I am considering the proposal retrospectively.
3. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and therefore no parties have been prejudiced by its publication.

Main Issue

4. The main issue in this appeal is whether the character or appearance of the Headland Conservation Area (the HCA) would be preserved or enhanced.

Reasons

5. The appeal site is situated within the HCA, which encompasses the historic settlement of the town. As far as it is relevant to this appeal, the HCA derives some of its special interest and significance from the historic and aesthetic value found in its Victorian residential architecture. It is noted that the HCA is currently recorded on the Historic England 'Heritage at Risk' register. The Council cites the cumulative loss of traditional details, such as timber windows and doors, as a major concern in this regard.
6. The Framework makes clear that heritage assets are an irreplaceable resource, and should be conserved so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.

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7. At a local level, Policy HE7 of the Hartlepool Local Plan 2018 (the LP) sets out that the retention, protection, and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. In addition, Policies HE1 and HE3 of the LP reflect the statutory duty¹ to preserve or enhance the character or appearance of conservation areas within the Borough, by amongst other things, having regard to design and materials and the retention of architectural details of special interest.
8. The HCA is also subject to an Article 4 Direction which has been imposed on certain buildings to assist in protecting architectural elements, such as traditional sash windows, from incremental change.
9. The appeal site is one of the buildings covered by the Article 4 Direction. The building occupies a prominent position at the end of a traditional brick terrace, with its front and side elevations highly visible from the adjacent streets. The rear elevation is less prominent, but can still be seen from the rear service lane and therefore forms part of the experience of the HCA. The traditional timber sliding sash windows in the building are an important component of its character and contribute positively to the significance of the HCA as a whole.
10. The development has resulted in the replacement of 4 traditional timber sliding sash windows with modern uPVC frames. At my site visit, I was easily able to differentiate them from the timber sliding sash windows in the rest of the building, even at a distance. This is largely due to their much flatter sectional profile and the smoother texture of the frames. Patently, the difference would be even more pronounced when the windows are in an open position, with the top lights jutting out from the building. Consequently, the installed windows do not satisfactorily replicate the appearance of traditional timber sliding sash windows and appear incongruous, such that they constitute a harmful change to this building and the HCA as a whole.
11. As the appellant points out, many windows in the immediate area have been replaced with similar uPVC units. However, there is no evidence before me to suggest that these equally damaging alterations were carried out with planning permission. In any event, the further degradation of the traditional architectural qualities of the area by such unsympathetic development does not justify granting planning permission in the context of the special attention that must be paid to the desirability of preserving or enhancing the character or appearance of the HCA as a whole. Similarly, the presence of other unsympathetic features in the HCA, such as modern street furniture, does not mean that the alterations under consideration have any less harmful effect.
12. Overall, I consider that the installed windows are a harmful addition to the building and contribute incrementally to further erosion of the significance of the HCA as a whole. The magnitude of harm can be classed as less than substantial in the terms of the Framework. Nevertheless, in the context of the HCA as a whole, the windows have failed to preserve or enhance its character and appearance. This is a matter of considerable importance and weight.
13. Based on photographs provided with the appeal, it would appear that at least some of the old windows were in a poor condition and I have had particular regard to the appellant's concerns for the health and safety of their young child. Whilst this might justify timely action, I do not consider that the

¹ Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)

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identified issues could not have been addressed in some other less or not harmful way. Therefore, I do not consider that the mostly private benefits of the development outweigh the harm caused by it.

14. Thus, the development is contrary to statutory requirements; parts 12 and 16 of the Framework; and Policies HE1, HE3, and HE7 of the LP with regards to achieving good design and conserving and enhancing the historic environment.

Other Matters

15. It is unfortunate if the appellant was not aware of the need to obtain planning permission for the works and I have taken into account the letter of support from a neighbour. However, these matters are not justification for harmful development.
16. I recognise the potential economic implications of remedial works if the appeal is dismissed. However, it would be a matter for the Council to progress enforcement action in the first instance. Consequently, it is not a factor which bears on my consideration of the planning merits of the proposal under this Section 78 appeal.

Conclusion

17. The development conflicts with the requirements of the Act, the Framework, and the development plan as a whole. There are no material considerations, including the personal circumstances raised, which outweigh this conflict. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR

PLANNING COMMITTEE

07th February 2024



Report of: Assistant Director – Neighbourhood Services

Subject: PLANNING APPEAL AT 20 WATERCRESS CLOSE,
HARTLEPOOL, TS26 0QY
APPEAL REF: APP/H0724/D/23/3329741.
Erection of a part two storey and part single storey
rear extension (re-submission of H/2022/0076).
(H/2023/0102).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the Council's decision to refuse an application for the erection of a part two storey and part single storey rear extension (re-submission of H/2022/0076) at 20 Watercress Close, Hartlepool (H/2023/0102).
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached at **Appendix 1**.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1



The Planning Inspectorate

Appeal Decision

Site visit made on 18 December 2023

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th January 2024

Appeal Ref: APP/H0724/D/23/3329741

20 Watercress Close, Hartlepool TS26 0QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Harinder Pattar against the decision of Hartlepool Borough Council.
- The application Ref H/2023/0102, dated 23 March 2023, was refused by notice dated 4 July 2023.
- The development proposed is part two-storey, part single-storey extension to rear.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 19 and 21 Cornflower Close, with regard to outlook and privacy.

Reasons

4. The appeal property is located within a residential area where dwellings have reasonably short gardens. Ground levels fall away from the appeal property towards the dwellings at the rear on Cornflower Close.
5. The proposal has been designed to a high standard and it would have materials to match existing. It would provide the appellant with additional living space including a bedroom and would result in an improved overall layout of the dwelling and function as a family home. However, it would bring development closer to the neighbouring properties at the rear, reducing the separation distance to significantly less than the advised 20 meters (m), set out in the Residential Design Guide Supplementary Planning Document (2019) (SPD) to the extent that the proposed two storey extension would appear as a dominant and oppressive feature in views from 19 and 21 Cornflower Close.
6. Owing to the difference in ground levels, this would have an overbearing effect that would be detrimental to the levels of outlook that could reasonably be

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expected from the rear facing rooms of No 19 and 21 and from their respective private outdoor spaces. In bringing development closer to the shared boundary the outlook from these properties and outdoor spaces would be poor and uninviting, looking onto a two-storey development in proximity that would narrow the outlook.

7. The proposal would also afford elevated views at close range from the proposed first floor window into the private outdoor spaces and the rear facing rooms of No 19 and 21 and would negatively affect the privacy of the occupiers of these properties. The appellant suggests that the window could be obscure glazed, however this window is shown to serve a bedroom which would be single aspect. As such, I cannot be satisfied that an obscure glazed window would be acceptable with regard to outlook and would not be harmful to the living conditions of the occupiers of the appeal property. Accordingly, this is a concern that could not be rectified by the imposition of a planning condition.
8. Permission has previously been granted for a rear extension at the appeal property that has not been found to cause harm and accords with the development plan. While that scheme also breached the 20m separation distance advised in the SPD, the appeal scheme extends further and results in a greater presence than the previous permission owing to the inadequate space between the appeal property and the dwellings to the rear. In contrast to the permitted scheme, as a result of the increased depth, the proposed extension would create a visual intrusion, resulting in unacceptable living conditions for the occupiers of No 19 and 21. While there have been no objections from neighbouring occupiers to the scheme, this is not a reason, in itself, to allow harmful development.
9. Accordingly, the proposal would be unduly harmful to the living conditions of the occupiers of 19 and 21 Cornflower Close, with regard to outlook and privacy, in conflict with Policies QP4 and HSG11 of the Hartlepool Local Plan (2018). Amongst other things, these policies require development to not negatively impact upon the amenity of occupiers of nearby properties by way of overlooking and loss of privacy, overshadowing and visual intrusion, particularly relating to poor outlook.
10. The proposal would be contrary to the guidance set out in the SPD in relation to separation distances between dwellings, and contrary to the provisions of the Framework in relation to design which seek development with a high standard of amenity for existing users.

Conclusion

11. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR

PLANNING COMMITTEE

7th February 2024



Report of: Assistant Director – Neighbourhood Services

Subject: APPEAL AT THE BUNGALOW, LOW THROSTON HOUSE, NETHERBY GATE, HARTLEPOOL, TS26 0LF
APPEAL REF: APP/H0724/W/23/3323428
Change of use of land to extend curtilage of 1no. dwelling approved under H/2021/0215 and to enclose land into residential curtilage. (H/2022/0378).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an application for planning permission for the change of use of land to extend curtilage of 1no. dwelling approved under H/2021/0215 and to enclose land into residential curtilage at The Bungalow, Low Throston House, Netherby Gate, Hartlepool, (H/2022/0378).
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. (**Appendix 1**).
- 1.3 The associated costs application was also dismissed. A copy of the Inspector's decision is attached (**Appendix 2**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1



Appeal Decision

Site visit made on 29 September 2023

by **K A Taylor MSC URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/H0724/W/23/3323428

Low Throston House, The Bungalow, Netherby Gate, Hartlepool TS26 0LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Haygarth against the decision of Hartlepool Borough Council.
- The application Ref H/2022/0378, dated 21 September 2022, was refused by notice dated 15 March 2023.
- The development proposed was originally described as *'Revised Application for a proposed Bungalow on Land adj Low Throston House'*.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Haygarth against Hartlepool Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises *'change of use of land to extend curtilage of 1 no. dwelling approved under H/2021/0215 and to enclose land into residential curtilage'*. The Council dealt with the proposal on this basis and so shall I in the formal decision.
4. As I saw at the time of the site visit, the change of use, enclosure of land and erection of a fence has already taken place, I am therefore dealing with the appeal on a retrospective basis.
5. A screening direction was issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In exercise of the powers conferred by Regulations 14(1) and 7(5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area, including the setting of the Scheduled Ancient Monument (SAM) known as (Low Throston deserted medieval village).

Appeal Decision APP/H0724/W/23/3323428

Reasons

7. The appeal site relates to a new dwelling which was given permission¹. The dwelling is sited at the end of a small cul-de-sac at Netherby Gate which serves other dwellings and there are several ancillary buildings, stables, and a paddock. The site sits at an elevated position due to the topography of the area and Hart Lane to the south. It is surrounded to the north and west by open pastureland which provides a clear distinction and separation between existing residential development.
8. The appeal site falls within and is surrounded by an area of national importance and the land is protected as a schedule monument known as 'Low Throston deserted medieval village' listing Ref: 1006765. Its significance derives from the association of well-preserved earthworks remaining of an abandoned medieval village expressed on the 1st Edition OS maps and are clearly visible on the ground. Evidence dated from partial excavations in 1972 indicates that the medieval village was occupied between the 14th-16th century with further archaeological evaluations of the land in 1996. It has high levels of evidential, historical and communal heritage values relating to early abandonments of medieval settlements in Hartlepool and the North.
9. Paragraph 189 of the National Planning Policy Framework 2023 (the Framework) is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 194 requires that an applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. In addition, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, the local planning authority should require a desk-based assessment and, where necessary, a field evaluation.
10. The development has resulted in a notable extension of curtilage to both the northern and western areas within the open pastureland, clearly deviating from the previous approved scheme, plans and conditions. This has resulted in an extension of the garden area and enclosing it with wooden fencing of some 1.8m in height. The garden itself, sits at different levels and as I saw the fencing is fixed within the ground and in part with additional ground works of gravel channels which would have resulted in physical harm to the ground during the construction and erection including those areas of permanent raised hardstanding. Moreover, given that the land is now enclosed and in use as a garden this is likely to result in an additional level of future harm to the SAM due to a continued domestic use.
11. The fence appears as a stark addition which is exacerbated by its scale and design which encroaches within the SAM and does not align with any existing residential curtilage. It has resulted in a visual intrusive and incongruous form of development causing harm to the setting and significance of the SAM. It cannot be considered to be de-minimis. Furthermore, given the land levels the fence is clearly visible within and from the immediate landscape and wider views particularly as it encroaches into areas of land which were open and free from existing development.
12. I note that the appellant originally submitted a Heritage Statement (H/2020/0062), nonetheless this related to the original planning permission, of

¹ H/2021/0215 – reserved matters pursuant to outline application H/2020/0062 – 02/08/2021 & 20/12/2020

which at that time there was no encroachment into the area of the SAM and clearly does not relate to the development which has taken place in this appeal. However, the additional Heritage Statement² (HS) at paragraph 3.1.1 states that the development is immediately adjacent to and partly within the SAM. It further denotes at paragraph 4.4.2 that the fence posts will have physically impacted the below ground elements of the SAM to a degree. It goes on to say there has been a lack of archaeological monitoring and no ongoing maintenance plan. The conclusion of the HS is that the development has caused less than substantial harm.

13. I have had regard to the appellants' maps and evidence put to me which show their depiction of where they consider the boundaries of the SAM lie. However, it is clear from the evidence provided by Historic England that the site clearly encroaches within the SAM, and that the appellant's evidence is not precise. Moreover, as Plan PL1 and PL3 are a statement of interpretation with the boundary and are hand drawn with no scale from an overlay, it cannot be considered that it forms part of an official listing entry or part of the official NHLE³. Even if I considered that the fence to the north was along the boundary of the SAM, there is no substantive evidence to suggest that this has not resulted in harm to the SAM by its erection and construction being fixed within the ground. In addition, I note that the application and appeal is provided with limited detail including fixings, change in ground levels or construction methods or that any watching brief took place for this development.
14. Given the above, I find that the proposal would fail to preserve the special interest and the significance of the SAM. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
15. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given that the extension of the curtilage and erection of the fence is visually intrusive, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its [the asset's] optimal viable use. The appellant has not advanced any benefits only that it was unreasonable for the Council to refuse the development and there is no impact. Thus, it appears to me that benefits would be personal to serve the occupiers of the property and garden area. However, these are not sufficient to outweigh the harm that I have identified. In the absence of any substantiated evidence to the contrary neither would any public benefits accrue in relation to the SAM.
17. For these reasons, I conclude that the development would fail to preserve the identified national importance and setting, and therefore the significance of the SAM, and has a detrimental impact on the character and appearance of the area, thus failing to satisfy the requirements of paragraphs 199 and 200 of the

² Rocket Heritage & Archaeology, January 2023

³ The National Heritage List for England

Framework referred to above. It is also contrary to Policy HE1 and QP4 of the Hartlepool Local Plan, 2018. Taken together amongst other matters the policies seek to preserve, protect and positively enhance all heritage assets, sustain and/or enhance the historic environment and heritage assets including archaeological remains, and their settings; and developments should be high quality, including being appropriate and reflect and enhance the distinctive features, character and history of the local area.

Other Matters

18. The appellant has raised concerns over previous developments that have taken place in the vicinity of the appeal site and suggests that the Council have been inconsistent and made inaccurate assertions, but these do not affect the precise circumstances of the appeal scheme before me.
19. I have also had regard to the appellants recent personal circumstances, and in that having due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. The appellant who occupies the site has protected characteristics for the purposes of the PSED. However, after having regard to all material considerations, I am satisfied that the aim of avoiding unacceptable harm to the heritage asset can only be adequately addressed by dismissal of the appeal. Any interference with the human rights of the appellant is therefore necessary and proportionate.
20. The appellant has referred to the fence being permitted development. However, I have no substantive evidence of a lawful development certificate for the fence before me, and it appears to me that the development is in breach of the terms granted on the original permission.
21. The appeal site is located within 3km of the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI) and Ramsar site, both which are designated areas. Accordingly, referring to paragraph 180 and 181 of the Framework, the development has not resulted or would not likely lead to significant effects on designated sites to warrant the preparation of a habitat regulations assessment.
22. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on (a) European site(s) (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment (AA) of the project's implications in view of the relevant conservation objectives. Nevertheless, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an AA, or consider this matter further. For the avoidance of doubt, even if I had done so and identified no adverse effect, it would not have affected my overall conclusions on this appeal.

Conclusion

23. The development would be contrary to the development as a whole and there are no other considerations or public benefits which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

K A Taylor

INSPECTOR

Appendix 2



Costs Decision

Site visit made on 29 September 2023

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Costs application in relation to Appeal Ref: APP/H0724/W/23/3323428 Low Throston House, The Bungalow, Netherby Gate, Hartlepool TS26 0LF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Haygarth for a full award of costs against Hartlepool Borough Council.
- The appeal was against the refusal of change of use of land to extend curtilage of 1no. dwelling approved under H/2021/0215 and to enclose land into residential curtilage.

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant is of the view that the local planning authority (LPA) has acted unreasonable in refusing the development without appropriate cogent grounds to do so and has made false and misleading statements, with particular reference to the boundaries of the Scheduled Ancient Monument (SAM). The applicant also asserts that the LPA forced them to file the appeal in a restricted time limit by threats of enforcement action.
4. The PPG¹ sets out that LPA's have responsibility for taking whatever enforcement action may be necessary, in the public interest. They have discretion to take enforcement action², when they regard it as expedient to do so having regard to the development plan and any other material considerations. Local authorities should act in a proportionate way.
5. The LPA's decision notice was issued on 15 March 2023, which was accompanied by the notes for the applicant. This included that if they were aggrieved by the decision, they may appeal to the Secretary of State within 6 months of the date of the notice. The appeal was received on 1 June 2023.
6. From the evidence presented from the LPA Appendix A / B, the applicant was in engagement with the LPA over their decision to refuse planning permission. An indication that an appeal would be forthcoming by the applicant was confirmed in writing by an email on 5 May 2023, it appears that there was a delay in the submission of the appeal, but this was due to the applicants own personal circumstances. The LPA did advise the applicant that an appeal should be

¹ Paragraph: 002 Reference ID: 17b-002-20140306

² Paragraph: 003 Reference ID: 17b-003-20140306

Costs Decision APP/H0724/W/23/3323428

- submitted by 22 May 2023, as if not then they would have no other option that to progress any enforcement action under the powers available³. Nevertheless, it appears from the evidence the LPA had carried out prior investigations at the site and were flexible to this date. The LPA were proportionate in the response in allowing the appellant additional time to appeal the decision before pursuing to any enforcement action, even though the development had an ⁴unacceptable impact on the amenity of the area.
7. Thus, there is nothing before me to suggest that the LPA acted in an unreasonable manner, the LPA actively engaged with the applicant to allow them to make a timely valid appeal for a retrospective development, and one which was a breach of planning control. Moreover, I do not consider that the applicant has been forced to make an appeal as this was a matter of choice for the applicant, even if an enforcement notice had been served.
 8. Turning to the issue of the boundaries of the SAM, the formal appeal decision sets out the considerations of the case including personal circumstances and matters relating to the boundary of the SAM. There is no reason for me to repeat this in the cost application. The applicant as part of the appeal process is entitled to provide evidence to support their appeal, and in this case provided their own interpretation of the boundaries in a timely manner with the appeal submission.
 9. Nevertheless, it is clear from the evidence that during the application the LPA had consulted with Historic England (HE), it appears from HE they also had prior knowledge of the site from consultations on the original planning permissions. Thus, there is no evidence to suggest the LPA failed to consult. HE has also provided representation during the appeal process, of which the applicant has had sight. HE clarified their position based on the applicant's own evidence and how HE came to their conclusion that the SAM is depicted on the NHLE⁵ and that the applicant's evidence is simply not precise.
 10. In this case, it appears that there is a disagreement on the boundaries of the SAM between the main parties. However, there is no substantive evidence that the LPA acted unreasonable in coming to its conclusions on this matter or providing information that was shown to be manifestly inaccurate or untrue. Furthermore, the LPA clearly set out the reasons why the development was unacceptable and contrary to the development plan and the National Planning Policy Framework. Moreover, I consider that it is a case which could have only been resolved by way of an appeal.
 11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense, as defined by the PPG, has not occurred and an award of costs is not warranted.

K A Taylor

INSPECTOR

³ The Town and Country Planning Act 1990 (as amended)

⁴ Paragraph: 005 Reference ID: 17b-005-20140306

⁵ National Heritage List for England

PLANNING COMMITTEE

7th February 2024



Report of: Assistant Director – Neighbourhood Services

Subject: PLANNING APPEAL AT LAND ADJACENT TO
CAR PARK WILTSHIRE WAY/
GRASS VERGE HART LANE
HARTLEPOOL
APPEAL REF: APP/H0724/W/24/3336578.
Prior notification for the installation of telecommunication equipment which includes: a 20m monopole with 6no. antennas, 3no. Remote Radio Units and 2no. 300mm dishes, and the installation of 2no. equipment cabinets adjacent to the proposed pole (P/2023/0014).

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a prior notification application for the 'Prior notification for the installation of telecommunication equipment which includes: a 20m monopole with 6no. antennas, 3no. Remote Radio Units and 2no. 300mm dishes, and the installation of 2no. equipment cabinets adjacent to the proposed pole (P/2023/0014).

1.2 The prior notification application was refused under delegated powers on 10th July 2023 for the following reason:

In the opinion of the Local Planning Authority, due to its siting, appearance and scale, the proposed development would have a detrimental impact on the character and appearance of the surrounding area. The proposed development is contrary to policies INF5, QP4 and QP6 of the Hartlepool Local Plan (2018) and paragraphs 115, 126 and 130 of the NPPF (2021) and therefore the siting and appearance of the proposed development is therefore considered to be unacceptable.

1.3 A copy of the officer's delegated report is appended at **Appendix 1**.

2. RECOMMENDATIONS

2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
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4.0 AUTHOR

- 4.1 Stephanie Bell
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Appendix 1

DELEGATED REPORT

Application No	P/2023/0014
Proposal	Prior notification for the installation of telecommunication equipment which includes: a 20m monopole with 6no. antennas, 3no. Remote Radio Units and 2no. 300mm dishes, and the installation of 2no. equipment cabinets adjacent to the proposed pole
Location	CAR PARK WILTSHIRE WAY/ GRASS VERGE HART LANE HARTLEPOOL
PS Code:	27

DELEGATION ISSUES	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	14/06/2023 22/06/2023 N/A 21/06/2023 11/07/2023
1) Publicity Expiry		
2) Publicity/Consultations		
Publicity		
<p>The application was advertised by way of 26 neighbour notification letters and a site notice, to date, two response has been received objecting to the application, raising the following concerns:</p> <ul style="list-style-type: none"> • No map showing area of coverage; • More suitable locations elsewhere; • Height will impact on visual amenity; • Concerns regarding the safety of radio frequency and electromagnetic fields of the proposed development. 		
Consultations		
<p>The following consultation responses were received:</p> <p>HBC Arboricultural Officer: There are no arboricultural concerns.</p> <p>HBC Public Protection: No objections and no comments to make.</p> <p>HBC Traffic and Transport: There are no highway or traffic concerns.</p> <p>Tees Archaeology: Thank you for the consultation. I have checked the HER and the proposed development should not have a significant impact on any known heritage assets.</p>		

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

HBC Public Health: The UK Health Security Agency (UKHSA) provides official national public health guidance around 5G and base stations (phone masts).

The UKHSA notes that independent expert groups have examined the evidence and concluded that health effects are unlikely to occur if exposures are below International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines (updated 2020) and that exposure measurements at publicly accessible locations near to base stations have consistently been well within guidelines.

Regarding 5G specifically, the UKHSA states that "the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health".

The National Planning Policy Framework also notes "local planning authorities must determine applications on planning grounds only" and that they should not seek to "set health safeguards different from the International Commission guidelines for public exposure".

In conclusion, assurance that the ICNIRP guidance will be met is important for avoidance of health effects due to exposure to 5G or other radio waves emitted by base stations (phone masts). Any significant change in evidence around health effects of exposure to 5G or phone masts would be expected to be communicated via the UKHSA which "continues to monitor the health-related evidence" and "is committed to updating its advice as required".

HBC Building Control: No comments received.

HBC Countryside Access Officer: No comments received.

HBC Estates: No comments received.

HBC Landscape Architect: No comments received.

3) Neighbour letters needed	Y
4) Parish letter needed	N
5) Policy	
<u>National Planning Policy Framework (NPPF)(2021)</u>	
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

PARA115: Supporting high quality communications

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA218: Implementation

Hartlepool Local Plan 2018

SUS1: The Presumption in Favour of Sustainable Development

INF5: Telecommunications

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

HBC Planning Policy comments: Planning Policy have concerns over the siting, scale and appearance of this proposal in such a prominent location, such that its visual impact would be contrary to the requirements of Local Plan policies INF5 and QP4.

6) Planning Consideration

SITE AND SURROUNDINGS

The application site is a grass verge to the east of Hart Lane, and west of a car park serving a parade of shops, off Tarnston Road, in Hartlepool. The site comprises an area of open green space which includes a number of small trees, which extends round the corner (to the east) along the junction of Hart Lane and Tarnston Road, and also extends south toward properties along Hartside Gardens, beyond a footpath access from the main highway (Hart Lane) to the parade of shops.

Aside from the parade of shops to the south east of the proposed structure, the application site is situated within a predominantly residential area, with the surrounding built form comprising two-storey residential dwellings to the south, south east, north (beyond the main highway of Tarnston Road) and west (beyond the main highway of Hart Lane). Hart Lane is a main through road within the Borough.

PROPOSAL

This prior notification seeks confirmation as to whether the prior approval of the local planning authority will be required as to the siting and appearance of a telecommunication installation of a 20m high Phase 8 monopole, with 2no. associated cabinets.

During the course of the application the applicant submitted an additional plan at the request of the case officer, to include additional information to show the area covered by the proposed structure. Although a further period of consultation was undertaken on receipt of this additional plan to technical consultees, owing to the nature and scale of the changes which added information on coverage of the proposed structure, and did not alter the design, scale and layout of the proposed structure, a re-consultation with neighbours was not deemed necessary which is considered to not prejudice any neighbours.

MATERIAL PLANNING CONSIDERATIONS

Schedule 2 Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits development by or on behalf of an electronic communications code operator for the purposes of the operator's electronic communications network in, on over or under land controlled by that operator or in accordance with the electronic communications code, including the installation, alteration or replacement of any electronic communications apparatus.

Development is not permitted if it would consist of the installation of electronic communications apparatus which, in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of 25 metres above ground level on unprotected land, or 20 metres above ground level on article 2(3) land or land which is on a highway.

In this instance, the proposed mast is located on a grass verge adjacent to the adopted highway, however the height of the mast does not exceed 20 metres, and therefore the mast is permitted development under Schedule 2 Part 16 Class A of

the above legislation, subject to conditions.

The conditions to which the permitted development is subject, include a requirement under A.2(3)(c)(i) of the legislation that, on unprotected land where the development consists of the installation of a mast, this is subject to the conditions set out in paragraph A.3 (prior approval) of the legislation.

Paragraph A.3 of the legislation sets out a prior approval procedure, in which the applicant is required to satisfy a number of procedural matters, including; before beginning the development, applying to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

In accordance with paragraph 116 of the NPPF (2021), there are no spatial policies within the adopted Hartlepool Local Plan (2018) that would direct or restrict the provision of telecommunications in any areas of the Borough. However, policy INF5 (Telecommunications) of the Local Plan is relevant. Policy INF5 stipulates that proposals for the improvement and expansion of telecommunications networks, including high speed broadband, will be supported and applications for infrastructure will be supported, subject to the proposal addressing a number of criteria, including;

1. Evidence that there will be no adverse impacts on air traffic operations, radio and air navigational systems;
2. Evidence that there will be no adverse interference with electromagnetic transmissions, including radio, television and communication signals;
3. Evidence that the operator has explored all options for using and sharing existing masts, buildings and other structures so that the number of new masts and installations can be kept to a minimum,
4. Have regard to design and siting techniques, including screening and landscaping, to minimise the impact of equipment,
5. The potential impact of new buildings or other structures interfering with telecommunications services,
6. Evidence that consultation has been undertaken with organisations with an interest in the proposal particularly where a mast is proposed near a school or other educational establishment or within a statutory safeguarding zone,
7. A statement that self-certifies that the cumulative exposure, when the infrastructure is operational, will not exceed international commission on non-ionising radiation protection guidelines,
8. The relationship of equipment to existing buildings, townscape/landscape, topography, views and vistas.

It is considered that the supporting information provided with the application generally addresses criteria 1, 2, 5 and 7.

In respect of criterion 3 and 6, the LPA consider that the applicant has not engaged with the Council with respect to discussing the proposed site or possible alternative sites, through pre-application discussions which have not taken place. It is noted within the submitted documents as part of this application that there is contradictory information relating to pre-application advice as part of the proposal. The submitted Site Specific Supplementary Information states that no pre-application advice has

been undertaken, however goes on to state that a written offer of pre-application advice was undertaken, but the LPA are not aware of any pre-application contact, therefore the views of the LPA could not have been relayed to the applicant prior to the submission of the application.

This is considered to be at odds with good planning practice as well as the LPA's understanding of the Code of Practice for Wireless Network Development in England.

In view of the above, the main issues for consideration when assessing this application are the siting and appearance of the proposed development including: the impact of the proposal on the visual amenity of the application site and the character and appearance of the surrounding area, the amenity of neighbouring land users, and highway and pedestrian safety.

VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF SURROUNDING AREA

As above, Policy INF5 of the Local Plan requires that proposals have regard to design and siting techniques, including screening and landscaping, to minimise the impact of equipment, as well as the relationship of equipment to existing buildings, townscape/landscape, topography, views and vistas.

Policy QP4 (Layout and Design of Development) of the Local Plan also stipulates that development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, respects the surrounding buildings, structures and environment, and sustain and/or enhance the historic environment and heritage assets, amongst other provisions.

Paragraph 115 of the NPPF indicates that the use of existing masts, buildings and other structures for new electronic communications capabilities should be encouraged. Where new sites are required (such as for new 5G networks) equipment should be sympathetically designs and camouflaged where appropriate. Paragraph 126 of the NPPF emphasises the importance of good design, whilst paragraph 130 indicates decisions should ensure development adds to the overall quality of the area, is visually attractive and is sympathetic to local character and history, including the surrounding built environment.

It is considered that the location for the proposed development is in a prominent site, placed within an intentionally designed open green outdoor area within a predominantly residential area (with adjacent neighbourhood centre), adjacent to the main highway of Hart Lane. The proposed location does benefit from pockets of soft landscaping to the south and some standalone trees to the north, although it is of note that these are of a height of approximately 5m, significantly under that of the proposed 20m high monopole, as well as being situated several metres away from the proposed location of the monopole and therefore do not provide a genuine backdrop or how the proposal would be read. It is noted that further trees and landscaping is situated to the west of the proposed monopole (beyond the main highway of Hart Lane, at a distance of approximately 23m to the nearest group of

mature trees, both to the west) as well as to the north (beyond the main highway of Tarnston Road, at a distance of approximately 62m from the proposed monopole), however it is considered that the structure would prominently extend above this soft landscaping and the built form of the surrounding area.

On approach to the proposed location from north to south along Hart Lane and from east to west along Tarnston Road, the proposed monopole would not be afforded any screening and therefore would be a prominent, utilitarian and functional structure, with considerable height and profile that would appear stark against an almost verdant area of open green space. As such, it is considered that the proposed monopole would introduce a structure of a significant height and profile, resulting in a prominent and incongruous feature into the surrounding street scene to the detriment of the visual amenity of the area.

The surrounding street scene features a number of streetlights which provide a vertical context with those along Hart Lane extending to approximately 8m in height. Approximately 50m to the north are a set of traffic lights, railings and bollards at the junction between Hart Lane and Tarnston Road. Adjacent to the south of the structure are two commercial advertisements, with a height of approximately 2m-2.5m and approximately 1m-1.5m respectively, as well as a waste bin.

Notwithstanding this, the proposed monopole would appear bulky and of substantial height when viewed in context of the narrow surrounding streetlights and other paraphernalia in the immediate vicinity. Due to the significant height of the proposed monopole in comparison to the relatively flat topography (at this section of Hart Lane) and surrounding landscape features and street furniture, it is considered that the proposed monopole would result in a prominent and incongruous feature when viewed in the surrounding street scene. To further this view, the Council's Planning Policy section have highlighted concerns that the proposed structure would be harmful to the visual amenity of this residential area.

It is further considered that the site would not benefit from any meaningful screening from the tree canopies along this side of the road and that the effectiveness of the trees and tree canopies, and existing street furniture such as street lights, commercial and road signage and traffic lights, is overstated (and over illustrated) by the applicant and would not provide any degree of meaningful screening along Hart Lane and Tarnston Road.

In respect of the proposed ancillary equipment, whilst consideration of the above commercial signage and bin are taken into consideration, it is considered that the installation of the proposed ancillary equipment would add clutter to this section of the green space between the car park and adjacent footpath and highway, to the detriment of the visual amenity of the surrounding area.

In view of the above concerns, whilst the need for such development is noted, and the perceived benefits are acknowledged, it is considered that the siting and appearance of the proposal in its current form would have an unacceptable impact on the character and appearance of the surrounding area by virtue of its inappropriate siting, strident appearance and substantial height and bulk in comparison to other street scene features and it would be an incongruous and intrusive addition to the street, as well as being poorly related to existing features.

This is contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 115, 126 and 130 of the NPPF (2021). The siting and appearance of the proposed development is therefore considered unacceptable in this respect.

AMENITY OF NEIGHBOURING LAND USERS

An objection has been received from an occupant of a nearby residential dwelling, raising concerns related to the proposed structures proximity to residential dwellings.

The proposal is situated within a residential area, with residential dwellings to the north, north east, south east and west beyond the area of open green space and highways of Hart Lane and Tamston Road. The closest dwelling is No. 39 Mountston Close at a distance of approximately 42m to the west/south west (with the main highway of Hart Lane between), whilst Nos. 34-38 (inclusive) Mountston Close are situated approximately 45m-55m away. Nos. 7 and 8 Hartside Gardens are the closest dwellings to the south east, at a distance of approximately 50m from the proposed monopole, with No. 9 at a distance of approximately 57m (to the south east). No. 18 St David's Walk is the closest dwelling to the north east, at a distance of approximately 75m from the proposed monopole.

In light of these separation distances, it is considered that whilst the proposed monopole would be noticeable and a visually intrusive feature within the surrounding street scene when viewed from the windows of the surrounding residential dwellings, the proposed structure would not result in such a significant impact on the amenity of nearby residential properties as to warrant a reason to refuse the application in its own right.

The Council's Public Protection section have commented on the application and confirmed they have no objection to the proposed development.

HIGHWAY AND PEDESTRIAN SAFETY

The Council's Highways, Traffic and Transport section has been consulted and has confirmed they have no highway or traffic concerns. The siting of the proposed development is therefore considered acceptable in this respect.

OTHER PLANNING MATTERS

The Council's Arboricultural Officer has been consulted on the application and has confirmed that they have no concerns or objections to the proposal. The proposed siting is considered acceptable in this respect.

Tees Archaeology have commented on the application and confirmed that there are no archaeological concerns for this application. The proposed siting is considered acceptable in this respect.

The Council's Flood Risk Officer commented on the application and confirmed they have no objection to proposals in respect of surface water management or contaminated land. The proposed siting is considered acceptable in this respect.

Neighbour objections have also suggested a more suitable location for the proposed siting of the monopole. The application can only consider the proposed development of the current application.

OTHER MATTERS

Health

Neighbour objections have raised concerns regarding the safety of the proposed equipment in terms of radio frequency and electromagnetic fields. The application is supported by a Declaration of Conformity with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines, a requirement to be submitted to support applications for equipment of the nature which satisfies policy INF5(7) and the NPPF (2021).

In response, the Council's Public Health team have confirmed that the UK Health Security Agency (UKHSA) provides official national public health guidance around 5G and base stations (phone masts).

The UKHSA notes that independent expert groups have examined the evidence and concluded that health effects are unlikely to occur if exposures are below International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines (updated 2020) and that exposure measurements at publicly accessible locations near to base stations have consistently been well within guidelines.

Regarding 5G specifically, the UKHSA states that "the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health".

The NPPF (2021) also notes "local planning authorities must determine applications on planning grounds only" and that they should not seek to "set health safeguards different from the International Commission guidelines for public exposure".

The proposal is considered to be acceptable in this respect.

CONCLUSION

In view of the above, it is considered that the siting and appearance of the proposed development is unacceptable with respect to the impact on the character and appearance of the surrounding area, contrary to policies INF5, QP4 and QP6 of the Hartlepool Local Plan (2018) and paragraphs 115, 126 and 130 of the NPPF (2021). The prior approval of the Local Planning Authority is therefore required and is refused.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS	
There are no Section 17 implications.	
9) Alternative Options Considered	
No	
10) Any Declared Register of Interest	
No	
11) Chair's Consent Necessary	N
12) Recommendation	
PRIOR APPROVAL REQUIRED AND REFUSED for the following reason;	
REASONS 1. In the opinion of the Local Planning Authority, due to it siting, appearance and scale, the proposed development would have a detrimental impact on the character and appearance of the surrounding area. The proposed development is contrary to policies INF5, QP4 and QP6 of the Hartlepool Local Plan (2018) and paragraphs 115, 126 and 130 of the NPPF (2021) and therefore the siting and appearance of the proposed development is therefore considered to be unacceptable.	
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, acknowledges the need 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 has not been possible to address the identified constraints and in this instance the applicant/ agent did not take the opportunity to enter into pre-application discussions with the Local Planning Authority.	

Author of Report: Stephanie Bell

Signed: S. Bell

Dated: 07/07/2023

Signed: DJAMES
Planning Team Leader DC

Dated: 07/07/2023